

GS FOUNDATION 2024: Governance
HANDOUT 01: Governance/Good Governance
Transparency and Accountability/ Citizen Charters/E-Governance

General Studies – Paper 2: Governance

Topics

- Governance / Good Governance / Transparency & Accountability / Citizen Charters / E-Governance
- Development Process & Development Industry – Role of NGO's / SHG's & NGO's / SHG's & other stakeholders
- Role of Civil Services in democracy
- Government Policies & Interventions and issues arising out of their design.

Governance / Transparency & Accountability / E-Governance

Themes to be Covered

- Governance
- Good Governance
- Transparency & Accountability
- e-Governance

Governance

- Action or manner of governing a state, organization etc.
- Government Vs Governance
- Stakeholders – Govt., Citizens & Market forces

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Good Governance

- World Bank Report – “Governance and Development”
- Definition – ‘the manner in which the power is exercised in the management of country’s economic and social resources for development’
- Characteristics – Participatory, Transparent, Accountable, Responsive, efficient & effective, consensus oriented, equitable & inclusive & Rule of law.

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Good Governance

- Participation
 - ✓ Involvement of various stakeholders in the process of Governance.
 - ✓ E.g., PESA Act, Gram Sabha, MyGov.in etc.
- Transparency
 - ✓ Availability & Accessibility of information to all stakeholders
 - ✓ E.g., RTI, Parliamentary Questions etc.
- Accountability
 - ✓ Answerability to one's act of omission and commission
 - ✓ E.g., CPGRAMS, Social Audit etc.
- Responsiveness
 - ✓ Services delivered in a time bound & appropriate manner.
 - ✓ E.g., Citizen Charter, NDMA etc.

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Good Governance

- **Consensus Oriented**
 - ✓ Policy decisions taken based on consensus
 - ✓ E.g., Parliamentary Committees, Pressure Groups etc.
- **Effectiveness & Efficiency**
 - ✓ optimum utilization of resources in delivering the services
 - ✓ E.g., Citizen Charter, e-governance etc.
- **Equity & Inclusiveness**
 - ✓ benefits of governance should percolate every sections of societies
 - ✓ E.g., welfare schemes; Reservations; subsidies; scholarship etc.
- **Rule of Law**
 - ✓ No scope for arbitrary action by the state
 - ✓ E.g., Rights, Judiciary etc.

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Challenges of Good Governance

- Corruption
- Criminalization of Politics
- Centralization / Lack of Devolution
- Lack of Administrative Reforms
- Growing incidence of Violence
- Lack of women empowerment / Gender Disparity
- Delayed Justice Delivery

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Practice Question

1. What do you understand by participatory approach in Governance? Do you think people's participation in governance can lead to Good Governance? Justify with suitable illustration.

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How can Participation of the people lead to Good Governance?

- Right to Information Act, 2005 [Case Study 1]
- Objective: Citizen Participation; Transparency & Accountability
- Important Provisions:
 - ✓ Sec. 4 – Voluntary Disclosure
 - ✓ Sec. 5 – Public Information Officer
 - ✓ Sec. 8 – Exemptions
 - ✓ Central Information commission; State Information Commission; Appeals etc.
 - ✓ Examples of Transparency & Accountability – PDS rationing & Stocks; Better Roads in Bagepalli (Karnataka) etc.

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What are the problems associated with RTI?

- ✓ Poor Public Awareness
- ✓ Delays in Disposal & Vacancies [E.g., PIL to appoint information commissioners & SIC defunct – Jharkhand & Tripura]
- ✓ Exemptions & Legislative Framework [Sec.8]
- ✓ Digital Personal Data Protection Act, 2023 [Denial of Personal Data]
- ✓ Dilution of the law by 2019 Amendment [service conditions to be determined by the center]
- ✓ Rule Making Power [Making Payments]
- ✓ Misuse of RTI Act

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Social Audit [Case Study 2]

- Audit with an objective of measuring the social & ethical performance of a scheme by the beneficiaries.
- Objective – Community Participation, Government Accountability, Social Transformation etc.
- Examples – MGNREGA, 2005; NFSA, 2013; Rights of persons with Disabilities, 2016.
- Audit for Scheme Rules, 2011 (MGNREGA) – Ministry of Rural Development + CAG Office

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Process of Social Audit

1. SAU
2. Identification of VRP's & Training
3. Consolidation of Records
4. Verification
5. Report Preparation
6. Public Hearing of Social Audit

Case Study – Society for Social Audit, Accountability & Transparency (SSAAT)

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Significance of Social Audit

- enhancing awareness among people about their entitlements
- detecting beneficiaries left out
- pinpointing systemic shortcomings
- registering of grievances
- recording financial & procedural irregularities
- identifying deviation between fact & record

Challenges

- Lack of Institutionalization
- Lack of awareness

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Practice Question

2. "Social Audit is an effective tool for good governance". Comment

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Transparency & Accountability

- Right to Information Act, 2005
- Social Audit
- Lokpal & Lokayukta Act, 2013
- Prevention of corruption Act, 1988
- Whistle Blowers Protection Act, 2014
- Central Vigilance Commission

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Lokpal & Lokayukta Act, 2013

- Objective – establish anti-corruption body to enquire, investigate & prosecute certain public officials & civil servants engaged in acts of corruption.
- Composition
 - ✓ Chairperson + 8 members
 - ✓ Chairperson – Retired CJI or judge of SC or eminent personality
 - ✓ 50% judicial member
 - ✓ 50% - SC; ST; OBC; Minorities & Women
- Selection Committee – (Five-member committee – PM; Speaker; LoP Lok Sabha; CJI or Judge of SC; Eminent person)
- Term – 5 years or 70 years

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Lokpal & Lokayukta Act, 2013

Powers of Lokpal

- Jurisdiction
 - ✓ PM; Ministers; MP's; Central Govt. officers – Group A, B, C & D.
 - ✓ Exceptions – International Relations; External or Internal security; Public order; atomic energy or Space etc.
 - ✓ Unless approved by 2/3rd members of Lokpal

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Powers & Procedure regarding enquiry & investigation

- Inquiry Wing
- Prosecution Wing
- Procedure
 - ✓ Preliminary Enquiry -> Investigation -> Report -> Lokpal -> Permission for Prosecution -> Special Court / Departmental Enquiry
- Supervisory powers – CBI & CVC
- Search & Seizure of Documents
- Powers of Civil Court
- Attach property
- Punish for false/Frivolous/Vexatious complaints

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Limitations of Lokpal

- ✓ No Suo Moto
- ✓ Punishment for frivolous complaints
- ✓ Dependence on Govt. / Govt. agencies – Prosecution, enquiry , establishment of special courts.
- ✓ Central Govt. enormous rule making power – Search Committee; Assets & Liabilities declaration; forms to filling complaints etc.
- ✓ Vacancies (till 2019)
- ✓ Budgetary allocations very limited

Revival of Lokpal

- ✓ Independence [Legislative, Executive & Judiciary]
- ✓ Transparency in appointments
- ✓ Independent Inquiry & Prosecution wing

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Practice Question

3. The Anti-Corruption Ombudsman established by Lokpal Act, 2013 has become powerless & ineffective. Do you Agree?

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Whistle Blowers Protection Act, 2014

- Who is a whistle blower?
- Genesis
 - ✓ Law Commission of India – 2001
 - ✓ PIL (Supreme Court, 2004) – Whistle Blowers Resolution (Public Information Disclosure & Protection of Informers Resolution) – CVC
 - ✓ ARC, 2007
- Key Provisions
 - ✓ Competent Authority & mechanisms to receive complaints
 - ✓ Safeguards from Victimization
 - ✓ Protection of identity of complainant
 - ✓ Penalty of Identity disclosure [3years]
 - ✓ Exemptions [SPG]
 - ✓ Appeals [High Courts – 60 days]
 - ✓ Penalty for false complaints [2years & fine]

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Prevention of Corruption Act, 1988

- Objective – Prevent, deter & punish corrupt activities in public office and to promote transparency & accountability.
- Key Provisions
 - ✓ Definition
 - ✓ Criminal offence – Bribe taker & Giver
 - ✓ Prosecution & Penalties – Investigate & prosecute; 3 to 7 years; trial within 2 years
 - ✓ Disclosure of Assets & Liabilities
 - ✓ Preventive Measures – Vigilance Mechanism, promoting awareness & education.
 - ✓ Whistle blowers Protection
 - ✓ International Cooperation – exchange of information & mutual legal assistance

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Central Vigilance Commission

- Objective – to promote integrity, transparency & objectivity in country's public administration.
- History
 - ✓ established in 1964 [Santhanam Committee)
 - ✓ Statutory Status in 2003
- Functions & Responsibilities
 - ✓ exercise superintendence over the vigilance administrations of the various Central Government Ministries
 - ✓ inquire or cause an inquiry or investigation to be made into any complaint received against any official under its jurisdiction
 - ✓ tender advice to the Central Government and its organizations on such matters as may be referred by them
 - ✓ conducts preliminary inquiry into the complaints referred by Lokpal in respect of Gr. A, B, C & D officials
 - ✓ exercises superintendence over the functioning of the CBI insofar as it relates to the investigation of offences under the Prevention of Corruption Act, 1988

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Citizen Charter

- Citizen charter is a voluntary document of commitment of an organization toward standard, quality & time frame of service delivery, transparency & accountability and Grievance redressal mechanism.
- Objective – Responsive & Citizen centric governance
- Genesis – United Kingdom (1991)
- Six Principles – Quality, Choice, Standards, Value, Accountability & Transparency.

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- Citizen Charter in India
 - ✓ DARPG – Nodal Agency
 - ✓ Key elements – Vision & Mission statement, range of services, target or client group, Quality of services, expectations from the clients, Grievance Redressal Mechanism.
- Formulation of Citizen Charter [DARPG Guidelines]
 - ✓ Formation of task force
 - ✓ Identification of stakeholders
 - ✓ consultation & preparation of draft charter
 - ✓ consideration by core group
 - ✓ modification by ministry / Department
 - ✓ Approval by minister-in-charge
 - ✓ submission and approval by DARPG
 - ✓ Formal release of Charter
 - ✓ Sending copies to stakeholders
 - ✓ Appointment of Nodal officer

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Evaluation of Citizen Charter [DAPRG]

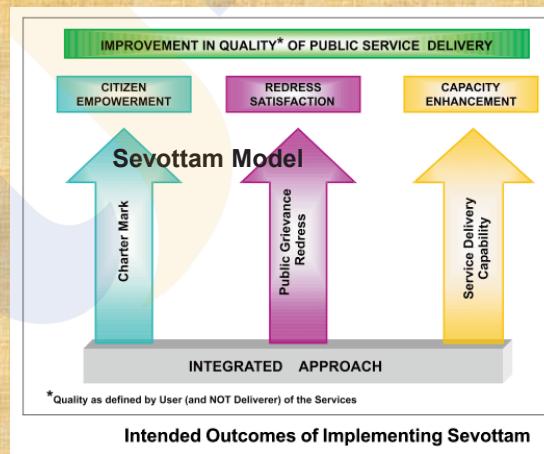
- No consultative process
- Lack of awareness about the philosophy, features & goals of the charter [service providers]
- Lack of publicity & non-compliance
- Lack of finances for training & logistical support
- lack of review & updation
- No Legal Accountability
- Most of them are unrealistic & not formulated in local language.

Recommendations [2nd ARC]

- Consultative process [Bottom up]
- Orientation of staff members & Skill development
- Awareness & Publicity through various means
- Finances for awareness & orientation
- Database for consumer grievances and redress
- Replication of best models (Sevottam Model)

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Sevottam Model



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Practice Question

4. The Citizens' Charter is an ideal instrument of organizational transparency and accountability, but it has its own limitations. Identify the limitations and suggest measures for greater effectiveness of the Citizens' Charter.

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E-Governance

- Definition
- Stages of Development
- Application
- Advantages
- Challenges

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E-Governance

- **Definition – Process of carrying out the functions & achieving the results of governance through the use of ICT**
- **Stages of Development**
 - ✓ Computerization
 - ✓ Networking
 - ✓ On-Line presence
 - ✓ On-Line Interactivity
- **Applications**
 - ✓ G2G [PRAGATI; CGGRAMS etc.]
 - ✓ G2E [JEEVAN PRAMAAN – DLC; EMPLOYER CERTIFICATE etc.]
 - ✓ G2C [UMANG App; DBT etc.]
 - ✓ G2B [e-Procurement; e-bidding; MCA-21etc.]

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E-Governance

- **Digital India – The umbrella programme with a vision to transform India into a digitally empowered society and knowledge-based economy by ensuring digital access, digital inclusion, digital empowerment & bridging the digital divide**
- **Three Pillars**
 - ✓ Digital infrastructure as a utility to every citizen
 - ✓ Governance & services on demand
 - ✓ Digital empowerment of citizens
- **Major Initiatives**
 - ✓ Unified Mobile Application for New-age Governance [UMANG]
 - ✓ e-district mission mode project [Birth, Caste, Death, Land Records, Old Age & Widow Pension, Land Records etc.]
 - ✓ Unified Payment Interface
 - ✓ Digi locker
 - ✓ CO-WIN
 - ✓ MyGov
 - ✓ DBT
 - ✓ Diksha

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Initiatives for welfare of farmers

- National Agriculture Market (e-NAM)
- M-KISAN – Farming advisories
- One Stop Window-Farmers Portal – Seed Variety, Storage Godown, Pest & Plant diseases, Best Agricultural Practices etc.
- Soil Health Card – Soil related information to facilitate farmers in farming activities.
- Mobile based advisory system for Agriculture & Horticulture (M4AGRI)

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E-Governance

- Advantages
 - ✓ Greater Participation [RTI, MyGov.in etc.]
 - ✓ Transparency & Accountability
 - ✓ Reduces corruption & diversions
 - ✓ Enhanced accessibility [Health, education, agriculture – Blockchain, Artificial Intelligence, Machine Learning, Cloud computing etc.]
 - ✓ Increased efficiency [reduced cost, time etc.]
 - ✓ use value of information [Citizen engagement; Data Driven Approaches; reliable information within govt, between govt., citizen & business etc. can be used to address localized problems]

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E-Governance

• Challenges

- ✓ Digital Accessibility & Digital Literacy
 - Telemedicine, Online education, Livelihood Mission (e-commerce), Financial Inclusion, Govt. Service delivery (DBT etc.)
- ✓ Poor Data Computation & planning
- ✓ Lack of skilled manpower
- ✓ Finances
- ✓ Issues of Cyber security, privacy etc.
- ✓ No Adequate legal framework
- ✓ Lack of continuity in policy & Political will

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Practice Question

5. 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?