

Syllabus and PYQ

26 January 2025 04:14 PM

Syllabus	<h2 style="color: #c00000;">Syllabus</h2> <p style="text-align: center;">↓</p> <ol style="list-style-type: none">1. Important aspects of governance, transparency and accountability, e-governance- applications, models, successes, limitations, and potential; citizens charters, transparency & accountability and institutional and other measures.2. Role of civil services in a democracy.3. Appointment to various Constitutional posts, powers, functions and responsibilities of various Constitutional Bodies.4. Comparison of the Indian constitutional scheme with that of other countries.5. Statutory, regulatory and various quasi-judicial bodies.
E-Governance	<ol style="list-style-type: none">1. e-governance is not just about the routine application of digital technology in the service delivery process. It is as much about multifarious interactions for ensuring transparency and accountability. In this context evaluate the role of the 'Interactive Service Model' of e-governance. (250 words) (15 Marks) (2024)2. e-governance, as a critical tool of governance, has ushered in effectiveness, transparency and accountability in governments. What inadequacies hamper the enhancement of these features? (150 Words) (10 Marks) (2023)3. Has digital literacy, particularly rural areas, coupled with lack of information and Communications Technology (ICT) accessibility hindered socio-economic development? Examine with justification. (250 Words) (15 Marks) (2021)4. "The emergence of Fourth Industrial Revolution (Digital Revolution) has initiated e-Governance as an integral part of government". Discuss. (150 Words) (10 Marks) (2020)5. Implementation of information and Communication Technology (ICT) based Projects /Programmes usually suffers in terms of certain vital factors. Identify these factors, and suggest measures for their effective implementation. (150 Words) (10 Marks) (2019)6. e-governance is not only about utilization of the power of new technology, but also much about critical importance of the 'use value' of information. Explain. (150 Words) (10 Marks) (2018)

Constitution comparison	<ol style="list-style-type: none"> 1. Discuss India as a secular state and compare with the secular principles of the US constitution. (250 words) (15 Marks) (2024) 2. Compare and contrast the British and Indian approaches to Parliamentary sovereignty. (150 Words) (10 Marks) (2023) 4. Analyze the distinguishing features of the notion of Right to Equality in the Constitutions of the USA and India. (250 words) (2021) (15 marks) 5. What can France learn from the Indian Constitution's approach to secularism? (10 marks) (150 words) (2019) 6. India and the USA are two large democracies. Examine the basic tenants on which the two political systems are based. (2018) (15 marks)
Bodies	<ol style="list-style-type: none"> 1. Discuss the role of the National Commission for Backward Classes in the wake of its transformation from a statutory body to a constitutional body. (2022) (10 marks) 2. Though the Human Rights Commissions have contributed immensely to the protection of human rights in India, yet they have failed to assert themselves against the mighty and powerful. Analyzing their structural and practical limitations, suggest remedial measures. (250 words) (2021) (15 marks) 3. "Recent amendments to the Right to Information Act will have profound impact on the autonomy and independence of the Information Commission". Discuss. (2020) (10 marks) 4. "The Comptroller and Auditor General (CAG) has a very vital role to play." Explain how this is reflected in the method and terms of his appointment as well as the range of powers he can exercise. (2018) (10 marks) 5. Exercise of CAG's powers in relation to the accounts of the Union and the States is derived from Article 149 of the Indian Constitution. Discuss whether audit of the Government's Policy implementation could amount to overstepping its own (CAG) jurisdiction. (2016) (12.5 marks)

L1 Intro to Indian Governance

21 January 2025 02:08 AM

GOVERNANCE	
Definition	<ul style="list-style-type: none">Governance refers to the mechanisms, structures, processes, and institutions through which a society or organization is directed, controlled, and regulated. It encompasses decision-making at all levels — from local communities to national governments to global institutions. Governance is not confined to the realm of the state; it also involves non-state actors such as businesses, non-governmental organizations (NGOs), civil society, and international institutions. <h2>United Nations Development Programme (UNDP)</h2> <ul style="list-style-type: none">"The exercise of economic, political, and administrative authority to manage a country's affairs at all levels. It comprises the mechanisms, processes, and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations, and mediate their differences." <h2>World Bank on Governance</h2> <ul style="list-style-type: none">"The manner in which power is exercised in the management of a country's economic and social resources for development."Governance has multiple dimensions and layers. At the national level, governance entails the activities of the government, civil society, and the private sector to ensure that decisions and actions are transparent, inclusive, accountable, and responsive to the needs of the people. <h2>Francis Fukuyama on Governance</h2> <ul style="list-style-type: none">"A government's ability to make and enforce rules, and to deliver services, regardless of whether that government is democratic or not." <h2>Kofi Annan on Governance</h2> <ul style="list-style-type: none">"Good governance is perhaps the single most important factor in eradicating poverty and promoting development."

Cadbury Report (1992) – Corporate Governance

- "Governance is the system by which organizations are directed and controlled."
- This definition highlights the importance of oversight and accountability within organizations and institutions, both public and private.

John Locke and Governance:

- "**Two Treatises of Government**," - argued that governance must be based on the consent of the governed. His social contract theory states:
- "**Governance is legitimate only if it represents the will of the people and ensures the protection of life, liberty, and property.**"
- Locke's ideas are foundational in understanding democratic governance, especially in the context of modern liberal democracies.

Important Aspect of Governance	<ul style="list-style-type: none">Effective governance is built on several core principles, which ensure that the system functions smoothly, responsibly, and equitably. The following sections explore the most critical aspects of governance in detail.<ul style="list-style-type: none">• Transparency : Lead to accountability• Accountability : Those in power are held responsible• Rule of Law : Rules should not be arbitrary and biased• Participation : Every voice is heard and valued• Effective and Efficiency : Impact of decision on society• Equity and Inclusiveness : Catering to all, No one left behind• Consensus Oriented : Negotiation and Compromise, No one dominate
Transparency	<h3>1. Transparency</h3> <ul style="list-style-type: none">Transparency is a cornerstone of good governance. It refers to the openness with which governments and institutions operate, allowing the public and other stakeholders to access relevant information about decisions and actions. Transparency is crucial for building trust between the state and its citizens.Without transparency, corruption and inefficiency can flourish, as decision-making processes become opaque and subject to manipulation. Right to information act, and public disclosures are some methods to ensure transparency.

	<ul style="list-style-type: none"> • "Transparency is the currency of trust in governance." – Ellen Miller, Co-Founder of the Sunlight Foundation • Transparency ensures accountability, helping to maintain integrity in governance and reducing opportunities for misuse of power.
Accountability	<p style="color: red; font-size: 2em; margin-left: 10px;">☞</p> <h2>2. Accountability</h2> <p style="color: red; font-size: 1em; margin-left: 10px;">↓</p> <ul style="list-style-type: none"> • Accountability ensures that those in power are held responsible for their actions. It involves establishing mechanisms for oversight and evaluation, ensuring that public officials, institutions, and organizations answer to the people they serve. Accountability can be enforced through legal frameworks, independent institutions, and civic engagement. • Governments and institutions that lack accountability often become unresponsive and inefficient. They may serve only the interests of elites or corrupt elements, undermining trust and hindering development. • "There is no better test of the integrity of a society than the way it ensures accountability among its rulers." – John Rawls • Accountability also extends to the delivery of services and programs. Good governance ensures that promises made by those in authority are fulfilled and that there are consequences for non-performance.
Rule of Law	<h2>3. Rule of Law</h2> <ul style="list-style-type: none"> • The rule of law is fundamental to good governance. It ensures that all individuals and institutions are subject to and accountable under the law. This principle is critical for maintaining social order, protecting human rights, and promoting fairness and justice. • Without the rule of law, governance becomes arbitrary and authoritarian. Rule-based governance means that laws are applied consistently and fairly, without bias, corruption, or favoritism. • "The rule of law is the bedrock upon which all equitable and effective governance rests." – Aristotle • The judiciary plays a central role in upholding the rule of law, ensuring that legal frameworks are impartial and that disputes are resolved fairly.
Participation	<p style="color: red; font-size: 2em; margin-left: 10px;">↗</p> <h2>4. Participation</h2> <p style="color: red; font-size: 1em; margin-left: 10px;">○</p> <ul style="list-style-type: none"> • Public participation in governance is vital for democratic systems. It ensures that citizens have a voice in the decisions that affect their lives. Participation can take many forms, including voting in elections, engaging in public consultations, and participating in civic activities. • Inclusion of diverse voices in governance ensures that decision-making processes reflect the needs and interests of the broader population, rather than just those in power. By involving various stakeholders, including marginalized groups, governments can create more equitable and responsive policies. • "A truly democratic governance system is one where every voice, no matter how small, is heard and valued." – Amartya Sen • Participation enhances the legitimacy of governance and encourages greater trust in the system.

	<ul style="list-style-type: none"> • Public Opinions of Bill
Effective and Efficiency	<h2 style="text-align: center;">5. Effectiveness and Efficiency</h2> <ul style="list-style-type: none"> • Good governance ensures that institutions deliver public services and fulfill their mandates effectively and efficiently. This means that resources are managed in a way that maximizes outcomes, avoids wastage, and achieves the intended objectives. • Inefficiency in governance leads to the squandering of resources and the failure to meet public needs. Effective governance, on the other hand, means that government policies are implemented in a timely manner, with the best use of available resources. • "Effectiveness in governance is not measured by the number of decisions made but by the impact of those decisions on society." – Max Weber • Efficient governance is critical for sustainable development, economic growth, and social well-being.
Equity and Inclusiveness	<h2 style="text-align: center;">6. Equity and Inclusiveness</h2> <ul style="list-style-type: none"> • Equity and inclusiveness are essential principles of governance that ensure all individuals, regardless of their background, have access to opportunities and resources. In an equitable system, the benefits of governance are distributed fairly, and no group is left behind. • Governance that fails to address inequality can lead to social unrest, marginalization, and conflict. Inclusive governance, by contrast, promotes social cohesion and economic development by ensuring that all citizens, including those from disadvantaged communities, have a stake in the system. • "A society that does not prioritize inclusiveness in its governance will remain fragmented and unjust." – Mahatma Gandhi • Inclusiveness ensures that governance systems are reflective of diverse needs, encouraging long-term social stability.
Consensus Oriented	<h2 style="text-align: center;">7. Consensus-Oriented</h2> <ul style="list-style-type: none"> • Good governance requires finding common ground among different interest groups. Consensus-oriented decision-making aims to mediate competing interests and reach broad agreements on key issues. This approach ensures that policies and decisions are more widely accepted and sustainable. • Reaching consensus often involves negotiation, compromise, and dialogue between different stakeholders. Consensus-oriented governance prevents dominance by a single interest group and helps to balance conflicting demands. • Consensus is the art of achieving collective agreement through cooperation and shared values.

Governance Beyond Governments	<ul style="list-style-type: none"> • The Role of Non-State Actors
	<ul style="list-style-type: none"> • While the traditional view of governance places the state at the center, this perspective emphasizes the critical role of non-state actors in

Beyond Governments	<ul style="list-style-type: none"> While the traditional view of governance places the state at the center, this perspective emphasizes the critical role of non-state actors in governance. These include private corporations, civil society organizations, community leaders, religious institutions, and even individuals acting collectively or independently.
Corporate Governance and Market Influence:	<ul style="list-style-type: none"> Corporations today wield immense power and influence, often comparable to or even exceeding that of national governments. Through lobbying, political contributions, and public relations campaigns, large corporations can shape policy agendas and influence public opinion. "The corporation has evolved into a political entity with governance responsibilities akin to those of states." – <u>David Korten</u> • Township of big corporate need governance to manage people
Civil Societies and Social Movement	<ul style="list-style-type: none"> Civil society organizations and social movements play a vital role in governance by holding governments accountable, advocating for marginalized communities, and driving change from the grassroots level. Non-governmental organizations (NGOs), activists, and community leaders often step into governance gaps left by the state, providing services, shaping public discourse, and organizing collective action to challenge established power structures. "The future of governance will increasingly rely on the capacity of civil society to push for transparency, accountability, and inclusiveness." – Mary Kaldor • RTI Act : Result of NGO challenging Power Structure (Opaqueness of information)
Individual	<ul style="list-style-type: none"> In an age of mass communication, social media, and the digital public sphere, individuals themselves have become significant actors in governance. From whistleblowers exposing corruption to influencers shaping public opinion, the role of individuals in shaping governance outcomes is becoming more pronounced. Digital platforms empower citizens to bypass traditional gatekeepers of information, mobilize for causes, and challenge authority in unprecedented ways. "In the digital age, each individual has the <u>potential</u> to disrupt and influence governance on a global scale." – <u>Manuel Castells</u> <ul style="list-style-type: none"> • Greta Thunberg : Climate activist fought for Sustainable Development • Dhruv Rathee managed to change politics result

Forms of Governance	
Power Dynamics	<ul style="list-style-type: none"> Governance is, at its core, about the distribution and exercise of power. From this perspective, governance is not just about the orderly management of societies but the ongoing contest between competing interests, values, and power structures. These power dynamics operate at multiple levels, from the micro-interactions between individuals to the geopolitical struggles between nation-states. <ul style="list-style-type: none"> • Interaction of government with individual / Group / State / Foreign Countries • Shifting of Power if needed, Development of whom and at what cost • Free, Prior and Informed Consent

	<ul style="list-style-type: none"> • Michel Foucault's View of Power and Governance: French philosopher Michel Foucault revolutionized the understanding of governance by shifting the focus from formal institutions to the diffuse and pervasive nature of power in society. Foucault argued that power is not just concentrated in the hands of the government or the elite but is present in all relationships, institutions, and social practices. • According to Foucault, governance extends beyond political and legal institutions and permeates all aspects of life, including education, healthcare, and family structures. Governance, in this sense, is about the ways in which societies regulate behavior, establish norms, and discipline individuals. • "Power is everywhere; not because it embraces everything, but because it comes from everywhere." – Michel Foucault <ul style="list-style-type: none"> • Shaping better Behaviour in the societies • Hegemony : Subtle Consent manufactured by Cultural Capital -> Governance • Antonio Gramsci and Cultural Hegemony: Italian Marxist thinker Antonio Gramsci introduced the concept of cultural hegemony, suggesting that governance is not only about coercion or legal authority but also about controlling the cultural narrative. Gramsci argued that dominant groups maintain their power not just through force but by shaping societal beliefs, values, and ideologies. In this way, governance is exercised subtly, through consent, rather than through overt domination. • "The state's rule is upheld as much by the culture it promotes as by the force it wields." – Antonio Gramsci
Negotiation and Resistance	<ul style="list-style-type: none"> • From a power-dynamics perspective, governance is an ongoing process of negotiation and resistance. It is not simply about implementing laws or policies but involves constant push-and-pull between competing interests. Subordinate groups often resist or subvert official governance systems, leading to the emergence of alternative structures of authority and influence. • In societies where formal governance is weak or contested, informal governance systems often emerge. These might include customary law, religious governance, or even criminal syndicates that fill the void left by weak states. • "Governance is the art of managing conflict and negotiation between competing forces, often operating outside formal structures." – James C. Scott <ul style="list-style-type: none"> • Working with Alternate Structure of authority like Mafia, Resistance
Technological Aspects	<ul style="list-style-type: none"> • Disruption and Transformation <ul style="list-style-type: none"> • Jhatkaa.org, Change.org -> Created petition for pull down rules • #MeToo -> Express views -> Creation of Hema Committee -> New rules • Technology is rapidly transforming governance, challenging traditional models of authority, and creating new spaces for participation, control, and surveillance. The digital age has both empowered citizens and centralized power in unprecedented ways. • Digital Platform and Decentralized Government <ul style="list-style-type: none"> • Can use Blockchain -> Remove discrepancy • Better documentation

	<ul style="list-style-type: none"> Blockchain technology offer new model of governance that bypass traditional institutions. These technologies allow for self-regulating systems, where transparency, accountability, and participation are built into the code rather than being enforced by an external authority.. "The blockchain allows us to imagine a world where governance is decentralized, transparent, and free from human error or corruption." – Don Tapscott <p>• Surveillance of Control</p> <ul style="list-style-type: none"> Digiyatra for Cross Checking JAM Trinity : Bank (Jan Dhan), Aadhar, Mobile Phone <p>• While technology empowers citizens, it also enhances the ability of governments and corporations to monitor, surveil, and control populations. The rise of mass surveillance technologies, artificial intelligence, and data analytics means that governance is increasingly mediated by algorithms and machines. This raises questions about privacy, autonomy, and the nature of freedom in the digital age.</p> <p>• "In the age of big data, governance is increasingly defined by who controls the data and how it is used to exert influence." – Shoshana Zuboff.</p> <p>• Exclusion</p> <p>• For MNREGA for payment :</p> <ul style="list-style-type: none"> Account Base payment system -> Aadhar Based Payment System People not getting paid <ul style="list-style-type: none"> Aadhar rely on Finger payment -> Finger prints changes because of working Mis Information provided in Aadhar
Social Media	<ul style="list-style-type: none"> Social media platforms have become new sites of governance, where public opinion is shaped, policies are debated, and movements are organized. In many cases, governments have struggled to keep up with the speed and unpredictability of social media, where public outrage or support can be mobilized in real-time. "Governance in the social media age is a volatile, fast-moving process, where control over the narrative is more important than control over the institutions." – Zeynep Tufekci <ul style="list-style-type: none"> Instantaneus Goevrnance : People Connecting over twitter to resolve issue <ul style="list-style-type: none"> Passport issue, War zones problem -> Fast Resolution Fake New -> Challenged Governance
Governance in India	<ul style="list-style-type: none"> While India's governance challenges are often framed in terms of corruption, inefficiency, and bureaucracy, this alternative perspective looks at these challenges as the result of complex power dynamics, social fragmentation, and cultural negotiation.

Fragmented Power Structure	<ul style="list-style-type: none"> India is a country of immense diversity, with multiple layers of governance — central, state, local, and informal. Power in India is fragmented across castes, religions, regions, and economic classes, leading to a highly decentralized but often chaotic governance landscape. Rather than seeing this as a failure, it can be understood as a dynamic negotiation of power between competing groups. "In India, governance is not a single system but a multitude of overlapping power structures, each vying for legitimacy." – Ashis Nandy <ul style="list-style-type: none"> Federal Structure : Centre / State / Local Level Centre and State Negotiate on power over governance
Culture and Social Norms	<ul style="list-style-type: none"> In India, governance is deeply influenced by cultural and social norms, which often conflict with formal legal frameworks. Issues like gender inequality, caste discrimination, and religious tensions cannot be resolved solely through legal reforms but require a shift in societal values and norms. "Governance in India must navigate the complexities of tradition, modernity, and the everyday negotiations of power at the grassroots level." – Nivedita Menon <ul style="list-style-type: none"> Religion Movement : Ayodhya Mandir Linguistic Movement : Hindi agitation in South states Tradition / Modernity <ul style="list-style-type: none"> Triple talaq / Muslim Women Protection on marriage Act Cultural Heritage / Modern Village Sabarimala : Women of certain age not allowed / All women allowed
Digital Governance and Inclusion	<ul style="list-style-type: none"> India's embrace of digital governance, through initiatives like Aadhaar, has expanded the reach of the state but also raised concerns about surveillance, exclusion, and data privacy. The challenge for India is to balance the benefits of digital governance with the need to protect individual rights and ensure that marginalized communities are not left behind. "Digital governance in India holds great promise, but it also risks deepening existing inequalities if not implemented with care and inclusivity." – Reetika Khera <ul style="list-style-type: none"> Authentication using Aadhar Risk : Technology is blind if not implemented with care and inclusivity
Conclusion	<p>Rethinking Governance as a Process of Adaptation and Negotiation</p> <ul style="list-style-type: none"> Governance is living and breathing system -> Ongoing process of management Governance : Realizing needs of people and manage power relation

- Governance is not just about laws, regulations, or institutions; it is about the ongoing process of managing power, negotiating relationships, and adapting to new challenges. From this perspective, governance becomes a living, breathing system, influenced by cultural, social, and technological forces.
- In this complex and interconnected world, effective governance requires more than just formal structures — it requires an understanding of the deep and sometimes invisible dynamics that shape human behavior, societal expectations, and the distribution of power.
- The terms "good" and "bad" governance are less about rigid adherence to rules and more about how effectively governance systems **respond to the needs of people, manage power relations, and adapt to challenges**. Good governance emerges when this ecosystem promotes **equity, justice, efficiency, and inclusiveness**, while bad governance surfaces when power becomes concentrated, social relationships are mismanaged, and responses to societal needs are insufficient or unjust.

L2 Transparency : RTI

28 January 2025 07:53 PM

Good Governance	<p>1. Accountability: Systems that hold leaders, institutions, and other stakeholders accountable for their actions, ensuring transparency and fairness.</p> <ul style="list-style-type: none">• Example: A government where public officials are accountable to both the law and the public, such as in Scandinavian countries, where transparency and anti-corruption mechanisms are institutionalized. <p>2. Rule of Law: Governance where laws are applied consistently and impartially, ensuring justice for all, and where institutions operate within a predictable, legal framework.</p> <ul style="list-style-type: none">◦ Example: Singapore's judiciary is known for its swift, efficient, and transparent legal processes that apply laws equally. <p>3. Transparency: Access to information about governmental activities and decision-making processes is readily available to the public. This fosters trust and limits opportunities for corruption.</p> <ul style="list-style-type: none">◦ Example: European countries like Germany and Sweden have strong public access laws and government transparency initiatives. <p>4. Participation: Citizens have opportunities to engage in decision-making processes, ensuring that governance reflects the will and interests of the populace.</p> <ul style="list-style-type: none">◦ Example: Norway's democratic processes ensure that citizens play an active role in governance through elections and civil society participation. <p>5. Efficiency and Responsiveness: The ability of governance systems to meet societal needs promptly, allocate resources wisely, and solve problems effectively.</p> <ul style="list-style-type: none">◦ Example: Singapore's government is highly praised for its efficiency in urban planning, education, and healthcare, where policies are swiftly implemented, with minimal waste and high-quality results. <p>6. Inclusiveness: Ensuring that all sectors of society, particularly marginalized groups, are represented and that their needs are addressed in governance.</p> <ul style="list-style-type: none">◦ Example: New Zealand, under Jacinda Ardern's leadership, emphasized inclusiveness by prioritizing indigenous rights and focusing on poverty reduction.
Bad Governance	<p>1. Corruption and Misuse of Power: In systems of bad governance, officials often misuse public resources for personal gain, leading to inefficiencies and widespread distrust.</p> <ul style="list-style-type: none">◦ Example: In many African countries, corruption permeates politics and civil service, resulting in a breakdown of trust between governments and citizens. Nigeria, despite its wealth of natural resources, struggles with governance because of rampant corruption. <p>2. Lack of Accountability: Bad governance often flourishes where there are few checks on power, and officials are not held responsible for their actions, allowing abuse of authority.</p> <ul style="list-style-type: none">◦ Example: Many authoritarian regimes, such as North Korea, display almost total lack of accountability, with no mechanisms in place to question leadership. <p>3. Weak Rule of Law: In systems of bad governance, the law is applied inconsistently, and justice is often denied to marginalized groups, or manipulated to benefit the powerful.</p> <ul style="list-style-type: none">◦ Example: In some Middle Eastern or African nations, selective application of laws or politicized judiciary systems result in unequal treatment and injustice. <p>4. Exclusion of Citizens: In bad governance, large sections of society are systematically excluded from decision-making processes, leaving governance unrepresentative and out of touch with popular needs.</p> <ul style="list-style-type: none">◦ Example: Venezuela's recent governance issues saw massive exclusion of opposition voices, leading to civil unrest.

	<p>5. Inefficiency and Waste: Poor governance systems fail to deliver public services efficiently, leading to infrastructure decay, waste of public funds, and poor quality of life.</p> <ul style="list-style-type: none"> • Example: Zimbabwe's mismanagement of its economy has resulted in hyperinflation, widespread poverty, and decay of essential services like healthcare and education.
Singapore, Europe as Example	<p># Institutional Strength and Stability</p> <ul style="list-style-type: none"> • Countries like Singapore and many in Europe are often cited as examples of good governance because of their strong institutions, which provide stability, uphold laws impartially, and ensure continuity even during times of political transition. In these places: • Legal and political frameworks ensure the rule of law is respected, and decision-making is transparent. • Checks and balances prevent any single institution or leader from abusing power. • Institutions are independent and effective, be it in the judiciary, financial management, or public services. • For instance, Singapore has built its global reputation as a well-governed state through its emphasis on meritocratic civil service, anti-corruption policies, and long-term planning. Similarly, Germany and Scandinavian countries benefit from strong social safety nets, well-established democratic institutions, and effective public services. <p># 2. Low Levels of Corruption</p> <ul style="list-style-type: none"> • Good governance in these regions also stems from a culture of low corruption. High transparency and strong rule of law create a system where misappropriation of funds, bribery, and other forms of corruption are minimal. • Singapore, for instance, ranks consistently high in global anti-corruption indexes. Corruption is strictly regulated, and public officials are held to high standards, ensuring trust in public institutions. • Europe, particularly Western Europe, has similarly low levels of corruption, thanks to independent media, robust legal systems, and a culture of accountability.

Transparency	<ul style="list-style-type: none"> • Transparency in Governance refers to the openness, clarity, and accessibility of government processes, actions, and decision-making to the public. It emphasizes ensuring that citizens are informed about the activities and policies of their government, fostering accountability and trust. This principle is critical to good governance, as it helps reduce corruption, enhance civic engagement, and improve public services. • Joseph Stiglitz (Nobel laureate in Economics) argues that "information is a public good," meaning access to information should be available to everyone. According to Stiglitz, transparency in governance is essential because it reduces the "information asymmetry" between the government and the public, ensuring that citizens can hold governments accountable. <ul style="list-style-type: none"> • Power Asymmetry : State known everything about us, we dint anything about state
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- **Jeremy Bentham**, a classical utilitarian philosopher, said, "The more strictly we are watched, the better we behave." His statement emphasizes that transparency discourages wrongdoing because individuals in power are aware that their actions are under public scrutiny.
 - Example of Transparent prison
- **John Locke**, a 17th-century political philosopher, posited that governments derive their authority from the consent of the governed. For that consent to be meaningful, Locke believed, citizens must have access to information about the actions and motives of those in power.
 - Denying consent on basis of transparent information
- **Amartya Sen**, Nobel laureate in Economics, emphasizes the role of transparency in preventing famines and ensuring social welfare. According to Sen, transparent governance contributes to better policy-making and implementation because it forces governments to be answerable to the people.
 - Prevent Famine :
 - Poverty and Famines : An essay on entitlement and Deprivation
 - People die in famine -> not because of no food
 - Because distribution of food is insufficient and equitable
 - Transparency -> Where if food -> Redirected to needed

RTI as Transparency

Right to Information Act, 2005

- **Article 19 of the Universal Declaration of Human Rights:**
- Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas.
- 1987 -> Arun Riya, Nikhil De, Shankar Singh and others
- Started MKSS : Mazdoor Kisan Shakti Sangathan
- Objective : Finding reason of Delay in paid of workers recruited by the Government
 - All Govt organisation denied
 - Led to protest
- CM Rajasthan -> Promised for RTI -> Never fulfilled
- 1996 -> MKSS again launched strike in Ajmer
 - More than 150 villages participated with demand of Information
- Shailesh Gandhi : National Campaign for People Right to Info
 - PCI -> Created Draft -> Formation of RTI
 - 2005 -> RTI passed

Provision of

- Statutory Right under Act passed in 2005

RTI	<p>"public authority" means any authority or body or institution of self-government established or constituted —</p> <ul style="list-style-type: none"> (a) by or under the Constitution; (b) by any other law made by Parliament; (c) by any other law made by State Legislature; (d) by notification issued or order made by the appropriate Government, and includes any — (i) body owned, controlled or substantially financed; (ii) non-Government organisation substantially financed, <ul style="list-style-type: none"> • Showing information <i>suo motu</i> in website -> Less number of RTI needed <ul style="list-style-type: none"> • It shall be a constant endeavour of every public authority to take steps to provide as much information <i>suo motu</i> to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.
Request for obtaining Information	<ul style="list-style-type: none"> • A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to — (a) the <u>Central Public Information Officer</u> or <u>State Public Information Officer</u>, as the case may be, of the concerned public authority; • (b) the <u>Central Assistant Public Information Officer</u> or <u>State Assistant Public Information Officer</u>, as the case may be, specifying the particulars of the information sought by him or her: • Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing. • An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him. • Where an application is made to a public authority requesting for an information,— • (i) which is held by another public authority; or (ii) the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer: Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application. <ul style="list-style-type: none"> • Centre / State Public Information Officer • Result should be in written format • No reason needed
Disposal Of request	<ul style="list-style-type: none"> • Information sought : 30 days • If Emergency and concern the life : 48 hours • If not acted within time -> Refused the request -> Penalty (250 Rs / pay) <ul style="list-style-type: none"> • Cannot exceed 25000 • The Central Public Information Officer or State Public Information Officer, as the case may be, on receipt of a request shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons • The information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request. • If the Central Public Information Officer or State Public Information Officer, as the case may be, fails to give decision on the request for information within the period, the Central Public Information Officer or State Public Information Officer, as the case may be, shall be deemed to have refused the request.
Exemption from	<ul style="list-style-type: none"> (a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;

Disclosure	<p>(b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;</p> <p>(c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;</p> <p>(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;</p> <p>(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;</p> <p>(f) information received in confidence from foreign Government;</p> <p>(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;</p> <p>(h) information which would impede the process of investigation or apprehension or prosecution of offenders;</p> <p>(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:</p> <ul style="list-style-type: none"> • Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over. <p>(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:</p> <p style="text-align: center;">Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.</p>
Constitution of CIC	<p>The Central Information Commission shall consist of —</p> <p>(a) the Chief Information Commissioner; and</p> <p>(b) such number of Central Information Commissioners, not exceeding ten, as may be deemed necessary.</p> <p>The Chief Information Commissioner and Information Commissioners shall be appointed by the President on the recommendation of a committee consisting of —</p> <p>(i) the Prime Minister, who shall be the Chairperson of the committee;</p> <p>(ii) the Leader of Opposition in the Lok Sabha; and</p> <p>(iii) a Union Cabinet Minister to be nominated by the Prime Minister</p> <p>The Chief Information Commissioner and Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.</p> <p>The Chief Information Commissioner or an Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.</p> <p>The Chief Information Commissioner shall hold office for such term as may be prescribed by the Central Government and shall not be eligible for reappointment:</p> <p>Provided that no Chief Information Commissioner shall hold office as such after he has attained the age of sixty-five years.</p> <p>Every Information Commissioner shall hold office for such term as may be prescribed by the Central Government or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such Information Commissioner:</p> <p>Provided that every Information Commissioner shall, on vacating his office be eligible for appointment as the Chief Information Commissioner</p> <p>Provided further that where the Information Commissioner is appointed as the Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the Information Commissioner and the Chief Information Commissioner.</p> <ul style="list-style-type: none"> • Tenure : Initially 5 years <ul style="list-style-type: none"> ○ 2019 -> No secure of tenure

	<p>Chief Information Commissioner or any Information Commissioner shall be removed from his office only by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the Chief Information Commissioner or any Information Commissioner, as the case may be, ought on such ground be removed.</p> <p>The President may by order remove from office the Chief Information Commissioner or any Information Commissioner on the grounds of —</p> <ul style="list-style-type: none"> (a) is adjudged an insolvent; or (b) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or (c) engages during his term of office in any paid employment outside the duties of his office; or (d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Information Commissioner or a Information Commissioner.
Penalty	<ul style="list-style-type: none"> • Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified or denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees: • Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him: Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.
Success of RTI	<p>Absconding Teacher</p> <p>Soon after the Act came into force, parents in Panchampur village in the district of Banda, Uttar Pradesh, used it to track their local school teacher, who rarely made an appearance in the classroom. After learning from RTI activists that they could seek attendance and leave records of the government school teacher, <u>15 villagers filed an application</u> asking about his whereabouts, and also questioned the responsibility of the Primary Education Department in such a situation.</p> <p>●</p> <p>Immediate action was taken: a new school teacher was appointed to the village school, and an enquiry was ordered against the absconder.</p> <h2 style="text-align: center;">The Seven Ponds</h2> <ul style="list-style-type: none"> • In 2010, K.S. Sagaria smelt a rat when the paperwork showed that seven ponds had been constructed for below poverty lines families in <u>Kushmal village of Orissa</u>, but no one in the village could spot them. So <u>he filed an RTI application</u> which revealed that the ponds were never dug, the "labourers" who worked to "construct" the ponds included dead people. • Following complaints, the administration suspended the officials involved in the scam, and the project was renewed, but this time, the villagers vowed to keep a check on its progress.

School Uniforms

- When students of Gulrahi Primary School in Allahabad did not receive their school uniforms in December 2006, nine parents filed an RTI application questioning the administration about the missing uniforms, which led to school dresses being delivered in the first week of January, 2007.
 - Parents of a government school in Chitrakoot, Uttar Pradesh, also procured school uniforms by filing an RTI application.
- Corruption Expose :
 - Common Wealth Games Scam
 - Adarsh Housing society scams

Failure of RTI	<p>1. Second Administrative Reforms Commission (ARC) Report</p> <p>The Second ARC (2006) in its report "<i>Right to Information: Master Key to Good Governance</i>," hailed the RTI Act as a powerful tool for promoting good governance. The Commission noted that the RTI Act had empowered citizens to hold the government accountable, leading to more informed decision-making. However, the report highlighted challenges like:</p> <p>Inadequate awareness among the public.</p> <p>Lack of infrastructure and human resources in public authorities to handle RTI requests efficiently.</p> <p>Delays in response due to administrative bottlenecks.</p> <p>2. Transparency International Report (2019)</p> <p>According to Transparency International, the RTI Act significantly improved transparency and reduced corruption. However, it also flagged inefficiencies in the system, particularly:</p> <p>Backlog of cases at Information Commissions, resulting in delayed appeals.</p> <p>Non-compliance by public authorities, where they either deny information or fail to disclose it in a timely manner.</p> <p>Instances of misuse by vested interests, which overburdens the system with frivolous applications.</p> <p>3. Commonwealth Human Rights Initiative (CHRI)</p> <p>The CHRI has been actively involved in evaluating the implementation of the RTI Act. In their studies, they have raised concerns regarding:</p> <p>Weakness of Information Commissions: Many commissions suffer from a lack of adequate staff, poor budget allocation, and unfilled positions. This undermines the Act's efficiency in handling complaints and appeals.</p> <p>Dilution of the Act: The recent amendments, especially in 2019, which reduced the tenure and salary protections of Information Commissioners, have been viewed as a potential threat to the independence of these bodies.</p> <p>Access issues for marginalized groups due to digital divides and lack of awareness.</p> <p>4. Views of Activists</p> <p>Aruna Roy, a key activist in the RTI movement, has repeatedly pointed out the growing resistance from public authorities in releasing sensitive information. She notes that while the RTI Act has been a game changer, recent trends like attempts to curb its scope have eroded its effectiveness.</p> <p>Anjali Bhardwaj, another prominent activist, has argued that the RTI Act's success largely depends on strengthening the Information Commissions and protecting whistleblowers. She has highlighted that many RTI activists have faced harassment, and in some cases, violence or death, showing the need for better safeguards.</p>
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5. Reports from Civil Society Organizations

Organizations like **Satark Nagrik Sangathan (SNS)**, which have been actively tracking RTI implementation, have revealed that the Act has been immensely successful in revealing scams and ensuring transparency. However, they stress the following:

Lack of proactive disclosures by public authorities.

Non-implementation of Section 4 (suo motu disclosure), which is key to reducing the number of RTI applications and improving governance.

Long pendency of cases, with some information commissions taking years to decide cases

7. Several academic studies have been conducted on the RTI Act's impact on governance. **Shiv Visvanathan** notes that while the RTI Act has improved **citizen-state interactions**, its success has been uneven across states due to varying levels of institutional readiness. In some states, the RTI Act has brought greater **accountability** to public services, while in others, it remains underutilized due to **bureaucratic apathy**.

- **Tamil Nadu has been the worst performing RTI responsiveness**, furnishing only 14% of the information sought.
- Maharashtra was second-worst, sharing 23% of the information asked for.
- Only 10 ICs provided full information in response to the RTI applications filed as part of this assessment. These included **Andhra Pradesh, Haryana, Jharkhand and northeastern States of Sikkim, Nagaland and Tripura**.

Misuse of RTI

- Ridiculous RTI application
 1. A resident of Andhra – How many times the Governor goes to the temple and what is the dinner menu at his residence.
 2. Why symbols used in EVMs are black and white and not colourful.
 3. Where are the question papers of AMU printed and where are they checked.
 4. A duplicate DU marksheets costs 500. RTI costs 10.
 5. Someone asked 'Kya ache din aye hain?'
 6. Time is money. But how much? Punjab University is asked!
 7. A man in TN asked SIC to let him know about a suitable life partner working at any Govt Deptt.

Right to information is misused, but those who do so make up less than 5% of total applicants

• Shailesh Gandhi – former CIC.

- 1.Those who file applications with the hope of exposing corruption or arbitrariness and to improve and correct governance.
- 2.Those who do so to correct a wrong that they perceive has been done to them. Their basic intention is to get justice for themselves.
- 3.Those who use the Act to blackmail people. This category largely targets illegal buildings, mining, or some other activity that runs foul of the law.
- 4.Those who use it to harass public officials to get undue favours.

	<ul style="list-style-type: none"> A detailed study by the RTI Assessment and Analysis Group, or RaaG, and a small study done by Shailesh Gandhi show that such applications are actually less than 5% of the total number. Most applicants are unaware of appeal procedures, or do not have the time and inclination to pursue appeals.
RTI Points	<ul style="list-style-type: none"> Within the government, asking for information is not encouraged Within 10 month of Law enacting -> amendment proposed <ul style="list-style-type: none"> Need to exclude FILE NOTINGS from the ambit of the Law Details of ongoing decision -> can get exposed Prevent officials from giving frank / honest opinions Not implemented If we don't have information -> Government cannot be accounted for it Census not done -> No data collected -> Denial of information Department obligation to shift to division which have the information <ul style="list-style-type: none"> Denied info : Simply answers "We don't have the information" instead of redirecting to respective division The liability is on the applicant to find out which officer and which office will hold that information. This is not in consonance with the RTI Act because the liability is on the officer to find out who is holding the information and transfer the RTI application. Political Parties are not "Public authorities" <ul style="list-style-type: none"> Are funded by states : <ul style="list-style-type: none"> Exempted from Income tax Given land at prominent location to create headquarters Free Air time on Doordarshan Political parties have obligation to appoint Public Information Officer NGO asked for RTI -> Denied by Political Party Now matter is in the court <ul style="list-style-type: none"> What kind of information is required <ul style="list-style-type: none"> Internal work of political party -> Revealed -> weaken the Political Party Can we seek info from a PP <ul style="list-style-type: none"> How are you planning to opposing government on policy matter How selected nomination
RTI and Judiciary	<ul style="list-style-type: none"> 2009: The Central Information Commission (CIC) ordered the Supreme Court to disclose information regarding judges' personal assets. 2009: The Central Information Commission (CIC) ordered the Supreme Court of India to disclose information regarding the Collegium's decision making. <ul style="list-style-type: none"> 5 Judge Bench established with following questions <ol style="list-style-type: none"> Would disclosing the information requested by Subhash Chandra Agarwal interfere with the independence of the judiciary? Is it therefore <i>not</i> in the public interest to disclose this information? Would disclosing the information requested erode (i) the credibility of the Collegium's decision and/or (ii) curtail the future "free and frank expression" of Collegium members, when appointing judges to the Supreme Court? Does Section 8(i)(j) of the RTI Act, exempt the CPIO from providing the requested information? Section 8(i)(j) exempts the disclosure of "personal information" that has "no relationship to any public activity or interest".

- Result :

2019: 5 Judge Ruling



- The Office of the Chief Justice of India (CJI) is a 'public authority' under the Right to Information (RTI) Act
- On the CIC order pertaining to personal assets, the Court upheld the Delhi High Court judgment and directed the CPIO to disclose the relevant information to SC Agarwal.
- Assets of judges and official communication during the process of elevation of judges to the Supreme Court are treated as confidential third-party information. In such cases, the PIO should follow the procedure:
- a notice should be first issued to the third party — the judge concerned — about the RTI request for information. The view of the third party should be considered before the PIO takes a call.
- "Personal information, which if disclosed, could lead to an unwarranted invasion of privacy right... what should be disclosed would depend on authentic enquiry relating to the public interest," the Supreme Court observed.

Dilution of RTI by Judiciary

- The law provides for no appeals against the decisions of the Commission. However, these decisions are being challenged in High Courts through writ petitions by many public authorities to deny information to citizens. In most of these cases, a stay is obtained ***ex parte***.



- Ex parte : without hearing the other party

- "*Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties.*"

- No basis of this information given

- A study by RAAG Foundation has shown that about 50% of the RTI applications are made as the departments do not discharge their duty under Section 4 of the RTI Act which mandates disclosure of most of the information *suo moto* as per law.

- 7.
- Another 25% seek information about the delay in ration cards, the progress of their application for various services, or complaints of illegal activities for which the government departments should have replied.

- There is no condemnation of the officers who do not do their duty without extracting bribes. This was an unfortunate admonishing of the citizen without any evidence or basis.

Girish Ramchandra Deshpande Vs. Central Information Commission & Ors. (2013)

- The Court held that copies of all memos, show cause notices and orders of censure/punishment, assets, income returns, details of gifts received, etc., by a public servant are personal information exempted from disclosure as per Section 8(1) (j) of the RTI Act.
- **These are matters between the employee and the employer.**
 - Did any action done on officer when he was caught during taking bribe
 - But this information is exempted, This information is between Employee and Employer
 - But citizen are the Employer

L3 Transparency : RTI with other Acts

31 January 2025 08:01 PM

Official Secrets Acts OSA	<ul style="list-style-type: none">• Official Secrets Act : Pre Constitution Law -> 1923• Prohibited places<ul style="list-style-type: none">• Army, Navy, Air Forces, Place where arms are manufactured and stored<ul style="list-style-type: none">• 14 years penalty• Seal or Stamp of Government : Acquire, Manufacture, Steal, Sell• Uniforms<ul style="list-style-type: none">◦ 3 Years Penalty• If found near this place -> Penalty for spying - 3 Years and 14 years <p>If any person having in his possession or control any secret official code or password or any sketch, plan, model, article, note, document or information which relates to or is used in a prohibited place or relates to anything in such a place, or which is likely to assist, directly or indirectly, an enemy or which relates to a matter the disclosure of which is likely to affect the sovereignty and integrity of India, the security of the State or friendly relations with foreign States or which has been made or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office under Government, or which he has obtained or to which he has had access owing to his position as a person who holds or has held office under Government, or as a person who holds or has held a contract made, on behalf of Government, or as a person who is or has been employed under a person who holds or has held such an office or contract —</p> <ul style="list-style-type: none">(a) wilfully communicates the code or pass word, sketch, plan, model, article, note, document or information to any person other than a person to whom he is authorised to communicate it or a Court of Justice or a person to whom it is, in the interests of the State his duty to communicate it; or(b) uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety of the State; or(c) retains the sketch, plan, model, article, note or document in his possession or control when he has no right to retain it, or when it is contrary to his duty to retain it, or wilfully fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or(d) fails to take reasonable care of, or so conducts himself as to endanger the safety of, the sketch, plan etc <p>Offences by companies —</p> <p>(1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.</p>
Relation bw RTI and OSA	<ul style="list-style-type: none">• The relationship between the Right to Information (RTI) Act, 2005 and the Official Secrets Act (OSA), 1923 is defined by a tension between the principles of transparency and secrecy in governance. Both laws serve legitimate purposes but address fundamentally different objectives: RTI aims to foster openness and public participation in democratic processes, while OSA seeks to safeguard national security by preventing the disclosure of sensitive information.

1. Different Philosophies: Secrecy vs. Transparency

- 7. **RTI Act, 2005:** Enacted in a post-liberalization, post-globalization India, the RTI Act is rooted in the idea of democratic accountability and the public's right to know. It emerged in response to demands for greater transparency in government functioning, reducing corruption, and ensuring that citizens can hold public authorities accountable. The RTI is based on the premise that **information is a public good**, and access to it is essential for an informed citizenry.
- **OSA, 1923:** The Official Secrets Act, on the other hand, is a colonial-era law designed to protect the **state's security** apparatus. Its purpose was to prevent espionage, unauthorized disclosure of state documents, and other activities that could threaten the **integrity of the British Empire in India**. The OSA operates on the assumption that certain information must remain secret to preserve **national security and diplomatic interests**.

2. Balancing National Security and Right to Know

- The RTI Act gives citizens the right to access information held by public authorities, but this right is **not absolute**. Under **Section 8** of the RTI Act, certain categories of information are exempt from disclosure if they could harm the sovereignty and integrity of India, security, foreign relations, or lead to incitement of offenses.
- This is where the OSA becomes relevant: Information classified as "**secret**" under OSA—especially concerning defense, intelligence, and security—may fall under these exemptions.
- However, there is no explicit provision in the OSA that defines "official secrets" or the scope of protected information, leading to a **broad and often arbitrary** interpretation by authorities.

3. Does RTI Supersede OSA?

- The RTI Act, via **Section 22**, states that it will **override any other law** (including OSA) in cases of inconsistency. This means that, in theory, the RTI Act takes precedence over the OSA, except when the **public interest in maintaining confidentiality clearly outweighs the public interest in disclosure** - meaning that secrecy is the exception, not the rule, and that government information should generally be disclosed unless national security is demonstrably at risk.

4. Areas of Overlap and Tension

- **Classified Documents:** One of the key areas of conflict between RTI and OSA is **classified documents**. The OSA does not specify what constitutes classified information, allowing authorities broad discretion to label various documents as secret. This discretion has led to **over-classification** of information, often with the aim of avoiding public scrutiny.
- **Public Interest Test:** The RTI Act contains a **public interest override** clause, which means that even if information falls under one of the exempt categories, it can still be disclosed if there is a larger public interest at stake. For example, in cases of corruption or human rights violations, the public interest in disclosure may outweigh the need for secrecy. OSA, on the other hand, has no such provision, creating a rigid framework that can stifle public access to crucial information.
- **Law Commission (1971):** The Law Commission, in its **43rd report**, argued for **codifying the definition of "official secrets"**, ensuring that the OSA does not obstruct public access to information that serves

- **Law Commission (1971):** The Law Commission, in its **43rd report**, argued for **codifying the definition of "official secrets"**, ensuring that the OSA does not obstruct public access to information that serves democratic accountability, particularly when public welfare or governance issues are at stake.
- The **Second Administrative Reforms Commission (ARC)**, in its Report of June 2006, had, inter-alia, recommended that the Official Secrets Act (OSA), 1923 should be repealed, and substituted by a chapter in the National Security Act, containing provisions relating to official secrets.

Cases

↳ **Manohar Parrikar v. Goa State Information Commission (2014)**

- In this case, the court upheld the principle that **public interest** must be balanced with concerns of national security, reinforcing that OSA should not be misused to suppress information unless its release genuinely threatens state interests.

RTI and CERT-In

- The Indian Computer Emergency Response Team (**CERT-In**) was exempted from the purview of the **Right to Information (RTI) Act** in 2023. This move was made by including CERT-In in the **Second Schedule** of the RTI Act, which lists intelligence and security organizations exempt from disclosing information under RTI.
- CERT-In is the national agency responsible for handling cybersecurity incidents in India and plays a crucial role in preventing, responding to, and mitigating cyber threats.
- The Centre has used its powers given under sub-section (2) of Section 24 of the RTI Act to exempt CERT-In from the purview of the transparency law. Using those powers, the Centre has included CERT-In at serial number 27 in the Second Schedule of the RTI Act.

Positives - 1. Protection of National Security:

CERT-In deals with **sensitive cybersecurity issues** such as hacking attempts, cyber espionage, critical infrastructure security, and national defense cyber threats. Disclosure of specific details related to these incidents could potentially harm **national security**, as it might expose vulnerabilities that hostile actors could exploit.

Exemption under RTI ensures that sensitive data, especially regarding the country's cyber defenses, threat intelligence, and coordination with international security agencies, remains protected.

2. Enhancing Cybersecurity Operations:

CERT-In often collaborates with private companies, international agencies, and government bodies to combat cyber threats. This exemption helps foster **trust and cooperation** as companies and agencies may be more willing to share **sensitive data** if they know it won't be disclosed to the public under RTI.

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A more confidential environment allows CERT-In to **respond swiftly** to cyber incidents without the risk of details being prematurely disclosed, which could compromise ongoing investigations or response efforts.

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3. Protection of Personal Data and Confidential Information:

- CERT-In also works with a variety of stakeholders, including businesses and individuals, whose **private data** might be involved in cyber incidents. Exempting CERT-In from RTI prevents sensitive personal or business-related information from becoming publicly accessible, protecting **data privacy**.

4. Preventing Cyber Panic:

- Exempting CERT-In from RTI ensures that **potentially alarming information** related to ongoing cyber threats, vulnerabilities, or attacks doesn't lead to unnecessary public fear or panic. The disclosure of unverified or incomplete information could lead to **public mistrust** and confusion, especially if incidents are still under investigation.

Negatives – 1. Reduced Transparency and Accountability:

The exemption limits **public oversight** of CERT-In's operations, reducing its transparency. Given the increasing importance of cybersecurity in governance, there could be concerns that CERT-In's actions, spending, or collaborations might not be scrutinized effectively.

This lack of accountability can create **trust deficits**, especially if questions arise regarding how CERT-In handles certain incidents, such as breaches of government databases, investigations into cybercrimes, or collaborations with private companies.

2. Possibility of Misuse:



Without the scrutiny brought by RTI, there is a risk that CERT-In's powers could be **misused** to withhold information that the public has a legitimate right to know. For example, CERT-In could potentially withhold important information about significant breaches that affect citizens, companies, or even electoral processes.

This could lead to **lack of disclosure** in cases where public interest, rather than national security, is at stake—such as major cyberattacks affecting personal data, election integrity, or public infrastructure.

3. Limited Information on Major Cyber Incidents



Citizens and researchers may face **barriers to understanding** the scale and nature of cyber threats impacting India. Since CERT-In will not be obliged to share information under RTI, it could prevent **transparency** in incidents that may have broader public or economic consequences, such as **data breaches** involving large-scale public databases (like Aadhaar) or critical infrastructure like the power grid.

This limitation may also affect **public awareness** about the overall cybersecurity landscape in India and reduce the availability of **factual data** for researchers, journalists, or advocacy groups working on cybersecurity issues.

DPDP Act	<ul style="list-style-type: none">• DPDP Act : Digital Personal Data Protection Act, 2023• DPDP Act violate RTI Act<ul style="list-style-type: none">• Data is the new Oil• Issues<ul style="list-style-type: none">• Broad definition of personal Data<ul style="list-style-type: none">◦ Like Salaries of Govt officers, Service records -> How can unearth Corruption• Increased Denials Based on Personal Data Protection<ul style="list-style-type: none">◦ Transparency vs Fundamental Right (Right to Privacy)• Lack of Public interest Override<ul style="list-style-type: none">◦ RTI Sec 8 Exemption• Impact on Journalistic and Investigative work• The law changed the text and context of RTI by reinterpreting the provisions of Section 8 (1). The provisions stated that "information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person".• Now it only applicable to Section 8 (1)(j) and not to the whole of Section 8 (1).
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Section 35 : THE DIGITAL PERSONAL DATA PROTECTION ACT, 2023

- No suit, prosecution or other legal proceedings shall lie against the Central Government, the Board, its Chairperson and any Member, officer or employee thereof for anything which is done or intended to be done in good faith under the provisions of this Act or the rules made thereunder.

Whistle blowing	<ul style="list-style-type: none">• The audacious act of exposing any kind of information or activity within a private, public, or government organization that is deemed illegal, unethical, or simply not right. This encompasses a vast spectrum of misconduct, ranging from corruption and fraud to abuse of power, and other forms of malfeasance.• Whistleblowers, those unsung heroes, play an indispensable role in shedding light on these dark practices. <p>Often at great personal risk, including their careers, safety, and well-being, they stand up for justice, ensuring that organizations are held to the highest ethical and legal standards. Their courage and determination to speak up make them vital watchdogs in our society.</p> <ul style="list-style-type: none">• Satyendra Dubey : Exposed Corruption of NHAI for Golden Quadrilateral Project -> Murdered• Manju Nath : Exposed and sealed Petrol pump for adulteration -> murdered• SC -> Pressed the Central Govt -> Public Interest Disclosure + Protection of Informers Resolution<ul style="list-style-type: none">◦ CVC Nodal Agency• Whistle Blowers Protection Act, 2014.<ul style="list-style-type: none">◦ Not applicable to Special Protection Group and Army.
Whistle Blowers Protection Act	<h3>1. Coverage and Scope</h3> <p style="text-align: right;"><i>- Live</i></p> <ul style="list-style-type: none">• The Act covers public servants across various government bodies, including central and state governments, public sector undertakings (PSUs), statutory authorities, and other entities receiving government funding.• The Act allows any person, including whistleblowers, to make complaints against corruption, abuse of power, or criminal activities by public servants. <h3>2. Mechanism for Complaints</h3> <p style="text-align: right;">C</p> <ul style="list-style-type: none">• Complaints under the Act can be made to a Competent Authority, who is responsible for receiving and acting on the disclosures.• Complaints must be made in writing, and the whistleblower is expected to provide adequate evidence or information for the investigation.

3. Confidentiality of Identity

- The Act places great emphasis on maintaining the **✓ confidentiality of the identity** of whistleblowers.
- The identity of the complainant cannot be disclosed to anyone except for authorities directly involved in the investigation or the competent authority.

4. Protection against Victimization

- The Act provides **protection from victimization** to whistleblowers, ensuring that they do not suffer retribution, such as harassment, demotion, or dismissal from employment.
- Any whistleblower who feels victimized after filing a complaint can report it to the competent authority, which can order appropriate action to be taken to safeguard the whistleblower.

5. Penalties for False Complaints

- The Act penalizes **malicious or false complaints**. Individuals who knowingly make false allegations can face imprisonment for up to 2 **✓ years** and fines, depending on the seriousness of the **✓ complaint**.

Exceptions to Disclosure

- Certain disclosures are exempt from investigation under the Act. These include complaints relating to:
 - Matters that affect the sovereignty, integrity, and security of India.
 - Foreign relations.

Issues with Whistle Blower Act

Issues

The **Whistle Blowers Protection Act, 2014** does not recognize anonymous complaints. For a complaint to be acted upon, the whistleblower must disclose their identity. Without this disclosure, the competent authority is not obliged to investigate the complaint.

- **Potential for Biased Investigations**

- One of the concerns with the Act is the **lack of impartiality** in the investigation process. The Competent Authority tasked with investigating a complaint is often a senior official within the same organization or hierarchy as the person being accused. This internal structure can compromise the neutrality of the investigation, potentially leading to biased outcomes.

- **Weak Implementation in Organizations**

- In many industries, the whistleblower protection policies are not effectively implemented. The whistleblower programs and policies outlined in organizational manuals are often not actively promoted or explained to employees, leading to a lack of awareness and underuse of the whistleblower mechanisms.

- **No Incentives for Whistleblowers**

- The Act does not provide any monetary or other rewards to whistleblowers, even if their disclosures lead to a successful investigation or action. This lack of incentive may discourage individuals from coming forward with crucial information.

- Does not apply to the Private sector or state govt employees.
- Half hearted legislation -> Does not ensure accountability

L4 Accountability : Lokpal

01 February 2025 10:34 AM

ACCOUNTABILITY	<ul style="list-style-type: none">• Lokpal and Lokayuktas Act, 2013.• Lokpal : Centre• Lokayuktas : Every State<ul style="list-style-type: none">• Article 253 : UN Nation convention for corruption• CVC Central Vigilance Commission
Need	<ol style="list-style-type: none">1. The Constitution of India has established a Democratic Republic to ensure justice for all.2. India has ratified the United Nations Convention Against Corruption3. The Government's commitment to clean and responsive governance has to be reflected in effective bodies to contain and punish acts of corruption4. Necessary to enact a law, for more effective implementation of the said Convention and to provide for prompt and fair investigation and prosecution in cases of corruption.

LOKPAL	<ul style="list-style-type: none">• The Lokpal investigates allegations of corruption against public functionaries, including the prime minister, cabinet ministers, and members of parliament.• Idea proposed : Hazare started a hunger strike on 5 April 2011 to exert pressure on the Indian government to enact a stringent anti-corruption law, The Lokpal Bill, 2011
Idea of Lokpal	<ul style="list-style-type: none">• The Administrative Reforms Commission (ARC) first proposed the idea of the Lokpal in 1966.• The term "Lokpal" was coined by Dr. L.M. Singhvi in 1963.• The concept of a constitutional ombudsman was first proposed in parliament by Law Minister Ashoke Kumar Sen in the early 1960s.• The basic idea of the Lokpal is borrowed from the office of ombudsman in Scandinavian country
Lokpal Act	<ul style="list-style-type: none">• The Lokpal and Lokayuktas Bill, 2011 was passed by the Lok Sabha on December 27, 2011.• The bill was passed by the Rajya Sabha on December 17, 2013.• President Pranab Mukherjee gave his assent to the bill on January 1, 2014.
Composition	<p>The <u>Lokpal</u> shall consist of –</p> <p>(a) a <u>Chairperson</u>, who is or has been a Chief Justice of India or is or has been a Judge of the Supreme Court or an eminent person and</p> <p>(b) such number of Members, not exceeding eight out of whom fifty per cent shall be Judicial Members:</p> <p>Provided that not less than fifty per cent. of the Members of the Lokpal shall be from amongst the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities and women.</p>

	<p>A person shall be eligible to be appointed —</p> <p>(a) as a Judicial Member if he is or has been a Judge of the Supreme Court or is or has been a Chief Justice of a High Court;</p> <p>(b) as a Member other than a Judicial Member, if he is a person of impeccable integrity and outstanding ability having special knowledge and expertise of not less than twenty-five years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management.</p> <ul style="list-style-type: none"> • The Chairperson or a Member shall not be — • (i) legislator or a member of a local body • (ii) a person convicted of any offence involving moral turpitude; • (iii) less than 45 years of age • (v) a person who has been removed or dismissed from the service of the Union or a State <p>Office of Profit, profession or business.</p>
Appointment	<p>The Chairperson and Members shall be appointed by the President after obtaining the recommendations of a Selection Committee consisting of —</p> <p>(a) the Prime Minister — Chairperson;</p> <p>(b) the Speaker of the House of the People—Member;</p> <p>(c) the Leader of Opposition in the House of the People—Member;</p> <p>(d) the Chief Justice of India or a Judge of the Supreme Court nominated by him—Member;</p> <p>(e) one eminent jurist, nominated by the President—Member.</p> <ul style="list-style-type: none"> • Terms : 5 years / 70 age • The Chairperson and Members - a term of five years or the age of seventy years, whichever is earlier: • Provided that he may — • (a) by writing under his hand addressed to the President, resign his office; or • (b) be removed from his office. <ul style="list-style-type: none"> • Removal of member : <ul style="list-style-type: none"> ◦ 100 signature of parliament member -> President -> SC • The Chairperson or any Member shall be removed from his office by order of the President on grounds of misbehaviour after the Supreme Court, on a reference being made to it by the President on a petition signed by at least one hundred Members of Parliament has, on an inquiry held in accordance with the procedure prescribed in that behalf, reported that the Chairperson or such Member, as the case may be, ought to be removed on such ground.

- The President may, by order, remove from the office, the Chairperson or any Member if the Chairperson or such Member, as the case may be, —
 - (a) is adjudged an insolvent; or
 - (b) engages, during his term of office, in any paid employment outside the duties of his office; or
 - (c) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body.
- Salary and allowance
- The salary, allowances and other conditions of service of —
 - (i) the Chairperson shall be the same as those of the Chief Justice of India;
 - (ii) other Members shall be the same as those of a Judge of the Supreme Court:
- Reappointment
- On ceasing to hold office, the Chairperson and every Member shall be ineligible for —
 - (i) reappointment as the Chairperson or a Member of the Lokpal;
 - (ii) any diplomatic assignment, appointment as administrator of a Union territory and such other assignment or appointment which is required by law to be made by the President by warrant under his hand and seal;
 - (iii) further employment to any other office of profit under the Government of India or the Government of a State;
 - (iv) contesting any election of President or Vice-President or Member of either House of Parliament or Member of either House of a State Legislature or Municipality or Panchayat within a period of five years from the date of relinquishing the post

External Wings	<ul style="list-style-type: none"> • Inquiry Wing <ul style="list-style-type: none"> • Till inquiry wing setup -> CBI or Police inquiries • Inquiry Wing headed by the Director of Inquiry for the purpose of conducting preliminary inquiry into any offence alleged to have been committed by a public servant punishable under the Prevention of Corruption Act, 1988. • Prosecution Wing <ul style="list-style-type: none"> • Till Prosecution wing setup -> use centre prosecution • Constitute a Prosecution Wing headed by the Director of Prosecution for the purpose of prosecution of public servants in relation to any complaint by the Lokpal under this Act.
Expenses	<ul style="list-style-type: none"> • The administrative expenses of the Lokpal, including all salaries, allowances and pensions payable to or in respect of the Chairperson, Members or Secretary or other officers or staff of the Lokpal, shall be charged upon the Consolidated Fund of India. • Consolidated fund of India -> Independence
Jurisdiction	<ul style="list-style-type: none"> • Jurisdiction of Lokpal to include Prime Minister, Ministers, members of Parliament, Groups A, B, C and D officers and officials of Central Government.

	<ul style="list-style-type: none"> • Donation from any foreign source under the Foreign Contribution (Regulation) Act, 2010 in excess of ten lakh rupees in a year or such higher amount as the Central Government may, by notification, specify. <ul style="list-style-type: none"> • Exception for PM • Exceptions: international relations, external and internal security, public order, atomic energy and space. • Inquiry only when a full bench of the Lokpal consisting of its Chairperson and all Members considers the initiation of inquiry and at least two-thirds of its Members approves of such inquiry. <ul style="list-style-type: none"> • Exemption • The Lokpal shall not inquire into any matter involved in, or arising from, or connected with, any such allegation of corruption against any member of either House of Parliament in respect of anything said or a vote given by him in Parliament or any committee thereof covered under the provisions contained in clause (2) of article 105 of the Constitution.
Powers of Lokpal	<ul style="list-style-type: none"> • The powers of superintendence over, and to give direction to the Delhi Special Police Establishment in respect of the matters referred by the Lokpal for preliminary inquiry or investigation to the Delhi Special Police Establishment under this Act. <ul style="list-style-type: none"> • Special Courts : Fast Fair Free Justice <ul style="list-style-type: none"> ◦ Less burden on regular courts -> Quick disposal of cases • The Central Government shall constitute such number of Special Courts, as recommended by the Lokpal, to hear and decide the cases arising out of the Prevention of Corruption Act, 1988 or under this Act. • The Special Courts constituted shall ensure completion of each trial within a period of one year from the date of filing of the case in the Court. <ul style="list-style-type: none"> • After the corruption -> 7 years period to file case • The Lokpal shall not inquire or investigate into any complaint, if the complaint is made after the expiry of a period of seven years from the date on which the offence mentioned in such complaint is alleged to have been committed.
Declaration of Assets	<ul style="list-style-type: none"> • Every public servant shall make a declaration of his assets and liabilities. • A public servant shall furnish to the competent authority the information relating to— <ul style="list-style-type: none"> • (a) the assets of which he, his spouse and his dependent children are, jointly or severally, owners or beneficiaries; • (b) his liabilities and that of his spouse and his dependent children.

	<ul style="list-style-type: none"> • Diluted by Amendment in 2016 • From 'website' to the 'manner prescribed by the Central Govt'.
Analysis	<ul style="list-style-type: none"> • Lokpal was not meant to succeed <ul style="list-style-type: none"> • Its design, implementation was meant to be faulty • Bill passed in 2013 -> First Lokpal Appointed in 2019 • 6 years to implement the law <ul style="list-style-type: none"> • A PIL; then a contempt case. • The Supreme Court directed that the appointments should be made even without a formally recognized Leader of Opposition (LoP) in the Lok Sabha. • Cases has not reduced -> People trust on Lokpal has been reduced <ul style="list-style-type: none"> • Anti-corruption ombudsman Lokpal received <u>5,680</u> complaints during 2021-22, of which over 5,100 were yet to be registered, according to an RTI reply. • Delay in appointment • 50 % if judicial member vacant • 0 High profile cases solved <ul style="list-style-type: none"> • PPP Contracts • 'Handing Over Airports and Ports to Private Companies' • Defence Purchases. • Complaint against Sebi chief falls short of persuading us to probe: Lokpal • Lack of Independence: The Lokpal still relies heavily on the CBI for investigations, which raises concerns about the autonomy of its investigations since the CBI itself has been subject to political interference. • Low Conviction Rate: Despite having sweeping powers, the Lokpal has not secured any significant convictions, casting doubt on its effectiveness. • Limited Public Engagement <ul style="list-style-type: none"> • One of the goals of the Lokpal Act was to encourage public engagement in anti-corruption efforts. While the institution is empowered to receive complaints from citizens, there has been a lack of widespread awareness about the complaint process and the institution's functioning. Many citizens remain unaware of how to file complaints with the Lokpal, and there is little public communication from the Lokpal regarding its activities or successes. • Member resigned : Lack of enough work

	<ul style="list-style-type: none"> • A major indictment about the functioning of the Lokpal came from one of its own. • Justice Dilip B. Bhosale, former chief justice of the Allahabad High Court, who was one of the four judicial members appointed in March 2019, resigned on 6 January 2020, just nine months after taking oath, citing personal reasons and lack of enough work. • "I felt I was wasting my time. I was sitting absolutely idle. I used to get around 15-20 cases in a month. As chief justice of Allahabad High Court, I was used to working 14-15 hours a day, handling some 50-100 cases a month. I am told not much has changed since I left. If the Lokpal continues to function in this manner, it will fail to meet its objective. It will not deliver," • The Lokpal was allocated Rs 101.29 crore for 2019-20, which was later revised to Rs 18.01 crore. In 2020-21, the original allocation was Rs 74.7 crore, which was revised to Rs 29.67 crore. In 2021-22, the Lokpal has been allocated Rs 39.67 crore. • Anti-corruption ombudsman Lokpal has been allocated Rs 33.32 crore for 2024-25. The provision is for establishment and construction-related charged expenditure for the Lokpal. <p style="text-align: right;">—</p>
Improvement in Lokpal	<ul style="list-style-type: none"> • The Lokpal Act, 2013 was a monumental step in India's anti-corruption framework, driven by popular demand and civil society movements. However, its impact has been limited due to delays in implementation, structural limitations, and political inertia. While the law has created an institution capable of addressing corruption at the highest levels, significant reforms are needed to ensure that the Lokpal can function as an independent, autonomous, and effective body. • Key areas requiring attention include empowering the Lokpal with an independent investigative mechanism, extending its jurisdiction, ensuring timely appointments, and providing comprehensive whistleblower protection. If these reforms are undertaken, the Lokpal could become a more potent instrument in India's fight against corruption. <ul style="list-style-type: none"> • Ensure Investigation wing and prosecution wing • Expand the Jurisdiction of Lokpal <ul style="list-style-type: none"> ○ Anonymous cases under Whistleblower Act
Lokpal in Judiciary	<ul style="list-style-type: none"> • Justice -> C.S. Karnan. <ul style="list-style-type: none"> • Wrote letter to PM : Alleging corruption in Judiciary • SC sent to 6 months in Jail in case of Contempt • Shanti Bhushan affidavit in the Supreme Court (2010) <ul style="list-style-type: none"> • Says corruption in Judiciary, 8 of 16 CJI were corrupt • No action done • Justice Ruma Pal's 7 sins. <ul style="list-style-type: none"> • Corruption + Plagiarism (Copying other cases verdicts) + Nepotism • Hypocrisy (Turning blind eye) + secrecy + arrogance • Injudicious conduct + Face value

LOKAYUKTA	<ul style="list-style-type: none"> The Lokayuktas is an anti-corruption authority in India that investigates complaints against public servants and maladministration at the state level
Origin	<ul style="list-style-type: none"> Justice N. Santosh Hegde (2006–2011). Played a major role in investigating high-profile corruption cases, most notably the illegal mining scam involving politicians, including former Chief Minister B. S. Yediyurappa. This led to the resignation of the Chief Minister and increased public awareness of corruption issues. The Karnataka Lokayukta was effective in initiating action against corrupt government officials, bringing accountability in public offices. Over the years, its powers were diluted. The establishment of the Anti-Corruption Bureau (ACB) in Karnataka in 2016 took away many of its functions, leading to a significant reduction in its effectiveness.
MUDA	<ul style="list-style-type: none"> MUDA : The Mysore Urban Development Authority <ul style="list-style-type: none"> Development of Mysore region, Housing for poor Alleged to illegal acquiring the land, without informing owner <ul style="list-style-type: none"> One owner was CM wife Land Exchange given for owners Illegal Allotment: 14 sites were illegally allotted to Chief Minister Siddaramaiah's wife, Parvathi B M, in Mysuru
Amendment	<p>Section 17A of PCA 1988: Enquiry or Inquiry or investigation of offences relatable to recommendations made or decision taken by public servant in discharge of official functions or duties</p> <ul style="list-style-type: none"> No police officer shall conduct any enquiry or inquiry or investigation into any offence alleged to have been committed by a public servant under this Act, where the alleged offence is relatable to any recommendation made or decision taken by such public servant in discharge of his official functions or duties, without the previous approval — <ul style="list-style-type: none"> (a) in the case of a person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of the Union, of that Government; (b) in the case of a person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of a State, of that Government; (c) in the case of any other person, of the authority competent to remove him from his office, at the time when the offence was alleged to have been committed:

L5 Accountability : CVC, CBI, ED

03 February 2025 09:14 PM

CVC	<ul style="list-style-type: none">Central Vigilance Commission<ul style="list-style-type: none">The Central Vigilance Commission (CVC) is an apex governmental body in India that is responsible for promoting integrity, transparency, and accountability in the country's public administration. It was established in 1964 as a result of the recommendations of the Santhanam Committee on Prevention of Corruption.Govt resolution -> Non Statutory extra constitutional Body<ul style="list-style-type: none">Central Vigilance Commission Act 2003 -> Statutory backing
Composition	<ul style="list-style-type: none">Hand and Seal : Only President can appoint, no one else<ul style="list-style-type: none">The Central Vigilance Commissioner and the Vigilance Commissioners shall be appointed by the President by warrant under his hand and seal:Recommendation of a Committee consisting of —<ul style="list-style-type: none">(a) the Prime Minister — Chairperson;(b) the Minister of Home Affairs — Member;(c) the Leader of the Opposition in the House of the People — Member.
Features	<ul style="list-style-type: none">Tenure : 4 years / 65 Age<ul style="list-style-type: none">Central Vigilance Commissioner shall hold office for a term of four years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier.The Central Vigilance Commissioner, on ceasing to hold the office, shall be ineligible for reappointment in the Commission.Vigilance Commissioner shall hold office for a term of four years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier.Removal<ul style="list-style-type: none">Central Vigilance Commissioner or any Vigilance Commissioner shall be removed from his office only by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the Central Vigilance Commissioner or any Vigilance Commissioner, as the case may be, ought on such ground be removed.

	<ul style="list-style-type: none"> • (a) is adjudged an insolvent; or • (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or • (c) engages during his term of office in any paid employment outside the duties of his office; or • (d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or • (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Central Vigilance Commissioner or a Vigilance Commissioner.
Role of CVC	<ul style="list-style-type: none"> • Supervision and Monitoring: CVC supervises and monitors vigilance activities in central government organizations, public sector undertakings, and autonomous bodies. • Advisory Role: It advises the central government on matters related to corruption and recommends action against corrupt officials. • Complaint Handling: It receives complaints about corruption from individuals, government departments, and conducts preliminary inquiries. • The appointment of the officers to the posts of the level of Deputy Director and above (including the Director) in the Directorate of Enforcement is recommended by a committee under the chairpersonship of Central Vigilance Commissioner and with Vigilance Commissioner and other officers of Government of India as members. • Further, the appointment of officers to the posts of the level of SP and above in the CBI (except Director, CBI) is recommended by a committee under the chairpersonship of Central Vigilance Commissioner and with Vigilance Commissioner and other officers of Government of India as members. • The Commission also conducts preliminary inquiry into the complaints referred by Lokpal in respect of Gr. A, B, C & D officials. • The Commission further exercises superintendence over the functioning of the Delhi Special Police Establishment (CBI) insofar as it relates to the investigation of offences under the Prevention of Corruption Act, 1988.
CVC vs Lokpal	<ul style="list-style-type: none"> • Jurisdiction Overlap: While both bodies deal with anti-corruption, the Lokpal is more powerful and independent, with jurisdiction over complaints against public servants, including the Prime Minister, MPs, and Group A officials. The CVC, on the other hand, deals with vigilance within central government departments and public sector undertakings, except the political authorities. • Investigative Power: The Lokpal act provides for its own independent investigative wing, while the CVC depends on the CBI and other vigilance officers to conduct investigations. • Conflict of Powers: Some see a potential overlap or conflict in jurisdiction and roles between Lokpal and CVC. For instance, if both the CVC and Lokpal receive complaints regarding the same official, it might lead to duplication or confusion.

CVC vs UPSC	<ul style="list-style-type: none"> Role of UPSC in Disciplinary Cases: The Union Public Service Commission (UPSC) advises the government on disciplinary matters, especially related to Group A officers. However, when the CVC advises disciplinary action in corruption cases, the UPSC might also be involved in reviewing the same case from a recruitment and promotion perspective. Conflict in Advisory Roles: The advice given by the CVC on vigilance matters and the UPSC on disciplinary matters could sometimes conflict, particularly regarding how the integrity of an officer should be judged.
CVC Impact	<ul style="list-style-type: none"> Systemic Reforms: The CVC has played a role in creating transparency and accountability within the government. It has introduced reforms such as Integrity Facts in public procurement and other anti-corruption measures.  Deterring Corruption: While CVC has played a significant role in deterring corruption in public sector organizations, its effectiveness has been limited due to a lack of independent investigative powers and reliance on government departments for enforcement. Awareness and Training: CVC has promoted vigilance awareness through campaigns, training programs, and awareness weeks in public institutions.
CVC Challenges	<ul style="list-style-type: none"> Lack of Powers: Despite being a key body in tackling corruption, the CVC lacks independent investigative powers and often relies on the CBI or departmental vigilance mechanisms. Overlapping Jurisdictions: The presence of multiple anti-corruption bodies like the Lokpal, CVC, and CBI sometimes creates overlaps, leading to jurisdictional conflicts. Impact on High-Level Corruption: The CVC's focus is more on mid-level and lower officials, with limited impact on high-level political and bureaucratic corruption, which is now primarily under the Lokpal's purview.
Case	<ul style="list-style-type: none"> PJ Thomas CVC Case <ul style="list-style-type: none"> Palmolein Oil Import Investigation -> PJ Thomas accused of Corruption PJ Thomas was appointed as CVC member Was later removed from position

CBI	<ul style="list-style-type: none"> CBI : Central Bureau of Investigation <ul style="list-style-type: none"> Dept. of Personnel, Ministry of Personnel, Pension & Public Grievances. It is the premier investigating police agency in India. It is also the nodal police agency in India, which coordinates investigation on behalf of Interpol Member countries.
Origin	<p>During WWII -> Growth increased -> Corruption increased Govt created new branch to investigate corruption in war material Then extended jurisdiction to railways -> whole govt</p>

	<ul style="list-style-type: none"> Even after the end of the War, the need for a Central Government agency to investigate cases of bribery and corruption by Central Government employees was felt. The Delhi Special Police Establishment Act was therefore brought into force in 1946. This Act transferred the superintendence of the SPE to the Home Department and its functions were enlarged to cover all departments of the Govt. of India. The jurisdiction of the SPE extended to all the Union Territories and could be extended also to the States with the consent of the State Government concerned. The DSPE acquired its popular current name, Central Bureau of Investigation (CBI), through a Home Ministry resolution dated 1.4.1963. Initially the offences that were notified by the Central Government related only to corruption by Central Govt. servants. In due course, with the setting up of a large number of public sector undertakings, the employees of these undertakings were also brought under CBI purview. Similarly, with the nationalisation of the banks in 1969, the Public Sector Banks and their employees also came within the ambit of the CBI. Special Police Establishment (S.P.E.) was created under a Deputy Inspector General of Police by the Government of India, in 1941, by an executive order. The functions of the SPE were to investigate cases of bribery and corruption in transactions with which the War and Supply Department of the Government of India was concerned. Towards the end of 1942, the activities of the SPE were extended to include cases of corruption in the Railways also, presumably because the Railways were strategically concerned with the movement and supply of war material. Expanding Role: murder, kidnapping, terrorist crime, etc. Supreme court and the various High Courts of the country also started entrusting such cases for investigation to the CBI on petitions filed by aggrieved parties. CBI is not only a premier anti corruption investigative agency in India but it has also the experience of handling high profile conventional crimes, economic offences, banking frauds and crimes with international linkages.
Coal Scam and CBI	<ul style="list-style-type: none"> Presumptive money scam -> Showed CBI is Caged parrot <ul style="list-style-type: none"> The alleged scam was spotlighted by a report by the Comptroller and Auditor General of India in 2012 that appeared to show inefficient and possibly illegal allocation of coal blocks between 2004 and 2009. The report said the blocks were allocated by the government without a process of competitive bidding, leading to a presumptive loss to the exchequer. The CAG initially estimated the quantum of presumptive loss to the exchequer at a staggering Rs 10.7 lakh crore, but toned this amount down to Rs 1.86 lakh crore in the final report.
State Government Consent	<ul style="list-style-type: none"> General Cases <ul style="list-style-type: none"> case-specific or general. Giving general consent would lead to the seamless investigation of corruption cases against central government employees in their states. This is consent by default, in the absence of which the CBI would have to apply to the state government in every case, and before taking even small actions. Exception : Avenue for CBI <ul style="list-style-type: none"> If the case was not registered in that state. <ul style="list-style-type: none"> Chhattisgarh case was filed in Delhi, CBI investigated satte govt employee

	<ul style="list-style-type: none"> • Courts order even in states who have revoked general consent
CBI Constitution	<ul style="list-style-type: none"> • Appointment is done where there is no central veto appointment <ul style="list-style-type: none"> • The CBI director is appointed according to provisions under the Delhi Special Police Establishment Act (1946) and amendments therein brought by the Lokpal and Lokayuktas Act, 2013. • The appointment is made by the Centre on recommendation by a three-member Committee. <ul style="list-style-type: none"> • The committee: <ol style="list-style-type: none"> 1. Prime Minister as the chairperson, 2. the leader of the opposition (LoP) in the Lok Sabha and 3. the Chief Justice of India, or a Supreme Court judge nominated by him. • Tenure : Minimum 2 years - maximum 5 years <ul style="list-style-type: none"> • Vineet Narain versus Union of India case had issued a specific order that the CBI director shall have a minimum tenure of two years. • 5 Years.
CVC and CBI	<ul style="list-style-type: none"> • The superintendence of the Delhi Special Police Establishment in so far as it relates to investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988 (49 of 1988), shall vest in the CVC. • The superintendence of the said police establishment in all other matters shall vest in the Central Government.
Reforms in CBI	<p>The department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice</p> <ul style="list-style-type: none"> • The Committee feels that the Delhi Special Police Establishment Act has many limitations and therefore, recommends that there is a need to enact a new law and define the status, functions and powers of the CBI and also lay down safeguards to ensure objectivity and impartiality in its functioning. • A total of 1,709 posts are vacant in the CBI against its sanctioned strength of 7,295 - impacts the effectiveness and efficiency of the agency. • CBI should reduce its dependence on deputationists and strive to recruit permanent staff in the ranks of inspector of police and deputy superintendent of police. • Annual report of CBI is also not accessible to the general public. • CBI should maintain a case management system which would be a centralised database containing details of cases registered with it and the progress made in their disposal. • CBI cannot take suo motu cognizance of a case in a state — whether in a matter of corruption involving government officials of the Centre and PSU staff, or an incident of violent crime. <ul style="list-style-type: none"> • CMS : Case Management System -> Efficient • People of CBI wield enormous power but need proper training to exercise such power
ED	<ul style="list-style-type: none"> • Directorate of Enforcement • ED is a law enforcement and economic intelligence agency in India that enforces economic laws and fights economic crime

Origin	<ul style="list-style-type: none"> • • 1956, when an 'Enforcement Unit' <ul style="list-style-type: none"> • Under Dept of Economic Affairs (under Ministry of Finance) • 1957, this Unit was renamed as 'Enforcement Directorate' <ul style="list-style-type: none"> • Under Dept of Revenue (under Ministry of Finance) • Investigation of offence of money laundering and violations of foreign exchange laws, • Responsible for <ul style="list-style-type: none"> • Money Laundering • FERA -> FEMA Foreign Exchange • Cryptos • PMLA 2002 • Comply with FATF Financial Action Task Force
PMLA 2002	<ul style="list-style-type: none"> • The Prevention of Money Laundering Act, 2002 • Vicarious Liability : Head is charged guilty on behalf of group • Burden of proof on Accused <ul style="list-style-type: none"> • Bail is the exception, Jail is the norm • Proceeds of Crime : Properties bought through black money will be confiscated • Punishment : 3-7 years <ul style="list-style-type: none"> • 10 years : NDPS Act Narcotics • AAP Part case <ul style="list-style-type: none"> • Prior 2021 : Govt shop to buy liquor • Delhi Excise Policy 2021 -> Privatise • Money Laundering : Pvt liquor companies gave money to party to make this policy
Appointment	<ul style="list-style-type: none"> • The Central Government shall appoint a Director of Enforcement in the Directorate of Enforcement in the Ministry of Finance on the recommendation of the Committee consisting of — <ul style="list-style-type: none"> • (i) the Central Vigilance Commissioner — Chairperson; • (ii) Vigilance Commissioners — Members; • (iii) Secretary to the Government of India in-charge of the Ministry of Home Affairs in the Central Government — Member; • (iv) Secretary to the Government of India in-charge of the Ministry of Personnel in the Central Government — Member; • (v) Secretary to the Government of India in-charge of the Department of Revenue, Ministry of Finance in the Central Government — Member;
Features	<ul style="list-style-type: none"> • 2021 CVC Amendment <ul style="list-style-type: none"> • Terms : 2 (min) - 5 (max) years • Director , ED shall continue to hold office for a period of not less than two years. • Provided that the period can be extended in public interest, on the recommendation of the Committee and for the reasons to be recorded in writing, be extended up to one year at a time: • Provided further that no such extension shall be granted after the completion of a period of five years in total including the period mentioned in the initial appointment.
Jail of Accuse	

Offences to be cognizable and non-bailable.

45. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—

- (a) every offence punishable under this Act shall be cognizable;
- (b) no person accused of an offence punishable for a term of imprisonment of more than three years *under Part A of the Schedule* shall be released on bail or on his own bond unless—
 - (i) the Public Prosecutor has been given an opportunity to oppose the application for such release; and
 - (ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail :
Provided that a person, who, is under the age of sixteen years, or is a woman or is sick or infirm, may be released on bail, if the Special Court so directs :

- **Bail on Twin test :**

- If **Prima facie** : Court believes accused is not guilty
- If the court believes the accused will not commit any other offence while on bail

① Similar provisions in other laws

1. The Drugs and Cosmetics Act, 1940.
2. The Narcotic Drugs and Psychotropic Substances Act, 1985.
3. Unlawful Activities Prevention Act, 1967.

Vijay Madanlal Choudhary v Union of India, 2022

- Seriousness of the offence of money-laundering, including about it posing serious threat to the sovereignty and integrity of the country.
- PMLA - part of a global response to money laundering and terror financing.
- Maximum Punishment of 7 years & Terrorism.
- Money Bill question?

↗ Debt

Aug, 2024 – Bail to an aide of Jharkhand CM

- Liberty of the individual is always the rule and deprivation is the exception. Deprivation can only be by the procedure established by law, which has to be a valid and reasonable procedure. Section 45 of the PMLA, by imposing twin conditions, does not rewrite this principle to mean that deprivation is the norm and liberty is the exception.
- Section 45 could be relaxed if an accused had been in custody for a considerable time and there was no likelihood of conclusion of trial within a short span.

Bail to K. Kavitha

- BRS leader K. Kavitha's bail judgment saw the top court clarify that a woman should not be denied the benefit of the proviso to Section 45(1), which relaxes the twin conditions, merely because she was educated or sophisticated or an MP or an MLA.
- Bail to Arvind Kejriwal
 - Supreme court -> Interim bail -> Lok Sabha Election campaign for AAP
 - SC agreed on term : No threat to society
 - After campaign -> went back to Jail -> Proper bail given
 - Again arrested by CBI

Criticism of PMLA	<ul style="list-style-type: none">• Draconian Powers: The ED's powers to arrest without a First Information Report (FIR), attach properties provisionally, and detain individuals have been criticized as draconian.• Low Conviction Rate: Despite numerous investigations, the low conviction rate has raised concerns about the overuse of the Act to harass individuals, particularly political opponents or business figures (0.75%)• Broad Definitions: The broad definition of "proceeds of crime" and wide range of offenses under other laws has expanded the scope of PMLA disproportionately.• Criticism of Arbitrary Use: There have been allegations that the law is misused for political purposes, and the ED acts at the behest of ruling parties.• Burden of Proof: The onus is on the accused to prove that the property or asset is not the proceeds of crime, which shifts the burden of proof contrary to the general legal principle of "innocent until proven guilty." <p>• Conviction rate under PMLA is 93 pc: Govt August, 2024</p> <p style="text-align: center;">↓</p> <p>• A total of 5,297 cases have been registered under the PMLA from 2014 to 2024, while only 40 cases have seen convictions and 3 acquitted, the data shows.</p> <p>Supreme Court highlights low conviction rate under PMLA, questions ED on quality of prosecution</p> <p><i>Justice Ujjal Bhuyan observed that in over 5,000 cases being investigated by Enforcement Directorate, there were only 40 convictions so far.</i></p>
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Reforms for ED	<ul style="list-style-type: none">• Institutional Autonomy.<ul style="list-style-type: none">• No misuse by political party• Parliamentary Oversight.<ul style="list-style-type: none">• How ED is performing instead of government• Transparent Appointments.<ul style="list-style-type: none">• Central govt appoint ED• Need Collegium of PM, LoP, CJI
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L6 Accountability : CAG

04 February 2025 11:41 PM

CAG	<ul style="list-style-type: none">• CAG: Comptroller and Auditor- General of India• BR Ambedkar : CAG is most important office<ul style="list-style-type: none">• No influence by government• CAG stands for Comptroller and Auditor General of India.• CAG is the supreme audit institution and is responsible for auditing the country's finances.• The CAG role is outlined in Articles 149–151 of the Constitution of India
Appointment	<ul style="list-style-type: none">• Article 148: There shall be a Comptroller and Auditor-General of India who shall be appointed by the President by warrant under his hand and seal and shall only be removed from office in like manner and on like grounds as a Judge of the Supreme Court.• Oath in the Third Schedule.• The salary and other conditions of service shall not be varied to his disadvantage after his appointment.• The Comptroller and Auditor-General shall not be eligible for further office.• Expenses of the office of the Comptroller and Auditor-General including all salaries, allowances and pensions payable to or in respect of persons serving in that office, shall be charged upon the Consolidated Fund of India.
Duties of CAG	<ul style="list-style-type: none">• Article 149: Duties and Powers of the Comptroller and Auditor-General<ul style="list-style-type: none">• Parliament will enact a law -> explain power• CAG's (Duties, Powers and Conditions of Service) Act, 1971.• CAG's Salary equal to the salary of the Judge of the Supreme Court.• Term of Office: 6 years or 65 years of age; whichever is earlier.• Resignation.• 1976 Amendment.• Amendment 1976<ul style="list-style-type: none">• Split role of CAG : Compile Accounts + Audit• Controller General of Accounts -> Compile the account• Duties<ol style="list-style-type: none">1. To audit all expenditure from the Consolidated Fund of India and of each State and of each Union territory having a Legislative Assembly and to ascertain whether the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged and whether the expenditure conforms to the authority which governs it;2. To audit all transactions of the Union and of the States relating to Contingency Funds and Public Accounts;

- The CAG acts as a critical institution of accountability by:
- **Enhancing Parliamentary Oversight:** The CAG's reports are scrutinized by the Public Accounts Committee (PAC) and the Committee on Public Undertakings (COPU), which examine the findings and hold the executive accountable for financial irregularities.
- **Promoting Public Awareness:** By highlighting misuse of public funds and inefficiencies in government schemes, the CAG's reports promote transparency and ensure that taxpayers are aware of how their money is being spent.
- **Exposing Corruption:** The CAG's audits have exposed large-scale corruption and financial mismanagement in high-profile cases such as the **2G Spectrum** scam, the **Coal Block Allocation** scandal, and **Commonwealth Games Irregularities**. These revelations have led to public outcry and judicial action, making the CAG an effective watchdog of public finances.

- Legal Audit : Whether money is spend in matter asked
 - Need to provide bills
- Performance Audit : what achieved by spending money

- CAG can audit body substantially financed by Govt
 - If grant or loan > 25 Lakhs or 75% of expenditure of bodies
 - Arvind Gupta : Legal + Performance audit allowed
 - Reghu : CAG is independent and determine the time, scope, extent of Audit

Audit of receipts and expenditure of bodies or authorities substantially financed from Union or State Revenues

- Where the grant or loan to a body or authority from the Consolidated Fund of India or of any State in a financial year is not less than rupees twenty-five lakhs and the amount of such grant or loan is not less than seventy-five percent of the total expenditure of that body or authority.

Arvind Gupta v Union of India (2013)

- The Supreme Court upheld that the CAG's function to carry out Performance Audit.

Reghu Nath Kelkar V. Union of India Bombay HC (2009) - PIL

- In this case decided by the High Court of Bombay, an allegation was made about the failure of the CAG to conduct a comprehensive audit.
- The Court considered scope of Section 23 of the CAG (DPC) Act.
- The Court observed that the time, scope and extent of audit are all matters which fall within the jurisdiction of the CAG and is not a matter on which Court ought to tread.

Form of Account

- Article 150: Form of Accounts of The Union and of The States
 - Format of keeping account
 - Individual departments should be taken in consideration
 - Some department can be in Profit, some in Loss
 - Determined by CAG

Audit Reports	<ul style="list-style-type: none"> • Article 151 : <ul style="list-style-type: none"> • The reports of the Comptroller and Auditor-General of India relating to the accounts of the Union shall be submitted to the President, who shall cause them to be laid before each House of Parliament. • The reports of the Comptroller and Auditor-General of India relating to the accounts of a State shall be submitted to the Governor of the State, who shall cause them to be laid before the Legislature of the State. • Article 279 : Calculation of net proceeds <ul style="list-style-type: none"> • Net = Taxes collected - Cost of collecting taxes • Certification finalized by CAG
Analysis	<ul style="list-style-type: none"> • The CAG's audit is not merely a mechanical check of compliance with financial regulations; it is also a performance audit that assesses whether government schemes and programs have achieved their intended objectives efficiently and economically. For example, the CAG has audited major schemes like the Mid-Day Meal Scheme, MGNREGA, and various infrastructure projects to assess their effectiveness and financial prudence. • CAG audit help in knowing the magnitude of corruption in Coal Scam, Commonwealth game scam, 2G Spectrum Scam • CAG found that during sponsorship of Olympic games by Reliance -> <ul style="list-style-type: none"> ◦ Govt gave 4 games to Reliance without increase of Sponsorship price • CAG told to add : Term can be changed on behalf of International Organisation <h2 style="text-align: center;">IOA and RIL</h2> <ul style="list-style-type: none"> • The Comptroller and Auditor General (CAG) report regarding the Indian Olympic Association (IOA) and Reliance Industries Limited (RIL) sponsorship revolves around a flawed agreement that resulted in a ₹24 crore loss to the IOA. The main issue was the failure to adjust the sponsorship amount when additional rights were granted to RIL for more sporting events without an increase in payment. • CAG found Urban local bodies which are supposed to self-sustainable : <ul style="list-style-type: none"> ◦ Were taking 69 % grants from government

Audit covering 2015 to 2020: Urban bodies lack in power, resources, finds CAG

- The Comptroller and Auditor General (CAG) has found that the urban local bodies (ULBs) in Uttar Pradesh lack powers and resources, with 68.72 per cent of their total funds coming from government grants and only 16.16 per cent generated from their own revenue.
- Out of 15 functions fully and one function partially stated to have been devolved, ULBs were solely responsible for only one function; had no role in one function; had limited role in eleven functions; were mere implementing agencies in two functions; and in respect of one function, they had a dual role with Government Departments. This defeated the purpose of the 74th Constitutional Amendment Act.
- Only one function — construction, operation, and maintenance of crematoriums and burial grounds — was fully under the control of ULBs.

Jurisdiction
Debate -
Performance
Audit

- Traditionally, the CAG's role was understood to be primarily **financial auditing**, i.e., to ensure that government accounts reflect the true financial position and that the expenditure aligns with legislative approval. However, in recent years, the CAG has increasingly undertaken **performance audits** that assess the efficiency, economy, and effectiveness of the government's spending on policies and programs.
- A **performance audit** evaluates whether government schemes and expenditures are achieving their intended objectives in a cost-effective and efficient manner. Critics argue that this could lead to the CAG commenting on **policy choices**, which might go beyond its constitutional mandate. However, there is a distinction between:
 - **Policy decisions** (which are the prerogative of the executive).
 - **Implementation of policies** (which the CAG is tasked with auditing).
- The CAG has the power to review the implementation of policies to determine if resources have been utilized in accordance with the principles of economy, efficiency, and effectiveness, but it cannot question the **merit or demerit of policy decisions themselves**.
 - In favour of Audit of Policy Implementation
 - SC -> power is drawn from DPC Act 1971 and Constitution
 - Performance audits focus on **how policies are implemented**, ensuring that government expenditure delivers **value for money**. The CAG does not comment on the **merit of policies** but can report inefficiencies, corruption, or failures in **implementation**. Supreme Court judgments have upheld the CAG's right to conduct **performance audits** as a tool for public accountability.
 - Against
 - Only role to point out

- Critics argue that the CAG might **indirectly influence policy decisions** by scrutinizing the implementation process too closely. Critics worry that the CAG may **overstep its jurisdiction** by venturing into areas that are traditionally the domain of **political decision-making** and **policy formulation**.

- Summary
- **Audit of policy implementation** does not amount to overstepping its jurisdiction as long as the CAG focuses on:
 - Transparency** in government expenditure.
 - Efficiency** in policy implementation.
 - Prevention of misuse** of public resources.
- Any audit that questions the **policy decisions** themselves would indeed be seen as **overstepping** CAG's jurisdiction. However, as long as the focus remains on **how** policies are executed and whether the objectives are achieved without wasteful expenditure, the CAG is within its rights to audit policy implementation.

This brings us to the debate on whether the CAG has the mandate to question policy, or whether his job is to merely look at compliance of systems. As policy and systems are a cause and effect construct, the outcome of policy on systems is open to question. The CAG has the wherewithal to analyse both. There is a tendency within the executive to justify action by arguing that means justify the end. If that be so, why define financial propriety and put in place a system of oversight? It is not a process that can be applied selectively. And who will define what process is ethical and what is not? In a country like India, with a sizeable and well informed middle class, having a fair and transparent audit is in the interest of credible governance. The larger question is if the role of the CAG is only one of attesting public expenditure, or if it extends to assisting those engaged in governance.

CAG and Governance	<ul style="list-style-type: none"> Governance is not just the remit of the government. In today's social milieu, it extends to a mature and active civil society, the media and citizens, who seek answers to systemic failure and lack of financial probity in government expenditure by holding governments to account. The Constitution clearly envisaged the office of the CAG as one independent of the executive to enable the CAG to exercise independent oversight on government expenditure. Consequently, the CAG plays as large a role in ensuring governance as any other administrative agency. His role could not have been envisaged by the framers of the Constitution as one of merely an accountant to the government. The auditor's role is to assess systems and performance and the value of the money spent on this. Viewing the CAG's role as adversarial is self-defeating.
1976 Changes	<ul style="list-style-type: none"> In 1976, the separation of Union government accounts from audit at the ministry level led to the creation of the civil accounts cadre. The CAG ceased to control this cadre and this was brought under the secretary (expenditure) in the ministry of finance. In some countries, there are commissions of audit. In others, like France and Mexico, there are courts of audit. The audit courts are vested with quasi-judicial and punitive powers. <ul style="list-style-type: none"> Accounts and Audit have been separated
Multi Member CAG	<ul style="list-style-type: none"> Shunlu Committee : ask for Multi Member CAG <ul style="list-style-type: none"> Multi-tasking and different expertise, improve quality

- In favour :

- A single CAG officeholder has enormous power and responsibility, making the role susceptible to individual biases or influence. A multi-member body could act as an internal check, ensuring more objective and balanced decision-making.
- More members would allow for collective deliberations, which could reduce errors and improve the quality of reports by involving multiple perspectives in decision-making.
- Different members could focus on specific sectors such as defense, infrastructure, health, and education. This would allow for more in-depth scrutiny and sectoral expertise, improving audit quality.
- With India's growing economy and complex public spending, a multi-member CAG can distribute the workload effectively, preventing delays and ensuring that large or complicated audits are completed timely.
- Having multiple members could make it harder for external political influences to sway the CAG's decisions. A panel of auditors would be more resistant to pressures than a single individual.
- Countries like Germany and France have multi-member auditing bodies (like the UK National Audit Office with a Board structure). India could benefit from similar models, where multiple auditors contribute to a robust and transparent auditing process.

- In Against

- It's not a single member body : There are already so many members in CAG
 - 6 Deputy CAG, Thousands of auditors
- Only want to clip the power of CAG
 - By creating conflicts in working

- 2 Questions

- It was mentioned by constitution maker : 1 member body : there must be a reason
- Article 368 : CAG is part of federal feature -> need state ratification for amendment

1. It was surely not through inadvertence or forgetfulness that the Constitution provided an option of a multimember Election Commission but did not do so in the case of the CAG. We must presume that this was a deliberate distinction. If so, would it be right to obliterate that distinction by an amendment?
2. The sections relating to the CAG are not specifically mentioned in Article 368(2) of the Constitution which requires ratification of amendments by not less than half the State legislatures, presumably because the Constitution-makers did not expect those provisions to be amended. However, would not any constitutional amendment affecting the institution of the CAG (who is CAG for the States as well as the Centre) require consultation with the States, even if 368(2) does not apply?

L7 Statutory Bodies : NHRC, PSC

05 February 2025 01:37 AM

NHRC	<ul style="list-style-type: none">• National Human Rights Commission NHRC• NHRC is a statutory body that protects and promotes human rights in the country.
Origin	<ul style="list-style-type: none">• Established: 1993.• Statutory Body - Protection of Human Rights Act (PHRA), 1993.• It is in conformity with the Paris Principles, adopted at the first international workshop on national institutions for the promotion and protection of human rights held in Paris in 1991, and endorsed by the General Assembly of the United Nations in 1993.• The NHRC is an embodiment of India's concern for the promotion and protection of human rights. <p>Acts Provision</p> <ol style="list-style-type: none">1. National Human Rights Commission (NHRC)2. State Human Rights Commissions (SHRC)3. Human Rights Courts
Composition	<ul style="list-style-type: none">• 2019 Amendment :<ul style="list-style-type: none">• Chairperson : who has been Chief Justice or Judge of the Supreme Court• 5 members + ex officio members<ul style="list-style-type: none">i. One: Judge of the SCii. One: Former Chief Justice of a High Court.iii. Three members: at least one will be a woman.• Chairpersons of various commissions as Members:<ul style="list-style-type: none">i. National Commission for Scheduled Castesii. National Commission for Scheduled Tribesiii. National Commission for Womeniv. National Commission for Backward Classesv. National Commission for Minoritiesvi. National Commission for the Protection of Child Rightsvii. Chief Commissioner for Persons with Disabilities
Features	<ul style="list-style-type: none">• The original Act states that the chairperson and members of the NHRC and SHRC will hold office for five years or till the age of seventy years, whichever is earlier.• The 2019 amendment reduces the term of office to three years or till the age of seventy years, whichever is earlier.• The original Act allowed for the reappointment of members of the NHRC and SHRCs for a period of five years. The 2019 amendment removes the five-year limit for reappointment.• Term : 3 years / 70 years<ul style="list-style-type: none">○ Government decide period of reappointment

Key Function	<p>1. Investigative Powers: NHRC can investigate complaints of human rights violations, either on its own or based on petitions. It can also intervene in court proceedings involving human rights issues.</p> <p>2. Advisory Role: NHRC advises the government on policy matters related to human rights and recommends measures for their effective implementation.</p> <p>3. Monitoring Mechanism: The commission monitors the implementation of human rights standards and the effectiveness of laws and constitutional safeguards.</p> <p>4. Promotional Activities: It undertakes and promotes research in the field of human rights. NHRC organizes seminars, workshops, and awareness programs to educate the public and government officials about human rights.</p> <p>5. Annual Reports: NHRC submits annual reports to the government, highlighting issues related to human rights violations and suggesting reforms.</p> <ul style="list-style-type: none"> • Suo Moto investigation • The Investigation Division functions as the investigation arm of the NHRC and it enables NHRC to verify the submissions and claims made by various organs of the States in their replies/reports sent to the Commission. The fact that any statement made or report furnished to the NHRC can be verified by the NHRC by deputing its team for an on-the-spot verification acts as a disincentive to the Government agencies including Police against sending false or unsubstantiated reports.
Positive Aspects	<ul style="list-style-type: none"> • UN Convention against Torture : India has not ratified it <ul style="list-style-type: none"> • Still we see NHRC role -> Guidelines • Fake encounters, encounters in police custody, Kill during surrendering <ul style="list-style-type: none"> ◦ Magisterial Inquiry done by CBI, not police ◦ Award given if encounter proved honest • NJHRC Portal : Transparency <ul style="list-style-type: none"> • The NHRC has created a website where it posts its Human Rights Newsletters where one can see the progress and status of one's complaint online. • Commission : Can receive complaint or investigate in its own <ul style="list-style-type: none"> • The Commission can receive complaints or investigate on its own about the "violation of human rights or abetment thereof or negligence in the prevention of human rights violations by public servants". These powers have helped the NHRC to work in preventive and penetrative ways. These powers to initiate suo motu inquiries are an important aspect of its protective functions that can be fully utilised. This is particularly relevant in those situations which involve individuals or groups belonging to the marginalised sections of society who do not have the financial or social resources to lodge individual complaints. The Commission has taken cognisance of many journalistic items, news reports and reports by foreign news agencies. It focused on some key human rights issues such as custodial deaths, fake encounters, police atrocities including torture, crude methods of laparoscopy, disappearances in the Kashmir Valley and violence against women, etc. • Child Labour : Social + Cultural + Economic Reasons

	<ul style="list-style-type: none"> The NHRC has adopted a proactive approach in the area of economic, social and cultural rights. It rejected the argument that poverty was the principle cause of and therefore justification for child prostitution and child labour. In 2000 while its annual report for 1998-99 was being tabled in Parliament, the NHRC raised the fundamental questions of equity and justice in the country and called for policies for ensuring economic and social rights.
Criticism	<ul style="list-style-type: none"> Has the NHRC in 30 years been able to expand the knowledge, capacity and understanding of a larger number of people about their rights, including the right to life, freedom of expression and assembly to speak? In this context, the effective functioning of the Commission is faced with constraints which are legal, administrative as well as financial in nature. These constraints severely handicap the Commission in dealing with human rights violations which are, at times, demanding more powers in the hands of the Commission to deal with the situation. <ul style="list-style-type: none"> Only work as post office : Forwarding complaint Jurist-judge V R Krishna Iyer called it "the biggest post office in India" (forwarding complaints to the government and its replies to complainants). NHRC Recommendation : Advisory not binding <p>Lack of Enforcement Powers:</p> <ul style="list-style-type: none"> The NHRC only has recommendatory powers. Its inability to enforce its recommendations often leads to non-compliance by public authorities. In <i>Paramjit Kaur v. State of Punjab</i> (1998), the Supreme Court highlighted that the NHRC's recommendations should carry more weight, urging authorities to treat them seriously. However, the Court did not mandate making NHRC's recommendations binding. <p>The Commission is supposed to be completely independent in its functioning, even though the Protection of Human Rights Act, (PHRA), 1993 does not say so.</p> <p>In fact, there are provisions in the Act which underscore the dependence of the Commission on the government.</p> <p>Section 11 of the Act makes it dependent on the government for its manpower requirements.</p> <p>Then there is that all-important question of finance. According to Section 32 of the Act, the central government shall pay to the Commission by way of grants such sums of money as it may consider fit.</p> <p>Thus, in respect of the two most important requirements i.e. human resources and money, the Commission is not independent.</p> <p>Delay in publication of annual reports by two or three years has been a constant problem.</p> <ul style="list-style-type: none"> Assam NRC -> Detention Centre : NRC did nothing Human rights were being violated in the detention tribunals in Assam over the National Register of Citizens and claimed that as many as 57 people committed suicide after failing to produce citizenship document

	<ul style="list-style-type: none"> • Human rights were being violated in the detention tribunals in Assam over the National Register of Citizens and claimed that as many as 57 people committed suicide after failing to produce citizenship document • Manusmriti • The NHRC's Azadi ka Amrit Mahotsav "Human Rights for All" brochure of September 2023 states: • The Manusmriti, while reflecting the social norms of its time, also outlines principles of justice, including punishment proportionate to the crime. • Toothless Tiger • In June 2016, the then Chairperson of the NHRC and former Chief Justice of India, HL Dattu, described NHRC as "a toothless tiger." • In 2017, the Supreme Court of India seemed to support Justice Dattu's remarks while dealing with the alleged extra-judicial killings of 1,528 persons in Manipur by police and armed forces. • "Considering that such a high powered body has brought out its difficulties through affidavits and written submissions filed in this Court, we have no doubt that it has been most unfortunately reduced to a toothless tiger. We are of the clear opinion that any request made by the NHRC in this regard must be expeditiously and favourably respected and considered by the Union of India otherwise it would become impossible for the NHRC to function effectively and would also invite avoidable criticism regarding respect for human rights in our country," the SC had observed.
GANHRI	<ul style="list-style-type: none"> • Global Alliance of National Human Rights Institution <ul style="list-style-type: none"> • Power to give rating of NHRC around the world • NHRC : 1999 : A • 2023 : Deferred : because of problems • 2024 : Deferred : Because of problems <p>How free and fair is India's National Human Rights Commission? The question is under international review, in a process governed by the U.N.-recognised Global Alliance of National Human Rights Institutions (GANHRI).</p> <p>NHRC has held an 'A rating' since 1999; it was due for re-accreditation by the Geneva-based body in 2023. In May, 2024, GANHRI deferred NHRC's accreditation for the second year in a row. The concerns of the Sub-Committee for Accreditation (SCA) have carried over through the years:</p> <ol style="list-style-type: none"> i. the composition of the human rights body lacks diversity, ii. it has an opaque appointment process, fails to cooperate with civil society, involves police personnel in investigations creating "conflict(s) of interest," iii. and is unable to respond to escalating human rights violations. <p>Experts and human rights bodies such as Amnesty International have expressed fears that the NHRC has been reduced to an ornamental body, imperilling the fate of Indian democracy.</p>

	<ul style="list-style-type: none"> The GANHRI unites 120 National Human Rights Institutions globally. The SCA consists of sixteen 'A' status NHRIs, four from each region in the Americas, Europe, Africa, and the Asia-Pacific. The body is responsible for reviewing and accrediting NHRIs in compliance with the Paris Principles adopted in 1993. The review process is conducted by the Sub-Committee for Accreditation (SCA) every five years. The SCA, as well as the U.N. Human Rights Office of the High Commissioner (OHCHR), the U.N. Development Programme (UNDP), international and regional organisations, and civil society members, collectively review the NHRIs' performance. The NHRI has to apply for re-accreditation every five years, or if a change in its function affects its compliance with the Paris Principles. The NHRC was established in 1993, and was accredited for the first time in 1999. It got 'A' rank in 2006, and retained it in 2011. In 2016, accreditation was deferred due to reasons that included the appointment of political representatives, and the failure to ensure gender balance and pluralism in NHRC staff, but the SCA ultimately gave NHRC 'A' status in 2017. In 2023, the SCA withheld India's accreditation again, and gave reasons for it including a lack of transparency in NHRC appointments, conflict of interest caused by the appointment of police to oversee investigations, and no minority or female representation on the panel.
Paris Principle	<ul style="list-style-type: none"> The Paris Principles lay down six main criteria to determine which NHRIs are functioning effectively, and would receive accreditation from GANHRI. They are: <ul style="list-style-type: none"> (i) broad mandate based on universal human rights norms and standards; (ii) autonomy from the government; (iii) independence guaranteed by the statute or Constitution; (iv) pluralism, including membership that broadly reflects their society; (v) adequate resources; and (vi) adequate powers of investigation.
NHRC Reforms needed	<ul style="list-style-type: none"> There needs to be a robust collaboration between the NHRC and civil society. The NHRC can give such groups effective channels to make their claims. The NHRC requires independent inputs from civil society in order to be effective and accessible. One scholar has called such groups "receptors and transmitters in the cycle of human rights activity (as) they endeavour to implement international norms in practice while simultaneously filtering information from civil society back to the state..." Although the NHRC organises consultations with NGOs, it needs to be far more proactive and independent in its collaboration with civil society. <ul style="list-style-type: none"> Amendment -> to make appointment transparent Restore terms of office

CIVIL SERVICES	<ul style="list-style-type: none"> Police services, Central services, State services, All India Services Excluding army
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Article 315: Public Service Commissions for the Union and for the States.

1. Public Service Commission for the Union and a Public Service Commission for each State.
2. Two or more States may agree that there shall be one Public Service Commission for that group of States, and if a resolution to that effect is passed by the House or, where there are two Houses, by each House of the Legislature of each of those States, **Parliament** may by law provide for the appointment of a **Joint State Public Service Commission** to serve the needs of those States.
3. The Public Service Commission for the Union, if requested so to do by the Governor of a State, may, with the approval of the President, agree to serve all or any of the needs of the State.

Article 316: Appointment and term of office of members.

- The Chairman and other members of a Public Service Commission shall be appointed, in the case of the Union Commission or a Joint Commission, by the President, and in the case of a State Commission, by the Governor of the State:
 - Provided that as nearly as may be one-half of the members of every Public Service Commission shall be persons who have held office for at least ten years either under the Government of India or under the Government of a State.
 - Chairman and member appointment
 - UPSC : President
 - SPSC : Governor
 - Joint PSC : President
 - Term : 6 years / 65 age
1. A member of a Public Service Commission shall hold office for a term of six years from the date on which he enters upon his office or until he attains, in the case of the Union Commission, the age of sixty-five years, and in the case of a State Commission or a Joint Commission, the age of sixty-two years, whichever is earlier.
 2. A member of a Public Service Commission may resign from his office.
 3. A person who holds office as a member of a Public Service Commission shall, on the expiration of his term of office, be ineligible for reappointment to that office.
- Removal : Article 317

Chairman or any other member of a Public Service Commission shall only be removed from his office by order of the President on the ground of misbehaviour after the Supreme Court, on reference being made to it by the President, has, on inquiry held, reported that the Chairman or such other member, as the case may be, ought on any such ground to be removed.

- 1.The President may by order remove from office the Chairman or any other member of a Public Service Commission if the Chairman or such other member, as the case may be,—
1. is adjudged an insolvent; or
 2. engages during his term of office in any paid employment outside the duties of his office; or
 3. is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body.
- 2.If the Chairman or any other member of a Public Service Commission is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall be deemed to be guilty of misbehaviour.

• Regulation : Article 318

- In the case of the Union Commission or a Joint Commission, the President and, in the case of a State Commission, the Governor of the State may by regulations—
 - determine the number of members of the Commission and their conditions of service; and
 - make provision with respect to the number of members of the staff of the Commission and their conditions of service;
- Provided that the conditions of service of a member of a Public Service Commission shall not be varied to his disadvantage after his appointment.

• History of Service : Article 319

- On ceasing to hold office—
 - a. the Chairman of the Union Public Service Commission shall be ineligible for further employment either under the Government of India or under the Government of a State;
 - b. the Chairman of a State Public Service Commission shall be eligible for appointment as the Chairman or any other member of the Union Public Service Commission or as the Chairman of any other State Public Service Commission, but not for any other employment either under the Government of India or under the Government of a State;
 - c. a member other than the Chairman of the Union Public Service Commission shall be eligible for appointment as the Chairman of the Union Public Service Commission or as the Chairman of a State Public Service Commission, but not for any other employment either under the Government of India or under the Government of a State;
 - d. a member other than the Chairman of a State Public Service Commission shall be eligible for appointment as the Chairman or any other member of the Union Public Service Commission or as the Chairman of that or any other State Public Service Commission, but not for any other employment either under the Government of India or under the Government of a State.

Role of PSC	a.on all matters relating to methods of recruitment to civil services and for civil posts; b.on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers; c.on all disciplinary matters affecting a person serving under the Government of India or the Government of a State in a civil capacity, including memorials or petitions relating to such matters; d.on any claim by or in respect of a person who is serving or has served under the Government of India or the Government of a State or under the Crown in India or under the Government of an Indian State, in a civil capacity, that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the Consolidated Fund of India, or, as the case may be, out of the Consolidated Fund of the State; e.on any claim for the award of a pension in respect of injuries sustained by a person while serving under the Government of India or the Government of a State or under the Crown in India or under the Government of an Indian State, in a civil capacity, and any question as to the amount of any such award, <ul style="list-style-type: none"> • Conduct free and fair exams : UPSC, SPSC • Removal and dismissal • Expenses : on Consolidated Fund of India
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- The expenses of the Union or a State Public Service Commission, including any salaries, allowances and pensions payable to or in respect of the members or staff of the Commission, shall be charged on the Consolidated Fund of India or, as the case may be, the Consolidated Fund of the State.

L9 All India Service

06 February 2025 12:23 PM

All India Service	<ul style="list-style-type: none">"The Union will go, you will not have a united India if you do not have a good All India Service which has independence to speak out its mind, which has a sense of security... The All India Services play their part not in running the administration but in maintaining the structure of the administration." – Sardar Patel.The establishment of All India Services would create a class of bureaucrats whose loyalty would be to the Centre, not to the states, which would undermine the spirit of federalism." – KT Shah.
Rationale of IAS	<ul style="list-style-type: none">National Integration<ul style="list-style-type: none">IAS from Kerala working in PunjabCo-operative federalism<ul style="list-style-type: none">Cooperation between centre and statesRepository of talentPresident's RuleIndependenceAdministrative Uniformity: All India Services were meant to maintain a uniform standard of administration across the country, especially in areas like law enforcement, revenue collection, and public service delivery. This would help ensure that policies formulated at the national level could be effectively implemented in states.
Role of Civil Services	<ul style="list-style-type: none">Brains behind the policy, They decide how it will happenPolicies cooked and conceptualised by Civil Services<ul style="list-style-type: none">But work under anonymously -> credit of scheme goes to politicianNeed to be neutralImplementing policies.Acting as a bridge between the political executive and the citizens.Maintaining law and order.Protective Function :

	<ul style="list-style-type: none"> • They protect the life and property of the people by maintaining law and order. The survival and progress of human beings depend on the proper enforcement of laws against law breakers. • Facilitative Services: Transport, communication, supply of electricity/water. • Management of Public Enterprises: Including controls over private economic and business activities. • Development Function : <ul style="list-style-type: none"> • No part untouched • Drinking water, Sanitation, roads, Education, eliminating poverty • Assisting ministers. • Particularly important in developing societies. • Facilitating democracy.
Doctrine of Pleasure	<ul style="list-style-type: none"> • Article 310 <ul style="list-style-type: none"> • Every person who is a member of a defence service or of a civil service of the Union or of an all-India service or holds any post connected with defence or any civil post under the Union, holds office during the pleasure of the President, • Every person who is a member of a civil service of a State or holds any civil post under a State holds office during the pleasure of the Governor of the State.
Constitutional protection	<ul style="list-style-type: none"> • Article 311 <ul style="list-style-type: none"> • No person who is a member of a civil service of the Union or an all India service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by a authority subordinate to that by which he was appointed. • No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges; • Provided that where it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed. • Exception case no inquiry could be done

	<ul style="list-style-type: none"> • Provided further that this clause shall not apply - <p>a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or</p> <p>b) where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry; or</p> <p>c) where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State, it is not expedient to hold such inquiry.</p> <p>If, in respect of any such person as aforesaid, a question arises whether it is reasonably practicable to hold such inquiry as is referred to in clause (2), the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank shall be final.</p>
Creation New All India Services	<ul style="list-style-type: none"> • Article 312 <ul style="list-style-type: none"> • If the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest so to do, Parliament may by law provide for the creation of one or more all-India services (including an all-India judicial service) common to the Union and the States. • The services known at the commencement of this Constitution as the Indian Administrative Service and the Indian Police Service shall be deemed to be services created by Parliament under this article. • The all-India judicial service shall not include any post inferior to that of a district judge.
Criticism	<ul style="list-style-type: none"> • Hang-over of the Past : Too much power given • Against Federalism : Centre controlled and influenced by centre • Unequal Representation : People from Bihar and UP have undue representation • Demoralises State Services • Sons of the Soil • Hyman Rickover, "If you are going to sin, sin against God, not the bureaucracy. God will forgive you, but the bureaucracy won't." • Content to resistant to change
2ns ARC report	<ul style="list-style-type: none"> • ARC : Administrative Services reform Committee <ul style="list-style-type: none"> • Civil Service in India is more concerned with the internal process than with results. • Over centralisation. • Resists change. • Changes example : <ul style="list-style-type: none"> • Every Govt servant should undergo a mandatory training at the induction stage and also periodically during her career. Successful completion of these trainings should be a minimum necessary condition for subsequent promotions. • Public Servants should be encouraged to obtain higher academic qualifications and to write papers for reputed and authoritative journals. • The composition of training institutes should be broadened to induct eminent experts. • A National Institute of Good Governance may be set up which would identify, document, disseminate best practices and also conduct training programmes.

	<ul style="list-style-type: none"> • Bureaucrats want to work as Private Secretary to the Union Minister <ul style="list-style-type: none"> • Which is lower position • Just to earn illicit money
Lateral Entry	<ul style="list-style-type: none"> • Lateral Entry : <ul style="list-style-type: none"> • Experts in Medical, Law, HR, Technology • Specialisation of Branch -> to perform better • But not implemented as bureaucrats are reluctant to changes • Even in the days of the ICS, officers could select a branch of governance after a period of services, such as the social sector or economics, so that they could specialise and perform better. That practice has since been abolished. • The government had earlier tried this experiment by establishing the Industrial Management Pool [IMP] in 1959. The IMP envisaged hiring talent from the private sector to man high and mid-level managerial posts. But the attempt failed. After just one hiring in 1959, the IMP came to a formal end in 1973. • The Constitution Review Commission (2002), the Second Administrative Reforms Commission (2008), and the NITI Aayog's 3 Year Action Agenda (2017) have all suggested domain specialization instead of generalized competence, looking at the rising complexity of modern-day policymaking. • Experts from fields like finance, infrastructure, and technology bring technical know-how, which traditional generalist civil servants may lack. • The NITI Aayog (Three-Year Action Agenda, 2017) recommended lateral entry to fill gaps in knowledge and skills, especially in rapidly changing sectors like IT and finance. • Lateral entrants can bring new ideas and work practices from the private sector, helping to modernize and improve the functioning of the government. • Economists like Bibek Debroy have argued that lateral entry can infuse fresh thinking, enhance innovation, and drive performance in bureaucratic processes. <ul style="list-style-type: none"> • Central Shortage : Deputation issues from State <ul style="list-style-type: none"> • There is a shortage of officers at senior levels of administration due to various factors like retirements, deputations, etc. • The Second Administrative Reforms Commission (ARC), 2005, highlighted that many positions in the government remain vacant, and lateral entry could fill these positions more efficiently. • Shashi Tharoor: Lateral entry can bring foreign language skills into MEA, archeologists to fill vacancies in ASI, HR professionals into DoPT. • Countries like the UK, USA, and Singapore regularly bring in specialists from outside government service to manage complex portfolios. • Issue with Lateral Entry <ul style="list-style-type: none"> • Lateral entrants may lack the neutrality that career bureaucrats

- Lateral entrants may lack the neutrality that career bureaucrats possess, having worked outside the governmental framework, making them susceptible to political pressures.
- Sixty three per cent of UPSC Civil Services Exam Mains candidates between the years 2017-2021 were engineering graduates.
- The word “domain” here is synonymous with “technical”, meaning that the IAS needs technically qualified people from the outside. Not true. It already has enough. In the 2017 batch itself out of the 264 selected, 118 (44.69 per cent) are from an engineering background: if one adds on the doctors, IT graduates, etc, the percentage comes closer to 50. Among the 20 toppers in this batch, 19 are engineers and one is a doctor! There is enough technical expertise in the IAS.
- Secondly, the “domain” argument is misleading sophistry and betrays a complete lack of understanding of what the role of a permanent civil service in a democracy should be. The civil servant is not required to be a technical expert. He stands at the point where technology intersects with the development needs of the common man, which can vary from village to village.
- The civil servant’s role is that of the synthesiser—to assimilate a technology or idea, adapt it to the local context, and then extend it to the hundreds of millions, making mid-course corrections wherever required. The limited, one-dimensional vision that technocrats have would make them unsuitable for this role.
- In a government nothing is purely technical. Take, for instance, the construction of a dam, which the proponents of lateral entry would regard as a job for a domain (engineering) expert. It is much, much more for it involves areas an engineer would have no clue about: acquisition of land, resettlement and rehabilitation of oustees, diversion of forest areas, preparation of environmental impact and social impact assessments, formulation and implementation of environmental management plans, financial closure for the project, negotiating PPPs with the buyers, etc.
- On an average he spends the first 10 years of his career in “the field”, getting to know the dynamics of the actual workings of the government at the village, panchayat and district levels. This is an invaluable input for him when he moves on to the Secretariat or Delhi to a policy-making level. A lateral entry recruit would completely lack this experience.
- It will give it the freedom to appoint loyalists, fellow travellers, favourites and ideological compatibles. But these birds of passage will have no stakes in the service. In one generation there shall be no permanent civil service left.
- Conclusion :
 - An IAS officer is a domain expert in the most difficult and complex of all domains—public administration, which is a witch’s brew of policies, demographics, politics, social imperatives, religion, law and order. He is an expert at balancing all these, sometimes contradictory elements, and still moves the nation forward. A private sector whiz kid, whose only focus has been maximising of profit, can never get the balance right.

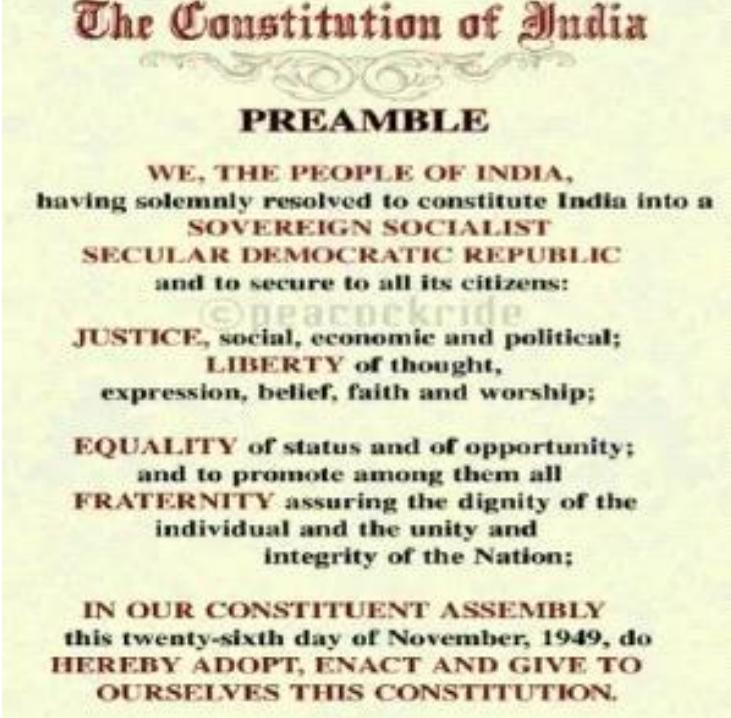
Reforms for Civil Services	<ol style="list-style-type: none"> The central and state governments should pass and implement pending legislation that protects bureaucrats against politically motivated transfers and postings. Despite judicial prodding, most states have stalled on such moves. The IAS should use data on civil servants' abilities, education, and training when placing officers early in their careers. As officers gain experience, performance metrics can inform key decisions about promotion and allocation. The government should consider the proposal that officers deemed unfit for further service at certain career benchmarks be compulsorily retired through a transparent and uniform system of performance review. While the present government has moved in this direction, this procedure should be institutionalized. State and central governments should discuss whether state cadres should be given greater latitude to experiment with increasing the proportion of local IAS officers and track their relative performance. Further research is needed to better understand the impact of local officers on development outcomes, to develop data on bureaucratic efficiency among officers in senior posts, and to systematically examine the workings of state-level bureaucracies.
Conclusions	<ul style="list-style-type: none"> Ralph Waldo Emerson said "the only person you are destined to become is the person you decide to be." The destiny of civil servants is in the conduct of its own brethren. Unless we steadfastly return to the old edicts of professionalism, anonymity, integrity and neutrality, the evanescent goodwill will be completely eroded. The need of the hour is silent hard work. One should leave the system unheard, unsung and unwept and while in the system one should be free, fair and frank. 'Pogo' quotation: "we have met the enemy and he is us." The civil servants we wish 'to be or not to be' are within us.
TSR Case	<ul style="list-style-type: none"> Civil service board <ul style="list-style-type: none"> For controlling Posting, tenure, transfers etc <p style="text-align: center;">TSR Subramaniam v Union of India (2013)</p> <ul style="list-style-type: none"> Bench asked the Parliament to create a Civil Services Act that would establish a CSB (Civil Service Body) and provide direction and advice to the political administration about transfers and postings, disciplinary actions, etc. The Supreme Court also ruled that civil servants must only abide by written orders/instructions from superiors.
Mission Karmayogi	<p style="text-align: center;">Mission Karmayogi - The National Programme for Civil Services Capacity Building</p> <ul style="list-style-type: none"> Launched 2020. Under the Ministry of Personnel, Public Grievances, and Pensions. Capacity-building scheme for civil servants aimed at upgrading the post-recruitment training mechanism of the officers and employees at all levels.

- Mission Karmayogi programme - delivered by setting up a digital platform called iGOTKarmayogi.
- To cover around 46 lakh central employees, a sum of Rs 510.86 crore will be spent over a period of 5 years from 2020-21 to 2024-25. The expenditure is partly funded by multilateral assistance to the tune of \$50 million.
- Drawing its philosophical roots from the ancient wisdom of the Bhagavad Gita and particularly its principle of "**Yogah Karmasu Kaushalam**" — the art of achieving perfection and efficiency in action.
- This guiding philosophy marks a paradigm shift from traditional rule-based governance to a more dynamic, role-based approach, aiming at a holistic transformation within the civil services by instilling a culture that emphasizes core competencies such as ethics, equity, and efficiency.
- Bhagavad Gita's teaching, "Karmanye Vadhikaraste, Ma Phaleshu Kadachana," which means one has the right to work, but not to the fruits of work, is a cornerstone of this initiative, encouraging civil servants to focus on their responsibilities with excellence, whilst maintaining detachment from the results of their actions.
- **Leadership and Team Management:** Civil servants are trained in leadership qualities, team management, and decision-making, which are crucial for managing large government departments and projects. For example, an IAS officer leading a district administration would be taught crisis management and resource allocation during emergencies like natural disasters.
- **Ethical Governance:** Courses on ethics, integrity, and public accountability are designed to strengthen the moral compass of civil servants. This training is critical for officers who handle public resources or who are in positions where they could influence policy or public decisions.
- **Data Analytics and Digital Governance:** With an increasing focus on digital governance, civil servants are trained in using data for decision-making and delivering services efficiently through digital platforms. For instance, an officer in charge of implementing welfare schemes might learn how to use data analytics to monitor the progress of schemes and identify gaps in service delivery.
- **Financial Management:** Civil servants responsible for budgets, public procurement, and financial oversight receive training on managing public finances, implementing government policies within budgetary constraints, and ensuring compliance with financial regulations.

- **Project Management:** Officers are taught project planning, execution, and evaluation skills, which are essential for managing infrastructure projects or social programs. For example, a municipal commissioner may need to oversee the construction of urban infrastructure projects and ensure their timely completion.
 - **Soft Skills and Emotional Intelligence:** Training also focuses on communication, emotional intelligence, and conflict resolution to help officers interact better with citizens, politicians, and their colleagues. This can be particularly useful for officers who mediate disputes or engage in public outreach.
- The department of personnel and training (DoPT) laid the foundation for Mission Karmayogi in 2018 when it launched the innovative Integrated Government Online Training (iGOT) platform to offer online training courses from leading global institutions to officers. Among the courses available on the iGOT platform is the MITx MicroMasters credential in Data, Economics, and Development Policy, an online course through which faculty from MIT have trained scores of government officers to incorporate cutting-edge economics research into the design, evaluation, and scale-up of social programs. The expanded iGOT-Karmayogi platform will provide officers the opportunity to select courses that best suit the skills required in their current role, and study at their convenience. For example, secretaries can take short custom courses on cutting edge practices in their sector, while section officers in their ministries can hone their management skills.

L10 Constitutional Comparison

06 February 2025 09:44 PM

Constitutional Comparison	<ul style="list-style-type: none">Comparison of the Indian constitutional scheme with that of other countries.<ul style="list-style-type: none">US : Oldest DemocracyUK : Parliament Democracy rootsFrance : Strong challenge to Secular
Preamble of Indian Constitution	 The image shows the Preamble of the Constitution of India. It is framed by a decorative border. The text is in a serif font, with some words in bold. The preamble reads: <p>WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens: JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity; and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation; IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.</p>

Socialism	<ul style="list-style-type: none">The idea of a socialist state stems from the broader notion of state socialism, the political perspective that the working class needs to use state power and government policy to establish a socialised economic system.The term can vary in its use from meaning a political system to adopting terms of a welfare state.
India Socialism	<ul style="list-style-type: none">Eradicate inequalities : using democracyIndian Socialism : Democratic Socialism<ul style="list-style-type: none">Indian socialism is rooted in democratic principles. It blends state intervention with the protection of individual rights and a market economy. Indian socialism stems from its colonial past and leaders like Jawaharlal Nehru and B.R. Ambedkar, who sought to uplift the socio-economically marginalized through state intervention while maintaining democracy.The Indian Constitution declares the country as a sovereign, socialist, secular, democratic republic. This form of socialism is meant to be inclusive and non-totalitarian.Distribution of wealth

	<ul style="list-style-type: none"> • B.R. Ambedkar saw socialism as essential to achieving equality, particularly focusing on Dalit empowerment and land reforms. However, he insisted it must operate within democratic and constitutional limits. • Jawaharlal Nehru, the first Prime Minister of India, advocated for a mixed economy where public and private sectors coexisted but with the state controlling key sectors like infrastructure and energy. <p>• Cases :</p> <ol style="list-style-type: none"> 7. Kesavananda Bharati v. State of Kerala (1973): The Supreme Court of India ruled that the basic structure of the Constitution, which includes socialism, cannot be altered. This decision safeguarded India's democratic socialism. • Minerva Mills v. Union of India (1980): The court held that India's socialist character must balance both socio-economic development and protection of individual rights. • D.S. Nakara v/s Union of India (1983): Indicates the incorporation of the philosophy of 'socialism'; which aims at elimination of inequality in income and status and standards of life. <p>• Policies for Socialist State</p> <ul style="list-style-type: none"> • India's welfare schemes like the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) reflect socialist ideals by ensuring employment for rural workers. • Health Insurance. • Universal Basic Income.
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China Socialism	<ul style="list-style-type: none"> • Chinese Socialism <ul style="list-style-type: none"> ◦ State (Communist Part) control everything ◦ But with Capitalism (Profit driven mind) • China's socialism is rooted in Marxism-Leninism, shaped by Mao Zedong's leadership and more recently by Deng Xiaoping's reforms. It prioritizes a single-party rule, centralized economic planning, and state ownership of critical resources. • However, post-1978, China embraced market socialism where the state retained control over strategic sectors, while encouraging capitalist practices. • Mao Zedong was a strong advocate of a peasant-led revolution, rejecting bourgeois democratic ideas in favor of a dictatorship of the proletariat. • Deng Xiaoping introduced reforms that opened up China to global markets, coining the phrase, "Socialism with Chinese characteristics," allowing for limited capitalism under strict party control. • Belt and Road Initiative (BRI): A global infrastructure project reflecting China's attempt to reshape global economic order, blending socialist ideals of state control with capitalist-driven global trade. • State-Owned Enterprises (SOEs): Despite market reforms, major sectors like banking, energy, and telecommunications remain under state control, reflecting China's unique socialist model. • Crackdown on Ed-Tech and Alibaba led by Jack Ma.
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Russia Socialism	<ul style="list-style-type: none"> • Oligarchic Capitalism : Some individual control everything • Leaving some sectors socialist like healthcare • Soviet socialism, developed under Lenin and Stalin, was highly centralized, focusing on state control over all means of production. The Soviet Union was a one-party state with an economy based on central
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	<ul style="list-style-type: none"> • Soviet socialism, developed under Lenin and Stalin, was highly centralized, focusing on state control over all means of production. The Soviet Union was a one-party state with an economy based on central planning, which lasted until its dissolution in 1991. • Post-1991 Russia, under Boris Yeltsin and later Vladimir Putin, transitioned to an oligarchic capitalism but retained some socialist legacies, particularly in welfare, healthcare, and education. • Vladimir Lenin advocated for a dictatorship of the proletariat and a complete abolition of capitalism, but post-Soviet intellectuals like Gorbachev argued for perestroika (restructuring) and glasnost (openness) to blend socialism with market reforms. • Russia's Welfare System: Though reduced post-Soviet era, Russia maintains socialist-inspired universal healthcare and pension systems. • Nationalization of Key Industries: Under Putin, certain industries like oil (Gazprom, Rosneft) are controlled by the state, reflecting remnants of socialist economic policy.
Cuba and Venezuela Socialism	<ul style="list-style-type: none"> • Rules by one leader • Petrostate : economy is dependent on the extraction and export of oil or natural gas <ul style="list-style-type: none"> • Latin American socialism, especially in countries like Cuba and Venezuela, is inspired by Marxism-Leninism but is also shaped by anti-imperialism, particularly anti-U.S. sentiment. • Both countries have had long-standing single-party or strongman rule under socialist banners. • Cuba is a Marxist-Leninist state, with state control of all industries and minimal private enterprise. Venezuela, under Hugo Chávez and Nicolás Maduro, adopted 21st-century socialism, blending Marxism with populism and resource nationalism. • Che Guevara and Fidel Castro were proponents of a revolutionary socialism that opposed U.S. influence and promoted state-led economies. • In recent years, intellectuals like Noam Chomsky have supported Venezuela's anti- <ul style="list-style-type: none"> • Anti US Policy • Cuban Healthcare System: Seen as a socialist success, offering universal healthcare despite economic hardships. • Venezuelan Economic Crisis: The country's over-reliance on oil nationalization and populist spending led to hyperinflation and economic collapse, questioning the sustainability of its socialist model.
Comparison	<ul style="list-style-type: none"> • India adopts a democratic socialism, blending state control with capitalism and constitutionalism, maintaining a balance between individual rights and state welfare. • China has embraced state-controlled capitalism under the banner of socialism, allowing market reforms while maintaining political authoritarianism. • Russia moved from authoritarian socialism to oligarchic capitalism, retaining some socialist legacies in its welfare programs and state-controlled industries. • Cuba and Venezuela continue to hold onto state-centric socialism, but with varying degrees of success—Cuba maintaining stability but stagnation, while Venezuela faces severe economic challenges.

Secularism	<ul style="list-style-type: none"> Separate Religion and State : Mutual Exclusion <ul style="list-style-type: none"> The term 'mutual exclusion' means this: both religion and state must stay away from the internal affairs of one another. The state must not intervene in the domain of religion; religion likewise should not dictate state policy or influence the conduct of the state. In other words, mutual exclusion means that religion and state must be strictly separated.
Indian Secularism	<ul style="list-style-type: none"> We don't follow Mutual Exclusion -> Principled Distance Sarva Dharma Sambhava : Equal respect to all religion <ul style="list-style-type: none"> Principled distance, a rather complex idea that allows the state to be distant from all religions so that it can intervene or abstain from interference, depending upon which of these two would better promote liberty, equality and social justice. India practices positive secularism, which means the state actively engages with all religions to ensure equality while maintaining a distance from endorsing any one religion. The Indian model promotes sarva dharma sambhava (equal respect for all religions), making it unique compared to Western models of strict separation. BR Ambedkar : Every religion should believe in constitutional morality <ul style="list-style-type: none"> Jawaharlal Nehru, India's first Prime Minister, believed in a pluralistic and inclusive secularism that allowed the state to engage with religious institutions while ensuring they did not influence public policy. B.R. Ambedkar, the architect of the Indian Constitution, was a strong advocate of secularism but warned against the state being swayed by religious majorities. His famous quote, "I like the religion that teaches liberty, equality, and fraternity," emphasizes the need for religion to uphold constitutional values. S R Bommai (1994) -> Secularism is Basic Structure Essential Religious Practices doctrine. -> Judiciary deciding essential and non-essential Problems in India <ul style="list-style-type: none"> UCC : Personal law for religion oppose secularism Terrorism. : Minority lynching Mob lynching and Cow vigilanism Minority appeasement and majority religion dominance : State event of Ram mandir
USA Secularism	<ul style="list-style-type: none"> Establishment clause : State cannot Establish / Support religion Free exercise Clause : State protect free exercise of religion <ul style="list-style-type: none"> The United States follows the separationist model of secularism, where there is a clear division between church and state. The First Amendment to the U.S. Constitution prohibits the establishment of religion (Establishment Clause) and protects the free exercise of religion (Free Exercise Clause). Thomas Jefferson famously referred to the Establishment Clause as a "wall of separation between church and state." This has been a foundational idea for U.S. secularism, which aims to prevent the government from endorsing or supporting any religion. John Locke, an Enlightenment philosopher, influenced U.S. secularism with his ideas of religious tolerance, arguing that civil government should not have authority over the soul and should focus on worldly matters. Cases :

• **Engel v. Vitale (1962)**

Issue: Whether the recitation of a state-written prayer in public schools violated the Establishment Clause.

Ruling: In a 6-1 decision, the Court ruled that school-sponsored prayer in public schools is unconstitutional.

Significance: This ruling was one of the most significant steps in reinforcing secularism in public education. The decision emphasized that government should not be in the business of composing or endorsing religious practices in public institutions, including schools. It set a precedent that religious activities in public schools must be voluntary and not initiated by the state.

• **Santa Fe Independent School District v. Doe (2000)**

Whether student-led prayer before high school football games violated the Establishment Clause.

The Court ruled 6-3 that even student-led, student-initiated prayers at public school events are unconstitutional if they are perceived as endorsed by the school.

This ruling clarified that public schools cannot allow religious practices to be intertwined with school-sponsored activities, even if led by students, as it creates the appearance of school endorsement of religion.

• **Masterpiece Cakeshop v. Colorado Civil Rights Commission (2018)**

Whether a baker could refuse to make a wedding cake for a same-sex couple based on religious objections.

Ruling: The Court ruled 7-2 in favor of the baker, finding that the Colorado Civil Rights Commission had shown hostility to the baker's religious beliefs, violating the Free Exercise Clause.

- The overturning of *Roe v. Wade* did not explicitly invoke religious doctrine in the legal opinion, but it did reflect a conservative judicial philosophy that many critics argue aligns with certain religious and moral perspectives. The majority decision in *Dobbs* stated that the U.S. Constitution does not confer a right to abortion, leaving the matter to the states to regulate or ban. This decision relies on a **strict interpretation** of the Constitution, arguing that abortion rights were not "deeply rooted in the nation's history and traditions."
- While the decision itself does not directly cite religious arguments, many of the groups and individuals pushing for the reversal of *Roe v. Wade* are motivated by religious beliefs, particularly within conservative Christian circles. Critics of the *Dobbs* decision argue that it represents a growing influence of religious conservatism in shaping public policy, particularly regarding reproductive rights.
- The U.S. remains a secular state by constitutional design, but the *Dobbs* ruling highlights the complexity of how secularism interacts with a pluralistic society where religious beliefs can strongly influence political and legal movements. As states regain control over abortion laws, the country now reflects a patchwork of laws, with some states imposing strict religiously-influenced restrictions, while others maintain more secular approaches to reproductive rights.

France Secularism	<ul style="list-style-type: none">• Strict Separation in Church and State• Practice religion only in home, not in public spaces• No Religious symbol in the public -> No exposure or advertisement of religion<ul style="list-style-type: none">• France practices laïcité, which emphasizes a strict separation between religion and the state. The state is entirely neutral, and religion is seen as a private matter. This form of secularism dates back to the French Revolution and was formalized by the 1905 law that separated the church and the state
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- France practices **laïcité**, which emphasizes a strict separation between religion and the state. The state is entirely neutral, and religion is seen as a private matter. This form of secularism dates back to the **French Revolution** and was formalized by the **1905 law** that separated the Church and the state.
- **Émile Durkheim**, a French sociologist, argued that secularism in France was crucial for national unity. He believed that removing religion from public life allowed for a more cohesive society.
- **Jean-Jacques Rousseau** also contributed to French secular thought, arguing that a civic religion, aligned with the state's values, was necessary to maintain social order.
- **Strict Separation of Church and State:** The state is prohibited from recognizing, endorsing, or funding any religion. Religious institutions are entirely separate from the government.
- **Neutral Public Space:** Religion is confined to the private sphere, meaning that in public institutions like schools, government buildings, and public offices, overt religious symbols and practices are discouraged or outright banned.
- **Equal Treatment of All Religions:** In theory, no religion should be favored or discriminated against, and citizens are free to practice any religion, provided it doesn't interfere with public order or violate laws.
- **Religious Freedom:** While the state is secular, individuals have the right to believe, practice, or not practice a religion. The French Constitution guarantees **freedom of religion**, but there are strict rules regulating the public display of religious identity.
- **The French Constitutional Council** consistently upholds laws that enforce secularism, such as the **2010 ban on full-face coverings (burqa ban)** in public, arguing that it upholds the principles of laïcité and gender equality.
- **Ban on Religious Symbols in Schools:** In 2004, France passed a law banning the wearing of "conspicuous" religious symbols, such as hijabs, in public schools. This policy is seen as a defense of laïcité but has been criticized for disproportionately targeting Muslims.
- **Charlie Hebdo and Blasphemy:** The **Charlie Hebdo attacks** in 2015 brought France's secular values into sharp focus. While the state defended freedom of expression, including the right to mock religion, many in the Muslim community saw it as an attack on their faith.
- In France, secularism is not about denying religious freedom but about keeping religion separate from the public sphere, especially in state institutions. Individuals can practice their religion freely in private, religious institutions, and non-governmental public spaces. However, the state imposes strict limits on religious expressions in public institutions, particularly in education and government offices. While this model of laïcité is designed to ensure neutrality and equality, it continues to generate debates, especially regarding the treatment of religious minorities, most notably Muslims.

China Secularism	<ul style="list-style-type: none"> • State Control Everything • China practices state-controlled secularism, where the officially atheist Communist Party maintains strict control over religious institutions. While the state guarantees freedom of religion in principle, it heavily regulates religious practice and promotes atheism as part of its political ideology.
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	<ul style="list-style-type: none"> • Karl Marx's views on religion, particularly his famous quote "Religion is the opium of the people," have deeply influenced China's approach to secularism. The Communist Party sees religion as a potential threat to state control, particularly in regions with strong religious identities like Tibet and Xinjiang. • Mao Zedong and subsequent Chinese leaders viewed religion as a tool of feudalism and colonialism, something that needed to be controlled to ensure loyalty to the Communist state.
Comparison	<ul style="list-style-type: none"> • India's secularism is positive and inclusive, allowing for state intervention in religious matters to ensure equality. However, religious polarization and majoritarianism pose challenges. • The U.S. emphasizes the strict separation of church and state, yet faces tensions with religious exemptions and rising Christian nationalism. • France enforces laïcité with a strict exclusion of religion from public life, but struggles with accusations of Islamophobia and the alienation of minority groups. • China enforces a state-controlled secularism where religion is heavily regulated and subordinated to the interests of the Communist Party, with severe restrictions on religious freedom, especially for minorities.

Sovereignty	<ul style="list-style-type: none"> • Sovereignty is the supreme authority of a state, • which includes the power to make laws and use force within its borders. • It also refers to a state's external autonomy.
Indian Sovereignty	<ul style="list-style-type: none"> • Supremacy of the Constitution <ul style="list-style-type: none"> • India's parliamentary sovereignty is limited by the Constitution, • which gives sovereignty to the people of India. • This means that the Indian Parliament is not completely sovereign. • Judicial Review : The Supreme Court tests laws for their constitutionality acts as a check on the Parliament.
UK Sovereignty	<ul style="list-style-type: none"> • Parliament is Sovereign -> Parliament can make law, • no next parliament can amend or repeal earlier laws <ul style="list-style-type: none"> • A.V. Dicey - "<i>Introduction to the Study of the Law of the Constitution</i>" (1885). According to Dicey, parliamentary sovereignty consists of two parts: <ol style="list-style-type: none"> 1.Parliament can make or unmake any law. 2.No Parliament can pass laws that future Parliaments cannot change or repeal. • Sir Ivor Jennings: Jennings argued that while Parliament may be sovereign in theory, in practice, its sovereignty is tempered by political realities, such as public opinion, international obligations, and the practical constraints on government. • Advises queen -> Prorogue Parliament <ul style="list-style-type: none"> • The 2019 prorogation case saw the Supreme Court rule that Prime Minister Boris Johnson's prorogation of Parliament was unlawful. Critics argue that this was an overreach of judicial authority into what was traditionally seen as a political matter.

PYQ

1. Discuss India as a secular state and compare with the secular principles of the US constitution. (250 words) (15 Marks) (2024)
2. Compare and contrast the British and Indian approaches to Parliamentary sovereignty. (150 Words) (10 Marks) (2023)
3. What can France learn from the Indian Constitution's approach to secularism? (10 marks) (150 words) (2019)

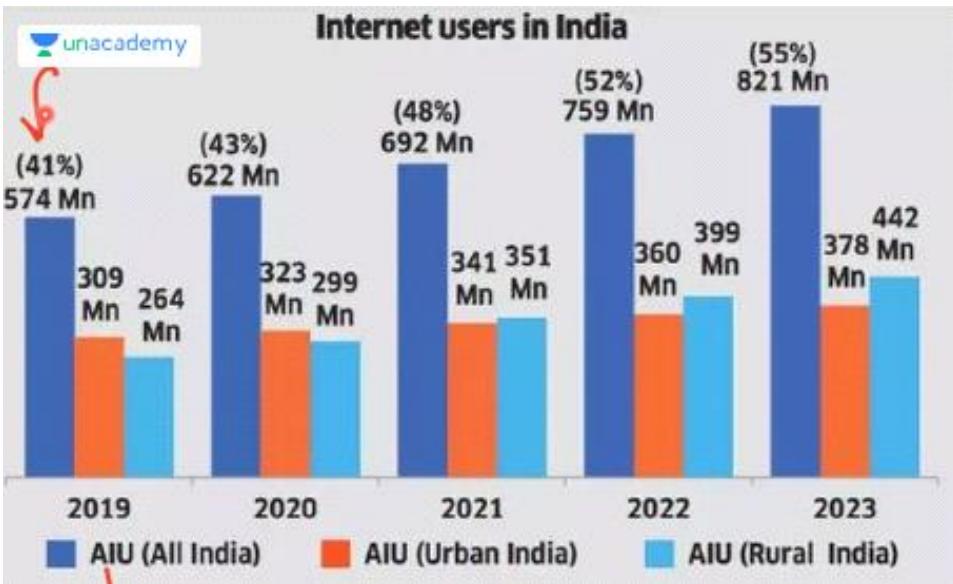
L11 e-Governance

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e-Governance	<ul style="list-style-type: none">E-governance refers to the use of Information and Communication Technology (ICT) to transform the way governments interact with citizens, businesses, and other government agencies. The objective is to provide efficient, transparent, and accessible public services while enhancing citizen participation in governance.E-Governance allows citizens to access government services online, improving accessibility and reducing bureaucratic delays.Subhash Bhatnagar, a leading expert on e-governance in developing countries, defines e-governance as:"The application of information technology to the processes of government functioning to bring about 'SMART' governance, i.e., Simple, Moral, Accountable, Responsive, and Transparent governance."Dr. Nandan Nilekani, the architect of India's Aadhaar system, highlights the transformative potential of e-governance:"E-governance is not just about technology, but about fundamentally changing the way government interacts with citizens, improving transparency, accountability, and efficiency in public service delivery."
World on e-Gov	<ul style="list-style-type: none">"E-Government (or E-Governance) is the use of ICT and its application by the government for the provision of information and public services to the people. It aims at improving the quality of governance through improved participation, efficiency, and transparency." <p>7 — United Nations E-Government Survey</p> <ul style="list-style-type: none">UN e-Government Development Index (EGDI): Measures the willingness and capacity of countries to use ICTs for delivering public services. India ranked 97 out of 193 countries in the 2024 survey, reflecting the scope for improvement.
Models	<ul style="list-style-type: none">Information Model: This model focuses on providing information to citizens and businesses. The goal is to ensure transparency and access to information regarding government policies, procedures, and services.Interaction Model: Citizens and businesses interact with the government for services like online forms, tax filings, or license applications. It improves efficiency by reducing the need for physical visits to government offices.Transaction Model: Enables online transactions like paying taxes, utility bills, or accessing government schemes. For instance, the GST portal facilitates online tax payments.

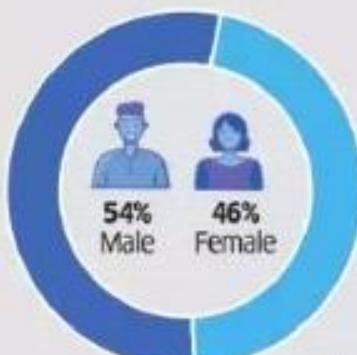
• Integration Model: It is the most advanced model where multiple government services and platforms are integrated. For example, **Aadhaar** and **DigiLocker** allow citizens to access a range of services seamlessly from a single platform.

Prof. Arie Halachmi Models	<ul style="list-style-type: none"> Professor Arie Halachmi suggested five important models of e-governance. <ul style="list-style-type: none"> 1. The Broadcasting Model of dissemination of useful governance information to have informed citizenry; 2. The Critical Flow Model of routing information of critical value to the targeted audience; 3. The Comparative Analysis Model of assimilation of best practices in the field of governance for developing countries to empower their people 4. The E-Advocacy/Mobilisation and Lobbying Model of adding the opinions of virtual communities so that the global civil society can have an impact on global decision-making processes 5. The Interactive-Service Model of individuals' direct participation in governance processes to bring in greater objectivity and transparency in decision-making processes.
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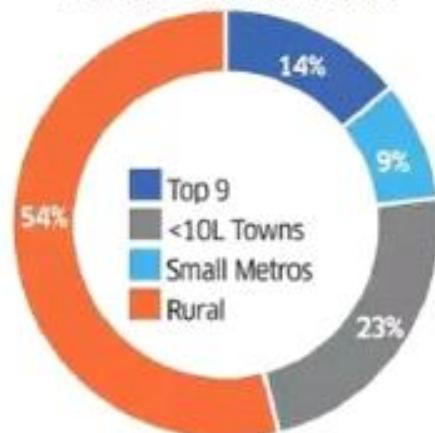
Active Internet Users	<ul style="list-style-type: none"> India has more than 820 million active internet users at present. Over half of them — 442 million — now come from rural parts of the country. In 2023, internet penetration grew eight per cent year-on-year.  <table border="1"> <caption>Data from 'Internet users in India' chart</caption> <thead> <tr> <th>Year</th> <th>All India (AIU) (Mn)</th> <th>Urban India (Mn)</th> <th>Rural India (Mn)</th> <th>Percentage (%)</th> </tr> </thead> <tbody> <tr> <td>2019</td> <td>574 Mn</td> <td>309 Mn</td> <td>264 Mn</td> <td>(41%)</td> </tr> <tr> <td>2020</td> <td>622 Mn</td> <td>323 Mn</td> <td>299 Mn</td> <td>(43%)</td> </tr> <tr> <td>2021</td> <td>692 Mn</td> <td>341 Mn</td> <td>351 Mn</td> <td>(48%)</td> </tr> <tr> <td>2022</td> <td>759 Mn</td> <td>360 Mn</td> <td>399 Mn</td> <td>(52%)</td> </tr> <tr> <td>2023</td> <td>821 Mn</td> <td>378 Mn</td> <td>442 Mn</td> <td>(55%)</td> </tr> </tbody> </table> <ul style="list-style-type: none"> The number of non-active internet users is on the decline, but around half of rural India are still not active. Urban India spends slightly more time on the internet per day on average than rural India. Despite the narrowing gap, women still fall behind men in internet usage. <p>Active internet users in India have crossed the 800-million mark. Rural India has more internet users than urban areas</p> <p>More than half of internet users live in rural India</p> 	Year	All India (AIU) (Mn)	Urban India (Mn)	Rural India (Mn)	Percentage (%)	2019	574 Mn	309 Mn	264 Mn	(41%)	2020	622 Mn	323 Mn	299 Mn	(43%)	2021	692 Mn	341 Mn	351 Mn	(48%)	2022	759 Mn	360 Mn	399 Mn	(52%)	2023	821 Mn	378 Mn	442 Mn	(55%)
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Active internet users in India have crossed the 800-million mark. Rural India has more internet users than urban areas

Gender divide has narrowed over the years.



More than half of internet users live in rural India



Source: Internet in India Report 2023, by the Internet and Mobile Association of India (IAMAI) and KANTAR

90% of internet users are using internet daily.
On an average, users spend around 1.5 hours on the internet



Application of e-gov

- **G2C (Government to Citizen):** Services such as online payment of bills, issuance of certificates (birth, death, etc.), and tax filing. Examples include:
 - **Aadhaar:** Providing a unique identification number to Indian residents.
 - **DigiLocker:** A platform for storing and accessing digital documents.
 - **UMANG:** A unified platform for multiple government services.
- **G2G (Government to Government):** Improving inter-governmental communication and data sharing. Examples:
 - **E-Office:** Digitizing the internal workflows within government departments.
 - **National e-Governance Plan (NeGP):** Initiatives aimed at enhancing the delivery of services.

Aadhar	<ul style="list-style-type: none"> The Aadhaar program, implemented by the Unique Identification Authority of India (UIDAI), provides a 12-digit unique identity number to every Indian resident, based on their biometric and demographic data. Aadhaar has become the cornerstone for a range of government services, including Direct Benefit Transfers (DBTs), public distribution systems, and financial inclusion programs. Privacy concerns and challenges with data security remain. Some individuals face difficulties in accessing services due to authentication failures. With continued improvements in data protection laws and privacy measures, Aadhaar could further revolutionize digital identity management and service delivery.
DigiLocker	<ul style="list-style-type: none"> DigiLocker is an online platform that allows citizens to store and access important documents, such as their driving license, Aadhaar card, and educational certificates. The initiative has significantly reduced paperwork and improved convenience by enabling digital storage and verification of documents. It also supports paperless governance by integrating with various government agencies. The reach of DigiLocker is still limited to those with access to the internet and smartphones, leaving out a large segment of the rural population. As internet penetration increases, DigiLocker could become the go-to platform for accessing and sharing government-issued documents securely.
KHAJANE	<ul style="list-style-type: none"> 'KHAJANE' is a major e-governance initiative of the Karnataka State Government. Basically, it is a government-to-government (G2G) project. This project was implemented mainly to eliminate systemic deficiencies in the manual treasury system and for the efficient management of state finances. This project is the first of its kind in the country where the entire treasury activity has been computerised. This is the only project where, from the time of approval of the state budget to the point of rendering accounts to the government, the entire activity can be tracked through the system
CPGRAMS	<p style="text-align: center;">Centralised Public Grievance Redress and Monitoring System (CPGRAMS)</p> <ul style="list-style-type: none"> An online platform available to the citizens 24x7 to lodge their grievances to the public authorities on any subject related to service delivery. It is a single portal connected to all the Ministries/Departments of Government of India and States. Every Ministry and States have role-based access to this system. CPGRAMS is also accessible to the citizens through standalone mobile application downloadable through Google Play store and mobile application integrated with UMANG. The status of the grievance filed in CPGRAMS can be tracked with the unique registration ID provided at the time of registration of the complainant. CPGRAMS also provides appeal facility to the citizens if they are not satisfied with the resolution by the Grievance Officer. After closure of grievance if the complainant is not satisfied with the resolution, he/she can provide feedback. If the rating is 'Poor' the option to file an appeal is enabled. The status of the Appeal can also be tracked by the petitioner with the grievance registration number.

Bhoomi	<ul style="list-style-type: none"> • Bhoomi is an e-governance initiative in Karnataka aimed at digitizing land records. It allows landowners to access land records online without the need to visit government offices. • The project has made the process of accessing land records transparent and efficient, significantly reducing corruption and delays. • The successful implementation of Computerisation of land records under the software Bhoomi has made the Government of India to replicate the same in other states, like Mee Bhoomi in Andhra Pradesh, E-Dhar in Gujarat, Bhu-Abhilekh in Bihar, HALRIS (Haryana Land Records Information System and Property Registration) in Haryana, Him- Bhoomi in Himachal Pradesh etc. • In the past, under the manual system, land records were maintained by 900 village accountants, each serving a cluster of 3-4 villages. Farmers had to approach village accountant to get a copy of the Record of Rights, Tenancy and Crops (RTC) a document, which was needed for various purpose such as – for obtaining crop loans, hypothecation of land, getting electricity connection, subsidies, sale of land, creating partition deed etc. • Village accountants were not easily available and the time taken by village account to provide RTCs would range from 3 to 30 days. There were chances of manipulating the land records. In the past, mutation request to alter land records (upon sale or inheritance of a land parcel) had to be filled with village account. Notice to the interested parties was to be issued by the village accountant and a notice was pasted at village office. It was often that neither of the actions were carried out. And an update of land record which could be done by Revenue Inspector after 30 days of issuing notice, would usually take one-two years • The experience of agriculturists with the Bhoomi project in Kodagu district, indicates that the project has been advantageous to them, especially reduction in time to obtain RTC. The agriculturists are mostly satisfied with the minimal time and effort that they have to put in to obtain the required documents now. With the computerisation of land records, the manipulation of land records has come down, as it has reduced the discretion of village accountants to issue the records of rights. Computerisation of land records has brought about transparency and clarity in land records. With transparency of land records and easy accessibility of land records through web, the purchaser of land is able to get accurate information and can be sure of his investment. • However, this computerisation is not completely flawless. Some of the problems that still exist, and have been voiced by the beneficiaries of Bhoomi are: wrong entries of name and acreage in the records, corrections and changes in RTC leads to delay and requires numerous trips to taluk office, due to complexity of procedure. The field study indicates that Bhoomi centres are most often plagued by problems of non-availability of employees, dysfunctional computer systems, disruption of electricity, server problems and non-availability of paper to print RTC, which causes delay in the issuance of documents. As the crop information are not updated season wise, it poses a problem for the agriculturist to obtain bank loan.
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UMANG	<ul style="list-style-type: none"> UMANG (Unified Mobile Application for New-age Governance) is developed by Ministry of Electronics and Information Technology (MeitY) and National e-Governance Division (NeGD) to drive Mobile Governance in India. UMANG provides a single platform for all Indian Citizens to access pan India e-Gov services ranging from Central to Local Government bodies. 				
MyGov	<ul style="list-style-type: none"> MyGov Platform: Launched by the Government of India, MyGov allows citizens to participate in governance by providing feedback, suggestions, and engaging in discussions on policy matters. It encourages citizen involvement in decision-making processes and ensures that government initiatives are aligned with public needs. 				
Common Service Centre	<p>Internet Café for E-Governance -> Reachable governance</p> <p>WELCOME TO COMMON SERVICES CENTRES</p>  <p>The CSC is a strategic cornerstone of the National e-Governance Plan (NeGP), approved by the Government in September, 2006, with an aim to cover all 6 lakhs census villages by one lakh CSCs, as per 1:6 ratio equitably spread across rural India, as part of its commitment in the National Common Minimum Programme to introduce e-governance on a massive scale.</p> <p>Common Services Centres are the access points for delivery of Government-to-Citizen (G2C) e-Services within the reach of the citizen, by creating the physical service delivery ICT infrastructure. It helps in making a transparent service delivery mechanism and reducing citizens' effort in visiting government offices.</p> <p>BEWARE OF FAKE/FRAUD WEBSITES!!</p>  <p>August 2024 Data</p> <table border="1"> <tbody> <tr> <td>Total No of functional CSCs 5,88,662</td> <td>Total No of functional CSCs in Rural 4,67,508</td> <td>Total No of functional CSCs in Urban 1,21,154</td> <td>Total No of Transactions (in lakh) 431.89 Through the DSP (in lakh) 198.35 and Non DSP 233.54</td> </tr> </tbody> </table>	Total No of functional CSCs 5,88,662	Total No of functional CSCs in Rural 4,67,508	Total No of functional CSCs in Urban 1,21,154	Total No of Transactions (in lakh) 431.89 Through the DSP (in lakh) 198.35 and Non DSP 233.54
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Potential of e-gov in India	<ol style="list-style-type: none"> With continued investments in digital literacy, mobile broadband infrastructure, and electrification, more people can access e-governance services. Initiatives like BharatNet aim to provide high-speed internet in rural areas. The use of artificial intelligence and big data analytics can enhance decision-making, service delivery, and predictive governance. For example, analyzing social welfare data can help in targeting schemes to the right beneficiaries. Blockchain technology can provide tamper-proof and transparent systems for land records, elections, and other governance areas prone to fraud. Further integration of services into unified platforms (like UMANG) can create a one-stop solution for all government services, enhancing user convenience. E-governance can foster inclusive governance by improving participation through platforms like MyGov, encouraging citizen engagement, and enabling real-time feedback for policy changes. With rising smartphone penetration, mobile governance has immense potential to bring government services closer to citizens, especially through apps for healthcare, education, agriculture, and financial services. 				

Ideal Train Profile	<ul style="list-style-type: none"> The Indian Railways: 'Ideal Train Profile' to maximize the capacity utilization and revenue generation in reserved mail express trains by regularly analyzing the demand pattern of every single train. For the first time, the AI-driven program has allocated vacant berths in over 200 trains so that fewer people need to turn away without a confirmed ticket. Made by Railways' in-house software arm Centre for Railway Information Systems (CRIS), this AI module, called Ideal Train Profile, was fed with information like how millions of passengers booked tickets on these trains, which origin-destination pairs were a hit and which were flops at what time of the year, which seats remained vacant for what portion of a journey, etc.
Challenges	<ul style="list-style-type: none"> Data privacy Data security Suffering from deformities like Elderly, Blind people

L12 Citizen Charters

06 February 2025 11:11 PM

Citizen Charter	<ul style="list-style-type: none">• A citizen's charter is a document that outlines the services a government or organization will provide to its citizens.• It also states the organization's expectations from the citizens.• Should provide standard time for completion and grievance redressal<ul style="list-style-type: none">• Citizen's Charter is a written, voluntary declaration by service providers that highlights the standards of service delivery that they must subscribe to, availability of choice for consumers, avenues for grievance redressal and other related information.• A Citizen's Charter is an official document issued by public service providers (government agencies, ministries, departments, or local authorities) that outlines the standard of services that the public can expect from the organization. Its purpose is to make public services more transparent, accountable, and responsive by explicitly setting service standards, timelines, grievance mechanisms, and citizen rights.
Origin	<ul style="list-style-type: none">• UK 1991 : Made people -> customer -> Customer is king• The CC programme was first launched in 1991 in the UK as part of the series of initiatives aimed at enhancing standards of service delivery and making governance more transparent and accountable.• 'The Citizen's Charter sees public services through the eyes of those who use them. For too long the provider has dominated and now it is the time of the user. The Citizen's Charter will raise quality, increase choice, secure better value and extend accountability'. - John Major, British Prime Minister.• This influenced several countries like Belgium, France, Canada, Australia, Malaysia, Spain, Portugal, India etc to adopt similar measures.
Indian CC	<ul style="list-style-type: none">• Union CC mentioned but not mandate -> Volunteer in nature<ul style="list-style-type: none">• In India, the process of adopting CC began with a 'Conference of Chief Secretaries of all States and UT's' held in 1996 on 'Effective and Responsive Administration'.• This conference gave high priority to CC and was followed by the development of an 'Action Plan for Effective and Responsive Government'.• One of the major decisions taken at this forum was to introduce CC in the fields of Railways, Telecom and Public Distribution.• Later on many states initiated CC as a tool for enhancing standards of service delivery and fostering greater public accountability.

1. Clarity:

The Charter should be **clear and concise**, avoiding bureaucratic jargon. Citizens should be able to easily understand what services they can expect and what processes they need to follow.

2. Measurable Standards:

Quantifiable and realistic standards should be defined. For instance, specific timelines for service delivery (e.g., "passport issued within 30 days") should be mentioned, so citizens know exactly what to expect.

3. Transparency:

The organization should **publicly disclose** performance data and adherence to standards. Citizens should have access to **performance reports**, fostering accountability.

4. Grievance Redressal Mechanism:

A robust **complaint handling system** must be outlined, with specific contact details, procedures, and timelines for resolving grievances. The redressal mechanism should be citizen-friendly and accessible.

5. Periodic Review and Update:

Charters should not remain static. They should be **regularly reviewed and updated** to reflect changing citizen expectations, technology, and administrative capacity.

6. Stakeholder Involvement:

The success of a Citizen's Charter lies in involving **citizens in its formulation and monitoring**. Feedback from stakeholders should be actively sought and incorporated to improve services.

7. Service Recovery and Compensation:

A great Citizen's Charter includes provisions for **service recovery** or **compensation** in cases where service delivery standards are not met.

8. Training and Sensitization of Public Officials:

The Charter should emphasize the need for **training government officials** on service standards and customer orientation. Officials must understand their responsibilities under the charter and treat citizens respectfully.

- Creation of standardized Citizen Charter

Department of Administrative Reforms and Public Grievances in Government of India (DARPG)

- During the Year 2002-03, DARPG engaged a professional agency to develop a standardised model for internal and external evaluation of Citizens' Charters in a more effective, quantifiable and objective manner.
- This agency also carried out evaluation of implementation of Charters in 5 Central Government Organisations and 15 Departments/ Organisations of States of Andhra Pradesh, Maharashtra and Uttar Pradesh. This Agency was also required to suggest methods for increasing awareness, both within the organisation and among the users, and to suggest possible methods for orientation of management and the staff in the task of formulating and deploying Charters.

	<ul style="list-style-type: none"> • Major Finding <ul style="list-style-type: none"> • AOP : Annual Operating Plan <ol style="list-style-type: none"> 1. In majority of cases Charters were not formulated through a consultative process. 2. By and large service providers are not familiar with the philosophy, goals and main features of the Charter. 3. Adequate publicity to the Charters had not been given in any of the Departments evaluated. In most Departments, the Charters are only in the initial or middle stage of implementation. 4. No funds have been specifically earmarked for awareness generation of Citizens' Charter or for orientation of staff on various components of the Charter. <ul style="list-style-type: none"> • Key Recommendation <ol style="list-style-type: none"> 1. Need for citizens and staff to be consulted at every stage of formulation of the Charter. 2. Orientation of staff about the salient features and goals/ objectives of the Charter; vision and mission statement of the department; and skills such as team building, problem solving, handling of grievances and communication skills. 3. Need for creation of database on consumer grievances and redress. 4. Need for wider publicity of the Charter through print media, posters, banners, leaflets, handbills, brochures, local newspapers etc. and also through electronic media. 5. Earmarking of specific budgets for awareness generation and orientation of staff. 6. Replication of best practices in this field.
Factors Hindering CC	<ul style="list-style-type: none"> • Biggest : Lack of awareness <ol style="list-style-type: none"> 1. Lack of Awareness: Citizens are often unaware of their rights under the Charter, which diminishes its effectiveness. This lack of awareness extends to both service recipients and the officials responsible for its implementation. 2. Poor Implementation: The Citizens' Charter in many government departments remains a formality, with little focus on actual performance. The Charters are often vague, lacking specific, measurable, and enforceable service standards. 3. Absence of Legal Backing: The Charter lacks statutory backing, which limits its enforceability. Citizens have no legal recourse if the services promised under the Charter are not delivered. 4. No Effective Grievance Redressal Mechanism: In the absence of a strong grievance redressal mechanism, the Citizens' Charter has not been able to ensure accountability. Existing mechanisms are often slow and inaccessible. 5. Bureaucratic Resistance: There is resistance from within the bureaucracy, which sees the Charter as an additional burden. The culture of red-tapism and lack of incentives for better performance further hinder its success. 6. Inadequate Training: Many officials responsible for implementing the Citizens' Charter are not adequately trained or sensitized about its importance, leading to poor implementation.
Madhya Pradesh	<ul style="list-style-type: none"> • Best CC Implementation -> Backed by Law, proper grievance

CC

The Madhya Pradesh Public Services Guarantee Act, 2010 is the first-of-its-kind in the country guaranteeing the delivery of public services to citizens in a stipulated time frame.

- Covers 52 key public services like issuing caste, birth, marriage and domicile certificates, drinking water connections, ration cards, copies of land records etc.
- A time period has been fixed for the delivery of each service.
- Fine on officials starting from Rs. 250 per day to a maximum of Rs. 5000.
- Two stage appeals process: If a citizen does not receive notified services in time, he can appeal to the first appellate authority. If the first appellate authority is negligent or if a citizen is dissatisfied with the decision, he can file an appeal with the second appellate authority.
- The second appellate authority has the power to impose fines and order disciplinary action against officials. **Where fine is imposed on delinquent officer, the applicants are paid compensation for the inconvenience caused to them.**
 - **The path-breaking law provides an effective instrument for realizing the objectives of citizen's charter.**
- The Act has received the United Nations Public Service Award (UNPSA) for 2012 in the category '**improving the delivery of Public Services**'.
- The state bagged the prestigious award from among 483 nominations from 73 countries.
- The United Nations Public Service Award is a prestigious international recognition of excellence in public service.

Karnataka Sakala Programme

- Prime example of citizen charter
- Every dept mandated by law to display charter with grievance redressal

SL No.	List of service	Compensation fee	List of documents Check list)	Name of the Designated Officer	Stipulated time for designated officer	Competent Officer	Stipulated time for Competent Officer	Appellate Authority	Stipulated time for Appellate Authority
1	2	3	4	5	6	7	8	9	10

Karnataka's Sakala program, launched under the Karnataka Guarantee of Services to Citizens Act, 2011.

Features

- Over 1,000 public services across various departments are covered under the Sakala scheme.
- It guarantees time-bound delivery of services, and in case of delays, compensation is paid to the citizens.
- The system is IT-enabled, ensuring real-time tracking of applications and service delivery status, which enhances transparency.

Law Needed

- Legal Backing to CC at union level

	<ul style="list-style-type: none"> • Need a Law - The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances (Citizens Charter) <ul style="list-style-type: none"> ▪ Every public authority should be mandated by law to publish a Citizens Charter. ▪ The Charter shall detail the goods and services to be provided and their timelines for delivery. ▪ A citizen should be legally empowered to file a complaint regarding any grievance related to: <ul style="list-style-type: none"> (a) citizens charter; (b) functioning of a public authority; or (c) violation of a law, policy or scheme.
RTI and CC	<ul style="list-style-type: none"> • Harmonized the CC and RTI <ul style="list-style-type: none"> • Integrate the two • Grievance Retrieval Officer and Public Information Officer : same official • Fundamentally, the notion of "information" and "grievance" are interchangeable for all practical purposes to fulfil the goals of grievance redressal. This is reflected by the fact that citizens are increasingly using the RTI Act to redress their grievances by asking the information related to the status of their request. Ideally this should be dealt with, in accordance with the Grievance Redressal Mechanism. It is not inconceivable that citizens would in the future use grievance redressal for not providing information and accordingly approach RTI authorities for grievance redressal and at the same time approach the grievance redressal for RTI queries. Thus, with these two acts (if grievance redressal act is passed), there could be ample confusion for the citizens in exercising their rights. • Reforms needed <ul style="list-style-type: none"> • Increased penalty in case of non-compliance. • Companies as well as Citizens. • Expand scope and incorporate companies into it B2C
Summary	<ul style="list-style-type: none"> • CC's are likely to raise the aspirations of the users of the service, therefore, the departments should not promise more than they can deliver. Citizen Charters should be realistic, and the capabilities of the service provider must be taken into account while drafting a Citizen Charter.