

**Popular Sovereignty vs Responsible Government  
Citizen's Charters – Scope and Limitations**

by

**Dr Jayaprakash Narayan**

**LOK SATTA**

401/408 Nirmal Towers  
Dwarakapuri Colony, Punjagutta  
Hyderabad – 500 082

Tel: 91-40-23350778/23350790; Fax: 91-40-23350783  
E-mail: [loksatta@satyam.net.in](mailto:loksatta@satyam.net.in); url: [www.loksatta.org](http://www.loksatta.org)



## **Popular Sovereignty vs Responsible Government Citizen's Charters – Scope and Limitations**

*Dr Jayaprakash Narayan\**

In a democracy people elect a government to serve their collective needs and to provide us common services ranging from public order to education and health care. The citizen is the true and ultimate sovereign and the true measure of a government's functioning is a citizen's satisfaction. A government accountable to the citizens who are its true masters; and public servants responsive to the needs of the taxpayers who are their paymasters are the essential elements of a democracy.

However, the working of administrative apparatus in India has made the government employees the true master. The Indian state employs about 13 million workers directly at the Union and State levels, and about 7 million indirectly in public sector enterprises. This number, as a proportion of the population, is not unusual by global standards. But the government employees constitute over 70% of all organized, monthly wage-earning workers in India. In a poor country with vast illiteracy and ignorance, being educated and employed is a rare privilege. If that employment happens to be in government, with all the association with the colonial trappings of power, then such an employee is treated with exaggerated deference. With decades of socialist mindset, the public servant has become dispenser of government patronage, and the citizen has become a mendicant seeking a license, permit, quota or subsidy. Corruption seeped in. The extraordinary degree of lifetime security given to a bureaucrat at every level, with virtually no chance of being brought to book, made it impossible for any government to enforce accountability. The roles of citizens and public servants have thus been reversed. The net result is that even the lowliest public servant - a peon in a taluk office - enjoys more influence and power economically, socially and politically than 80% of Indians.

As a consequence, any citizen who approaches any government agency for any service to which s/he is entitled faces hostility, humiliation, harassment, delay, inefficiency, corruption, apathy and indignity. As a result, we have citizens everywhere who are afraid of police constables, people who cannot gain access to a government office without a bribe, parents who cannot get decent education for their children in government schools, consumers who do not get provisions in a ration shop, citizens who cannot vote freely, children who do not get immunization in health centres, farmers who cannot sell their products in fair markets, commuters who cannot reach destination on time, public utilities that overprice services without amenities, and litigants who cannot get justice for years.

The freedom of a citizen is imperiled by arrogant governments and inefficient public servants. Self-governance is a mockery if the citizen is a passive spectator of the misdeeds and inefficiency of those who are paid to serve him. True, in a democracy the

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\* The author is the National Coordinator of Lok Satta movement, E-mail: loksatta@satyam.net.in; Url: www.loksatta.org

citizen can punish the government in periodic elections. But in India, elected governments are elected out of office with unfailing regularity. About 50% or more of the incumbent legislators are not reelected in any election. And yet, even as there is frequent change of players, the rules of the game remain unaltered. Therefore, we need mechanisms to improve delivery of public services on a constant basis. Empowerment of the citizens and stakeholders is the key to improving the quality of public services.

Government arms itself with myriad complicated laws and confusing rules and procedures. For instance, there are over 3000 central and about 30,000 State laws in India. Most often the citizen is treated as an expendable nuisance by the government and public servants. Any signs of citizens demanding what is due to them from a government agency are countered by a thick maze of rules, regulation and procedures. The application forms and other documents are drafted by careless and incompetent public servants without any supervision or guidance from the senior functionaries or their political masters. Unless the citizen arms himself with basic information about various services they are entitled to, and have the ability to wade through the thicket of procedures, they cannot bring government to book.

Fortunately, there are simple, practical, effective remedies such as Citizen's Charter. Citizen's Charter is an effective instrument to enhance accountability and reduce corruption. In Britain, former Prime Minister John Major introduced the concept of Citizen's Charters in 1991. It was an initiative to drive up standards of all public services. After that, many countries such as Belgium, France, Canada, Australia, United States of America, followed the suit. There are four key prerequisites of a Citizen's Charter:

**1) Clearly defined responsibility:** Full, accurate information readily available in plain language about:

- Who will be responsible for the delivery of the services
- What does the citizen need to do in terms of application and fee

**2) Well-defined and quantifiable performance standards:** The charter should not be a pious declaration of intent. It should contain:

- The clear time limit within which the service will be delivered
- The mechanisms to quantify the delivery
  - Eg. A calibrated can at the petrol station to measure the quantity delivered
- The quality criteria clearly defined

**3) Compensation for non-performance:** Financial compensation for failure to meet the performance standards is the vital prerequisite to make a charter effective. Ideally, there must be compensation payable to the citizen for every day, or every hour's delay. For instance, if there is delay in obtaining a birth certificate, or in attending to a fuse call from an electricity consumer, there must be monetary compensation. This amount should be paid by the agency/utility, and then recovered from the erring employee.

Such compensation for non-performance works very well when the delivery is delegated to a local authority/agency, there is no scarcity of supply, sufficient flexibility exists to improve speed or rate of delivery, and when user fee is charged for service.

**4) Instant redressal mechanisms:** The charter becomes ineffective unless there is a viable, local, swift redressal mechanism which not only ensures delivery, but enforces compensation payment in case of delay or non-delivery.

In 1998, Lok Satta (People’s Power) movement released a People's Charter listing details of over 40 commonly availed services, and built pressure on the provincial government in Andhra Pradesh, a state of 75 million in south India. Owing to Lok Satta’s advocacy, such a charter was introduced by the Government of Andhra Pradesh, India, in municipalities covering four such basic services: Issue of birth and death certificates (5 days); Residential water connection (30 days; 10 days under OYT); Approval of house construction plan (15 days); Property tax assessment (15 days). For the first time in the country, the charter provided for a compensation of Rs 50 for every day’s delay in service, which has radically changed the nature of relationship between the citizen and the government. The charter is working well, and several hundred citizens received compensation too. Several charters are being implemented in various other departments in Andhra Pradesh and elsewhere in India, numbering over 700. Most of them have no provision for compensation and are ineffective. The need of the hour is to introduce genuine charters with monetary penalties in respect of all services where there is no supply constraint and ensure wide publicity and effective implementation.

Mere framing of Citizen’s Charters will not transform the mindset in the administrative machinery. There are a few other attendant measures that are required to turn Citizen’s Charters into true instruments of empowerment. Mass communication is a powerful mechanism and it should be used for increasing awareness among people on Citizen’s Charters. Media capsules can be created covering specific services, giving basic information and urging people to assert collectively for better

<b>Citizen’s Charters in a Few Departments - Government of Andhra Pradesh</b>			
<i>Name of the Department</i>	<b>Name of the Service / Item of Work</b>	<b>Targeted Response Time</b>	<b>Fees to be paid</b>
Department of Treasuries and Accounts	Enforcement of Challans Issue of certificates of Credit	Instantaneously 2 days	
Andhra Pradesh Road Transport Authority	Driving Licence <ul style="list-style-type: none"> <li>• Learner’s</li> <li>• National</li> <li>• International</li> </ul>	Same day Same day 2 hours	60.00 390.00 350.00
Andhra Pradesh Police	Registration of FIR Supply Copy of FIR Reach Scene of Offence (excluding journey time) <ul style="list-style-type: none"> <li>• Urban</li> <li>• Semi-urban</li> <li>• Rural</li> </ul> Post mortem report after Receipt from Medical Officer	Immediate 3 hours  10minutes 20minutes 30minutes  4 days	Free Free  Free Free Free  10.00

public services by using Citizen's Charters. Unless citizens assert collectively and continuously, public services will not improve. What is a problem faced by one citizen will be another's problem tomorrow. Therefore citizens should form neighborhood watch groups to protect their interests collectively to obtain better services from government using Citizen's Charters as a launch pad. Civil Society groups can play a facilitating role in this endeavor. Finally, effective implementation of Citizen Charters may require visible examples of successful collective citizens' initiatives.

For instance, Lok Satta movement popularized Charters in Andhra Pradesh by innovative means. Matching awards were announced wherever and whenever citizens collect compensation from the local government for non-performance. This created a psychology of competition, as well as spread the message widely by attracting media attention. Similarly, in 1998, Lok Satta volunteers started random inspections of petrol stations for detecting short delivery of petrol. Calibrated, pre-certified cans are taken to petrol stations, and the dealers were asked to fill the cans. Once the quantity of petrol delivered could be measured instantly, there is a proof of short delivery. Thanks to such random checks, the meters of 1500 petrol stations throughout the province of AP were set right within 15 days. The very government agency (Legal Metrology Department), which was earlier in collusion with the petrol stations to tamper the meters, was compelled to strictly enforce the law because of public pressure, and verifiable mechanism with citizens' involvement. The benefit to consumers on this account alone has been over Rs. 10 million a day, and the cumulative benefit to people to date is about Rs. 20 billion by now in AP alone.

There is a necessity to extend Citizen's Charters to a variety of civic services and amenities. This should be made a major citizens' issue, and civil society groups will have to play a major role. And once Citizen's Charters are turned into a viable instrument, the citizens should consistently demand and get quality service. Only then will government be effective and corruption-free.

However, Citizens Charter are not a panacea for all public services. Corruption, mal-administration, poor delivery of services and harassment of citizens are often the visible symptoms of deep-rooted governance malaise. Monopolies often breed corruption and callousness. Delays in such cases are merely ruses for rent-seeking. Shortages certainly force rationing and discretion. Therefore competition and choice are critical wherever possible. Excessive discretion is often the source of corruption. Similarly secretive functioning, obscure procedures, and uninformed citizens are recipes for misgovernance. Transparency laws and their effective enforcement are therefore necessary. High degree of centralization leads to diffuse accountability, and creates a system of alibis. Effective decentralization with clear fusion of authority and accountability, and local delivery of services are vital for citizen-satisfaction and prompt and effective response. Independent and effective ombudsmen, a culture of rule of law, swift punishment for wrongdoing or willful inaction, and a risk-reward system which alters the incentives and puts a premium on performance are time-tested methods to hold public servants to account.

Above all, the quality of services cannot be de-linked from the electoral and political system. If the whole political system is driven by the inexhaustible appetite for illegitimate funds, then no amount of tinkering with services at the delivery point will yield results. Even when there are results, they will be transient and self-limiting. As long as the demand for such illegitimate funds is not addressed by far-reaching political reform, curbing a few sources of supply will not improve the situation effectively. In fact, corruption then may shift to more dangerous and sovereign spheres of state functioning. Land titles, justice administration, crime-control, crime investigation and prosecution, taxation and revenue wings of government, and public procurement of goods and services – these cannot be privatized. Corruption and distortions in these sovereign spheres of state action have even graver consequences than rent-seeking in service delivery. Therefore, an all-out assault to cleanse the political and governance system is vital to make results durable and sustainable.

The massive political reforms engineered in Mexico over the past decade or more are a great example of what a developing nation can do to transform its institutions and rejuvenate the republic. Many nations with evolving democratic institutions need to wage such a struggle on a variety of fronts. Informed citizenry, assertive public opinion, free media, independent judiciary, effective ombudsmen, and vigilant and strong opposition – all these are vital to force reform on a recalcitrant system, and promote public good. A lot needs to be done to make citizens get good value for public money. Government too is a service provider, and citizen is a consumer with rights. The two major differences between the consumer and citizen are – government often holds a monopoly over the services it delivers, and therefore needs to be kept under constant check; and citizen is not only a consumer, but is the owner and paymaster of a democratic government. Therefore there is no greater guarantee against abuse of office than assertion of citizens' sovereignty collectively. Citizen's charter is one of the necessary tools in this constant struggle to make the citizens the sovereigns, and the government their servant. However, much more needs to be done to create sufficient conditions to make government and public authorities truly accountable to the citizens. As Plato said over 2500 years ago, the punishment suffered by the wise who refuse to take part in the government is to live under the government of bad men. We need acquisition of the capacity by all to resist abuse of authority by the few in office.

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