

# GLOBAL INFORMATION SOCIETY WATCH 2012

THE INTERNET AND CORRUPTION  
*Transparency and accountability online*



# Global Information Society Watch

## 2012



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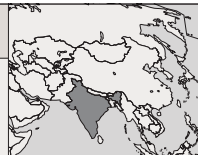
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# INDIA

## INDIA, THE INTERNET AND THE NEED FOR A GOVERNMENT THAT IS RESPONSIVE TO ITS CITIZENS



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### Introduction

It is a recognised fact that good governance is essential for sustainable economic and social development. In this context, ICT tools such as the internet are widely believed to have the transformative power to bring about the desired changes, including fulfilling public service needs and responding to grievances.

Transparency, accountability and responsiveness are the three essential aspects of good governance. Accountability can broadly be defined as an obligation on those who are holding power to take responsibility for their behaviour and actions with the primary objective of improving service delivery to the citizens. Technically, social accountability is possible with an active civic engagement that includes direct or indirect participation of citizens and citizen-centric groups in exacting accountability to make service delivery mechanisms effective. Responsiveness ensures that the time lag between demand and the fulfilment of the needs of citizens is minimal. Together, accountability and responsiveness ensure transparency in administrative processes and functions.

Globally, the United Kingdom was the first country to adopt a citizen-centric policy by launching the Citizen's Charter programme in 1991,<sup>1</sup> aiming to enhance standards of service delivery and make governance more transparent and accountable. Other countries like Malaysia, Belgium, Canada, Australia, Sweden and Spain extrapolated on the British experiment and implemented similar kinds of programmes for transforming the delivery, culture and responsiveness of their public services.

Developing countries like India followed and now most public services such as water, electricity supply, garbage disposal, the issuing of ration cards and other services are being provided and managed by state-level departments and agencies. However, the needs of citizens continue to be to put on hold

as, in many instances in India, bureaucrats refuse to perform their duties in ways required by the government. This has led to further calls for strong citizen-centric policy and mechanisms for addressing public grievances.

The majority of India can be considered rural, with over 70% of the population living in 638,365 villages,<sup>2</sup> represented by 245,525 Panchayats.<sup>3</sup> Most of the villages are located in the remotest regions of the country. It is these regions that are overwhelmingly poor, backward and deprived; they are outside of the development fulcrum and lack access to services, information and infrastructure. Equally despairing are the conditions of the urban poor and poor middle-class citizens. While service delivery and good governance are still anticipated, what is astonishing is the lack of mechanisms for citizens to air their grievances, lodge public complaints and be heard. This is seen in the lack of access points and mechanisms to register complaints or grievances.

In 2011, the draft Electronic Service Delivery Bill and Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill were passed. The challenge remains in ensuring that such citizen-centric initiatives find adequate provisions for addressing citizen grievances. What is discussed in this report is whether or not the internet as a platform for "people's power" can be the panacea to fill this wide gap.

### Citizen's charter and a grievance redress mechanism in India

The struggle against corruption in India started in 1968 through the introduction of various bills (such as the Citizen's Ombudsman Bill). Borrowing from the legacy of the British experiment, India has been making steady strides towards developing and reorienting policy goals that ensure citizen-centric governance. In 1994, consumer rights activists for the first time demanded a citizen's charter for health service providers at a meeting of the Central Consumer Protection Council in Delhi. In this context, the first model of public service was developed in 1997 when it was mooted by former Prime Minister

1 goicharters.nic.in/ccinitiative.htm

2 censusindia.gov.in/Data\_Products/Library/Post\_Enumeration\_link/No\_of\_Villages\_link/no\_villages.html

3 The Panchayat is the basic unit of administration in India. en.wikipedia.org/wiki/Panchayati\_raj

I. K. Gujral as part of the Action Plan for Effective and Responsive Government. This laid out the foundation for the nodal agency, the Department of Administrative Reforms and Public Grievances (DARPG), that operationalised the citizen's charter in all major central-level ministries, departments and nationalised public-sector units.

Starting with central-level ministries and departments (such as Indian Railways, the Department of Public Distribution, and the Department of Telecommunications), by April 2006<sup>4</sup> the central government had formulated 779 citizen's charters engaging various state agencies, governments and administrations of the Union Territories. Based on the UK model, DARPG emphasised the involvement of consumer organisations, citizen groups, and other stakeholders in citizen rights in order to focus the documents on the needs and requirements of end-users. As the DARPG's *Citizen's Charters: A Handbook* puts it:<sup>5</sup>

These charters were to include first, standards of services as well as the time limits that the public can reasonably expect for service delivery, avenues of grievance redressal and a provision for independent scrutiny through the involvement of citizen and consumer groups.

However, a closer examination of India's experiment reveals that this programme made no difference in altering the state of public administration in general and public service delivery in particular. A study conducted by the Indian Institute of Public Administration (IIPA) in 2008<sup>6</sup> concluded that besides enjoying a symbolic value, many charters were non-existent and outdated, and invisible within the organisation as well as in the public domain.

To align public service performance with citizens' expectations, in 2006 the government adopted the "Sevottam model",<sup>7</sup> which recognises and encourages excellence in public service. For the first time, in 2009, the Sevottam framework was implemented in 10 departments, including the department of post, department of railways, the passport and pension office, those for food processing, corporate affairs, the CBEC (Central Board of Excise and Customs), the CBDT (Central Board of Direct Taxes), Kendriya Vidyalaya Schools and the Employees Provident Fund Organisation (EPFO). This was the first time that quality management of public service delivery

became an avowed goal of the government, laying down benchmarks for effective and responsive service delivery based on citizen's charter excellence and public grievance redress mechanisms.

### Path-breaking citizen's charter laws in Indian states

Despite the less-than-effective central-level citizen's charter mechanism implemented by DARPG, state governments took the lead by enacting their own laws ensuring services to the people, thereby realising the concept of citizen's charters as legally enforceable public entitlements. Madhya Pradesh and Bihar were the first two states to enact laws for the timely delivery of public services, mechanisms for redress of grievances caused either by administrative inaction or delayed action, and the imposition of fines to penalise non-compliant and negligent officials.

The pioneering Madhya Pradesh Public Services Guarantee Act 2010<sup>8</sup> seeks to improve administrative efficiency in key public services, including the issuing of birth, death and caste certificates and pension schemes, amongst others. The state government also made provisions for the imposition of fines to penalise officials, ranging from INR 250 (USD 4.6) to INR 5,000 (USD 92.47)<sup>9</sup> per day. In this way it hoped to check delays in the provision of services, amongst other factors inhibiting service delivery to the people.

The State Government of Bihar also joined in this push for accountability and transparency by enacting a similar law, the Bihar Right to Public Services Act 2011, which seeks to transform the public service delivery model. The act initially covered 10 departments providing 50 public services to the people. Like Madhya Pradesh, Bihar also allowed for governance services such as the issuing of ration cards, the redress of land grievances caused either by administrative inaction or delayed action, and so on. Both these initiatives underscore the demand for central- and state-level legislation that formalises the citizen's charter framework.

### Institutionalising the right to public services through the internet

In an effort to formalise the right to public services as the essential first step towards overhauling the public service delivery system, a number of initiatives are being taken by the government to incorporate citizens' concerns in the formulation

4 [goicharters.nic.in/ccinitiative.htm](http://goicharters.nic.in/ccinitiative.htm)

5 [goicharters.nic.in/cchandbook.htm](http://goicharters.nic.in/cchandbook.htm)

6 [darpn.nic.in/darpgwebsite\\_cms/Document/file/IIPA\\_Report\\_Citizen\\_Charter.pdf](http://darpn.nic.in/darpgwebsite_cms/Document/file/IIPA_Report_Citizen_Charter.pdf)

7 [darpn.nic.in/darpgwebsite\\_cms/Document/file/Sevottam\\_Model.pdf](http://darpn.nic.in/darpgwebsite_cms/Document/file/Sevottam_Model.pdf)

8 [www.mpinfo.org/mpinfonew/english/articles/2010/291210Sandarbh14.asp](http://www.mpinfo.org/mpinfonew/english/articles/2010/291210Sandarbh14.asp)

9 Exchange rate as per date of writing: 1 USD = 53.87 INR ([www.xe.com/ucc](http://www.xe.com/ucc))

of policy as well as when it comes to maintaining the quality and reliability of services. This can be achieved using various tools; for example, the electronic delivery of government services and mechanisms for citizen grievance redress can cut out the major paperwork and administrative bottlenecks that plague service delivery.

Electronic governance or e-governance is considered an effective tool for improving governance services to ensure transparency and bring about accountability. One of the most important efforts at bringing all government departments together is the national portal, India.gov.in, launched by the government in 2005, which aggregates content from over 5,000 government websites.<sup>10</sup>

In a major push towards providing e-governance services in rural regions, the central government launched the Common Services Centres (CSCs) programme in 2006<sup>11</sup> with the aim of setting up 100,000 centres in rural areas across the country. The project is enabling rural citizens to access real-time information and various e-governance services such as the payment of electricity and water bills, birth and death certificates, and numerous application forms.

In November of the same year, the Central Vigilance Commission (CVC) issued a circular asking all public departments to put all of their forms on their websites in downloadable formats in an effort to minimise personal contact with officials, which was considered a breeding ground for corruption. To make it more effective and transparent, the CVC also launched a President's Secretariat Helpline<sup>12</sup> so that the public could easily approach them with relevant information (supported by proof) when seeking redress for grievances.

In 2007, a web-based portal, the Centralised Public Grievance Redress and Monitoring System (CPGRAMS) was launched for lodging complaints online. Since then, the portal has connected all ministries and departments of the government, along with about 6,000 subordinate organisations.<sup>13</sup>

Various state governments followed in speeding up the implementation of their e-governance models, such as Andhra Pradesh, which launched AP Online (Andhra Pradesh Online) for improving the government-citizen and government-industry interface; the Rajasthan government launched Vikas Darpan ("mirror of development"), and states like Madhya Pradesh, Kerala and Tamil Nadu launched single-window platforms for delivering public services.

Maharashtra was the first state to make it binding on government departments to provide timely e-services. Through its Maharashtra Mandatory Electronic Delivery of Public Services Act 2010 (MMEDPS Act), the state tried to eliminate intermediary officials by providing direct, easy-to-access government-to-citizen services. Focusing on the use of ICTs in the delivery of public goods, the draft Electronic Service Delivery Bill was presented by the central government parliament in 2011. Under the bill, the government has set out a five-year deadline for all public services to develop platforms for online transactions. This includes mechanisms for online complaints that establish penalties to officials if they fail to comply with the provisions.

In this context, it was felt that a rights-based approach should be followed by making the citizen's charter statutory and giving the public the right to receive delivery of services within stipulated timelines.

In 2011, the government reintroduced the Citizen's Charter Bill in the form of the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, which clearly outlines the responsibilities of government departments towards citizens. The bill sets up a central public grievances commission and an equivalent in every state. It also gives authority to government departments to publish a citizen's charter that clearly lists all the services that the departments have to provide, along with timelines. The bill further provides for a "grievance redress mechanism for non-compliance with the citizen's charter". However, the bill is yet to be approved by the central government.

### Action steps

India is said to have the third-highest number of internet users in the world, with some 100 million internet users and around 40 million users accessing the internet through their mobile phones. And the number is still rising. At this rate there is growing scope to streamline public services and address citizen grievances. Some of the recommended actions are:

- Essential public services, public utility services, and programmes such as public distribution systems, midday meals in schools, health care for pregnant women, etc., should be integrated online for better implementation, management and impact.
- Along with catering to the needs and interests of specific users and being clear about the commitments to each of them, clear specifications about

<sup>10</sup> Guidelines for Indian Government Websites.

<sup>11</sup> [www.csc-india.org](http://www.csc-india.org)

<sup>12</sup> [helpline.rb.nic.in](http://helpline.rb.nic.in)

<sup>13</sup> PRS Legislative Research. [www.prsindia.org](http://www.prsindia.org)

the timeframe for the delivery of specific services online, and the government level at which they will be delivered, should be mentioned on the state website or on [pgportal.gov.in](http://pgportal.gov.in).

- Moreover, to help citizens raise their voices online, it is necessary to share the service delivery standard commitments and information with the public. Clear information about processes and procedures to access these services should be publicly available, with information about the specific levels at which these services can be found.
- Information on public services must contain details of procedure and avenues for addressing public grievances. This will help citizens vent their grievances and allow government agencies to initiate speedy corrective action. In addition, the timeframe for redressing public grievances, including an acknowledgement of receipt of complaints, should be given on the specific website where the complaint was filed.
- A periodic and systematic review of all public grievances should be undertaken by a public body or commission established for this purpose. It should mention the details of the complaints, the procedure for addressing the grievance, and the result of the complaint publicly on their website.
- In the era of Web 2.0, there is a need to adopt free and open models of knowledge that ensure protection against undue commercial influence over the free flow of information and knowledge.

- There are 245,500 Panchayats (village councils) in India, each covering two to four villages. Each Panchayat office should be internet enabled so that they can be used as Public Citizen Offices (PCOs) to redress grievances at the grassroots.
- Mobile technology can be used to address the grievances of students at schools (1.5 million), universities (196) and colleges (8,111).
- Finally, there is a need for a mobile toll-free number that offers to answer everyday citizen questions about government services.

The deployment of IT infrastructure to provide public services will help with “last mile” connectivity – one of the most difficult stumbling blocks when providing access to citizens. Exploiting the rising number of internet users and platforms such as mobile phones can assist in empowering citizens. Delivering services using ICT infrastructure will have a dual outcome: it will fulfil citizens’ needs and also reduce the number of grievances by doing this. This will also cut down corrupt practices and build trust amongst citizens towards public agencies. Eventually this will make the government more responsive, and bridge the gap between citizens and the administration. In this way, India will achieve the “public good” it aspires to. ■