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Citizen Centric Governance in India: A Need of Transparency, Challenges and Strategies Ahead

DR SUREPALLI PRASHANTH¹

ABSTRACT

An efficient, responsive, transparent and accountable public administration is not only of paramount importance for the proper functioning of a nation, it is a central part of democratic governance and also the basic means through which government strategies to achieve the integration goals can be implemented. The capacity of a state to deliver public goods and services in an effective and reliable way constitutes one of the key variables for distinguishing between —successful and —unsuccessful societies. Public administration reform, aiming at good citizen centric governance and modernisation of the state, is not an original goal, while its implementation differs from country to country. The term —good governance is widely being discussed and also used in drafting and implementing public reforms and strategies. It is a broad term that includes values and practices such as legality, justice, trust of laws and institutions, efficiency, responsible budgeting, management of human resources and crisis management. The digital transformation of public administrations is a way to provide faster, cheaper and better services. E-government improves efficiency and increases user-friendliness and accessibility. It also helps promote ethical practices and reduce the risks of corruption. The notion of good governance started to be used when, in the mid-1980s, the World Bank studied the conditions of success and failure of adjustment programs. The concept of good governance has been measured, studied and defined by numerous agents, international organisations and academics around the world, who have developed an array of theories as well as multiple and diverse standards for outlining what constitutes good governance. The function of governance is to ensure that an organisation or partnership fulfill its purpose, achieves its intended outcomes for citizens and service users, and operates in an effective, efficient and ethical manner. This principle should guide all governance activity. Each organisation has its own purpose. There are also some general purposes that are fundamental to all public governance, including providing good quality services and achieving value for money. This paper discusses the role of civil services and judiciary in promoting good governance and also highlights the challenges in ushering in good citizen-centric governance.

¹ Author is a PhD Research Scholar in Law at ICFAI Law School, Hyderabad & also Practicing Advocate at Telangana & Andhra Pradesh High Courts, India.

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I. INTRODUCTION

Governance is a scientific endeavour in decision making and implementation of the State policies. Conventionally, 'the term governance refers to the exercise of sovereign power by the state; it is a reference to processes and mechanisms for determining and realising the collective goals'.

Governance is often equated with the government for administering law and order, welfare, services, and peoples' rights by bureaucratic agencies. The democratic governments secure the consent of the governed by maximising the interests of the people. For people's participation in governance, various initiatives such as the 73rd and 74th Constitutional Amendments were adopted for local governance in rural and urban local bodies. Further, the Right to Information Act (RTI), 2005, was enacted, following Citizen Charters for transparency and probity in the governance. These attempts aim at training the people for democracy at the grassroots level and participatory approach to the governance. However, the people's participation in governance has remained a far-reaching goal in the Indian democracy without much success.

According to the World Bank document entitled *Governance and Development* (1992) the parameters of good governance are as follows:

1. Legitimacy of the political system. This implies limited and democratic government.
2. Freedom of association and participation by various social, economic, religious, cultural and professional groups in the process of governance.
3. An established legal framework based on the rule of law and independence of judiciary to protect human rights, secure social justice and guard against exploitation and abuse of power.
4. Bureaucratic accountability including transparency in administration.
5. Freedom of information and expression required for formulation of public policies decision-making monitoring and evaluation of government performance.
6. A sound administrative system leading to efficiency and effectiveness.
7. Co-operation between government and civil society organizations.

The idea of good governance was termed and popularised by the World Bank and the International Monetary Fund (IMF) with the neo-liberal agenda pushing for people's

participation and civil society's engagement in policy formulation and execution. It was noted that: At its simplest, governance in the neo-liberal mode shall be understood as a switchover from a bureaucratic pattern of rule to an entrepreneurial pattern of rule, where the state will typically network with the non-state players in a bid to cut red tape, encourage innovation and become citizen-centric

Such citizen-centric governance resonates Mahatma Gandhi's sarvodaya where people's empowerment is given priority over 'power', 'life over file', and 'accountability over authority'. The Government of India. made innovative attempts for good governance through the Digital India Campaign. The rationale of Digital India is to reduce 'bureaucratic interference and increase people's role' in governance.

The poor and marginalised sections are invisible in governance. In overcoming this lacuna, Digital India with its nine pillars endeavours for digital empowerment in creating a knowledgeable society where people's participation in policy formulation and governance of the welfare are given primacy. The minimalist role of governance is to increase people's engagement in building new India. The philosophy of 'minimum government and maximum governance' can be found in Mahatma Gandhi's sarvodaya which means 'upliftment of all'. In a sarvodaya state, political power is not an end but one of the means enabling people to better their conditions in every department of life'.

The idea of minimum government and maximum governance aims at securing people's participation in the governance of policies and institutions. This can be realised through the Digital India initiative where the technological innovations such as Aadhaar, DigiDhan, BHIM app, PAHAL (DBTL), MyGov.in, Aarogya Setu, CoWIN, and e-panchayats have played a pivotal role in good governance . The concept of minimum government and maximum governance reflects Mahatma Gandhi's sarvodaya where lokniti will prevail over rajniti in the inclusive governance. Despite the criticism of surveillance and violation of privacy with Digital India initiatives, it offers the utilitarian perspective to us that the last person can be integrated into the inclusive development.

II. RIGHT TO INFORMATION

Right to information has for a long time been a tool in the hands of the change makers of our nation, but not limited to those in the political realm. It has served as a symbol, of the power of democracy and dissent. Changing times and governments have had their share of influence on the implementation of RTI, as a function of democracy. The fact of the matter does remain to be that RTI as much as a right it should be, is more of a privilege now. Earlier as well, it had to

fight against all sorts of opposition in order to establish itself, but as years passed, the institutional and systematic oppression against this right has increased. Whether its ill-reasoned judgments or biased legislations, the essence of RTI which existed during its inception has drastically reduced.

III. ROLE OF CIVIL SERVICES IN GOOD GOVERNANCE

A well-functioning civil service helps to foster good policy making, effective service delivery, accountability and responsibility in utilizing public resources which are the characteristics of good governance. “Good Governance” is being used as an all-inclusive framework not only for administrative and civil service reform but as a link between Civil Service Reform and an all-embracing framework for making policy decisions effective within viable systems of accountability and citizen participation. Administrative reform focuses on rationalizing structures and operations of government machinery. Governance reform tends to focus on facilitating the effective functioning of and interactions between the state, the market and the civil society. It refers to the improvement of legal institutional and policy frameworks to create proper decision making and implementation environments for economic growth and distribution. It encompasses participatory systems for elements of civil society to become actively involved in formulation of policies and programmes and their implementation.

A professionally managed public service is the edifice for good governance and responsive public service delivery. The need for an autonomous body to create merit-based civil services was felt even long before the Independence. The first Public Service Commission was set up in 1926 under the chairmanship of Sir Ross Barker. This Commission had limited advisory function. Subsequently, Federal Public Service Commission was set-up under the Government of India Act, 1935. It contained provision for formation of Public Service Commissions at the provincial levels. After India attained Independence, the Union Public Service Commission was set-up under Article 315 of the Constitution of India. The Constituent Assembly played a dominant and visionary role in granting Constitutional status to UPSC, as it realised the importance of having an autonomous body to provide for public administration based on professionally managed cadres of Civil Services.

Speaking of the importance of this body, Pandit Hirday Nath Kunzru had said and I quote: “Its object, as has been stated by several speakers is to secure for the State efficient public servants who will serve all people equally and will always watch over the interests of all communities and the State as a whole” (unquote).

The civil services play the vital role of reinforcing our democratic values. It also functions as

an instrument of economic growth and social change. It assists the government in formulating and implementing policies for national development. The tasks and challenges of nation building require close interaction and cooperation between the civil servants and the people. It underlines the need for civil services to be foremost in their commitment towards the people. In the past six and a half decades since Independence, this nation has made rapid progress. Today, India stands at the threshold of global leadership in terms of political and economic evolution. The expectations of the nation have grown immensely as a result of economic success. Integration with the global trends and opening up of the economy has resulted in diversified challenges for the civil services. The success of our development programme depends on the quality of public administration. People want transparent and professional administration to take care of their needs efficiently. They want immediate disposal of their grievances. They expect the benefits of welfare measures to seamlessly reach the poorest of the poor. This calls for improving service delivery by adopting good governance practices. Governance is crucial for economic development, equity and social participation of various sections of society. An impartial and apolitical bureaucracy strengthens governance and contributes towards economic development and social transformation.

The term, Good Governance, has been in vogue since ancient times. As emphasized by Kautiliya in the ancient treatise “Arthashastra”, and I quote: “The happiness of the people is the happiness of the king; Their good alone is his, his personal good is not his true good; the only true good being that of his people: Therefore let the King be active in working for the prosperity and welfare of his people” (unquote). The essentials of Good Governance form the basis of Mahatma Gandhi’s vision of a strong and prosperous India or Purna Swaraj.

Nations are according high importance to Good Governance because of its inseparable link to social welfare and inclusive development. Absence of good governance has been identified as the root cause of many of the deficiencies in society. It robs the citizenry of their social and economic rights. Good governance signifies basic parameters such as rule of law, participatory decision-making structure, transparency, accountability, responsiveness, equity and inclusiveness. The country’s public administration has to run on these principles. This necessitates a reorientation in the outlook of the civil services. Improving the governance standards calls for proactive measures. Governance and administrative reforms have been an evolving process needing a continuous dialogue with the final recipients of services. The Administrative Reforms Commission has provided a blueprint for improved governance. Transparency and accountability are two basic elements of good governance. Transparency refers to the availability of information to the general public and clarity about the functioning

of governmental institutions. Transparency enhances predictability as it helps government organizations to function more objectively. It also enables and encourages the common man to effectively participate in the governance process. Citizens have been provided security for food, education and job by empowering them through entitlements backed by legal guarantees.

Advisory Role of Civil Servants in Policy Making : Rendering policy advice to the political executive is the most important staff function of the civil servant. Policy making is the ultimate responsibility of the Minister. After a policy is approved by the elected government it is duty of the civil servant to implement such policy in the right earnest whether he/she agrees with it or not. At the same time it is the duty of the civil servant to provide the factual basis, thorough analysis of all possible implications of any measure under consideration and free and frank advice without fear or favour at the stage of policy formulation. It is unfortunate that at times senior civil servants get bogged down in routine administrative decision making and are unable to contribute adequately to this crucial aspect of their functions.

Civil Services which help the Ministers in Promoting Good Governance :

- A. Civil servants can place all the facts and opinions before the Minister without any fear.
- B. The Civil servant is responsible for the continuity of policy.
- C. The civil servant must maintain secrecy.
- D. The Civil Servant remains anonymous but he has to bring creativity and excellence based upon facts.
- E. The ultimate prerogative in Policymaking is of the Minister.
 - a. In India, the relationship is the same in theory but in practice many problems have crept which have become challenging problems for good governance.
 - b. There has been an increasing tendency on the part of Ministers to interfere in day-today administration to allow accommodation to individuals and groups for parochial and political considerations.

In recent years to enhance work efficiency of civil services, series of steps have been taken securing:

- increased flexibility in mechanisms and modalities of implementing policy directives;
- rationalisation of multiplicity of accountability and

- firm defining of goals and benchmarks to be achieved thereby providing a clear perspective vision that is quintessential for any development

Incorporation of Section 17A in the Prevention of Corruption Act, 1988 in 2018 is a step in the right direction. It now regulates investigation of issues as regards the recommendations made or decisions taken by the public servant in the discharge of official functions and duties by providing prior approval of the concerned authority for investigation.

Mission Karmayogi (मिशनकर्मयोगी) - a National Programme for Civil Services Capacity Building launched in September 2020 is turning out to be a game changer shaping future-ready civil service with the right attitude, skills and knowledge, aligned to the vision of New India. It is also working for the people working at the lower level in the Government.

Our democracy, on path to unprecedented growth and glory, needs that its wings- the Legislature, the Judiciary and the Executive-act in tandem and togetherness for smooth upward flight journey. We all must ensure this.

IV. ROLE OF JUDICIARY IN GOOD GOVERNANCE

An independent judiciary is important for preserving the rule of law and is, therefore, most important facet of good governance. The judicial system has an important role to play ultimately in ensuring better public governance. There may be a plethora of regulations, rules and procedures but when disputes arise, they have to be settled in a court of law. There is no area where the judgments of Supreme Court have not played a significant contribution in the governance – good governance – whether it be – environment, human rights, gender justice, education, minorities, police reforms, elections and limits on constituent powers of Parliament to amend the Constitution. This is only illustrative. Indian Judiciary has been pro-active and has scrupulously and overzealously guarded the rights fundamental for human existence. The scope of right to life has been enlarged so as to read within its compass the right to live with dignity, right to healthy environment, right to humane conditions of work, right to education, right to shelter and social security, right to know, right to adequate nutrition and clothing and so on. This has been achieved by filling the vacuum in municipal law by applying, wherever necessary, International instruments governing human rights. The Supreme Court has, over the years, elaborated the scope of fundamental rights consistently, strenuously opposing intrusions into them by agents of the State, thereby upholding the rights and dignity of individual, in true spirit of good governance.

Reiterating the view taken in *Motiram and others v. State of M.P.*, the Supreme Court in

Hussainara Khatoon and others v. Home Secretary State of Bihar, expressed anguish at the “travesty of justice” on account of under-trial prisoners spending extended time in custody due to unrealistically excessive conditions of bail imposed by the magistracy or the police and issued requisite corrective guidelines, holding that “the procedure established by law” for depriving a person of life or personal liberty (Article 21) also should be “reasonable, fair and just”.

In *Prem Shankar Shukla v. Delhi Administration*, the Supreme Court found the practice of using handcuffs and fetters on prisoners violating the guarantee of basic human dignity, which is part of the constitutional culture in India and thus not standing the test of equality before law (Article 14), fundamental freedoms (Article 19) and the right to life and personal liberty (Article 21). It observed that “to bind a man hand and foot’ fetter his limbs with hoops of steel; shuffle him along in the streets, and to stand him for hours in the courts, is to torture him, defile his dignity, vulgarise society, and foul the soul of our constitutional culture”. Strongly denouncing handcuffing of prisoners as a matter of routine, the Supreme Court said that to “manacle a man is more than to mortify him, it is to dehumanize him, and therefore to violate his personhood....”. The rule thus laid down was reiterated in the case of *Citizens for Democracy v. State of Assam*.

In *Icchu Devi Choraria vs Union of India*, the Supreme Court declared that personal liberty is a most precious possession and that life without it would not be worth living. Terming it as its duty to uphold the right to personal liberty, the court condemned detention of suspects without trial observing that “the power of preventive detention is a draconian power, justified only in the interest of public security and order and it is tolerated in a free society only as a necessary evil”.

In *Nilabati Behera vs State of Orissa*, the Supreme Court asserted the jurisdiction of the judiciary as “protector of civil liberties” under the obligation “to repair damage caused by officers of the State to fundamental rights of the citizens”, holding the State responsible to pay compensation to the near and dear ones of a person who has been deprived of life by their wrongful action, reading into Article 21 the “duty of care” which could not be denied to anyone. For this purpose, the court referred to Article 9 (5) of the International Covenant on Civil and Political Rights, 1966 which lays down that “anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

In *Delhi Domestic Working Women’s Forum vs. Union of India & Others*, the Supreme Court asserted that “speedy trial is one of the essential requisites of law” and that expeditious investigations and trial only could give meaning to the guarantee of “equal protection of law”

under Article 21 of the Constitution.

In *PUCL vs v. Union of India and another*, the dicta in Article 17 of the International Covenant on Civil and Political Rights, 1966 was treated as part of the domestic law prohibiting “arbitrary interference with privacy, family, home or correspondence” and stipulating that everyone has the right to protection of the law against such intrusions.

In *D.K. Basu vs State of West Bengal*, the Supreme Court found custodial torture “a naked violation of human dignity” and ruled that law does not permit the use of third degree methods or torture on an accused person since “actions of the State must be right, just and fair, torture for extracting any kind of confession would neither be right nor just nor fair”

In *Vishaka & Ors. v. State of Rajasthan & Ors*, the Supreme Court said that “gender equality includes protection from sexual harassment and right to work with dignity, which is a universally recognized basic human right.

In the recent case of *Sonadhar v. State of Chhattisgarh*, an Apex Court division bench opined that convicts who have completed 10 Years of sentence, whose appeals wont be heard Soon, should be released on Bail unless there Are other reasons.

The aforesaid cases are only few examples from numerous judgments concerning human rights. Playing a pro-active role in the matters involving environment, the judiciary in India has read the right to life enshrined in Article 21 as inclusive of right to clean environment. It has mandated to protect and improve the environment as found in a series of legislative enactments and held the State duty bound to ensure sustainable development where common natural resources were properties held by the Government in trusteeship for the free and unimpeded use of the general public as also for the future generation. The Court has consistently expressed concern about impact of pollution on ecology in present and in future and the obligation of the State to anticipate, prevent and attach the causes of environmental degradation and the responsibility of the State to secure the health of the people, improve public health and protect and improve the environment.

Democratic form of Government of the kind adopted by India depends in its success of a system of free and fair elections regulated, monitored and controlled by an independent agency. We have in position a high powered Election Commission as an autonomous body to oversee the electoral process. Judiciary has made significant contributions through various pronouncement to plug loopholes and preclude the possibility of abuse by the candidates

Criminalization of politics has been one smoldering issue since it has an immediate bearing on the choice of candidates in an election and goes to the root of expectation of good governance

through elected representatives. Treating the right to vote as akin to freedom of speech and expression under Article 19(1)(a) of the Constitution and enforcing the “right to get information” as “a natural right” flowing from the concept of democracy, in the case of *Union of India vs Association for Democratic Reforms & Anr.*, the judiciary brought about a major electoral reform by holding that a proper disclosure of the antecedents by candidates in election in a democratic society might influence intelligently the decisions made by the voters while casting their votes. Observing that casting of a vote by a misinformed and non-informed voter, or a voter having a one sided information only, is bound to affect the democracy seriously, the court gave various directions making it obligatory on the part of candidates at the election to furnish information about their personal profile, background, qualifications and antecedents.

In the case of *People’s Union For Civil Liberties Vs. Union Of India* (2013) 10 SCC 1, the supreme court considered whether a citizen has the right to say they don't want to vote for anyone by casting a NOTA vote. The Court in this case said that even though the right to vote was a statutory right, a citizen also has a constitutional right to not vote for anyone

In the recent case of *Anoop Baranwal vs Union of India, 2023 reported in LiveLaw (SC) 155*, the Supreme Court directed that the Election Commissioner be appointed by the President of India on the advice of a Committee consisting of the Prime Minister, and leader of Opposition in the Lok Sabha, and the Chief Justice of India.

In *Chander Kumar’s* case, a Seven Judges Bench of Supreme Court held that the power of judicial review over legislative action vested in the High Courts under Article 226 and Supreme Court under Article 32 is an integral and essential feature of the Constitution and is part of its basic structure.

On the insulation of Police and other investigating agencies from any kind of external pressure, Supreme Court issued various directions in *Vineet Narain* and *Prakash Singh* cases.

The approach of judiciary in India has time and again been that while it may be appropriate that the courts show due deference and margin of appreciation to the opinion formed by the executive, any State action making inroad into the personal liberties or basic human rights of an individual must invariably be subject to judicial scrutiny which would rest on objective proof, relevant material in accordance to law and through a procedure that passes the muster of fairness and impartiality.

Judiciary has, thus, played a crucial role in development and evolution of society in general and in ensuring good governance by those holding reigns of power in particular. Perhaps, there can

be no two views about the significance of the role expected of judiciary, viza-viz, the goal and good governance in a free society.

V. CHALLENGES IN USHERING IN GOOD CITIZEN CENTRIC GOVERNANCE

Governance inadequacy hampers the effective implementation of government schemes.

The institutional framework has been fragmented because of the multiplicity of implementing agencies and schemes.

There is no accountability on the part of either the government or district administrations.

- Non-availability of periodical data makes it difficult to track progress and implement evidence-based policymaking.
- There is lack of social awareness and community participation in development programmes
- Corruption is one of the biggest factors that hinder efficient performance of the economy and pose a barrier to good governance.

VI. CONCLUSION

India being the worlds fifth largest economy still has to deal with the massive challenge of poverty alleviation, illiteracy, infrastructure building etc. to achieve the goal of being a developed nation(viksit bharat). It needs to be a goal-oriented, and result-oriented development administration. This administration should bring development closer to the people, so that they can contribute their optimum potential in nation building. The Central Government needs to have a sound legal framework in sync with today's requirements.

India needs to have a pro-active stand against corrupt and erring officials. The corrupt or inefficient bureaucrats should be identified and sent home through service rules and guidelines. Administration should adopt more participatory and technology driven approach so that it can enhance the transparency and make civil servants accountable to people. Citizen's charter should be further elaborated and serve as instruments for citizencentric decision-making. We can conclude that Indian administration has made considerable strides in citizen-centric administration. It needs further promotion and encouragement with massive awareness building for the same. Apart from government, non-state actors like NGOs, Trusts, Civil Society Organisations and Private Corporates should also come to the forefront to advance the cause of citizens.
