

CALL FOR INPUTS: HUMAN RIGHTS COUNCIL RESOLUTION 52/8 ON PROMOTING HUMAN RIGHTS AND SUSTAINABLE DEVELOPMENT THROUGH TRANSPARENT, ACCOUNTABLE AND EFFICIENT PUBLIC SERVICE DELIVERY

Submitted by:

Ameesha Malhotra, 4th Year, BA.LL. B, PRN: 20010223083, 2020-25, Symbiosis Law School, Noida.

INTRODUCTION

The **Millenium Declaration** adopted in **2000** by the world leaders recognise the essential connection between good governance, development, and human rights. With the increase in developmental progress and emerging challenges to sustainable and equal growth, there is a strong need for effective governance institutions and systems that is responsive to the public needs by providing essential services and promoting inclusive growth and by making public officials accountable by promoting transparency in political processes. Good governance helps in reducing inequalities and also helps in attaining a wide range of economic, political, and social objectives.

Since the evolution of **Millenium Development Goals**, many member states have entered into global and regional agreements to improve governance and promote human rights through increased transparency and accountability in delivery of public services. These countries have recognised that for development to be sustainable, a new approach which is citizen centric would be required to address development aspects.

The **Human Rights Council Resolution 52/8** was adopted in the Fifty second session of the **UNGA** on 3rd April, 2023 and it aims to promote human rights and Sustainable Development Goals through transparent, accountable, and efficient service delivery. It also encourages the importance of **Public Private Partnership (PPP)** mechanisms to promote sustainable development. It also stresses upon the use of **Information and Communication Technology (ICT)** to strengthen efficiency, accountability, and transparency of public service delivery mechanisms.

OBJECTIVES AND SCOPE

The Objective of this Report is to investigate the state of provision of basic services in developing countries such as India. Enhancing state capacity to give effect to public programs, providing incentives to public servants and supplying key information to stakeholders about government policies with the use of Information and Communication Technology are some of

the main aims to be addressed in this report. Adopting a citizen centric approach towards public service delivery and addressing the problems of corruption in government institution is the ideal model of governance to be adopted by India.

Inputs:

I. Main Challenges related to Public Service Delivery identified in India:

Some of the main challenges identified in India with respect the Public Service Delivery is providing social protection to the poor and vulnerable groups of the society, reducing inequalities, providing monetary as well as non-monetary incentives to public officials and civil servants, to impact economic progress of the nation with the help of improvements in human resource in terms of both “health” and “education”, to combat high levels of corruption in public institutions which may impact delivery of public services and to make the existing system of public service delivery more transparent in nature by supplying necessary information to the stakeholders regarding the quality of public service delivery. All these issues have been addressed one by one:

- i. **Lack of social protection to the poor and marginalised groups** – In order to eliminate poverty, provision of essential services at subsidised rates is the hallmark of public policy which the Indian Govt. has failed to address as leakages from Public Distribution System (PDS) happen quite frequently with grains being stolen for use in the public market. The limited benefit of PDS in providing food security has been shown to be the most fragile. Even the National Rural Employment Guarantee Act (NREGA) has failed to provide employment and adequate protection to the poor due to lack of appropriate targets. This has resulted in increasing income inequalities over the past few decades.
- ii. **Lack of human capital** – Providers in health and education sector in many cases are present in their respective hospitals and schools but are not actively working. This is due to the lack of incentive for good performance. Due to a fixed level of salary and lack of performance-based assessment of teachers, they often feel de-motivated to teach their students resulting in increased teacher absenteeism, high rates of drop outs and poor learning outcomes despite of significant contribution in public education, training and investment in infrastructure.
- iii. **Limited access to basic infrastructure** – Provision of health, access to water and sanitation rests with the state governments and the local bodies. Annual budgetary allocations for such basic amenities continues to remain stagnant. Private health care providers are more effective though less qualified due to access to better infrastructural facilities. Poor sanitation and open defecation have also become a cause of concern.

- iv. **High levels of Corruption** – Corruption has been regarded as the root cause for poor delivery of public services. Public sector in India has been found to be more corrupt than other developing countries with similar growth rates as per the findings of Transparency International’s Corruption Perception Index. Lack of accountability and monitoring leads the politicians to engage in theft of public funds to serve their own self interests. The legal system is too slow and ineffective and the electorate is very weak and can be easily manipulated by these corrupt officials. Ethnic polarization and caste affiliations are regarded as the main causes behind fragmentation and poor performance of politicians adversely affecting the access to public goods for major chunk of the population.
- v. **Malpractices of unelected officials** – civil servants such as Bureaucrats often pursue their selfish interests and do not work according to the stakeholder’s interest. The major reason behind this is due to a fixed salary being paid to them and lack of performance-based incentives leading to low effort.
- vi. **Poor knowledge among citizens** – lack of good governance is also due to lack of awareness among the users of public service regarding their entitlements and the value of public service available to them. This ignorance makes them vulnerable and allow them to be manipulated by politicians and bureaucrats leading to vote-buying, intimidation, increase in client-based transfers, rise in bribes etc.

II. Good practices adopted by India to overcome the aforementioned challenges

The key areas of improvement in public service reforms which have been adopted by India are centred around the provision of government services as a primary right of citizens, decentralised system of governance, providing funds to the local government use of technology for increasing accountability, reforms in existing institutions etc.

- i. **Right to Public Services Act** – The Right to Public Services Act has been enacted primarily to represent the dedication of state governments in India towards providing good quality public service within an appropriate time frame and providing grievance redressal mechanism, transparency and accountability with least inconvenience and fast speed. Government institutes are required to specify clear statements of people’s entitlement to public services through public service guarantees. The objective of the Act is to reduce corruption, increase transparency and accountability.
- ii. **Right to Information Act, 2005** - The goal of the **Right to Information (RTI) Act** was to give power to citizens by promoting transparency and accountability in government operations, combat corruption, and make our democracy truly function for its citizens. An informed citizen is one of the finest strategies for maintaining required vigilance on government institutions and making the government more responsible and transparent. The RTI Act was a significant

step towards informing citizenry. It allowed legal access to a citizen to inspect work, documents and records of the government.

- iii. **Adoption of Panchayati Raj System** - The Panchayati Raj System was adopted by the Government of India in 1993 through the 73rd constitutional amendment with the goal of bringing citizens closer to governance and enhancing accountability. Through this act, the govt. was able to delegate several functions to these locally elected entities. The aim of these institutions was to attain decentralised and participatory local self-governance.
- iv. **Unique Identification Number (Aadhar)** - In India, there has long been a perceived need for a system to uniquely identify residents in order to increase access to the government's welfare scheme and public services. In the absence of a valid identity document for the entire nation, each minister (income tax, foreign affairs, transportation, etc.) established its own identification system, resulting in the use of numerous identification documents like as PAN cards, passports, and so on. The Government of India began the **Unique Identity (UID) Project** with the goal of issuing a unique identification card or number (Aadhaar) that captures biometric information of every person in the country. **UID** has been expanded to be used for accessing the effectiveness of **Public Distribution System** for provision of consumable items at subsidised rates.
- v. **Sakala (Citizen Centric Service Delivery)** - Sakala is a project aimed at reform in public service delivery led by the Karnataka Provincial Government in India. To address the issue of timely delivery of public services, the Government of Karnataka enacted **The Karnataka Guarantee of Services Act 2011** to provide services to citizens in the State of Karnataka within the specified time in the service delivery schedule, which is known as the Karnataka Guarantee of Services to Citizens. When a citizen requests a service, he or she receives a receipt along with acknowledgement slip with a Sakala number, which allows the citizen to track his/her application through web portal.

III. Role of corruption in excluding individuals from accessing public services in India

In India, corruption plays a big role in preventing people from receiving public services. While India has made strides in many areas, corruption remains a widespread problem that impacts the lives of millions of residents. Here are some of the ways that corruption impedes access to public services in the country:

- i. **Bribery and extortion:** Many people are forced to pay bribes or endure extortion by government officials at various levels in order to get essential services such as a driver's licence, a ration card, or healthcare at public hospitals. This creates a barrier for people who cannot afford to pay these bribes.

- ii. **Delayed Services:** Corruption often leads to bureaucratic red tapism, causing delays in the delivery of public services. When individuals are required to navigate a complex web of corrupt officials, they may give up on obtaining the services altogether or resort to illegal means, perpetuating a cycle of corruption.
- iii. **Discrimination:** Corruption can exacerbate existing inequalities in society. Those with connections or resources can often bypass corrupt practices and receive preferential treatment, leaving marginalized and vulnerable populations at a disadvantage.
- iv. **Resource Misallocation:** Funds allocated for public services can be siphoned off through corrupt practices, resulting in inadequate resources for the intended beneficiaries. This impacts the quality and availability of services such as education, healthcare, and sanitation.
- v. **Quality of Services:** Corrupt practices can lead to a decline in the standards of public services. Money meant for the improvement of infrastructure or service delivery may be embezzled, resulting in substandard facilities and services.
- vi. **Erosion of Trust:** Widespread corruption erodes public trust in government institutions. When people believe that accessing public services requires bribery or other illicit means, they are less likely to engage with these institutions, further excluding them from the benefits of these services.
- vii. **Inefficient Resource Allocation:** Corruption can lead to inefficient allocation of resources, as decisions may be influenced by personal gain rather than the public good. This can hinder the equitable distribution of services and resources.
- viii. **Underreporting and Underutilization:** Many individuals may choose not to report corrupt practices out of fear or lack of trust in the legal system. Consequently, the extent of corruption in public services remains hidden, and appropriate corrective measures are not taken.

Strengthening institutions, encouraging ethical behaviour among public officials, and improving the use of technology for service delivery can all help to reduce the impact of corruption on public service access. Creating pathways for public involvement and grievance redressal can also empower citizens to resist corrupt practices.

IV. **Barriers in India that hinder certain individuals from accessing public services to which they are entitled**

There are various barriers in India which disproportionately affect certain groups and individuals from accessing public services in India to which they are entitled. These include:

- i. **Corrupt practices** - As previously stated, corruption remains a serious hurdle. Individuals may be requested to pay bribes or endure extortion from public authorities in order to gain access to services, effectively excluding those who cannot afford such payments. Certain groups might be exposed to such corrupt practices whereas others might get preferential treatment.
- ii. **Geographic Accessibility** - Individuals in rural and isolated places find it inconvenient to access public services due to a lack of infrastructure and transportation choices. People have to travel vast distances to visit government offices or healthcare facilities, which can be especially difficult for people with minimal financial resources.
- iii. **Language and Literacy Barriers** - India has a diverse linguistic population, and not all residents are fluent in the official language(s) used for government papers and interactions. This language barrier can make it difficult for them to understand and complete required forms and processes.
- iv. **Digitalisation of government services** - The growing digitization of governmental services may exclude people who do not have access to digital devices or the internet. Many government services are now available online, which might be difficult for persons who are not computer literate or who belong to remote rural areas.
- v. **Lack of Awareness** - Some people may be unaware of their rights or the procedures for obtaining public services. This is especially true for marginalised communities that may lack access to information or public awareness initiatives.
- vi. **Caste and Social Discrimination** - Discrimination in access to public services can occur as a result of India's caste system and social hierarchies. Individuals from lower castes may suffer prejudice and barriers when attempting to obtain education, healthcare, or government programmes.
- vii. **Gender Disparities** - Gender discrimination and violence can make it difficult for women to receive public services. Cultural norms and safety concerns, particularly in rural areas, may limit women's movement and ability to access services.
- viii. **Inadequate Identification Documents** - Many government services need individuals to present identification documents like as Aadhar cards or voter IDs. Those who do not have these documents, who are frequently the most vulnerable and marginalised, may have difficulty receiving assistance.

- ix. **Limited Resources** - Poverty and economic inequities can prohibit people from getting public services, even if they are entitled to them. Lack of resources for transportation, documents, or other costs can be a substantial impediment for certain groups.

V. **Challenges and good practices adopted by India to provide public services to persons belonging to marginalised communities or living in poverty**

Welfare schemes adopted by the Indian Govt. have ensured that basic facilities are available to all sections of the population, particularly to the poor and marginalised. Prime Minister has ensured that vulnerable sections of society become self-reliant by the introduction of various schemes:

- i. **Swachh Bharat Mission** - Prime Minister inaugurated the **Swachh Bharat Mission Phase I** with the goal of bringing about mass-scale behavioural change in sanitation practises among the public. Under **Swachh Bharat Mission-Grameen**, all villages, Gram Panchayats, Districts, States, and Union Territories in India were declared "**Open-Defecation Free**" (ODF) with construction of 10 crore toilets in rural India under the **Swachh Bharat Mission-Grameen**. The Phase II of the Mission focused on sustainability while making provisions for solid and liquid waste management.
- ii. **PM Awas Yojana** - Pradhan Mantri Awas Yojana (PMAY), often known as Housing for All, is an Indian initiative for housing that was established in 2015 for all citizens in the Lower- and Middle-Income Group.
- iii. **Direct Benefit Transfer** – The scheme was enacted to change the existing service delivery methods in welfare schemes to provide a quicker supply of funds with precise targeting of recipients and fraud reduction. On January 1, 2013, **Direct Benefit Transfer (DBT)** was implemented. **DBT** has increased effectiveness and accountability in the government system, as well as citizens trust in government.
- iv. **PM SVA Nidhi** - In June 2020, the **Prime Minister's Street Vendors' Atma Nirbhar Nidhi (PM SVA Nidhi)** was launched to support Street Vendors by not just granting loans to them, but also encouraging their holistic growth and economic progress to enable them restart their enterprises in urban regions, including adjacent urban/rural areas.

There are also various steps taken for empowerment of **SC/ST** and **OBC communities** who have been suffering social, political, and economic inequalities since centuries. This has resulted in positive outcomes and narrowed the gap between these communities and rest of the population. Certain rights have also been granted for the protection of the disabled communities with the enactment of **The Rights of Persons**

with Disabilities Act, 2016 in which provisions have been made for disabled persons in accordance with UN Convention on Rights of Persons with Disabilities.

The **Accessible India Campaign** was also launched in 2015 to achieve universal accessibility and to eliminate barriers for ensuring a safe and dignified life to persons with disabilities. Steps have also been taken for empowerment of Transgender Communities with the enactment of **The Transgender Persons Protection of Rights Act, 2019**. The Ministry of Social Justice and Welfare has also launched a program – **SMILE (Support for Marginalised Individuals for Livelihood and Enterprise)** which also includes a sub scheme of **Rehabilitation for welfare of Transgender Persons**.

VI. Participation of Private Actors in Public Service Delivery in India

Several public sectors demonstrated distortions and inefficiencies, despite equitable distribution policies. Hence, significant privatisation of both the production and distribution of goods and services, as well as the removal of controls that operated as impediments to expansion of the private sector, was advocated as the only route out of the trouble. This was required to assist the government in reducing the fiscal deficit, attracting private and foreign investment, and improving productivity and efficiency. This change also extended to the State's role in providing services, delegating this obligation to the private sector in part or entirely. The **New Public Private Partnership (PPP) Model** now enables the private sector to control, design and operate public services and utilise its profits.

The Private Sector Participation in India has taken various forms with the most widely used form being **Public-Private Partnership** which is an agreement between the government and a private company under which the private firm agrees to provide public services and is paid over several years by users, from public authority, a combination of both, and non-monetary subsidies such as concessions relating to land, developed infrastructure, access to public establishments etc.

CONCLUSION

Hence, improving public service delivery in India is a complicated and ongoing process that necessitates a multifaceted strategy combining the government, civic society, and the business sector. To effect substantial and long-term change, it is also necessary to be patient and persistent. Promoting digitalisation and e-governance, decentralisation, public private partnerships, transparency etc. can help in effective delivery of services to the remotest and the marginalised sections of Indian society.

REFERENCES:

1. Ministry of Information and Broadcasting Government of India, *Serving the Poor and Marginalised*, PRESS INFORMATION BUREAU, (Jul 23, 2022), <https://static.pib.gov.in/WriteReadData/specificdocs/documents/2022/jul/doc202272373401.pdf>,
2. Farzana Afridi, *Governance and Public Service Delivery in India*, International Growth Centre, (April, 2017), [Afridi-2017-Synthesis-paper.pdf](#).
3. UNDP Best Practices Report, *Best Practice Report/ Select Case Studies for Public Service Delivery Reforms*, (Oct., 2015), [UNDP Best Practices Report PwC - final.pdf](#)
4. United Nations General Assembly, *Resolution Adopted by Human Rights Council on* (3rd April, 2023), [A_HRC_RES_52_8-EN\(1\).pdf](#)
5. Karthik Muralidharan, *Public Service Delivery in India: Challenges and Opportunities*, CENTER FOR ADVANCED STUDY OF INDIA, (Sep 21, 2007) <https://casi.sas.upenn.edu/iit/muralidharan>.
6. Gaurav J. Sontake, *Public Service Delivery in India*, UPSC Super Simplified, (Jul.14, 2021), <https://upscsupersimplified.com/public-service-delivery-in-india/>.