
UNIT 3 GOOD GOVERNANCE: CHALLENGES AND ATTRIBUTES

Structure

- 3.1 Introduction
- 3.2 The Concept of Good Governance
- 3.3 The Challenges of Good Governance
- 3.4 The Attributes of Good Governance
- 3.5 Important Aspects Related to Good Governance
 - 3.5.1 Corruption
 - 3.5.2 The Right to Information (RTI) Act
- 3.6 Let Us Sum Up
- 3.7 References and Suggested Readings
- 3.8 Check Your Progress: Possible Answers

3.1 INTRODUCTION

The concept of good governance is related to all branches of social sciences, especially, to political science, public administration, and economics. Governance, as a term, has gained prominence in public debates around the world, in recent times. It is used with the adjective, good, as if to suggest that what is under discussion is governance, evaluated positively. To use the term in such a manner, contrary to the general impression is not new, while the Oxford English dictionary defines the term as 'the action or manner of governing'.

It is believed that good governance can solve all the major problem of civil society. The concept of good governance is not static, but dynamic. It has always been in demand and is the need of the common man. The concept of good governance derives its relevance in the context of misgovernance, which includes non-feasance, over-feasance and mal-feasance. Misgovernance is found, especially in developing countries, to a rampant degree. The concept of good governance becomes attractive as a remedy against this state of affairs.

In the last unit you studied about the participatory governance, in this unit we will focus on challenges and attributes of good governance.

After studying this unit, you should be able to:

- discuss concept of good governance;
- describe challenges to good governance;
- analyse attributes to good governance;
- describe important aspects related to governance such as, Corruption and Right to Information Act.

3.2 THE CONCEPT OF GOOD GOVERNANCE

First time in 1989, the World Bank used the term 'good governance' which focussed to action oriented programmes to curb the corruptions in its client countries. Where as the United Nations Economic and Social Commission for Asia and the Pacific refer it as 'the process of decision-making and the process by which decisions are implemented (or not implemented)'. For Mahatma Gandhi, it means *Sarvodaya* the concept of actions for the common good beneficial to all. According to Kautilya (c. 340-293 BCE), a king is the servant of the state who could harbour no personal likes. In the happiness of the subject, lies his happiness. The king should surrender his individuality in the interest of his duties. Kautilya's king is a constitutional slave, unlike Plato's philosopher king who had absolute power. Kautilya's king acts in concert with the seven organs of the state and values their advice. But, Kautilya also warns that not only the ruler, but also the people have to live within constraints, otherwise, there will be no civil society. According to Kautilya, rulers and their officials must be subjected to a vigorously disciplined life and an elaborate code of conduct. Good governance means governing by the rule of law with equality before law and equal protection under law. To ensure the people's welfare, which is the objective of good governance, there must be properly guided public servants or bureaucracy. Thus good governance means happiness and welfare of all through limited government, rule of law, properly guided bureaucracy, disciplined rulers, fixed salaries, maintenance of law and order, curbing corruption and uniformity in administration.

The modern concept of good governance emerged in the post cold war era as a result of deliberations by the World Bank and Organisation for Economic Cooperation and Development countries upon development, particularly in developing countries. Good governance is associated with efficient administration in a democratic framework, an administration that is considered to be citizen friendly, caring and responsive. Government must be efficient, effective, economical and also ethical. The governing process must be just, reasonable, fair, and emphatic. Good governance is in no way based on fragile doctrines and dogmas; rather, it has a constitutional base. Further, it must be pointed out that good governance is not simply something that governments can achieve, or, do by themselves. Instead, it depends on the cooperation and involvement of a large number of citizens and organizations. Precisely, the good governance relates to political and institutional processes and outcomes that are prerequisites for achieving the goals of development. Therefore, good governance is applicable to all sections of society such as the government, legislature, judiciaries, the media, the private sector, the corporate sectors, the cooperatives, the society registered under the Society Registration Act and NGOs. The features of good governance is discussed earlier Unit on Governance: An Overview.

3.3 THE CHALLENGES OF GOOD GOVERNANCE

The preliminary condition for good governance is the establishment of the rule of law, which, ultimately, supplants the rule of whims and caprices of those in power. Good governance demands that government must be not only representative, but responsive, as well, to the needs of governed. A strong

sense of responsiveness and commitment to serve the governed is required on the part of the government. It emphasises on the effective delivery of services to the satisfaction of the people. It provides moral legitimacy, apart from constitutional validity and credibility to the goals, as well as instrumentalities of government. It comprehends within itself all sections of governance and all sections and regions of society.

The main constituents of the good governance are rule of law; honesty, or probity in public affairs; independence of judiciary and human rights; people's participation; equality of treatment; absence of discrimination on the basis of colour, creed, caste, race, language, sex, region, ability; administrative responsiveness; social sensitivity; ethical approach or conduct; willingness to learn, and an urge to improve, as well as to evolve the capability to anticipate the nature and direction of change; to cope with challenges as they arise, from time to time.

Good governance depends on a range of factors that include administrative capacity, country's stage of development, the external conditions that it faces, and the state of information and technology (I.T) available to it, for taking decisions.

The World Bank has identified a number of challenges to good governance which assume significance for developed and the developing countries. These factors deal with the following political and administrative aspects

- **Political accountability**, including the acceptability of the political system by the people, and regular elections to legitimize the exercise of political power.
- There should be **freedom of associations and participation** by various religious, social, economic and cultural and professional groups in the process of governance.
- An established **legal framework** based on the rule of law and independence of judiciary to protect human rights, secure social justice and safeguards against exploitation and the abuse of power.
- **Bureaucratic accountability**, ensuring a system to monitor and control the performance of government offices and officials, in relation to quality of services, efficiency and misuse of discretionary power. The related determinants include openness and transparency in administration.
- **Freedom of information**, needed for formulation of public policies, decision-making, monitoring and evaluation of good performance.
- A sound administrative system should lead to efficiency and effectiveness. This, in turn, means value for money and **cost effectiveness**.
- Lastly, there is a greater need of **cooperation** among government and civil society organizations.

Some of the challenges of good governance could be as follows:

- 1) Corruption at various levels
- 2) Centralisation of power and authority
- 3) Criminalisation of politics
- 4) Violations of human rights

- 5) Weak legislators with criminal records, poor knowledge about development issues and low level of education
- 6) Poor people's participation in development processes
- 7) Less active civil society
- 8) Poorly empowered grassroots democratic institutions
- 9) Poor coordination among the political, administrative and community level organizations and institutions
- 10) Delay in delivery of judicial decisions
- 11) Poor participation of disadvantaged in decision making process.

3.4 THE ATTRIBUTES OF GOOD GOVERNANCE

In the previous section you studied about the meaning and challenges to good governance. In this section you will come know about the various attributes of good governance.

a) Rightsizing governmental functions

It is essential that the role of the state is primarily to the care functions that cannot be performed by the markets. There is a need to identify those care areas. Security, law and order, social services, creation of infrastructure, and macro economic management are some areas. We must strengthen the existing ones, and set up new, autonomous regulatory agencies with quasi-judicial powers, in order to ensure that the functioning of private units are regulated in the interests of society. All functions that do not involve formulation of policy should be given to executive agencies, cooperative and non governmental organizations, with a caution that these autonomous bodies should play a supplementary and complementary role to other public organizations. The departmental forms of undertakings should be converted into joint stock companies; services that cannot be performed economically by public organizations should be contracted out. Such steps, hopefully, would reduce the size of public bureaucracy and bring in value for money.

b) Greater use of information technology and management techniques

With the introduction of computer and information technology in governmental functioning, steps are needed towards revamping officer oriented systems with the aim of evolving better systems of record keeping, movement of files, space utilization, and the adoption of other available means of automation. We can make public offices more effective and efficient through computerized information system. We must reduce, or, even abolish all unwarranted reports and returns. Greater delegation of powers and level jumping can also lead to greater efficiency. Simplification of office procedures, standardization of job output, and introduction of appraisal by result, would help in boosting efficiency. Performance budgeting and zero base budgeting, along with efficiency cum performance audit would ensure greater accountability.

c) Delegation, ethics and participation

One of the basic requirements of good governance is responsive administration, which, in turn, depends on: (i) delegation and devolution of authority, and

responsibility, (ii) adherence to clearly defined ethical standards, and (iii) the process of consultation and participation in decision making.

Throughout the world, it is well recognized that the civil service ethics is an important check and balance against the arbitrary and politically motivated use of public power. The need for a civil service court and a charter of ethics is being felt to maintain the confidence of the people, and to build up credibility of public institutions for good governance. Prevention, surveillance, and deterrent prosecution operating through the strength of existing machinery and the creation of new, autonomous quasi-judicial bodies warrants urgent attention. Similarly, a code of conduct is needed to define, specifically, the relationship between civil servants and politicians. The constitution of a high powered civil service board or Commission, or the extension of the jurisdiction of the existing Public Service Commission may guard against politicization of postings, transfers, and promotions. The proposed machinery can also act as a Civil Services' Ombudsman. This is being advocated in many countries.

d) Ensuring accountability

Another the most important item contributing to good governance is public accountability. Accountability should not only be confined to the functioning of public organizations, it should also become an integral part of the broader aspect of governance in a civil society. This would require proactive participation of different stakeholders in society.

It necessitates the citizens' orientation to public organizations involving adherence to declared standards of performance, sharing of information, openness, and a system of providing choice and consultation to the citizens. Greater transparency in different aspects of the functioning of public authorities is needed. Though some steps have already been taken in this direction, it should be expedited. Easy accessibility, by citizens, to the information relating to government operations and its decisions and performance is an essential aspect of good governance. The citizens' charter should be extended to all public organizations dealing with service sector. Such charters should be updated periodically based on the feedback of citizens. Not only does the existing grievance redressal machinery need to be strengthened at all levels, it must be coupled with a mechanism to closely monitor delays, and enforce individual responsibility.

More importantly, we must remove the root causes of grievances and delays. Apart from steps taken to empower citizens, especially those in the weaker sections, local social groups and media are needed to identify problems, and, to ensure prompt action from public authorities. Internationally, a number of countries have restructured their administrative systems to fulfil the aspirations of citizens. Technology up gradation (introducing information technology), incorporating modern techniques of management to ensure effectiveness and efficiency capacity building of public institutions (training of civil servants) and transparency and openness in public organizations are the essential aspects of good governance. Further towards good governance, empowerment of citizens in general and vulnerable section in particular (decentralization), empowerment of grass root functionaries (delegation), dispersal of politico-administrative power (democratization), privatization, contracting out and removing delays and rigidity in public organizations (debureaucratisation) are essential alternatives for application of good governance and countering challenges faced in application of good governance.

e) Institutional reforms

Administration, being constantly involved in practical action situations, it cannot afford to remain static. It has to change, structurally, for the sake of sheer survival. Four principal goals of the rearrangement of administrative structure have been identified by Mosher. They are: changing policy and programmes; improving administrative effectiveness; solving personal problems; and, countering pressures and threats from outside organizations. Of these, improving organizational effectiveness seems a more generic objective. Paul Appleby, in an insightful article on the first Hoover Commission report in the US suggested two basic changes in administration: constant, and, episodic.

The first one stands for incremental change that takes place during the course of spontaneous adjustments to changing situations. New filing systems, alterations in procedures of work, and the reshuffling of postings, are examples of this type of changes, referred to as constant change. On the other hand, the episodic change is much wider ranging in scope and content, involving a major shake up in government.

Administrative reforms have this administrative character. Gerald Caiden defined it as the "...artificial inducement of administrative transformation against reforms". Three interrelated properties of reform are: moral purpose, artificial transformation, and resistance. A reform proposal is aimed at improving the status quo: it marks a departure from an existing set up, and opposition to the proposal is assumed. Caiden makes a distinction between reform and change. The change is a self-adjusting organizational response to changing conditions, while reform becomes necessary to remedy the malfunctioning of the natural administrative process.

In this section you read about meaning of good governance, challenges of good governance and attributes of good governance. Now you should be able to answer the questions in order to check your progress.

Check Your Progress 1

- Note:** a) Write your answer in about 50 words.
b) Check your answers with possible answers given at the end of the unit.

1) What is good governance?

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2) What are the challenges of good governance?

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3.5 IMPORTANT ASPECTS RELATED TO GOOD GOVERNANCE

Two important aspects related to good governance are (i) corruption and (ii) the right to information.

3.5.1 Corruption

Corruption is defined differently by various exponents. According to David H. Bayley, corruption is "... a general term covering misuse of authority as a result of consideration of personal gains which need not be monetary". As defined by Roberts C. Brooks "Corruption is the intentional misperformance or neglect of a reorganized duty or the unwarranted exercise of power with the motive of gaining some advantage more or less directly personal". J.S.Nye observes, "Corruption is a behaviour which deviates public officials from the normal duties. This includes behaviour such as bribery, nepotism and misappropriation". In short, corruption is the deliberate and intentional exploitation of one's position status or reserves, directly or indirectly, for personal aggrandizement, whether it is in terms of material gain, enhancement of power, prestige, or influence beyond what is legitimate, to the detriment, or, the interest of other persons, or the community, as a whole.

The Corruption Perception Index (CPI)

Since 1995, Transparency International has published an annual Corruption Perceptions Index (CPI) rank ordering the countries of the world according to the degree to which corruption is perceived to exist among public officials and politicians. The organization defines corruption as "the abuse of entrusted power for private gain". The 2003 poll covered 133 countries; the 2007 survey, 180. A higher score means less (perceived) corruption. The results show that seven out of every ten countries (and nine out of every ten developing countries) with an index of less than 5 points out of 10.

In 2007, the study has ranked Denmark, New Zealand, Sweden, Singapore and Finland as the five least corrupt nations, with Britain at 16th place and Japan sharing the 18th slot with the US. Afghanistan, Haiti, Iraq, Myanmar and Somalia (180th) were the five most corrupt countries. India, however, has done better than other countries in South Asia, except Bhutan, which has an impressive CPI of 5.2 and a ranking of 45. There is limited satisfaction to be drawn from being better than Afghanistan, Pakistan and Bangladesh. India and China were at par last year but the communist country has maintained its position of 72 with a slightly change.

Corruption in India is all pervasive. There are very few activities in the nation that are perceived to be free from this malaise. The World Economic Forum Survey, 2003, ranked India 45th out of 49 countries on the honesty of its officials. The Corruption Perception Indices (CPI), Transparency International, has also depicted India as among the most corrupt. The studies done by Transparency International India on the status of corruption in the country, in December 2002, and, 2005, also come to the same conclusion. However, the CPI 2006 has shown some reduction in corruption in India.

Broadly, corruption in India can be divided into two categories. In the first, is grand larceny, where those in power pocket hundreds of millions in kickbacks in public procurement, and in contracts. The second category consists of what might be called petty corruption where the common man pays for the public services to which they are fully entitled. There is ample evidence to show that corruption has slowed down economic progress and poverty alleviation initiatives in India. It has adversely affected the national security system, too. The most affected by corruption are the poorest and the most vulnerable groups. These groups are denied of their rightful entitlements, as they do not have the resources to pay bribes.

Sources of Corruption

According to Wilson, “men steal when there is lot of money lying around and no one is watching”. K Santhanam Committee observes that “corruption can exist only if there is some one to corrupt and capable of corrupting”. The Punjab administrative reforms commission has listed the following sources of corruption.

- 1) Lack of proper education and training of civil servants
- 2) Low salaries
- 3) Inadequate and insufficient supervision
- 4) Political patronage of officials
- 5) Complicated and dilatory procedures
- 6) Collection of funds through officials
- 7) Poor public opinion
- 8) Unwillingness of people to complain against the corrupt

Given below are some other sources of corruption.

Cumbersome administrative process- This is a major source of corruption. In a third world countries like India, administrative procedures and practices are cumbersome and dilatory. This is added by the negative attitude of the bureaucracy and red-tapism. The files move from one desk to another because everyone wants to avoid the responsibility of taking decision. This results in delays in administrative action, and the anxiety to avoid delays encourages the growth of dishonest practices such as giving speed money to dishonest officials.

Social environment- Social environment is a powerful impact on public administration. Administrative culture is a part of the total culture of the society. In Indian society the ties of family, caste, community, religion and region are still very strong. Public servants are therefore unable to sacrifice their group loyalty for the sake of the nation. This results in corrupt practices like nepotism, favoritism, castism, etc. India is going through the process of modernization. Older values are crumbling and being replaced by materialistic ambitions. The acquisition of wealth by any means has become the chief motive which breeds corruption.

License permit quota Raj: The authority to license and control regulations has earned the government the nickname of ‘license, permit, and quota raj’. This condition has provided enough opportunities for corruption, bribery, and affluence through ill-gotten wealth.

Public cynicism: The public itself becomes a source of corruption through its cynicism. The people's acceptance of corruption as a fact of life; and the feeling that those indicted in political or bureaucratic corruption will, invariably, go scot free, and, continue to amass more power, status, and wealth have led to a situation where even the most determined efforts to fight corruption have failed to make a significant impact.

System of governance: The system of governance in India is also responsible for corruption.

3.5.2 The Right to Information (RTI) Act

The Right to Information Act (2005) implemented in India, goes a long way in putting together a comprehensive mechanism for citizens to obtain information from the Government, and, thereby, promotes "transparency and accountability in the working of every public authority". This landmark legislation is a radical improvement on the relatively weak and ineffective statute it replaces, the Freedom of Information Act, 2002. The new legislation unequivocally confers on all citizens the right to access information, and, correspondingly, makes the dissemination of such information an obligation for all public authorities. An outstanding feature of the act is the provision for Information Commissions-independent high level bodies at both the Central and State levels that are dedicated to encouraging the citizen's right to know, and enforcing the provisions of the Act. By empowering these Commissions to act as appellate authorities, and by vesting them with the powers of a civil court, these bodies have been given the teeth to discourage public authorities from refusing to part with information.

As the right to information is not explicitly spelt out in the Indian Constitution, the Supreme Court has held, in several cases, that this right is inherent in the right to freedom of speech and expression (Article 19), as well as the right to life and liberty (Article 21). The effectiveness of 'the Right to Information Act' will depend substantially on how prepared the central and state governments are in implementing it, in both letter and spirit. The very fact that it will be in the statute books will send out an important message to all public authorities. The disclosure of information is no longer a transgression, but an obligation. Conversely, its withholding is no longer a virtue, but an offence. With the passage of the bill by the Rajya Sabha on May 12, 2005, India is now among the 55 countries which have legislated comprehensive laws that protect the citizen's right to information. Nine states namely, Delhi, Maharashtra, Tamil Nadu, Rajasthan, Karnataka, Jammu & Kashmir, Assam, Goa, and Madhya Pradesh already have laws on the right to information to show their commitment for building a dynamic and prosperous society, by involving people in governance and in the decision making process.

Area Covered

The act extends to the whole of India except the state of Jammu and Kashmir.

The Meaning of Information

Information is any material in any form including records, documents, memos, e-mail, opinions, advices, press releases, circulars, order, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form, and information relating to any private body which can be accessed by a public

authority under any other law for the time being in force, but does not include 'file notings'.

The right to information includes the right to:

- inspect works, documents and records
- taking notes, extracts, or certified copies of document or records
- take certified samples of material
- obtain information in the form of printouts, diskettes, floppies, tapes, videos, cassettes, or in any other electronic mode, or through printouts.

What are the obligations of public authority?

It shall publish within one hundred and twenty days of the enactment:

- The particular of its organization, functions, and duties
- The powers and duties of its officers and employees
- The procedure followed in its decision making process, including channels of supervision and accountability
- The norms set by it for the discharge of its functions
- The rules, regulations, instruction manuals and records used by its employees for discharging its functions
- A statement of categories of the documents held by it, or under its control
- The particulars of any arrangement that exists for consultation with, or representation by, the members of the public, in relation to the formulation of policy, or, implementation thereof
- A statement of the boards, councils, committees, and other bodies consisting of two or more person constituted by it. Additionally, information as to whether the meetings of these are open to the public, or the minutes are accessible to the public
- A directory of its officers and employees
- The monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations
- The budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made
- The manner of execution of subsidy programmes, including the amounts allocated and the details and beneficiaries of such programmes
- Particulars of recipients of concessions, permits or, authorizations granted by it
- Details of the information available to citizen for obtaining information, including the working hours of a library or reading room, if maintained for public user
- The names, designations and other particulars and other particulars of the public information officers.

Public information officers (PIOs)

PIOs are officers designated by the public authorities in all administrative units, or officers under it, to provide information to citizens requesting information under the Right to Information Act. Any officers, whose assistance has been sought by the PIO for the proper discharge of his or her duties, shall render all assistance, and, for the purpose of contraventions of the provisions of this Act, such other officer shall be treated as a PIO.

The role of PIOs

- The PIO shall deal with requests from persons seeking information, and where the request cannot be made in writing, to render reasonable assistance to the person to reduce the same in writing.
- If the information requested is held by, or, its subject matter is closely connected with the function of another public authority, the PIO shall transfer, within 5 days, the request to that other public authority, and inform the applicant immediately.
- A PIO may seek the assistance of any other officer for the proper discharge of his, or her, duties.
- A PIO, on receipt of a request, shall, as expeditiously as possible, and in any case, within 30 days of the receipt of a request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in the law.
- Where the information requested concerns the life or liberty of a person, the same shall be provided within 48 hours of the receipt of the request.
- If the PIO fails to give a decision on the request within the period specified, he shall be deemed to have refused the request.
- Where a request has been rejected, the PIO shall communicate to the requester: (i) the reasons for such rejection, (ii) the period within which an appeal against such rejection may be made, and (iii) the particulars of the appellate authority.
- PIO shall provide information in the form in which it is sought, unless it would disproportionately divert the resources of the public authority, or would disproportionately divert the resources of the public authority, or would be detrimental to the safety, or preservation of the record in question.
- If allowing partial access, the PIO shall give a notice to the applicant, informing him, or her:
- That only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;
- The reasons for the decision, including findings on any material question of fact, referring to the material on which those findings were based;
- The name and designation of the person giving the decision;

- The details of the fees calculated by him, or her, and the amount of fee which the applicant is required to deposit;
- His, or her, rights with respect to review of the decision regarding non disclosure of part of the information, the amount of fee charged, or, the form of access provided;
- If the information sought has been supplied by a third party, or, is treated as confidential by that third party, the PIO shall give a written notice to the third party within 5 days from the receipt of the request, and take its representation into consideration; and
- The third party must be given a chance to make a representation before the PIO within 10 days from the date of receipt of such notice.

Information not opens to disclosure

- Information, the disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific, or economic interest of the state, relation with foreign state, or lead to incitement of an offence.
- Information, which has been expressly forbidden to be published by any court of law, or tribunal or the disclosure of which may constitute contempt of court.
- Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature.
- Information, including commercial confidence, trade secrets, or intellectual property, the disclosure of which would harm the competitive position of the third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.
- Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information.
- Information received in confidence from a foreign government.
- Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information given in confidence for law enforcement or security purposes.
- Information which would impede the process of investigation, or, apprehension, or, prosecution of offenders.
- Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers.
- Information which relates to personal information, the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual.
- Notwithstanding any of the exemptions listed above, a public authority may allow access to information, if public interest in disclosure outweighs the harm to protected interest.

Who is excluded?

Central intelligence and security agencies specified in the Second Schedule like IB, R & AW, Directorate of Revenue Intelligence, Central Economic Intelligence Bureau, Directorate of Enforcement, Narcotics Control Bureau, Aviation Research Centre, Special Frontier Force, BSF, CRPF, ITBP, CISF, NSG, Assam Rifles, Special Service Bureau, Special Branch (CID), Andaman and Nicobar, The Crime Branch-CID-CB, Dadar and Nagar Haveli and Special Branch, and the Lakshadweep Police. Agencies specified by the state governments through a notification will also be excluded. The exclusion, however, is not absolute and these organizations have an obligation to provide information pertaining to allegations of corruption and human rights violations. Further, information relating to allegation of human rights violations could be given but only with approval of the Central or State Information Commission.

Application procedure for requesting information

Apply in writing, or through electronic means, to the public information officer in English, or, Hindi, or, in the official language of the area. Applications must specify the particulars of the information sought, and payment fees as may be prescribed (if the applicant does not belong to the below poverty line category). The reasons for seeking information are not required.

Time limit to obtain the information

- 30 days from the day of the application
- 48 hours for the information concerning the life, or, liberty of a person
- if the interests of a third party are involved, then the time limit will be 40 days (maximum period plus time given to the party to make representation)
- failure to provide information within the specified period is a deemed refusal.

Fee structure

Application fees must be reasonable. If further fees are required, then the same must be intimated in writing with a calculation of details of how the figure was arrived at. An applicant can seek a review of the decision on fees charged by the PIO by applying to the appropriate Appellate Authority. No fees will be charged from people living below the poverty line.

Applicants must be provided with information free of cost if the PIO fails to comply within the prescribed time limit.

Appointment of Chief Information Commissioner/Information Commissioner (CIC/IC)

Candidates for the position of CIC/IC must be persons of eminence in public life with wide knowledge and experience in law, science and technology, social science, management, journalism, mass media, or administration and governance. The CIC/IC shall not be a Member of Parliament, or Member of a State Legislature, or Union Territory. He shall not hold any other office of profit, or be connected with any political party, or be carrying on any business, or pursuing any profession. The Appointment Committee includes the Prime Minister (Chair),

the Leader of Opposition in the Lok Sabha, and one Union Cabinet Minister, to be nominated by the Prime Minister.

Power to order inquiry: The Chief Information Commissioner/State Information Commissioner will have powers of civil court such as:

- Summoning and enforcing attendance of persons, compelling them to give oral, or written evidence on oath, and, to produce documents, or things;
- Requiring the discovery and inspection of documents;
- Receiving evidence on affidavit;
- Requisitioning public records, or, copies from any court or office;
- Issuing summons for the examination of witnesses, or documents;
- Any other matter, which may be prescribed.

All records covered by this law, including those covered by exemptions, must be given to the Chief Information Commissioner/State Information Commissioner during inquiry for examination.

The power to secure compliance of its decisions from the public authority includes:

- Providing access to information in a particular form;
- Directing the public authority to appoint a PIO/APIO where none exists;
- Publishing information or categories of information;
- Making necessary changes to the practices relating to management, maintenance and destruction of records;
- Enhancing training provision for official of RTI;
- Seeking an annual report from the public authority on compliance with this law;
- Require it to compensate for any loss, or other detriment suffered by the applicant;
- Impose penalties under this law ;or
- Reject the application.

We conclude by suggesting that for the proper implementation of RTI, we should develop educational programmes for the public, especially for disadvantaged communities. Encourage Public Authorities should participate in the development and organization of such programmes. They need to promote timely dissemination of accurate information to the public; train officers and develop training materials; compile and disseminate a users guide for the public in respective official languages; publish names, designations, postal addresses, and contact details of PIOs, and other information, such as notices regarding fees to be paid, remedies available in law if requests are rejected, etc.

Till this point you read the important aspects related to good governance like corruption, sources of corruption and Right to Information Act. Now, you should be able to answer the questions in order to check your progress.

Check Your Progress 2

- Note:** a) Write your answer in about 50 words.
b) Check your answers with possible answers given at the end of the unit.

1) Define corruption and discuss Corruption Perception Index (CPI).

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2) What is Right to Information (RTI)?

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3.6 LET US SUM UP

In this unit we have discussed the concept of good governance, and its meaning, in the first section. Next, we looked at different challenges coming in the way of achieving good governance. In the following section we discussed various attributes to good governance. In the second part, corruption and different sources of corruption have been discussed in detail. Last, in detail, we discussed the Right to Information ACT, and its aspects.

3.7 REFERENCES AND SUGGESTED READINGS

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3.8 CHECK YOUR PROGRESS: POSSIBLE ANSWERS

Check Your Progress 1

1) What is Good Governance?

Answer. Good governance means governing by the rule of law with equality before law, and equal protection under law. To ensure the people's welfare, which is the objective of good governance, there must be properly guided public servants or bureaucracy. Thus good governance refers happiness and welfare of all through limited government, rule of law, properly guided bureaucracy, disciplined rulers, fixed salaries, maintenance of law and order, curbing corruption and uniformity in administration.

2) What are the challenges of good governance?

Answer. The World Bank has identified the challenges of good governance, which are important to both developed and developing countries. The challenges are: 1) Political accountability, including the acceptability of the political system by the people, and regular elections to legitimize the exercise of political power; 2) Freedom of association and participation by various religious, social, economic, cultural, and professional groups in the process of governance; 3) An established legal framework to protect human rights, secure social justice, and guard against exploitation and abuse of power; 4) Bureaucratic accountability for quality of services, efficiency, and misuse of discretionary power; 5) Freedom of information; 6) A sound administrative system leading to efficiency and effectiveness, which, in turn, means value for money, and cost effectiveness; and 7) cooperation among the government and civil society organizations.

Check Your Progress 2

1) Define corruption and discuss Corruption Perception Index.

Answer. David H. Bayley viewed the corruption as misuse of authority as a result of consideration of personal gains which need not be monetary. Similarly, The CPI focuses on corruption in the public sector and used in compiling the information bribery of public officials, kickbacks in public procurement, embezzlement of public funds based on people's perception. Since 1995, the Transparency International published Corruption Perceptions Index ranks countries in terms of the degree to which corruption is perceived to exist. It is a composite index, a poll of polls, drawing on corruption-related data from expert and business surveys carried out by a variety of independent and reputable institutions. The CPI reflects views from around the world, including those of experts who are living in the countries evaluated.

2) What is Right to Information (RTI)?

Answer. Transparency of public offices is one important component of good governance of any society. In this process the Right to Information Act (2005) is a land mark legislation and radical improvement initiated by civil society and enacted by Indian Parliament. It is a comprehensive mechanism for citizens to obtain information from the Government, and, thereby, promotes “transparency and accountability in the working of every public authority”. The new legislation unequivocally confers on all citizens the right to access information, and, correspondingly, makes the dissemination of such information an obligation for all public authorities. (for detail see the section- 3.5.2)