# Public Policies and Public Faith: A Critical Analysis

## Accountability And Transparency Framework For A Robust Democracy

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**Abstract:**

The basic tenets of any democracy are deemed to be transparency and accountability. These are pre-requisites for any citizen to live their lives with dignity and conform to fundamental rights. However, the Right to information for the citizens of India came only in the year 2005, prior to that there was complete secrecy in the bureaucracy. It was very difficult to get access to government documents. Therefore the question of accountability and transparency in government functioning took a backseat. There were no reasoned and speaking orders passed mostly and government decisions were prone to speculations. The common citizen suffered in the process and service delivery was adversely affected and the public distribution system in the country was in the hands of the powerful lot who did not let benefits of government schemes percolate down to the poor and needy. The present article aims to analyse the relationship between statutory initiatives & public policies emanating there from vis-à-vis public perception & confidence in these schemes.

**Keywords: Right, Accountability, transparency, democracy, information, bureaucracy**

**Introduction:**

Several statutory laws and policies are being framed by governments from time to time.  The goal of each such law/statutory requirement is towards the betterment of society through the delivery of administrative targets and organizational efficiency. It is the business of the government to ensure the supply of services to the citizens.[1] The larger goal of such policies is of course to uphold the tenets of democracy and the rights of citizens. Instilling public faith is attempted by the government through transparency and accountability.

The political elite has realized that the key to remaining in power is to ensure that the public perceives the casting of its vote in them as a good investment. The public expects a return on investment in the political rulers and once this relationship is established successfully, foundations of public faith are laid. When the public was unable to garner/elicit a positive response from the ruling political class, it led to civil society movements and demands for services as a right. The Persons with Disabilities Act (PWD) Act 1995, Right to Information

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[1]Public Spending Outcomes and Accountability, Citizen's Report Card as a catalyst for Public Action EPW, (Jan 28, 2006)

Act (2005), Forest Rights Act (FRA) 2006, Mahatma Gandhi National Rural Employment

Guarantee Act (MGNREGA) 2005, Domestic Violence (DV) Act 2005, Child Labour (Abolition and Rehabilitation) Act 2006 and Right to Education (RTE) Act 2009, are legislations which are the outcome of grass root level actions by the civil society. The civil society movements have heavily advocated with the State governments and the Parliament for the promulgation of these acts. However, these experiences have made the State governments realize that the only way to survive is to cater to the needs of the public and to instil more responsiveness and accountability in their machinery. The way to good governance is by garnering the faith and support of the people. The State Governments of Rajasthan, Delhi, Jammu and Kashmir, Bihar, Punjab, Uttar Pradesh, Himachal Pradesh,

Uttarakhand, Karnataka, and Jharkhand have enacted the Right to Public Services (RTPS)

Act. Though the nomenclature is different, the five clear intents of the Act are as follows:
   a. assurance of the service

   b. service within a stipulated time frame

   c. holding designated officers accountable

   d. a system of grievance redressal by two-stage appeal

   e. a system of penalties and fines for delay/denial of service

The states of Kerala and Haryana are very close to promulgating these acts. Most of the Acts/ legislations have been enacted in the Hindi-speaking belt of the country. As is well known these parts of the country are lagging in governance and administrative efficiency. It is hoped that good governance and best practices are encouraged by the affirmation of the Right to Information for the citizens of India. The Right to Public Services Act has been enacted by the State Governments in an attempt to appear responsive and accountable and also as a measure of self-check. Thus, the realization has dawned upon the governments that confidence-building measures are the way ahead.

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**LITERATURE REVIEW**

## *1.DIMENSIONS OF TRANSPARENCY*

Transparency's ultimate aim is to keep government honest – good governance must be seen to be done. Transparency has emerged as a leadership style[2]. Administrative functioning is dependent on public confidence and public faith in the administration and the same can be achieved through the tool of transparency. As the administrators are bestowed with huge powers it instills in the minds of the people a chance of misuse and malpractice. The same erode public faith in the system. It is only through transparency that these challenges can be addressed.

It is always believed that governance and transparency go hand in hand. The more transparency in functioning the better the governance and public faith in policy making. Henceforth, a government that through various media houses and modes creates an outreach program that serves as a connection between public policies, State programs, etc. the common public is seen in public perception to be a responsive government.[3] However, transparency herein must not be absolute. In an evolving democratic setup, the limits of transparency must be defined. Thus, what will be shared and what must not be, 'public interest' justifying the same should exist.

Transparency is not just a duty bestowed on a democratic government but also a right of the citizens. As argued by Ronald Dworkin in his book 'Taking Rights Seriously', he argued:

"The institution of rights against the government is not a gift of God…it is a complex and troublesome practice that makes the government's job of securing the general benefit more difficult and more expensive, and it would be a frivolous and wrongful practice unless it served some point."[4] In ensuring the same, the greatest challenge the government faces is corruption. Corruption affects the very functioning of democratic governance. To ensure transparency eradication of corruption must be the prima facie objective. Thus, the lesser the corruption, the greater the transparency. To measure progress comparison with other democracies around the world can highlight the lacunas. Such progress must be measured in terms of its public faith and criteria of 'Transparency' and 'Accountability' of the governance. For instance, concerning India its struggle for decolonization and its evolution into the world's largest democracy has been widely praised but yet in comparison in one of the largest democracies in the world, corruption has been a perennial problem in its pursuit of good governance. The 1990's the era when scams and scandals involved people in the

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[2] ANN FLORINI, THE RIGHT TO KNOW: TRANSPARENCY FOR AN OPEN WORLD (2007).

[3] Coronel, Sheila. "The role of the media in deepening democracy." *NGO Media Outreach* (2003): 1-23.

[4] Ronald Dworkin, Taking rights seriously. London: Duckworth, 1977

administration itself, like Chief Ministers, Governors, and even members of the judiciary bestowed an important observation that transparency cannot be ensured in isolation only in the presence of strong laws if the people in the administration are abusing their authority for personal gains.[5] Thus, strong laws should also be coupled with a strong enforcement mechanism.

## 2.DIMENSIONS OF ACCOUNTABILITY

The aim of having accountability in democratic governance is to hold anyone and everyone responsible for handling public resources and public office. This is a basic tenant of responsive governance. Without accountability, political systems will be incapable of formulating policies as such policies will be devoid of public faith and confidence and will fail in their enforcement. Only when the above factors are fulfilled, a public can have faith in its leaders.

Instilling public faith is attempted by the Government through transparency and accountability. The dynamics of the relationships between the common man vis-à-vis public authorities, public authorities vis-à-vis private bodies, and citizens vis-à-vis the government is a reflection of the faith that the public has in its leaders. An indomitable government is no longer acceptable in modern democracies.[6] Anand Kumar has mentioned that a good political party to endear itself to the masses is usually "five in one" for people and society i.e. it is the

society's eyes, ears, mouth, mind, and face. The policies & laws framed by a government become the means towards an end. An efficient government services delivery mechanism may have all the ingredients that can make the system responsive and efficient through the policies. However, the policies have to be accepted by the public for them to be implemented successfully, failing which democracy & rights of citizens may be severely jeopardized.

Guillermo O'Donnell (1998) distinguishes between different types of accountabilities. It can be divided into two categories. Horizontal responsibility comes in the form of judicial review, and vertical accountability includes citizen and government relationship, and thus incorporates the mechanisms through which citizens exerts control on the government, i.e., through voting. Horizontal accountability on the other hand focuses on the system's due process. It incorporates a mechanism of institutional checks and balances on one another.[7]

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[5] Rob Jenkins, India's Unlikely Democracy: Civil society versus corruption, 18 Journal of Democracy 55–69 (2007).

[6] Roy Jaytilak Guha, Right to Information: A key to Accountable and Transparent Administration. Alka Dhamija (ed.) Contemporary Debates in Public Administration, Delhi, Prentice hall of India Pvt. Itd. Pp312-14 2003

[7] Accountability and responsiveness of the state and society, GSDRC, https://gsdrc.org/topic-guides/voiceempowerment-and-accountability/supplements/accountability-and-responsiveness-of-the-state-and-society/

There is widespread consensus in the most scholarly literature on Latin American democracies that governmental accountability in both dimensions is sadly lacking.[8]

Democratic theorists like Larry Diamond to scholars of law such as A.G. Noorani have always highlighted the challenges in enforcing vertical accountability. It is argued by the former that to successfully enforce vertical accountability within the system those in power must not only be made accountable to one another but also the citizens. The same should be ensured not only in theory but also in fact and practice. Further, the same should be subjected to checks and balances by having proper institutions in place to effect its proper enforcement. In this context, Dicey's concept of the Rule of Law is useful. Dicey emphasises on the need of judicial review on the states ever expanding power. As a result, a symbiotic relationship between 'judiciary' and 'administrative' was developed.[9] Dicey has defined the term 'public opinion in his writings which reflect his belief that 19th century England was the best example of a country in which public opinion ruled. He also believed that the English political system was more responsive to public opinion than the American. According to Dicey, the term

'public opinion when used about legislation is an easy way to describe the belief or conviction prevalent in a given society that particular laws are beneficial and therefore ought to be maintained or they are harmful and therefore ought to be modified or repealed. [10] The assertion that public opinion governs legislation in a particular country, means that laws are there maintained or repealed by the opinion or wishes of its inhabitants.[11]

The usage of any technology by the public whether to access a facility provided by the government or to use a statutory law made by the lawmakers depends upon the confidence that has been instilled by the government initiatives. This could be done through the utility itself or by using other media such as advancements, public outreach programs, etc.

## MATERIAL & METHODS

Public policy initiatives riding on high hopes from IT revolutions have many times promised much more than they can deliver. The ultimate aim of any government's grandiose plans is society's development & change. State machinery attempts to do this by widely publicized and elaborate digitization plans riding on huge investments made by the state exchequer. The

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[8] Smulovitz, Catalina & Peruzzotti, Enrique, Social Accountability in Latin America. Journal of Democracy. 11. 147-158, (2000).

[9] Dicey, Albert Venn, 1835-1922. Introduction to the study of the law of the constitution. London: Macmillan and Co., 1915 (OCoLC) 607813757

[10] Albert Venn Dicey, Lectures on the Relation between Law and Public Opinion in England during the Nineteenth Century, edited and with an Introduction by Richard VandeWetering (Indianapolis: Liberty Fund, 2008).

[11] Cosgrove, R. A. (1980). The rule of law: Albert Venn Dicey, Victorian jurist. Chapel Hill: University of North Carolina Press.

e-governance initiatives announced by the successive government in India have been very ambitious, to say the least. The objectives have been promoting accountability, ensuring delivery of public services to the common man reducing red-tapism, bureaucratic failure, etc.

with the ultimate aim being poverty alleviation.

Thus, the benefits of digitalization must be harnessed for the progress of governance.

Henceforth, e-governance can be a possible solution to tackle corruption and instill public faith in governance. For instance, countries like South Korea, Singapore, and Hong Kong, are examples of countries that have adopted e-governance to tackle corruption.[12]

E-governance will aid in improving the public faith in governance through a transparent mechanism. It will aid in data transparency through web publications of documents and procedures, build accountability, reduce the chance of bribing in each step of the process, and will further aid the process of audit and analysis.[13] The adoption of e-governance is thus the new way forward in tackling corruption. Instances can be observed in the case of India. Studies of e-governance projects in India have shown greater responsiveness and transparency.[14] Few instances of successful e-governance projects in India in terms of their contribution to reducing corruption are the Bhoomi government to citizen e-governance project of the state of Karnataka[15], the Computer-aided Administration of Registration Department (CARD) in Andhra Pradesh[16], Gujarat's initiative of having computerized check post's[17], project 'Saukaryam' of Andhra Pradesh an e-governance initiative aimed at taking municipal services to the doorsteps of citizens,[18] Chief Vigilance commission website set up on the advice of the Supreme court of India.[19]

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[12] M Sohel Iqbal, *Can E-governance hold back the Relationships between Stakeholders of Corruption? An Empirical Study of a Developing Country*, 24 Journal of Economics and Business (83-106), 2010.

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[14] Sarah, A.(2003), "Information Technology & Governance", NALSAR University of Law, Shamirpet, AP, India.                                      Available:http://loksatta.org/itgovernance.pdf#search ='Information%20Technology%20%26%20Governance, [2005, 15 September]

[15] Bhatnagar, S. and Chawla,R. "*Bhoomi: Online delivery of land titles in Karnataka*", [Sep, 30, 2005], www.worldbank.org. Available: http://www1.worldbank.org/publicsector/egov /bhoomi_cs.htm,

[16] Jonathan Caseley. "Public Sector Reform and Corruption: CARD Facade in Andhra Pradesh." Economic and Political Weekly 39, Economic and Political weekly, 1151–56 (2004).

[17] DQWBUREAU,*Computerized check posts revived in Gujarat*, DQWeek, (May 6, 2003) https://www.dqweek.com/computerized-check-posts-revived-in-gujarat/

[18] Jaju, Sanjay, "*Saukaryam Onlining Visakhapatnam Municipal Corporation*", [Sep, 10, 2005], http://www.iconnect-online.org/Stories/Story .import5101

[19] R. D. Pathak & R. S. Prasad, Role of e-governance in tackling corruption and achieving societal harmony: Indian experience, in Workshop on Innovations in Governance and Public Service to Achieve a Harmonious Society 5–7 (2005).

However, in a country as large as India there is a big divide & gap between projected policies and the actualization of the target. The top-down approach to the implementation of policies leaves gaping holes in the system. Procurement of resources such as machine software then manpower to man run machines then training of existing staff regular upkeep etc. The most crucial factor in the whole system is public confidence in ambitious projects. In a country where people have come to rely on personal interaction and with low levels of literacy; the public in the first instance has to be informed of the pros and cons of any policy initiative. Only when public confidence builds up and people are aware of public policies do their expectations rise and some phenomenal change occurs. A case in point is one of the most developed countries i.e. the USA. The USA currently has more internet connections than the number of people has led the IT revolution in the world and is home to a large number of technology firms. Despite these promising credentials, the poverty rate in the US remained unchanged.[20] This is not to say that digitation results in nothing or negligible social change. This is only to portray that till people themselves are instilled with confidence about a government welfare scheme, are keen to know about it and all examined that it will better their lot, very little can be achieved by the fulfillment of statutory obligations. Subhash

Bhatnagar an e-governance expert at IIM-A, led an impact assessment survey of the government's project of tele center in rural areas. These projects aimed at establishing rural telecentres set up to provide the villagers with a slew of services, such as birth and death certificates, land registration, employment opportunities, matrimony, and mandis.[21] Subhash Bhatnagar has found that only about 50% of the common service centers set up in states are operational. In the absence of regular electricity, in some North-East states, pigs were being reared in these centers. What was promised as life-altering services that would be the be-all & end-all solutions to problems of farmers in a mainly agricultural country like India, turned out to be a failed experiment because it could not deliver the results as per the farmer's expectations? This could be because of a lot of reasons ranging from lack of basic resources to run the center to a simple realization amongst the farming community that almost no assistance can be provided by such centers. As a result, most of these telecentres are in ruins.

**METHODOLOGY**

The methodology used for this research is doctrinal and comprises secondary sources like expert opinion, parliamentary debates impact assessment reports, books, and newspaper articles.

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[20] G. Thomas Kingsley & Kathryn LS Pettit, Concentrated Poverty: A Change in Course. Neighborhood Change in Urban America. (2003).

[21] Malhotra, Charru, V. M. Chariar, and L. K. Das. "Citizen-centricity for e-Governance initiatives in Rural Areas." (2011).

## CONCLUSION

For a public policy to be successful, it must give some very tangible results to the community for whom it is meant.  The willingness of individuals to participate as citizens (Chapman & Hunt 2010) which is the bedrock of a democratic form of government is the promise that this article proposes to explore. It is then that interacts with arising about the service which is the offshoot of a public policy or a statutory requirement.  Once the masses feel that their lives bring standards, social changes are being positively affected a dominoes effect is created and a statutory policy takes off on it.  No coercion mandatory orders etc. are then required.

Such is with the TI experiment in India. What started as a simple Act barely 30 sections long as a result of mass movements across the country became a formidable tool to demand accountability and transparency from the government. Public faith in this small piece of legislation is so strong that within a short period, it has resulted in the act and rules framed under it, a force to reckon with. The confidence of the people was affirmed in the tenets of the act when they saw that the bureaucracy which had closed its gates to them for so many years had to succumb and reveal information to the common public. The wave of euphoria and farmers is seen in the public to date when the government and bureaucracy which are reeling under intense pressure from the RTI ACT have tried to scuttle the scope of the RTI Act and the public has retaliated against such attempts under pressure from the public, NGO, Civil Society, etc. The government is forced to part away with information that to date could be kept as closely guarded secrets.

The 3 pillars of accountability have been sunned up by Pollit & Baauckaert (2000) in Pub. Mgmnt. Reform (OUP) 2005 as authorization, support, and impact.  Only when an

identifiable  superior (authorization) is supported by his followers can they claim rights & hold rules available and impact. Thus, it is clear that faith and support in public policies lead to changes that are positive and augment the basic aim of any policy. The legitimacy of democratic rule can be severely undermined by the failure of political society to effectively embed itself in civil society.[22]

The drivers of democracy are not merely transparency. Henshaw (1979) has mentioned that amongst the 3 factors which have to be considered in any democracy; as various attempts to involve the public in local decision making. In a democratic system, the government & those it governs have to rely on each other in many ways than one.  The interference between the 2 plays a vital role in determining the shape of any society.  The third major institution i.e., the judiciary is called upon to interfere only in cases of friction/dispute/clarification between the legislature/executive/the common public.

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[22] O'Domell, Yuillermo. Horizontal Availability in New Democracies, Journal of Democracy (1998.)

A society so- that the spirit of moderation is gone, no court can save; that a society where that spirit flourishes, no court need save; that in a society which evades its responsibility by thrashing upon the courts the maker of that spirit, that spirit, in the end, one punished – said

Juti & leased hand in his celebrated on 'The contribution of an independent judiciary.[23] The duty to be fair and transparent is impressed upon members of Parliament & Legislature.  The greater common good can be arrived at only when the public reposes faith in the interments of governance. "The most elementary qualification demanded of a is honesty & in responsibility.  It is, however, necessary not only that he should force this qualification but also that he should appear to process it.[24] Therefore it is seen that the burden of great responsibility for running the democratic system & upholding its values has been thrust upon the parliamentarians to the extent that it is stated that if they fail then they should quit office. For instance, when Lal Bahadur Shastri resigned as minister for railway in November 1956 after a train accident near Ariyalue, Tamil Nadu in which 144 people died.[25] This test comes from public faith in the actions of the legislative.  At times the sense of responsibility is too great that failing upon the expectations of the people the rep of the people retains and abdicates his position.  This is because he has not fulfilled the expectations of the common public.

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