

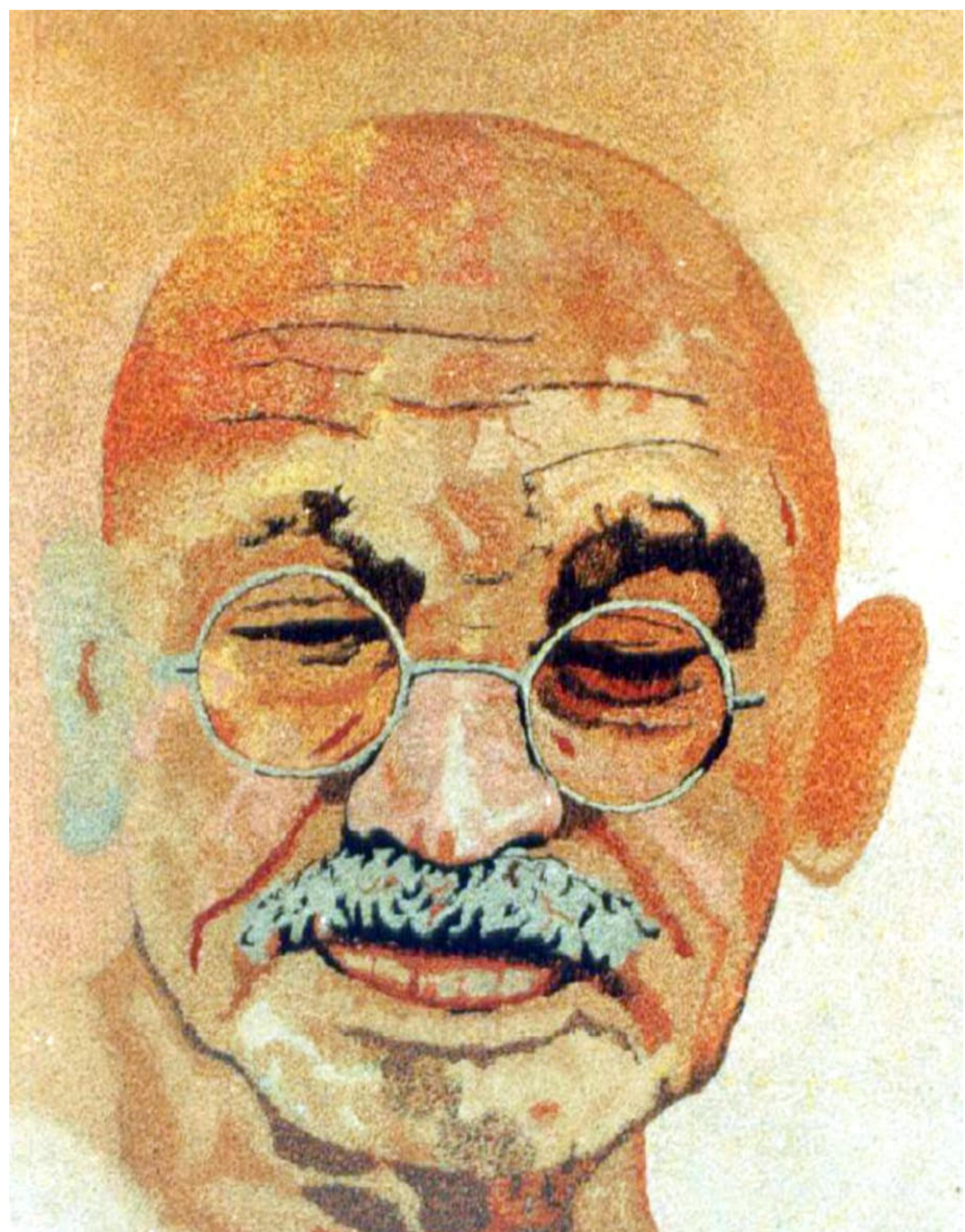


GOVERNANCE MIRROR

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Thread on Canvas (Embroidery) by Shri. Arun Chakraborty

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About Governance Mirror

R. P. Batra, Executive Director, Governance Foundation

Governance Foundation, established in 2021, works towards bringing positive changes in society by promoting better governance practices and by focusing on the key contributors to Governance viz. Peoples, Media, Legislature, Executive and Judiciary. The Foundation renders services through pursuing innovation and research, spreading awareness and building capacity, advocacy on policies and programs, conducting governance audits and providing advisory services.

To highlight better governance practices, addressing governance issues plaguing the society and spreading awareness on global best practices, the Foundation publishes “Governance Mirror” in English language. A key objective of the publication’s content is to bring forth constructive societal change and work towards its redressal by not only bringing in structural reforms but also changes in the mindset leading to improved delivery of governance services to its consumers.

This inaugural edition of Governance Mirror highlights best practices in the fields of public service delivery, health and sustainability-led growth relevant to any economy through a series of articles and case studies. We look forward to your kind feedback and suggestions to deliver relevant & substantial information and strive towards better governance practices.



Using Artificial Intelligence for Panchayati Raj Institutions

Good governance through better algorithms

-Harsh Shrivastava

India has hundreds of thousands of Panchayati Raj Institutions (PRIs) across its villages, block panchayats, Nagar panchayats, municipalities, and zilla panchayats. For decades, they have not performed as per expectations and what their voters want because they have limited funds, limited functions, and ill-equipped functionaries.

Increasing the “functions” side of the equation may require constitutional changes—a PRI list apart from the Union, Concurrent, and State lists to guarantee the areas that PRIs are responsible for. It will also require political will so that state governments legitimately transfer functions (and administrative authority for those functions) to PRIs. For instance, much of the budget of any large city is run by that city’s development authority answerable to the state government, and not the municipal corporation. This article will therefore not talk about functions.

Slowly, more “funds” are being given to PRIs. First, because state government revenues are rising, and thus more money is trickling down to PRIs. Second, the Union Finance Commission

and a few State Finance Commissions are allocating an increasing proportion of total revenues to PRIs. There is a big, and continuing problem of the PRIs raising their own tax revenues—they have not been able to find new sources to tax or have the political will to increase tax rates. Their revenue expenses are also rising—salaries, fuel, etc., so even less is available for capital expenses like sewage plants and garbage disposal systems. Enough experts have opined on this issue, and it again comes down to the political will of both the state government and the PRI elected representatives to tackle this issue better.

That leaves “functionaries”, which this article will focus on. Most of the government officials assigned to PRIs are regular, pensionable government employees. But there are also a couple of million directly-elected PRI members, one-third of whom are women. These are the real functionaries of PRIs and this article argues that if their capabilities are enhanced, they will be able to provide leadership to their institutions and thus transform PRIs, even with limited funds and functions.

Using IT, computer-assisted learning, and even AI are some of the tools that I propose that can be easily and widely deployed across all PRIs to build the capacity of PRIs. To start with, every newly-elected PRI member from the humblest village panchayat should be able to see a fifteen (or thirty) minute video in their language explaining to them what their roles are, what their authority is, and what resources will be given to them.

Just like many airplanes' emergency evacuation guide is delivered on a video on a screen in the next seat, these videos would be in simple languages, with graphics and animated characters. Like there are separate videos for different types of aircraft, there would be different videos for each level of PRI—a block panchayat member will see a video relevant to them. Such videos would be prepared by each state government and played on the computer at the PRI office and made available as a download to each PRI member's mobile. They can then see this video later at their convenience and see it whenever they want to refer to it.

Besides the introductory video, there would be other videos—how to prepare a yearly plan and a budget; how to conduct village sabhas; common ways to curb corruption; how to handle difficult employees; how to conduct meetings of the PRI; how to access State government and Union government schemes, etc. Such courses put together would be like a Khan Academy of learning for each PRI in all languages and for all levels.

Apart from videos and tutorials on specific skills and functions; PRI members should also be provided training (online through Zoom where possible) on softer issues of leadership like managing their Emotional Quotient and resilience, self-motivation and motivating others; conflict management; time management, etc.

This would be backed by providing easy-to-use software that helps elected PRI members handle day-to-day (or quarterly or yearly tasks) like budgeting, attendance, purchases, etc. This software should again be in all relevant languages and be customized for tribal areas and



autonomous district councils; for urban areas; and for border areas separately. The software should come with graphs and charts that show expenditure to date and what is left from the budgeted amount, so it becomes easier for PRI members to track where their spending is going.

This software should be linked to easy-to-understand and also easy-to-use parameters to measure the success of a PRI member. How many meetings has she attended? What is the actual expenditure vs the budgeted expenditure? Did the PRI achieve its fund-raising target? Such parameters to support a governance audit can be flexible, with newly elected PRI members given a “handicap” for their targets.

Apart from this by-now-routine software support, I propose to use the power of Artificial Intelligence (AI) to help PRIs perform better. All PRIs have to carry out a common set of functions or tasks and we now have decades of data on spending, budgeting, repairs, hiring, purchasing. If this data is fed into an AI engine, then the engine could also make recommendations to PRI leaders as they start using their software, just as Microsoft’s Word software is able to make predictions of words as you type (as does Gmail). Chat GPT (bought by Microsoft) and Bard (by Google) are already developing powerful AI tools to make it easier to answer queries. We should use such tools to create our own made-for-PRIs support system.

So, if a monthly budget has to be made, the AI can deliver a recommendation to the PRI member in charge saying that, say, the best allocation for health vs. education would be 40:60, because that seems to work in 80 percent of the cases. Or if the PRI member is finding that staff attendance is down; then the AI engine can suggest that the remedy that worked best in 71 percent of the cases was to name and shame the defaulting employees rather than issuing them a warning letter.

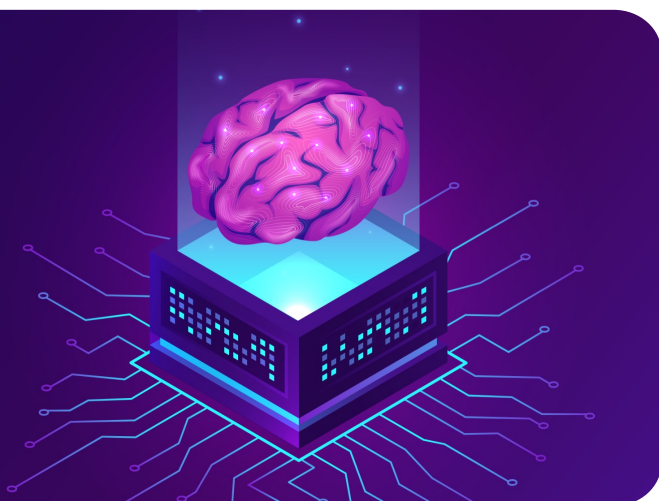


As more and more data is captured by the same software that is running in all PRIs, it would be able to make better and better recommendations for more and more situations in more and more languages. Later the AI recommendation could be voice-enabled so a PRI member only has to speak her or his concern into their mobile phone (or computer) and get a recommendation.

This combination of video tutorials, easy-to-use software, and artificial intelligence should increase the capacities and capabilities of elected representatives. And for those who are not literate or numerate, there could be basic, foundational, catch-up classes that they could take and thus quickly become ready with the nuts and bolts of managing the functionaries, funds, and functions of their village, block, district, or town.

Developing all this will not be costly, some of it can be developed by the Union government, and the rest can be done by state governments to common national guidelines. Each state government should have a separate entity to manage the computerization, learning and development, and AI support for the PRIs in their state, apart from the video producers and app developers. Such an entity should employ sociologists, anthropologists, linguists, graphic designers, and where possible, those who have earlier been elected PRI leaders. Such a diverse group is needed to prepare the most user-friendly tutorial videos and to curate the data and the algorithms that the AI engine will use. The Union government should fund such entities, who can also charge a small license fee from each PRI for the services that they provide.

This behind-the-scenes intervention and support is, I believe, the most useful and cost-effective intervention that can be made to immediately improve the governance and functioning of all PRIs and thus deliver better governance to all.





The Issue of Encroachments on Link Roads and Chakroads in Rural India

-Devesh Tripathi

Introduction

Link roads or Chakroads, as they are commonly referred to, serve easy access for the farmers to the main roads to transport agricultural produce from the farmlands and farm materials such as machinery, fertilizers, etc. to the farmlands. Farm roads, agri roads, and similar terms are also used to refer to these roads in many parts of the country. Studies and interventions have established that link roads have a much significant impact on the farm utilization, number of crops that a farmer is able to do each year, cultivation timing, quantity of farm produce, type of crop, availability of labourforce, accessibility of machinery and tools, etc.

Encroachment on link roads (Agri roads, farm roads, etc.), the illegal occupation and cultivation of common land, particularly chakroads is very rampant throughout the country. This poses great challenges and inconvenience to farmers, particularly small and marginal ones as well as other stakeholders in movement of agricultural produce and other stuff to and fro the farmlands.

The width of link roads have been reduced to minimum in many cases because of excessive road encroachments on almost all types of rural roads - farm roads, link roads, agri roads, etc. Under the present state of affairs, it is quite essential to assess the economic costs of encroachment on existing link roads and the loss in GDP being suffered by the agriculture sector due to this seemingly negligent, but much serious problem and try to find out measures to remove encroachment from link roads across the country so as to reap the benefits of having these roads in first place. It has been established that improvement of rural roads lifts rural people above the poverty line and the same stands true for farm roads too. In this respect, it is high time that the issue of farm road encroachments are addressed as a national problem, and definitive steps are taken towards comprehensive mitigation of the problem through various measures such as awareness, capacity building, trainings, discussions, use of digital tools, digital demarcation of link roads/ farm roads and development of geo-spatial database, and enforcement, among others.



Background

Rural Connectivity becomes a critical component in the socio-economic development of rural people by providing access to amenities like education, health, marketing etc. India's rural economy is still very much dependent on agriculture income and thus it is important that matters that hinder the agriculture sector are looked at seriously and addressed with due importance and urgency. It has been established that investments in rural roads lifts rural people above the poverty line and the same is the case with farm roads/ link roads that have the potential to uplift the farmers who are directly dependent on the farm produce as their sole means of income. The evidence also indicates that as the rural connectivity improves, the rural poverty levels come down.

Encroachment, the illegal occupation and cultivation of common land, due to rising pressure on land, occurs almost throughout India and is a problem in many other countries too. Much of this encroachment has been at the boundaries of common and private land. Land owners, in most cases farmers themselves, with private land adjacent to the common land encroach by gradually moving the boundary marker, incorporating the common land into their own holdings, and farming it as their own to the exclusion of others. Village-to-farm roads are a rarely mentioned but vexed problem for revenue departments all over the country. Roads remain encroached upon, sometimes for generations, as most encroachers are big landowners or politically well-connected farmers who use their influence to derail anti-encroachment drives. The authorities, and even other villagers, do attempt to stop such encroachment through a variety of costly

enforcement techniques, yet some encroachment inevitably goes undetected or unpunished. Often this encroachment is followed years later by the ex post granting of permanent and transferable property rights to the encroacher, a process known in India as regularization, the formalization of rights through adverse possession.

Land Encroachment Laws and Penalties in India

Section 441 of the Indian Penal Code, 1860, deals with property and land encroachment in India. According to this Section, encroachment happens when an individual tries to enter someone else's land or property illegally.

Section 441 of the IPC also applies to trespassing private property. It is considered an offense as per Section 442. Apart from that according to the Act, a judiciary can either cease or prevent encroachers from infringing on someone else's property.

A judiciary can also ask an encroacher to pay compensation for infringing someone else's property. Compensation is evaluated based on the loss caused due to encroachment and the current value of the land. The landowner can claim the damages by moving to court according to Order 39.

Section 441 of the Indian Penal Code (IPC), 1860 is applied to land and property encroachment. If a person is found guilty, they will pay a Rs 550 fine and imprisonment for up to three months.



Types and sources of link road encroachments

- Illegal occupation and cultivation of common land
- Illegal digging and establishing drainage and/or water channels through link roads
- Erection of a building or any other structure such as retaining walls, boundary walls, balconies, porches, chajja projections on or overhanging the road land
- Occupation of road land beyond the prescribed period, if any, by stacking building materials or goods of any other description, for exhibiting articles for sale, by erecting poles, awnings, tents, pandals and other similar erections or by parking vehicles or stabling domestic animals or for any other purposes
- Excavations or embankments of any sort made or extended on any road land

Issues faced by farmers due to road encroachments

- Inability to transport farming materials, machinery, fertilizers, etc. to the farms
- Most farmers have to carry fertilizers, seeds and tools to farms in head-loads due to lack of road width for bullock carts, tractors
- Lack of roads forces farmers to use other roads to transport produce and wait till the neighboring farms are cleared of standing crops
- Due to high bunds raised by encroachers on the sides of the roads, roads are eroded by rainwater
- Roads eroded by rainwater aren't usable during the rainy season and any transportation to and from the farm is not possible for many months, resulting in delayed crop cutting, loss of crops, loss of access to peak market prices, etc.
- Long standing land feuds between farmers
- Unwillingness of laborers to travel long distances on foot to reach farms
- Loss of access to preferable crops, cash crops due to unavailability of tools, machinery, etc.





Key Strategies to Address Encroachment

- GIS Architecture is an essential tool to be placed on comprehending the information of spatial and non-spatial data over a space and time. Rural agricultural road network comprises a group of nodes and links. The Network Configuration is a combination of these links with a directional orientation to the nodes which are the center heads of the habitations spread over the space. As most of the features are static in nature there is a need to Geo-Reference permanently and the dynamic interactions in terms of planning, construction, maintenance can be visualized over a time on this spatial frame. To create the rural asset, GIS is a great supportive tool which connects advanced technologies and the conventional practices on a common platform
- Conduct geospatial survey of all the link roads, farm roads, agri roads in the country and identify encroachments and create a digital knowledge bank of road network, encroached areas, etc.
- Increase education and training of municipalities and other State Agencies on the impacts associated with encroachment of link roads
- Develop and maintain the capacity to technically assist and support programs with land use authorities, concerned government agencies, municipalities, village bodies, etc.
- Initiate District level de-encroachment drives on all such roads based on survey findings Create a multimedia educational program, including printed material, photo libraries,

videos, powerpoint presentations, and field demonstrations, that discusses the impacts and mitigation strategies of encroachment

- Continue to conduct long term link road monitoring on a variety of stressors and update monitoring strategies with geospatial technological advancements
- Integrate volunteer monitoring efforts as a way to prevent further encroachments
- Introduce innovative strategies like creating tree lines along the roadside trenches to prevent re-encroachment.
- Constant monitoring and updation of digital database
- Strong enforcement measures and introduction of stricter encroachment fines
- Introduction of village level systematic maintenance task force for farm roads

Perceived outcomes from road encroachment removal

- Easier for the farmers to transport agricultural machines, fertilizers to the farmlands
- Easier for the farmers to move their agricultural products to the mandis/haats on bullock carts and even on tractors
- Year-round accessibility to the farm lands, even during monsoon seasons
- Land value improvement
- Increased accessibility means enhancement of employment opportunities
- Due to increased availability of local transport, transport becomes less time consuming and less challenging
- Decreased land feuds, improved law and order situation
- Achieving social justice, national integration, and economic upliftment and inclusive growth through rural connectivity
- Increase in farm land utilization, investments in profitable crops and hired labor
- Encroachment free connectivity improves outcomes beyond agriculture such as health and education, and brings in transformative positive changes for rural communities. Improvement in national GDP from agriculture sector
- Opportunity to introduce modern farming methods and technology-assisted, machinery assisted methods in rural farming



Streamlining Vigilance Governance

R. P. Batra, Executive Director, Governance Foundation

It is presumed that the major causes of corruption are (i) administrative delays (ii) Government taking upon themselves more than what they can manage by way of regulatory functions (iii) scope for personal discretion in the exercise of powers vested in different categories of government servants and (iv) cumbersome procedures of dealing with various matters which are of importance to citizens in their day to day affairs.

In Ethics and Governance, accountability means the acknowledgement and assumption of responsibility of actions, decisions and implementation within the scope of the role or employment position and encompassing the obligation to report, explain and be answerable for resulting consequences.

The attribute of “rule of law” inheres as prerequisite “fair legal frameworks” that are enforced impartially. It also means independent judiciary and an impartial and incorruptible police force. There are certain rules which are applicable to the conduct of the proceedings for taking action against the erring employees, in addition to the constitutional provisions. Central Civil Services (Classification, Control, and Appeal) Rules 1965 cover a vast majority of the Central Government employees. Besides, there are also several other Rules which are applicable to various sections of

the employees in a number of services. Although the CCS (CCA) Rules 1965 apply only to a limited number of employees in the Government, essentially these are the codification of the Principles of Natural Justice, which are required to be followed in any quasi judicial proceedings. Even the Constitutional protections which are contained in Part XIV of the Constitution are the codification of the above Principles. Hence, the procedures which are followed in most of the Government and semi-governmental organizations are more or less similar. But the right to impose a penalty carries with it the duty to act justly.

The Central Vigilance Commission also plays an important role in this regard. As per established practice and guidelines of CAG audit/inspection, before finalizing the Audit Report of the concerned entity, all the audit findings, conclusions and recommendations are discussed with the head of the concerned entity and as far as possible direct responses of the audited entity are to be solicited and recorded in a meeting also called “Exit Conference” or “Exit Interview”. It is a platform to arrive at an agreement with an audited entity about audit conclusions and recommendations as far as possible.

Involvement of CVO at the time of exit interview might provide a direct linkage between the Vigilance branch and C&AG Inspection/Audit outcome and give an early start in vigilance investigation of the matter by the Vigilance department.

This issue was taken up by the Commission with Comptroller and Auditor General, Secretary Expenditure and Secretary, Department of Public Enterprises. As a first step towards institutionalization of this system, the Commission has advised some PSUs to adopt the practice of involvement of CVOs at the time of exit interview by the CAG audit inspection team, on a pilot basis.

It has been noticed that presumptive charges are being framed against government servants due to political pressure. Bonafide actions and decisions are subjected to scrutiny of social-media and political parties. Overnight, officers of impeccable service record become villains. The views of subordinates and co-workers are seldom taken into account. Thus an honest officer with resultant low esteem is charge-sheeted, made a scapegoat without giving reasonable opportunity. Although due procedure is followed while initiating disciplinary proceedings, the element of reasonable opportunity is ignored. In a way the integrity of the employee is challenged.

However, in certain circumstances and in order to boost the morale of the aggrieved officials, the role of the HR Department is of prime importance. Therefore, the following is recommended:



- a) A 360 degree appraisal : To conduct “performance review” of the aggrieved official. Obtain feedback from co-workers and subordinates, instead of just from the direct supervisor. The 360 degree process is different, in that it. The process enables the organization to better understand how and in what circumstances the employee had functioned as part of the team. This information is to be subsequently considered during further enquiries;
- b) Summary hearing: Individual must be heard at Departmental level followed by a preliminary enquiry;
- c) Preliminary enquiry: Based on its Report, a “Fact sheet” may be prepared in a time bound manner, say within 3 months;
- d) Open Durbar System: At Senior Level, for providing “direct access” to accused government servants; Aggrieved official must have access at Senior level through public hearing; and
- e) No routine prosecution: At Departmental level there should be no routine prosecution in serious cases but quasi-judicial enquiry only. Any delay in Preliminary enquiry report should be treated as dereliction of duty; and
- f) Free legal aid: The Department should provide free legal aid in order to support bonafide actions of an official & his morale boosting.





Citizen-Centric Governance in Meghalaya

-Vasindra Mishra

Meghalaya might be one of the pioneer governments in the country for its citizen centric governance model. The government of Conrad Sangma is really trying to gear up the state machinery as per the philosophy of “maximum governance, minimum government. In 2020 the government of Meghalaya had enacted an act – “Meghalaya right to public service act 2020” under this act all the respective departments of state government are bound to deliver and act in the interest of the citizens.

There are over 100 services covered under Meghalaya Right To Public Service Act 2020. Meghalaya state assembly elections are due in the next year and the present coalition partners of the government are confident to get a mandate on the basis of their performance. Speaking during the launch, Sangma noted that the state administration has been undertaking numerous measures to ensure that citizen centric governance is being implemented across every department.

“A lot of times the basic concept of delivering efficiently and fast is diverted because most of the time focus is more on achieving targets and implementing schemes, following guidelines and

rules that we forget that we are here to serve the people,” he said. He added that the Integrated Web Portal is a step towards achieving citizen-centric governance and improving the overall delivery mechanism. “All 188 services should be made available at the earliest on the portal,” – he mentioned and urged the departments at all levels to follow the timelines so that there is no delay.

It's worthy to note that the ‘Meghalaya Right to Public Services Act 2020’ is an act to look-after the delivery of notified public services to the citizens within the stipulated time limit, including the liabilities of the government servants in case of default. The portal is designed to provide maximum convenience to citizens. It is an integrated web portal and a dashboard for officials and the Commission to enable monitoring of status of all applications at each stage.

“A citizen having poor network connectivity can avail the services of the portal in Common Service Centres,” – informed an official statement.



“This a revolutionary step towards achieving citizen centric governance & is at the core of what the Govt is trying to achieve through the provision of time-bound delivery of services to citizens by Govt Depts. The Meghalaya Government has been relentlessly working to ensure that several e-governance initiatives directly reach the doorsteps of citizens, making these services accessible for everyone, even the ones residing along outlying locations.

Keeping the obstacles faced by public into consideration, the Meghalaya Chief Minister – Conrad Sangma has also launched 5 online services – The CM’s Social Assistance Scheme for Persons with Disabilities; Online Citizen-Centric Service for Ration Card; National Generic Document Registration System (NGDRS); Online Booking of e-Tickets for MTC Bus services; Online Submission of Annual Property Returns.

The CM’s Social Assistance Scheme for Persons with Disabilities – an e-governance initiative under the Social Welfare Department aims to provide social security through financial assistance in the form of monthly pension worth of Rs 500/month to PwDs, suffering through 40% or above degree of disability.

Besides, the Online Citizen-Centric Service for Ration Card – Ration Cards Management System (RCMS) under the Food & Civil Supplies Department is a part of the digitally-enabled PDS, which allow citizens to modify family details, Aadhaar seeding, transfer/surrender of their Ration Cards.

National Generic Document Registration System (NGDRS) – an initiative under the Revenue Department will enable citizens to register land documents with the Registering Authority, for the purpose of conservation of evidence, assurance of title, publicity of documents & prevention of fraud.

Meanwhile, the Online Booking of e-Tickets for MTC Bus services – an initiative of the Transport Department will provide potential tourists and travelers ready access to schedules and routes, book e-tickets, pay online and will keep travelers up-to-date through SMS/email alerts.



The Online Submission of Annual Property Returns – under the Personnel & A.R. Department is meant for the government employees of the following cadres MCS, MPS, MFS, MSS, etc. It will help the employees of filing both Movable & Immovable Property Returns online. The chief minister has also asked for the improvement of infrastructure in public sector services like schools, police stations and health care centers.

The 1800 government LP schools would be repaired and renovated by a decentralized approach where the DRDA along with the District Level Committee and education officers will ensure that the improvement and renovation works in these schools which will also include water supply, electricity and furniture are carried out. Similar models of improvement were also adopted for Primary Health Centres (PHCs), Community Health Centres (CHCs) and police stations.

“These kinds of repair works had to go through the different departments of the government that led to a lot of delay in different renovation works so now the districts will take up the repair works at the district level in a decentralized manner which will ensure faster repair works,” he added.

Meanwhile, the ‘Police Infrastructure Renovation Fund’ conceptualized by the state administration has also been rolled-out. It was decided that 76 police stations across the State would get new vehicles. “The police stations not only perform the duty of enforcing law and order but they are also the first point of contact for the public and are also involved in additional activities in times of emergencies,” he said.

He remarked that all the police stations would be strengthened with computers and Information Technology (IT) set-ups and cranes and ambulances would be given to high traffic zones and accident prone areas. In order to control traffic and monitor traffic movements, especially along East Khasi Hills (EKH) an additional 60 new motorcycles would be provided.





Emerging challenges of Uttarakhand – Reforms in the Policing Mechanism

Issues of Concern: Brief Recital

-Dr. Pramod Kumar Sinha

Concerns have been expressed over current practices and mechanism of Revenue Police System carried out by Patwaris with dual role of Revenue and Policing in 11 of the 13 Districts of the State with following observations and developments:

In 2018, the Court had ordered to abolish the Revenue Police System taking a note that Officers are not trained in handling the contemporary crimes and further it was alleged that Revenue Officers botch up the investigation.

In 2022, the Honourable High Court called upon the Chief Secretary of the State to update on efforts made or likely to be made by the State to do away with current practices of Patwaris handling criminal cases or policing activities.

In the current mechanism, revenue department personnel like, Patwaris and Kanungos, form the initial layer of the criminal inquiry with a policing role. However, in the recent Ankita Bhandari case, as reported by her parents, the case reportedly got weakened as the Patwari didn't act promptly, enabling the accused to destroy evidence and then flee.

As per current practices, the Revenue Police (Patwari) of the area files an FIR whenever a crime takes place or comes to his notice, investigate the case, arrest the accused, and file a charge-sheet in the local court. However, provision is already there to transfer the case to the regular police in a week - 10 days' time in case of heinous crimes is reported.

The recent incident has drawn serious attention of both Judiciary and Executives of the State. In spite of the presence and involvement of both Revenue and Regular Police, it has been felt that the prevailing system might need a review for prompt attention to the safety and security of citizens.

Question arises; will abolishing the Revenue Policing be enough to address safety and law & order in the State of Uttarakhand by regular Police or a holistic view will better shape the change? The demography of the State will have to be kept in view, especially the peace-loving simple nature of people of the hills of Uttarakhand. At the same time the changes taking place in the social fabrics cannot be ignored where more and more mobile and computer-based culture is encouraging social distancing and therefore, need of change or social agents who can bridge these gaps. In this regard, lessons can also be drawn from some of the countries globally, where Community Policing is preferred for their presence and being an integral part of the society, getting acquainted with local people, understanding their needs and openness in the investigation process better than random patrolling by regular police. These practices might help in building the new mechanism and system in the State of Uttarakhand.

Policing in Uttarakhand In Retrospect

Administration of Hilly Regions or Rural India has its own strengths and challenges. With small pockets or village to district level, there are layers of authorities and the social fabric of such regions is integral to the socialistic pattern of living. Communications in such regions move from Village to Tehsil through such socially connected layers, like Patwaris or through Opinion Leaders.

Recognizing these challenges perhaps, the Patwaris were given the dual role of Revenue Collection and Policing in such remote areas of their jurisdiction. Uttarakhand, the only Hilly State in India, is known for a unique police system in which civil officials of the Revenue Department have powers and functions of Police, which was introduced way back in 18th – 19th Century.

Although regular police are established in the state, yet in many Hill Patts, in more than half of the territory of 11 of 13th Districts of the State, jurisdiction of the police rests with revenue officials, who perform functions of police, like, arrest of offenders and investigation. Historically, it was also evident that in many of these parts, crimes were very rare and did not require special or regular police in a region like Kumaon. However, regular Police are there in towns, like Almora, Ranikhet and Nainital etc.

For the purpose of investigation and allied matters relating to the offenses, the revenue officials shall deem to be a police officer competent under the Code. Again, it may be noted that such special powers and functions of the revenue officials are in effect in only those areas where the jurisdiction of regular police does not extend and not everywhere.

In the existing mechanism at Uttarakhand, the Revenue Police (Patwaris) transfer matters of serious crimes or offenses to regular Police within a week or 10 days' time routing through local court. This time frame is alarming and needs immediate attention for quick redressal of such cases within 24 hours or latest by 48 hours.

Currently, Revenue Policing is managed by comparatively less manpower, just 61% of the sanctioned strength. With their limited resources they have been doing this for about a century and thus genuinely require attention, be it in the form of skilling, updating with technology, infrastructure or aligning with mainstream policing to serve better and to improve operational efficiency.



As we know, Public Service, be it Police or Revenue Police, is often subject to criticism for various reasons, including for its ineffectiveness to address the safety and security of People and their Property.

Globally, there is a paradigm shift in the setup of policing. Many countries across the globe have either moved or moving from traditional policing to community-based policing, be it US, UK, Singapore, Canada, Australia for obvious reasons, which include, openness in the investigation process & alternate strategies, better public support, recognition of community problems & needs, creating community linkages, less dependency on mobile & computer-based data and more direct contacts, etc.

For bringing need-based changes in the current system of Revenue Policing of Uttarakhand, lessons will be drawn from prevalent practices of some of the nations. Say, benefits of 'Police Boxes' of Japan, which are set up for Community Police to operate & help in understanding the situation, needs, attitudes and concern of the locals. Programs that have been successful in Australia for Community Policing designed to help local people living far from home for various reasons.

'Community Policing' is, therefore, being recognised for bridging the gap between citizen and policing needs making policing agents integral from the society and not seen as a set up for random patrolling with less emotional bonding. The working of 'Patwaris' is very close to Community Policing, if their strength could be utilized in line with the model of Community Policing by providing adequate training, infrastructure and bringing part of the regular Police System, as far as law and order is concerned.

The Police in Uniform have its own established merits and demerits, as far as day-to-day communication with locals are concerned, being its perceived coercive nature or approach that makes them distant and generally people are afraid of being close or open to Police in Uniform for such reasons. Person in 'Civil Dress' can easily mix with locals and community and people continue to feel fearless in sharing their concern and thereby can get all possible information required for administrative set up. However, for controlling the law and order, presence of Police in Uniform is also required. Police in uniform can be effective in making a presence to stop serious crimes and strict law & order. Thus, both can supplement each other being part of a New Emerging Policing System. Therefore, a combination of both will serve better purpose and be kept judiciously in the new mechanism being evolved.

Reforms needed in the current set-up of Policing in Uttarakhand

With passage of time, review of any system is inevitable, so will be of Revenue or Patwari driven Policing in the State of Uttarakhand, which has been an area of concern also recognizing the pain of the sufferer and agony of the family. At the same time, strength of any system can be retained in the new setup for smooth facilitation of the new model of policing, also drawing lessons from global best practices of 'Community Policing'.

As Scheduled Districts Act, 1874, Rules framed therein and enactments of 1916 etc. inter-alia defines, the scope of Revenue Officers to discharge the policing function and as Rule 1 of the Rules 'In addition to the police enrolled in Act V of 1861...' implies, **it appears to give an idea that revenue police system was made in addition to and not in derogation of the regular police and shall work where jurisdiction of the regular police does not extend.**

Therefore, there is need to review the thread of evolving enactments & frameworks made in the state of Uttarakhand over a period of more than a century which gave the power to the revenue officials to arrest and investigate to bring in a new mechanism that works effectively meeting the apprehensions of the Honourable High Court and serves better to the Executives of the State, say:



- A. The assessment should take into account the background in which 'Kumaon Police' rules of 1916 were made under the Scheduled Districts Act, 1874 applicable in present districts of Almora, Bageshwar, Champawat, Chamoli, Pithoragarh, Pauri, Rudraprayag and hill patts of district Nainital.
- B. Again, the Tehri Garhwal Revenue Officials (Special Powers) Act, 1956 and the Jaunsar-Bawar Pargana (District Dehradun) Revenue Officials (Special Powers) Act, 1958 that operate in the districts of Tehri and Uttarkashi, and the Jaunsar-Bawar Pargana of district Dehradun, respectively.
- C. Uttarakhand Police Act, 2007

The presence and proximity of Police in Uniform carrying or displaying the coercive strengths will help in judiciously balancing with presence of Community Police in Civil Uniform, where strength of existing Patwaris could serve better purpose and require presence of both as balancing force for the society.

Lessons learnt from the recent incident, also recognizing the pain of the sufferer and agony of the family, the situation demands changes in the system holistically in the interest of citizens of the State to bring in place a new mechanism that builds confidence of the citizen. Change, therefore should be executed drawing strengths of both the systems of 'Revenue and Regular Policing' and shaping that into 'Community Policing' by better training, equipping with latest policing infrastructure, adequate manpower and hard decisions to give lessons to persons involved in delaying the justice and playing with safety or dignity of the Citizen. The positive attributes of Revenue Policing comprising of proximity with



community, understanding the concern of local people, grapevines, participation in community affairs, community, trust of locals and capacity building and creating an atmosphere of confidence building will be great strength in the new setup also with hard core Regular Police strength to deal with criminals and disturbing elements of the society.

Therefore, after abolishing the current practices, the new mechanism of Policing can carry together Patwaris including Kanungos with dual role of Revenue and Policing with defining their role in the changes perspective and duly trained and equipped in the policing setup. For Policing, they shall be part of the 'Community Police' i.e. new wing of 'Regular Policing', where they will be trained along with other Police Inspectors and Officers in the areas of State Laws, Criminal Investigations, Patrol Procedures, Firearms Training, Traffic Control, capacity building in Defensive Driving, Self-Defence, First Aid, Computer Skills, equipping in the areas of Artificial Intelligence (AI), Surveillance and Crime Prevention, Technology Driven Solutions including cybercrimes, Physical Training and Fieldwork along with departmental exams to evaluate their efficiency for fitness to such postings. Situation might demand a new Module of Curriculum for evolving Policing System which has strength of both community and regular policing enabling them to take quick actions with 'Safety & People First' approach.



Recommendations

Appreciating the disruptions likely to take place beyond abolishing the 'Revenue Policing by Patwaris', as explained above, a comprehensive view of frameworks made over a period of time will be taken synergizing with the lessons of the global practices on 'Community Policing' and core strength of the Regular Police to make a new Model of Policing in the State of Uttarakhand. Once successfully implemented, can prove to be a replicating model for other Hilly States. With long history of the State Policing System, emerging challenges, global best practices, it is strongly felt to constitute a Committee chaired by a former Chief Secretary of a State or Secretary to Govt. of India with other Members drawing from various sections of the System and Society to take a broader view in a defined time frame and submit their recommendations to the State Government of Uttarakhand:

Chair: Former Chief Secretary of Government of Uttarakhand or UP or Secretary to Govt. of India.

A. Members of the Committee:

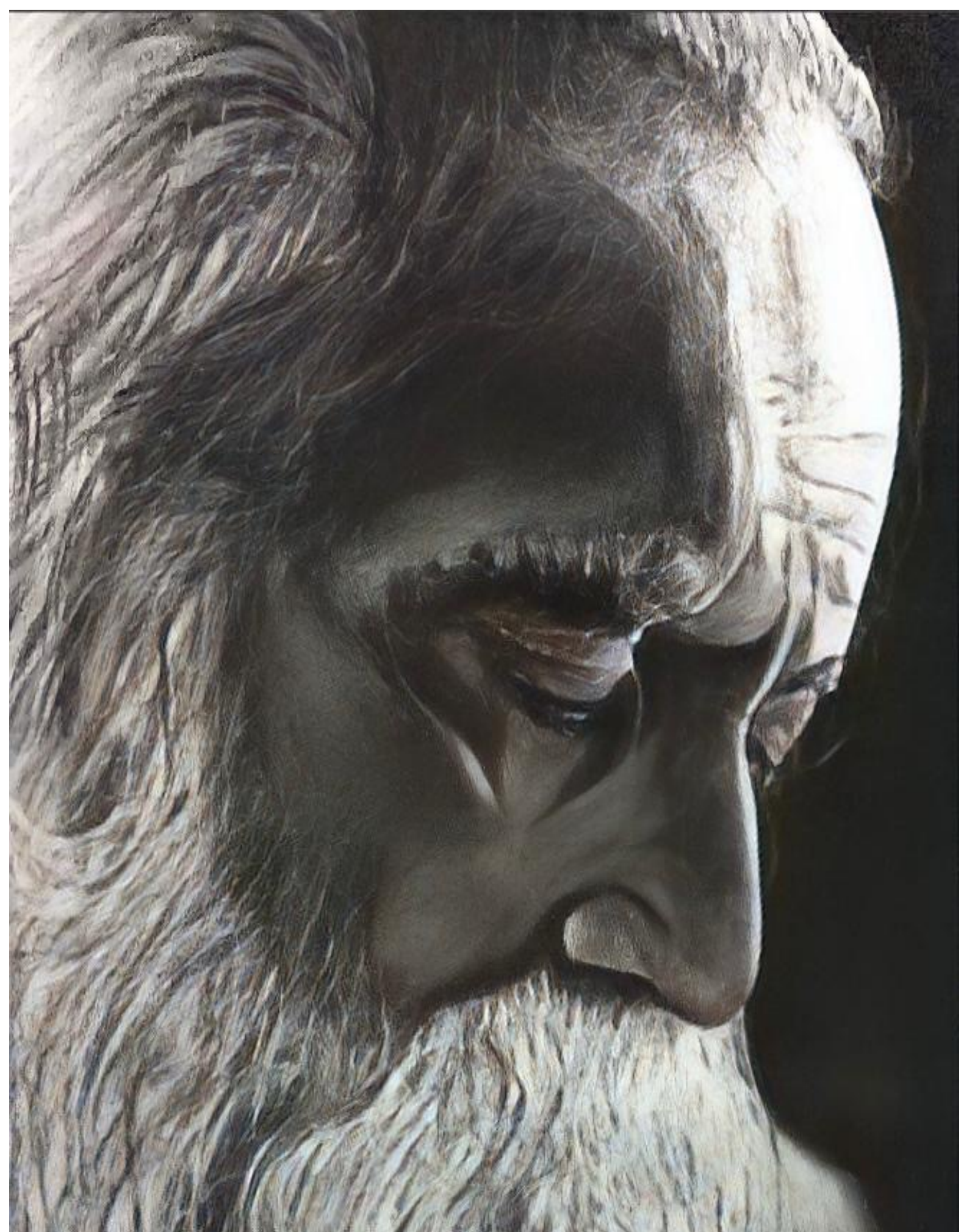
1. Senior Official of Uttarakhand Government (not below the rank of Principal Secretary),
2. Representative of Police (not below the rank of IG),
3. Representative of Human Rights (Senior Activist or retired Member) and
4. Academicians from Law background (not below the rank of Professor) or a Practicing Lawyer / Attorney (retired) of High Court or Supreme Court of eminence.
5. Academicians from Public Administration background (not below the rank of Professor) or Person of Eminence from Civil Society
6. Secretary, Department of Law – Member Secretary

Scope of the Committee:

Overseeing the existing mechanism, various enactments, frameworks in place, gaps, speed of registration of cases and administration of cases, best practices of Community Policing and other global practices and way forward which can address the concern of Honourable High Court also amicably striking a balance in the policing mechanism with Citizen as face and cornerstone.

Time Frame to submit the Report to the Government: 6 Months.





Dry Pastel on Paper by Shri. Arun Kumar Chakraborty



LESSONS FROM THE PAST



Case Study 1: Report Cards on Public Service Delivery in Bangalore, India in 1990s

Inspired from World Bank Case Studies titled “Participatory Approaches in Budgeting and Public Expenditure Management”

Background

In 1993, a small group of individuals in Bangalore was concerned about the decline in public services and started a project to gather user feedback. They used this feedback to create a report card that rated the performance of major service providers in the city based on users' perceptions of quality, efficiency, and adequacy. The results showed a quantitative measure of satisfaction and corruption, which received media coverage and led to both citizen and government support for reform. The rated agencies also responded positively and worked to improve their services.

In 1999, the project was repeated and eventually replicated in five other Indian cities and the state of Karnataka over the next few years. The report cards provided a systematic method for gathering and sharing public feedback and served as a substitute for competition in monopolies, such as government-owned agencies, which may not be as responsive to their clients' needs as private enterprises. These report cards allowed citizens to collectively and credibly indicate to agencies how they were performing and push for change.

The Initiative

In 1993, a small group of individuals in Bangalore was concerned about the decline in public services and started a project to gather user feedback. They used this feedback to create a report card that rated the performance of major service providers in the city based on users' perceptions of quality, efficiency, and adequacy. The results showed a quantitative measure of satisfaction and corruption, which received media coverage and led to both citizen and government support for reform. The rated agencies also responded positively and worked to improve their services.

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Findings from the Initiative

Between the first and second report card initiatives, there were some improvements in services such as telephones and hospitals, but overall, citizens were still not satisfied with the public services. This was especially true for the way staff interacted with clients. Despite having the highest satisfaction rating of 67%, Bangalore Telecom's score dropped sharply to 30% among those who had to interact with agency personnel to resolve a problem. The perception of corruption had increased, with more people paying bribes and larger amounts being paid. Most people visited agencies in person to solve problems and often had to make multiple visits. Over half of the bribery cases were extortive, while a third were voluntary "speed" payments.

A separate report on slum dwellers in 1999 found that they were happier with services such as transport, schools, electricity, and hospitals than they were with police, water supply, and garbage removal. The urban poor had to visit agencies more frequently than the middle class to solve problems and had lower problem resolution rates, but they seemed more satisfied with the services due to their lower expectations. The proportion of people who had to pay bribes to access services was higher for the poor than the middle-income group. In 1993, a third of the urban poor reported paying a bribe, which dropped to 25% five years later, but the average amount paid increased three times to Rs. 1245, mostly to the police.

The report cards revealed a connection between petty corruption and inefficiency in service providers with non-transparent procedures and arbitrary decision-making powers of officials. To address these problems, it was suggested to improve access to information, specify service standards and customer rights, and ensure sustained public scrutiny and monitoring of performance through institutionalized report card initiatives.

Impact of Report Cards

The introduction of report cards resulted in a change in the behavior of public agencies that were previously indifferent. They began to listen to and respond to citizen concerns. The quantification of perceptions provided a credible indicator of satisfaction levels, allowing for inter-agency comparison and triggering internal reforms. Although there was no significant improvement in the quality of service from 1994 to 1999, some agencies did react to public dissatisfaction.

The worst-rated agency, the Bangalore Development Authority, made changes such as reviewing its systems for service delivery and hosting a joint forum with the Bangalore Municipal Corporation to consult on solving problems like waste management. However, not all agencies were responsive, demonstrating the need for political reforms to complement report card initiatives.

Public awareness of service delivery and corruption issues increased due to media coverage of report findings. Civil society groups realized their collective pressure could bring change. The report card inspired initiatives like the state-citizen Swabhimana Initiative in Bangalore to improve city life. The second report card led to the formation of the Bangalore Agenda Task Force to improve the city's services and infrastructure. The report card stimulated the growth of civil society activism and was replicated in other Indian cities and international locations. The success of the report cards at the municipal level inspired the Health Department of the State of Karnataka to seek feedback from patients on the quality of services at primary health facilities.

It was important to be cautious about the legitimacy of the findings and to avoid using nationwide data to solve local problems or vice versa.

Limitation of Report Cards as a Monitoring Mechanism

Report cards are distinct from opinion polls in that they reflect the actual experiences of those being interviewed. This was considered a valuable aspect, but determining the general perception of a group based on varying satisfaction levels across socio-economic characteristics such as income, education, and region was recognized as a challenge. However, reducing this challenge could be achieved by properly disaggregating the sample to reflect similar socio-economic characteristics. In the past, report cards primarily focused on service quality but expanded to include access issues in rural and slum areas. Implementing report cards required a competent intermediary with technical skills, financing, time, and local interest, as well as a favorable socio-political environment. In developing countries, making the process cost-effective and manageable could involve compromises such as reducing the sample size, which could compromise the credibility of the report. Ensuring a link between information and action, institutionalizing the process at non-governmental levels, and using report cards to empower civil society monitoring were important considerations for long-term impact.

Model for Replication

Phase 1: Planning and Preparation

- Conducting small case studies and group discussions with service users, citizens, and clients
- Selecting a representative sample of households, possibly divided into categories like location, income group, gender, ethnicity, and education level
- Revising and finalizing questionnaires on service delivery based on pre-testing

Phase 2: Statistical and Analytical Work

- Using a ranking methodology to survey individuals
- Calculating aggregated satisfaction ratings for each agency and issue, such as corruption
- Creating overall and mini report cards, with accompanying analysis and statistics
- Developing additional materials like press releases, media kits, and easily understandable briefing notes

Phase 3: Dissemination

- Presenting the mini-report cards to relevant authorities before the launch
- Holding a press conference to release the findings to the public
- Holding two rounds of town-hall style meetings between the surveyed agencies and between the authorities and citizens to promote accountability

Phase 4: Advocacy and Monitoring

- Encouraging continued media coverage of the report card findings
- Monitoring the progress made by the agencies to address issues and making direct follow-ups
- Planning for a follow-up report card initiative after 1 to 2 years, addressing any flaws and considering new areas to survey.





Case Study 2: Participatory Budgeting of Pune City Corporation

Inspired from World Bank Institute's report titled "Social Accountability in Urban Governance: Indian Case Studies"

Introduction

The city budgets for each fiscal year are approved by elected councils. Involvement of citizens enhances the efficiency of budgeting, monitoring of expenses, and promotes openness in the provision of urban services. The Pune Municipal Corporation was influenced by the experience of Public Record of Operations and Finance (PROOF) in Bangalore. Following Bangalore's example, Pune established a participatory budget model from the outset and implemented it in all 14 wards. The case illustrates the challenge of maintaining sustainability in social accountability.

Rationale for the Initiative

In the context of developing countries, there is a strong need for oversight in the management of city development, despite the role of elected representatives in decision-making. Spending on infrastructure for roads, water and sanitation, education, and health does not result in noticeable improvements. City governments often face issues such as corruption, mismanagement of public funds, and untrained officials. Direct involvement

of citizens can increase accountability in city governance and result in better outcomes. The PROOF campaign showed that social accountability can be achieved if the city administration is willing to cooperate.

In Pune, Dr. Nitin Kareer, former Commissioner of Pune Municipal Corporation and attendee of PROOF's public meetings in Bangalore, led the initiative. India's Right to Information Act of 2005 provided the legal framework and opportunity for citizens to engage with public officials. The participatory budgeting process was initiated in Pune with the support of the Pune Municipal Corporation, particularly the Commissioner, in partnership with organizations such as Janwani, Centre for Environment Education, National Society for Clean Cities, Nagrik Chetna Manch, and neighborhood groups.

Implementation Process

The development of the Pune participatory budget was a lengthy process that started in 2004-05 when Civil Society Organizations such as National Society for Clean Cities, Mohalla Committees, and Nagrik Chetna Manch submitted project proposals to the Pune Municipal Corporation. In July 2006, the Municipal Commissioner spoke at a public meeting on participatory budgeting organized by the National Society for Clean Cities and encouraged further participation from the public to prioritize projects. Dr. Nitin Kareer discussed the results of PROOF's meetings in Bangalore with Janagraha and Janwani, a Pune-based NGO, and held meetings with the Pune Municipal Corporation to institutionalize the process. Although no formal agreement was reached, the partners worked together to bring people's issues to the forefront.

The participatory budgeting for the 2006-07 period was carried out at the ward level in Pune's 14 administrative wards and facilitated by Mr. Ashok Kalamkar, head of the Urban Community Development Department. The process aimed to benefit the poor through the department's neighborhood groups for slum dwellers. The successful institutionalization of the participatory budgeting exercise was due to Dr. Nitin Kareer's persistence, despite attempts by elected Municipal Corporation officials to scrap it.

The Centre for Environment Education located and trained postgraduate students to act as neutral facilitators and develop tools for the participatory budget process. Each ward was allocated Rs 20 lakhs for basic infrastructure needs, with Rs 5 lakhs reserved for the poorest of the poor, and it was left to the participants to prioritize their projects. Training programs were carried out to help participants make decisions, and ward-level discussions were found to be effective in addressing immediate needs. After a discussion on budget priorities, participants were given questionnaires that were treated as ballots to vote on project priorities.

The network of active self-help neighborhood groups in Pune's urban slums made the participatory budget idea possible. The local media proved valuable in reaching out to citizens, and the first year of the participatory budget process drew considerable excitement from citizens. While there is no public assessment available, the fact that the participatory budget process is still continuing is a significant achievement, as Bangalore's previous experience did not succeed.



Bangalore's PROOF vis-a-vis Pune's Model

To understand the success of Pune in relation to PROOF, Bangalore, it is important to consider the following factors:

- Pune began by using a bottom-up approach through ward meetings aimed at addressing citizens' concerns.
- The initiative was driven by city officials, with the Municipal Commissioner playing a crucial role.
- The partners involved were aware of their role in the bigger picture and focused on sustainability.
- The poorer sections of the city were more likely to be engaged as stakeholders, and their participation was encouraged by involving them in neighbourhood groups and providing funds for the most disadvantaged.

Key Takeaways for Urban Governance:

- Involvement of the poor as active stakeholders is crucial in improving their standard of living.
- Inclusiveness of the poor's interests is important for social accountability tools to be effective.
- Discussions should be focused on the immediate needs of the poor and capacity building of ward level participants is necessary.
- A common interest and responsibility among partners is important for a sustainable process.

Thus, the community participation principles in urban development should be promoted by Governments but there are challenges such as concurrent responsibilities, role definitions of partners, and institutionalization.



Governance Foundation

Address: V/18, Green Park Extension, Lower Ground Floor, New Delhi - 110016

Email Address: governancef@gmail.com

Contact: +91-8447625205

Website: www.governancefoundation.org.in