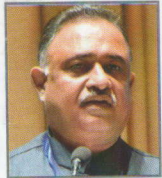




BRINGING BACK THE FOCUS ON GOOD GOVERNANCE IN RAJASTHAN



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Since independence, India has undertaken many institutional reforms that have significantly changed its governance architectures and put in place better governance. Most of the states too have similar institutional structures and practices in terms of

administrative structures and delivering services in general and governance in particular to the citizens. Still, in spite of such commonalities, there have been variations in the progress seen in different states.

Recently, Rajasthan was ranked 12th in the composite ranking for good governance index (GGI) out of 18 big state categories. GGI is a uniform tool across states to assess the status of governance and impact of various interventions taken up by the respective government. Similarly, Rajasthan was ranked 11th position in Public Affairs Index (PAI) 2020, among 18 larger States of India from the lens of governance. These rankings shows, Rajasthan is not among the top well performing States in India on governance.

Even a glance at various performance indicators of the state would point out its limitations. While Rajasthan's population increased from 4.40 crore to 6.85 crore between 1991 and 2011, total public sector employment kept decreasing from 9.7 lakh in 1993 to 8 lakhs as on March 30, 2021. The state fares poorly in rate of literacy too. With an overall literacy rate of 69.7 percent, the male literacy rate in the state is 80.8 percent and the female literacy rate is still at 57.6 percent. Even with regards to addressing grievances the state performance is dismal. Rajasthan High Court has a backlog of more than 2.8 lakh pending cases while district and subordinate courts have 17.3 lakh cases pending. Government estimates suggest that as many as 66,550 cases have been pending for a decade or more in High Court.

The plight of the consumer grievance redressal mechanism in the state is also disappointing. The consumer forums are plagued with inordinate delays. A consumer

complaint, which is supposed to be disposed of within 90 days (or 150 days in case a product testing is required) are delayed for several years, defeating the very purpose of the Consumer Protection Act. These forums that are supposed to understand the plight of an aggrieved consumer, often appears biased towards the manufacturer or the service provider. Frequent postponement of cases without providing any valid reason has become a norm these days causing delay of justice. Even the Consumer Protection Councils at the state and the district levels that are entrusted with the role of spreading consumer awareness are defunct and are failing to perform its responsibilities effectively.

Rajasthan: A Birth Place for Progressive Laws

Citizens have the right to demand accountability and public actors have an obligation to be accountable to its citizens, this is the fundamental principle of democracy and a keystone of the growing movement across the world to make public institutions more responsive to citizens. This approach of governance engages citizens more actively and holds public officials accountable for their actions, decisions and behaviour.

Rajasthan has a well-defined legal framework to determine how public decisions are made and how public actions are carried out, upholding constitutional values. More powers are granted to elected local bodies as it would, to a substantial degree, to make public officials answerable and accountable to the people. Its people are legally bestowed with the right of access to information that are held by the government or a public institution as it is an indispensable tool to engage and empower them to demand accountability from government authorities and fight corruption.

In fact, genesis of Right to Information (RTI) movement in India can be traced to the crisis in Rajasthan in late 80s and early 90s, when the Mazdoor Kisan Shakti Sangathan (MKSS) fought within the state to draw attention to the underpayment of daily wage earners and farmers on government projects, and exposed corruption in government



expenditure. Rajasthan was one of the first states, which passed a state act, the Rajasthan Right to Information Act in 2000. Long persistent struggle of civil society/access to information movements, and subsequent triumph made the whole issue a national sensation. While their efforts had borne fruits, the difficulties experienced by them in trying to access information reinforced the importance of a comprehensive right to information law for Rajasthan.

Rajasthan became one of the few states, which appears to be a forerunner in terms of legislation on governance - transparency, accountability and civic engagement, with four different progressive Acts in place: Right to Information (RTI) Act, 2002; the Rajasthan Guaranteed Delivery of Public Services Act, 2011; Rajasthan Right to Hearing Act, 2012 and the Rajasthan Transparency in Public Procurement Act (RTPP), 2012. All of these were enacted and implemented during the Congress Regime in the state during 2008-13, coinciding with the United Progressive Alliance (UPA) policy, which was in power in the Centre (2004-14), wherein the state had progressed fairly steadily to ensure better governance.

Weak Implementation and Dismal Performance

However, over the last few years, Rajasthan's overall performance in sound governance and responsibilities in relation to delivering public services has remained minimal or become worse. There is a high level of dissatisfaction or even disappointment with regard to the state of implementation of most of the laws. Regulations are often seen to be weakly applied, drastically slowing down the government responsiveness and accountability towards the people. For instance, an aggrieved citizen who approaches the State Information Commission (SIC) under RTI Act with a complaint are made to wait for months or even years to hear their complaint.

According to the 'Report Card of Information Commissions in India 2019-20', the SIC of Rajasthan shows a significant increase in the backlog of appeals/complaints since March 2019. Pending complaints almost doubled within a year from 7,372 to 13,662 by July 2020. The reason for such slow disposal of appeals and complaints are due to laxity on the part of the government to fill up vacancies in the posts of commissioners in a timely manner and also due to the low rate of disposal of cases by commissioners. The SIC was functioning with 3 commissioners despite a backlog of nearly 14,000 appeals and complaints. The post of Chief SIC was only filled three months before and was lying vacant for

almost two years since December 2018.

This increasing number of complaints pending every year is a huge challenge. Unless and until the pendency is kept at manageable level, the objective of the Act would never be met. The situation would only aggravate further in the given global crisis, as SIC had already suspended hearing for almost 105 days due to the impact of COVID-19 and subsequent lockdown.

Similar is the situation with regards to other legislations. The implementation of Guaranteed Delivery of Public Services Act and the Right to Hearing Act are facing several challenges. According to various reports, due to poor delivery of public services and lack of effective implementation, the government received a whopping number of 5.81 crore complaints in just a span of seven years from citizens demanding services to be rendered within the stipulated time limit. Besides, though the Act has a provision for penalising erring officials who fail to deliver the services, just over INR 23,000 was only recovered as penalty from officials.

Even the Lokayukta that investigates allegations of corruption and mal-administration against public servants with a speedy redressal of public grievances functions poorly. The posts of the Lokayukta along with half dozen related posts of officers were lying vacant for the past two years since 2019 leading to piling up of complaints against government officials and employees. Such poor administration of existing laws related to good governance in the state was also reflected in the recent survey report findings carried out by an independent agency, which claimed Rajasthan as the most corrupt state out of the 20 states surveyed in the country.

Recent Initiatives

The Congress Regime, with the same Chief Minister, is in power again in the state from 2018, with a comparatively thin majority. However, unfortunately this time, the focus seems to be not on governance. Few hits and many misses, says political analysts, about the performance of the State Government so far.

However, there are few new initiatives. The Jan Soochna Portal (JSP) launched by the Government in September 2019 is a remarkable achievement in furtherance of RTI, especially Section 4 of the RTI Act that deals with proactive disclosure of information. Transparency must be accompanied by accountability, and that is where the JSP has



great value and significance. It places the power of making the State government accountable to everyone, who accesses the information on the public domain.

In February 2019, the Government decided to bring a 'Rajasthan Social Accountability Bill, 2019', yielding to the long demand of the civil rights groups. The draft bill aims at ensuring provision of quality individual goods and public goods and services in a time bound manner. It is proposed Guaranteed Delivery of Public Services Act and the Right to hearing Act to merge with the new Act. In October 2019, a committee was constituted to ensure the finalisation of the bill and enactment in a time bound manner, which had its meeting December 2019. However, it is yet to be enacted, the pandemic shift in the focus might have slowed down the process.

In October 2020, the Rajasthan chief minister announced about getting a social audit of Covid-19 welfare programmes done, with the help of non-government organisations, is a first for the country. However, no information thereafter about the formation of the governing body to carry out the same or execution of the social audit.

Importance of SDG-16

India is committed to achieve 2030 Agenda for Sustainable Development that includes 17 Sustainable Development Goals (SDGs). However, the most important of all the goals is SDG 16 (Peace, justice and strong institutions) without which no other goal could be effectively addressed. SDG-16 talks about accountability, transparency, participation, effectiveness and inclusion within the government institutions both at national and local level. Since achieving each of the other SDGs depend on effective government institutions, the role of SDG-16 or good governance to achieve 2030 Agenda cannot be overlooked. If adequate focus is not given to improve governance, it is quite unlikely that the state will progress towards achieving most of the targets set out in SDGs by 2030.

The Way Forward

Merely passing alaw is not sufficient to ensure the establishment of the principles of openness, transparency or efficiency. It needs to be effectively implemented and for that various factors need to be relied upon, including high political will, increased awareness, availability of adequate funds, pro-active bureaucracy and well-trained personnel for its implementation, dynamic and active civil society groups

and increased capacity development of the citizens to benefit from the law.

For the moment the greatest challenge is not one pertaining to capacity or funds, but to foster a shift from a culture of secrecy to one of transparency and accountability. Hence working for the advancement of bringing change of mind-sets among the government and the officials of various departments are more critical than any. Mass awareness education to enlighten both those in power or authority as well as the larger society about the importance of transparency and the ideal power relations is vital.

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