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# RIGHT TO SERVICE IN MADHYA PRADESH

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DOCUMENTATION OF BEST PRACTICE

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## EXECUTIVE SUMMARY

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In response to the inability of citizen's charters to fully succeed in enabling efficient and effective public service delivery, the Government of Madhya Pradesh designed the Right to Service. Today, this scheme includes 19 services for which there are legal consequences if they are not delivered within a stipulated timeframe to citizens who demand them. Penalties and compensation for service delays have been outlined clearly within the scheme.

## BACKGROUND

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In 1991, the UK government first articulated and implemented a Citizen's Charter to provide quality services within specified time frames to its citizens. On 24 May, 1997, a conference was held by chief ministers from various states of India and chaired by the country's Prime Minister, during which an "Action Plan for Effective and Responsive Government" was adopted at the Centre and State levels. The central department of administrative reforms and public grievances (DARPG) took on the whereby there neglect in quality service delivery is a punishable offense.

There are 19 services provided by 7 departments under this scheme. They include new electricity connections, temporary electricity connections, increase in sanctioned loads, complaints regarding meter repair/replacement, new water connections, repair of hand pumps, financial assistance after natural disasters, provision of copies of Khasara/Khatoni, domicile certificate, social security pension, new APL/BPL cards, duplicates of "Bhu Adhikar" and loan books, copies of maps, benefits under Prasuti Sahayta Yojana, benefits under Vivah Sahayta Yojana, Indira Gandhi Rastriya Bradhawastha Pension, Indira Gandhi Rastriya Vidhwa Pension, Indira gandhi Rastriya Nishakt Pension, disposal of applications under MP SC/ST Akasmik Yojna Niyam.

Despite the achievement of framing a charter, the Government of Madhya Pradesh realised that the charter alone would not serve the objective of effective and efficient service delivery without a support mechanism that would operationalise the commitment. As such, the government enacted Lok Sewaon Ke Pradan Ki Guarantee Adhiniyam on 18 August 2010 to give its citizens the 'Right to Service' in a timely manner.

The procedure outlined in the working design explains how to uphold the right to service, specifically announcing a legal process of an initial application, first appeal and second appeal.

## WHY IS IT A PATH-BREAKING LAW?

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It has been recognised in the world that good governance is essential for sustainable development, both economic and social. The three essential aspects emphasised in good governance are transparency, accountability and responsiveness of the administration. Citizens' Charters are an effort to address these issues by focusing on solving the problems which citizens encounter while dealing with the organisations providing public services.

The Shivraj Singh Government has described the Bill as historic and a reflection of the state's commitment to achieving good governance. The Madhya Pradesh Public Services Guarantee Bill 2010 guarantees the delivery of basic public services to citizens within a stipulated time frame and sets in place accountability mechanisms for non-delivery of services. Under the Bill, key public services like issuing caste, birth, marriage and domicile certificates, drinking water connections, ration cards, copies of land records will be notified. A time period will be fixed for the delivery of each service. If officials fail to perform their duties and provide these services on time, they will have to pay a fine starting from Rs. 250 per day to a maximum of Rs. 5000. This will check delays in the provisioning of services and remove inordinate pendency. The Bill provides for a two stage appeals process: In the event that citizens do not receive notified services in time, they can make an appeal to the first appellate authority. If the first appellate authority is negligent or if citizens are dissatisfied with the ruling, they can file an appeal with the second appellate authority, which can direct the subordinate authorities to deliver services.

The second appellate authority also has the power to impose fines and order disciplinary action against officials. The new legislation also stipulates the number of days a particular file related to the delivery of a service can be kept with the officer concerned. The fine received from delinquent officers will go to the applicants to compensate them for the inconvenience caused to them. It is envisaged that the offices of the Chief Minister and other Ministers will also be brought under the purview of the law in the future.

The path-breaking law seeks to operationalise the system of Citizen Charters that have been in place for some time but have been quite ineffective. While previous governments in Madhya Pradesh have implemented the citizen charter arrangement, their efforts have largely been ineffective. This can be attributed to the parochial set-up of the bureaucracy, the absence of a consultative process in the formulation of the Citizens Charter and the lack of training and capacity building of officers and service seekers about the Charter and its potential. The new law provides an effective instrument for realizing the concept of citizen's charter while ensuring services to people in an assured manner. It will also prove an effective check on corruption.

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## OBJECTIVE

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The aim of the programme is to create a government mechanism by which the response to citizen's questions and concerns is given in a timely and effective manner.

## WORKING DESIGN

The Right to Service process consists of three stages – submission of initial application, first appeal and second appeal. There are designated government officers for each stage. Designated Officers (DO) receive new applications and are required to either provide the service in a prescribed time limit or reject the application with proper justification.

To receive first appeal within 30 days from the date of rejection of initial application or on expiry of the prescribed time limit, citizens must contact the First Appellant Officers (FAO) to file a first appeal within thirty days of the rejected application or expiry of the prescribed time limit. The FAO will either confirm the DO's rejection or order him/her to extend the service. A second appeal can be made with the Second Appellant Authority (SAT) within sixty days from the date of the FAO's decision.

The Second Appellant Authority holds the rights to punishing any designation officer who fails to provide a service with insufficient reason.

For every service under the scheme, the stipulated time limit to deliver starts from the date when the required application for notified service is submitted to the DO. Additionally, there is a set format for supplying a detailed receipt to the applicant and there is no court fee for appeal or review. Lastly, applicants are to be informed regarding the date of hearing at least seven days before the date of hearing.

Below is an example of timelines/procedures for service delivery:

S.No.	Name of Service	Designated Officer	Time limit for service	First appeal officer	Time limit for disposal of first appeal	Second appellant authority
1	Domicile Certificate	Tahsildar / Nayab Tahsildar	7 working days	SDO (Revenue)	15 working days	Collector
2	New Water Connection	CEO Nagar Palika/Nagar Panchayat	30 working days	SDO (Revenue)	30 working days	Collector
3	Copies of Khasra & Khatoni	Tahsildar or Revenue Officer authorized by Tahsildar	5 working days	SDO  (Revenue)	30 working days	Collector
4	New Electricity Connection	Zonal / Distribution Centre In-charge	10 working days	Executive Engineer	30 working days	Superintendent Engineer
5	Financial Help - National Calamities (As per Revenue Book Circular part – 6)	SDO  (Revenue)	30 working days	Collector	30 working days	Commissioner

Five months after its implementation, the Public Service Guarantee Act 2010 there are already around 8500 aggrieved cases. This figure of cases were discovered when Chief Minister of the state called for a review meet on the said Act. Nine departments have already rendered around 26 kinds of services to 2, 17,445 applications out of the 2, 26,061 received since September 25 2010. Details were being sought for the applications for which services have been denied within the deadline. Chief Minister further stressed on the importance of the success of the Act in the review meet.

Furthermore orders have been issued to appoint one of the deputy collectors for each district to address the timely delivery of the services under the Act till point persons are recruited. Public Service Guarantee Act 2010 is the first-of-its-kind in the country and Madhya Pradesh is the first state to implement an Act like this. The Act guarantees delivery of time bound services to common people, failing which officials will have to pay a fine.

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## METHODOLOGY

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The OneWorld Research Team has carried out a desk based research to document this governance initiative. All references were found on the Madhya Pradesh government website. For further queries, the team interacted with the director of the School of Governance and Policy Analysis in Madhya Pradesh. This is a think tank that pioneer the initiative.

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## LESSONS LEARNED

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Madhya Pradesh Public Services Guarantee Act 2010 is the first ever law in the country which guarantees delivery of public services to common people in a stipulated time frame. This legislation will further improve citizen charter arrangement. It is well-considered and solely aims at guaranteeing effective delivery of public services to the people in a stipulated time limit.

The bill is a beginning and provision would be made whenever needed. It has become imperative to ascertain accountability of the public servants. There are many public servants working with commitment but those not performing their assigned duties in fixed time limit should face action. The law intends to fix accountability and will provide legal teeth to the citizen charter system. The common people will be benefited immensely. He said that transparency and accountability are the integral part of democracy. The delay in timely delivery of services leads to corruption and this legislation would also check corruption.

- **Operationalising citizen charter:** The main objective of Citizen's Charter is to improve the quality of public services. This is to inform citizens about the mandate of the concerned Ministry/ Department/ Organisation, how one can get in touch with its officials, what to expect by way of services and how to seek a remedy if something goes wrong. The Citizen's Charter does not by itself create new legal rights, but it surely helps in enforcing existing rights. The concept of Citizens' Charter enshrines the trust between the service provider and its users. It is to empower the citizen in relation to public service delivery.

- **Indicates government's firm commitment to deliver public services on time:** With the enactment of the public services bill, the government of MP has set a standard process of providing services to citizens. The 3 stages- sending of application to designated officers, if no response then leading to first appeal and then finally second appeal. A delayed/ no response will lead to fine. This enforces government's dedication to deliver public services on time.
- **Builds citizens' trust on the government:** When citizens' get a positive response from the government officials, they start to repose their faith and confidence on the government. The bond between the government and governed is re-enforced. The law is non-discriminatory, an individual regardless of their sex, race and language can benefit from this initiative.
- **Checks delays in providing services to citizens and corruption in government functionaries:** The right to information and right to service are legitimate rights of every individual. Inaccessibility to information or service is a drawback on good governance. The right to public service has streamlined governmental activities by checking inefficiencies, preventing delays and lack of co-ordination across various departments. The citizen is directed to submit his/her application and is ensured of getting a response within a stipulated timeframe. This practice aims towards good governance.

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## CONCLUSION

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For the first time, a government has realised the requirements of the common man. Credit of launching this Act for the first time in the country goes to Chief Minister who got the Act passed by the Vidhan Sabha (Legislative Assembly). The government is striving to convey the benefit of welfare schemes to the last man in the last row of the society. Lok Sewaon Ke Pradan Ki Guarantee Adhiniyam is an act which understands people's sentiments and it is a medium through which people are connected with their concerns. The government is committed to taking such steps for ensuring good governance.

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## REFERENCES

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1. <http://www.mpinfo.org/mpinfonew/index.aspx>