

CITIZEN CENTRIC REFORMS IN URBAN ADMINISTRATION IN INDIA

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***Abstract:** The role of public administration in governance has been major focus of discussion and debate in the recent past. The current worldwide assessment of the functions of the state and public officials and civil servants arises from two major sources viz., globalization and its rapidly changing international economic, social, political and technological order; and the increasing dissatisfaction among citizens with the functions of government and the services which public administrators provide. Over the past two decades, in the wake of globalization and technological innovations and widespread access to communication technologies, citizens in many countries are demanding more from their governments. The rising expectations of public have led to growing dissatisfaction in government. In the context of new political regime and international economic and political order, many political leaders and government officials are of the view that doing things in the old manner no longer serve the purpose and meet the demands of citizens. The aim of initiative under administrative reforms always remains to provide an efficient, accountable, transparent and citizen-centric administration. Present paper purports to review the citizen centric reforms in Indian administration.*

INTRODUCTION

In view of the widespread global changes, many developed and developing countries adopted new approaches in public administration and governance in 1980s and 1990s. The principles and characteristics of new public management movement included catalytic change, community empowerment, competitiveness, mission driven, results orientation, customer driven, enterprising, decentralization and market oriented. These characteristics become the principles for government reinventions for many federal

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agencies and state as well as local governments during 1990s. Though, governments have crucial role in achieving sustainable human development and reducing poverty, they cannot achieve these goals alone. Effective governance implies cooperation and partnership with private sector and civil society organizations through democratic, transparent and, participatory forces. In the 21st century, there are four important roles through which governments can contribute to achieve sustainable economic and social development. The most crucial role is developing institutional capacity as it creates the context and the foundation for all of the others. The second important role is enacting and implementing policies that create an enabling environment for effective participation in a globalized economy. The third role focuses on pro-poor policies in order to achieve socially equitable economic growth. Fourth role emphasizes that government has a crucial role in strengthening the capacity of public administration to promote socially equitable economic growth, enabling participation in the global economy and combating poverty.

TRANSPARENT ADMINISTRATION

In the last decade, the capacity of government and civil society to undertake transparency initiatives has substantially grown, increasingly aided by technology. Literature indicates that demand side approaches can lead to enhanced governance through participation (or citizen's voice), accountability and responsiveness (Sirker & Cosi, 2007). Participation, transparency and accountability are at the basis of debates and literature on service delivery (Joshi, 2010). The World Development Report (2004) argued that the "long route" of accountability through public officials and elected political figures to providers was failing to serve the poor. The World Bank Report argued for an alternative "short route" which created direct accountability between users and providers (World Bank 2004). Out of these arguments grew a body of literature that examined how to strengthen the "short route" by strengthening and providing a platform for voice, improving transparency and enhancing accountability (Sirker & Cosi, 2007).

Transparency initiatives have been defined as “any attempts (by states or citizens) to place information or processes that were previously opaque in the public domain, accessible for use by citizen groups, providers or policy makers” (Joshi, 2010,). For example, more than 60 countries around the world have launched right to information acts, from Sweden in 1966, two more recently Mexico in 2002 and India in 2005. Civil society campaigners have welcomed this transparency, in the hope that it will lead to accountability in the glare of the public eye (Fox, 2007).

Government must believe in transparency and target to weed out corruption in public places. Transparency can never be tackled in isolation. It is a part of five softer components, which are heavily interlinked. They are:

- Social Openness: The more open a society is; the more transparent its activities are.
- Society’s respect and commitment to education and training: The education system should incorporate a sense of moral values at all levels. All type of training must be value-based.
- Relative honesty and transparency in business/government relation: The collusion between government and business at the expense of efficiency and effectiveness stifles the free expression of human spirit and creativity, resulting in a corrupt society. This type of activities must be opposed openly.
- Strong legal framework: Such framework to provide consistency and predictability, and time-bound action, allowing business to focus on what it does best and in the best way.
- Admiration for risk takers: The people, in general, must learn to admire those who take risks and spearhead innovation, who see opportunity despite tremendous odds. The society has to take such people as their role models and follow their style, which are never based on corruption.

Transparency promotes openness of the democratic process through reporting and feedback, clear processes and procedures,

and the conduct and actions of those holding decision making authority. It makes understandable information and clear standards accessible to citizens. Decentralization including political devolution, de-concentration, delegation and transfer to non-governmental organizations promotes public administration and good governance by providing an institutional framework to bring decision making closure to the people and by building partnership and synergies among actors and organizations to achieve economic and human development goals. Therefore, over the years, policy makers, development practitioners and politicians have advocated for decentralization policies and programmes.

Civil society organizations are playing key role in development and governance to ensure proper accountability of the state and the private sector. As the main engine of economic growth, the private sector has increased responsibility for employment creation that brings high value added, greater income, and subsequently added state revenue that could be used for social spending. Internal and external relationship and processes of public administration around the globe are being transformed with the increasing use of information technologies. E-Governance has transformed the internal and external relationship in the government system while it has strengthened the capacity of public administration. The meaningful e-government development has added value to the government operations because (1) it empowers people and enhances their capabilities; (2) it equips people to effectively participate in the political and economic development process; and (3) it adds to the values of inclusive governance and democratic institutions. There are three main forms of participation: (1) economic participation with opportunities to use their capabilities and gain income to increase their choices; (2) political participation and the rule of law; and (3) social and cultural participation.

E-government, democracy and e-participation are the foundation of e-democracy. Governments will play a crucial role in the development of on-line world. They need to incorporate and adapt strategies and technologies that will expand participatory democracy. In order to ensure effective functioning of e-government, 15 guiding principles have been suggested by the international

agencies. These include prioritization of development needs, efficiency and effectiveness, availability of resources, skills and organizational culture, coordination, legal framework, ICT infrastructure, political leadership and long-term political commitment, public engagement, development plans, partnership, monitoring and evaluation, perception and values, access and skills, privacy and security. These principles highlight the imperative need of improving the efficiency and effectiveness in administration besides, ensuring accountability and transparency in delivery of public goods and services to the citizens. E-Government also focuses on the principle of putting the people first and thus, the government may strengthen the bond with its citizens through simplifying delivery of services to the people; providing greater access to information; increasing the accountability of government to its citizens by making it more transparent; reducing corruption and promoting people's centred dialogue for allowing the public to interact with policy and decision maker.

There has been attention and expectations on the role that Information and Communication Technology based technology platforms such as websites and wikis, social media, interactive geo mapping, and SMS and voice based reporting can play in increasing accountability, participation and transparency in public administration (Avila, *et al.*, 2010; Davis, 2004; Pina, *et al.*, 2009). Public bureaucracies are under pressure to adapt and more openly improve the ways they interact with citizens through the adoption of web based technologies. Factors such as the gap between public expectation and perceived governmental performance, the role of mass media, political scandals, lack of transparency, and corruption contributed to a decline of public trust in government in the last two decades (Nye, 1997; Sirker & Cosi, 2007). Innumerable studies indicate that public investments in services have resulted in inadequate returns. Improved governance processes and increased public trust in governments has been associated with increased responsiveness to citizens through two way interactions between governments and citizens (Avila, *et al.*, 2010; Joshi, 2010; Mc Gee & Gaventa, 2010). More access and transparency of information has been perceived as a way to enhance trust in governments by

improving accountability of government services and empowering citizens with e governance (Demchak, Friis, & La Porte, 2000). E-government can be interpreted in various ways. Definitions of e-government vary from “the translation of private sector e commerce experiences to the public sector” to issues of actual governance such as online engagement of stakeholders in “shaping, debating, and implementing public policies” (Pina, *et al.*, 2009).

The field of technology for transparency, accountability and participation is an increasingly dynamic space for innovation. Whether it is using the power of crowds to monitor elections, or educating citizens about how the government spends money on public service, or monitoring local and national government budgets, information and communication technologies are tools that have been used to shift how accountability and transparency are incorporated into public service delivery. Over the last decade, both accountability and transparency have emerged as critical ways to address both developmental failures and democratic shortfalls (McGee & Gaventa, 2010). This is based on the argument that “through greater accountability, ‘leaky pipes’ of corruption and inefficiency will be repaired, aid will be channeled more effectively, and in turn development initiatives will produce greater and more visible results” (McGee *et al.*, 2010,). In the context of democracy, there are increasing expectations that democracy must lead to material outcomes through new forms of democratic accountability. There has been a shift in perception that traditional forms of state led accountability are increasingly seen to be inadequate. Instead, innumerable multi stakeholder and citizen led approaches have increased in visibility and importance. Such initiatives now supplement or supplant traditional state led ones (McGee *et al.*, 2010,).

Technology plays a unique and interesting role in the space of accountability and transparency initiatives. Online and mobile technology tools, are changing the transparency and accountability field. Many of the initiatives including complaints mechanisms, public information/ transparency campaigns, and public expenditure monitoring, are based on ICT platforms (Avila, *et al.*, 2009). A number of websites function as portals where citizens can

list their complaints related to their government's performance and administration. Citizens have better access to information through technologies and new ways to participate (Avila, et al., 2009). Citizen journalism and the concept of digital democracy are rapidly emerging and citizens are demanding their rights in public online of the private sector.

ACCOUNTABILITY INITIATIVES

Schedler (1999) defines public accountability as "the relationships between the power holder and delegator." There are four key elements of an accountability relationship which include setting standards, acquiring information about actions, making decisions about appropriateness and identifying and sanctioning unsatisfactory performance (Joshi, 2010,). As with the transparency literature, however, the accountability literature does not identify which of these elements are essential for a particular initiative to be considered robust. It is noted that often some, but not all of these four components can be found and have an impact on public services. Also as with transparency literature, there is an element of directionality, as accountability is either considered horizontal or vertical (Goetz and Jenkins, 2001).

There are many state led and citizen led initiatives that demand accountability in service delivery. Multiple stakeholders demand accountability of politicians who are not adopting appropriate policies. Additionally accountability is demanded of public officials who are not delivering services according to rules or entitlements or not monitoring providers for appropriate service levels. Finally accountability is demanded directly of providers for not maintaining service levels in terms of access and quality (Davis, 2004; Joshi, 2010). However, as with transparency, the concept of accountability can be critiqued and interpreted in several ways. Firstly, Goetz and Jenkins (2001) argue that horizontal accountability is largely unsuccessful, and more powers should be given to citizens to ensure political accountability, as elections have their own shortcomings. They go on to argue that where citizen participation is incorporated into horizontal accountability, more powerful hybrid forms of accountability emerge. Secondly, it is argued that although

accountability may be understood in instrumental terms, such as the monitoring and planning of public service delivery, as identified above, there also needs to be greater consideration of what exactly accountability means. As with transparency, accountability is a social construct, consisting of the attitudes, relationships, power structures and norms of the organization being accounted for (Roberts, 1991; Mulgan, 2000). These local interpretations of accountability are critical if we are to understand how accountability can be institutionalized. If accountability is an external requisite, not integrated with an entire government process from initiation to evaluation, it is unlikely to be more than superficial information gathering and consultation (Paul, 1992; Vigoda and Golembiewski).

INITIATIVES OF GOVERNMENT OF INDIA

Over the years, India has evolved into a mature and responsive democracy attuned to the needs and aspirations of its citizens. The Government of India at the time of independence pledged to serve its people and honour its commitment towards socio-economic prosperity by establishing procedures and systems to serve the citizens effectively. With industrialization, increased economic activity and higher literacy rates, there is increasing awareness among citizens on how the government services need to evolve. The government now has to accord a central place to the needs of the citizens and their aspirations. Even in a near open economy, it cannot leave the issues of citizens' welfare and upliftment of weaker sections to market dynamics alone. Though after economic liberalization, since 1991-92, private players are taking up important roles in service delivery, common people of the country are still looking towards government for delivery of essential services and for fulfillment of their aspirations.

The government therefore, needs to continuously revisit facilities and priorities governing and impacting service quality, not only to realign them with emerging expectations but also to come up with measures that proactively anticipate the aspirations of the citizens. The Government of India has been taking concrete steps to rethink traditional paradigms and evolve its procedures, systems and facilities with a citizen's perspective. From the earlier defining factor

of 'administration', the focus has now been shifted to 'good governance' and the continuous endeavor of the government is to effectively capture citizen's expectations and partner with them to come up with solutions to critical issues to establish a citizen-friendly government in the country.

To effectively capture citizen's expectations and partner with them to come up with strategic solutions to effectively fulfill the aspirations of citizens, the DARPG with technical support from National Informatics Centre (NIC) has developed a software i.e., Public Grievance Redress & Monitoring System (PGRAMS) for effective redress of citizen's grievances. It has the facility to lodge a grievance 'online' from any geographical location any time and enables the citizen to 'track' the status of his grievance 'online' being followed up with departments concerned and monitored by DARPG. The mechanism has been successful to establish confidence in the system and the citizens, particularly Indians living abroad find the system 'amazing' and 'unbelievable' that takes care of the problems being faced by their elderly parents living alone in India. Letters and e-mails from Indians virtually from all parts of the world only justify the effectiveness of the system that highlights the overarching objective of the government for improving quality of public service delivery in the country.

A more recent development is the National e-governance plan that seeks to accelerate the deployment of all e-governance initiatives in the country to create a citizen and business friendly environment in the country. A large number of e-governance initiatives taken up by the Government of India Ministries and Departments and also by some progressive states have made governance system sufficiently transparent and accountable for providing quality services to citizens. The Finance Minister's directives for 'outcome budgets' made it mandatory for all Ministries of Government of India to make their expenditure statements available on public domain, open to public scrutiny. The citizens are now in a position to analyse the cost and expenditure towards implementation of a project and judge performance of a government department.

Right to Information (RTI) Act 2005

In order to promote, transparency and accountability in administration, Parliament passed "Right to Information Bill, 2004 on 15th June, 2005, "The Right to Information Act" was notified in the Gazette of India on 21st June, 2005. The "Right to Information Act" has become fully operational from 12th October, 2005. so as to enable a citizen of India to secure access to information under the control of Public Authorities.

The Right to Information Act is an important landmark for Indian democracy. By this Act the citizen of India has been empowered like never before. He can now question, audit, review, examine, and assess government acts and decisions to ensure that these are consistent with the principles of public interests, good governance and justice. This act promotes transparency and accountability in administration by making the government more open to public scrutiny.

Salient Features of the RTI Act 2005

The Right to Information is a well-formulated Act. The Act is based on the premise that democracy requires an informed citizenry and transparency of information. The Right to Information Act contains six chapters and two schedules.

Chapter 1 is entitled 'preliminary' and explains the various terms like appropriate government, public authority, information, record, third party etc. **Chapter 2** contains obligations of public authorities. **Chapter 3** deals with the Central Information Commission while **Chapter 4** describes State Information Commissions. **Chapter 5** is about the powers and functions of the Information Commissions, appeals and penalties and **Chapter 6** has all the miscellaneous things.

Schedule 1 contains the oath to be taken by various levels of Information Commissioners. Schedule 2 contains a list of intelligence and security organizations established by the Central Government. RTI is for the right of any citizen of India to request access to information and the corresponding duty of Government to meet the request except the exempted information (Sec.8/9).

Some of the important terms explained in the Act are as follows

“information” means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;) “public authority” means any authority or body or institution of self government established or constituted –

- (a) by or under the constitution;
- (b) by any other law made by parliament;
- (c) by any other law made by the State legislature;
- (d) by notification issued or order made by the appropriate Government and includes any –
 - (1) body owned, controlled or substantially financed;
 - (2) non Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government;

“right to information” means the right to information accessible under this Act which is held by right under the control of any public authority and includes the right to –

- (i) inspection of work, documents, records;
- (ii) taking notes, extracts or certified copies of documents or records
- (iii) taking certified samples of material obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.

There are some obligations for the public authority given in S4
(1). According to it every public authority shall maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure

that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such record is facilitated.

Process

Application has to be submitted in writing with prescribed fee to Public Information Officer (PIO). PIOs will be there in each department/agency to receive requests and provide information. Assistant PIOs will be at sub- district levels to receive applications/appeals/complaints. Information has to be provided within 30 days, 48 hours where life or liberty is involved, 35 days where request is given to Asst. PIOs, 40 days where third party is involved and 45 days for human rights violation information from listed security/intelligence agencies. No action on application for 30 days is a deemed refusal. (There is no fee for delayed response.) Every PIO will be liable for fine of Rs. 250 per day, up to a maximum of Rs. 25,000/-, for -

- i. not accepting an application;
- ii. delaying information release without reasonable cause;
- iii. malafidely denying information;
- iv. knowingly giving incomplete, incorrect, misleading information;
- v. destroying information that has been requested and
- vi. obstructing furnishing of information in any manner.

The Information Commission (IC) at the Centre and the State levels will have the power to impose this penalty. The Information Commission can also recommend disciplinary action for violation of the law against an erring PIO. (S.20). The Information Commissions have the power of Courts.

The Act establishes a two-tier mechanism for appeal. The first appeal lies to an officer within the organization who is senior in rank to PIO. The second appeal lies in the Information commission. The jurisdiction of the local court is barred under sec 20 of the Act

The Central/State Information Commission has a major role in enforcing the implementation of the provisions of the Act as well as for educating the parties mainly information seekers and providers. The powers vested with the Information Commissioners who are appointed by the President of India/Governor of a State, ensure effective implementation of the Act.

Role of the Central and State Governments

The role of the Central/ State governments include interalia the following:

1. Develop educational programmes for the public especially disadvantaged communities on RTI.
2. Encourage Public Authorities to participate in the development and organization of such programmes.
3. Train officers and develop training materials.
4. Compile and disseminate a User Guide for the public in the respective official language.
5. Publish names, designation, postal addresses and contact details of PIOs and other information such as notices regarding fees to be paid, remedies available in law if request is rejected etc. (S.26)

Exemptions

The following organizations are exempt from the RTI Act [S.8] Nineteen government organizations are exempt from the RTI Act. These include intelligence agencies like the Intelligence Bureau, Research and Analysis Wing, Directorate of Revenue Intelligence, and Central Economic Intelligence Bureau etc. Research bodies working with the country's security apparatus are also immune to the law, as are paramilitary forces.

The Directorate of Enforcement, Narcotics Control Bureau, Special Service Bureau, special branch of the police in the Andaman and Nicobar, Lakshadweep and Dadra and Nagar Haveli are excluded from the Act. These organisations are, however, required to provide

information under the Act if the panel believes the appellant's query relates to a case of corruption or abuse of human rights.

Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions listed above, a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests. The categories of information exempted from disclosure in this Act are kept to a bare minimum. Reasons for seeking information are not required to be given. People belonging to below poverty line do not have to pay any fees for seeking information.

CITIZEN'S CHARTERS

Citizen Charters are an important means to reach out to the citizen for solving the problems which a citizen encounters, day in and day out, while dealing with organizations providing public services. As public services are funded by citizens, either directly or indirectly through taxes, they have the right to expect a particular quality of service that is responsive to their needs and is delivered efficiently, in a time-bound manner at a reasonable cost.

The basic objective of a Citizen Charter is to make the citizen aware and in relation to public service delivery in terms of:

- Standards: Specifying to the citizens what to expect and how to act if standards are not met;
- Quality: Guiding the public organization regarding the quality of services to be delivered;
- Choice: offering the citizens options as far as possible;
- Value: providing good value for the taxpayers' money;
- Accountability: ensuring Organizations and the individuals therein are appropriately accountable; and
- Transparency: regarding Rules / Procedures / Schemes / Grievances.

By the end of 2009, 16 states enacted the public disclosure law. The states include Andhra Pradesh, Assam, Gujarat, Maharashtra,

Tripura, Tamil Nadu, Uttar Pradesh, Rajasthan, Madhya Pradesh, Haryana and Delhi. Enactment of public disclosure law requires reforms to be undertaken by states/ cities in the area of proactive disclosure of periodic and mandatory information to the public (Government of India, 2009). Municipalities/parastatals are supposed to publish information pertaining to its functioning at periodic intervals for sharing with citizens. Most of the government organizations have not been disclosing or denying information to the public. The Official Secret Act has largely been instrumental in institutionalizing the mechanism of secrecy in the system of governance of our country over the years. The lack of transparency and accountability in the system has resulted in corruption, arrogance, distressed, non-responsiveness and apathy between the government and citizen (Rai and Bagga, 2010).

Disclosure of information is essential for the active and meaningful participation of community. Hence to ensure community participation in the development programmes, enactment of Public Disclosure Law has been mandatory to ensure transparency and accountability in the functioning of urban local bodies and other parastatal agencies. Under Public Disclosure Law, the municipalities and parastatal agencies have to publish various informations about the municipality and its functioning on a periodical basis. The Government of India has circulated Model Urban Local Government Disclosure Bill to all the state governments for their guidance. However, only a few states have enacted law for proactive disclosing of information pertaining to functioning of local governments.

In the era of globalization, information technology has widely influenced the functioning of governments and the behaviour of public. Right to information is a crucial and effective instrument for empowerment. Right to information is essential for bringing out transparency and accountability in governance besides ensuring community participation in development process. No doubt, Right to Information Act has brought out a drastic change in the mindset of bureaucrats and policy makers regarding providing of information to public however, conducive environment for participatory democracy is still lacking. It is expected that in the coming years, the real sprit of the Act will bring out positive changes

in the functioning of government and inclusive development and governance.

PUBLIC DISCLOSURE LAW

The goal of public disclosure is to institute transparency and accountability in the functioning of municipalities through publication of information pertaining to various facets of municipal governance, namely, personnel, particulars of administrative structure, finances and operations. The JNNURM envisages the enactment of a Public Disclosure Law (PDL) to ensure release of quarterly performance information to all stakeholders.

The core objectives of Public Disclosure Law are:

- To provide appropriate financial and operational information on various municipal services to citizens and other stakeholders.
- To promote efficiency and consistency in the delivery of public goods and services by the municipality.
- To enable comparison over time (of a particular ULB) and space (between ULBs) by disseminating information in a structured, regular and standardized manner.

The JNNURM reform toolkit clearly states that “JNNURM requires that municipalities and parastatal agencies will have to publish information about the municipality and its functioning on a periodic basis. Such information includes, but is not limited, to statutorily audit quarterly statements of performance covering operating and financial parameters and service levels for various services being rendered by the municipality.”

The enactment of Public Disclosure Law refers to making appropriate provisions in the state level municipal statute(s) and/or other state-level statutes to ensure that these disclosures are mandatory.

Rationale of Public Disclosure Law

Public disclosure is essential for accountability within as well as outside the municipal system.

First, this criterion builds a channel between the local, state and the union levels of India's federal government structure for effective communication through voluntary disclosure of information. This aids the audit of finances and operational performance of ULBs. It also helps create an environment of healthy competition between different ULBs in the delivery of good quality of life to their citizens.

Second, by making information accessible to the citizenry, it plays a lead role in enabling them to effectively use the participatory platforms to influence municipal policies. This reform can also be seen as supplementing another key reform criterion of JNNURM, namely, enactment of Community participation law by helping it achieve informed participation. Thus, public disclosure makes ULBs more accountable not only within the federal structure but also outward to the citizen.

Third, the PDL also allows ULBs to be accountable to a variety of other stakeholders with which it must increasingly interact including lenders, credit rating agencies, donors, private contractors and so on. The creation of a robust platform for the disclosure of municipal finances will facilitate easier evaluation of municipalities in accessing funding from lenders and capital markets, as well as reduce the cost of borrowing over time. This is especially important given that ULBs may need to access market-based financing for at least some portion of their capital investment requirements.

Advantages Public Disclosure Law

Some of the advantages of a law on Public Disclosure are:

- A PDL will make it mandatory for municipalities to publish information suo motu.
- A well drafted PDL will provide clear guidelines to the ULBs / parastatals on the areas and manner of disclosure and hence prevent inconsistencies and conflicts.
- It will enhance transparency and accountability in government processes and in the process check corruption.

- It will help citizens to play an effective role in their local governance through informed participation, thus strengthening citizen-state partnership.
- Access to information will enhance the ability of citizens to exercise a whole range of other rights. In this sense, public disclosure supplements the Right to Information (RTI) Act, 2005, by making available regular information on ULB activities suo motu.
 - This will ease the load on the Information Department by reducing the number of RTI requests on such matters.
 - This will ensure the periodicity of suo motu disclosure.
 - The reform also provides for the structuring of large volumes of information in an easily comprehensible format.
- Disclosure of information will bring the different critical issues to the fore and exert pressure on all stakeholders to resolve it. In other words, such a law will enable an informed and sound analysis of urban challenges, thereby assisting in indentifying and implementing sustainable solutions.

Steps to implementing the Public Disclosure Law

Processes/steps involved in implementing Public Disclosure include:

- Passing a resolution that is in conformity with the checklist filled by the state government at the time of signing the Memorandum of Agreement (MoA) with Government of India.
- Institution of the legislation drafting committee.
- Constitution of a state-level monitoring agency, namely, Public Disclosure Committee, to ensure adherence to the principles of public disclosure across ULBs. This role can be played by the existing SLNA under JNNURM, although it is recommended that an independent committee be established either within the State Information Commission or within the Directorate of Municipal Administration/

Department of Local Self Government that would monitor the disclosure of financial and operational information of the municipalities until the process becomes routine.

- Identification of select ULBs to implement public disclosure on a pilot basis. This may begin with the cities under JNNURM. This step of piloting public disclosure is highly recommended before the onset of the year of commitment or during the legislation cycle. This provides an opportunity for the state to test the impact of public disclosure and to incorporate the learning into the draft legislation/policy.
- Operationalization of public disclosure in the identified pilot ULBs. The pilot would provide a great understanding of the minute details of operationalizing disclosure. They will also provide case studies for peer-sharing – across cities as well as across states.
- Documentation of challenges and success stories under the pilot on a continuous basis.
- Preparation of draft legislation by the drafting committee.
- Enactment of draft legislation.
- Notification of rules and regulations.
- Implementation of public disclosure across all ULBs.
- Institute a public monitoring system by raising awareness among citizens regarding mandatory disclosure by ULBs and parastatal service providers.
- Constitution of service benchmarking advisory committee with experts from different sectors to provide assistance to the ULBs and parastatals in arriving at benchmarks for the respective urban services. This is of great importance, particularly, to arrive at effective benchmarks. For example, experts from the water sector will be able to provide invaluable insights into the desired service quality of water supply. They may also be consulted on international benchmarks on water supply as well as on methods for modifying such benchmarks to fit the local scenario.

- Preparation of service level benchmarks (MOUD is currently developing Standardized Service Level Benchmarks – SSLBs – for key municipal services), which could be used by ULBs for measuring urban services provided by both ULBs and corresponding parastatals.
- Communicating about the benchmarks to the citizens and stakeholders.
- Review of rules/regulations to include lessons from pilots, if any, and/or sharing of lessons and success stories from the pilot with other ULBs in the state.

Community Participation Law (CPL)

The CPL is a mandatory reform under the JNNURM and it refers to making appropriate provisions in the state-level municipal statute(s) for the establishment of such a three/four-tiered structure. The JNNURM makes it mandatory for states to either enact a separate CPL or make appropriate amendments to their existing municipal laws. These enactments will need to ensure clear definition of functions, duties and powers of each of these tiers, and provide for appropriate devolution of funds, functions and functionaries to these levels. The Community Participation Law (CPL) is aimed at:

- Strengthening municipal governments by:
 - Institutionalizing citizen participation.
 - Introducing the concept of *Area Sabhas* (consisting of all registered voters of a polling booth) in urban areas.
- Involving citizens in municipal functions like setting priorities, budgeting provisions, exerting pressure for compliance of existing regulations, etc.

Rationale for the reform

Citizen participation is essential for making democratic processes effective and for strengthening them. It provides a platform to citizens to influence policy/program development and implementation. While various platforms and systems for citizen's

participation have developed organically there is a need to institutionalize them to make them effective and sustainable. The CPL aims to institutionalize such community participation platforms/systems. If implemented in its true spirit it will have the following advantages:

- It will help deepen democracy, facilitate efficiency and sustained socio-economic growth and promote pro-poor initiatives.
- It will help in improving urban governance and service delivery.
- It will promote transparency and accountability in governance.
- It will improve the quality of the decisions made, as these would be based on knowledge of local realities and requirements.
- It has significance for regional planning structures like the District Planning Committee (DPC) and the Metropolitan Planning Committee (MPC) both of which require citizen participation in planning from the grassroots.
- Citizens will have a say in determining how information is shared, policies are set, resources are used and plans/ programs are implemented.

Interim Processes

The interim process could be any of the following:

- A transitional semi-permanent structure set up across the city that can later blend seamlessly into *Area Sabha* structure when statutes are operationalized.
 - Mysore example: A citizen committee created for every polling booth that is represented at the respective zonal committee. The zonal committee members are selected from among the members of the citizen committees present in the zone.
- Temporary citywide structure with a specific intention e.g., development of revised CDP for master planning, etc.

- Undertaking pilot programs in selected pockets of the city for select urban services. For example, participative platforms can be created at the polling booth levels for monitoring the segregation of solid waste.

Social Audit

Governments are facing an ever-growing demand to be more accountable and socially responsible and the community is becoming more assertive about its right to be informed and to influence governments' decision making processes. Faced with these vociferous demands, the executive and the legislative are looking for new ways to evaluate their performance. Civil society organisations are also undertaking "Social Audits" to monitor and verify the social performance claims of the organisations and institutions.

Social audit is a tool through which government departments can plan, manage and measure non-financial activities and monitor both internal and external consequences of the departments' social and commercial operations. Social audit gives an understanding of the administrative system from the perspective of the vast majority of the people in the society for whom the very institutional/administrative system is being promoted and legitimised. Social audit of administration means understanding the administrative system and its internal dynamics from the angle of what they mean for the vast majority of the people, who are not essentially a part of the state or its machinery or the ruling class of the day, for whom they are meant to work.

Social audit as a term was used as far back as the 1950s. In a nutshell, it refers to the steps that are taken to ensure that the work done by the government is actually benefiting the people whom it is intended to benefit. It is based on the principle that the local governance should be carried out, as much as possible, with the consent and in complete understanding of the requirements of the people concerned. It is a process and not an event. Thus, Social Audit is nothing but understanding, measuring, reporting, and most importantly improving the efficiency and effectiveness of the local governance.

Social audit is based on the principle that democratic local governance should be carried out, as far as possible, with the consent and understanding of all concerned. It is thus a process and not an event. A social audit is a way of measuring, understanding, reporting and ultimately improving an organization's social and ethical performance. A social audit helps to narrow gaps between vision/goal and reality, between efficiency and effectiveness. It is a technique to understand, measure, verify, report on and to improve the social performance of the organization.

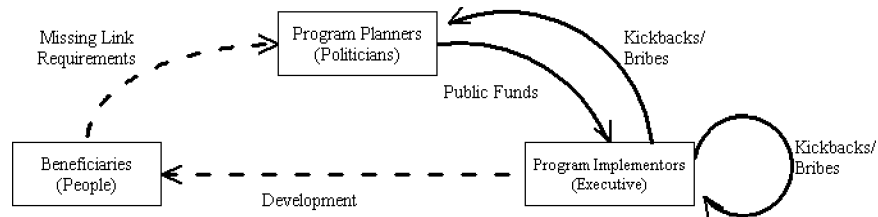
Social auditing creates an impact upon governance. It values the voice of stakeholders, including marginalized/poor groups whose voices are rarely heard. Social auditing is taken up for the purpose of enhancing local governance, particularly for strengthening accountability and transparency in local bodies.

India being a welfare state, several programs and policies are implemented for the benefit of people. Politicians and executives are usually the ones who control and implement these policies. Some policies are common to all and some are special that are meant to benefit the weaker sections of the society. To implement all such policies, funds are drawn from the state exchequer. The social control over withdrawal and usage of this fund is called Social Audit. There has been a flurry of activity and interest in the last seven to eight years in India and neighboring countries. Voluntary development organizations are also actively concerned.

The key difference between development and social audit is that a social audit focuses on the neglected issue of social impacts, while a development audit has a broader focus including environment and economic issues, such as the efficiency of a project or programme.

The main reason for the push for social audit is the huge disconnect between what the people need, what the government thinks it needs, and what is actually done. This lack of communication is represented by the following diagram in figure. Figure 2 explains the situation with social audit.

Figure 1: Situation without Social Audit



Objectives of Social Audit

1. Accurate identification of requirements
2. Prioritization of developmental activities as per requirements
3. Proper utilization of funds
4. Conformity of the developmental activity with the stated goals
5. Quality of service
6. Assessing the physical and financial gaps between needs and resources available for local development.
7. Creating awareness among beneficiaries and providers of local social and productive services.
8. Increasing efficacy and effectiveness of local development programmes.
9. Scrutiny of various policy decisions, keeping in view stakeholder interests and priorities.
10. Estimation of the opportunity cost for stakeholders of not getting timely access to public services.

Implementation of Social Audit

1. **Empowerment of people:** Social audit is most effective when the actual beneficiaries of an activity are involved in it. However, people can only get involved in the process when they are given appropriate authority and rights. To this end, the 73rd amendment of the constitution has empowered the Gram Sabha to conduct social audit. This is relevant only in the villages. In

the cities, the Right to Information Act empowers the people to inspect public records.

2. **Proper Documentation:** Everything right from the requirement gathering to planning to implementation must be properly documented. Some of the documents that should be made mandatory are:
 - Applications, tenders, and proposals
 - Financial statements, income - expense statements.
 - Registers of workers
 - Inspection reports.
3. **Accessibility of Documents:** Merely generating documents is useless if they are not easily accessible. In this information age, all the documents must be put on line.
4. **Punitive Action:** The final and most important provision, about which nothing is being done yet, is to have punitive actions for non-conformance of the process of social audit. Unless there is legal punishment, there will be no incentive for the people in authority to implement the processes in a fair manner.

Gender Budgeting

Gender Budgeting is universally acknowledged tool for women empowerment. Gender budgeting is not just an accounting exercise. It encompasses incorporating a gender perspective and sensitivity at all levels and stages of development planning, processes and implementation. An important outcome of the application of gender budgeting is the translation of gender commitments to budgetary commitments, as also assessing its gender differential impact and outcomes. Thus, it does not seek to create a separate budget for women, but to put in place affirmative action for meeting women's specific needs, consequently bringing into effect a gender responsive budgeting system.

Gender Budgeting refers to a method of looking at the budget formulation process, budgetary policies and budget outlays from the gender lens. Gender Budget, with regard to the government at

any level, does not refer to a separate budget for woman, rather it is an analytical tool which scrutinizes the government budget to reveal its gender-differentiated impact and advocate for greater priorities for program and schemes to address the gender-based disadvantages faced by women. In fact, gender budgeting, as an approach, is not confined to government budgets alone; it also includes analyzing various socio-economic policies from the gender perspective.

Political will, accountability, allocation of specific human and financial resources, coordination of information and training and availability of gender disaggregated data can be regarded as preconditions of gender budgeting. Transparency, partnership and cooperation throughout the budgeting process are key principles of gender budgeting. Gender budgeting is an important tool for women's empowerment.

Purpose of Gender Budgeting

Gender budgets can have several purposes, some of important ones are:

1. Improving the allocation of resources to women-specific programmes.
2. Supporting gender mainstreaming in macroeconomic policies.
3. Enhancing the linkages between economic and social policy with gender perspective.
4. Tracking public expenditure on gender and development policy commitments.
5. Contributing to the attainment of the Millennium Development Goals with special emphasis on gender.

Significance of Gender Budgeting

According to the World Economic Forum, gender inequality is inefficient and costly to women, men, girls and boys (Ratnasi, 2008). These costs are manifested by lower levels of productivity,

competitiveness and reduced levels of well-being. Diane Elson is of the view that “if women themselves have more control over resources there will be gains for society as a whole” (Elson, 2002). A national budget that is gender responsive recognizes the underlying inequalities between women and men and redresses them through the allocation of public resources” (Helena, 2003). It also views women not as “a vulnerable group who are beneficiaries of government assistance but rather as right holders, whose governments are under obligation to empower and protect them” (Noeleen, 2006). In order to understand the significance of gender budgeting and why gender budgeting is needed it is necessary to learn how women are faring in different areas such as, life expectancy, adult literacy rate and labour force participation.

POLICY RECOMMENDATIONS

- It is imperative to focus on computerization of government offices and digitalization of government data in order to ensure the proactive disclosure of information to citizens through wider application of information technologies and realization of e-government in India.
- Serious efforts would be required to mobilize resources as the computerization of offices and digitalization of information would require huge investment for the purchase of softwares and hardwares. .
- In order to ensure wider access of information by the citizens, supplying information to the public in a language that they understand are comfortable with should be ensured. Similarly, the system and information networks should be made user friendly, ensuring the application of local languages.
- Changing the mindset of the government employees is important. This will be addressed to organizing programmes for orientation, training and capacity building. Thus, the government employees may be prepared for using modern information technologies and adopting proactive attitude for disclosure of information to the public.

- It is imperative to support government organizations and offices for creating data bases and websites. The relevant information, reports, documents, etc. should be uploaded on the websites besides updating of information time to time.
- Complete recognition of public records is a precondition for effective implementation of RTI Act. A Public Records Office should be established in each state as a repository of expertise, to monitor, suppressive, control and impact of all public records.
- It is strongly felt that political and administrative will and commitment is required for effective implementation of e-governance project. The change in mindset to development and accept the new innovations in e-governance systems are urgently required at the top level.
- There is urgent need to address the digital divide in the country in an integrated and holistic manner. Therefore, building e-governance literacy should be an integral component of every e-governance initiatives to bridge the digital divide.
- Sustained and committed political and administrative will is imperative for ensuring effective implementation of administrative reforms and ensuring the application of principles of good governance. It is imperative to complete the unfinished agenda of decentralization, the devolution of functions, powers, resources and functionaries to the local governments.
- Coordination among the various ministries, state governments, local governments and parastatal agencies needs to be enhanced in order to plan, design, implement and sustain the administrative and governance reforms in India. It is suggested that the Central Government should setup a separate ministry for coordination among various ministries and departments in order to converge the resources, programmes, schemes and developmental projects besides ensuring the transparency and accountability in administration.
- It is strongly suggested that administrative continuity should be ensured by giving minimum average tenure to the civil

servants and other public officials for bringing in accountability and administrative efficiency in governance.

- The citizen charters should be prepared in consultation with the employees of the department dealing with the public, in addition to its officers and the service users, by publishing the charter and inviting suggestions from all concern. E-citizen charter may be promoted as there is large scope for e-governance through wider application of improved information technologies.
- Report Card System and service level benchmarking should be encouraged in each government department and ministries at Central, state and local governments so that the quality and delivery of services may be improved, along with ensuring transparency and accountability, as per the citizens perception.

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