

PROBITY IN GOVERNANCE

What is Public Service?

- It implies the delivery of goods and services by the government institutions to the public. It forms the interface between the citizens and the administration.
- It is seen as amalgamation of legal and moral obligation of the government.
- It includes services such as healthcare, education, maintenance of law and order, public utility etc.
- Availability, affordability and accessibility forms the prime criteria for the success of public service.

PROBITY

- Probity literally means “the quality of having strong moral principles; honesty and decency.”
- It is more than avoiding corrupt or dishonest conduct, for it implies values such as impartiality, accountability and transparency.
- It is regarded as **strict adherence to code of ethics**.
- In a democracy, probity espouses the principles of equality before law and respect for the rights and duties of leaders towards their citizens.
- It is the societal expectation which the citizens demand from the government.
 - Eg., M. Vishvesvaraya never used his office for personal favours. He never went late anywhere. He never spoke without prior preparation. He took dress formalities seriously. He worked hard and he was efficient. The qualities of having strong moral principles, honesty and integrity was reflected in every sphere of his activities.

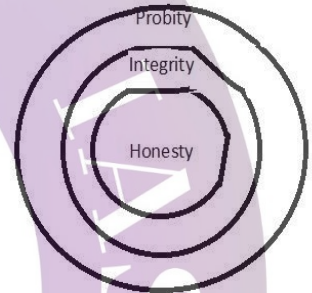


Figure: diagram illustrating relation between honesty, integrity and probity

PROBITY IN GOVERNANCE

- It is concerned with procedures, processes and systems rather than outcomes.
- It is essential for efficient and effective system of governance and for socio-economic development.
- Important requisites for ensuring probity in governance are:
 - Effective laws, rules and regulations.
 - Effective and fair implementation of these laws.
 - Absence of corruption.

PHILOSOPHICAL BASIS OF GOVERNANCE AND PROBITY

- **Indian scriptures** like Mahabharata, Ramayana, Arthashastra, Kural, Kadambari, Hitopadesha etc. are replete with philosophical guidance to ensure probity.
- **Chinese philosophers** like Confucius, Lao Tse etc have also given maxims on ethical governance.
- Three eminent schools of ethics in Western philosophy are:
 1. According to **Aristotle**, virtues like justice, generosity etc benefits the holder of the virtues as well as the society to which he belongs.
 2. **Immanuel Kant** makes the concept of duty central to morality. According to him, the knowledge of duty makes a person respect the other person.
 3. The **utilitarian** viewpoint is based on the greatest happiness of the greatest number.
- The discipline of public administration gives importance to the values of equity, justice, human rights, gender equality and compassion.
- The concept of **Good Governance** as illustrated by *World Bank* focusses on ethical and moral conduct of the administrators.

- According to **Max Weber**, there should be complete separation between the property of the office and personal property of the officer.

"No responsibility of government is more fundamental than responsibility of maintaining higher standards of ethical behaviour"

-John F Kennedy

OBJECTIVE OF PROBITY IN GOVERNANCE

1. To ensure governance accountability.
2. Maintaining highest level of integrity in government services.
3. To ensure compliance with the process.
4. To maintain public trust in the government's decision-making process.
5. To avoid the potential for fraud, misconduct and corruption.
6. **Equitable and sustainable development:** It is an essential and vital requirement for an efficient and effective system of governance and for socio-economic development.
7. **To serve the constitutional cause:** Probity in Governance is required to serve the motto of Constitution. i.e. to provide Social, Political and economic justice to all. It enhances faith in the governance.
8. **Reduced politicization of bureaucracy:** It helps address nepotism, Favoritism, Political partisanship. Public reposes more trust in governance and therefore it facilitates participatory governance.

Private interest

- It includes financial as well as non-financial component.
- It includes not only the personal, professional or business interests of the officer but also that of friends, relatives and even rivals and enemies.
- It involves actual or potential financial gain or loss.
- It can involve property, shares, unpaid debts, some form of gifts or benefits like job opportunity or employment.

Public duty to serve public interest

- A public servant has the responsibility to serve the interest of the entire community.
- The public office should not be used to serve the interest of particular individual or community or for private gain.

CHALLENGES ASSOCIATED WITH PROBITY IN GOVERNANCE:

- **Lack of fair and effective implementation of laws:** It is the implementation of the law that tests its effectiveness in addressing problems on the ground. Poor implementation will make even the greatest law ineffective. Ex. Effective implementation of whistle blower act, RTI act, enforcement of section 5 of Benami Transactions Act, i.e. confiscation of Benami property, help to achieve objectivity of Probity in Governance.
- **Colonial legacy:** Due to ingrained culture of indiscipline resulting out of colonial legacy of bureaucracy/executive functioning, that those in authority can exercise power in an unchallenged way
- **Historical and social asymmetries of powers in society:** Nearly 90% of the people work in the unorganized sector. Two thirds of the remaining work in the organized sector having job security and regular monthly wages and are employees of the state either directly or indirectly. Such asymmetry of power reduces societal pressure to conform to ethical behaviour.
- **Erosion of Values and Institutions:** Gross perversion of the Constitution and democratic institutions amounting to wilful violation of the oath of office and this is so deeply entrenched in the system that most

people regard corruption as inevitable and any effort to fight it as futile. This cynicism is spreading so fast that it bodes ill for our democratic system itself

- **Culture of Corruption ingrained in society:** It is unfortunate that corruption has, for many, become a matter of habit. It is so deeply entrenched that corruption is now considered a social norm. Greed for Illegitimate Money, Over Centralisation is some of the reason for the culture of corruption.
- **Lack of Transparency in the working of Institutions:** Transparency is a cornerstone for probity. Due to opaque working ambient in the organisation, it is difficult to maintain probity in the governance of the Institutions.

IMPORTANCE OF CIVIL SERVICES TO GOVERNANCE

Civil service is the executive branch of the government which excludes army and the judiciary.

1. **Unifying nature of the service-** Strong binding character and presence throughout the country.
2. **Policy making-**Effective policy making and regulation.
3. **Coordination** between government institutions.
4. **Leadership** at different levels of governance.
5. **Service delivery** at the cutting-edge level.
6. **Continuity-**Provides continuity and change to the administration.
7. **Store house of knowledge-** civil-servants work on field and in various departments of the government. This helps them in giving effective policy advice to the ministers.
8. **Strengthens ethos of democracy-** civil servants are accountable to the public representatives who in turn are responsible to the people. They carry out the policies of the elected government and helps in smooth conduct of elections.
9. **Fulfils constitutional mandate-** of implementing social and economic development programs, ensuring law and order etc.

APPROACHES IN PUBLIC ADMINISTRATION TO IMPROVE QUALITY OF SERVICE DELIVERY

NEW PUBLIC SERVICE

- Janet Denhardt and Robert Denhardt have put the central role of government as service.
- They say that government should be run like a democracy and not like a business.

The seven broad principles which should be followed by government and administration to improve service delivery are:

1. Serve citizens, not customers
2. Seek the public interest
3. Value the citizenship over entrepreneurship
4. Think strategically, act democratically
5. Recognise that accountability is not simple
6. Serve rather than steer
7. Value people, not just productivity

DEVELOPMENT ADMINISTRATION

- According to E Weidner, it is action oriented and goal oriented administrative system.
- Emphasis is on government influenced changes, i.e. progressive social, economic and political changes.
- It is characterized by:

1. Purpose- to stimulate change and innovation in social and economic field.
2. Loyalties-bureaucracy has to be accountable to the people and not to any vested institutional interests.
3. Attitude- it should be positive, persuasive and innovative

Behavioural parameters for development administration are:

1. Change orientation
2. Result orientation
3. Citizen participative orientation
4. Commitment to work

Difference between traditional public administration and development administration

Traditional Public Administration	Development Administration
It is status quo oriented.	It is change oriented.
It is hierarchical and rigid.	It is flexible and dynamic.
It believes in centralisation.	It believes in decentralisation.
There is not much involvement of people.	It stresses on people's participation

NEW PUBLIC ADMINISTRATION

- ✓ It was formed in response to social and political turbulence which was observed in USA during 1960s, where traditional public administration was unable to solve the problems.
- ✓ It tries to provide solution through 4 Ds, i.e. Decentralisation, Debureaucratisation, Delegation and Democratisation.
- ✓ Important components of NPA are
 1. **Relevance**-changes should be specific to the needs of area and people.
 2. **Values**-instead of value neutrality, public administration should work for the cause of disadvantaged sections.
 3. **Social equity**- public administration should become more proactive to social issues and should work for the realization of social equity as the chief goal.
 4. **Change**- There should be operational flexibility and organisational adaptability to meet the environmental changes.

NEW PUBLIC MANAGEMENT

The focus of NPM is on 3Es i.e., Efficiency, Economy and Effectiveness.

Salient Features

1. Thrust is on efficiency, management and performance appraisal.
2. Cost cutting.
3. Contracting out to foster competition.
4. Its management is characterized by output targets, limited term contracts, monetary incentives and freedom to manage.

ENTREPRENEURIAL GOVERNMENT

Osborne and Gaebler suggested ten-point programme for Entrepreneurial government.

Entrepreneurial Government:

1. Promote competition between diverse providers of goods and services.

2. Empower citizens by shifting control out of bureaucracy.
3. Measure performance through outcomes and not through inputs.
4. Is driven by mission and not by rules and regulations.
5. Redefine clients as customers and offer them choices.
6. Prevent problems rather than curing them.
7. Emphasis is not only on spending money but also spending them.
8. Embraces participatory management.
9. Prefer market mechanisms to bureaucratic mechanisms.
10. Stimulate public, private and voluntary sectors to solve community problems.

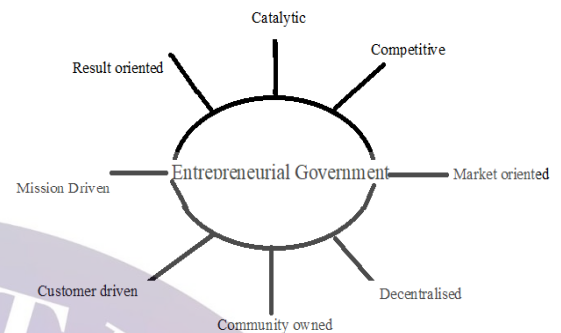


Figure: showing features of entrepreneurial

government

SOCIAL CONTRACT

- The philosophical basis of Social Contract finds mention in the writings of Hugo Grotius, Thomas Hobbes, John Locke, Jean Jacques Rousseau and John Rawls.
- According to this theory, people surrender some of their rights to a state or authority for protection of remaining rights.
- The rights and responsibilities are not fixed and can be changed if the members so desire.
- Enjoying additional rights is always associated with bearing additional responsibilities.
- The idea of self-government emanates from this concept.

Features

1. The will and not the might is the basis of government.
2. The value of justice or right or might is the basis of all political society.

Parkinson's Principles

The principles are satirical on public administration and political organisation

1. There is empire building tendency among the administrators. They swell their rank by artificially creating work.
2. They select their subordinates who are less smart so as to prevent potential rivals.
3. Committees tend to grow in their size until they lose their effectiveness.
4. Committee's time spent on subjects varies inversely with sum involved.
5. Expenditures of organisations rise to eat up available money.

TRANSPARENCY

- It is the openness of decision-making process and freedom of information to the public and media.
- Lack of transparency makes the government slow, inefficient and corrupt.
- Resolution 59 of UN General assembly of 1946 recognised freedom of information as integral part of freedom of expression.
- In Kulwal Vs Jaipur Municipal Corporation, Supreme Court said that without right to information, freedom of speech and expression is futile.
- International Covenant on civil and political right has also recognised right to information.

Advantages

1. It leads to careful utilization of funds.
2. Decision making becomes rational and objective.
3. It makes the public servant accountable for mishandling public time and money.
4. It exposes rules and procedure that makes the administration slow.
5. These empower citizens, foster their participation in public affairs, strengthen participatory democracy and usher in people centric governance.
6. Transparency of information is also seen as significant for motivating citizens to exercise '**voice power**'. Voice power is defined as the capacity of citizens to pressurize the frontline officials in ensuring effective delivery of services. This voice power results in greater accountability.
7. It develops friendly relation between the public and the administrators.

Therefore, we can say that in a broad sense, Transparency refers not only to the level of openness, accessibility and reliability of information but also to style of functioning and the priorities accorded by the government in policy making.

TRANSPARENCY: A PILLAR OF ETHICAL GOVERNANCE

- Transparency and accountability is the fundamental requirement for preventing the abuse of power.
- Open, transparent and accountable government is an imperative prerequisite for community oriented public service delivery because without it covert unethical behaviour will result.
- Transparency is not just a means to fulfill certain functions but an end in itself.

Institutional means to achieve transparency in administration

- ✓ Parliamentary controls- question hour, adjournment motion etc.
- ✓ Legislative framework- RTI
- ✓ Ombudsman scheme- Lokpal and Lokayukta
- ✓ Independent judiciary
- ✓ E-Governance
- ✓ Free Press

ISSUES WITH RESPECT TO TRANSPARENCY IN INDIA

➤ **Official Secrets Act (OSA)-**

The presence of abundant discretion converts every legal matter into confidential matter.

- ❖ OSA broadly deals with two aspects — Spying or Espionage and disclosure of secret information of the government.
- ❖ However, the OSA does not define the secret information, the government follows the Manual of Departmental Security Instructions, 1994 for classifying a document as secret.
- ❖ **It is India's anti-espionage. It states that actions which involve helping an enemy state against India are strongly condemned.**
- ❖ **It also states that one cannot approach, inspect, or even pass over a prohibited government site or area.**

➤ **RTI Act- It is the law that gives an ordinary citizen the right to ask questions to the government. The act has strengthened pillars of good governance like Participation, Transparency, Legitimacy and Responsiveness. It is a tool of participatory democracy which augments good governance and socio-economic service delivery.**

However, there are some challenges with RTI act such as –

- ❖ Reluctance to fill vacancies,

- ❖ High backlog of cases,
- ❖ Political parties are still outside the purview of RTI Act.
- ❖ **Lack of performance audit** of implementation of RTI act meant that there is lack of effective implementation of RTI provisions

- **Whistle blower Protection Act-** The act establishes a mechanism to receive complaints related to disclosure of allegations of corruption or wilful misuse of power or discretion, against any public servant, and to inquire or cause an inquiry into such disclosure. The act also provides adequate safeguards against victimization of the person making such complaints. It allows any person, including a public servant, to make a public interest disclosure before a Competent Authority. which is yet to be operationalized.

MECHANISM TO ENSURE PROBITY IN INDIA

RIGHT TO INFORMATION ACT

- The campaign for right to information in India has its **genesis in Rajasthan led by the Mazdoor Kisan Shakti Sangathan.**
- MKSS forced the state government to pass the right to information Act in 1997. The MKSS, led by Aruna Roy, was a people's movement that began at the grassroots but reverberations were felt across the whole country.
- RTI was thus passed in 2005 that heralded an era of transparency from darkness of secrecy.
- The RTI Act creates elaborate machinery for the supply of information.
- It consists of Public Information Officers (PIOs), Asst. PIOs, Departmental Appellate Authorities, State and Central Information Commissions.
- **PIOs are responsible to give information** to a person who seeks information under the RTI Act.
- The definition of Public Authorities who are placed under obligation to provide information is also wide.
- **Time period:** In normal course, information to an applicant is to be supplied within 30 days from the receipt of application by the public authority.
 - If information sought concerns the life or liberty of a person, it shall be supplied within 48 hours.
 - In case the application is sent through the Assistant Public Information Officer or it is sent to a wrong public authority, five days shall be added to the period of thirty days or 48 hours, as the case may be.
- **Appellate Authority:** It caters to the appeals against decisions of the Public Information Officer.
 - State Information Commission or the Central Information Commission (CIC): Their major function is to listen to appeals against the order of the Appellate Authority.
- **Penalties:** The act contains provisions for penalties on those who fail to publish information in the prescribed time limit.

PROBLEMS WITH WORKING OF THE ACT

1. **Section 4 of the RTI Act** requires suo motu disclosure of information by each public authority. Such disclosures have remained less than satisfactory.
2. **Exemptions: Section 8 (1)** mentions exemptions against furnishing information under RTI Act.
3. **Frivolous RTI applications** have been filed in many cases and the information obtained have been used to blackmail the government authorities.
4. **Incompatible laws**
 - Some provisions of **Indian Evidence Act (Sections 123, 124, and 162)** provide to hold the disclosure of documents.

- The **Atomic Energy Act, 1912** provides that it shall be an offence to disclose information restricted by the Central Government.
 - The **Central Civil Services Act** provides a government servant not to communicate or part with any official documents except in accordance with a general or special order of government.
 - The **Official Secrets Act, 1923** provides that any government official can mark a document as confidential so as to prevent its publication.
5. **Huge pendency of cases:** more than 2.2 lakh cases are pending at the Central and State Information Commissions, which are the final courts of appeal under the law.
 6. **Poor record-keeping** within the bureaucracy results in missing files.
 7. Low awareness of people.
 8. The recent amendments which have changed the tenure and terms of service of CICs are seen as dilution in the independence of CICs.

RECENT RTI AMENDMENT

Following amendments have been made in the RTI ACT:

- **Term:**
 - **Earlier:** The Chief Information Commissioner and other Information Commissioners was set at five years or until they attain the age of 65 years.
 - **Now:** The Central government will have power to notify the term. It has been notified at three years.
- **Salary:**
 - **Earlier:** The salary of Chief Information Commissioner was equivalent to that of Chief Election Commissioner and the salaries of other election commissioners was equivalent to that of Election Commissioner.
 - **Now:** The salaries and allowances will be determined by the Central government.
- **Appointment**
 - **Earlier:** The appointment was made by a three-member committee comprising of Prime Minister, Leader of Opposition in the Lok Sabha and a minister appointed by the Prime Minister. Similar provision was there at the state level.
 - **Now:** These powers have been delegated to the Central government.

KEY POINTS OF DIFFERENCE

The bill seeks to empower the central govt on deciding salaries, and other terms of service of information commissioners.

RTI Act, 2005 RTI (Amendment) Bill, 2019

Term	Quantum of salary	Deductions in salary
<ul style="list-style-type: none"> ■ CHIEF information commissioner (CIC) and information commissioners will have a tenure of five years 	<ul style="list-style-type: none"> ■ CIC pay equivalent to CECs, Central ICs and state CIC to election commissioners and state ICs to chief secretary 	<ul style="list-style-type: none"> ■ IF such officials are receiving pension or other retirement benefits, their salaries will be reduced by an amount equal to the pension
<ul style="list-style-type: none"> ■ CENTRE will notify the tenure of all information commissioners (ICs) at state and central level 	<ul style="list-style-type: none"> ■ SALARIES and allowances of these officers will be determined by the Central government 	<ul style="list-style-type: none"> ■ THESE provisions have been removed

Source: PRS Legislative Research

ARGUMENTS IN SUPPORT OF THE AMENDMENTS

- **Statutory body:** CIC and SIC are statutory bodies which cannot be compared with the Election Commission which is a constitutional body.
- **Removal of dichotomy:** Earlier the service conditions of CIC was equivalent to the judge of Supreme Court. But the decision of CIC can be challenged in High Court. Through the amendment, the given dichotomy has been removed.
- **Better control over statutory body:** Now the government has adequate control over the statutory body.

ARGUMENTS AGAINST THE AMENDMENTS

- **Blow to transparency:** By removing the guarantee of tenure, independence of CIC and SIC has been taken away.
- **Against federalism:** the role of state governments has been reduced.
- **Against democratic ethos:** by taking away the role of leader of opposition in the appointment of CIC and SIC.
- **Against the Parliamentary Committee's observation:** The Parliamentary Committee reviewing the RTI act in 2005 had observed that the appointment of the information commissioners was the essence of the bill.

RTI AND THE JUDICIARY

- The RTI Act conferred powers on the chief justice of the Supreme Court and the chief justices of High Courts of states for carrying out its provisions.
- So, the Supreme Court and the High courts framed their own rules.
- The Supreme Court adopted the RTI-friendly rules of the central government for itself.
- But several high courts framed unfriendly rules, making it almost impossible to get any information.
- For eg., the Allahabad High Court made it mandatory for citizens to deposit Rs 500 for each information sought.
- The RTI Act makes the information commissions the final appellate authorities in their respective jurisdictions.
- But some orders passed by the central information commission had eventually reached the Supreme Court.
- In most of the cases, the Court's interpretation of the exemption provisions of the RTI was contentious.
- For e.g., the Girish Deshpande case where the Supreme Court ruled that the relationship between the government and its employees was a personal one.
- Supreme Court ruled that no information about a government employee could be disclosed unless the information seeker could prove that it was in public interest.

SUBHASH AGARWAL CASE

- The Supreme Court declared the **office of the Chief Justice of India as a public authority** under the RTI Act.
- The Supreme Court also observed that Right to Privacy is an important aspect and has to be balanced with transparency while deciding to give out information from the office of the Chief Justice of India.
- RTI cannot be used as a tool of surveillance and that judicial independence has to be kept in mind while dealing with transparency.
- On the issue related to the appointment of judges, the Supreme Court held that only the names of the judges recommended by the Collegium for appointment can be disclosed, not the reasons.

SIGNIFICANCE OF THE JUDGEMENT

- **Opens the doors for transparency** in the judiciary. Higher judiciary in India has been criticized for its opaqueness under the doctrine of the independence of the judiciary.
- **Validation of Delhi High Court judgment (2010)** which ruled that the CJI and the other justices of SC are liable to disclose information as in the case of other public authorities under the purview of the RTI Act.
- **Boost to Good Governance**, as now judiciary, executive, legislature, all come under the ambit of RTI Act.

RTI AND THE POLITICAL PARTIES

- A full bench of the Central Information Commission in 2013 brought the national political parties under the ambit of the RTI act.
- However, all the political parties refused to comply with the ruling.

WHY THE POLITICAL PARTIES NEED TO BE BROUGHT UNDER THE RTI ACT?

- **Ensuring accountability-** Elections in India are contested on party lines who are ultimately vote to power. Bringing political parties under RTI will help in ensuring accountability.
- **Financial transparency-** given that 75% of the funding of the political parties remains anonymous, bringing political parties under RTI will ensure financial propriety.
- **Informed citizenry-** more information on the part of citizens will lead to better decision making by the voters.
- **CIC ruling:** Political parties have not challenged the ruling of CIC which brought them under the RTI. So, technically the political parties are under the RTI act.
- **Provisions of safeguard:** Section 8(1) of the act has provisions for exemptions which can be utilised by the political parties to safeguard their strategies.
- **Law Commission of India** in its 170th report on Reforms of electoral laws in 1999 had recommended transparency in the functioning of RTI

ARGUMENTS AGAINST BRINGING POLITICAL PARTIES UNDER RTI.

- **Neither constitutional nor statutory-** Political parties are created through Representation of People's Act. Hence, they are neither Constitutional nor statutory and so they do not come under the definition of public authority.
- **Impediment in strategizing-** RTI can be used with malicious intent to understand the political strategies which can hamper their winning prospects.
- **Presence of provisions-** There are already provisions in Income Tax act, 1961; Representation of People's act, 1951 which demand necessary transparency.

Except for the political strategy, other matters relating to finance and administration can be made available to public because political parties are public institutions, receiving money from public. Further, it is morally incorrect to remain aloof from RTI and demand other institutions to be transparent.

IMPACT OF THE ACT

1. The act improved the life of the poor and the marginalised.
2. The details of beneficiaries of government subsidized programme were made public, which helped in checking corrupt practices. For eg., Revat Ram and his friends (in Himmatsar village in Bikaner district of Rajasthan) used the RTI Act to get all records of their ration shop in and by exposing how grains meant for the poor were being black-marketed at a ration shop.
3. It has helped in exposing some of the biggest scams like the Adarsh Society scam, Commonwealth games scam.
4. **Success story: Attendance of village school teacher in Banda dist.(UP)-** Volunteers from Delhi based organisation like Kabir and Parivartan along with local workers filed RTI for attendance record of teachers. This resulted in quick action from the administration and regular teaching began in the school.

Way ahead

- **Specific responsibilities** for implementation of specific provisions should be clearly spelt out.
- **Creation of mass awareness** campaign at Central and state levels.
- **Training modules** on RTI should be incorporated in the training institutes.
- **Consensus on common set** of minimum rules for filing RTI from one state to another should be developed.

WHISTLE BLOWING

- It is done by an employee where he finds that ethical rules are broken knowingly or unknowingly and there exists an imminent danger to the company, consumers or the public.
- *Whistle blowers are the best source of information on malpractices in any organisation — public or private.*
- It creates conflicts of interests between personal, societal and organisational spheres.
 - **For eg., Frances Haugen, a former data scientist at Facebook,** testified before the US senate that Facebook harms children, sows division and undermines democracy in pursuit of breakneck growth and "astronomical profits."

ARGUMENTS AGAINST WHISTLE BLOWING

- **Violation of organisational culture-** where secrecy is maintained for several reasons.
- **Break down of trust between the employer and the employee.**
- **Unethical-** if it is done solely to grab the attention.
- **Endanger the existence of organisation or institution-** For eg, if sensitive data is leaked, it can cause threat to national security.

ARGUMENTS IN SUPPORT OF WHISTLE BLOWING

- **Fosters accountability-** which strengthens the organisation in the long run.
- **Ethical** – as it is for the greater good of the company, consumers or the public.
- **Moral commitment-** it is done for the moral commitment to the law and society at large.
- **Exposes corruption and wrong doings.**

CODE OF ETHICS

- It is a written set of guidelines issued by an organisation to its employees to guide their conduct.
- It contains general principles and values that the organisation tries to achieve.
- Violation of code of ethics involves no penalties.
- There is no code of ethics prescribed for civil servants in India.
- Generally, it includes values such as
 - Integrity
 - Impartiality
 - Commitment to public service.
 - Accountability.
 - Devotion to duty.
 - Exemplary behaviour.

PURPOSE OF CODE OF ETHICS AND CONDUCT

The codes are developed based not only on past organizational or individual experience, but also based on actions that the organization wishes to prevent from ever occurring. Three main purposes that the codes of ethics serve, which are as following:

(a) Codes assure people outside the profession or organization that they can expect a degree of uniformity as relates to expectation of performance and moral conduct from employees of the profession or organization.

(b) Codes assure individuals within the organization or profession that they can rely upon colleagues within the organization and profession to maintain a level of standards in exchange for that individual conducting himself in adherence to the same principles upon which the others are held.

(c) Codes serve as a notice that people outside of the organization or profession are not bound by the code and, perhaps may be seen as adhering to lower standards pertaining to ethics.

LIMITATIONS OF CODE OF ETHICS

- Code of Ethics, no matter how well intentioned may generate several limitations, some of which are as following;
 - a. A code of ethics cannot provide guidance for every individual in every situation.
 - b. Ethical code will through guidelines helps ensures public trust but cannot be enforced through criminal or civil code. It serves little to establish code of ethics that cannot be defended in courts.
 - c. Limited to the imagination of individuals. Behaviour cannot be guided by set of rules, it must come from within the individuals and the organisations.
 - d. Public service is a profession that must be governed by an inherent set of rules that do not come from reading a specific code.

CODES OF CONDUCT

- It is set of rules outlining expected behaviour from members of the organisation.
- Its violation constitutes breaches of officially prescribed rules.
- It is explicitly mentioned as compared to code of ethics which is implicit.

In India, Central government has issued conduct rules for government employees known as Central Civil Service Conduct rules, 1964.

Some of the rules are:

1. **Using the best judgement-** Civil servants should act independently according to the rules and unmindful of any external influences.
2. **Written orders-** oral orders should be followed by written orders.
3. **Integrity and devotion-** a civil servant should not only refuse bribes but also display intellectual honesty. Devotion implies completing the work in prescribed time limit within expected quality limits.
4. **Reporting details of properties and transactions**
5. **Bar on influence peddling-** rules prohibit civil servants from using their influence to secure jobs for their family members.
6. **Avoiding conflict of interest**
7. **Financial Propriety-** civil servants are not allowed to organize subscriptions or donations. They are expected to arrange their private finances prudently.
8. **Political neutrality**
9. **Observing social laws and cultural norms-** For example, they should neither accept nor offer dowry.

DIFFERENCE BETWEEN CODE OF ETHICS AND CODE OF CONDUCT

Code of Ethics	Code of Conduct
It covers broad guiding principles of good behaviour and governance.	It is more precise and stipulates a list of acceptable and unacceptable behaviours.
It is expected to be followed.	It is mandatory.
It is generally applicable to culture, education, or religion.	It is generally applicable to individual's official or professional conduct.
Example- Helping the needy, having sympathetic attitude towards the weaker sections of the society.	Example- prescribing civil servants about not to brief to media of internal matters, following protocols while receiving dignitaries etc.

It is set of principles which influence the judgement	Code of Conduct is a set of guidelines that influence employee's actions
It is wider in nature as compared to Code of Conduct.	Code of Conduct are narrow
Generally, Ethical standards are non-specific and are designed to provide a set of values or decision making	Conduct standards generally provides a fairly set of expectations about which actions are required, acceptable or prohibited.
It enables employee to make independent judgements about the most appropriate course of action	It enables employees to work in compliance with rules and actions are guided by the codes
A particular rule in the code of Ethics might states that all employee obeys the law	A code of Conduct might list several specific laws relevant to specific areas of organizational operations, that employees need to obey

SECOND ARC SUGGESTIONS ON ENSURING ETHICAL CONDUCT

It has suggested the following

- Partial state funding of elections.
- Tightening of anti-defection law.
- Tightening the provision of Prevention of Corruption Act.
- Making corrupt public servants liable for paying damages.
- Confiscation of illegally acquired property.
- Speedy trials.
- Creation of Lokpal at national, state and local level.
- Deletion of Article 311 so that quick actions can be taken against delinquent public servants.
- There should be measures to protect honest civil servants.

CITIZEN'S CHARTER

- ✓ It is an undertaking by a public institution to provide certain level of service to its customers.
- ✓ It contains specific provisions and sets out specific obligations for public services.
- ✓ It is the means of solving day to day problems which citizens experience.
- ✓ It places the citizens at the centre of administration instead of treating him as passive recipient

Principles of citizen's charter

1. Wide publicity on the standards of performance of public agencies.
2. Assured quality of services.
3. Access to information along with courtesy and helpful attitude.
4. Choice of and consultation with citizens.
5. Simplified procedures for receipt of complaints and their quick redressal.
6. Provision of performance scrutiny with citizen's involvement.

SIGNIFICANCE OF CITIZEN'S CHARTER

- Citizens now have clear understanding of service delivery standards which has helped in ensuring accountability.
 - **For eg.** the Hyderabad Water Supply and Sewage Board has guaranteed compensation when the service delivery does not meet standards.
- It has minimised the opportunities for corruption.
- It makes the citizens aware of the intent of service providers.

- It incorporates citizen's feedback in improving service delivery.
- It ensures better service quality grievance redressal mechanism.

CHALLENGES WITH CITIZEN CHARTER

- **Lack of legal status**- which makes it toothless.
- **Lack of awareness among the citizens.**
- **Limitation of resources**- particularly at the local level affects supply side.
- **One size fits all approach**- all the charters under the parent organisation remains the same which overlooks the local issues.
- **Lack of flexibility to change**- as per the evolving needs of the society.
- **Issues with the standards delivered**- in absence of criteria to measure standards.

Way ahead

- **Sevottam model of service delivery**- it is based on three factors viz., implementation of citizen's charter, implementation of grievance redressal system and service delivery capability.
- **Updating citizen charter with changing times**
- **Seven step model for citizen centricity**- which has been suggested by second ARC. It includes steps. It creates database on consumer's grievance and redressal, educate public, consider the needs of the senior citizens and the disabled while framing the charter.

WORK CULTURE

- It is regarded as set of practices, values and shared beliefs within an organisation and in its employees.
- It decides the way employees interact with each other and how the organisation functions.
- It is the product of the organisation's history, traditions, values and vision.

CHARACTERISTICS OF HEALTHY WORK CULTURE.

- There is respect for fellow workers.
- Conflicts are minimum and are resolved after considering the underlying cause.
- Impartiality in treatment of employees.
- An employee is judged only by his work and nothing else.
- Performers are encouraged but those who didn't perform well are not criticized but asked to pull up socks for the next time.
- Employee's participation in decision making process is improved.
- Existing skills of the employees are enhanced through workshops, seminars etc.
- **Case study of healthy work culture in Google:** Google has an informal work culture. It has a flat structure which means they have minimal upper and middle level management. This structure allows for more creativity. Employees have the ability to make more decisions on projects

WORK ETHICS

- It is the commitment to fulfil the official responsibilities with dedication, involvement and sincerity.
- It implies that work is appreciated and not taken as burden.

Characteristics of Ethical work

1. **Values**- like the blood nourishes the body, values nourish the organisation.
2. **Effective leadership**- leaders set the tone that permeates the organisation's culture.
3. **Balancing of stakeholders**- so that mutual tension is resolved.

4. **Integrity of process**- where all the processes of the organisation are aligned with its values, like recruiting, hiring, promoting, marketing, sales etc.
5. **Long term perspective**- where the leadership is dedicated to strategic planning for the long term.

SERVICE DELIVERY

- ✓ Public Service Delivery is the most important aspect of good governance as it touches lives of millions of people.
- ✓ Through better public service delivery inclusive and sustainable socio-economic development can be achieved.
- ✓ It helps in achieving equity based governance as enshrined in our preamble.

CHALLENGES

- **E—governance index (low)**- India has been ranked 100th UN E-government survey 2020.
- **Focus on service providers:** For years convenience of service providers and not the service receivers has been the primary focus.
- **Complex regulations:** It has been marred with complex regulations, complicated forms, lack of information, absence of performance standards, lack of accountability, corruption, incompetence etc. **For eg., India has been ranked 86th in the Corruption Perception Index.(2020)**
- **Inefficiencies** at the grassroot or cutting-edge level.

SUGGESTIONS FOR IMPROVEMENT

- **Treating people as participants** and not as beneficiaries and giving them choices.
- **Providing service with specified standards** such as one-stop service, single window, automated service delivery etc.
- Creating a **stable and conducive environment for the public servants** to deliver results based on clarity of vision, mission and objectives.
- **Ensuring value for money and cost-effectiveness** in service delivery.
- **Promoting decentralisation** and strengthening rural and urban local bodies as grass root levels of self-institutions.
- **Best practice:** In 2017, **Meghalaya** became the first state to pass the **social audit legislation** which mandates social audit across government schemes and departments.
- **Case study: Passport (Mission Mode Project) MMP:** The Passport MMP under the NeGP(National e-Governance Plan) was undertaken by the Central Passport Organization to keep pace with phenomenal increase in the workload, by innovative measures involving change in processes and infusion of technology. Ministry of External Affairs (MEA) decided to launch the **Passport Sewa Project** whose objective was to improve the service delivery process for passport to the citizens in a comfortable environment with wider accessibility and reliability. It resulted in significant improvement in service delivery.

CORRUPTION

Quotes: "Power tends to corrupt and absolute power corrupts absolutely"-Lord Acton

- It is the use of one's position, status or resources directly or indirectly for personal benefits.
- It can be material gain or non-material like enhancement of power or prestige beyond what is legitimate for him.
- **World Bank** have identified corruption as 'the single greatest obstacle to economic and social development'
- As per 2nd ARC report: There are two facets to corruption:

- (1) the institution which is highly corrupt;
 - (2) individuals who are highly corrupt.
 - There is a need to work on public profiteering and also value to be attributed to the services rendered by officers. Interlocking accountability is a process by which evaluation could be done easily and accountability ensured.
- Corruption in India- India's rank in Corruption Perception Index has been 86. Transparency International report says 62% Indians pay bribes during interaction with police. This points towards wide scale prevalence of corruption in India.

TYPES OF CORRUPTION

<u>Coercive corruption</u>	<u>Collusive corruption</u>
<ul style="list-style-type: none"> - Here the citizen is compelled to pay a bribe in order to get the service. - Citizens end up losing much more when they try to resist corruption. - It can be in the form like delays, harassment, lost opportunity, loss of precious time and wages, at times even potential danger of loss of life or limb. 	<ul style="list-style-type: none"> - There is collusion between the bribe giver and the public servant. - Both of them benefit at the cost of the society. - For example, in awarding contracts for public works and procurement of goods & services, recruitment of employees etc.

CORRUPTION, ETHICS AND VALUES

- Corruption is the manifestation of failure of ethics.
- It has become so deeply rooted in the society that people regard it as inevitable.
- Some people attribute rise in corruption to the decline in values.
- Others believe that most humans are honest and socially conscious but there are some aberrations which manifest in the form of corruption.
- However, both values and institutions are important.
- Values serve as guiding stars.
- Values need to be sustained by institutions to be durable.
- Values without institutions tend to be weakened and dissipated.

CHALLENGES POSED BY CORRUPTION

- People benefitting from corruption try to maintain status quo and resist any reform.
- Corruption **discourages capital inflows** and FDIs.
- It **lowers productivity and reduces effectiveness** of industrial policies.
- Countries with higher corruption have lower social investments like education, healthcare etc.
- It leads to **inequality among the masses**. The recent Oxfam's report on inequality points towards this.
- Corruption in the social sectors like PDS, health and education schemes lead to demographic disadvantage.
- Undermines **ease of doing business**
- Corruption in the public services sector carries high risks for conducting good businesses. Companies are likely to **unwanted red tapes, petty corruption, bribes for finalizing any procedures or deals**.
- The corrupt system **denies the poor a chance to improve** their status rendering them eternally poor
- The loss of exchequer by the big scams are always recovered by higher taxes. It **hampers intergenerational parity in taxation**.
- Corruption leads to the loss of legitimacy of the political systems and gives free hand to non-state actors.
E.g Left-wing extremism

CAUSES OF CORRUPTION

Administrative	Social and Ethical	Economic	Political
<ul style="list-style-type: none"> • Criminalisation of Politics and Politicisation of bureaucracy • Colonial bureaucracy • Failed Administrative Reforms • Low wages of Public servant and lack of Career growth opportunities • Judicial failure - Delays and Pendencies • Lack of effective grievance redress mechanisms 	<ul style="list-style-type: none"> • Increasing Individualisation and materialism • Social discrimination • Failure of Education system to impart values 	<ul style="list-style-type: none"> • High share of informal sector • Ease of Doing business • High Inequalities 	<ul style="list-style-type: none"> • Use of black money in elections • Criminalisation of Politics • Crony Capitalism

Santhanam committee identified the following causes of corruption in India:

- Government taking upon itself more than what it could manage by means of regulatory functions.
- **Scope of discretion** in the exercise of powers vested in the various categories of government servants.
- **Cumbersome procedures** in dealing with various matters in dealing with the public which were of important to citizens in their day to day life.

Other Reasons:

- The weak legal framework for punitive action: Because of ill-defined policies, weak regulatory frameworks and large indiscretion among ministers and high public officials, India has witnessed large cases of crony capitalism that may derail the entire economy. E.g. The CBI alone has hundreds of cases pending in various courts under the PCA, some of them as old as 25 years.
- **Political Corruption:** It is widely recognized that huge money required to fight elections is the foundation of political corruption. Due to the vast geographical area of a constituency, with more than two million voters in many cases, a candidate has to spend huge money to contest the elections.
- **Over-regulation combined with a weak state fosters corruption**
- **Bureaucratic Red-Tapism and Abetting Corruption:** This has been highlighted suitably by Robert Merton as, "When the rule becomes more important than the game itself".
- **MNC's and Lobbying:** Lobbying means any activity of a group or individual with special interest designed to influence the legislative or regulatory actions of a public authority.
- **Rise of the Elites and the post liberalization Corruption:** The mega corruption thrives because of a nexus between big business, politician and bureaucrat as highlighted by Transparency International.

WAYS TO TACKLE CORRUPTION:

- **Strict adherence of Code of Conduct and Code of Ethics:** The code of conduct established for various officials needs to be backed by a Code of ethics which needs to be imbibed internally by the officials. Code of conduct has its limitations but code of ethics will help in imbibing values like courtesy to public, honesty and dedication towards work, responsiveness towards needs of public. This will ensure that there will be no need of coerce public officials to show ethical behaviour.
- **Effective implementation of Institutional measures:** Strict and evolved implementation of the accountability mechanisms be it effective laws, mechanisms, procedures and tools in accordance with the changing dynamics of the requirements of the society is crucial. Bring together formal and informal processes (this means working with the government as well as non-governmental groups) to change behaviour and monitor progress will cut red tapism.

- **Use of Technology:** Use of e-governance and ICT tools to build dynamic and continuous exchanges between key stakeholders: government, citizens, business, civil society groups, media, academia thus ensuring transparency and accountability in governance.
 - **For example:** The Indian Government's Unique Identification Number AADHAR initiative of gathering biometric and demographic data of all Indian residents and linking it with social benefits like public distribution system entitlements is a good example to plug such leakages.
- **Act globally and locally:** Corruption is a global problem that requires global solutions. Keep citizens engaged on corruption at local, national, international and global levels – in line with the scale and scope of corruption. Make use of the architecture that has been developed and the platforms that exist for engagement.
 - **Eg:** UN Anti-corruption working group and WB anticorruption initiative. Chile's e-commerce public procurement system Chile Compra has gained immense popularity around the world by bringing transparency in public spending.
- **Power of the people:** Citizens also need to undergo attitudinal change and must refrain from bribing officials through 'speed money' to get their work done faster. They must be educated about the social costs of corruption.
- **Ingrain ethical organizational culture through regular ethical training modules and workshops.**

Conclusion:

If corruption levels in India are reduced to those in Scandinavian countries, GDP would increase by 1.5% and investment would increase by 12%. If all overseas black money is brought back, India can pay back its debt.

CORRUPTION LAWS IN INDIA

INDIAN PENAL CODE, 1860

- Sec 169 has provision for up to two years of imprisonment with fine for unlawfully buying or bidding property.
- Sec 409 has provision for life imprisonment or imprisonment for ten years for criminal breach of trust by public servant.
- Imprisonment ranging from six months to five years along with fine is awarded if a public servant takes illegal gratification, if he accepts valuable thing without paying for it from a person who is involved in business transaction in official capacity.
- A provision of prior sanction from the state or the Central government is required in order to prosecute a public servant.

THE BENAMI TRANSACTIONS (PROHIBITION) ACT, 1988

- It prohibits benami transaction (property in the false name of the other person who does not pay for it) except when it is purchased in wife's or unmarried daughter's name.
- Benami properties can be acquired and the prescribed authority.

THE BENAMI TRANSACTIONS (PROHIBITION) AMENDMENT ACT, 2016

- Imprisonment has been extended up to seven years with fine.
- Furnishing false information is punishable by five years of imprisonment and fine.
- Initiating Officer may pass an order to continue holding property and may then refer case to Adjudicating Authority which will then examine evidence and pass an order.
- Appellate Tribunal will hear appeals against orders of Adjudicating Authority.
- High Court can hear appeals against orders of Appellate Tribunal.

PREVENTION OF CORRUPTION ACT, 1988

- It provides for penalties in relation to corruption by public servants and also for those who are involved in the abetment of an act of corruption.
- Amendment of 2018 criminalised both bribe-taking by public servants as well as bribe giving by any person.

PREVENTION OF MONEY LAUNDERING ACT, 2002

- Money Laundering is the process of making money earned through illegitimate sources appear as legitimate.
- The act empowers Enforcement Directorate to conduct money laundering investigations.
- It has provisions for rigorous imprisonment along with fines.
- Banking companies and financial intermediaries are obliged under the act to maintain record of financial transactions of specified nature and value.

Recent amendments in the act

Amendments have been brought about to make the provisions more stricter.

- **An explanation added to Section 45-** clarifies that all PMLA offences will be cognisable and non-bailable. Therefore, the Enforcement Directorate (ED) officers are empowered to arrest an accused without warrant, subject to certain conditions.
- **Amendment to Section 3-** makes concealment of proceeds of crime, possession, acquisition, use, projecting as untainted money, or claiming as untainted property as independent and complete offences under the Act.
- **Deletes the provisos** in sub-sections (1) of Section 17 (Search and Seizure) and Section 18 (Search of Persons). It does away with the pre-requisite of an FIR or chargesheet by other agencies that are authorised to probe the offences listed in the PMLA schedule.
- **Under Section 44, the Special Court**, while dealing with the offence under this Act **shall not be dependent upon any orders** passed in respect of the scheduled offence, and the trial of both sets of offences by the same court shall not be construed as joint trial.
- **Scope of "proceeds of crime", under Section 2, has been expanded** to empower the agency to act against even those properties which "may directly or indirectly be derived or obtained as a result of any criminal activity relatable to the scheduled offence".

THE COMPANIES ACT, 2013

- It provides for corporate governance and prevention of corruption and fraud in the corporate sector.
- The term '**fraud**' has been given a broad definition and is a criminal offence under the Companies Act.
- In cases involving fraud specifically, the **Serious Frauds Investigation Office (SFIO) has been set up** under the Ministry of Corporate Affairs, which is responsible for dealing with white collar crimes and offences in companies.
- The SFIO conducts investigation under the provisions of the Companies Act.

INSTITUTIONS FOR DEALING WITH CORRUPTION

LOKPAL AND LOKAYUKTA

- ✓ Lokpal and Lokayukta Act, 2013 provided for the establishment of Lokpal at the Union level and Lokayukta at the state level.
- ✓ They inquire into allegations of corruption against certain public functionaries.
- ✓ Structure of Lokpal consists of one chairperson and maximum of eight members.

- ✓ Jurisdiction of Lokpal includes the Prime Minister, Ministers, MPs, Group A, b, C and D officers and officials of Central government.
- ✓ It has power of superintendence over and to give directions to CBI.
- ✓ It has powers of confiscation of assets or other benefits acquired through corrupt means.

Issues with Lokpal

- **Complete exclusion of judiciary-** which hampers the prospects of making judiciary accountable.
- **No full authority to investigate the Prime Minister-** the act prohibits inquiry against the PM in certain cases like atomic energy etc.
- **Not much protection to whistle-blowers** – which acts as impediment in drives against corruption
- **Delay in appointment of Lokpal-** for years appointment of Lokpal was delayed over technical issues

CHIEF VIGILANCE COMMISSION

- The Central Vigilance Commission is the apex vigilance institution.
- The CVC was set up by the Government in 1964 on the recommendations of the Committee on Prevention of Corruption, headed by K. Santhanam.
- In 2003, CVC was given the statutory status.
- The CVC is independent of any Ministry or Department that is only accountable to Parliament.
- CVC receives complaints on corruption or misuse of office and to recommend appropriate action.
- Following institutions, bodies, or a person can approach to CVC:
 - Central government
 - Lokpal
 - Whistle blowers
- It is not an investigating agency. The CVC either gets the investigation done through the CBI or through chief vigilance officers (CVO) in government offices.
- It is empowered to inquire into offences alleged to have been committed under the Prevention of Corruption Act, 1988 by certain categories of public servants.
- Its annual report gives the details of the work done by the commission and points to systemic failures which lead to corruption in government departments.

Limitations

- It is treated as advisory body with no power to register criminal cases.
- It lacks resources and powers to take action on cases of corruption.

CENTRAL BUREAU OF INVESTIGATION

- The CBI was formed as the Special Police Establishment in 1941, to investigate cases of corruption in the procurement during the World War II.
- The CBI was formed by a resolution of the Home Affairs Ministry on the recommendations of Santhanam Committee.
- It is now an attached office of Ministry of Personnel.
- Its important role is to prevent corruption and maintain integrity in administration. It works under the supervision of the CVC
- It investigates cases connected to infringement of economic and fiscal laws at the request of the department concerned or in consultation with the concerned department.
- It Investigate crimes of a serious nature, that have national and international ramifications, and committed by professional criminals or organised gangs.

- It coordinates the activities of the various state police forces and anti-corruption agencies.
- CBI can also take up any case of public importance and investigate it on the request of state government.
- It maintains crime statistics and disseminates criminal information.
- The CBI is India's representative for correspondence with the INTERPOL.

Issues

- **Lack of independence**- CBI is dependent on home ministry for the staffs.
- **Political interference**- CBI has been termed as caged parrot by the Supreme Court due to excessive interference by the government.
- **Dependence on state government**- CBI needs consent of the state in question before starting the investigation. Recently state of West Bengal withdrew the **general consent** given to the CBI
- **Lack of accountability**- as CBI is outside the ambit of RTI.
- **Prior consent**- of the Central government is required to start an investigation on officers of the level of Joint secretary and above
- **Delays in concluding investigation**- there was large delay in starting probe against high dignitaries in Jain Hawala case (of the 1990s)

HOW TO BRING PROBITY IN GOVERNANCE?

1. Bringing accountability and transparency in governance through RTI and digitizing the process.
2. Strengthening Panchayati Raj Institutions as platform for citizen's participation.
3. Making grievance redressal mandatory.
4. Bringing public participation in service delivery through PPP model.
5. Privatization of certain sectors where private firms have proven efficiency.
6. Imparting values-based training to officials.
7. Electoral reforms and strict adherence to guidelines and rules.
8. Strengthening of ombudsman system for independent scrutiny.
9. Effective implementation of Citizen Charter.
10. Removing human to human contact with e-governance
11. Regularising social audit.

WHY FINANCIAL PROPRIETY IS IMPORTANT?

Financial propriety implies the compliance of law, rules, regulations, maintaining high standard of prudence, vigilance, due diligence and ensuring value for money while incurring expenditure and collecting government receipts.

It is important because:

- It saves important resources of nation which is required in various welfare and nation building activities.
- It ensures resources of a nation are equitably distributed.
- It ensures frugal spending.
- It prevents concentration of wealth in the hands of few.

Canons of Financial Propriety

- ✓ Public servant should exercise same vigilance in expenditure of public money as does to his own money.
- ✓ The expenditure should not be prima facie more than what the occasion demands.
- ✓ No authority should exercise its power of sanctioning money to his own advantage.
- ✓ Expenditure from public money should not benefit any particular person or group.

SOCIAL AUDIT

- It is the process in which details of the resources used by the public agencies for the development work are shared with the people.
- This provides the beneficiaries an opportunity to scrutinize the development initiatives.
- It is an instrument of social accountability for an organisation.
- It gained significance after the 73rd amendment act.
- It is a tool to assess the performance in terms of social, environmental and community goals.
- Meghalaya became the first state to pass social audit legislation which mandates social audit across various government schemes and departments.
- Second ARC recommended that operational guidelines of all developmental schemes and citizen centric programmes should provide for a social audit mechanism.
- In MGNREGA, social audits led to proper entries in job cards, increased knowledge about the wage payment slips. Visible improvements were noticed in worksite facilities through social audit.
- Social audit along with the CAG audit can significantly improve the outcome of the programs and policies of the government.
- **The case study presenting success story of Social Audit carried out in Sodag Panchayat, Namkum block in Ranchi district.** Social Audit was done by the gram sabha and Panchayat representatives along with Social Audit Unit appointed by the State Government for assessing various developmental works done under Mukhiya Fund in the year 2016-17. Villagers, Panchayat representatives, members of gram sabha, Block level personnel participated in the process. Through this Social Audit, villagers who used to take these schemes as kind acts of the government, are now discussing these as their due entitlements

CAG

- It is the institution through which the accountability of the government and other public authorities to Parliament and State Legislatures and through them to the people is ensured.
- CAG audits the accounts related to all expenditure from the Consolidated Fund of India, Consolidated Fund of each state and UT's having a legislative assembly.
- He audits all expenditure from the Contingency Fund of India and the Public Account of India as well as the Contingency Fund and Public Account of each state.
- He audits all trading, manufacturing, profit and loss accounts, balance sheets and other subsidiary accounts kept by any department of the Central Government and the state governments.
- He audits the receipts and expenditure of all bodies and authorities substantially financed from the Central or State revenues; government companies; other corporations and bodies, when so required by related laws.
- He audits the accounts of any other authority when requested by the President or Governor e.g. Local bodies.
- He submits his audit reports relating to the accounts of the Centre to the President, who shall, in turn, place them before both the houses of Parliament.
- He submits his audit reports relating to the accounts of a State to the Governor, who shall, in turn, place them before the state legislature.
- CAG also acts as a guide, friend and philosopher of the Public Accounts Committee of the Parliament.

ZERO BUDGETING

- Zero-based budgeting is a method of budgeting in which all expenses are evaluated each time a Budget is made and expenses must be justified for each new period.
- Zero budgeting starts from the zero base and every function of the government is analysed for its needs and cost. Budget is then made based on the needs.

CONTROLLING ADMINISTRATION

LEGISLATIVE CONTROL OVER THE ADMINISTRATION

In Indian context, separation of powers is the division of the legislative, executive, and judicial functions of government. Since the sanction of all three branches is required for the making, executing, and administering of laws, it minimises the possibility of arbitrary excesses by the government.

- ✓ Legislature lays down the broader policy of administration.
- ✓ It not only defines functions of the government but also provides finances for it.
- ✓ The administration cannot spend a single rupee without its sanction.
- ✓ The administration is obliged to keep accurate record of all financial transactions and submit the report to legislature.
- ✓ Recruitment, service conditions, code of conduct etc are determined by the legislature.
- ✓ The public servants are also held responsible for their official acts.
- ✓ In a nutshell, the legislature has the general power of direction, supervision and control over the administration.

Means of Legislative Control

- ✓ The President's speech, Discussion on budget, Question Hour, Adjournment motion, Censure motion, Debates on legislations, Parliamentary Committees, External Audit.

JUDICIAL CONTROL OVER THE ADMINISTRATION

- ✓ Judiciary has the power to examine the legality of officials act and hence safeguard fundamental and other rights of the citizens under **Article 14**.
- ✓ Under Article 32, Judiciary issues writs including mandamus.
- ✓ Courts generally cannot interfere in the administrative activities on their own.
- ✓ They intervene when they are invited by the aggrieved individuals or groups.

Forms of judicial control

- ✓ Judicial review
- ✓ Statutory appeals
- ✓ Criminal and Civil suit against the public officials
- ✓ Extraordinary remedies in the form of prerogative writs.

Right to Service

- It is mechanism to ensure time bound delivery of services by public officials.
- It has grievance redressal mechanism and to make public officials punishable for delays.
- It makes service a right from what was considered an act of benevolence.
- It is aimed to reduce corruption among government officials and increase transparency and accountability.

E-G OVERNANCE

- It is the application of Information and Communication Technologies (ICTs) to the process of government functioning to achieve simple, accountable, speedy, responsive and transparent governance.
- Its essence is to reach the beneficiary at the doorstep.
- It is a tool to achieve good governance.
- It represents a journey from passive information giving to active citizen's involvement.

WHY E-GOVERNANCE?

ICT applications impact upon the structures of public administration systems. Technological advancements facilitate the administrative systems by enabling:

- Administrative Development; and
 - Effective Service Delivery
 - **Administrative Development-** ICTs can be used and are being used now to give further impetus to the process. They help in the following manners:
 - Automation of Administrative Processes
 - Paper Work Reduction
 - Improving quality of Services
 - Elimination of Hierarchy
 - Change in Administrative Culture by introducing transparency, accountability etc.
 - **Effective Service Delivery-** ICTs play an important role in effectively delivering services to the people. ICTs ensure:
 - Transparency
 - Economic Development
 - Social Development
- Strategic Information System- making available all the aspects of information to the management

ISSUES WITH E-GOVERNANCE

SAATH TO SUCCESS

Economic	Social Issues	Technical
<p>Cost – is one of the important factors which acts as hindrance in digital access.</p> <p>Fraudulent transactions- government has to ensure that fraudulent transactions don't take and the same time burden of excessive checks has to be avoided.</p> <p>Funding is the foremost issue in e-Governance initiatives. The projects that are part of the e-governance initiatives need to be funded either through the Government sector or through the private sector.</p>	<p>Digital divide- can occur between the populations who have access to the digital facilities and those who lack it.</p> <p>Resistance to change- among some group of citizens, government employees public policy administrators can lead to laggards. Government has to prevent these laggards through proper education and awareness.</p> <p>Management of Change The delivery of Government services through the electronic media including EDI, Internet and other IT based technologies would necessitate procedural and legal changes in the decision and delivery making processes. It demands fundamental changes such as employees need to be delegated more authority; De-layering of the decision-making levels leads to re-engineering and appropriate sizing of the decision-making machinery.</p>	<p>Privacy- With citizens trusting their confidential information to the government, their privacy has to be protected from getting into the hands of third party who may misuse it.</p> <p>Spoofing: In this practice, the attacker attempts to gain the access of the E-Governance system by using fallacious identity either by stealth or by using false IP address. Once the access is gained, the assailant abuses the E-Governance system by elevation of the privileges.</p> <p>Tampering of E-Governance system: As soon as the system is compromised and privileges are raised, the classified information of the E-Governance mechanism becomes very much susceptible to illegal adjustments.</p> <p>Interoperability A major design issue for integrated service delivery sites is, how to capture data in a Web-based form and transfer it to an agency's systems for processing and sharing that information in a common format.</p> <p>Repudiation: Even the attacker can mount refutation attack during the E-Governance transaction, which is the ability of the user to reject its performed transaction.</p> <p>Disclosure of E-Governance Information: In case of the compromised E-Governance system, the undesirable information disclosure can take place very easily.</p> <p>Denial of Service: In this technique, attacker can perform Denial of Service (DoS) attack by flooding the E-Governance server with request to consume all of its resources so as to crash down the mechanism.</p> <p>Elevation of privilege: Once an E-Governance system is compromised; the attacker pretending to be a low profile user attempts to escalate to the high profiles so as to access its privileges to initiate further damage to the system.</p> <p>Cyber Crimes: Advancement of science and technology increase the rate of the cybercrime. It is a threat to the transactions accomplished between the Government and its Citizenry within the E-Governance methodology.</p>

Due to above reasons, India has been ranked 100th in the UN e-governance index 2020.

➤ Example of e-governance initiative in India-

Digital India Initiatives-which is an umbrella program to prepare India for a knowledge-based transformation. Some of the initiatives under the given initiatives are:

- Agriculture- e-NAM- to link pan India agri-mandis digitally
- Women- Naari portal for the empowerment of women
- Child- Pencil for eliminating child labour
- Science and Technology- Kiran for promoting women in science
- Public- RTI
- Election- SVEEP app for educating voters to participate in elections
- Internet- NFON to trigger broadband revolution in rural areas

- PRAGATI- here the PM takes the issues with government officials of the Union and the states with the help of ICT tools.
- Mobile Seva- provides government services to the people through mobile phones and tabs.

Conclusion: Probity in governance is an essential and vital requirement for an efficient and effective system of governance and for socio-economic development. An important requisite for ensuring probity in governance is absence of corruption and dealing with corruption is not limited to governance structure, but it pertains to every stakeholder involved in and out of system.

Previous year questions

1. Some recent developments such as introduction of RTI Act, media and judicial activism, etc., are proving helpful in bringing about greater transparency and accountability in the functioning of the government. However, it is also being observed that at times the mechanisms are misused. Another negative effect is that the officers are now afraid to take prompt decisions. Analyze this situation in detail and suggest how this dichotomy can be resolved. Suggest how these negative impacts can be minimized.
2. Today we find that in spite of various measures like prescribing codes of conduct, setting up vigilance cells/commissions, RTI, active media and strengthening of legal mechanisms, corrupt practices are not coming under control. A) Evaluate the effectiveness of these measures with justifications. B) Suggest more effective strategies to tackle this menace.
3. Discipline generally implies following the order and subordination. However, it may be counter-productive for the organisation.
4. "The Right to Information Act is not all about citizens' empowerment alone, it essentially redefines the concept of accountability. Discuss.
5. Explain the basic principles of citizens' charter movement and bring out its importance.
6. There is a view that the official secrets act is an obstacle to the implementation of Rights to Information act. Do you agree with the view? Discuss.

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