

- By and large **service providers were not familiar with the philosophy, goals and main features** of the Charter, since the set of the administrative staff/public officials who frame the charter are **different from the one who implements** it. Also, adequate training and **sensitization programmes are not conducted** within the departments.
- There is a **lack of resources**, as no funds have been specifically earmarked for awareness generation of Citizens' Charter or for orientation of staff on various components of the Charter. Also, no departmental level monitoring and evaluation is done to ensure the efficacy of the charter.

For proper implementation of citizen charter to ensure citizen's empowerment, there is a need for citizens and staff to be consulted at every stage of formulation of the Charter, orientation of staff about the salient features and goals/ objectives of the Charter, need for wider publicity of the Charter through print media, social media and mass media, earmarking of specific budgets for it, and replication of best practices.

5. ***(b) Discretionary power by itself is not pure evil but gives much room for misuse. Discuss in the context of administration in India. (150 words) 10***

**Approach:**

- Briefly write about the discretionary power in administration.
- Discuss how discretionary power is not pure evil in itself.
- Discuss how it gives room for misuse of powers.
- Conclude with a way forward.

**Answer:**

Discretionary powers in administration embody some leeway or **freedom to independently judge or act** by the civil servants. Administrative use of discretion also assumes possession of some wisdom and ability to carefully make adjustments in one's actions as circumstances dictate or require.

Discretionary power is seen as a source of large-scale corruption in administration in India and sometimes seen as a source of problems with governance and administration of the country. However, it can be said that discretionary power by itself is **not pure evil as entrusting civil servants with discretionary power have its own benefits:**

- Discretionary power **encourages and brings out leadership quality** and sometimes utilizes the full potential of a civil servant which is good for public welfare. E.g. **Atul Kulkarni**, an IPS officer, started a unique initiative called **Bharosa Cell** and started conducting grievance redressal meetings for distressed citizens along with his team.
- It helps civil servants to express themselves while performing duties and let them make decisions without any fear which invites **out of box thinking**. It can also act as a source of motivation for civil servants for performing well. E.g. **Devansh Yadav**, an IAS officer posted in Arunachal Pradesh, raised 4.5 Lakhs for children's education using community participation.
- It sometimes helps in **setting up examples** before the country which proves to be a good example of **good governance**. For e.g. use of discretionary power by **TN Seshan** who was Chief Election Commissioner enthused a new life in the Election Commission.

However, the problem with discretionary power lies in its widespread misuse. It gives space for **misuse of power** by the public servants as:

- It provides them with power to act on their own judgment and situation, which more often are used by the public servants for their **personal gains giving rise to corruption** and nexus in the system. For example, an officer granting tender for a project to a known person.
- Discretion may also lead to **evasion of work responsibility and wastage of man hours** by changing of rules at their whims and fancies. For example, changing the day of issuing a license without prior notice to the public.
- The public servants **may go beyond the set norms and standard code of conduct** which they are expected to follow, taking veil of discretionary powers and lack of effective transparency