

LOK SATTA
People Power

Transparency and Accountability in Service Delivery

25th April, 2003, JNU, New Delhi

**The real *Swaraj* will come
not by the acquisition of authority by a few,
but by the acquisition of the capacity by all
to resist authority when abused**

Gandhiji

Can Economic Reforms alone Deliver?

- Smaller and more focused government will help
- But government still has a significant role to play

Irreducible Role of Government

- Public Order
 - Justice
 - Rule of Law
 - School Education
 - Primary Healthcare
 - Basic Infrastructure
 - Natural Resource Development
 - Social security
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Why is Governance Vital?

- The Government spends Rs. 1800 crores everyday
 - Government employs 70% of the 27 million organized employees
 - Fiscal deficit (Union and States) - 10% of GDP
 - 50 % Union tax revenues - interest payment
 - Only 5 % of GDP spent on Health, Education and Social Security
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Crisis of Governance

- Increasing lawlessness
 - Inefficient state apparatus
 - Unresponsive bureaucracy
 - Ineffective judicial system
 - All pervasive corruption
 - Criminalization of politics
 - Money and muscle power in elections
 - Political instability
 - Erosion of legitimacy of authority
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Failure of Political Process

Parties

- Autocratic and unaccountable
- Repel the best
- A problem, not solution
- Choice - Tweedledom & Tweedledee

Contd..

Failure of Political Process

Elections

- Change of players
- No change of rules of game
- Criminalization
- Money power
- Flawed process
 - Electoral rolls (40% errors)
 - Bogus voting (22%)

Why is the Citizen Helpless?

All powerful bureaucracy:

- 330mn total workers – only 27mn in organized sector – 19mn in government

Helpless people:

- Illiteracy
 - Centralization
 - Colonial legacy
 - Socialist mindset
 - Employee as benefactor
 - Citizen as recipient
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Distortions of Power

Positive power restricted

Negative power unchecked

All organs are dysfunctional

Elections only change players

No change in the rules of the game

Authority delinked from accountability

Alibis for non-performance

Good behaviour not rewarded

Bad behaviour not punished

Honesty and political power increasingly incompatible

Way Out

- Make honesty compatible with public office
 - Citizen centered governance
 - Fusion of authority and responsibility
 - Assert People's sovereignty
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Instruments of Accountability

- Right to Information
- Citizen's Charters with penalties for non-performance
- Stakeholder empowerment
- Local government empowerment
- Independent crime investigation
- Independent and effective anti-corruption agency

Right to Information

In the Indian context:

- Right to have access to information
- Right to be informed

On all matters involving exercise of public authority:

- Public money & utilization
 - Laws and enforcement
 - Policies and decisions
 - Employees
 - Delivery of services
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Defects in Right to Information Act (recently enacted)

- Second appeal to competent authority (State or Union Govt.) – too high a level
- No compensation for delays
- No penalties for suppression of information
- Information available to legislature not made available to citizens.

Follow up Action on RTI Act

- State-wise framing of rules:
 - Listing of public authorities at state, regional, district and sub-district level
 - Identifying public information officers – public authority wise
 - Identifying appellate authority
 - Delegation of second appeal powers to a suitable authority

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Follow up Action on RTI Act

- State-wise framing of rules:
 - Identifying items for proactive disclosure, mode of disclosure and periodicity, public authority-wise at each level
 - Guaranteeing availability of such information in printed book form / legible copies for a reasonable price + electronically
 - Fixing reasonable time frames – well within 30 days prescribed by law - item wise

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Follow up Action on RTI Act

- State-wise framing of rules:
 - Providing for compensation for delays
 - Providing for penalties for willful suppression of information or misinformation
 - Providing for availability of all information furnished to legislature
- Wide dissemination of provisions of law and rules
- Training of active citizens in the techniques of enforcing transparency and accountability

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Follow up Action on RTI Act

- Pursuing a few test cases with wide public participation
 - Wide dissemination of information through citizens' initiatives, websites, electronic kiosks etc.
 - Comparative study of best practices in various states and countries
 - Regular monitoring and evaluation
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A True Citizen's Charter

5 Components

- Clear responsibility - who will provide the service?
- What does the citizen need to do - application, fee, information etc.
- What is the time frame in which service shall be delivered
- What is the compensation for delay
- Instant redressal mechanism

Only then is a pious hope transformed into a realizable instrument in people's hands

When will Compensation Work?

- Delegation to the local authority/agency
- No scarcity of supply
- Flexibility to improve speed/rate of delivery
- User fee for service

A model Charter – UK Electric utility LOK SATTA

Service	Guaranteed standard performance level	Penalty payment
Supplier's fuse failures	With 4 hours of any notification during working hours	10
Restoring electricity supply after faults	24 hours	20 (domestic customers) 50 (non domestic customers, plus 10 for each further 12 hours)
Estimating charges	Within 10 working days for simple jobs or 20 working days for most others	20
Notice of supply interruption	2 days	10 (domestic customers) 20 (non domestic customers)
Voltage complaints	Visit or reply within 10 working days	10
Meter problems	Visit or reply within 10 working days	10
Charges and payment queries	A substantive reply within 10 days must be kept	10
Appointments	All appointments to visit on a day must be kept	10

What can Civil Society do?

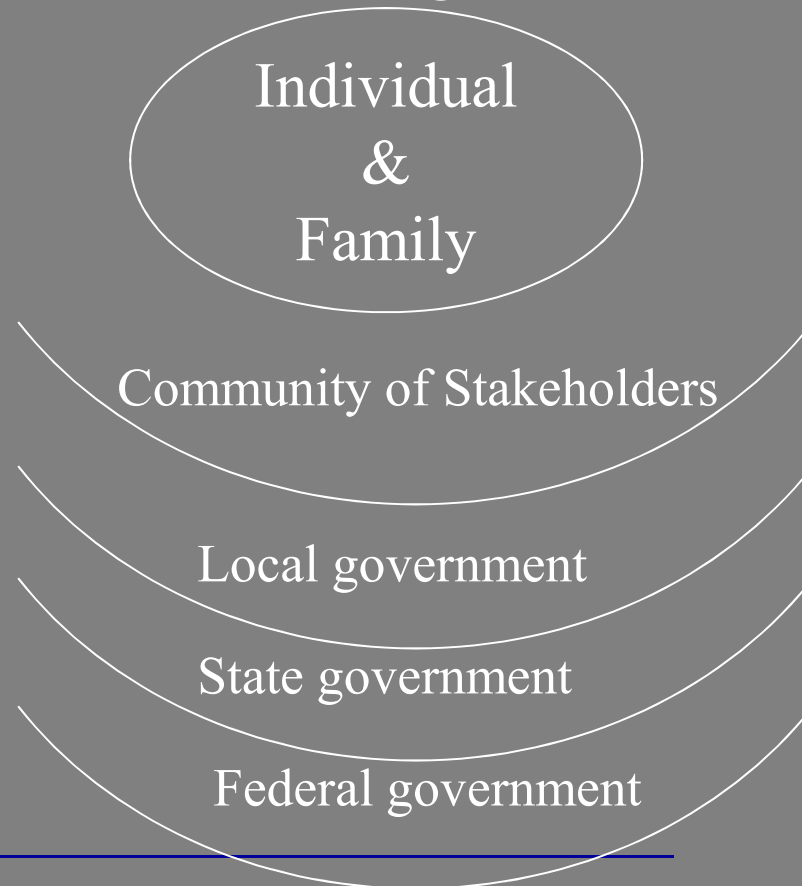
- A people's charter for all key public services
- Drafting of true charters and advocacy
- Popularizing charters
- Wide dissemination
- Citizen – training in their application

Citizens Charters – Andhra Experience

- Citizen's charters for Municipalities in A.P.:
 - Provides for compensation of Rs.50/day for delay in service – first in India
 - Applicable only for services where there is no supply constraint
 - Covers 4 basic services – issue of birth and death certificates, property tax assessment, approval of construction permit and residential water connection
 - A recent charter released for panchayats for 20 services, with Rs. 10 compensation per day's delay
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State vs Citizen

- Strong State → authoritarianism
- Weak State → anarchy
- Citizen-centered enabling state

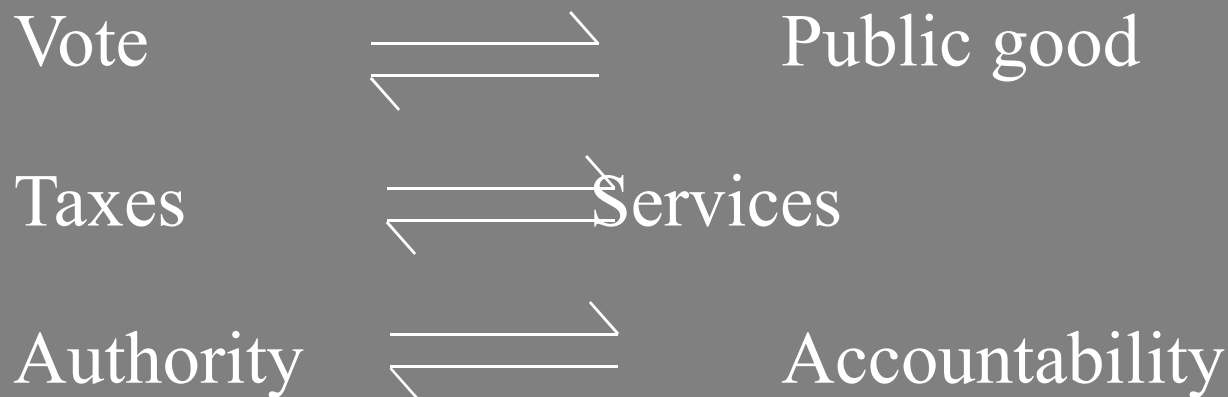


Stakeholder Empowerment

- Water Users Associations
- School Education Committees
- Ward Committees

Local Government Empowerment

- Transfer of funds, functions and functionaries to local governments
- Link between



Independent Crime Investigation

- The purpose of a government is to make it easy for people to do good, and difficult to do evil
- Good behaviour is enforced not by moral standards alone, but by enforcement of laws
- Reward for good behaviour and punishment for bad behaviour are critical for better governance

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Independent Crime Investigation

- Crime investigation is largely under political control in India
- Separation of crime investigation from other police functions, and making it independent and accountable - critical for rule of law
- Decentralizing police functions, and transferring traffic control, patrolling, petty crime and other local matters to local governments is necessary

Independent Anti-corruption Authority

- Quasi-judicial authority
- Independent appointment
- Fixed tenure - removable only after due process of enquiry
- Control over anti-corruption investigation wing (CBI/ACB)
- Adequate authority, resources and staff
- No single-point directive - authority to investigate, raid, arrest, seize etc.

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Independent Anti-corruption Authority

- Directives based on enquiry binding
eg: departmental punishment
 - Finding admissible as evidence before courts for prosecution
 - Law for confiscation of properties (including benami) of corrupt public servants
 - Authority to confiscate given to the independent authority
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Critical Areas - Service Delivery

School Education

Problems:

- Lure of English language took elite groups away
- Only poor and voiceless families send children to state schools
- Stake-holding is divorced from power-weilding
- Bulk of the children do not fulfil their potential
- Raw material for higher education inadequate
- Higher education too in crisis
- Good teachers in schools not available
- A vicious cycle has set in

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Critical Areas - Service Delivery

School Education

Solutions:

- Stake-holder empowerment + involvement of committed retired teachers + voluntary organization
 - Focus on examinations in local language only up to reasonable level (7th?)
 - Local language study mandatory
 - Changes in examinations and evaluation – focus on communication and reasoning
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Critical Areas - Service Delivery

Health Care

Problems:

- Public health expenditure only 0.9% GDP (one of the lowest in world)
- Share of public expenditure in total health exp: only 17% (one of the lowest)
- Most private expenditure - out of pocket

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Critical Areas - Service Delivery

Health Care

Problems:

- 60% of public expenditure for hospital services – utilized by the relatively better off; only 27% for preventive services - utilized by the poor
- Even preventive services - not reaching people – personnel not accountable
- Only about 40% immunisation; high incidence of infectious diseases; Rheumatic heart disease (preventive) : 200,000 / year

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Critical Areas - Service Delivery

Health Care

Solutions:

- Low-cost, community based health care model
 - Trained village health workers (local women) can handle 80% of health problems
 - Accountable to the community
 - Arole pattern – Jamkhed – CRHP – replicable
 - Results – comparable with the best in the advanced world
 - PHC under local government control
 - Implementable citizen's charter
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Role of Citizens' Initiatives

- Collective, informed assertion
- Advocacy and pressure for specific accountability instruments
- Struggle for genuine governance reforms

Need for Genuine Governance Reforms

- Electoral reforms
 - Empowerment of local governments
 - Judicial Reforms
 - Instruments of Accountability
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“The punishment suffered by the wise who refuse to take part in the government, is to suffer under the government of bad men.”

Plato