

# INTERNATIONAL CONFERENCE ON TRANSPARENCY AND ACCOUNTABILITY IN GOVERNANCE: ISSUES AND CHALLENGES

13-14 October, 2012  
CONFERENCE PROCEEDING

Vol. 1



॥ न्यायस्तत्र प्रमाणं स्यात् ॥



ORGANISED BY  
**NATIONAL LAW UNIVERSITY DELHI**  
Sector-14, Dwarka, New Delhi-110078, India



**INTERNATIONAL CONFERENCE ON TRANSPARENCY  
AND ACCOUNTABILITY IN GOVERNANCE: ISSUES  
AND CHALLENGES**

**CONFERENCE PROCEEDINGS**

**NATIONAL LAW UNIVERSITY PRESS**

© National Law University Delhi Press 2012

No part of this publication can be reproduced in any form or by any means without the prior permission of the publisher.

**Note:**

The papers included in this publication have been directly reproduced, with minimum editorial intervention, from the files sent by the respective authors. Any intellectual rights deferred arising out of papers published in the conference proceedings shall be liable directly to the author(s) of the said paper. The views and comments are absolutely personal and shall not be bound for any legal liability to the publisher and partners.

**Published by:**

National Law University, Delhi  
Sector – 14, Dwarka, New Delhi – 110078  
+91-11-28035-818

**ISBN:** 978-81-923638-7-5

**For further copies please contact:**

Registrar, National Law University, Delhi  
Sector – 14, Dwarka, New Delhi – 110078  
+91-11-280-34-255, +91-280-34-4254  
[www.nludelhi.ac.in](http://www.nludelhi.ac.in)

# **INTERNATIONAL CONFERENCE ON TRANSPARENCY AND ACCOUNTABILITY IN GOVERNANCE: ISSUES AND CHALLENGES**

## **ORGANISING COMMITTEE**

### **Patron-in-Chief**

**Prof. (Dr.) Ranbir Singh**

Vice Chancellor, National Law University Delhi

### **Advisory Committee**

**Prof. (Dr.) N.L. Mitra**, Chancellor, KIIT University, Orissa

**Prof. (Dr.) M.P. Singh**, Chairman, Delhi Judicial Academy, Delhi

**Prof. (Dr.) K.N. Chandrasekharan Pillai**, Director, National Judicial Academy, Bhopal (Madhya Pradesh)

**Prof. (Dr.) Veer Singh**, Director, Punjab and Haryana State Judicial Academy

**Prof. (Dr.) Paramjit S. Jaswal**, Vice Chancellor, RGNUL, Patiala, Punjab

**Prof. (Dr.) V. Vijayakumar**, Vice-Chancellor, Tamil Nadu Dr. Ambedkar Law University, Chennai

**Prof. Sachidanandham**, Visiting Professor of Law, National Law University Delhi

**Prof. (Dr.) Amar Singh Sankhyan**, Professor of Law, National Law University, Delhi

### **Patron**

**Prof. (Dr.) Srikrishna Deva Rao**, Professor of Law and Registrar, National Law University, Delhi

### **Conference Convener**

**Dr. Jeet Singh Mann**, Assistant Professor of Law, National Law University, Delhi

### **Conference Co-convener**

**Dr. Vishal Mahalwar**, Assistant Professor of Law, National Law University, Delhi

## **Editorial Committee**

Dr. Jeet Singh Mann

Sarvatrajit Singh

Saral Minocha

Sanjeev Kumar

Nidhi C.

Chinmay Kanojia

Akshay Shreedhar

## **Media Partner**

**WITNESS**

INDIA'S FIRST MAGAZINE ON LEGAL  
AND CORPORATE AFFAIRS

[www.witnesslive.in](http://www.witnesslive.in)

## **THEMATICS SESSIONS**

### **THEMATIC SESSION 1:**

**Public Accountability, Ethics in Governance, Public Hearing**

### **THEMATIC SESSION 2:**

**Judicial Accountability and Standards**

### **THEMATIC SESSION 3:**

**E-Governance, Right To Services, Citizens Charter**

### **THEMATIC SESSION 4:**

**Right to Information (Including Disclosure of Information and  
Protection to Whistleblower)**

### **THEMATIC SESSION 5:**

**Lokpal and Lok Ayukta**



## PREFACE

The National Law University, Delhi is organizing its first International Conference on International Conference on Transparency and Accountability in Governance: Issues and Challenges at its state-of-the-art campus at Dwarka. The main objective of the conference is to discuss various issues concerning right to information activism, judicial standards and accountability, implications of the Lokpal and Lokayuktas (Ombudsman), citizen's charter on public services, whistleblower protections and quality governance, e-Governance and public hearings on public interest matters.

Globalization is a challenge and also an opportunity in the present times. We require the convergence of Economics, Technology and Law. India had a long history of business and technology. The potential has been unleashed through the process of liberalization. Yet the smooth sailing requires the compass called Rule of Law. We have mixed track record on this count. 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.

There is a complex task of assimilation of the fractured social classes for centuries in such participation.

1. Cumulative economic progress needs to reach the various layers to create a development index which is fair and equitable.
2. Most importantly a transparent and speedy justice administration system which reinforces the 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 rights that one can expect from the government.

Transparency and accountability are two of the central pillars of good governance. Transparency and accountability are current buzzwords of governance being used unsparingly not only in India, but by governments and international institutions all over the world. Transparency is also a necessary prerequisite for the exercise of accountability. Transparency and accountability are also significant for the efficient functioning of a modern economy and for fostering social well-being

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' Charters, Right to Information, e-Governance, and institution of 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.

Our sincere endeavor will be to make legal education as justice education, as an instrument of social, political and economic change, and to prepare Lawyers who will be competent in the art of advocacy both at the trial and the appellate level and also skilled in judicial administration. The students of the National Law University, Delhi will be shaped as agents of change as the country mandates to achieve its developmental goals for future generations. The primary mission of the University will be to create Lawyers who will be professionally competent, technically sound and socially relevant, and will not only enter the Bar and the Bench but also be equipped to address the imperatives of the new millennium and uphold the Constitution of India. The aforementioned professional competency will be achieved as the Conference is going to be presided by prestigious scholars like Dr. T.K Vishwanathan, Justice J.S Verma, Shri PP Rao, Prof (Dr) B.B. Pande, Prof (Dr) Veer Singh, Shri Soli Sorabjee, Shri Wajahat Habibullah, Prof (Dr) Faizan Mustfa, Prof (Dr) Vijayakumar, Justice Santosh Hegde, Ms. Kiran Bedi, and Prof (Dr) M.P.Singh whose presence will stimulate intellectual debates on the topics of contemporary relevance. It is one of the first conferences in our country where the above mentioned stalwarts culminate to discuss on these issues. We are thankful to all of them for chalking a time out of their busy schedule to address the students of the college as well as others present on these coeval topics.

We are also grateful to our Vice Chancellor Prof (Dr) Ranbir Singh for his constant support, encouragement and guidance, without which this programme would have not been possible.

The Conference will provide an international platform to all stake holders to address contemporary issues pertaining to accountability and transparency in governance. The Organizing Committee received an overwhelming 266 abstracts for consideration for the proceedings of the Conference. After thorough evaluation, both in terms of quality of research and variety of research the Abstract Screening Committee selected 115 abstracts and their full papers for publication. This book is a compilation of these full papers.

**Editorial Committee**



## TABLE OF CONTENTS

### VOLUME ONE

#### THEMATIC SESSION 1: PUBLIC ACCOUNTABILITY, ETHICS IN GOVERNANCE, PUBLIC HEARING

Good Governance: Time To Revitalize And Redefine The Concept In Contemporary Phase <i>Amritha T.</i>	1
Transparency In Governance Ultimate Key To Reforms <i>Kalpeshkumar L. Gupta</i>	13
Ethics In Governance To Espouse Transparency And Accountability In The Public Administration: A Critical Appraisal <i>Dr. Jeet Singh Mann</i>	31
CSR: Weapon in the Hand of Business Tycoons or Responsibility in 'True Sense'? <i>Bipin Kumar &amp; Anusmita Chanda</i>	46
Legislative Public Hearings And Politics Intermingled <i>Shashank Dubey &amp; Nishant Pal</i>	57
Role Of Ensuring Legitimate Dues To Contract Good Governance <i>Dr. Sanjay Upadhyaya</i>	71
Moderating Role Of Integrity Pact In Ensuring Transparency And Accountability In Public Procurement: An Empirical Study Of PSUS In India <i>Surabhi Gupta &amp; Nakul Gupta</i>	87
Accountability And Social Movement <i>Shashi Prabha Joshi</i>	100
Ethics And Governance <i>Raghav Shukul &amp; Chinmay Kanojia</i>	106
A Tale Of A Failed Local Governance And Role Of Civil Society In Jharkhand: A Critical Appraisal <i>Ravindra Pathak &amp; Nilesh Shreedhar</i>	122
Building Good Governance Through Decentralisation: Case Of Hill State Of Sikkim, India <i>Dr. Durga P. Chhetri</i>	135

An Examination Of Section 39(1) Of The 1996 Constitution Of South Africa And Its Applicability Within The Context Of International Human Rights Law <i>Shri O M Khan</i>	150
--	-----

**THEMATIC SESSION 2:  
JUDICIAL ACCOUNTABILITY AND STANDARDS**

Judicial Standards And Accountability Bill: The Beginning Of The End Of Judiciary? <i>G A Solanki</i>	158
Judicial Standards And Accountability "Sed Quis Custodiet Ipsos Custodiet?" <i>Swati Mohapatra &amp; Swati Upadhyay</i>	163
The Judicial Standards And Accountability: Credibility Of 'The Bill' <i>Aardraa Upadhyay &amp; Jhalak Agarwal</i>	178
Disturbing Trends In Judicial Activism In India: Need To Ensure Standard And Accountability <i>Dr. Pawan Kumar</i>	192
Judicial Accountability And Democracy: "Who Will Judge The Judges?" <i>Kush Kalra &amp; Priyanka Barupati</i>	202
Judicial Accountability Vis-À-Vis Judicial Standards <i>Monika Malik</i>	214
Judicial Accountability And Self Restraint <i>Anukriti Jain &amp; Sargam Jain</i>	231
Appointment Of Judges: The Precarious Balance Between Judicial Accountability And Excessive Independence <i>Punya Varma &amp; Sagar B M</i>	248
An Efficient Judicial System Is Imperative For Good Governance <i>Anand Swaroop Das</i>	258
Why And How Judicial Transparency And Accountability Today <i>Anurag Daga</i>	270
Is There A Need For Accountability In The Judicial System: A Critique Of Judicial Standards & Accountability Bill, 2010 <i>Saleh Ahammad &amp; Sonali Varshney</i>	283
Watching The Watch-Dogs: What Will It Take To Keep A Check On Judiciary? <i>Anshumaan Bahadur</i>	295



Judging The Judges: Rising Standards By Ensuring Accountability <i>Jayesh K Unnikrishnan &amp; Dinesh Sirgh</i>	308
Judicial Accountability- A Tool For Maintaining Judicial Standards <i>Kranti D. Deshmukh</i>	323
Judicial Independence And Judicial Accountability : A Conspectus <i>Dr. K V Ravikumar</i>	333
Judicial Independence And Accountability: A Critique <i>Dr. K C Jena</i>	342
Contemporary Issues And Challenges Related To Judicial Standards And Accountability <i>Kshamendra Mathur</i>	357
Independence, Transparency And Accountability In The Judiciary Of India <i>Harish Choudhary &amp; Naman Mohnot</i>	365
Judicial Standards and Accountability Bill, 2010: Binding the Unbridled? <i>Dr. Archana Gadekar</i>	375
Democratic Approach to Judicial Standards and Accountability In India <i>Nainshree Goyal</i>	386
Judicial Accountability-“Re-Visioning The Role Of Judiciary” <i>Raj Prashar</i>	398
Who Is To Judge the Judge: Knocking On Accountability's Doors <i>Saurabh Kumar and Abhinav Kumar</i>	404

**THEMATIC SESSION 3: E-GOVERNANCE,  
RIGHT TO SERVICES, CITIZENS CHARTER**

Citizen's Charter: A Farce Of Accountability <i>Vishal Tripathi</i>	411
The Opaque Image Of Identity: The NPR-UID Nexus <i>Priyanka Vij &amp; Manish Verma</i>	422
Citizens Charter And Good Governance <i>Aswathy S S</i>	433

Citizens' Charter: The Indian Perspective <i>Mahima Deepak</i>	446
Citizens' Charters: A Step Towards Promoting Transparency And Accountability In Public Services In India <i>Dr. Rajesh Kumar Malik</i>	456
Implications Of The E-Governance On Transparency & Accountability In Governance <i>Vandana Kapoor</i>	466
e Court: A Panacea For Effective And Transparent Judicial Administration <i>Dr. Kavita Lalchandani</i>	476
E-Governance In Government Procurement <i>Dr. Jyoti J Mizika</i>	488
Importance Of E-Governance As A Tool For Ensuring Transparency And Accountability In Governance <i>Naina Pachnanda &amp; Ananya Gupta</i>	502
Analyzing The Impact Of E-Governance With Special Reference To 'SAMS' Project Of Government Of Odisha <i>Prasidh Raj Singh &amp; Sourav Chandan Padhi</i>	512
Implications Of E-Governance In Digital Banking: Driving Towards Sustainability In Public Financial Management <i>Divya Muralidharan &amp; Risa Das</i>	523
Citizen Engagement- Ladder To Achieve Transparency, Accountability And Success Of National E Governance Plan In India <i>Alok Ratnoo</i>	543
Accountability And Transparency In E- Governance <i>Ankit Jain and Disha Goyal</i>	560
Need for Efficacious Enforcement of Rights to Speedy Delivery of Good and Services in India <i>Shikha Hundal</i>	575
Defining E-Governance Vis-À-Vis Law: An Imperative to Development <i>Gunjan Rawat &amp; Mohita</i>	590