

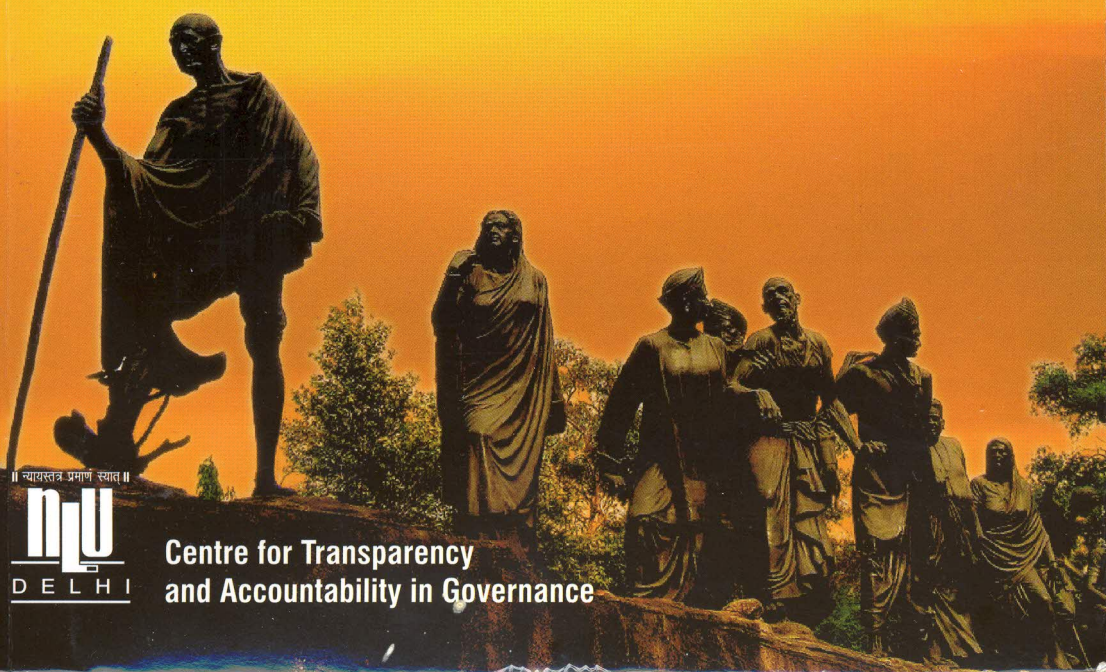
Transparency and Accountability in Governance

Dr. Jeet Singh Mann

Chinmay Kanojia

Sanjeev Kumar

Sarvatrajit Singh



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DELHI

**Centre for Transparency
and Accountability in Governance**

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National Law University, Delhi Press

Sector-14, Dwarka, New Delhi-110078, India

TRANSPARENCY AND ACCOUNTABILITY IN GOVERNANCE

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Published by:

Centre for Transparency and Accountability in Governance

National Law University, Delhi

Sector-14, Dwarka, New Delhi-110078

+91-11-28035818; +91-11-28034255

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© NLUD Press 2013

Price: Rs. 375.00

ISBN: 978-81-923638-8-2

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Printed by: Trade Link

Nangal Raya, New Delhi, Mob.: +91-08826123525

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FOREWORD

It gives me immense pleasure to see the efforts of young, bright, spirited individuals coming together to release another phenomenal work. The commitment of these individuals and the University to a society based on rule of law is now embodied in the Centre for Transparency and Accountability in Governance at the National Law University, Delhi.

Globalisation is a challenge and also an opportunity in the present times. In this regard, we need to appreciate the convergence of economics, technology and law to better understand the dynamism in our lives. Law being one of the essentials to this tripartite structure, we must evolve our understanding of its present role and structure. In this regard, our commitment to the rule of law must be uncompromising. We have a mixed track record on this count in the past. India has established itself as a democracy which is a success on the macro participative process of governance. Yet, there are other crucial issues of internal dimension.

In pursuit of its macro participative process of governance, India faces a complex task of assimilation of the fractured social classes. Two issues are critical in this regard: firstly, cumulative economic progress needs to reach the various layers to create a development index which is fair and equitable; secondly, there is a need to realise a transparent and speedy justice administration system which reinforces faith in rule of law.

Good governance is a tool to help governments, businesses and civil societies to fight corruption. Corruption can be curbed by systematic changes in governance through introducing participation, transparency, accountability and probity in administration. The right to good governance is also considered as an essential part of the citizen's right that one can expect from the government.

On May 12, 2011, India became the 152nd country to ratify the United Nations Convention against Corruption, which was originally adopted by the UN General Assembly on October 31, 2003, and entered into force on December 14, 2005. India's ratification is characterized as a reaffirmation of India's commitment to fight corruption and to undertake vigorously administrative legal reforms.

Accordingly, a number of initiatives have been taken by the government to

incorporate citizen's concerns as inputs in the formulation of policy as well as in the quality and reliability of services. These can be brought through various tools, including the Citizens' Charter, Right to Information, e-Governance and the office of the Ombudsman. These tools, for ensuring transparency and accountability, are powerful and have captured the attention of many activists, academics and policy-makers around the world.

I congratulate all the authors for their timeless contribution to this book. I also congratulate the Editorial Team for the success of releasing this publication.

I wish the newly established Centre for Transparency and Accountability in Governance the best for its future endeavours.

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PREFACE

In pursuance of the first International Conference on Transparency and Accountability in Governance: Issues and Challenges organised under the auspices of the Bodh Raj Sawhney Trust held in October 2012 and its commitment to uphold the rule of law, the National Law University is proud to release this publication. The Conference was a success and attracted prestigious scholars including Justice J.S. Verma, Shri P.P. Rao, Prof. (Dr.) B.B. Pande, Shri Soli Sorabjee, Shri Wajahat Habibullah, Prof. (Dr.) Vijayakumar, Justice Santhosh Hegde, Ms. Kiran Bedi and Prof. (Dr.) M.P. Singh. Critical discussion on various topics including information activism, judicial standards and accountability, implications of the Lokpal and Lokayuktas, citizen's charter on public services, whistleblower protection and e-Governance took place.

Any meaningful execution of the social contract theory presumes effective governance. In light of the technological changes, it is clear that there is immense potential to ensure effective governance. However, in the case of India it is not only the forthcoming potential which presents itself with challenges, old issues like corruption and judicial accountability have surfaced regularly and present a formidable challenge to effective governance. It is apposite to mention that transparency and accountability are the two central pillars of good governance and it is crucial to deliberate upon issues of governance in this background. Interestingly, transparency is also a necessary prerequisite for the exercise of accountability. It is the potential of raising awareness, influencing legal debate and consequently being a part of change that inspires us to sustain our efforts in this regard.

This preface would be incomplete without thanking our Vice Chancellor, Prof. (Dr.) Ranbir Singh, who has been a constant source of support, encouragement and guidance and also the Bodh Raj Sawhney Trust for their generous contribution.

This is only a small step in our continued commitment to form a society based on rule of law and we hope that this book exceeds your expectations.

Editorial Committee

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