

STUDY MATERIAL: HANDOUT- 20

PERSONNEL ADMINISTRATION CIVIL SERVICES IN INDIA PART - C

2ND ARC REPORT ON CITIZEN – CENTRIC ADMINISTRATION

TOPICS COVERED

- The Concept of Citizen Centric Good Governance and Citizen Centric Administration
- The Fundamental Duties
- Need for Reforms
- Decentralization, Delegation and Accountability
- Sound Legal Framework
- Decentralization, Delegation and Accountability
- Core Principles for Making Governance Citizen Centric Rule of Law - Zero Tolerance Strategy

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2ND ARC REPORT ON CITIZEN – CENTRIC ADMINISTRATION

THE CONCEPT OF CITIZEN CENTRIC GOOD GOVERNANCE AND CITIZEN CENTRIC ADMINISTRATION

Good Governance and Citizen Centric Administration

The concept of good governance is not new. Kautilya in his treatise Arthashastra elaborated the traits of the king of a well governed State thus: "in the happiness of his subjects lies his happiness in their welfare his welfare, whatever pleases himself, he does not consider as good, but whatever pleases his subjects he considers as good". Mahatma Gandhi had propounded the concept of 'Sujat'. Good governance has the following eight attributes which link it to its citizens.



Good governance aims at providing an environment in which all citizens irrespective of class, caste and gender can develop to their full potential. In addition, good governance also aims at providing public services effectively, efficiently and equitably to the citizens. The pillars on which the edifice of good governance rests, in essence are:

- **Ethos (of service to the citizen),**
- **Ethics (honesty, integrity and transparency),**
- **Equity (treating all citizens alike with empathy for the weaker sections), and**
- **Efficiency (speedy and effective delivery of service without harassment and using ICT increasingly).**

Citizens are thus at the core of good governance. Therefore, good governance and citizen centric administration are inextricably linked.

The Constitution articulates the vision of its Founding Fathers for the people of this country and also spells out the role and functions of the three organs of the State Legislature, Executive and Judiciary. It enshrines the Fundamental Rights which are critical for democracy and the Directive Principles of State Policy which embody the concept of a Welfare State and are unique feature of our constitution. The endeavour of Government at all levels has, therefore, been to provide for a citizen centric administration. To this end, a robust legal framework has been created. Institutions such as a the National Human Rights Commission, National Women's Commission, National Consumer Disputes Redressal Commission, and Lokayuktas etc. have been set up. Several other

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measures including affirmative actions have been initiated for the socioeconomic empowerment of the weaker sections of society.

The Tenth Plan drew attention to the implementation of good governance in the following terms:

'Governance relates to the management of all such processes that, in any society, define the environment which permits and enables individuals to raise their capability levels on the one hand, and provide opportunities to realize their potential and enlarge the set of available choices, on the other. These processes, covering the political, social and economic aspects of life impact every level of human enterprise, be it the individual, the household, the village, the region or the nation. It covers the State, civil society and the market, each of which is critical for sustaining human development. The State is responsible for creating a conducive political, legal and economic environment for building individual capabilities and encouraging private initiative.'

The **Eleventh Plan** has emphasized that good governance should cover the following Distinct dimensions:

As a democratic country, a central feature of good governance is the constitutionally protected right to elect government at various levels in a fair manner, with effective participation by all sections of the population. This is a basic requirement for the legitimacy of the government and its responsibility to the electorate.

- The government at all levels must be accountable and transparent. Closely related to accountability is the need to eliminate corruption, which is widely seen as a major deficiency in governance. Transparency is also critical, both to ensure accountability, and also to enable genuine participation.
- The government must be effective and efficient in delivering social and economic public services, which are its primary responsibilities. This requires constant monitoring and attention to the design of our programmes. In our situation, where the responsibility for delivery of key services such as primary education and health is at the local level, this class for special attention to ensuring the effectiveness and efficiency of local governments.
- Governments at lower levels can only function efficiently if they are empowered to do so. This is particularly relevant for the PRIs, which currently suffer from inadequate devolution of funds as well as functionaries to carry out the functions constitutionally assigned to them.

The 2006 Transparency International Corruption Perceptions Index

According to the annual survey by the Berlin-based organization transparency International, Finland, Iceland, and New Zealand are perceived to be the world's least corrupt countries, and Haiti is perceived to be the most corrupt. The index defines corruption as the abuse of public office for private gain and measures the degree to which corruption is perceived to exist among a country's public officials and politicians. It is a composite index, drawing on 12 polls and surveys from 9 independent institutions, which gathered the opinions of business people and country analysts. Only 163 of the world's 193 countries are included in the survey, due to an absence of reliable data from the remaining countries. The scores range from ten (squeaky clean) to zero (highly corrupt). A score of 5.0 is the number Transparency International considers the borderline figure distinguishing countries that do and do not have serious corruption problem.

India features at No. 70 with a rating of 3.3 This is a very low ranking in the international scenario and shows that corruption is a serious problem in Indian.

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- An overarching requirement is that the rule of law must be firmly established. This is relevant not only for relations between not only for relations between the government and individuals enabling individuals to demand their rights but also for relations between individuals or businesses. A modern economic society depends upon increasingly complex interactions among private entities and these interactions can be efficiently performed only if legal rights are clear and legal remedies for enforcing these rights are swift.
- Finally, the entire administration must function in a manner which is seen to be fair and inclusive. This is a perceptual issue but it is real nonetheless. Disadvantaged groups, especially the SCs, STs, minorities and others, must feel they have an equal stake and should perceive an adequate flow of benefits to ensure the legitimacy of the State.

Common Bottlenecks in Implementation of Project**

Among the most commonly noted bottlenecks in implementation of projects are: Source: Report on reforming investment Approval implementation Procedures- November 2002

- i. Multiplicity of laws governing same or similar set of issues.
- ii. Requirement of a large number of approvals/permission.
- iii. Separate clearances/approvals required from different authorities on same or similar issues.
- iv. Too many points of contact between investor and authorities.
- v. Lack of transparency in the administration of clearances and approvals.
- vi. Large number of returns and amount of information to be provided to many departments/agencies.
- vii. Little communication and information sharing among related departments.

Perceptions about Governance in India

As stated earlier, public administration in India is generally perceived to be unresponsive, insensitive and corrupt. It is usually heard from the public and most of the observations by citizens were about the poor quality of services provided by the Government, the indifferent attitude of government servants, corruption and abuse of authority and lack of accountability. A common complaint pertained to excessive red-tapism and the long time taken to get even routine work done. **The Sixth Central Pay Commission's** comments in this connection are worth nothing: "For the common man, bureaucracy denotes routine and repetitive procedures, paper work and delays. This, despite the fact that the Government and bureaucracy exist to facilitate the citizens in the rightful pursuit of their legal activities. Rigidities of the system over centralization of powers, highly hierarchical and top down method of functioning with a large number of intermediary levels delaying finalization of any decision, divorce of authority from accountability and the tendency towards micromanagement, have led to a structure in which form is more important than substance and procedures are valued over end results and outcomes. Nonperformance of the administrative structures, poor service quality and lack of responsiveness, and the subjective and negative abuse of authority have eroded trust in governance systems which needs to be restored urgently."

The **Fifth Central Pay Commission** had the following to say on the public impression about civil servants:

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"However, if one speaks to any enlightened member of the public he has several complaints against the public services. These relate to their size, productivity, accountability, transparency and integrity.

There is a general impression that the absolute size of the bureaucracy is fundamentally necessary. It is often referred to as being "bloated". It is also felt that the numbers are increasing at a rapid pace, with scant regard for the work-load.

People also speak of the bureaucracy being top-heavy. Not only are public servants perceived to be too many in number it is also believed that they do not contribute to the gross domestic product. Public servants are alleged to invariably come late to office, spend a large part of the day in sipping tea, smoking and indulging in gossip, and leave office early. Consequently, productivity is said to be abysmally low, estimates of their actual working hours ranging from one to two-and-a-half hours in a day.

It is felt that **bureaucrats are a law unto themselves**. They hide behind mountains of paper, maintain uncalled - for secrecy in their dealings with public issues, take surreptitious decisions for considerations that are not always spelt out on paper, and are accountable to no one. They have life-time contracts of service which cannot be cut short on any ground, defended as they are by the safeguards under Article 311 of the Constitution. Their misdeeds are never found out. If exposed, they take refuge behind the protective wall of collective decision making in committees, which cannot be brought to book.

What's Ailing Public Services?

Case Study:

A recent Centre for Media Studies (CMS) study that a majority of citizens are not satisfied with the delivery of public services. In seven out of the 11 departments covered the study, less than one-third of the citizens are satisfied with the services delivered. In fact, in most need-based services such as the police, judiciary and municipalities, (which enjoy a greater discretion and power), not even 20 per cent of the households are satisfied with their services. Even in essential services such as the PDS, hospitals, and electricity and water supplies, a mere 30-40 per cent of the households are happy with the services... The study brings out that there are hardly any effective complaint redressal systems in place in most departments. In most cases, citizens are not even aware that such systems exist and departments make no effort to educate them. Even those who are aware have little confidence in them. Not surprisingly, the result is a sense of helplessness.

The behavior of cutting -edge level employees is another area of concern. Most employees of the public services are not turned into the changing expectations of the citizens. There are a number of possible initiatives at the department level, such as strategic outsourcing of services, use of technology (like e-seva in Andhra Pradesh), better commercial practices, performance-linked incentive to staff, periodic tracking of user satisfaction and involving resident welfare associations. These initiatives can go a long way in improving the quality of public services. Also, the public service provider needs to be made more accountable to the citizens through user committees. This experiment has been demonstrated to hold potential in the **case of Rogi Kalyan Samitis in Madhya Pradesh**.

Also, it is high time that we directly linked outlays to outcomes. We can draw **valuable lessons from the British experiment of having public service agreements (PSAs)** - with local governments under

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which objective and measurable targets for various services are fixed together with an evaluation mechanism.

The funds are allocated to local governments on the basis their achievement on PSAs.

The most serious charge leveled against them is that they lack integrity and honesty. Thus they are alleged to lack not merely in the sense that accept money or rewards for the decisions they take as public servants in the exercise of their sovereign powers. But also in the larger sense of not maintaining a harmony between their thoughts, words and deeds. Many scams are being uncovered every day and evidence unearthed of public servants not only conniving at corruption but being the beneficiaries of the system themselves."

The recently released Global competitiveness Index Report (2008 -09) highlights the following strengths as well as areas of concern in India:

Global Competitiveness Index (2008-09): Rank of India*		
Parameter		Global Rank (max. 134)
Strengths	• Innovation - availability of scientists and engineers	3
	• Domestic market size	4
	• Financing through local equity market	8
	• Intensity of local competition	11
	• Quality of management schools	12
	• Quality of math and science education	17
	• National saving rate FDI and technology transfer	19
	• Quality of Scientific	20
	• Research Institutions	27
	• Capacity for innovation	35
Area of concerns	• Diversion of public funds	55
	• Transparency of government policy making	55
	• Favouritism in decisions of Government officials	58
	• Ethical behavior of firms	61
	• Wastefulness of government spending	62
	• Public trust of politicians	84

An analysis of people's perception about governance in India reveals that there are several barriers to good governance and these are listed in the following paragraphs. Barriers to Good Governance

The reasons for Governments not being citizen centric can be attributed to the attitude and work of some government servants, the deficiencies in existing institutional structures and also to some citizens. While the laws made by the Legislature may be sound and relevant, very often they are not properly implemented by government functionaries. The institutional structure provided at times may be also weak and ill- conceived and thus has neither the capacity nor the resources to implement the laws in letter and spirit. The Prime Minister, in this context, had stated:

* Use the issues not facts

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"Effective and efficient institutions form the backbone of a successful development and governance process. The founding fathers had the foresight to create the necessary institutional framework which has brought us thus far. We need to think whether this framework is adequate in the years to come: whether past modes of functioning will address the demands of the future in fast have outlived their utility? It is only by asking and answering these questions will we be able to identify institutional reforms which will meet the needs of our times."

Mexican Woman Wins 22,000 Dollars for Useless Red Tape - Case Study

Mexico City (AFP) - A Mexican woman who needs to collect seven signatures every two weeks to obtain medicine for her sick son won a government competition for the most useless bureaucratic procedure.

Cecilia Velazquez received a check for 300,000 (22,000 dollars) from President Felipe Calderon after winning the competition to identify the worst red tape in the notoriously bureaucratic country.

Velazquez's son has a genetic condition and she needs to visit social security services every two weeks to collect his medicine. "The process takes at least four days each time, from delivering the prescription to administering the medicine," Velazquez said.

The competition, overseen by the public services ministry, gathered 20,000 entries from frustrated citizens.

The system often suffers from problems of excessive centralization and policies and action plans are far removed from the needs of the citizens. This results in a mismatch between what is required and what is being provided. Inadequate capacity building of personnel who are to implement the laws also results in policies and laws not being implemented properly. Further, lack of awareness about rights and duties and callous approach to compliance to laws on the part of some of the citizens also create barriers to good governance.

Attitudinal Problems of the Civil Servants

There is a growing concern that the Civil Services and administration in general, have become wooden, inflexible, self-perpetuating and inward looking. Consequently, their attitude is one of indifference and insensitivity to the needs of citizens. These coupled with the enormous asymmetry in the wielding of power at all levels, has further aggravated the situation. The end result is that officers perceive themselves as dispensing favours to citizens rather than serving them and given the abject poverty, illiteracy, etc. A culture of exaggerated deference to authority has become the norm.

A common reason usually cited for inefficiency in governance is the inability within the system to hold the Civil Services accountable for their actions. Seldom are disciplinary proceedings initiated against delinquent government servants and imposition of penalties is even more rare. This is primarily because at most levels authority is divorced from accountability leading to a system of realistic and plausible alibis. Cumbersome disciplinary procedures have added to the general apathy towards discipline in Government.

Moreover the safeguards provided to civil servants, - which were well intentioned - have often been misused. Another reason for lack of accountability is that performance evaluation systems within government have not been effectively structured. The complacency that the system breeds has resulted in employees adopting an apathetic or lackadaisical attitude towards citizens and their grievances. Red Tapism

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Bureaucracies the world over are expected to adhere to rules and procedures which are, of course, important for good governance. However, at times, these rules and procedures are ab-initio ill conceived and cumbersome and, therefore, do not serve their purpose. Also, government servants sometimes become overly pre-occupied with rules and procedures and view these as an end in themselves.

The Prime Minister Dr. Manmohan Singh while emphasizing procedural reforms, stated:

Very often, the most difficult areas of reform in government is process and procedural reform. No amount of investment in capabilities and technologies can improve performance and service delivery beyond a point if we continue to be prisoners of archaic procedures and processes. Often, policy reform measures do not deliver the desired outcomes because of lack of forward movement in reform of government processes. This is after all, what gives rise to the so-called Inspector Raj. This is what makes the interface of a common citizen with government a cumbersome and daunting affair. This is often the root cause of corruption as well. When I meet individuals or industrialists, it is this aspect of government which is crying out for change.

Low levels of Awareness of the Rights and Duties of Citizens

Inadequate awareness about their rights prevents citizens from holding erring government servants to account. Similarly, low levels of compliance of Rules by the citizens also acts as an impediment to good governance; when citizens do not adhere to their duties they infringe on the freedom and rights of other citizens. Thus, awareness of rights and adherence to duties are two side of the same coin. A vigilant citizenry, fully aware of its rights as well its duties, is perhaps the best way to ensure that officials as well as other citizens discharge their duties effectively and honestly. Ineffective Implementation of laws and Rules

There is large body of laws in the country, each legislated with different objectives - maintaining public order and safety, maintaining sanitation and hygiene, protecting rights of citizens, giving special protection to the vulnerable sections etc. Effective implementation of these laws creates an environment which would improve the welfare of all citizens and at the same time, encourage each citizen to contribute his best towards the development of society. On the other hand, weak implementation can cause a great deal of hardship to citizens and even erode the faith of the citizenry in the government machinery.

The Fundamental Duties

- To abide by the Constitution and respect its ideals, the national flag and the national anthem.
- To cherish and follow the noble ideas, which inspired the national struggle for independence.
- To uphold and protect the sovereignty, unity and integrity of India.
- To defend the country and render national services when called upon to do so.
- To promote the harmony and the spirit of common brotherhood among all the people of India transcending religious, linguistic and regional or sectional diversities, to renounce practices derogatory to the dignity of women.
- To value and preserve the rich heritage of our composite culture.
- To protect and improve national environment including forests, lakes, rivers and wildlife and have compassion for living creatures.
- To develop scientific temper, humanism and the spirit of inquiry and reform.

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- To safeguard public property and to abjure violence.
- To strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavour and achievement.

Need for Reforms

An integrated index to measure the quality of governance has not been evolved so far. In the absence of any such index, only indirect conclusions can be drawn about the standards of governance. Rapid economic growth, increasing literacy, improved health indices etc. point towards improving governance standards. At the same time, the poor image of government in the minds of large sections of society points towards inefficient and ineffective administration. All these highlight the need for substantially reforming our governance systems. The

Prime Minister in his Civil Services Day speech (2007) observed: It is in this context that 'reform of government' becomes relevant. 'Administrative Reforms' is a phrase that has been used widely to mean many things. It is used by some to mean change of any kind to deal with government problems of any description. Some regard administrative reform" merely as a means of "making the government work" better. Others in fact see 'reform' as "less government". I view the reform of government as a means of making citizens central to all government activities and concerns and reorganizing government to effectively address the concerns of the common people. Necessary Pre-conditions for Good Governance

An analysis of the barriers to good governance reveals that there are several preconditions which must be fulfilled in order to make governance citizen centric. Some of the pre-conditions are:

- (a) Sound legal framework.
- (b) Robust institutional mechanism for proper implementation of the laws and their effective functioning.
- (c) Competent personnel staffing these institutions; and sound personnel management policies.
- (d) Right policies for decentralization, delegation and accountability.

Besides, a number of tools can also be employed to make administration citizen centric. There are:

- (a) Re-engineering processes to make governance 'citizen centric'.
- (b) Adoption of appropriate modern technology.
- (c) Right to information.
- (d) Citizens' charters.
- (e) Independent evaluation of services.
- (f) Grievance redressal mechanisms.
- (g) Active citizens' participation- public - private partnerships.

Sound Legal Framework

A sound legal framework is the basic prerequisite for any orderly society. The Constitution is the cornerstone of our legal framework. Parliament has enacted a large number of laws to further the objectives enshrined in the Constitution. A dynamic society requires constant updating of existing laws as also enactment of new laws to meet emergent needs and challenges so that the welfare, protection and development needs of citizens is fully met. In fact, the Law commission has inter alia been given the responsibility to examine existing laws to ensure their relevance to present- day

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needs and requirements. The 2nd Administrative Reforms Commission in this context has also examined and analysed a number of laws relevant to the wide mandate of promoting a transparent, accountable and citizen centric system of governance.

Robust Institutional Mechanism for Establishing Rule of Law

The country has, over the years, created and sustained strong and effective institutional mechanisms to ensure that the rule of law is maintained and the rights of our citizens are well protected and human dignity upheld. Some of these institutions have been established in our Constitution and others through statutes and executive orders.

Competent and Dedicated Workforce

A sound legal system and a robust institutional mechanism need to be buttressed by ensuring that competent and motivated personnel run the system in order to provide a vibrant citizen centric administration.

Decentralization, Delegation and Accountability

The principle of subsidiarity stipulates: functions shall be carried out closest to citizens at the smallest unit of governance possible and delegated upwards only when the local unit cannot perform the task. The citizen delegates those functions he cannot perform, to the community, functions that the community cannot discharge are passed on to local governments in the smallest tiers, and so on, from smaller tiers to larger tiers, from local government to the State Governments, and from the States to the Union. In this scheme, the citizen and the community are the centre of governance. In place of traditional hierarchies, there will be ever-enlarging concentric circles of government and delegation is outward depending on necessity."

Adoption of Modern Technology-e-Governance Transparency and Right to Information

Transparency and Right to Information are an essential pre-condition for good governance. Access to information empowers the citizens to demand and get information about public policies and programmes, thus making the government more accountable and helps to strengthen participatory democracy and citizen centric governance. It enables citizens to keep themselves informed about the policies of the government, the rights that they have and what they should expect as service from the government.

Accountability

Accountability also means answerability i.e. questions asked of public officials have to be answered by them. There are two types of questions that can be asked. One type as under the RTI Act merely seeks informational data and involves one way transmission of information. It promotes transparency and to a much lesser degree accountability in government. The second type of question enquires not just as to what was done but why; and therefore involves a consultative two-way flow of information with the citizens usually providing a feedback in respect of the working of government departments and service delivery of public agencies.

Such mechanisms include citizens' charters, service delivery surveys, social audits, citizens' report card and outcome surveys.

Focus on Outcomes - Evaluation and Monitoring

Monitoring and evaluation are important managerial functions in any organization. In government organizations these functions assume special significance because of their large size in terms of the workforce coupled with their wide reach. The success of the laws, policies and guidelines - which

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are implemented by a large number of field organizations - depend on their effective administration. This necessitates constant monitoring and evaluation.

Grievance Redressal Mechanisms

In a welfare State like India, citizens have a variety of interactions with the Government in its myriad forms -as a service provider, a regulator, as a provider of social and physical infrastructure etc. Meeting the expectations of the citizens is a challenging task for any Government. sometimes, the task is compounded due to internal inefficiencies while at other times, despite the best efforts of the public agency, external constraints prevent them from meeting the expectations of the citizens. Addressing the grievances of those citizens whose expectations are not fulfilled is primarily the task of the Government agency concerned even though external accountability mechanisms, often having limited scope, do exist.

Active Citizens' Participation - Information Dissemination, Mechanisms, Target Group Consultation

Promoting citizen centric administration also implies giving a voice to citizens in the governance process. As noted by the Commission in its **Sixth Report on "Local governance"**, at the local community level, citizens as stakeholders can directly participate in decision making. It was pointed out that besides institutions such as the Gram Sabha, citizens participation can be promoted by identifying, for example, identifiable stakeholders in the delivery of specific public services. The Commission also stated that empowerment of stakeholder groups and local government is to be seen as a continuing and not a cause of conflict between the two. Instead, effective empowerment of stakeholders accompanied by mechanisms for coordination with local governments is the key principle to be followed.

Process Simplification

As the Commission has noted in its Report on '**Ethics in Governance**', simplifying transaction focusing on adoption of Single Window Approach, minimizing hierarchial tiers, up-dating and simplification of existing department manuals and codes etc. needs to be brought to the centre-stage of administrative reforms. The Commission has further examined this issue in its Eleventh Report on "e-Government organizations focusing on rationality and simplicity ultimately leading to re-designing of governmental forms, processes and structures to make them adaptable to e-Governance backed by procedural, institutional and legal changes. In the present Report, the Commission has made a detailed study of how process simplification could be achieved in a few different areas of citizen government interface

Core Principles for Making Governance Citizen Centric Rule of Law - Zero Tolerance Strategy

The Commission in its Fifth Report on 'Public Order' has stated that in our country there is a tendency for some enforcement agencies not to rigorously enforce the provisions of law. This is particularly evident in case traffic related violations, civic offences, infringement of pollution control laws etc. For their part, sometimes, the citizens are equally to blame for flouting rules with impunity and without regard to public health, safety and consideration for others. A crackdown on these types of offences in some cities like Delhi, whether enforced by Courts or otherwise, have tended to operate as campaigns and may therefore be unable to create and sustain a long term impact because they are driven by personalities or by court verdicts rather than by the institutions themselves.

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