

2ND : ADMINISTRATIVE REFORMS COMMISSION REPORTS : SOCIOLOGUS

"If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost". Aristotle

1st REPORT : RIGHT TO INFORMATION | Master Key to Good Governance

The 2nd ARC was established in 2005 under Veerappa Moily and released 15 reports from 2006 to 2009

Right to Information & Governance

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- RTI → Key to participatory democracy, people-centred governance, welfare of weaker sections.
- Basic necessity of good governance.

Law Commission (1971) on National Security

- Recommended **consolidation** of all national security laws into a *National Security Bill*.
- Suggested inclusion of:
 1. IPC Ch. 6 & 7
 2. Foreign Recruiting Act, 1874
 3. Official Secrets Act (OSA), 1923
 4. Criminal Law Amendment Acts (1938 & 1961)
 5. Unlawful Activities (Prevention) Act, 1967

National Security Act (NSA), 1980

- Replaced Maintenance of Internal Security Act.
- Deals only with **preventive detention**.
- Needs a new chapter to incorporate provisions of OSA & other security laws.

Official Secrets Act – Recommendations

1. **Repeal OSA 1923**, replace with NSA chapter on official secrets.
2. Amend Section 5(1) → Penal provisions only for violations affecting **national security** (Shourie Committee). To investigate into the issues pertaining to the right to information

Governmental Privilege in Evidence

- **Amend Section 123, Indian Evidence Act (1872).**
- Allow appeal to High Court against subordinate court's rejection of privilege claim (insert in CPC & CrPC).

Oath of Secrecy

- NCRWC → Replace with **Oath of Transparency**.

Other RTI Recommendations

- Include **Armed Forces** in Second Schedule.
- Review Second Schedule periodically.
- All listed orgs to appoint **PIOs**; appeals to CIC/SICs (via Sec. 30 "removal of difficulties")

Central Civil Services (Conduct) Rules & RTI

- Rules framed before RTI Act → Promote secrecy.
- Need recast → Dissemination of info as *rule*, withholding as *exception*.

RTI Act – Amendments in Selection Committees

- **Sec 12 (CIC)** → PM + LoP + CJI.
- **Sec 15 (SIC)** → CM + LoP + CJ of HC.

Organising Information & Record Keeping

- Suo motu disclosures → printed & electronic (NIC single portal), annual update.
- Public Records Offices in GoI & States (6 months) → integrate record agencies.
- **Land Records Modernisation Fund** (one-time).

Capacity Building & Awareness

- Training: All govt staff (not just PIO/APIO) → 1 day/year, decentralised.
- Govt guides & CIC/SIC guidelines for officials & public.

Inventory of Public Authorities

- DoPT to list all central public authorities.
- Ministries to classify into:
 1. Constitutional bodies
 2. Line agencies
 3. Statutory bodies
 4. PSUs
 5. Executive order bodies
 6. Govt-owned/financed bodies
 7. Substantially financed NGOs.
- Maintain & publish hierarchical lists (also in states).

Single Window Agency at District Level

- Cell in DC/Zilla Parishad office; APIO for all covered authorities.

Monitoring Mechanism • CIC/SIC to monitor all public authorities (via Sec 30). • Nodal officers at all levels. • National Coordination Committee under CIC → best practices, portal monitoring, reviews, impact evaluation. Implementation Issues • Fees: Postal orders, harmonise with central rules, multiples of ₹5, stamps for states, post offices to collect fees.	Application to NGOs • Include bodies with public functions/natural monopoly. • Substantial funding = ≥50% cost or ≥₹1 crore in any of past 3 years. • Info disclosure continues even if transferred to NGO. Time Limit for Information • 20-year rule only for records preserved that long; rest as per retention schedule. • Shortening retention → needs Public Records Office concurrence. Legislature & Judiciary • Digitise records, index & catalogue. • Track executive action on reports (CAG, Enquiry Commissions). • Open committee proceedings (camera only if needed). • Scientific storage & computerisation of court records.
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RTI (Amendment) Act, 2019

1. **Tenure:** CICs/ICs term decided by Centre (earlier fixed 5 years).
2. **Service conditions:** Salaries/allowances decided by Centre.
3. **Pension clause:** No deduction for those receiving pensions/retirement benefits.

2nd REPORT : Unlocking Human Capital: Entitlements and Governance

• The 2nd Report, titled <i>Unlocking Human Capital: Entitlements and Governance – A Case Study</i>, was published on 31 July 2006 • Emphasizes the role of human capital—health, education, skill development, social security—as a vital driver of socio-economic progress • Focuses on <i>entitlements and governance</i>, particularly examining the National Rural Employment Guarantee Act (NREGA) to ensure effective delivery and real empowerment Themes & Shortcomings Addressed • Reviews past rural employment schemes (e.g., NREP, JRY, SGRY) and identifies systemic gaps like poor transparency, weak convergence, and implementation lapses • Highlights challenges in universalizing benefits, funding flows, institutional bottlenecks, and backward region disparities	Major Recommendations 1. Guaranteed Entitlements • Advocate for guaranteed employment provision (modeled after NREGA) to strengthen livelihoods through public works programs. 2. Strengthen Governance Mechanisms • Promote convergence among rural programs. • Ensure direct fund transfers to local institutions (district/block). • Build capacity in local bodies for planning, execution, and monitoring. • Enhance transparency and accountability with mechanisms like social audits 3. Standardize Wage & Household Norms • Recommend clear definitions for household eligibility and wage structure to ensure equitable access 4. Financial Oversight & Monitoring • Implement stream-wise fund tracking, mandate bank/post office transfers, and enforce materials-to-wages ratio norms (maximum 40% for materials) in public works 5. Empower Panchayati Raj Institutions (PRIs) • Train PRIs for estimation, planning, and implementation of works. • Establish panels of technical experts at block/district levels. • In non-functional Panchayat areas, assign responsibilities to District Collectors 6. Institutional Structure for Employment Guarantee • Propose a Central Employment Guarantee Council (EGC) to advise on implementation, monitoring, convergence, and outcome evaluation 7. Leverage Information Technology • Design an IT-enabled MIS for real-time fund monitoring, automatic alerts, and effective data visualization. • Use public dashboards, ensuring accessibility down to voucher-level transparency
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Issue	Recommendation
Previous schemes	Assess failures; ensure universal coverage and rights-based safety net
Implementation bottlenecks	Direct funds to local levels; build PRI capacity, technical norms, and standards
Monitoring gaps	Enforce social audits, public dashboards, material-to-wage norms, IT systems
Institutional weakness	Create a Central EGC for overarching oversight and coordination

4TH REPORT : ETHICS IN GOVERNANCE*"You must be the change you wish to see in the world." Mahatma Gandhi***Ethics and Politics – Political Funding**

- Introduce **partial state funding** to reduce illegitimate election expenditure.

Recent Improvements

- More accurate electoral rolls.
- Candidate antecedent disclosure.
- Disqualification of convicted persons.
- Enforcement of code of conduct by EC.
- Central Armed Forces for free polling.
- 91st Amendment Act, 2003 – cap on council of ministers (15% of strength).

Tightening Anti-Defection Law

- Disqualification on grounds of defection to be decided by President/Governor on EC advice.

Disqualification under RPA, 1951

- Amend Section 8 to disqualify persons facing charges for grave/heinous offences and corruption.

Coalition Ethics

- Amend Constitution: if coalition partners realign midstream, fresh mandate from electorate is required.

Appointment of CEC and ECs

- Collegium: PM (Chair), LS Speaker, LoP in LS, Law Minister, RS Deputy Chairman → recommend to President.

Expediting Election Petitions

- **Special Election Tribunals** at regional level (Art. 323B).
- Composition: HC Judge + senior civil servant (≥5 years election experience).
- Decide petitions within 6 months; term 1 year (extendable 6 months).

Grounds for Disqualification of MPs/MLAs

- Legislation under Art. 102(e) & 198(e) to exhaustively list conditions.

Ethical Framework for Ministers

- New **Code of Ethics** in addition to existing Code of Conduct.
- PM/CM office units to monitor compliance, receive complaints, publish annual report.
- Cover minister-civil servant relations.
- Make Codes and reports public.

Ethical Framework for Legislators

- **Office of Ethics Commissioner** in each House to assist Ethics Committee and advise members.

Code of Ethics for Civil Servants

- Include **conflict of interest** provisions.
- Ban serving officials from boards of public undertakings (except non-profits/advisory bodies).

Legal Framework to Fight Corruption

- Classify as offences under PCA:
 - Gross perversion of Constitution/democracy.
 - Squandering public money.
- Amend Section 7 PCA – introduce **collusive bribery** (loss to state/public); double punishment.

Liability of Corrupt Public Servants

- Make them repay loss to state/citizens +

Confiscation of Illegal Property

- Enact **Corrupt Public Servants (Forfeiture of Property) Bill** as per Law Commission suggestion.

Immunity Enjoyed by Legislators

- Amend Articles 105(2) and 194(2) to ensure immunity does not cover corrupt acts committed by MPs or state legislators in connection with their duties.

Ombudsman at Local Level

- Constitute local bodies Ombudsman for groups of districts.
- Empower to investigate corruption/maladministration in local self-government.

damages (new PCA chapter).

Speeding up PCA Trials

- Legal time limits for trial stages (amend CrPC).
- Special Judges to prioritise PCA cases, day-to-day hearings, no unwarranted adjournments.

Corruption in Private Sector

- Amend PCA to cover:
 - Private providers of public utility services.
 - NGOs with substantial government funding.

Role of Media

- Evolve norms for proper screening of allegations before publication.
- Media to adopt a Code of Conduct and self-regulation mechanism.
- Government to share corruption case details proactively.

Building Societal Consensus

- Political parties to lead in building consensus against corruption.
- Support anti-corruption legislation.

Ways to Reduce Corruption

- Ministries and states to identify monopoly areas and introduce competition.
- Restructure schemes to incentivize competitive service delivery.

- Amend State Panchayati Raj Acts and Urban Local Bodies Acts accordingly.

Civil Society Engagements to Fight Corruption

- Invite civil society to oversee government programmes.
- Enforce access to information, hold integrity workshops and public hearings regularly.
- Conduct periodic surveys of public service delivery.
- Include corruption awareness in education curriculum.

Rating of Public Offices

- Engage citizens in assessing ethics in major public offices.
- Maintain visitor database and collect feedback through agencies.
- Assign ratings based on citizen feedback.

Initiatives for Facilitating Citizen Participation

- Enact False Claims Law and introduce reward systems for reporting corruption.
- Conduct school awareness programmes for attitudinal change.
- Introduce reward schemes for citizen-led anti-corruption initiatives.

False Claims Act

- Allow citizens to file suits against false claims on the government.
- Impose penalties up to 5 times the loss caused.
- Compensate whistleblowers from recovered damages.

Simplifying Transactions

- Introduce rewards for simplifying and streamlining procedures.
- Apply the 'positive silence' principle with strict time limits for decisions.
- Hold officials accountable for delays.

Using Information and Technology

- Ministries to prepare IT-based governance plans.
- Identify key processes for nationwide computerization.
- Upgrade IT skills of departmental staff.

Integrity Pacts

- Agreement between public agencies and bidders to prevent bribery in contracts.
- Form a task force to identify areas for integrity pacts and necessary legal changes.

Reducing Corruption

- Review public-facing activities to remove or limit discretion.
- Assign decision-making to committees where possible.
- States to adopt similar measures in local bodies.

Supervision

- Strengthen supervisory role in preventing corruption.
- Identify vulnerable activities and apply preventive measures.
- Fix responsibility for major losses due to official misconduct.

Relationship Between Political Executive and Civil Service

- Formulate transparent transfer policies with clear guidelines.
- Ensure minimum tenure of 3-5 years for postings.
- Allow appeals against premature transfers.
- Prevent misuse of transfers as punishment.
- Clearly define boundaries between ministers and civil servants in daily functioning.