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

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### **8.0    OBJECTIVES**

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After reading this Unit, you should be able to:

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

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### **8.1    INTRODUCTION**

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

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 Richard Box (1998) observes that the era of elite control has been replaced by the era of democracy.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

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

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

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## **8.2 RIGHT TO INFORMATION ACT (2005)**

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

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

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

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

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

### **8.2.1 Critical Observations**

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

#### Issues and Challenges in the Functioning of RTI

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

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

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

**Check Your Progress 1**

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

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

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

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

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**8.3 THE LOKPAL**

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

**8.3.1 Salient Features of the Act, 2013**

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

## Appointment and Removal

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

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

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

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

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

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

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

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

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

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

### **8.3.2 Critical Observations**

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

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

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

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## **8.4 CITIZENS' CHARTER**

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

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

#### **8.4.1 Principles of Citizens' Charter**

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

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

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

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

#### **8.4.2 Components and Features of Citizens' Charters**

The Charters are expected to include the following elements:

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

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

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

- 5) provision of redressal of grievances.

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

### **8.4.3 Problems of Implementation of Charters**

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

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

### **8.4.4 Critical Observations**

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

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## **8.5 E-GOVERNANCE**

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

### 8.5.1 Importance and Features of E-Governance

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

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

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

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

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

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

### 8.5.2 Critical Observations

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

#### Check Your Progress 2

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

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

- 1) Discuss the impact of E-Governance on government and its administrative machinery.

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- 2) Discuss the importance and salient features of Lokpal institution.

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### 8.6 CONCLUSION

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

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## 8.7 GLOSSARY

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

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

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

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

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## 8.9 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

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### Check Your Progress 1

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

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

### **Check Your Progress 2**

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