

# GOOD GOVERNANCE

Minimum Government - Maximum Governance

*Strictly According to JPSC Mains Paper-IV Syllabus  
Also Useful for OPSC /UPSC Examinations*



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# Chapter-1

## Introduction: Governance and Good Governance

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### What is Governance?

The concept of "governance" is not new. It is as old as human civilization. Simply put "governance" means: **the process of decision-making and the process by which decisions are implemented (or not implemented)**. Governance can be used in several contexts such as corporate governance, international governance, national governance and local governance. Since governance is the process of decision making and the process by which decisions are implemented, an analysis of governance focuses on the formal and informal actors involved in decision-making and implementing the decisions made and the formal and informal structures that have been set in place to arrive at and implement the decision. Government is one of the actors in governance. Other actors involved in governance vary depending on the level of government that is under discussion. In rural areas, for example, other actors may include influential land lords, associations of peasant farmers, cooperatives, NGOs, research institutes, religious leaders, finance institutions political parties, the military etc. The situation in urban areas is much more complex. Figure 1 provides the interconnections between actors involved in urban governance. At the national level, in addition to the above actors, media, lobbyists, international donors, multi-national corporations, etc. may play a role in decision making or in influencing the decision-making process.

All actors other than government and the military are grouped together as part of the "civil society." In some countries in addition to the civil society,

organized crime syndicates also influence decision-making, particularly in urban areas and at the national level. Similarly formal government structures are one means by which decisions are arrived at and implemented. At the national level, informal decision-making structures, such as "kitchen cabinets" or informal advisors may exist. In urban areas, organized crime syndicates such as the "land Mafia" may influence decision-making. In some rural areas locally powerful families may make or influence decision-making. Such, informal decision-making is often the result of corrupt practices or leads to corrupt practices.

*Source: United Nations Economic and Social Commission for Asia and the Pacific*

### What is Good Governance?

Good governance is about the processes for making and implementing decisions. It's not about making 'correct' decisions, but about the best possible process for making those decisions. Good decision-making processes, and therefore good governance, share several characteristics. All have a positive effect on various aspects of local government including consultation policies and practices, meeting procedures, service quality protocols, councillor and officer conduct, role clarification and good working relationships.

*Source: [goodgovernance.org.au](http://goodgovernance.org.au)*

**Good governance** is an indeterminate term used in the international development literature to describe how public institutions conduct public affairs

and manage public resources. Governance is "the process of decision-making and the process by which decisions are implemented (or not implemented)". The term *governance* can apply to corporate, international, national, local governance or to the interactions between other sectors of society. The concept of "good governance" often emerges as a model to compare ineffective economies or political bodies with viable economies and political bodies. The concept centers on the responsibility of governments and governing bodies to meet the needs of the masses as opposed to select groups in society.

Because countries often described as "most successful" are Western liberal democratic states, concentrated in Europe and the Americas, good governance standards often measure other state institutions against these states. Aid organizations and the authorities of developed countries often will focus the meaning of "good governance" to a set of requirements that conform to the organization's agenda, making "good governance" imply many different things in many different contexts.

**Source: Wikipedia**

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## Chapter-2

### Origin and Concept of Good Governance:

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The concept of 'Governance' is not new. It is as old as government itself. Both the terms are derived respectively, from the old French words *gouvernance* and *gouvernement*. Initially their meanings were very close, referring to acts or manner of government. By the mid-16th century, however, government denoted a "system by which something is governed" and by the early 18th century it further evolved to acquire the meaning of a "governing authority." In this process the term governance gradually became marginalized, and by the 19th century it was deemed to reflect an incipient archaism. For the next 100 years, it would hardly be used as a political term.

Dictionaries would define government in terms of a governing authority, including the political order and its institutional framework, while governance was treated as the agency and process of governing, and was often viewed as archaic. However, during 1980s under economic reforms, especially under globalization the use of term governance became popular with its emphasis on the process and manner of governing to the notion of sustainable development. Meanwhile, organizations such as the IMF, NGOs, the UN and its agencies, the World Bank and international media were quick to pick up the term and use it in a variety of ways. Together with its derived term, good governance, the catch-all term governance has since become a buzzword in the vocabulary of polity and administrative reform in developing countries dependent on support from international development agencies.

**Source:** Mikhail Ilyin, "Governance: What is Behind the Word?", *IPSA, Participation*, Vol. 37, No.1, May 2013, p. 4.

#### Meaning of Good Governance:

In 1989 World Bank study "Sub-Saharan Africa-from Crisis to Sustainable Growth", the term 'Governance' was first used to describe the need for institutional reform and a better and more efficient public sector in Sub-Saharan countries. It defined governance as "the exercise of political power to manage a nation's affairs." However, it did not explicitly refer to the connotation 'good'. It was only in the foreword, that former World Bank President Barber Conable (1986-1991) used the term 'good governance', referring to it as a "public service that is efficient, a judicial system that is reliable and an administration that is accountable to its public."

The concept of governance was further developed in the Bank's 1992 publication 'Governance and Development'. In this publication, governance was defined as "the manner in which power is exercised in the management of a country's economic and social resources for development."

Later on in 1994, the Bank substantiated this definition, "Governance is epitomized by predictable, open and enlightened policy making (that is, transparent processes); a bureaucracy imbued with a professional ethos; an executive arm of government accountable for its actions; and a strong civil society participating in public affairs; and all behaving under the rule of law".

Subsequently in 1998 World Bank's annual report *Governance in Asia: From crisis to Opportunity*, presented a more cogent concept of good governance. The report elaborates four key components of good governance: accountability, transparency, predictability and participation.

The Organization of Economic Cooperation and Development (OECD) defines governance as "the use of political authority and exercise of control in a society in relation to the management of its resources for social and economic development"

The United Nations Development Programme, defines governance as "the exercise of political, economic and administrative authority in the management of a country's affairs at all levels. Governance comprises the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their political rights, meet their obligations and mediate their differences."

So, Good Governance signifies a participative manner of governing that functions in a responsible, accountable, and transparent manner based on the principles of efficiency, legitimacy, and consensus for the purpose of promoting

the rights of individual citizens and the public interest, thus indicating the existence of political will for ensuring the material welfare of society and sustainable development with social justice.

**Sources: World Bank, UNDP, OECD**

### **Difference between Government and Good Governance**

While government refers to actions carried out within a formal legal settings, governance involves all activities of government along with informal activities even outside a formal governmental setting, that are meant to achieve common goals. James Rosenau (1992:4) defines as government, those 'activities that are backed by formal authority, by police powers to ensure the implementation of duly constituted policies', whereas governance according to him 'refers to activities backed by shared goals that may or may not derive from legal and formally prescribed responsibilities and that do not necessarily rely on police powers to overcome defiance and attain compliance.'

**Source: *Good Governance: A study of the in the Indian Context* by Dr. Dinesh Arora**

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## Chapter-3

# Characteristics of Good Governance

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Good governance has 8 major characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.

### **Participation**

Participation by both men and women is a key cornerstone of good governance. Participation could be either direct or through legitimate intermediate institutions or representatives. It is important to point out that representative democracy does not necessarily mean that the concerns of the most vulnerable in society would be taken into consideration in decision making. Participation needs to be informed and organized. This means freedom of association and expression on the one hand and an organized civil society on the other hand.

### **Rule of law**

Good governance requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights, particularly those of minorities. Impartial enforcement of laws requires an independent judiciary and an impartial and incorruptible police force.

### **Transparency**

Transparency means that decisions taken and their enforcement are done in a manner that follows rules and

regulations. It also means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that enough information is provided and that it is provided in easily understandable forms and media.

### **Responsiveness**

Good governance requires that institutions and processes try to serve all stakeholders within a reasonable timeframe.

### **Consensus oriented**

There are several actors and as many view points in a given society. Good governance requires mediation of the different interests in society to reach a broad consensus in society on what is in the best interest of the whole community and how this can be achieved. It also requires a broad and long-term perspective on what is needed for sustainable human development and how to achieve the goals of such development. This can only result from an understanding of the historical, cultural and social contexts of a given society or community.

### **Equity and inclusiveness**

A society's well being depends on ensuring that all its members feel that they have a stake in it and do not feel excluded from the mainstream of society. This requires all groups, but particularly the most vulnerable, have opportunities to improve or maintain their well being.

### **Effectiveness and efficiency**

Good governance means that processes and institutions produce results that

meet the needs of society while making the best use of resources at their disposal. The concept of efficiency in the context of good governance also covers the sustainable use of natural resources and the protection of the environment.

### **Accountability**

Accountability is a key requirement of good governance. Not only governmental institutions but also the private sector and civil society

organizations must be accountable to the public and to their institutional stakeholders. Who is accountable to whom varies depending on whether decisions or actions taken are internal or external to an organization or institution. In general an organization or an institution is accountable to those who will be affected by its decisions or actions. Accountability cannot be enforced without transparency and the rule of law.

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## Chapter-4

### History of Good Governance in India

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The idea of Good Governance is as old as Indian civilization. The rulers were bound by *dharma*, popularly called '*Raj Dharma*', which precisely meant for ensuring good governance to the people. Even though monarchy prevailed, there was no place for any theory of the divine rights of the kings or of arbitrary rule. *Raj Dharma* was the code of conduct or the rule of law that was superior to the will of the ruler and governed all his actions. This description of Good Governance found in ancient Indian scriptures, can be the Jataka tales, Shanti Parva-Anushasanparva of Mahabharat, Shukracharyas's Nitisar, Panini's Ashtadhyayi, Aitreya Brahmana, Valmiki's *Ramayana* and especially in Kautilya's *Arthashastra*. *Arthashastra* while highlighting the principle of good governance declares, "In the happiness of his people lies king's happiness, in their welfare his welfare, whatever pleases himself he shall not consider as good, but whatever pleases his people he shall consider as good."

Santi Parva of Mahabharat has devoted considerable space to *Raj Dharma* which aims to establish Good Governance in the society. It stressed that, it is the duty of the king to seek and promote the welfare of its subject. The king must be compassionate to the people of all section of society and concentrate on the welfare of the people.

Bhishma Pitamaha, who had mastered the art of governance and had dedicated himself to the throne of his kingdom, Hastinapur, says: "the foundation for good governance is righteousness in public affairs. The king, his son—including relatives—his ministers, and

the State employees who have taken the oath of their offices to uphold Dharma and to take care of the public needs, must not act unjustly or unethically because if they do so, they will not only destroy the moral basis of governance but will also turn the State into a hell"

The *Rig Veda* states "*Atmano mokshartham jagat hitayacha*" i.e., the dual purposes of our life are emancipation of the soul and welfare of the world. Thus, the public good should be the welfare of the society; or in other words, the private good or self-promotion should be subservient to the greatest good of all.

*Brihadaranya Upanishad* while recognizing the importance of good governance stressed that, it is the responsibility of the king to protect Dharma, the public good, so that all citizens get equal opportunity and that the weak are not exploited and harassed by the strong.

So in Indian scriptures Good Governance is called *Raj Dharma*, i.e., righteous duty of the king. It means those who are involved in governance must adhere to righteousness and do justice to the public. It has inseparable link to social welfare and inclusive development. Absence of good governance has been identified as the root cause of many of the deficiencies in society. It robs the citizenry of their social and economic rights. Good governance signifies basic parameters such as rule of law, participatory decision-making structure, transparency, accountability, responsiveness, equity and inclusiveness. The country's

administration has to run on these principles. This necessitates a reorientation in the outlook of the civil services.

When during 1990s World Bank raised the issue of governance, this immediately, became an issue of concern in India. The document of the Ninth Five Year Plan (1997- 2002) released in April 1999 included a Chapter on "Implementation, Delivery Mechanism and Institutional Development." In this chapter a review had been done on implementation of five year plans in India with a view to identify weak spots in the formulation and implementation of plan programmes to find solution to the weaknesses. The issue of decentralization in development planning, accountability of the implementing agencies and monitoring and evaluation of programmes were raised. This was followed by a more specific chapter titled, "Governance and Implementation" in the Tenth Five Year Plan (2002-2007). It defines Governance as "the management of all such processes that, in any society, define the environment which permits and enables individuals to raise their capability levels, on one hand, and provide opportunities to realize their potential and enlarge the set of available choices, on the other. These processes, covering the political, social and economic aspects of life impact every level of human enterprise, be it the individual, the household, the village, the region or the national level. It covers the State, civil society and the market, each of which is critical for sustaining human development. The State is responsible for creating a conducive political, legal and economic environment for building individual capabilities and encouraging private initiative. The market is expected to

create opportunities for people. Civil society facilitates the mobilization of public opinion and peoples' participation in economic, social and political activities."20 It further added that "The universally accepted features of good governance are the exercise of legitimate political power; and formulation and implementation of policies and programmes that are equitable, transparent, non-discriminatory, socially sensitive, participatory, and above all accountable to the people at large."

The Eleventh Five Year Plan (2007-2012) signifies that the vision of inclusive growth, reducing poverty and bridging the various divides that continue to fragment our society can only be achieved if there is a significant improvement in the quality of governance. There are many different definitions of good governance but it is generally agreed that good governance must be broadly defined to cover all aspects of the interface between individuals and businesses on the one hand and government on the other. The twelfth five year plan (2012-2017) defines good governance as an essential element of any well-functioning society. It ensures effective use of resources and deliverance of services to citizens and also provides social legitimacy to the system.

**Sources:**

1. Sanjeev Kumar Sharma, *Good Governance in Ancient India: Remembering Kingship in Shantiparavam of Mahabharat*, Meerut Journal of Political Science and Public Administration, Meerut, Vol. VI, No-1, January-June 2003
2. *The Mahabharata*, Book12, Santi Parva, Section-V (There is one huge Rajdharama section

discussing various aspects of governance besides Sabhaparvam and Vanaparvam. The Rajadharma section constitutes part of Shantiparvam. After the great Mahabharat war, the winning group of Pandavas headed by the eldest of them, Yudhishtira, approaches their grandfather Bhishma for guidance in running the administration of the state. Bhishma was lying on the shayya (the bed of thrones) in the war field and waiting for his death which he was said to be embracing only in Uttarayana. Yudhishtira requests Bhishma to direct him the ways of good governance. The whole episode is embodied in the Shantiparvam of Mahabharat.)

3. The Mahabharata, Book 12, Santi Parva, Section-V

4. O.P. Dwivedi and D.S Mishra, Good Governance: A Model for India, in Handbook of Globalization, Governance, and Public Administration, Ali Farazmand and Jack Pinkowski, (ed), Taylor and Francis, New York, 2007

5. Pranab Mukherjee, Speech by the President of India on the Occasion of Fourth UPSC Foundation Day, "Governance and Public Service" New Delhi: November 29, 2013.

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8. Planning Commission, Government of India, Twelfth Five Year Plan (2012-2017) Faster, More Inclusive and Sustainable Growth, Vol-I, 2013, p. 286

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## Chapter- 5

# Role of Civil Society in Good Governance

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### **The Concept of Civil Society**

**Civil society** is the "aggregate of non-governmental organizations and institutions that manifest interests and will of citizens." Civil society includes the family and the private sphere, referred to as the "third sector" of society, distinct from government and business. By other authors, "civil society" is used in the sense of (1) the aggregate of non-governmental organizations and institutions that manifest interests and will of citizens or (2) individuals and organizations in a society which are independent of the government.

Sometimes the term *civil society* is used in the more general sense of "the elements such as freedom of speech, an independent judiciary, etc, that make up a democratic society" (*Collins English Dictionary*). Especially in the discussions among thinkers of Eastern and Central Europe, civil society is seen also as a concept of civic values. One widely known representative of this concept is the Polish former dissident Adam Michnik. Institutions composing civil society may be for-profit or not-for-profit.

**Source:** *Wikipedia*

### **History of Civil Society as a term**

The civil society being different from the state implies an arena in which people can realize their self interest, develop their personality and learn the value of group action by depending on others for their welfare. Civil society prepares the people to participate in state functioning and thus, it provides a solid base of citizenship. Civil society can be described as something private as

contrasted to the state and as something public when contrasted to the family.

Though it is an aspect of the modern state and is subject to its control, yet it is autonomous and voluntarily organised. Charles Taylor characterised it as a commercial society that includes both economic associations as well as the domain of non-economic voluntary associations.

Gellner observed that "civil society is that set of diverse nongovernmental institutions which is strong enough to counterbalance the state and, while not preventing the state from fulfilling its role of keeper of the peace and arbitrator between major interests, can nevertheless prevent it from dominating atomizing the rest of society".

### **Civil Society: A Discussion**

Contractualist philosopher Thomas Hobbes though had not used the term "civil society", yet he referred to the area where the individual can freely lead his life without creating any obstruction for the sovereign power. John Lock referred it as a state where men enter to form a government which can protect them against the uncertainties of the state of nature. For Hegel, civil society is a voluntarily organised body that is intermediate between the state and the family.

People here live with their self-interest and personal choice and with minimum constraints. Though traditionally civil society and state were treated synonymously, Hegel separated these terms for the first time. Civil society has been described as a primary source for the civic virtues required to maintain a

stable polity. Though it is a source of community and solidarity and also a sphere of social homogeneity and identity, yet it is also a sphere of plurality, diversity and conflict.

The values of civil society are those of political participation and state accountability. Thus, it provides the necessary basis for participation in formal political institutions. The institutions of civil society are associational. It advocates pluralism and is opposed to totalitarianism. When state becomes an authoritarian political institution, its authority is to be challenged by the civil society.

Within the civil society, individuals enjoy enforceable rights of free expression, freedom to form associations, formulation of opinions and freedom to dissent. Civil society is a vital pre-condition for the existence of democracy. For this reason, authoritarian states attempt to stifle civil society.

The existence of civil society does not mean that it always challenges the state authority. Thomas Paine argued that the power of the state must be restricted in favour of the civil society as individuals are having a natural propensity for society which exists before the formation of the states.

Civil society is not a political society. Despite the dissolution of the government, the civil society continues to satisfy the interest of the individuals. Antonio Gramsci interpreted the civil society in terms of the political and cultural hegemony where a social group exercise control over the whole of the society as the ethical content of the state.

Though the existence of civil society is essential, yet is not a sufficient pre-condition for the existence of democracy. Gramsci suggested how a hegemonies civil society can support the state in controlling social practices. The accountability of the state can be ensured only when the civil society is self-conscious, vibrant and active. An inactive civil society- leads to unresponsive states. Thus, the relationship between the state and the civil society is a mutual one based on the principle of reciprocity.

*Source: Civil Society in India and It's role by Nitisha Published in Your Article Library*

### **Role of Civil Society in Good Governance (Case Study: India)**

Governance is the process by which a society manages itself through the mechanism of the state. The core ingredients of good governance are: People's effective participation, transparency, responsiveness, consensus orientation, equity and inclusiveness, the rule of law, effectiveness and efficiency, accountability, and strategic vision.

Innumerable administrative reform commissions have produced no appreciable impact on the quality of governance. The emphasis now is on facilitating external pressure from citizens on the system to improve through the Right to Information Act, Consumer Protection Act, Citizens Charters, Whistleblower protection, e-governance, Report Cards, Democratic Decentralisation, Public Interest Litigation, etc.

Governance has three levels — (a) internal systems and procedures; (b) cutting edge systems and procedures; and (c) check-and-balance systems

At level (a), civil society can influence policy and project formulation through membership of committees, submission of memoranda directly or through elected representatives, and interactive rule-making in the implementation of policies, projects and schemes affecting citizens. The maximum day-to-day interaction between the government and the citizens takes place and the popular image of governance is formed at level (b). Interactions of civil society with level (c), infrequent but important, will be more of an exposure of irregularities rather than steps for improvement in the quality of governance.

### **Functional contribution**

Civil society's functional contribution to good governance could be:

1. Watchdog — against violation of human rights and governing deficiencies.
2. Advocate — of the weaker sections' point of view.
3. Agitator — on behalf of aggrieved citizens.
4. Educator — of citizens on their rights, entitlements and responsibilities and the government about the pulse of the people.
5. Service provider — to areas and people not reached by official efforts or as government's agent.
6. Mobiliser — of public opinion for or against a programme or policy.

Civil society acts through 'social capital'— the capacity of people to act together willingly in their common long-term interest. Social capital is strong in a homogeneous, egalitarian society.

Civil society as a whole is, therefore, unable to play its full potential role in enforcing good governance in India except when extraordinary leadership

overcomes narrow loyalties, or when an issue is of common, major concern to all sections (like natural calamities). Smaller units of governance and decentralisation of governance are, therefore, indispensable in India.

Individuals cannot take on the huge political-bureaucratic machine that the government is, nor can the entire civil society act on behalf of every citizen. Civil society, therefore, has to operate through compact, focused organisations based on strong social capital.

The Government of India's National Policy on the Voluntary Sector, 2006 envisages encouraging an independent, creative and effective voluntary sector. Support for NGOs, however, cannot be blindly sentimental. The government has to assess their suitability, capability and experience, and evaluate their performance continually.

Efforts to improve the quality of governance will fail if the quality and calibre of the political executive is unsatisfactory. Civil society needs to note the deterioration in the quality, integrity and commitment of the elected representatives and the criminalisation of politics. Voter education, electoral reforms and periodical highlighting of the performance (or non-performance) of elected representatives are high priority items in civil society's agenda.

Democracy is not a spectator sport (though politicians make a spectacle of themselves!) Parliamentary democracy becomes participative democracy only with civil society's active role.

**Source: *The Role of Civil Society in Good Governance* by P.K. Doraiswamy, Published in *The Hindu* on August 26, 2007**

## Chapter- 6

### Nature of Good Governance in India

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The Eleventh Five Year Plan (2007-2012) highlighted the following features of Good Governance in India:

As a democratic country, a central feature of good governance is the constitutionally protected right to elect government at various levels in a fair manner, with effective participation by all sections of the population. This is a basic requirement for the legitimacy of the government and its responsibility to the electorate.

The government at all levels must be accountable and transparent. Closely related to accountability is the need to eliminate corruption, which is widely seen as a major deficiency in governance. Transparency is also critical, both to ensure accountability, and also to enable genuine participation.

The government must be effective and efficient in delivering social and economic public services, which are its primary responsibilities. This requires constant monitoring and attention to the design of our programmes. Where the responsibility for delivery of key services such as primary education and health is at the local level, this requires a special attention for ensuring the effectiveness and efficiency of local governments.

Governments at lower levels can only function efficiently if they are empowered to do so. This is particularly relevant for the *Panchayati Raj* Institutions (PRIs), which currently suffer from inadequate devolution of funds as well as functionaries to carry out the functions constitutionally assigned to them.

An overarching requirement of good governance is that the rule of law must be firmly established. This is relevant not only for relations between the government and individuals, enabling individuals to demand their rights, but also for relations between individuals or businesses. A modern economic society depends upon increasingly complex interactions among private entities and these interactions can be efficiently performed only if legal rights are clear and legal remedies for enforcing these rights are swift.

Finally, the entire system must function in a manner which is seen to be fair and inclusive. This is a perceptual issue but it is real nonetheless. Disadvantaged groups, especially the SCs, STs, minorities and others, must feel they have an equal stake and should perceive an adequate flow of benefits to ensure the legitimacy of the State.

**Source:** *Planning Commission, Government of India, Eleventh Five Year Plan (2007-2012) Vol-I*

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## Chapter- 7

### Steps Taken for Ensuring Good Governance in India

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A number of steps have been taken for improving the quality of governance in India:

#### **Panchayati Raj System: A Democratic Decentralization of Power to the Grass root to ensuring Peoples's Participation**

Good Governance can be ensured and strengthened by democratic decentralization and active participation of people in the process of governance. The introduction of democracy in free India made it imperative for the country to provide for a system of democracy at grass-root level. It was sought to be achieved by the introduction of local self-governments in rural and urban areas of the country. The local governments have been in operation since the early years of independence yet during 1990s an attempt was made by the 73rd and 74th Constitutional amendments to give a wider representative base and more powers to these institutions. These amendments provided constitutional status to grass root institutions in rural and urban areas have been landmark achievements that ensure the involvement of people in the process of governance.

By the 73rd Amendment Act, 1992, a serious attempt was made to ensure regular, active and efficient working of the local bodies in the rural areas i.e *Panchayati Raj* institutions. It contains Part-IX of the Constitution entitled as "The *Panchayats*" under Article 243 to 243-O. The Act also added the Eleventh Schedule to the Constitution of India. The new act recognized the three tier structure of the *Panchayati Raj* i.e the *Gram Sabha* and *Gram Panchayat* at the

village level, a *Panchayat* or *Panchayat Samiti* at the intermediate level and the *Zila Parishad* at the district level. The other important provisions of the act are; reservation of seats for SCs and STs in proportion of their population, reservation of the posts of chairpersons for the SCs and STs in a state, reservation of not less than 1/3rd of the elected seats in each panchayat for women, reservation of 1/3<sup>rd</sup> posts of chairpersons for rural women and rotation of reservations of chairpersons of village Panchayats at intermediate level, and at district level, representation of MPs, MLAs, MLCs, election of chairperson of panchayats and continuity inoperation of *Panchayati Raj* institutions.

On April 23, 1994 all the states of India completed the process of enacting fresh legislation for strengthening the *Panchayati Raj* institutions as envisaged in the 73rd amendment. The enforcement of the act marked the beginning of process of devolution of power and decentralization of administrative experience. This constituted an important step in the drive towards the strengthening of the democratic process at the grassroots.

Since the dawn of independence, the Urban Local Government has been working at the grassroots level. By the 74th Constitutional Amendment Act 1992, an attempt was made to revamp the Urban Local Government with a view to ensure for its stability, more representativeness and more powerful role. It contains PartIX A of the Constitution of India entitled "The Municipalities" from Article 243-P to 243-ZG. By this act three tier urban

local bodies have been set up i.e. Nagar Panchayats for fast urbanizing rural areas, Municipal Councils for smaller urban areas and Municipal Corporations for larger urban areas. The act has fixed the term of five years for urban bodies. It also makes the provision of appointment of an election commission in each state for conducting elections to the institutions of local government. The provision for reservation of seats for SCs, STs, OBCs and women has also been made.

All states of Union, enacted or amended their respective municipal acts as per the spirit of 74th Amendment Act and the urban local government institutions in all states were organized in their new forms with effect from 1994.

#### **Right to Information Act: For Transparency and Accountability**

In this age of Information and Technology, information is the most potent tool of empowerment of an individual as well as that of a nation as it can prove to be an effective instrument in ensuring good governance. Without information, people cannot adequately express their right as citizens or make informed choices. Seeking information of all sorts and at every cost is, therefore, being viewed as an essential right by the people throughout the world. Nearly 90 countries have already adopted some law granting its people the right to seek information related to various government and public offices and their working. In India also the Right to Information Act was passed by the Parliament on June 15th 2005, which came into full force in the midnight of 12th and 13th October 2005. The original Constitution does not provide explicitly a right to information. However, the Supreme Court has held in several cases that Right to Information is implicit in the constitutionally

enshrined rights to freedom of speech and expression Article 19 (1) (a) and Right to Life and Liberty Article 21. The main thrust of the act is to change the culture of secrecy and aloofness that has long plagued India's monolithic and opaque bureaucracy. The Act promises to reverse this culture of secrecy and unaccountability by recognizing that the government only holds information on behalf of its owners — the citizens. It requires public authorities to disclose all information about their activities proactively and maintain all information they keep in a manner that facilitates the people's right to information. Indeed, by breaking down this culture of secrecy, the law will also open channels of communication between the citizen and the government. Under the act any citizen can seek information from government or public authorities as notified in the act. The Act is in application throughout the country with the exception of Jammu and Kashmir. Under the act information is provided within a stipulated frame work of time. A nominal fee varying from state to state is charged for seeking information which can also include getting Xerox copies of documents, printouts and inspection of files. Every public authority has designated as many officers as the Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this act. For seeking information from any office/department one needs to apply on a plain paper along with the appropriate fee to the PIO (Public Information Officer) of that department. Information is to be provided within 30 days failing which applicant can appeal to the Appellate Authority of the department which is again given 30 days to provide

the information sought. If the Appellate Authority also denies information to the applicant, the latter can represent first to the State and then to the Central Information Commission. The Act provides for a penalty of Rs. 250 per day on the PIO for making delayed or providing wrong information. Like other rights, the right to information is not absolute. It is subject to certain limitations, which can be put on it keeping in view the national and public interests. The matters dealing with central intelligence and security agencies, directorate of Revenue Intelligence, International Relations etc have been kept out of the ambit of the RTI Act 2005. Information, disclosure of which would prejudicially affect the sovereignty and integrity of India, or cause a breach of privilege of Parliament or the State Legislature cannot be disclosed.

In this way the RTI Act 2005 seeks to deepen Indian democracy by empowering the citizens to obtain the needed information from the public authorities at the national, state and local levels and aims at good governance by ensuring the much-needed transparency and accountability in them.<sup>26</sup> It has the great potential to ensure good governance in the country. It can, in fact become the panacea for all the ills plaguing the bureaucratic, political spheres and can usher in a genuine era of transparency and accountability.

#### **Mahatma Gandhi National Rural Employment Guarantee Act**

The National Rural Employment Guarantee Act (NREGA), 2005, which has now been renamed as the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) is a step towards implementing the provision of Right to Work. It is the largest social

welfare scheme of its kind in the world. It has been recognized as an inalienable human right by guaranteeing 100 days unskilled work to every rural household whose adult members volunteer to do unskilled manual work. It reflects the requirements of citizens and is an excellent example of the importance of critical linkage between governance and development. It validates the view that development and good governance are mutually complimentary. Good governance facilitates development, and in turn development ensures the furtherance of good governance. Every fifth rural household in India benefits from the scheme. Wages given under MGNREGA per day have almost doubled from Rs. 65 to 128 since the launch of the scheme. In 2012-2013, the scheme provided employment to more than 4.8 crore households.

#### **Right to Education (RTE) Act, 2009**

Illiteracy is the major hurdle in the way of Good Governance. Literate citizens are the real asset of a state as they can contribute immensely in the progress of governance. In this respect the Right to Education (RTE) Act, 2009, may be legitimately hailed as one of major landmark legislations that have been enacted by Parliament in the 21st century, with a view to achieve the objectives of Good Governance. The 86th Constitutional Amendment Act 2002 popularly known as RTE seeks to make free and compulsory education a fundamental Right for all children in the age-group 6-14 years by inserting a new Article 21A in Part III of the Constitution. The new Article 21A reads as "The state shall provide free and compulsory education to all children of the age of six to fourteen years in such a manner as the State may, by law, determine."

The RTE Act aims at fulfilling the promise of universal education guaranteed by the founding fathers of the Constitution in the Directive Principles of State Policy and duly recognized by the Supreme Court of India as an inseparable part of the Right to Life in a path-breaking judgment in the Unnikrishnan vs. State of Andhra Pradesh (1993).

It has made it a mandatory obligation for the state to ensure that all children of the 6-14 years age group enroll themselves in schools and attend the classes. The state has also been mandated to make additions to the infrastructure of the existing schools, to open new schools, if needed, to ensure the minimum educational qualifications of the present teachers, to increase their number to ensure the teacher-student ratio of 1-30, to provide quality education and to ensure the reservation of 25 per cent seats in the unaided private schools for the underprivileged students. Besides, the RTE has been made justifiable. More important, all the expenses are to be met by the Government of India. Further, the Act makes it the fundamental duty of parents and guardians to provide opportunities for education to their children/wards in the 6 to 14 years age group.

The government is trying to target such children through a *Sarva Shiksha Abhiyan* and a series of measures and facilities –such as free mid-day meals, uniforms, and textbooks. Also, as per Act, “the state shall endeavor to provide early childhood care and education for all children until they complete the age of six years.” Since, the RTE Act, 2, 14,561 primary and 1,76,361 upper primary schools have been sanctioned under Sarva Shiksha Abhiyan (SSA) till 2013, of which 96% are operational.

Government sanctioned Rs. 23,836 crore for SSA during 2012-2013. So, it is a great leap forward towards inclusive education which would certainly help to achieve the objectives of good governance.

### **National Health Mission**

National Health Mission is another initiative undertaken with a view to ensure good governance by providing health care to the people. Under it a sub mission The National Rural Health Mission (NRHM) 2005, was launched to provide effective rural health care with special focus on 18 poor performing states on different health indicators. It aims at increasing public spending on health, and promoting equity efficiency, quality and accountability in the public health system.

Similarly National Urban Health Mission (NUHM) was launched in 2013 as being the other sub-mission under the overarching National Health Mission to meet the healthcare challenges of the urban poor. It implemented in 779 cities and towns with over 50,000 population. It aims to cover 7.75 crore people. Meant for the urban poor, it primarily targeted the urban slum population of 68 million (6 crore) as revealed by the 2011 Census. The mission comes at a time when poverty in India is becoming urbanised. By 2030, urbanisation rate will touch 50 per cent. Urban poverty at present is around 25 per cent and although nationally rural poverty is higher, the gap is closing. So the National Health Mission could be a landmark initiative to provide healthcare services to the people in rural and urban areas for ensuring the objectives of good governance.

### **Right to Food**

The National Food Security Bill 2013, also known as Right to Food Act, for

wiping out hunger and malnutrition from the country, is another step to establish good governance in India. It provides a large majority of its people, the deprived and the disadvantaged, a legal right to demand food from the state. It provides for food subsidy to two-thirds of the population and enables them to satisfy their basic needs of food. The landmark legislation aimed at providing cheap food grain to nearly 82 crore people in the country. A single category of beneficiaries entitled to 5kg foodgrain per person per month. It protects entitlement of Antyodaya households at 35 kg per household per month. It provides food security allowance in case of non-supply of foodgrain. It also ensures Rs. 6,000 maternity allowance for women besides nutritional food.

#### **Governance Knowledge Centre (GKC)**

The Department of Administrative Reforms & Public Grievances, as part of its mandate to document and disseminate good-governance initiatives, has launched a Web Portal, namely, Governance Knowledge Centre (GKC) in 2005. The portal is intended to be a knowledge repository and a platform for sharing of ideas and views on governance and is primarily targeted at civil servants and those interested in the practice of and research on governance and public management. The knowledge shared by practitioners and researchers would facilitate a better comprehension of the nuances of administrative and management practices and pave the way for taking up appropriate interventions aimed at improving governance standards.

#### **Code of Governance**

The Department of Administrative Reforms and Public Grievances has proposed a framework for good governance in the form of a Code of

Governance. The main components of this Code are: (i) improving service delivery; (ii) development of programmes for weaker sections and backward areas; (iii) technology and system improvement; (iv) financial management and budget sanctity; (v) accountability and transparency; (vi) public service morale and ethics and (vii) incentivizing reforms.

#### **Benefits Transfer Scheme**

The Direct Benefits Transfer Scheme, launched in January 2013, leverages the *Aadhaar* system to usher in greater transparency and improve targeting, eliminate wastage and enhance efficiency. Using broadband and information technology, the Unique Identification Authority of India<sup>39</sup> has issued more than 500 million *Aadhaar* Cards across the country which is enabling people to receive Direct Benefit transfers.

#### **Grievances Redressal**

The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011 envisages the citizens to receive time-bound services. This would help to create a more responsive administration to improve service delivery. Under the Bill every public authority is required to publish a Citizens Charter specifying the category of goods supplied and services rendered by it, the time frame within which such goods shall be supplied or services be rendered; to establish information and facilitation centre for efficient and effective delivery of services and redressal of grievances and to designate Grievance Redress Officers (GRO) in all public authorities to enquire into and redress any complaints from citizens.

#### **E-Governance**

E-governance is a powerful tool of good governance. The National e-Governance Plan has the vision to “Make all Government services accessible to the common man in his locality, through common service delivery outlets and ensure efficiency, transparency & reliability of such services at affordable costs to realize the basic needs of the common man”. A network of more than 100,000 Common Service Centres for electronic delivery of public services to citizens in rural areas has been rolled out. The citizen-centric e-Governance services have been implemented in different states under the e-District Project. It has helped to change the outlook of the masses towards administration. Automation of government services has facilitated

information dissemination. It has been successful in areas like land records management, law and order administration, pension disbursement and public information systems, especially relating to health and railways. The greater usage of internet has helped to integrate all areas of our country into the mainstream.

Besides, above the reforms in the electoral system, tax system, judicial set up, All India Service Rules, administrative structure and working have guided with a view to promote efficiency and transparency in the administration which would certainly help to establish good governance in India.

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### **GRIEVANCE REDRESS**

Grievance Redress Mechanism is part and parcel of the machinery of any administration. No administration can claim to be accountable, responsive and user-friendly unless it has established an efficient and effective grievance redress mechanism. In fact, the grievance redress mechanism of an organization is the gauge to measure its efficiency and effectiveness as it provides important feedback on the working of the administration.

### **STRUCTURE OF GRIEVANCE REDRESS MACHINERY AT APEX LEVEL**

The grievances of public are received at various points in the Government of India. There are primarily two designated nodal agencies in the Central Government handling these grievances. These agencies are:-

- (i) Department of Administrative Reforms and Public Grievances, Ministry of Personnel, Public Grievances & Pensions
- (ii) Directorate of Public Grievances, Cabinet Secretariat

### **Department of Administrative Reforms & Public Grievances**

Department of Administrative Reforms & Public Grievances is the nodal agency in respect of policy initiatives on public grievances redress mechanism and citizen centric initiatives. The role of Department of Administrative Reforms and Public Grievances consists primarily to undertake such citizen-centric initiatives in the fields of administration reforms and public grievances in the Government so as to enable the Government machinery to deliver quality public services to the

citizen in a hassle-free manner and eliminate the cause of grievance.

The grievances received by the Department are forwarded to the concerned

Ministries/Departments/State Governments/UTs, who are dealing with the substantive function linked with the grievance for redress under intimation to the complainant. The Department 'takes up' about 1000 grievances every year depending upon the seriousness of the grievance and follows them regularly till their final disposal. This enables the Department to evaluate the effectiveness of the grievance redress machinery of the concerned government agency.

On the basis of the grievances received, Department identifies the problem areas in Government which are complaint-prone. These problem areas are then subjected to studies and remedial measures are suggested to the Department/Organisation concerned.

### **Directorate of Public Grievances (DPG)**

Based on the review of the public grievances redress machinery in Government of India carried out in 1987, the Directorate of Public Grievances was set up in the Cabinet Secretariat with effect from 01.04.88. This Directorate was set up initially to look into individual complaints pertaining to four Central Government Departments which were more prone to public complaints. Subsequently, more Departments having larger public interface were added to its purview and presently this Directorate is handling

grievances pertaining to 16 Central Government Organisations.

The Directorate was envisaged as an appellate body investigating grievances selectively and particularly those where the complainant had failed to get redress at the hands of internal machinery and the hierarchical authorities. Unlike the Department of AR&PG, Directorate of Public Grievances has been empowered to call for the files and officers for discussion to see that grievance handling has been done in a fair, objective and just manner. Wherever the Directorate is satisfied that the grievance has not been dealt in such a manner, it makes suitable recommendations for consideration and adoption by the concerned Ministry/Department which are required to be implemented within a period of one month.

The empowered and enlightened citizens of today is far more demanding and the government, therefore, has to develop, evolve and enable itself to meet the evolving demands of the society that it has to serve. The society today is impatient with the old system of governance which is not coming up to its expectations. To them, a government employee is perceived as insensitive, aloof, corrupt and overall the administrative system as autocratic, opaque and with no work culture. This requires a paradigm shift in governance to a system where the citizen is in the center and he is consulted at various stages of formulation and implementation of public policy. To achieve this objective, India needs a public service which is capable, innovative and forward looking. The traditional role of civil service which was of administrator, service provider and controller of development activities has to make way

for the new roles of facilitator and regulator so as to create best environment and conditions in the country for building a nation of excellence.

Department of Administrative Reforms & Public Grievances is the nodal agency in Government of India for formulation and implementation of such policies and strategic initiatives so as to enable and equip the government machinery to meet the challenges involved in achieving this objective.

Department of Administrative Reforms and Public Grievances is the driving engine of reforms in administration and governance. The Department proposes to introduce and lead Change to establish a public service of quality, efficiency, integrity and effectiveness and modernize the public service. It is the nodal agency in government for facilitating administrative improvements and reengineering of processes across the government. Citizen's Charter initiative, Public Grievance Policy, Quality Management in Government, e-Governance, Review of Administrative Laws etc. Documentation and Dissemination of Best Practices, Organisation & Methods, Information & Facilitation Counters, Civil Services Reforms are some of the areas under the ambit of Department of Administrative Reforms & Public Grievances.

Following are the necessary conditions for successful implementation of any reforms agenda:

- Political mandate
- Committed and strong executive
- Willingness and capability to take on vested interests in the system

**PUBLIC GRIEVANCE REDRESS  
MECHANISM IN CENTRAL**

## **GOVERNMENT MINISTRIES/ DEPARTMENTS/ ORGANISATIONS**

The Public Grievance Redress Mechanism functions in Government of India on a decentralized basis. The Central Government Ministries/Departments, their attached and subordinate offices and the autonomous bodies dealing with substantive functions as per Allocations of Business Rules, 1961 have their respective grievance redress machinery. An officer of the level of Joint Secretary is required to be designated as Director of Grievances of the Ministry/Department/Organisation.

The role and functions of Directors of Grievances are given in Department of Administrative Reforms and Public Grievances O.M.no.1/PLCY/PG-88(7) dated 01.03.1988. This inter alia empowers the Directors of Grievances to call for files/reports and take decisions or review decisions already taken, in consultation with Secretary/HOD even in those areas which do not fall within his/her domain/charge.

The functioning of Public Grievance Redress Machineries in various Ministries/Departments/Organisations is regularly reviewed by a Standing Committee of Secretaries under the Chairmanship of Cabinet Secretary with Additional Secretary Department of Administrative Reforms and Public Grievances as member-secretary.

With a view to ensure prompt and effective redress to the grievances, a number of instructions have been issued by Department of AR&PG from time to time which, inter alia include:-

**(a)** Observe every Wednesday as a meetingless day in the Central Secretariat Offices when all the officers above a specified level should be available their desks from 1000hrs.to

1300hrs. to receive and hear public grievances. Field level offices having contact with the public have also to declare one day in the week as a meetingless day.

**(b)** Designate a Joint Secretary level officer as Director of Grievances including in autonomous bodies and public sector undertakings.

**(c)** Deal with every grievance in a fair, objective and just manner and issue reasoned speaking reply for every grievance rejected.

**(d)** Analyse public grievances received to help identification of the problem areas in which modifications of policies and procedures could be undertaken with a view to making the delivery of services easier and more expeditious.

**(e)** Issue booklets/pamphlets about the schemes/services available to the public indicating the procedure and manner in which these can be availed and the right authority to be contacted for service as also the grievance redress authority.

**(f)** Pick up grievances appearing in newspaper columns which relate to them and take remedial action on them in a time bound manner. Issue rejoinders to newspapers after investigation in cases which are found to be baseless and/or damaging to the image of the Organisation.

**(g)** Strengthen the machinery for redress of public grievance through, strictly observing meetingless day, displaying name designation, room number, telephone number etc. of Director of Grievances at the reception and other convenient places, placing locked complaint box at reception.

**(h)** Set up Staff Grievance Redress Machinery and designate a Staff Grievance Officer.

**(i)** Include the public grievances work and receipt/disposal statistics relating to redress of public grievances in the Annual Action Plan and Annual

Administrative Report of the Ministries/Departments.

**(j)** Fix time limits for disposal of work relating to public grievances and staff grievances and strictly adhere to them.

**(k)** Acknowledge each grievance petition within three days of receipt, indicating the name, designation and telephone number of the official who is processing the case. The time frame in which a reply will be sent should also be indicated.

**(l)** Constitute Lok Adalats/Staff Adalats, if not already constituted, and hold them every quarter for quicker disposal of public as well as staff grievances and pensioners' grievances.

**(m)** Constitute a Social Audit Panel or such other machinery, if not already constituted, for examining areas of public interface with a view to recommending essential changes in procedures to make the organization more people-friendly.

**(n)** Establish a single window system at points of public contact, wherever possible to facilitate disposal of applications.

**(o)** Indicating telephone/fax number of the officer whose signature over a communication regarding the decision/reply is to issue to the petitioner.

**(p)** Monitoring of grievances in organisations under Ministries/Departments on a monthly basis.

**(q)** Publicising the grievance redress mechanism through the print and electronic media.

**(r)** Review of receipt and disposal of grievances by Secretaries of Ministries/Departments in the weekly meetings taken by them.

#### **TYPES OF PUBLIC GRIEVANCES**

An analysis of grievances received in Department of Administrative Reforms & Public Grievances and Directorate of Public Grievances has revealed that the majority of grievances related to

inordinate delay in taking decisions, extending from several months to several years and refusal/inability to make speaking replies/disclose basic information to the petitioners to enable them to examine whether their cases have been correctly decided. It is observed that, had the concerned organizations expeditiously and appropriately dealt with the grievances in the first instance, the complainants would not have approached Department of Administrative Reforms & Public Grievances/Directorate of Public Grievances.

#### **SYSTEMIC PROBLEM AREAS**

There are rules, regulations, instructions which are archaic and aimed at shifting the work towards citizens. Slackness in administration, low morale of the services, inherent inertia, absence of incentives, lack of proper authority and accountability are the delay-breeders and the delay is the major factor that generates the grievances. These factors need to be tackled properly through systematic changes. Prevention is better than cure. On these lines, the best method to redress a grievance is not to allow the grievance to arise at the first instance. Even the redress of a grievance, that arose on account of delay, is also delayed as is revealed by the analysis of grievances according to which on an average six months are taken to redress a grievance.

Many a times Departments/Organisations are found to avoid taking appropriate decisions by resorting to rejection without application of mind, not taking appropriate interest in functioning of subsidiary offices/linked autonomous organizations, and emphasize on disposal and not on the quality disposal. Decisions taken earlier are reiterated without subjecting the

cases of independent examination. There is an inertia to review decisions taken by down-the-line functionaries. In many cases Departments/Organisations justify the delay and continue with their inability to take decisions by putting the onus on another agency or on the petitioner. Many a times, the actual cause of grievance lay in internal inefficiency of the system and failure to identify simple systemic solutions. It is also observed that the time norms set by Departments for providing services were not being adhered to in many cases.

There is no doubt that grievances continue to arise because of a high systemic tolerance for delay, poor work quality and non-accountability in every day performance of functions. Failure to review archaic, redundant and incongruous rules, policies and procedures and to initiate simple, workable systemic changes is another cause for grievance generation. However, Departments and Organisations, which work with policies and procedures on a day-to-day basis, do not appear to have developed the ability to continually look 'within' and identify deficiencies. All these factors have ensured that grievances, once arisen, many a time do not get resolved in 'normal' course and need intervention at the highest administrative level.

Slackness in efficient functioning of 'Directors of Grievances' is identified as one of the prime cause for continuing delay in redress of grievances. Poor work quality, non-accountability in everyday performance of functions and failure to systemically review policies/procedures and suggest systemic changes are other important causes. In most Ministries, Departments and Organisations, the mechanism of

Director of Grievances is not functioning as per the mandate prescribed.

### **FOCUS AREAS**

In this context, it is the need of the time that the Government should review its pledge of providing hassle-free public services to the citizens by focusing on systemic changes to minimize the grievances in Government domain. In order to achieve this objective in a focused manner, it is necessary to evolve a multi-pronged strategy to be implemented in a time-bound and effective manner. Keeping in view the various factors involved in grievance redress issue, following areas need focused attention :

#### **Performance Review - Foreseeing areas of dissatisfaction**

**(a)** To review processes, functions etc. in the organization and to cast them pro-actively in a manner that would foresee areas of dissatisfaction, identify activities where transparency, equity, prudence and propriety are compromised, interventions that can help achieve better outcomes, improve satisfaction of internal and external stakeholders.

**(b)** An annual review of laws, rules, regulations, instructions and procedures be carried out with a view to simplify the procedure making the administration more transparent, accountable and citizen-friendly. Information Technology should be employed in re-engineering of governmental processes in order to improve efficiency and effectiveness and ensuring transparency and accountability.

#### **Identification of Grievance Prone Areas and Analysis**

**(a)** Identify areas susceptible to corruption and/or grievance generation and conduct work audit of such areas. In

addition, consider external/social audit in areas of very high public interface, with the aim of identifying wrong doers and improving processes and systems. Involve NGOs in the exercise.

**(b)** Analyse the nature and cause of grievances with the aim of identifying systemic deficiencies in laws, rules, regulations, policies, instructions, work practices and procedures, and effecting systemic changes to remove/correct these deficiencies. The Directors of Grievances be the nodal officers for such purpose. The analysis should be conducted in the month of April every year and studies of identified grievance prone areas be undertaken. Recommendations made in the studies should be implemented by December of that year so as to bring systemic changes and remove the cause of grievances.

**(c)** Fix responsibility in each and every case of delay, default or dereliction in performance of every day duties on failure to deliver services, and take disciplinary action to avoid recurrence. This will send a clear signal that in the event of failure to perform duties or deal appropriately with grievances within the time frame norms prescribed, a real possibility of having responsibility fixed on one's shoulder exists. Consider the feasibility of prescribing specific penalty clauses in such cases.

### **CITIZEN'S CHARTER**

Formulation and effective implementation of Citizen's Charters, which should, inter-alia, include disclosure of time norms for providing various services to the citizens/clients and details of all levels of grievance redress machinery that may be approached.

### **Information & Facilitation Counters (IFC)**

Setting up and effective operationalisation of IFC's civic society may be involved in the functioning of IFCs to make them citizen- friendly and effective.

### **On Line Registration of Grievances**

Make 'Public Grievance Redress and Monitoring System' (PGRAMS) software, operational with every Director of Grievances. This shall enable the Director of Grievances to immediately place the details of grievances received in a database (efficient 'dak' management) as well as record the fact whether he intends to monitor its progress, identify the section/division where it is being sent, etc., generate the time taken in dealing with the grievance, enable review of pending grievances in the organisation or across the organisations, generate acknowledgements to complainants, conduct analysis etc. The system should also have the facility of on-line registration of grievances by the citizens and access to information on the status of his/her grievances.

### **Prompt and Effective Redress of Grievances**

**(a)** If grievances should be necessarily acknowledged, with an interim reply within 3 days of receipt and redressed within 3 months of receipt in the Organisation. The same time limit should apply even if co-ordination with subsidiary offices or another Department/Organisation is involved. In such instances special efforts, to be suo moto disclosed when reports are called, should be made.

**(b)** No grievance is to be rejected without having been independently examined. At a minimum, this means that an officer superior, to the one who delayed taking the original decision or took the original decision that is cause for grievance, should actually examine

the case as well as the reply, intended to be sent to the grievance holder.

**(c)** Make the 'Director of Grievances' effective through the following inter-related steps:

**(i)** Secretaries/Organisational Heads ensuring that Directors of Grievances are fully 'empowered' in accordance with instructions to perform their role.

**(ii)** All grievance representations received in the Department/Organisation, either by mail, fax, e-mail to be invariably routed through Director of Grievances before they go to concerned sections/divisions. At this stage, Office of the Director of Grievances shall go through the representations and come to a prima-facie view regarding the gravity of the matter involved and decide whether it shall monitor the case or allow down-the-line functionaries to independently deal with it. Directors of Grievances should monitor and follow up at least 3 to 5 percent of grievances received to enable them to assess the efficacy of grievance redress mechanism.

**(iii)** Fix responsibility in each case of delay, default and dereliction of duty, identified by Director of Grievances, and take appropriate action against concerned personnel. In addition, consider feasibility of prescribing specific penalty clauses for such failures.

### **Review and Monitoring of Grievance Redress Mechanism**

Ensure meaningful review of the performance of grievance redress machinery of the Ministry/Organisation as well as that of attached/ subordinate organization by Secretary/ Head of the Department on a monthly basis. Review should also cover action against defaulters.

### **ROLE OF REGULATORS, OMBUDSMAN AND LIKE BODIES**

An explosive issue today in context of public grievance redress is the pace and phasing of the movement towards open markets after the gradual abandonment of centralized planning model. The Government is today withdrawing from various service sectors traditionally monopolized by it and private enterprise is moving in. This may lead to a scenario where the Government monopolies are replaced by even more vicious private monopolies or cartels in the absence of adequate regulation, enforcement and recourse to grievance redress.

This has significant implications for the role of Government. The Government cannot just abandon the interests of citizens to be taken care of by the market forces in areas of service delivery covered by the private sector. In the open market scenario, it is often the major stakeholders and players which define the cost, quality and mechanism etc. of service delivery.

The Government therefore needs to put in place appropriate mechanisms in the regulatory authorities, ombudsmen and like bodies in such sectors so that the concerns of individual citizens are also accorded equal importance and weightage and are appropriately and effectively addressed. They should safeguard the interests of the common citizens and ensure that the grievances of the citizens are attended to promptly and effectively.

*Source: Department of Administrative Reforms and Public Grievance, Govt. of India*

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## Chapter- 9

### Lokpal and Lokayuktas

A **Lokpal** (*caretaker of people*) is an anti-corruption authority or ombudsman who represents the public interest. The concept of an ombudsman is borrowed from Sweden. The Lokpal has jurisdiction over all Members of Parliament and central government employees in cases of corruption. The Lokpal and Lokayuktas Act was passed in 2013 with amendments in parliament, following the Jan Lokpal movement led by Anna Hazare. The Lokpal is responsible for enquiring into corruption charges at the national level while the Lokayukta performs the same function at the state level.

The **Lokayukta** (also **Lok Ayukta**) (*appointed by the people*) is an anti-corruption ombudsman organization in the Indian states.

The Administrative Reforms Commission (ARC) headed by Morarji Desai submitted a special interim report on "Problems of Redressal of Citizen's Grievances" in 1966. In this report, the ARC recommended the setting up of two special authorities designated as 'Lokpal' and 'Lokayukta' for the redressal of citizens' grievances.

The LokAyukta, along with the Income Tax Department and the Anti Corruption Bureau, mainly helps people publicise corruption among the Politicians and Government Officials. Many acts of the LokAyukta have resulted in criminal or other consequences for those charged.

#### **History of Lokpal and Lokayuktas**

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 first Jan Lokpal Bill was proposed by Shanti Bhushan in 1968 and passed in the 4th Lok Sabha in 1969, but did not pass through the Rajya Sabha. Subsequently, 'lokpal bills' were introduced in 1971, 1977, 1985, again by Ashoke Kumar Sen, while serving as Law Minister in the Rajiv Gandhi cabinet, and again in 1989, 1996, 1998, 2001, 2005 and in 2008, yet they were never passed. Forty five years after its first introduction, the Lokpal Bill is finally enacted in India on 18 December 2013.

The Lokpal Bill provides for the filing, with the ombudsman, of complaints of corruption against the prime minister, other ministers, and MPs. The Administrative Reforms Commission (ARC) recommended the enacting of the Office of a Lokpal, convinced that such an institution was justified, not only for removing the sense of injustice from the minds of citizens, but also to instill public confidence in the efficiency of the administrative machinery.

Following this, the Lokpal Bill was, for the first time, presented during the fourth Lok Sabha in 1968, and was passed there in 1969. However, while it was pending in the Rajya Sabha, the Lok Sabha was dissolved, and thus the bill was not passed.

The bill was revived several times in subsequent years, including in 2011. Each time, after the bill was introduced to the House, it was referred to a committee for improvements, to a joint

committee of parliament, or to a departmental standing committee of the Home Ministry. Before the government could take a final stand on the issue, the house was dissolved again. Several conspicuous flaws were found in the 2008 draft of the Lokpal Bill. The basic idea of a lokpal is borrowed from the Office of the Ombudsman, which has the Administrative Reforms Committee of a lokpal at the Centre and lokayukta(s) in the states.

Anna Hazare fought to get this bill passed in Parliament, and it did pass on 27 December 2011, around 9:30 with some modifications. These were proposed as the Jan Lokpal Bill. However, Hazare and his team, as well as other political parties, claimed that the Lokpal Bill passed was weak, and would not serve its intended purpose. So the proposed bill by the ruling Congress Party has yet to be accepted in the Rajya Sabha. As of 29 December 2011, the bill has been deferred to the next parliamentary session, amid much controversy and disruption by the LJP, RJD and SP parties. The media at large, and the opposition parties, claimed the situation had been staged.

Maharashtra was the first state to introduce the institution of Lokayukta through *The Lokayukta and Upa-Lokayuktas Act in 1971*. This was followed by similar acts being enacted by states of Odisha, Rajasthan, Bihar, Uttar Pradesh, Karnataka, Madhya Pradesh, Andhra Pradesh, Gujarat, Kerala and Delhi.

Maharashtra Lokayukta is considered as weak due to lack of powers, staff, funds and no independent investigating agency. Karnataka Lokayukta is considered as the most powerful Lokayukta in the country.

## **The Lokpal and Lokayuktas Act, 2013**

The historic Lokpal and Lokayuktas Act, 2013 was passed by Indian Parliament paving the way for establishment of a Lokpal (Ombudsman) to fight corruption in public offices and ensure accountability on the part of public officials, including the Prime Minister, but with some safeguards.

Lokpal will consist of a chairperson and a maximum of eight members, of which 50% will be judicial members 50% members of Lokpal shall be from SC/ST/OBCs, minorities and women. Selection of chairperson and members of Lokpal through a selection committee consisting of PM, Speaker of Lok Sabha, leader of opposition in Lok Sabha, Chief Justice of India or a sitting Supreme Court judge nominated by CJI. Eminent jurist to be nominated by President of India on basis of recommendations of the first four members of the selection committee "through consensus". Lokpal's jurisdiction will cover all categories of public servants. All entities (NGOs) receiving donations from foreign source in the context of the Foreign Contribution Regulation Act (FCRA) in excess of Rs 10 lakh per year are under the jurisdiction of Lokpal. Centre will send Lokpal bill to states as a model bill. States have to set up Lokayuktas through a state law within 365 days.

1. Lokpal will have power of superintendence and direction over any central investigation agency including CBI for cases referred to them by the ombudsman.
2. A high-powered committee chaired by the PM will recommend selection of CBI director. The collegium will

- comprise PM, leader of opposition in Lok Sabha and Chief Justice of India PM has been brought under purview of the Lokpal, so also central ministers and senior officials.
3. Directorate of prosecution will be under overall control of CBI director. At present, it comes under the law ministry.
  4. Appointment of director of prosecution to be based on recommendation of the Central Vigilance Commission.
  5. Director of prosecution will also have a fixed tenure of two years like CBI chief.
  6. Transfer of CBI officers investigating cases referred by Lokpal with the approval of watchdog.
7. Bill incorporates provisions for attachment and confiscation of property acquired by corrupt means, even while prosecution is pending.
  8. Bill lays down clear timelines for preliminary enquiry and investigation and trial. Provides for special courts Public servants will not present their view before preliminary enquiry if the case requires 'element of surprise' like raids and searches.
  9. Bill grants powers to Lokpal to sanction prosecution against public servants.
  10. CBI may appoint a panel of advocates with approval of Lokpal, CBI will not have to depend on govt advocates.

*Source: Wikipedia*

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## Chapter-10

### Central Vigilance Commission

The Central Vigilance Commission was set up by the Government in February, 1964 on the recommendations of the Committee on Prevention of Corruption, headed by Shri K. Santhanam, to advise and guide Central Government agencies in the field of vigilance.

CVC is conceived to be the apex vigilance institution, free of control from any executive authority, monitoring all vigilance activity under the Central Government and advising various authorities in Central Government organizations in planning, executing, reviewing and reforming their vigilance work.

Consequent upon promulgation of an Ordinance by the President, the Central Vigilance Commission has been made a multi member Commission with "statutory status" with effect from 25th August, 1998.

The CVC Bill was passed by both the houses of Parliament in 2003 and the President gave its assent on September 11, 2003. Thus the Central Vigilance Commission Act 2003 (No. 45 of 2003) came into effect from that date.

The Commission shall consist of:

- A Central Vigilance Commissioner - Chairperson;
- Not more than two Vigilance Commissioners - Members;

Vide GOI Resolution on "Public Interest Disclosure and Protection of Informer" dated April 2004, the Government of India has authorized the Central Vigilance Commission as the "Designated Agency" to receive written

complaints for disclosure on any allegation of corruption or misuse of office and recommend appropriate action.

#### **Functions and powers of the Central Vigilance Commission Under the Central Vigilance Commission Act, 2003**

- Exercise 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; or an offence under the Cr.PC for certain categories of public servants - section 8(1)(a);
- Give directions to the Delhi Special Police Establishment (CBI) for superintendence insofar as it relates to the investigation of offences under the Prevention of Corruption Act, 1988 - section 8(1)(b);
- To inquire or cause an inquiry or investigation to be made on a reference by the Central Government - section 8(1)(c);
- To inquire or cause an inquiry or investigation to be made into any complaint received against any official belonging to such category of officials specified in sub-section 2 of Section 8 of the CVC Act, 2003 - section 8(1)(d);
- Review the progress of investigations conducted by the DSPE into offences alleged to have been committed under the Prevention of Corruption Act, 1988 or an offence under the Cr.PC - section 8(1)(e);
- Review the progress of the applications pending with the competent authorities for sanction of prosecution under the Prevention of Corruption Act, 1988 - section 8(1)(f);
- Tender advice to the Central Government and its organizations on

such matters as may be referred to it by them – section 8(1) (g);

- Exercise superintendence over the vigilance administrations of the various Central Government Ministries, Departments and Organizations of the Central Government – section 8(1)(h);

- Shall have all the powers of a Civil court while conducting any inquiry – section 11;

- Respond to Central Government on mandatory consultation with the Commission before making any rules or regulations governing the vigilance or disciplinary matters relating to the persons appointed to the public services and posts in connection with the affairs of the Union or to members of the All India Services – section 19.

- The Central Vigilance Commissioner (CVC) is the Chairperson and the Vigilance Commissioners (Members) of the Committee, on whose recommendations, the Central

Government appoints the Director of Enforcement – section 25.

- The Committee concerned with the appointment of the Director of Enforcement is also empowered to recommend, after consultation with the Director of Enforcement appointment of officers to the posts of the level of Deputy Director and above in the Directorate of Enforcement – section 25;

- The Central Vigilance Commissioner (CVC) is also the Chairperson and the Vigilance Commissioners (Members) of the Committee empowered to recommend after consultation with Director (CBI), appointment of officers to the post of the level of SP and above except Director and also recommend the extension or curtailment of tenure of such officers in the DSPE (CBI) - Section 26 and Section 4C of DSPE Act, 1946.

Source: Central Vigilance Commission Official Website

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## Special Article

### PM's message to the Nation on Good Governance

सुशासन – Good Governance is the key to a Nation's progress. Our government is committed to providing a transparent and accountable administration which works for the betterment and welfare of the common citizen.

“Citizen-First” is our mantra, our motto and our guiding principle. It has been my dream to bring government closer to our citizens, so that they become active participants in the governance process. During the last seven months, our government has been consistently working towards this goal. mygov.in and interact with PM seek to make this engagement meaningful. The unprecedented response which these

initiatives have evoked, places a large responsibility upon us, and I assure you, my countrymen that we will not let you down.

An important step for Good Governance is simplification of procedures and processes in the Government so as to make the entire system transparent and faster. The push towards self-certification in place of affidavits and attestations is another indicator of the relationship of trust between the citizens and the Government. Doing away with cumbersome and out-dated legislations which no longer have relevance is another focus area. Already Appropriation Acts have been identified

for repeal and more Acts are being reviewed.

Our government considers redress of public grievances as a very important component of a responsive administration. I have instructed all the Ministries to ensure that redress of public grievances receives the highest priority.

Government process re-engineering is yet another measure that we are pushing for. Ministries and Departments of the Government of India have been instructed to look into their work spheres, their internal processes and work on what and how to simplify and rationalise them. We are also working on a simpler internal work process manual, which would be delivered through an e-learning module.

I strongly believe that technology can and must bridge the divide between the government and the citizens. Technology is an empowering tool for the citizen and an accountability medium for the government. My government fully recognises the huge

potential of this tool –Digital India aims to transform the country into a digitally empowered society and knowledge economy. Proposed to be implemented in phases, Digital India is transformational in nature and would ensure that Government services are available to citizens electronically. It would also bring in greater accountability through mandated delivery of government's services electronically.

The effort to usher in an era of सुशासन has just begun, and begun on a very promising note. An open and accountable administration is what we had promised to deliver and we will do so.

Today is the birthday of our beloved leader, our former PM Shri Atal Bihari Vajpayee. On this occasion, we reiterate our commitment towards providing transparent, effective and accountable governance to the people of this country. Let us embark on this mission for good governance together.  
Jai Hind.

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