

**MECE-02**  
**Block-4**



# MAEC

MASTER OF  
**ECONOMICS**  
( *ELECTIVE-II* )

**E-GOVERNANCE**

**E-GOVERNANCE-IV**



This course material is designed and developed by Indira Gandhi National Open University (IGNOU), New Delhi. OSOU has been permitted to use the material.



ଓଡ଼ିଶା ରାଜ୍ୟ ମୁକ୍ତ ବିଶ୍ୱବିଦ୍ୟାଳୟ, ସମ୍ବଲପୁର, ଓଡ଼ିଶା  
Odisha State Open University, Sambalpur, Odisha  
Established by an Act of Government of Odisha.

# **Master of Arts**

## **ECONOMICS (MAEC)**

**MECE-02**

### **ELECTRONIC GOVERNANCE**

#### **BLOCK-4**

**UNIT 10 DELIVERY OF CITIZEN SERVICES: ROLE OF ICT**

---

**UNIT 11 INFORMATION POLICY: RIGHT TO  
INFORMATION ACT 2005**

---

**UNIT 12 ICT IMPLEMENTATION IN GOVERNANCE:  
ISSUES AND CHALLENGES**

---

---

## **UNIT 10 DELIVERY OF CITIZEN SERVICES: ROLE OF ICT**

---

### **Structure**

- 10.0 Learning Outcomes
- 10.1 Introduction
- 10.2 Citizen Services: Areas of ICT Intervention
- 10.3 Delivering Citizen Services: Role of ICT
- 10.4 Service Delivery Points
- 10.5 Major Essentials
- 10.6 Conclusion
- 10.7 Activity
- 10.8 Key Concepts
- 10.9 References and Further Readings

---

### **10.0 LEARNING OUTCOMES**

---

After studying this Unit, you should be able to:

- explain the role of ICTs in rendering citizen services;
- describe the various service delivery points for citizen services; and
- discuss the major essentials to render effective public service delivery.

---

### **10.1 INTRODUCTION**

---

ICTs are transforming the way life goes about. They have a huge potential to transform the paradigms of governance. ICTs entail connectivity and networking thereby making the delivery of services offered by governments better. While talking of governments, local self-governments deserve maximum attention as they are at the cutting edge and immensely affect the daily lives of citizens.

Local governments are the principal users and disseminators of information at the local level. However, the general perception is that they are not able to do a good job of it. Just as the survival of any business depend upon the material and mental satisfaction of its customers, survival of local bodies hinges on the contentment of its

citizens. The exploration of this interface - the areas where government and citizens meet- is vital to our understanding of where and how technology should intervene to make this interface more transparent and less bothersome for both the partners.

In this Unit, we will be discussing the vital areas of citizen-government interface at the local level and how ICTs can be used in making this interface effective.

---

## **10.2 CITIZEN SERVICES: AREAS OF ICT INTERVENTION**

---

There are number of areas in citizen services where ICTs can make a marked difference, especially, in the quality and speed of delivery. These services are encapsulated below:

- **Access to Public Documents**

Various government orders, schemes, programmes, annual budgets, gazette notifications, legislation materials like ordinances and bills, etc. can be accessed through the net. This category would cover all those areas where the citizens need information, quick and accurate from the government, which at present they get it with great difficulty. With ICTs citizens get information in real time without exorbitant communication costs.

- **Authentication Statements**

This would include the areas where the citizens need certificates of authentication from competent authorities in government like the copy of land records, registration certificate of sale and property deeds birth/death certificates, and other permissions required under various acts of government. This requires comprehensive database, which are sorted, consolidated, maintained, calculated and read with the help of computers. Hence, retrieval of certificates becomes easy and less cumbersome.

- **Online Payments**

Payment of taxes, duties, rents and rates including user charges for facilities offered by government departments is possible through internet. Payment of electricity, telephone, and water charges would also come under this.

- **Complaints, Grievances and Suggestions**

Filing, redressal and follow up of complaints pertaining to the facilities offered by government can be done online. ICTs can enable citizens to ventilate their grievances online and also help government to get feedback of their policies, pronouncements and actions.

---

### **10.3 DELIVERING CITIZEN SERVICES: ROLE OF ICT**

---

ICTs play a crucial role in delivering citizen services. We will discuss this role in some of the vital areas.

- **Online Filing of Complaints and Grievances**

This will enable online filing, redressal and follow up of complaints pertaining to services offered by government. It will help citizens to ventilate their grievances online and also help government to get feedback on their policies, pronouncements and actions.

Hence, it becomes possible for departments to attend to grievances and complaints with alacrity and promptness. Every grievance gets acknowledged and transferred online for field level action. This can also provide for forwarding and transfer of complaints from one officer to another thereby minimising time which it would take in the normal course. One can also find out the number of grievances pending with various officials at a given instant that would prove to be very useful in monitoring the efficiency of various sections.

As internet connectivity and linking is there, it becomes possible for any officer to monitor the complaints received by him from anywhere and allows him the facility to issue virtual instructions for taking immediate remedial actions. Equally, citizens can also verify and track online the status of grievance disposal.

- **Online Application Registration**

There are hosts of services and programmes for which citizens approach various tiers of government. These services range from getting a loan under self-employment schemes to applying for an old age pension or asking for subsidised agricultural inputs. Instead of moving from offices to offices and getting harsh responses, citizens can use the net for availing information and downloading applications of various programmes. This facility can provide for online forwarding, transmission, handling and disposal of such requests and therefore minimise the disposal time.

- **Issuance of Certificates Online**

There are many kinds of certificates citizens require from governments, the important ones' being of caste, nativity and income. Online facility will permit hospitals to send

the births and deaths information online to municipal departments. Information from the registrant would come through the virtual mode instantly without any mediation. Citizens will be able to get their certificates delivered to them in real quick time. By maintaining the database of births and deaths on the computer, the process of sorting, searching and accessing the database becomes very simplified. The citizens will be able to get their records updated as they have the facility of checking whether their name is registered or not through the web site.

The underlying principle behind this is that citizens always loathe approaching a government department for the fear of getting discourteous behaviour and being subjugated to corrupt practices. Such modules can, therefore, improve this interface, making it more accountable, open, transparent and subject to public scrutiny.

- **Online Tracking of Building Plans**

Municipal corporations engage in the task of approving building plans, sub-division of plots and regularisation of structures within city limits. With this facility citizens are able to know the status of their respective cases. With municipal websites, all information pertaining to building plans are made available to public. They are able to know the status of their application at a click of a button.

With this module, entire process of scrutinising, processing and sanctioning of building plan can be computerised. This would allow online tracking and monitoring of movement of any concerned paper within the town planning section. This would also allow the section in meeting statutory deadline set for release of plans and would also allow citizens gain access to status of disposal of their applications. In longer run, it would be important to create the building plan data base so that citizens are able to know the exact nature of approvals given and are not lured into buying unapproved buildings creating future complications for themselves.

- **Issuance of Land Records Online**

Information relating to land plays a very important role. These may include primary information about land presented in terms of its geological information like the shape, size, landforms and soils; economic information related to land use, irrigation and crops; and information pertaining to legal rights, registration and taxation. The manual system of land records maintenance is highly opaque wherein village accountants maintain land records and they enjoy a virtual monopoly over these records. Records are not open to public scrutiny and are updated many a times only on various considerations. Many a times, farmers face harassment and extortion at

the hands of village officials for provision of land records and also for processing requests for change in land titles.

The Seventh Five-Year Plan document rightly opined, 'land records form the base for all land reforms and therefore, regular periodic updating of land records is essential in all states.' This module aims to fulfil this statement and supports development of a citizen-centric land records system. It places land records data into the public domain and provides for a transparent and effective land record delivery system fully addressing the insecurities and concerns of farmers.

Now farmers are able to get records in time by applying for it online. Updating has become easy and the process of mutation (change in land title) has also become manageable. It is now even easy to check the pendency of such applications.

- **Online Auction and Bidding**

One fundamental reason for rural-urban divide is lack of well-developed markets in rural areas, hindering efficient sale and purchase of goods by rural people. As a result, most of the decisions made by farmers and rural poor are based on insufficient information and are, therefore, sub-optimal and in majority of cases go against them. The online auction and bidding facility can try to fill in these information gaps and allow the farmers and rural folks the facility to post their products for online auctions. This would also allow online bidding. With the portal being vertically integrated through internet, online queries from other parts can improve the available choices.

The kind of products that can be put for auction may include agricultural commodities, farm implements, land or buildings, etc. that is, literally anything that a rural household would like to buy or sell in rural areas. It also opens possibility for self-help groups to market their products directly, without any middlemen, to people horizontally within the district and vertically outside. This can open windows of opportunities to rural populace to have more informed choices in their trades.

- **Online Mandi (Market) Rates**

Ideally, average households make a decision to buy or sell goods and products on the basis of information they collect locally. Communication facilities like telephone, television, etc. has widened their information base. Nonetheless, it would have been much better if they had an easy access to rates prevailing as on that moment in various other markets within the district and elsewhere. Such modules can help do

that. The rates in other markets can be available for citizens to watch the trends and make right decision after weighing all options.

- **Online Payment of Dues**

Financial management of governments hinges on a sound, transparent, efficient and foolproof tax collection system. Equally, citizens require an easy and flexible system to pay their taxes and dues. This module enables a friendlier environment for both government and citizens through online collections. This would provide the benefit of expeditious collections, collection costs saving and collection performance monitoring.

- **Easy Access to Information**

In pursuance of the Right to Information Act, this facility allows access to all kinds of valuable information to citizens with respect to government programmes, databases pertaining to old age pensions, ration cards, multi purpose household survey records, beneficiaries under various self-employment schemes, civil works, etc. This induces transparency in the implementation of these programmes and facilitates weeding out of ineligible cases, so that corresponding benefits can be passed down to the needy. Such mechanisms would reaffirm that real right to information is possible only if the information is put into the public domain and new technologies provide the most cost effective solutions for doing that.

In order to deliver the services mentioned above, multiple service delivery points are needed. We will now discuss these delivery points individually.

---

## **10.4 SERVICE DELIVERY POINTS**

---

Websites, internet and civic service centres are delivery points of citizen services. These are discussed as below:

- **Websites**

The world wide web or the internet provides the most cost-effective method of reaching out to people. The web not only helps in speedy dissemination of information but also enables citizens to gain access to various services, which hitherto required their physical presence. In order to realise this objective, a web site for an organisation is must.

Evolution, development and maintenance of web site can be done on a public private partnership platform to infuse more energy, ideas and vibrancy in the effort. While developing web site, it should be made clear that it should not merely be information driven but should be utility driven and should act as a window to the outsiders to gain access to the organisation's intranet and local area network. While the static page information can be hosted on a foreign server, the dynamic pages should be hosted in the organisation and should be accessed through it. By doing this, the necessity of continuous updating and uploading of information, which has become the bane of most web sites, can be avoided. All the dynamic pages would take their inputs regularly as part of the in house computerised network and would get updated sub consciously.

Website at the click of a button should enable the citizens to see, for example, their property dues as on that moment or access birth and death records to check their entries. Citizens can also look at the infrastructure works being taken up in their cities while contractors can access the various tender notices. A builder can check the status of disposal of building application made by him while citizens should be able to track the status of disposal of complaints or grievances made by them through the site. All relevant government rules and procedures should be notified in the web. In addition, it should provide the entrepreneurs possibilities and business opportunities, which the town entails. Web site can also carry linkages to the office intranet for the management, allowing them to gain access to it from anywhere by using their specific password.

Besides all these utilities, web site should also give the citizens information relevant to their city like weather, news, places to visit, train and bus timings, etc.

- **Civic Service Centres - A One Stop Civic Shop**

Not everybody in the country like ours has access to internet or much more so the knowledge of computers. To mitigate this, it would be necessary to establish computerised civic centres, which can act as an outlet for citizens to have access to civic services. The civic centres would have string of computers on the network and would allow citizens to avail facilities like getting a death/birth certificate, filing a water tap/ drainage connection request, applying for building plan approval, lodging a complaint/grievance, making miscellaneous payments, etc.

A unique registration number can be allotted to every applicant, which can be later used to track the status of his or her application. The system would also enable system managers and management to carry out internal monitoring about the disposal

and redressal of such applications, thereby putting an end to delays, harassment, nepotism and corruption. The operations of the city civic centre can also be connected to the web thereby bringing in transparency about the number of applications received and the concerned department to which they relate.

With networking in place, the geographical expansion and spread of such centres should not be very difficult for meeting future needs. In rural areas, such centres can be opened through self-help groups, entrepreneurs, NGOs or corporate interested in expanding their rural market base.

---

## **10.5 MAJOR ESSENTIALS**

---

To render the citizen services effective, the following essentials or principles must be kept in mind:

- **Networking**

Networking is essential to maximise gains. ICT rests on connectivity; a stand-alone computer can offer only minimal utility. As interactions go digital, they can be coordinated over greater distances, creating new communities of interest and new challenges for governance. While talking of networking, speed and security should be the prime concerns.

- **Computerisation**

Computerisation should not be an end in itself; it should only be the means for a larger goal. The larger goal here would be to maximise citizen satisfaction about delivery of civic services. The design of the system should, therefore, keep citizens as the centre-point and every process should be designed keeping them in view. This meant that the back-end computerisation should not be attempted unless it has a public outreach. The attempts to improve the internal efficiency should also be directed at citizens.

- **Web Enabling**

Design of the systems should be such that it is amenable to web, as web offers the easiest method to citizens gaining access to information they need. Website, instead of carrying reams and reams of static information, should be utility driven and carry dynamic linkages to the office intranet. This would also help citizens avail host of civic services online without leaving the comforts of their homes.

- **Technology**

Intranet applications could be developed by using tools like ASP, SQL Server, Visual Basic, and Oracle on Windows NT operating system. Internet applications have to be developed by using ASP on IIS 4.0, JSP, SQL Server 7.0, and Oracle 8.0. The operating system can comprise of Windows NT, Windows 98, Unix, and Linux, while the Relational Data Base Management Systems can either be on SQL Server 7.0, or Oracle 8.0. The Component Object Module can be used as a middle ware while the front-end can be on Visual Basic 6.0, ASP 2.0, and JSP. The entire system for a local body of one million population can comprise of over 10 server class computers and over 100 nodes with peripherals connected through a broadband network. There is a movement on to reduce the accent on proprietary software and to use the open architecture policies and the freely available Linux platforms.

- **Public-Private Partnership**

Public-private partnership model should be adopted that would involve cost and revenue sharing with the private sector. As e-government projects require huge financial and material resources, government may feel the resource crunch. Thus, for this reason, such projects should be taken up as public-private initiative and entrepreneurs can be invited to invest in the project.

The citizen-based e-projects would involve many distinct areas ranging from data collection to computerisation to networking and establishment of civic centres as outlet for citizens to access the services. The same could be broken up into manageable tasks and outsourced to entrepreneurs ready to work as partners in the project. While the data entry and updating can be carried out internally, the software and programme development can be taken up as joint exercise between the in house team and private developers ready to take stakes in the project. Although every organisation has its own set of requirements, it is always possible to implement a software programme available in generic modes after adequate customisation. Many of the call centres can be opened in the local bank branches that are interested to invest in the provision of necessary hardware in lieu of which they can be allowed to retain collected funds for a fixed period giving them liquidity advantage. By roping in many stakeholders, the project can be completed in a faster time without putting any additional burden on the stretched financial resources of the government.

Such a model will, therefore, not only help in mobilisation of resources, but by being self-sustaining it will lead to more accountability due to multiple stakeholders.

- **Public Awareness**

The process of empowering the citizens by using ICT involves many areas ranging from creating conducive environment within the organisation to stimulating positive responses outside. The challenge is to develop public awareness about ICT and making the citizens use the medium created by the project for accessing civic services.

- **Political Acceptability**

Political acceptability to citizen-based e-projects is another point that has to be met in a democracy. This can be successfully met by sensitising the political leadership and involving them right from the beginning and explaining to them the benefits that citizen would derive from such projects.

- **Bureaucratic Acceptability**

The resistance to change is inevitable, especially so, if the status quo gives the vested interests additional clout. These projects can also meet with a similar response as the bureaucracy ever so reluctant to open up may create many hurdles to see that the power they wield over the information they control is not reduced by bringing it into public domain through net. Besides this, the openness and transparency in administration, which the project would attempt to achieve, could also be feared by those sections of employees who do not want to get exposed for their inefficiency. It would require sustained pressure and coercion for taking out the desired information from them. Bureaucracy need to be reoriented through training and refresher programmes for implementing technological applications in their day-to-day working.

- **Security**

One important consideration during the digital maintenance of any database in network is protection and security. Every user sharing this database through intranet would, therefore, have to be given a secret password without which access to database would be denied. Access to database would also have to be limited to the requirement of the individual user. Day to day transactions would have to be posted in an encrypted format in a separate database so that the existing information is available for comparison with the encrypted information for detecting and avoiding any tampering, hacking or misuse. In future, the possibilities of introducing

additional firewalls and other security measures would also have to be explored and implemented.

- **Sustainability**

While taking up the projects of this type it is important that these are sustained eternally. The service delivery agencies and the project should become inseparable. On one hand, management should internalise the project while citizens should embrace it on the other. There should be no going back to old ways, as citizens once used to a better delivery of services would settle for nothing less. The project should generally have huge political acceptability because of its citizen centred focus. Although the levels of computer literacy and penetration are still not very high, presence of civic centre and collection centres would alleviate this need to a large extent.

Most of the resources should either be internal or complimentary with no future commitments. The project may, however, need additional resources for up scaling which may come from the user charges that can be put for such projects. It is definitely true that the citizens are ready to pay more if they get the commensurate ease of getting the services.

It is true that informatics by itself cannot surpass social, political and economic barriers to development and good governance, but one should plan to use it as a *sine qua non* condition, as an indispensable step for any social project that attempts to do so. The widening knowledge and information gap has a potential to widen the already existing class gap in this country. It is, therefore, desirable that such projects should play a major role in reducing the gap through unhindered access and become a harbinger for uniting the communities and making them feel better.

---

## **10.6 CONCLUSION**

---

There are major learning lessons when it comes to implementing citizen-based e-projects. Such projects should recognise that citizens are the central focus and this should be the guiding principle. Computerisation may improve the internal efficiency of organisation but it holds no meaning unless there is utility to public out of that improved efficiency. Such projects should throw open information relevant to people and use it for greater public good.

For such projects to be successful, there is need of will and persuasion to tag along partners by giving them stakes in a seemingly public non-commercial activity.

Paucity of funds and limited understanding of IT solutions are a major constraint in implementing projects of this nature. This should be resolved by involving multiple stakeholders and explaining to them the monetary and other benefits accruing to them out of the project. The project should be an example of how big tasks are easily done if broken down into small doable tasks and assigning them to various stakeholders at the right time.

The biggest challenge for any computerisation exercise is meeting of minds of the system designer who may be external to the organisation and the system developer who is internal to the organisation and knows the nitty-gritty much better but lacks skills. The insiders possessing computer skills with some professional support can develop a better model in limited time than external consultants. There is a hidden lesson in this.

Another important issue is to ensure that such projects are done with transparency and financial propriety. This is very important while dealing with public money so that there is no criticism on this account. Such criticisms would always have the possibility of sabotaging and jeopardising the progress and the project would not even be able to take off. Resistance of employees and their associations should also be tackled by firmness and strict resolve.

---

## **10.7 ACTIVITY**

---

- 1) Narrate some of the ICT initiatives taken up in your State for rendering citizen services.
- 2) Please let us know whether the citizens are using the ICT based services. Ask them as how they are benefiting from such services. Also give their comments and suggestions.

---

## **10.8 KEY CONCEPTS**

---

ASP : Active Server Pages is Microsoft's server-side technology for dynamically generated web pages that are marketed as an add-on to Internet Information Services (IIS).

SQL : commonly expanded to Structured Query Language is the most popular computer language used to create, modify and retrieve data from Relational Database

## Management Systems.

- SQL Server : Microsoft SQL Server is Relational Database Management Systems produced by Microsoft. It supports Microsoft's version of Structured Query Language (SQL), the most common database language. It is commonly used by businesses for small- to medium-sized databases and also large enterprise databases.
- Oracle : based in Redwood, California, Oracle Corporation is the largest software company whose primary business is database products. Historically, Oracle has targeted high-end workstations and minicomputers as the server platforms to run its database systems. Its relational database is the first to support the SQL Language, which has since become the industry standard. Oracle has been one of the leading champions of network computers.
- Window NT : a version of the Windows operating system, Windows New Technology is a 32-bit operating system that supports preemptive multitasking. There are actually two versions of Windows NT: Windows NT Server, designed to act as a server in networks, and Windows NT Workstation for stand-alone or client workstations.
- UNIX : pronounced yoo-niks, a popular multi-user, multitasking operating system developed at Bell Labs in the early 1970s. Created by just a handful of programmers, UNIX was designed to be a small, flexible system used exclusively by programmers. UNIX was one of the first operating systems to be written in a high-level programming language, namely C. This meant that it could be installed on virtually any computer for which a C compiler existed. This natural portability combined with its low price made it a popular choice among universities. (It was inexpensive because antitrust regulations prohibited Bell Labs from marketing it as a full-scale product).

Bell Labs distributed the operating system in its source language form, so anyone who obtained a copy could modify and customise it for his own purposes. By the end of the 1970s, dozens of different versions of UNIX were running at various sites. Due to its portability, flexibility and power, UNIX has become a leading operating system for workstations.

LINUX : pronounced lee-nucks or lih-nucks is a freely distributable open source operating system that runs on a number of hardware platforms. The LINUX kernel was developed mainly by Linus Torvalds. Because it's free, and because it runs on many platforms, including PCs and Macintoshes, LINUX has become an extremely popular alternative to proprietary operating systems.

---

## 10.9 REFERENCES AND FURTHER READINGS

---

- [www.encyclopaedia.thefreedictionary.com](http://www.encyclopaedia.thefreedictionary.com)
- [www.webopaedia.com](http://www.webopaedia.com)

---

## **UNIT 11 INFORMATION POLICY: RIGHT TO INFORMATION ACT 2005**

---

### **Structure**

- 11.0 Learning Outcomes
- 11.1 Introduction
- 11.2 Need for the Right to Information
- 11.3 A Brief History
- 11.4 Right to Information Act 2005
- 11.5 Duties and Responsibilities
- 11.6 Information Commissions-Central and State
- 11.7 Powers and Functions of Information Commission
- 11.8 Role of Government
- 11.9 Reporting Procedure
- 11.10 Important State Initiatives
- 11.11 Right to Information Act 2005-Critical Gaps
- 11.12 Suggestions
- 11.13 Conclusion
- 11.14 Activity
- 11.15 References and Further Readings

---

### **11.0 LEARNING OUTCOMES**

---

After studying the Unit, you should be able to:

- explain the need to have a right to information;
- describe the brief history of the efforts made in the direction of right to information in the country;
- discuss the Right to Information Act 2005;

- describe the duties and responsibilities of the officials concerned;
- explain the powers and functions of the Information Commission; and
- analyse the critical success gaps in the implementation of the Act and suggest ways towards its effective implementation.

---

## 11.1 INTRODUCTION

---

The time that we live in is also known as the information age. The technological revolution has brought us to an era where information is easily transmitted from one corner of the world to another. But, the functioning of the government is still marred by the hangover of the permit licence raj and there is an inherent unwillingness amongst government servants to part with information regarding the working of the government. However, over the last few years, there has been an increasing demand for greater accessibility to information, mostly in order to curb corruption and promote greater accountability of government agencies towards the citizens.

In India, the Constitution has established a government that is of the people, for the people and by the people. Thus, the people have a right to know how the government is functioning. A series of Supreme Court verdicts has also recognised that the right to know is an intrinsic part of the right to freedom of speech and expression. The court has opined that the citizen has a fundamental right to information, that is, to ‘know’, in order to formulate and express his or her views. The fundamental right to know is also further strengthened by the right to life and personal liberty, and also by the right to equality, both of which are provided for by the Constitution of India, since this implies that all stakeholders must have an access to the facts that affect their lives.

The right to information has been a subject of discussion not only in India, but also at the international level. Article 19 of The International Covenant on Civil and Political Rights (ICCPR), signed among others by India, defines the parameters of people’s right to information. It lays down that every citizen shall have the right to freedom of opinion and expression, which shall include ‘freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice.’ The Covenant has at the same time placed ‘reasonable restrictions’ on this right only to the extent of safeguarding ‘rights or reputation of others’ and ‘protecting national security or of public order, or of public health and morals.’

Thus, it is quite clear that right to information lies at the root of all fundamental rights. Failure of the state to provide access to information or state suppression of information can lead to any number of human rights violations. The right to information is fundamental to the realisation of rights as well as effective democracy, which requires informed participation by all.

This Unit seeks to familiarise the learners with the need for a right to information law and the background in which the Right to Information Act 2005 has been brought into force. It will also familiarise the learners with the key provisions of the Act and some of the important state initiatives that have been taken to ensure its effective implementation.

---

## **11.2 NEED FOR THE RIGHT TO INFORMATION**

---

Every citizen has a right to know how the government is functioning. Right to information empowers every citizen to seek any information from the government, inspect any government documents and seek certified photocopies thereof. Some laws on right to information also empower citizens to inspect any government work or to take sample of material. In a democratic set up, the governments are by the people, of the people and for the people. The taxes collected by the government from the people are used to finance the functioning of the government. Hence, the people have a right to know how they are being governed and how the public money is being used.

In recent years, there has been an increasing concern about transparency in the working of government in the context of responsive administration and accountability. Transparency implies that a decision is taken on announced norms and criteria, based on principles of fairness and equity and such decision making is made visible to those concerned. It has been pointed out that while even routine information is not available as freely as it was some years ago and enquiry reports and study reports in the preparation of which large sums of money have been spent are seldom published in time for public information, the citizen has absolutely no means of knowing how a government decision is arrived at.

The preamble to the Right to Information Act 2005 very succinctly sums up the need to have a law for right to information.

*'Whereas the Constitution of India has established Democratic Republic;*

*And whereas democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption*

*and to hold governments and their instrumentalities accountable to the governed;*

*And whereas revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information;*

*And whereas it is necessary to harmonise these conflicting interests while preserving the paramountcy of the democratic ideal;*

*Now, therefore, it is expedient to provide for furnishing certain information to citizens who desire to have it.'*

Therefore, right to information is essential for citizens of a truly democratic state for the following reasons:

- **To ensure a transparent government which is accountable to the people-** the right to information ensures that the people have access to the information regarding the working of the government, which in turn leads to transparency, uniformity and accountability in decision making. It forces the government to adopt the same set of rules and procedures for all people and any deviations from the norms can be brought into the public domain.
- **To establish a two-way dialogue between the citizens and the government-** openness and information sharing establishes a two-way dialogue between citizens and the state, reducing distance between government and people and thereby combating feelings of alienation. It enables people to be a part of the decision-making processes and scrutinise it. It also reduces the citizens' feelings of powerlessness. Also, access to information and the ability to scrutinise the processes also lead to reduced incidence of public perception of exclusion from opportunity or unfair advantage of one group over another.
- **To enable a citizen to make well-informed decisions-** the ability to find out about the functioning of government agencies and the performance of elected representatives helps the citizens to make well-informed choices. This is particularly so while casting their votes, since a well-informed citizen can base his choice on the basis of performance, rather than narrow considerations of caste or groupism.

- **To tackle corruption-** this is one of the most important areas which the right to information affects. Once the functioning of the government is open to public scrutiny, it becomes difficult for government functionaries to get away with corrupt practices.
- **To ensure better monitoring of the services provided by the government-** in India, the campaign for right to information has focussed a lot on this aspect and a number of people have actually exercised the right to information to get information about ration shop quotas and how they are distributed, or to scrutinise fake muster rolls and point out the loopholes in execution of development works. Thus, having a right to information ensures better monitoring of government services. It is also useful in setting the parameters for those services that have been privatised or are being provided through the NGOs and private operators.

However, it is not sufficient just to recognise the citizen's right to information. The law also needs to provide machinery for enabling the citizen to exercise this right. Moreover, no right is absolute. Thus, there is also a need to define the parameters within which the citizen can exercise the right to information, without jeopardising the security of the nation and infringing on the privacy of another individual. It is also important to spell out the responsibilities of the government functionaries who have to actually provide the information, so that the citizen is not unduly harassed. A law on right to information sets out, in a systematic manner, all these aspects and provides the machinery for the same. If a citizen goes to a government office and demands an officer to show all his files because it is his fundamental right, the officer is most likely to refuse unless there is a specific provision that binds him to do so. Thus, the right to information laws provide for forms in which one can apply, where one can apply, in how many days one should get the information and what if the information is not provided within the stipulated time frame.

---

### **11.3 A BRIEF HISTORY**

---

The formal recognition of a legal right to information in India occurred more than two decades ago, when the Supreme Court of India ruled in the case of State of UP vs. Raj Narain in the year 1975 that the right to information is implicit in the right to freedom of speech and expression explicitly guaranteed in Article 19 of the Indian Constitution. Subsequently, the Court has affirmed this decision in numerous cases and has even linked the right to information with the right to life enshrined in Article 21 of the Constitution.

Prior to the enactment of a comprehensive law on access to information, access via Central legislation was available only in a piece-meal form. For example, the Factories Act 1948 provides for compulsory disclosure of information to factory workers regarding dangers, including health hazards, and the measures to overcome such hazards arising from their exposure to dangerous materials. Further, the Environment (Protection) Act 1986 and the Environmental Impact Assessment Regulations provide for instances of public consultation and allow access to information about the pollution caused by industries covered by the Regulations.

The active campaign for the right to information grew out of the demand for minimum wages in rural India. The Mazdoor Kisan Shakti Sangathan (MKSS) headed by Smt Aruna Roy, spearheaded the campaign against the ghost entries in the muster rolls and rampant corruption in the system, and asked for the information recorded in official files. The movement soon spread across India. From very modest beginning in the villages of Rajasthan, the demand for information regarding development works, copies of muster rolls, taking samples of the material used in construction and inspection of work carried out soon spread to other states in India.

In 1993, the Consumer Education and Research Council, Ahmedabad (CERC) proposed a draft RTI law. In 1996, the Press Council of India headed by Justice P. B. Sawant presented a draft model law on the right to information to the Government of India. The draft model law was later updated and renamed the PCI-NIRD Freedom of Information Bill 1997. Unfortunately, the Government seriously considered none of the draft laws.

Meanwhile, MKSS's advocacy gave rise to the National Campaign on People's Right to Information (NCPRI), which was formed to advocate for the right to information at the national level. Constituted in 1996 in New Delhi, the NCPRI aims to provide active support to grassroots struggles for the right to information and to lobby government to enact and implement the effective access to information legislation.

In 1997, efforts to legislate for the right to information at both the Centre and States gained momentum. A working group under the chairmanship of Mr. H. D. Shourie (the Shourie Committee) was set up by the Central Government and given the mandate to prepare draft legislation on freedom of information. The Shourie Committee's Report and draft law were published in 1997. Notably, the draft law was criticised for not adopting a high enough standard of disclosure.

However, the growing demand for the right to information ultimately led to the formulation of the Right to Information Act by Tamil Nadu in 1997 and Goa in 1998.

Thereafter, seven other States have passed legislation - Rajasthan (2000), Karnataka (2000), Delhi (2001), Maharashtra (2002), Assam (2002), Madhya Pradesh (2003) and Jammu and Kashmir (2003). Campaign efforts in other States have also had some success. Uttar Pradesh framed an executive code on access to information in 2000. Kerala and Orissa also have now prepared draft bills for the same.

The Shourie Committee draft law passed through two successive governments, but was never introduced in Parliament. Meanwhile in 1999, Mr Ram Jethmalani then Union Minister for Urban Development, issued an administrative order enabling citizens to inspect and receive photocopies of files in his Ministry. However, this order never came into effect.

Eventually, the Shourie Committee draft law was reworked into the Freedom of Information Bill 2000. The 2000 Bill was sent to the Parliamentary Standing Committee on Home Affairs, which consulted with civil society groups before submitting its Report in July 2001. The Committee recommended that the Government address the flaws in the draft Bill pointed out by civil society groups. Unfortunately, the Government did not implement that recommendation.

The Freedom of Information (FOI) Act 2002 was passed in January 2003. However, a date for the Bill coming into force was never notified, such that it never actually came into operation.

In 2004, a public interest litigation case being pursued by Advocate Prashant Bhushan on behalf of the NCPRI and Centre for Public Interest Litigation, tried to compel the Government to come out with the FOI Act immediately. The Supreme Court heard the case on 20 July 2004. The Supreme Court's Order set a deadline of 15 September 2004 for the Central Government to advise when the Act will be notified and if not, when interim administrative guidelines would be issued. In the meantime, on 12 August 2004, the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions finally released Draft Rules under the Freedom of Information Act 2002.

In May 2004, United Progressive Alliance (UPA) Government came into power at the Centre. The national campaign for right to information received a major boost with UPA Government's Common Minimum Programme promising to make the Right to Information Act more progressive, participatory and meaningful.

The Right to Information Bill 2004 (RTI Bill 2004) was tabled on 23 December 2004 in the Lok Sabha. It was referred by Parliament to the Department Related Standing

Committee on Personnel, Public Grievances, Law and Justice for consideration. A range of civil society activists appeared before this Committee and gave their recommendations. The Report of the Committee (including a proposed amended version of the RTI Bill) was tabled in the Lok Sabha on 21 March 2005. The Lok Sabha passed the bill on 11 May 2005 and Rajya Sabha on 12 May 2005. On 15 June 2005, President A.P.J. Abdul Kalam gave his assent to the national Right to Information Act 2005. With Presidential assent, the Central Government and State Governments had 120 days to implement the provisions of the Bill in its entirety. The Act came into force on 12 October 2005.

---

## 11.4 RIGHT TO INFORMATION ACT 2005

---

As per the Right to Information Act 2005 (RTI Act 2005), the right to information includes the right to:

- inspect works, documents, and records;
- take notes, extracts or certified copies of documents or records;
- take certified samples of material; and
- obtain information in form of printouts, diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts.

### Important Definitions

Some of the important terms used in the RTI Act 2005 and their definitions as per the Act are as given below:

- **Information:** records, documents, memos, e-mails, opinions, advice, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in electronic form and information about private bodies can be accessed under existing laws by a public authority.
- **Public Authority:** any authority or body or institution of self- government established or constituted by or under the Constitution or by any other law made by Parliament or the State Legislature, and includes any body or a non-government organisation owned, controlled or substantially financed, directly or indirectly by funds provided by the appropriate government.
- **Record:** includes any document, manuscript and file; any microfilm, microfiche and facsimile copy of a document; any reproduction of image or images embodied

in such microfilm (whether enlarged or not); and any other material produced by a computer or any other device.

- **Central Public Information Officer and State Public Information Officer:** the Central Public Information Officer (CPIO) designated under sub-section (1) and includes a Central Assistant Public Information Officer(CAPIO) designated as such under sub-section (2) of Section 5. It is the duty of every public authority to designate as many officers as the CPIOs or SPIOs, as the case may be, in all administrative units or offices under it, as may be necessary to provide information to persons requesting for the information under this Act, within one hundred days of the enactment of this Act. Besides, as per sub-section (2), every public authority shall designate an officer, within one hundred days of the enactment of this Act, at each sub-divisional level or other sub-district level as a CAPIO or a SAPIO, as the case may be, to receive the applications for information or appeals under this Act for forwarding the same forthwith to the CPIO or the SPIO or senior officer specified under sub-section (1) of Section 19 or the Central Information Commission (CIC) or the State Information Commission (SIC), as the case may be. It is the duty of the Central or State PIO to deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information, and for this purpose he can take assistance of any other officer or official as he deems fit.
- **Appellate Authority:** the officer immediately senior in rank to the PIO, and appointed by the appropriate public authority as such.
- **Central Information Commission:** the CIC is constituted under sub-section (1) of Section 12 of the Act. It consists of a Chief Information Commissioner and such number of Information Commissioners, not more than ten, as deemed necessary. They are to be appointed by the President on recommendation of a Committee consisting of the Prime Minister, the Leader of Opposition in the Lok Sabha and a Union Cabinet Minister nominated by the Prime Minister.
- **Chief Information Commissioner and Information Commissioner:** the Chief Information Commissioner and Information Commissioner are appointed under subsection (3) of Section 12 of the RTI 2005 by the Central Government. Every Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment.

- **State Information Commission:** the SIC is constituted under sub-section (1) of Section 15. The Commission shall consist of the State Chief Information Commissioner, and such number of State Information Commissioners, not exceeding ten, as may be deemed necessary. They are to be appointed by the Governor on recommendation of a Committee consisting of the Chief Minister, the Leader of Opposition in the State Legislative Assembly and a State Cabinet Minister nominated by the Chief Minister.
- **State Chief Information Commissioner and State Information Commissioner:** the State Chief Information Commissioner and the State Information Commissioner are appointed under sub-section (3) of Section 15. The State Chief Information Commissioner and the State Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, social service, management, journalism, science and technology, mass media or administration and governance.
- **Competent Authority**

Speaker in the case of the House of the People or the Legislative Assembly of a State or a Union territory having such Assembly; and the Chairman in the case of the Council of States or Legislative Council of a State; (ii) Chief Justice of India in the case of the Supreme Court; (iii) Chief Justice of the High Court in the case of a High Court; (iv) President or the Governor, as the case may be, in the case of other authorities established or constituted by or under the Constitution; and (v) Administrator appointed under Article 239 of the Constitution.

- **Third Party**

A person other than the citizen making a request for information and includes a public authority. If information is given by third party and treated as confidential by the third party then PIO must give it written notice inviting objections, if any. Third party must be given notice within 5 days of receiving information request. It may give verbal or written submissions to PIO within 10 days of receiving notice, and may approach the appellate authority within 30 days and the Information Commission within 90 days.

### **Procedure for Obtaining Information**

The detailed procedure for applying for obtaining information under this Act has also been laid down by the Government. The applicant can apply in writing or through

electronic means in English or Hindi or in the official language of the area, to the PIO, specifying the particulars of the information sought for. The applicant is not obliged to give the reasons for asking for the information. The applicant has to make the application along with the prescribed fee. However, no fee is to be paid by a person living below the poverty line.

Information has to be provided to the applicant within 30 days of making application to the PIO. In case the application has been made to the APIO, 5 more days are added. However, in cases involving life and liberty of an individual, information has to be made available within 48 hours. In case information sought involves the interests of a third party, the maximum time limit will be 40 days, that is, 30 days plus 10 days given to the third party to make its representation.

However as per Section 8 and 9 of the Act, the PIO can reject the application if the information asked falls under the category of information not to be disclosed, or if it infringes the copyright of any other body than the state. If the PIO fails to provide the information within 30 days, it would be deemed to be a refusal, and the applicant will have a right to go into appeal to the Appellate Authority or the Information Commission. The Act also provides for a fine on the PIO at the rate of Rs. 250 per day, subject to a maximum of Rs. 25,000, if there is a delay beyond 30 days in providing information.

The first appeal is an internal appeal to the Appellate Authority within the organisation who has to decide the appeal within 30 days. The second appeal is external, and is made to the Central or State Information Commission, as the case may be, within 90 days of the rejection by the Appellate Authority. However, the delay in filing appeal beyond 90 days may be condoned if sufficient cause is shown. There is no time limit for the Information Commission to decide the appeal. The burden of proof for rejecting the application lies on the PIO. An appeal can be made against the order of the Information Commission only before the High Court and not to any lower courts.

### **Information that cannot be Disclosed**

The Act lays down the information that cannot be disclosed. As per Section 8 of the Act, the following information is not open to disclosure:

- information, disclosure of which would prejudicially affect the sovereignty and integrity of the nation; the security and strategic, scientific or economic interests of the State; and relation with foreign state;

- information disclosure of which may lead to incitement of an offence;
- information, which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
- information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
- information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
- information received in confidence from foreign government;
- information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
- information, which would impede the process of investigation or apprehension or prosecution of offenders;
- cabinet papers including records of deliberations of the Council of Ministers, secretaries and other officers; and
- information, which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual.

However, notwithstanding 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. Partial disclosure of the information is also allowed. If the record asked for contains any information, which cannot be disclosed under the Act, that part, which is exempt from disclosure, will be removed and the remaining information is provided to the applicant.

As per Section 24 of the Act, central intelligence and security agencies specified in the Second Schedule-Intelligence Bureau, Research and Analysis Wing, Directorate of Revenue Intelligence, Central Economic Intelligence Bureau, Directorate of Enforcement, Narcotics Control Bureau, Aviation Research Centre, Special Frontier Force, Border Security Force, Central Reserve Police Force, Indian Tibetan Border Police, Central Industrial Security Force, National Security Guard, Assam Rifles, Special Service Bureau, Special Branch (CID), Crime Branch-CID, Lakshadweep Police- and agencies specified by the state governments through a notification will be excluded from providing information. The exclusion, however, is not absolute and these organisations have an obligation to provide information pertaining to allegations of corruption and human rights violation. Further, information relating to allegations of human rights violation could be given but only with the approval of the Central or State Information Commission, as the case may be.

---

## **11.5 DUTIES AND RESPONSIBILITIES**

---

The various authorities and officers constituted and appointed under the RTI Act 2005 have been assigned specific duties under the Act. The Act is quite unambiguous in this regard, and specific time frame has been laid down to fulfil these responsibilities.

### **Public Authority**

A public authority has been defined as any authority or body or institution of selfgovernment established or constituted by or under the Constitution or by any other law made by Parliament or the State Legislature, and includes any body or a non-government organisation owned, controlled or substantially financed, directly or indirectly by funds provided by the appropriate government.

The obligations of the public authority are to proactively disclose the following details about itself:

- particulars of its organisation, functions and duties;
- powers and duties of its officers and employees;
- procedure followed in its decision-making process, including channels of supervision and accountability;

- norms set by it for the discharge of its functions;
- rules, regulations, instructions, manuals and records used by its employees for discharging the functions;
- statement of the categories of the documents held by it or under its control;
- particulars of any arrangement that exists for consultation with or representation by the members of the public, in relation to the formulation of policy or implementation thereof;
- statement of the boards, councils, committees and other bodies consisting of two or more persons constituted by it. Additionally, information as to whether the meetings of these are open to the public, or the minutes of such meetings are accessible to the public;
- directory of its officers and employees;
- monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- manner of execution of subsidy programmes, including the amounts allocated and the details and beneficiaries of such programmes;
- particulars of recipients of concessions, permits or authorisations granted by it;
- details of the information available to or held by it, reduced in an electronic form;
- particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- names, designations and other particulars of the public information officers; and
- any other information.

Also, it is the duty of each public authority to appoint PIOs in each and every office under its jurisdiction and also to appoint Assistant PIOs at sub-divisional level. The

public authority is also obliged to appoint appellate authorities within the organisation.

### **Public Information Officers**

PIOs are officers designated by the public authorities in all administrative units or offices under it to provide information to the citizens requesting for information under the Act.

The duties of a PIO are as follows:

- PIO shall deal with requests from persons seeking information and where the request cannot be made in writing, to render reasonable assistance to the person to reduce the same in writing;
- if the information requested for is held by or its subject matter is closely connected with the function of another public authority, the PIO shall transfer, within 5 days, the request to that other public authority and inform the applicant immediately;
- PIO may seek the assistance of any other officer for the proper discharge of his/her duties;
- PIO, on receipt of a request, shall as expeditiously as possible, and in any case within 30 days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in S.8 or S.9. Where the information requested for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request;
- if the PIO fails to give decision on the request within the period specified, he shall be deemed to have refused the request;
- where a request has been rejected, the PIO shall communicate to the requester - (i) the reasons for such rejection, (ii) the period within which an appeal against such rejection may be preferred, and (iii) the particulars of the appellate authority;
- if allowing partial access, the PIO shall give a notice to the applicant, informing

- (i) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;
  - (ii) the reasons for the decision;
  - (iii) the name and designation of the person giving the decision;
  - (iv) the details of the fees calculated by him or her and the amount of fee which the applicant is required to deposit; and
  - (v) his or her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided.
- if information sought has been supplied by third party or is treated as confidential by that third party, the PIO shall give a written notice to the third party within 5 days from the receipt of the request and take its representation into consideration; and
  - third party must be given a chance to make a representation before the PIO within 10 days from the date of receipt of such notice.

---

## **11.6 INFORMATION COMMISSIONS- CENTRAL AND STATE**

---

The Central Information Commission (CIC) is constituted by the Central Government through a Gazette notification. It shall consist of a Chief Information Commissioner and Information Commissioners, not exceeding ten in number, who will be appointed by the President of India on recommendation of a Committee consisting of the Prime Minister, the Leader of Opposition in the Lok Sabha and a Union Cabinet Minister nominated by the Prime Minister. The President of India according to the form set out in the First Schedule will administer oath of office. The Commission shall have its Headquarters in Delhi. Other offices may be established in other parts of the country with the approval of the Central Government. Commission will exercise its powers without being subjected to directions by any other authority.

Similarly, the state government through a Gazette notification shall constitute the State Information Commission. It will have one State Chief Information Commissioner and not more than 10 State Information Commissioners to be appointed by the Governor on recommendation of an Appointments Committee headed by the Chief Minister. Other members include the Leader of the Opposition in

the Legislative Assembly and one Cabinet Minister nominated by the Chief Minister. The Governor according to the form set out in the First Schedule will administer oath of office. The headquarters of the State Information Commission shall be at such place as the state government may specify. Other offices may be established in other parts of the state with the approval of the state government.

### **Eligibility Criteria**

Candidates for Chief Information Commissioner/Information Commissioners must be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance. Chief Information Commissioner/Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any state or Union Territory. He shall not hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

The qualifications for appointment as State Chief Information Commissioners/State Information Commissioners shall be the same as that for Central Commissioners.

### **Terms and Conditions of Appointment**

The Chief Information Commissioner shall be appointed for a term of 5 years from date on which he enters upon his office or till he attains the age of 65 years, whichever is earlier. Chief Information Commissioner is not eligible for reappointment. Salary will be the same as that of the Chief Election Commissioner. This will not be varied to the disadvantage of the Chief Information Commissioner during service. (S.13)

The Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier and shall not be eligible for reappointment as Information Commissioner. His salary will be the same as that of the Election Commissioner. This will not be varied to the disadvantage of the Information Commissioner during service. Information Commissioner is eligible for appointment as Chief Information Commissioner but will not hold office for more than a total of five years including his/her term as Information Commissioner.

The salary of the State Chief Information Commissioner will be the same as that of an Election Commissioner. The salary of the State Information Commissioner will be the same as that of the Chief Secretary of the state government.

## **Removal**

The Chief Information Commissioner or any Information Commissioner shall be removed from his office only by an order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the Chief Information Commissioner or any Information Commissioner, as the case may be, ought on such ground be removed.

If the Chief Information Commissioner or an Information Commissioner in any way, is found to be concerned or interested in any contract or agreement made by or on behalf of the Government of India or participates in any way in the profit thereof or in any benefit or emolument arising there from otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehaviour.

The President may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the Chief Information Commissioner or Information Commissioner in respect to whom a reference has been made to the Supreme Court under sub-section (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference.

Notwithstanding anything contained in sub-section (1), the President may by order remove from office the Chief Information Commissioner or any Information Commissioner due to any of the following reasons:

If he/she-

- is adjudged an insolvent; or
- has been convicted of an offence, which in the opinion of the President, involves moral turpitude; or
- engages during his/her term of office in any paid employment outside the duties of his/her office; or
- is in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or

- has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Information Commissioner or Information Commissioner.

Similarly, the State Chief Information Commissioner or a State Information Commissioner shall be removed from his office only by an order of the Governor on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the Governor, has on inquiry, reported that the State Chief Information Commissioner or a State Information Commissioner, as the case may be, ought to be removed from office on such ground.

---

## **11.7 POWERS AND FUNCTIONS OF INFORMATION COMMISSION**

---

The powers and functions of the Central and State Information Commissions are given as below:

CIC/SIC has a duty to receive complaints from any person who:

- has not been able to submit an information request because a PIO has not been appointed;
- has been refused information that was requested;
- has received no response to his/her information request within the specified time limits;
- thinks the fees charged are unreasonable; and
- thinks information given is incomplete or false or misleading

CIC/SIC also can receive complaints on any other matter relating to obtaining information under this law and has the power to order inquiry if there are reasonable grounds. They will have the powers of Civil Court in such matters, such as:

- summoning and enforcing attendance of persons, compelling them to give oral or written evidence on oath and to produce documents or things;
- requiring the discovery and inspection of documents; and
- receiving evidence on affidavit;

- requisitioning public records or copies from any court or office;
- issuing summons for examination of witnesses or documents; and
- any other matter, which may be prescribed.

All records covered by this law (including those covered by exemptions) have to be given to CIC/SIC during inquiry for examination.

They have the power to secure compliance of their decisions from the public authority. This includes:

- providing access to information in a particular form;
- directing the public authority to appoint a PIO/APIO where none exists;
- publishing information or categories of information;
- making necessary changes to the practices relating to management, maintenance and destruction of records;
- enhancing training provision for officials on RTI;
- seeking an annual report from the public authority on compliance with this law;
- requiring it to compensate for any loss or other detriment suffered by the applicant ;
- imposing penalties under this law; or • rejecting the application. (S.18 and S.19)

Also, the Information Commission can impose a penalty on the PIO at the rate of Rs. 250/- per day up to a maximum of Rs. 25,000/- for any of the following reasons:

- refusal to receive application;
- not furnishing of information within time limit without reasonable cause;
- male-fide denying of information without reasonable cause;
- knowingly giving incorrect, incomplete, misleading information;
- destroying information which was the subject of request; and
- obstructing furnishing of information in any manner.

For persistent violation of the law the IC can recommend disciplinary action against the errant official.

---

## **11.8 ROLE OF GOVERNMENT**

---

The RTI Act 2005 lays down a very comprehensive role for the Central and state governments. As per Section 26 of the Act, the appropriate government may, subject to the availability of physical and financial resources:

- develop educational programmes for the public, especially disadvantaged communities, on RTI;
- encourage public authorities to participate in the development and organisation of such programmes;
- promote timely dissemination of accurate information to the public;
- train officers and develop training materials;
- compile and disseminate a User Guide for the public in the respective local language; and
- 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)

As per Sections 27 and 28 of the Act, Central Government, state governments and the Competent Authority as defined in S.2 (e) are vested with powers to make rules to carry out the provisions of the Right to Information Act, 2005.

If any difficulty arises in giving effect to the provisions of the Act, the Central Government may by order published in the Official Gazette make provisions necessary for removing the difficulty. (S.30)

---

## **11.9 REPORTING PROCEDURE**

---

The Act prescribes a detailed reporting procedure for all public authorities, Information Commissions and officers under the Act.

Each Ministry has a duty to compile reports from its Public Authorities and send them to the Central Information Commission or State Information Commission, as the case may be.

Each report will contain details of number of requests received by each public authority, number of rejections and appeals, particulars of any disciplinary action taken, amount of fees and charges collected, etc.

Central Information Commission will send an annual report to the Central Government on the implementation of the provisions of this law at the end of the year. The State Information Commission will send a report to the State Government.

Central Government will table the Central Information Commission report before Parliament after the end of each year. The concerned state government will table the report of the State Information Commission before the Vidhan Sabha (and the Vidhan Parishad wherever applicable).

---

## **11.10 IMPORTANT STATE INITIATIVES**

---

The Central Government has appointed retired IAS officer from Jammu and Kashmir Shri Wajahat Habibullah as the first Central Information Commissioner under the RTI Act. With this appointment, the government has set in motion the process of setting up a Commission, a mandatory provision under the RTI Act 2005.

The Department for Personnel and Training (DOPT), Government of India in association with the National Informatics Centre has started a Right to Information Portal, which has all the circulars, instructions, notifications, etc. available at one place. A template for the Information Handbook has also been prepared to provide uniformity across departments. All the departments and ministries under the Centre as well as the states and other public authorities have notified their PIOs and APIOs under the Act.

The Government of NCT of Delhi has gone a step further and placed all the information pertaining to PIOs and APIOs of various departments on its websites. The seventeen manuals under which information has to be disclosed proactively have also been placed on this website. There is also a facility to find out the status of an application made under the Act, and to monitor the disposal of such applications by various departments.

---

## **11.11 RIGHT TO INFORMATION ACT 2005- CRITICAL GAPS**

---

The RTI Act covers a wide spectrum of bodies and officials from the Central Government, the state governments, Panchayati Raj Institutions, local bodies and significantly all bodies including non-governmental organisations (NGOs) that are

established, constituted, owned, controlled or substantially financed by the government. By bringing private bodies within the purview of the law, it will ensure that the government collects information from them.

It may be said that this Act is much more comprehensive than all the previous laws that were proposed under the right to information. It has within its purview a much wider spectrum of public bodies and the scope of information exempted from disclosure is also much limited. Moreover, the exemption from disclosure is also not absolute, since the public authority can decide to disclose the information if it is essential in public interest. An important feature of the legislation is that it overrides the provisions of the Official Secrets Act, 1923, or any other law that could be used to obstruct access to information. For the first time security forces and intelligence agencies will not be completely exempt from the application of such a law. Citizens can seek information from these agencies in matters relating to allegations of corruption or violations of human rights, subject to the approval of the Information Commission.

However, a lot of controversy has been generated around the issue of exempting file notings from the purview of RTI Act 2005. The civil society has raised strong objections against the directive of the DoPT that file notings will not be provided. It has been argued that the note sheet reflects the mind of government, bares the intention of an individual officer and whether his advice and consent were grounded on established rules. It is only by allowing thorough public scrutiny of the evidence of how the government works at every level that corruption can be fought. However, the government has argued that the notings, opinions, advice of senior government officials on files and the like should be excluded from coverage under the Act, as their opening up is likely to inhibit officials in their decision-making, thus slowing down the processes of government in the long run.

The fact that people would have to pay a fee to obtain information has also been debated. It is the view of some sections of the civil society that this would make the information accessible to only those privileged few who can pay for it. Even though the Act provides that the fee charged should be reasonable and also that persons below poverty line should be exempted from paying the fee, it is felt that this may be a hurdle in making information accessible to all sections of the society.

Another issue that has been raised is regarding the proactive disclosure of information. It is felt that very little information is sought to be disclosed proactively by the public authorities. Some activist groups have argued that public authorities should disclose even that information which is sought by a majority of applicants

under the state RTI Acts. For example, the various public authorities should automatically disclose the information regarding their major projects, the cost of construction and the expected date of completion.

An additional weakness concerns the appointment of the Information Commissioners. Information Commissioner will hear appeals from people who believe that government officials have wrongly withheld information from them. Setting up Information Commissioners is a radical new initiative under the new Act and is a very positive step towards transparency. To ensure the independence and autonomy of the Information Commissioners, the original Bill provided that a selection committee for appointing Information Commissioners would consist of the Prime Minister, the Leader of the Opposition in the Lok Sabha and the Chief Justice of India. However, the final Act has dropped the Chief Justice and replaced him with a Cabinet Minister nominated by the Prime Minister. Similarly, at the state level, the Chief Minister will nominate a Cabinet Minister to the Committee. This dominance of the Appointment Committee for Information Commissioners/Chief Information Commissioners by government representatives could lead to bias and political intervention in the selection process.

Another concern that is raised is that the structure of penalties imposed may not be enough of a deterrent. Even though the penalties have been strengthened in the new Act, in practice, there may be some confusion about how they will be imposed. The penalties clause imposes daily penalties not only for delays in providing information but also for destruction and falsification of records or the deliberate provision of inaccurate or misleading information. However, it is not clear as to how a daily penalty can be calculated for destroying a record. It is also argued that the penalties are not stringent enough in so far as that only fines can be imposed, and not prison sentences for very serious offences. But what if someone destroys documents revealing major corruption. Hence, severe penalties must be available to fit the crime. Also, there are no penalties if a public authority does not comply with the Act and does not appoint the PIOs under the Act.

It has also been suggested that rather than asking the state governments to frame their own rules, the Central Government should frame the uniform rules for the entire country so as to ensure uniformity. Also, the Act provides that state governments should set up Information Commissions, but in some cases the state government may not have sufficient resources for the same. The relationship between the Central and the State Information Commissions is also not clearly defined. In some cases, the state governments have already enacted a state Right to Information Act. However, the future of these state Acts is not clear. The RTI Act 2005 does not clearly indicate

whether the state Acts will continue, and what happens if there is a conflict between the two.

It has also been argued that as part of globalisation and privatisation, a lot of information is now available with private agencies. Hence, it is important to bring the private sector also under the purview of this Act.

Besides the above, training and awareness of the officials, employees and masses should be undertaken.

---

## **11.12 SUGGESTIONS**

---

The RTI Act 2005 lays the framework for one of the most comprehensive and broad based right to information legislation. However, in order to make the Act an effective vehicle for bringing about greater accountability and transparency in the government, there is a need for disseminating greater awareness both amongst the general public and the government officials. There is a need to focus on some of the following issues:

it would be very helpful for the central government to clarify the position on how to implement the new law in the states, particularly in those states that already have an RTI Act. It is felt that if the Central Act is well implemented, State Acts might eventually fade away;

the Act contains a number of ambiguities in relation to the practical functioning of the new Information Commissions, which remain in need of urgent clarification. The relationship between the Central and the State Information Commissions also needs to be clearly laid down;

each public authority must clarify who would be responsible for managing, monitoring and interfacing with the Information Commission and the state's nodal agency for the Right to Information law. Governments must also put in place application and appeals monitoring systems, to ensure that proper information can be collected for the annual reports required to be produced by the Information Commissions;

- the rules should be consistent across the country to minimise confusion in implementation;

- there is an urgent need to develop a training strategy as a matter of immediate priority, which should identify the officials for undertaking training and monitoring of training programmes and preparing training modules and materials. It should be time-bound;
- there is a need to sensitise government employees at all levels the provisions of the RTI Act 2005 and their role in its effective implementation. Also, there is a need to change the systems of record keeping in government to ensure ready access and formatting in the desired form. This may also need a substantial investment in infrastructure and office automation. The employees will also have to be trained for digitisation of information and the amendment in office procedures that may be required for the same;
- the new RTI law places obligations on all public authorities to raise awareness about the law, its key provisions and how to access it as a right amongst the public. The obligations involve developing, organising and producing educational materials and programmes. However, this involves setting up of a huge infrastructure, which may require a lot of financial support. The Central Government may need to provide financial assistance and guidance to the state governments in this regard; and
- the Act also needs to put in place a mechanism to ensure that all public authorities implement the Act in its true spirit. At present, only the Information Commissions have the power to ensure this. However, there are no specific penal provisions against the non-compliant public authorities. The penal provisions have to be clearly spelt out.

---

### **11.13 CONCLUSION**

---

The Right to Information Act 2005 is a landmark piece of legislation. If implemented well, it could be a major step towards more accountable and transparent government. However, given the culture of secrecy in the government sector and the unwillingness of government servants to part with information, the task is certainly not a simple one. It is all the more so because of the lack of awareness on part of the masses who actually stand to benefit from this legislation.

However, if the government is in a position to process requests for information under the Act, it will have to start managing information better. Information will have to be kept in such a form where it is readily accessible and also possible to be easily formatted. This may involve a substantial amount of digitisation and computerisation

of information, which will in turn help the government to function better with officials now able to access information easily and quickly. This will lead to greater transparency and effective monitoring.

If the public authorities are indeed able to rise up to this responsibility of effectively implementing the RTI Act 2005, it will indeed bring a sea change in the way the government functions and will lead to a truly vibrant and strong democratic nation.

---

#### **11.14 ACTIVITY**

---

Most of the states have implemented the Right to Information Act. Let us know about the implementation of the Act in your State.

---

#### **11.15 REFERENCES AND FURTHER READINGS**

---

<http://persmin.nic.in/RTI/WebActRTI.htm>

---

## **UNIT 12 ICT IMPLEMENTATION IN GOVERNANCE: ISSUES AND CHALLENGES**

---

### **Structure**

- 12.0 Learning Outcomes
- 12.1 Introduction
- 12.2 ICT Implementation in Governance: Issues, Challenges and Suggestions
- 12.3 Conclusion
- 12.4 Activity
- 12.5 References and Further Readings

---

### **12.0 LEARNING OUTCOMES**

---

After studying this Unit, you should be able to:

- highlight the issues and challenges facing ICT implementation in governance; and
- suggest measures to address these issues and challenges.

---

### **12.1 INTRODUCTION**

---

Technology is transforming governments, especially, in the performance of their functions. This is the sole reason for governments all over the world embracing technology and becoming electronically viable. ICT enables and facilitates good governance agenda of transparency, accountability, empowerment, decentralisation and fiscal reforms. It is this agenda that governments of today are aspiring to achieve. Governments are using ICTs in restructuring their traditional organisational set up, reengineering the work processes, interacting with citizens and stakeholders, rendering services and information, and efficient human resources management, financial management and decision-making.

Hence, ICTs are playing a significant role in enabling governments to pursue the agenda of good governance. However, skilled manpower, ICT infrastructure, ICT architecture, resources, political leadership, committed bureaucracy, and citizen awareness are required to enable ICTs to perform this role. But lack of human

resources, organisational and technological infrastructure, etc. have posed hindrances to the effective implementation of ICT in governance. This has resulted in its minimal use. Many of the ICT-based projects have, therefore, resulted in wasteful expenditure and ineffective service delivery. The challenge is to overcome these hindrances and provide for an optimal exploitation of ICT in governance.

In this Unit, we are going to discuss the issues that pose a challenge to the optimal use and implementation of ICT in governance. We will also be dealing with measures, which help in addressing these issues and challenges effectively. However, for information of our students, we have used the words ‘e-governance’, ‘e-government’ and ‘ICT-based projects’ interchangeably, even though they mean different and are distinct.

---

## **12.2 ICT IMPLEMENTATION IN GOVERNANCE: ISSUES, CHALLENGES AND SUGGESTIONS**

---

Today we have a society where there are multiple interests, groups and stakeholders in the form of civil society, communities, corporate, private sector, media, academia, professionals, etc. who expect the government to excel and render various services to the mark. ICT applications can help government to excel and render services to the people consistent with their needs and demands.

But implementation of ICT based projects or programmes usually suffer in terms of certain vital factors. We will discuss these factors individually.

### **Work Plan**

The ‘Working Group on E-Government in the Developing World’ considers infrastructure, economic health, education, information policies, private sector development, institutional frameworks, human resources, budgetary resources, inter-department communication flows, etc. as crucial factors for the success of e-governance projects. If these factors are well in place then they can lay down the roadmap for effective e-governance implementation. Countries like India, face problems of low connectivity, technical professionals, finances, and other resources coupled with inappropriate planning. Hence, it becomes difficult to develop specific applications and services.

Therefore, for successful implementation of e-governance projects, a work plan has to be chalked out. The work plan should include six key elements, as pointed by the Working Group:

- **Content development-** including development of applications, open standards, local language interfaces, user guides and e-learning materials. Time should be invested in building appropriate content
- **Competency building-** human resources and training programmes must be implemented at all levels
- **Connectivity-** local networks and internet connections must be applied across the relevant agencies or enterprises
- **Cyber laws-** to provide a legal framework that supports the objectives of e-government policies and projects
- **Citizen interfaces-** a proper mix of delivery channels is needed to ensure that e-government is accessible and affordable for users
- **Capital-** e-government business plans must identify revenue streams like user charges, subscriptions or budgets that will help achieve financial equilibrium.

Vision and Priorities We suffer from the lack of clear vision and priorities when it comes to e-governance. In the words of Anathakrishnan, ‘in the absence of a national mission to evolve technical standards and share resources, citizens have ended up funding costly piecemeal programmes with few tangible results. There is no consensus on interoperable standards that will enable exchange of data, no sharing of best practices and no realistic vision on how to effect change.’

Our vision is not broad and does not involve the interests of various groups in the society. Vision for e-governance should emanate from societal concerns of multi-stakeholders. These concerns will become the bases for drawing up and designing the priority areas for e-governance. E-government plan/project should be open and collaborative based on multi-stakeholders’ participation. Public meetings, opinion polls, participation in committees, etc. should be the basis of drawing the vision and securing vital inputs of different sectors. The Working Group emphasises on the need to define a vision that represents the priority objectives of government and the shared vision of all stakeholders. A shared vision of e-government means a shared stake in the outcome.

Robert Schware and Bhatnagar mention about the involvement of users in the ‘Computer-aided Administration of Registration Department (CARD) Project’ in

Andhra Pradesh. A group of users were selected to participate in the various tasks to redesign business processes in the Registration Department and subsequently participate in the design and development of the software. No external technical personnel were recruited, which provided a sense of system ownership and even control on technology by the users. This fostered a sense of ownership and trust in the Project. Likewise, the SmartGov initiative in Andhra Pradesh involved the stakeholders and end-users at all stages of the Project.

### **Re-engineering**

E-government applications should be preceded with re-engineering of the administrative processes in the government departments or organisations. Most often, e-government applications are implemented in a 'quick time frame' without adequate re-engineering of the existing organisational structure and work procedures. If ICT has to enable efficiency in governmental functioning, it is necessary that the departments carry out a rearrangement and reorganisation of their administrative structure and work processes. If e-government application is implemented without re-engineering, it becomes difficult to make subsequent changes in the work processes once the e-government application is implemented. Hence e-government may not work and the resources may get wasted. Therefore, the complex work processes and procedures have to be simplified before initiating ICT projects or programmes.

Subhash Bhatnagar emphasises that the reforms should be in place before an e-government application is implemented so that the immediate impact and efficiency and transparency gains associated with e-government application can be acquired. Reengineering administrative processes, according to him, therefore requires implementation of substantive reform in organisational structure, a change in culture and mindset, training and improvement of skills, and putting in place the appropriate supporting ICT infrastructure to enable online processes that are timely and efficient to both the user and the government department.

### **Citizen-Centredness**

E-governance projects must be citizen-centric. Such projects should provide for improved service delivery, public participation, accessibility to comprehensive and qualitative information, and improved quality of life for large number of citizens. They should focus on how citizens use and process increasing amounts of information in their everyday life. Websites should be designed to give complete information so that an individual may not have to follow up it with a visit or call. Projects facilitating citizen services should be based on the needs of the people and how they

can be best delivered electronically. This will enable projects to address to specific needs of identified communities and gain public trust and wider usability.

But as G. Anathakrishnan points out that for most citizens the only brush with e-government is a visit to rudimentary websites put up by individual departments that offer no alternative to the difficult relationship they have with government to get their entitlements. In theoretical terms, Anathakrishnan says that e-governance in the country is still largely in the information phase and faces an uphill task to reach interactivity and actual delivery of services. Merely computerising the departments and automating the traditional and old procedures will not result in responsive e-government.

According to Jaju, the bane of most of the government databases is that it is driven by individuals rather than systems and hence most of it is never updated once the individual departs. It is therefore, essential that transactions be compulsorily routed through the database so that it is routinely and sub-consciously updated and remains relevant and dynamic at all times to the benefit of all, that is, the government as well as the people.

ICT has to be used as a tool to lead to information and knowledge based society 'where the citizens feel empowered and enriched by accessibility to information and social, economic and political opportunities' (Working Group) and also participating and interacting in policies and decisions affecting them.

Also, use of local languages will definitely help more citizens to avail the services. Technologies such as GIST and language software can be used for transliteration from English to other languages. Subhash Bhatnagar points out to the need to built local language interfaces, especially when addressing the rural population. He finds that intermediaries, such as, volunteers/ kiosk owners/paid employees play a positive role in applications where information is disseminated to rural/illiterate populations. Hence, he recommends employing the intermediaries when it comes to ICT interface with rural population.

Further, there must be feedback mechanisms and interactive dialogues to get the opinion of multi-stakeholders on the working and benefits of the projects. As Bhatnagar puts it that advisory groups must be set up with the users, former officials, experts and civil society members for this purpose.

## **Communication Strategy**

The benefits of e-government projects must be properly communicated to the beneficiaries through an effective communication strategy using media. This has to be taken into account most significantly, as the best use of projects can be made possible when it reaches the larger target groups or clientele. Usually, people are not aware of the same and/or are not even mobilised. E-government projects usually fail to become an additional channel to deliver services owing to a limited proportion of citizens using them. Without a critical mass using the e-government applications, the cost recovery does not seem promising. Public should be made aware of the changes and benefits that e-projects and programmes can accrue for them. Equally, the government should also explain the reasons when benchmarks are not met.

Gopa Kumar Krishnan states that conscious efforts are required to drive citizens to the portal through advertising campaigns and education. According to the Working Group, the interest and commitment to e-government can be sustained with strong promotion effort through various media channels such as radio, posters, public meetings and newspapers that can generate public excitement and also increase political will.

## **E-literacy**

For communication strategy to be effective there must be a literate and e-literate community to use the e-government system. The citizens, especially the rural, must be provided with training in basics of computer, internet and web. In Kerala, e-literacy programme has been taken up in full swing, which ensures one member from a family to be computer literate. This innovative experiment known as Akshaye Project has bridged the digital gap by making at least one member in each family e-literate and creating shared access through computerised kiosks-Akshaye Kendras-for citizens to get information in the local language (G. Anathakrishnan). There are going to be over 3,000 information hubs, that is 'Akshaye Kendras' across the State to provide several value-added services on a single platform to the citizens. Such projects promote e-literacy, which enables wider usability of e-government applications. Such projects must be replicated by other states as well.

## **Political Will and Leadership**

Political will and leadership is a needed for initiation, successful implementation and sustenance of e-government programmes and projects. Political support and commitment to ICT projects can really bring in the desired change in governance.

Political leaders need to have the will, resolve and leadership to take on risks, overcome resistance, secure funds and publicly subscribe, uphold and support e-government. Rather, the political leaders must be made e-literate that can help them to understand the benefits accruing of such projects, and motivate them to employ ICT in their departments and deliver effective public services to the people.

The greatest problem is of sustenance, as with change in political power e-governance projects are not carried further with the same zest and zeal by the new minister. As Bhatnagar points out that frequent changes in the ministers may create problems when the new minister is not supportive of the ideas and innovations implemented by his/her predecessor. Change in the political leadership also result in changes in administrative leadership that may create problems especially through implementation. However, if the backup support from the citizens, businesses and public sanctity through legislature is existing, e-governance projects can be carried forward with the same fervour even when there is a change in political leadership.

### **Transparency and Accountability**

E-government projects or websites do not focus much on the objectives of ensuring transparency and accountability of the government officials or departments. As Katherine Reilly puts it that numerous websites created by government departments are ineffective because they tend to focus on the single objective of providing electronic access to information. Not enough effort is made to ensure that transparency and accountability are increased. Achieving or increasing accountability or transparency is unplanned in the design objectives, as Gopa Kumar Krishnan finds that reduction of corruption is often incidental and not part of the design objectives of e-government initiatives.

According to him, there has to be an implicit hierarchy and sequentiality of objectives on which e-government applications should focus. Increasing access to information, presenting the information in a manner that leads to transparency of rules and their application in specific decisions, and increasing accountability by building the ability to trace decisions/actions to individual civil servants are the successive stages in the hierarchy. These stages will ensure reduction in corruption and openness in administration. Departmental websites should fulfil these objectives. Departments should publish budgetary allocations and expenditure on the web. There should be systems for tracking status of applications for a variety of licenses. There must be sharing of the citizen's charter and performance data on the web. These steps by officials and departments will definitely increase accountability and transparency.

## **Resistance to Change**

The fast and smooth implementation of e-government gets hampered by the officials' resistance to it. If the government is to excel in a corporate way, officials' readiness to bring about this corporate culture within government is essential. 'The level of resistance to change and level of involvement by officials in setting policies and practices will greatly impact how fast or smooth the implementation of e-government will be' (Working Group). Bureaucracy, that is, officials and employees at all levels, resist to e-government initiatives due to reasons, such as fear of losing jobs, losing power, unfamiliarity with technology, increased work, losing unofficial payments, having no monetary and professional gains, etc.

Bhatnagar cites the example of SmartGov initiative in Andhra Pradesh in 2002, which brought about electronic application in workplaces by integrating workflow and knowledge management, and thereby increasing efficiency of file handling processes by introducing the concept of a paperless office. But it faced implementation challenges and resistance from employees. Many senior officials and staff did not use the ICT applications and applied the manual system in their day-to-day work. They found it time consuming to operate via the SmartGov. The officials felt that they could sign a physical file within seconds than an electronic file. Hence, even after the SmartGov move, the manual system prevailed upon it. Technical and management problems such as, deployment of hardware, getting the software loaded and employees to operate it, and too many vendors for handling different aspects of network maintenance and hardware maintenance created difficulty. In some departments, the number of PCs installed was inadequate. One PC was shared among three people that drastically reduced the efficiency of the officials and staff. As a result files were dealt and transferred physically. Thus, SmartGov did not create enthusiasm among the government departments and evoked resistance from the employees and officials.

To overcome this resistance, it is necessary to involve the officials at the early stage of e-government planning. Their suggestions and feedback to improve the e-government plan at any stage should be welcomed and acted upon. The plan should highlight the benefits accruing from the application of ICT in day-to-day work that can help in boosting their confidence and trust in the system. Equally, they must be imparted training in ICT usage in departmental work, decision-making and service delivery. Successful projects generally spend about ten percent of the budget on training. Training will reorient them with new perceptions in their jobs, develop competencies and make them knowledgeable. Benchmarks and parametres should be set to assess the performance of the employees and officials. 'Officials should find

returns in the form of professional opportunities and rewards for successful adoption of new procedures, work practices and responsibilities. Innovative compensation packages and professional perks' should also be offered (Working Group).

## **Resources**

Human and financial resources are required for the effective implementation of e-governance projects. Human capital in terms of skilled professionals with experience in procuring, evaluating and implementing ICT solutions is very much needed in government. Hence more technological institutions are required to provide technological professionals in the country.

Equally, financial resources and budget has to be earmarked to ensure initiation and sustenance of projects. In the words of Subhash Bhatnagar, costs of e-government projects depend on the initial conditions-whether the application is built from scratch replacing an existing manual system or is an extension of an existing computerised system. Major cost elements are hardware and software at the back end, data conversion, training, maintenance, and communications infrastructure to link the public access points to the back end. Costs vary quite dramatically according to scope and scale of application (e.g. AP CARD online services cost was 4.3 million, Mandals online in AP cost was 13 million, Bhoomi online in Karnataka was 4 million, and Warana village information kiosks cost was 500,000-cost is in terms of US dollars). But most often resource constraints force departments to use in-house software developers who are not up-to-date in their technical skills and tend to economise on hardware and software purchase. E-government projects, hence, need to be provided with enhanced budget and financial resources.

## **Back-end Computerisation**

Back-end computerisation is required in all departments to enable better delivery of front-end services to the citizens. It has to be complete and in place before the front end services are delivered. All related database of different departments should be computerised, consolidated and centralised. All departments have to be linked to this shared central database and operate through it so that any transaction done is automatically updated in the central database. This will help in providing a comprehensive range of services to the multi-benefactors.

However according to Bhatnagar, enough resources, political leadership, and interdepartmental coordination are required, which at present seems lacking. There is absence of countrywide policy on data standardisation and data sharing. Security

provisions have also not been adequately handled in designing systems. Bhatnagar refers to the front-end FRIENDS Project of Kerala, which renders online services to citizens. However, the back-end processes of the Project is not computerised and therefore is manual, providing no gains in productivity. Back-end computerisation of government departments takes a lot of time due to paucity of funds and bureaucratic delays. By resorting to partial computerisation, the Kerala government could advance the launch of online payment services by a few years. At best, this model needs to be seen as a temporary solution to buy time till the back-end processes are computerised. In the long run, such hybrid processes are likely to result in errors.

### **Public-Private Partnership**

Public-private partnership is necessary in all stages of e-governance, that is, from planning, and implementation to monitoring and evaluation. Private sector collaboration, partnership and participation can enable the government to draw resources and expertise from the private sector. Equally, private sector can help the government projects to become responsive and committed to its customers and beneficiaries. Techniques of marketing, projects' adaptability to customers' needs, and attracting and retaining customers can be well learnt from the private sector (Working Group). Design, software development, data preparation and training can easily be outsourced to them.

In the Bhoomi and CARD Projects, software development, training, data entry of manual archives and maintenance has been outsourced to the private sector (Bhatnagar). Karnataka was the first State to present an IT policy in 1997 to attract private investment. This has brought a shift from the past centralised public sector led investments towards decentralisation in which the private sector and state government play major roles. Again, the role of public-private partnership was exemplified in the successful diffusion of the ICT application in 600 milk societies through the efforts of a few private companies. Even the implementation of the SmartGov Project exemplifies how partnerships can be successful. The WARANA and APSWAN Projects' provided significant roles for the private sector (Bhatnagar and Schware)

However everything cannot be outsourced, as the government must retain its prerogative in policy-making and decisions pertaining to accessibility and pricing. In the words of Bhatnagar, systems analysis, which provides the necessary cues for re-engineering, should be conducted internally. Moreover it is better for governments to implement pilots on their own so that cost structure and implementation issues can be well understood. This understanding can be useful in defining contracts when scaled-up versions are being implemented on a wider scale.

Bhatnagar emphasises that for successful execution of public-private partnership strategies, it is important to recognise that contracting arrangement should deliver gains to all partners. Often the fact that private sector needs to make profits is forgotten by the government contracting agencies.

### **Information Policy**

An information policy is imperative. Officials are hesitant to share information with the citizens and other stakeholders. They do not disseminate information across governments or departments. This puts ICT in the reverse gear. ICT is basically information processing and sharing with different sectors and citizens. With the help of ICT, the citizens can download information pertaining to various services online without visiting the government departments physically. However, officials often resist sharing and dissemination of information to the people, which hampers the smooth and rapid flow of information and prevents a more functional approach to service delivery. Hence, an ICT policy is necessary, which makes it mandatory on part of officials to provide information to the public.

We have recently enacted the Right to Information Act 2005, which enables and empowers every citizen to seek information from government, inspect any government document and seek certified copies thereof. Some laws on Right to Information also empower citizens to inspect any government work or to take sample of material. The government departments are required to host and disseminate information pertaining to development programmes and other services online for the public, businesses and others.

Many of the state governments have not yet implemented the Act, even though the date set for the implementation got over by October 2005. There must be a follow up action and stringent measures against such a callous attitude of the state governments in the full implementation of the Act.

### **Legal Recognition**

Legal recognition is required for easy and smooth ICT transactions. An Act has to be provided to confer legal recognition for transactions carried out by means of electronic data interchange and other means of electronic communication, which involve the use of alternatives to paper-based methods of communication and storage of information, and electronic filing of documents with government agencies. Such an

Act renders legal sanctity to ICT based initiatives and facilitates smooth government and business transactions.

Governments all over the world have taken different approaches in implementing a legal framework for e-government and e-commerce. Some have opted for the creation of an umbrella law that encompasses all e-transactions. A large umbrella law saves the need for amending a multitude of laws that address procurement, tax, archives, etc. The 'UNCITRAL Model Law on Electronic Commerce' is a generic law adopted by many countries like Australia, Hong Kong, Korea (Republic), Singapore and the Philippines. The Model Law provides generally that electronic communications should be given equivalent legal effect to paper-based communications and specifically addresses how certain types of electronic communications could substitute existing paper-based means of satisfying requirements of writing, signatures, and contract formation (Samtani and Harry).

We have promulgated the Information Technology Act 2000, (see Annexe) which provides for authentication of digital signature, legal recognition of electronic records, use of electronic record and digital signatures in government and its agencies; attribution, acknowledgement and despatch of electronic records; secure electronic record and digital signatures, regulation of certifying authorities of digital signatures, duties of subscribers, penalties and adjudication, Cyber Regulations Appellate Tribunal, offences, and amendments to the Indian Penal Code, the Indian Evidence Act 1872, the Banker's Book Evidence Act 1891, and the Reserve Bank of India Act 1934 (IIPA, July-August 2000).

Legal framework and information security are very important criterion for promoting a positive e-environment for business and commercial transactions. Security, protections, legal reforms, privacy and recognition of digital interactions and signatures are, therefore, the critical prerequisites. This also poses faith and trust of businesses and citizens in e-government applications and enhances usability and sustainability.

New and future e-government projects should be initiated after taking cognisance of the already existing or undertaken projects. Proper study and diagnosis of the expenditure, results, and issues/obstacles in the existing programmes should be undertaken. Today, we see a great amount of duplication existing in e-government efforts, which has led to adverse costs, time and energy. Ideas and suggestions from successful ICT projects are not usually obtained or acquired that can be later adapted according to one's own particular context. A handbook with key project findings should be prepared that can be used as a resource guide for developing new projects.

New e-government projects should be started on a pilot basis. Pilot projects expose the potentials and challenges in implementation. This can help in reviewing and revising the projects for better results in future. Such pilot studies enable to judge the aptness of the project, skills and knowledge of employees, adequacy of financial resources, and thereby strengthen the project and its implementation. Problems and challenges can be immediately met that will ensure smooth and effective execution and realisation of the project in future.

E-government projects should be based on realistic targets that can be achieved in quick succession in a definitive way with very little risk involved. For this reason, the projects should be small rather than large and ambitious. According to Bhatnagar, it is necessary to take small steps with activities that are manageable within a relatively short time frame. This allows greater flexibility for tailoring the system and formulating a long-term strategy based on the actual experiences of the organisation and feedback from the client. Many local governments and state governments have seen impressive results because they are well placed to implement small, focused projects that involve low risk. He identifies the Bhoomi Project, which became successful because of using a phased approach in defining its scope. Anathakrishnan points out to the phased effort of the State of Kerala in modernising its local self-government institutions, which began with ten institutions and now is applied to more than 1250 panchayat institutions. The Project has used the local bodies as the base to deliver services, fostering involvement of the rural population and increasing accountability at the grassroots. Rather, what started off with 600 kendras in Malappuram district has expanded to cover 6000 points Statewide.

### **Bridging the Digital Divide**

E-government applications should be widespread so as to cover disadvantageous, rural and remote areas of the country. The disadvantaged population should be able to access internet and web for various services and information that holds value for them. Provision of technological infrastructure must be a necessary element of an e-government effort in these areas. If the targeted clientele are not able to access services owing to the need of technology, e-government plan must ensure the same to enable access. This will help in bridging the digital divide or gap between the rural and urban areas.

Further, grassroots organisations and NGOs have to play an important role in 'interpreting the information-related needs of rural communities and in making information and knowledge usable by such communities' (Bhatnagar).

## **Monitoring and Evaluation**

Independent monitoring and evaluation of e-government projects and programmes is necessary to judge their effectiveness. A legal authority/cell must be constituted in each ministry/department for effective coordination, time management, cost management and monitoring and evaluation of respective projects. Success must be judged or measured on the basis of well-laid down performance criteria, including:

- volume of transactions handled electronically
- response time to inquiries
- length of trouble-free operation
- number and percentage of public services rendered electronically
- number of new services delivered electronically
- percentage of territorial area covered
- number and percentage of constituents/beneficiaries accessing information or services electronically
- increased convenience or efficiency in delivering information or services
- length of time for procuring goods, services and information; and
- reduction in the cost for citizens and government (Working Group)

Bhatnagar states that currently, there are no frameworks or methodologies to accurately measure the success or failure of an e-government project. Success is often judged on the basis of media reports, recognition by international agencies and assessment provided by the project implementers. In all of these cases, clients that are supposed to benefit from these projects supply no feedback. If feedback is recorded, it is usually anecdotal and not based on a systematic survey. It is, therefore, important that e-government projects have an in-built component of periodic assessment by an independent agency. This is, in addition, to a continuing feedback mechanism from the clients.

Detailed audit report can highlight various reasons of project failure such as, poor management, delays in implementation, inadequate documentation of procedures, improper security aspects, inadequate training efforts, lack of connectivity, lack of data collation, non-implementation of citizen charter, and inadequate monitoring and involvement of officials, as in the case of Indian Customs Online Project (Bhatnagar).

Hence, a continuous and detailed audit is a must to determine the aptness of e-government projects.

---

### **12.3 CONCLUSION**

---

For successful application of ICTs in governance, there is need to give importance to certain crucial factors. These factors pertain to proper planning, well laid down vision and priorities, ICT architecture and infrastructure, professionals and skilled manpower, commitment and leadership of ministers, acceptance by officials, transparency and accountability, citizen-centredness, adequate finances, public-private partnership, legal recognition, well laid down information policy, documentation; and monitoring and evaluation.

These factors can lay down the roadmap for e-governance in countries, especially, of the developing world. Before setting on board an e-governance project, all the above-mentioned aspects need to be addressed to enable the project to make its visible impact. Countries like India must definitely take cognisance of these factors and plan and implement its e-governance strategy effectively.

---

### **12.4 ACTIVITY**

---

Narrate some of the issues and challenges faced in implementation of an e-government project. You can explain with the help of some examples. Please let us know how you suggest improving upon them

---

### **12.5 REFERENCES AND FURTHER READINGS**

---

Road Map for E-Government in the Developing World: 10 Questions E-Government Leaders Should Ask Themselves, The Working Group on E-Government in the Developing World, April 2002, Pacific Council on International Policy

G. Anathakrishnan, The Web of E-governance, The Hindu, n.d.

Bhatnagar, Subhash and Robert Schware, 2000, Information and Communication Technology in Development-Cases from India, Sage, New Delhi

Bhatnagar, Subhash, 2004, E-government: From Vision to Implementation A Practical Guide with Case Studies, Sage, New Delhi

Jaju, Sanjay, E-governance Projects and Experiments at National level, in E-governance, M A Public Administration, IGNOU, New Delhi, 2006

Krishnan, Gopakumar, Increasing Information Access to Improve Political Accountability and Participation, Third Annual Conference of the ABD/OECD Anti-Corruption Initiative for Asia Pacific, Tokyo, 28-30 Nov.2001, in Subash Bhatnagar, *ibid.*

Reilly, Katherine, An External Evaluation of Central American Ministry of Environment Websites: Exploring Methodology, Policy Advocacy and E-Democracy, Working Paper, 2 August 2001, in Subash Bhatnagar, *ibid.*

Samtani, A., and Harry, S.,K., Tan, Legal, Regulatory and Policy Issues of E-Commerce in Asia, Asian Forum on ICT Policies and Strategies, Kuala Lumpur, 18-20 Oct. 2003, quoted in Subhash Bhatnagar, *Ibid.*

IT and Indian Administration, Indian Journal of Public Administration, Vol. XLVI, No. 3, Indian Institute of Public Administration, July-Sept. 2000

Gupta, MP, Prabhat, Kumar, and Jaijit, Bhattacharya, 2004, Government Online Opportunities and Challenges, Tata McGraw-Hill Publishing Company Ltd., New Delhi



ଓଡ଼ିଶା ରାଜ୍ୟ ମୁକ୍ତ ବିଶ୍ୱବିଦ୍ୟାଳୟ, ସମ୍ବଲପୁର  
Odisha State Open University, Sambalpur

[www.osou.ac.in](http://www.osou.ac.in)  
e-mail: [info@osou.ac.in](mailto:info@osou.ac.in)