

INTRODUCTION

“A customer is the most important visitor on our premises. He is not dependent on us. We are dependent on him. He is not an interruption in our work. He is the purpose of it. He is not an outsider in our business. He is part of it.”

- Mahatma Gandhi

1.1 The Second Administrative Reforms Commission (ARC) was set up with a wide mandate to prepare a blue print for revamping the public administration system and to suggest measures to achieve a proactive, responsive, accountable, sustainable and efficient administration for the country at all levels of government.

1.2 One of the terms of reference of the Commission relates to Citizen Centric Administration. Specifically, the ARC has been asked to examine the following aspects of this issue:

Box 1.1: Jawaharlal Nehru on Citizen Centric Administration

“...Administration is meant to achieve something, and not to exist in some kind of an ivory tower, following certain rules of procedure and, Narcissus-like, looking on itself with complete satisfaction. The test after all is the human beings and their welfare.” (March 29, 1954)

Source: From the Address delivered at the Inaugural Meeting of the Institute on 29th March, 1954, extracted from Public Administration Vision and Reality by U.C. Agarwal, IIPA.

- *Accountable and Transparent Government*
 - o *Issues of delegation, accountability and transparency.*
 - o *Move from Processes Accountability to Productivity Accountability and from Transactional to Transformative Governance.*
 - o *Reduce delays and ensure promptness in delivery of services.*
- *Progressive interventions to make administration more result-oriented. These interventions, inter alia, include:*
 - o *Process Simplification.*

include (i) enacting laws giving certain rights to people, (ii) setting up of new institutional mechanisms to redress citizens' grievances, (iii) improving accessibility to citizens by setting up units closer to people, (iv) simplifying procedures to reduce bureaucratic delays, (v) using technology to improve internal efficiency, (vi) rewarding government employees who perform well, (vii) improving discipline within the organization, (viii) reducing regulatory control (ix) holding public contact programmes etc. Some of the generic reform initiatives are described in the following paragraphs.

1.4.1 Santhanam Committee Report - The Central Vigilance Commission

On the basis of recommendations made by the Committee on Prevention of Corruption, popularly known as the Santhanam Committee, the Central Vigilance Commission (CVC) was set up by the Government of India in 1964. It was accorded statutory status, consequent upon the judgement of the Hon'ble Supreme Court in *Vineet Narain v. Union of India* (1998) 1 SCC 226, through the Central Vigilance Commission Act, 2003. The CVC advises the Union Government on all matters pertaining to the maintenance of integrity in administration. It exercises superintendence over the working of the Central Bureau of Investigation - the principal investigating agency of the Union Government in anti-corruption matters - and also over the vigilance administration of various Ministries and other organizations of the Union Government.

1.4.2 First ARC - Lok Pal and Lokayukta

The first Administrative Reforms Commission had recommended the setting up of the Lok Pal. The Lok Pal Bill has been introduced several times in Parliament, but due to various reasons it has not been enacted into a law. The Lok Pal is supposed to be a watchdog over the integrity of Ministers and the Members of Parliament. The Lok Pal Bill provides for constitution of the Lok Pal as an independent body to enquire into cases of corruption against public functionaries, with a mechanism for filing complaints and conducting inquiries etc.

After the recommendations of the first Administrative Reforms Commission, many States have constituted 'Lokayuktas' to investigate allegations or grievances arising out of the conduct of public servants including political executives, legislators, officers of the State Government, local bodies, public enterprises and other instrumentalities of Government. A member of the public can file specific allegations with the Lokayukta against any public servant for enquiry. The Lokayukta can also initiate suo-motu inquiry into the conduct of public servants. The Commission has dealt with this subject extensively in its Report on 'Ethics in Governance' and has made substantive recommendations.

Informatics Centre (NIC) in 1977 was the first step towards e-Governance in India as it brought 'information' and its communication in focus. The advent of personal computers brought the storage, retrieval and processing capacities of computers to Government offices. By the late 1980s, a large number of Government officers had computers but they were mostly used for 'word processing'. Gradually, with the introduction of better software, computers were put to other uses like managing databases and processing information. Advances in communication technology further improved the versatility and reach of computers, and many Government departments started using ICT for a number of applications like tracking movement of papers and files, monitoring of development programmes, processing of employees' pay rolls, generation of reports etc. However, the main thrust for e-Governance was provided by the launching of NICNET in 1987 – the national satellite based computer network. This was followed by the launch of the District Information System of the National Informatics Centre (DISNIC) programme to computerize all district offices in the country for which free hardware and software were offered to the State Governments. NICNET was extended via the State capitals to all district headquarters by 1990. Several important initiatives were undertaken by the Union and the State Governments in the nineties. All these culminated in the launch of the National e-Governance Programme in 2006. (The Commission has examined various aspects of e-Governance in its Eleventh Report).

1.4.6 Computerised Grievances Redressal Mechanisms

A Computerized Public Grievances Redressal and Monitoring System (CPGRAMS) developed by the Department of AR&PG in collaboration with the National Informatics Centre (NIC) was installed in the Department on 5 September, 2001. All the grievances received are entered in this system and processed. The internet version of this software was launched on 31.05.2002 which facilitates the citizen to lodge and monitor the progress of his/her grievance on internet. A comprehensive website of Citizens' Charters in the Government of India was also launched the same day. The CPGRAMS has been further improved by adding several other services.

1.4.7 Right to Information

Right to information has been seen as the key to strengthening participatory democracy and ushering in people centred governance as access to information can empower the citizens to demand and get information about public policies and actions, thereby leading to their welfare. Transparency in government organisations makes them function more objectively, predictably and also enables citizens to participate in the governance process effectively. In a fundamental sense, right to information is a basic necessity of good governance. In recognition of the need for transparency in public affairs, the Indian Parliament enacted

- xii. Action is rarely taken by the Vigilance and Anti-Corruption Department to check corruption in Government departments.*
- xiii. Suo motu disclosures of information are not being made at the lower levels.*
- xiv. Citizens seeking information from government departments like municipal corporations do not receive satisfactory response.*

1.6 Acknowledgements

In its visits to the States, the Commission held detailed consultations with Governors and Chief Ministers, retired civil servants, eminent public personalities, officers of the State Governments and also with members of the media. The Commission also had interaction with members of the public during these visits as described in the foregoing paragraphs. These consultations, particularly those with members of the public, have given the Commission a real sense of the citizens' perspectives on governance as well as their opinion and suggestions on the reforms agenda for a more citizen centric administration. The Commission also benefited during these visits from the presentations made by various State Governments on different aspects of reforms including measures for promoting citizen centric administration. The Commission also enlisted the help of the Public Affairs Centre (PAC), Bangalore for obtaining inputs on the subject. Various aspects of this Term of Reference figured in the workshops and national consultations organized by the ARC on its other Terms of Reference. The Commission would like to thank the Public Affairs Centre and particularly its Chairperson, Dr. Samuel Paul and his team for their valuable inputs on this subject. The Commission is grateful to the Centre for Good Governance (CGG), Hyderabad and its team of officers led by the Chief Executive Officer Shri Rajiv Sharma and the Harish Chandra Mathur Rajasthan State Institute of Public Administration (HCMRIPA) and its officers led by the Additional Chief Secretary and Director (Training) Shri Rakesh Hooja for helping the Commission in conducting a study of several government processes. The Commission expresses its gratitude to Shri P.D. Shenoy, Member, National Consumer Disputes Redressal Commission and Ms. Pushpa Girimaji, an eminent journalist and writer on consumers' rights and related issues for sharing their views on the consumer grievances redressal mechanism. The Commission would also like to thank officers of the Ministry of Social Justice and Empowerment for their inputs. The Commission would like to thank retired and serving civil servants, both of the Union and State Governments, for their useful suggestions during their interaction with the Commission.

- Ethos (of service to the citizen),
- Ethics (honesty, integrity and transparency),
- Equity (treating all citizens alike with empathy for the weaker sections), and
- Efficiency (speedy and effective delivery of service without harassment and using ICT increasingly).

Citizens are thus at the core of good governance. Therefore, good governance and citizen centric administration are inextricably linked.

2.1.3 The Constitution articulates the vision of its Founding Fathers for the people of this country and also spells out the role and functions of the three organs of the State - Legislature, Executive and Judiciary. It enshrines the Fundamental Rights which are critical for democracy and the Directive Principles of State Policy which embody the concept of a Welfare State³ and are a unique feature of our Constitution. The endeavour of Government at all levels has, therefore, been to provide for a citizen centric administration. To this end, a robust legal framework has been created. Institutions such as the National Human Rights Commission, National Women's Commission, National Consumer Disputes Redressal Commission, and Lokayuktas etc. have been set up. Several other measures including affirmative actions have been initiated for the socio-economic empowerment of the weaker sections of society.

2.1.4 The Tenth Plan drew attention to the implementation of good governance in the following terms:

'Governance relates to the management of all such processes that, in any society, define the environment which permits and enables individuals to raise their capability levels on the one hand, and provide opportunities to realize their potential and enlarge the set of available choices, on the other. These processes, covering the political, social and economic aspects of life impact every level of human enterprise, be it the individual, the household, the village, the region or the nation. It covers the State, civil society and the market, each of which is critical for sustaining human development. The State is responsible for creating a conducive political, legal and economic environment for building individual capabilities and encouraging private initiative.'

2.1.5 The Eleventh Plan has emphasized that good governance should cover the following distinct dimensions:

³Keshavnand Bharti Case; AIR 1973 SC 1461

groups, especially the SCs, STs, minorities and others, must feel they have an equal stake and should perceive an adequate flow of benefits to ensure the legitimacy of the State.

2.2 Perceptions about Governance in India

2.2.1 As stated earlier, public administration in India is generally perceived to be unresponsive, insensitive and corrupt. The Commission during its visits to the States had several occasions to meet and hear from the public and most of the observations by citizens were about the poor quality of services provided by the Government, the indifferent attitude of government servants, corruption and abuse of authority and lack of accountability. A common complaint pertained to excessive red-tapism and the long time taken to get even routine work done. The Sixth Central Pay Commission's comments in this connection are worth noting:

Box 2.2: Common Bottlenecks in Implementation of Projects

Among the most commonly noted bottlenecks in implementation of projects are:

- i. Multiplicity of laws governing same or similar set of issues.
- ii. Requirement of a large number of approvals/permissions.
- iii. Separate clearances/approvals required from different authorities on same or similar issues.
- iv. Too many points of contact between investor and authorities.
- v. Lack of transparency in the administration of clearances and approvals.
- vi. Large number of returns and amount of information to be provided to many departments/agencies.
- vii. Little communication and information-sharing among related departments.

Source: Report on Reforming Investment Approval & Implementation Procedures – November 2002.

“For the common man, bureaucracy denotes routine and repetitive procedures, paper work and delays. This, despite the fact that the Government and bureaucracy exist to facilitate the citizens in the rightful pursuit of their legal activities. Rigidities of the system over centralization of powers, highly hierarchical and top down method of functioning with a large number of intermediary levels delaying finalization of any decision, divorce of authority from accountability and the tendency towards micromanagement, have led to a structure in which form is more important than substance and procedures are valued over end results and outcomes. Non-performance of the administrative structures, poor service quality and lack of responsiveness, and the subjective and negative abuse of authority have eroded trust in governance systems which needs to be restored urgently.”

2.2.2 The Fifth Central Pay Commission had the following to say on the public impression about civil servants:

“However, if one speaks to any enlightened member of the public he has several complaints against the public services. These relate to their size, productivity, accountability, transparency and integrity.

The most serious charge levelled against them is that they lack integrity and honesty. Thus they are alleged to lack not merely in the sense that they accept money or rewards for the decisions they take as public servants in the exercise of their sovereign powers, but also in the larger sense of not maintaining a harmony between their thoughts, words and deeds. Many scams are being uncovered every day and evidence unearthed of public servants not only conniving at corruption but being the beneficiaries of the system themselves.”

2.2.3 The recently released Global Competitiveness Index Report (2008-09)⁴ highlights the following strengths as well as areas of concern in India:

Table 2.1 Global Competitiveness Index (2008-09): Rank of India

| | Parameter | Global rank (maximum 134) |
|------------------|---|------------------------------|
| STRENGTHS | Innovation - availability of scientists and engineers | 3 |
| | Domestic market size | 4 |
| | Financing through local equity market | 8 |
| | Intensity of local competition | 11 |
| | Quality of management schools | 12 |
| | Quality of math and science education | 17 |
| | National savings rate | 19 |
| | FDI and technology transfer | 20 |
| | Quality of Scientific Research Institutions | 27 |
| | Capacity for innovation | 35 |
| AREAS OF CONCERN | Diversion of public funds | 55 |
| | Transparency of government policy making | 55 |
| | Favouritism in decisions of government officials | 58 |
| | Ethical behaviour of firms | 61 |
| | Wastefulness of government spending | 62 |
| | Public trust of politicians | 84 |

An analysis of people's perception about governance in India reveals that there are several barriers to good governance and these are listed in the following paragraphs.

⁴Source: www.weforum.org/pdf/GCR08/GCR08.pdf

their attitude is one of indifference and insensitivity to the needs of citizens. This, coupled with the enormous asymmetry in the wielding of power at all levels, has further aggravated the situation. The end result is that officers perceive themselves as dispensing favours to citizens rather than serving them and given the abject poverty, illiteracy, etc. a culture of exaggerated deference to authority has become the norm.

2.3.2 Lack of Accountability

A common reason usually cited for inefficiency in governance is the inability within the system to hold the Civil Services accountable for their actions. Seldom are disciplinary proceedings initiated against delinquent government servants and imposition of penalties is even more rare. This is primarily because at most levels authority is divorced from accountability leading to a system of realistic and plausible alibis. Cumbersome disciplinary procedures have added to the general apathy towards discipline in Government. Moreover the safeguards provided to civil servants, - which were well intentioned – have often been misused. Another reason for lack of accountability is that performance evaluation systems within government have not been effectively structured. The complacency that the system breeds has resulted in employees adopting an apathetic or lackadaisical attitude towards citizens and their grievances.

2.3.3 Red Tapism

Bureaucracies the world over are expected to adhere to rules and procedures which are, of course, important for good governance. However, at times, these rules and procedures are ab-initio ill conceived and cumbersome and, therefore, do not serve their purpose. Also, government servants sometimes become overly pre-occupied with rules and procedures and view these as an end in themselves. The Prime Minister Dr. Manmohan Singh while emphasizing procedural reforms, stated:

Very often, the most difficult area of reform in government is process and procedural reform. No amount of investment in capabilities and technologies can improve performance and service delivery beyond a point if we continue to be prisoners of archaic procedures and processes. Often, policy reform measures do not deliver the desired outcomes because of lack of forward movement in reform of government processes. This is after all, what gives rise to the so-called Inspector Raj. This is what makes the interface of a common citizen with government a cumbersome and daunting affair. This is often the root cause of corruption as well. When I meet individuals or industrialists, it is this aspect of government which is crying out for change.⁶

⁶PM's Address at the Second Civil Service Day; <http://darpg.nic.in/arpg-website/Conference/CivilServiceDay-PPTs/PMAddressatCivilServiceDay.doc>

the minds of large sections of society points towards inefficient and ineffective administration. All these highlight the need for substantially reforming our governance systems. The Prime Minister in his Civil Services Day speech (2007) observed:

It is in this context that 'reform of government' becomes relevant. 'Administrative Reforms' is a phrase that has been used widely to mean many things. It is used by some to mean change of any kind to deal with government problems of any description. Some regard 'administrative reform' merely as a means of "making the government work" better. Others in fact see 'reform' as "less government". I view the reform of government as a means of making citizens central to all government activities and concerns and reorganising government to effectively address the concerns of the common people.

2.5 Necessary Pre-conditions for Good Governance

2.5.1 An analysis of the barriers to good governance reveals that there are several pre-conditions which must be fulfilled in order to make governance citizen centric. Some of the pre-conditions are:

- a. Sound legal framework.
- b. Robust institutional mechanism for proper implementation of the laws and their effective functioning.
- c. Competent personnel staffing these institutions; and sound personnel management policies.
- d. Right policies for decentralization, delegation and accountability.

Besides, a number of tools can also be employed to make administration citizen centric. These are:

- a. Re-engineering processes to make governance 'citizen centric'.
- b. Adoption of appropriate modern technology.
- c. Right to information.
- d. Citizens' charters.
- e. Independent evaluation of services.
- f. Grievance redressal mechanisms.
- g. Active citizens' participation – public-private partnerships.

Tribes, the National Human Rights Commission, the Consumer Grievances Redressal mechanisms, the National Commission for the Child, etc.

2.5.4 Competent and Dedicated Workforce

A sound legal system and a robust institutional mechanism need to be buttressed by ensuring that competent and motivated personnel run the system in order to provide a vibrant citizen centric administration. The Commission in its Tenth Report, “Refurbishing of Personnel Administration” has examined in great detail various aspects of personnel management in government and made far reaching recommendations. The Commission would not therefore be dealing with issues relating to personnel management in this Report.

2.5.5 Decentralization, Delegation and Accountability

While examining the subject of Local Governance, in its Sixth Report, the Commission has stated as follows:

“2.2.1 The central idea of subsidiarity is that citizens as sovereigns and stakeholders in a democracy are the final decision-makers. Citizens are also the consumers of all services provided by the State. The citizen-sovereign-consumer must exercise as much authority as practicable, and delegate upward the rest of the functions which require economies of scale, technological and managerial capacity or collective amenities.

2.2.2. The Oxford dictionary defines subsidiarity as “a principle that a central authority should have a subsidiary function, performing only those tasks which cannot be performed at a more local level.”

2.2.3. The principle of subsidiarity stipulates: functions shall be carried out closest to citizens at the smallest unit of governance possible and delegated upwards only when the local unit cannot perform the task. The citizen delegates those functions he cannot perform, to the community, functions that the community cannot discharge are passed on to local governments in the smallest tiers, and so on, from smaller tiers to larger tiers, from local government to the State Governments, and from the States to the Union. In this scheme, the citizen and the community are the centre of governance. In place of traditional hierarchies, there will be ever-enlarging concentric circles of government and delegation is outward depending on necessity.”

The Commission has examined issues relating to delegation and accountability in this Report.

would be examined in detail in the Commission's subsequent Report on 'Citizen Centric Administration'.

Accordingly, the Commission has examined tools such as citizens' charters, etc. in a separate chapter in this Report.

2.5.9 Focus on Outcomes – Evaluation and Monitoring

Monitoring and evaluation are important managerial functions in any organization. In government organizations these functions assume special significance because of their large size in terms of the workforce coupled with their wide reach. The success of the laws, policies and guidelines - which are implemented by a large number of field organizations - depend on their effective administration. This necessitates constant monitoring and evaluation.

2.5.10 Grievance Redressal Mechanisms

In a welfare State like India, citizens have a variety of interactions with the Government in its myriad forms – as a service provider, a regulator, as a provider of social and physical infrastructure etc. Meeting the expectations of the citizens is a challenging task for any Government. Sometimes, the task is compounded due to internal inefficiencies while at other times, despite the best efforts of the public agency, external constraints prevent them from meeting the expectations of the citizens. Addressing the grievances of those citizens whose expectations are not fulfilled is primarily the task of the Government agency concerned even though external accountability mechanisms, often having limited scope, do exist. In this Report, the Commission has primarily focussed on the internal grievance redressal mechanisms that public agencies and Government should develop so that citizens do not have to resort to costly alternatives such as judicial interventions, to seek redressal of their grievances.

2.5.11 Active Citizens' Participation – Information Dissemination, Mechanisms, Target Group Consultation

2.5.11.1 Promoting citizen centric administration also implies giving a voice to citizens in the governance process. As noted by the Commission in its Sixth Report on "Local Governance", at the local community level, citizens as stakeholders can directly participate in decision making. It was pointed out that besides institutions such as the Gram Sabha, citizens participation can be promoted by identifying, for example, identifiable stakeholders in the delivery of specific public services. The Commission also stated that empowerment of stakeholder groups and local government is to be seen as a continuing and not a cause of conflict between the two. Instead, effective empowerment of stakeholders accompanied

“6.6.4 Recommendations:

- a. All public agencies should adopt a zero tolerance strategy towards crime, in order to create a climate of compliance with laws leading to maintenance of public order.*
- b. This strategy should be institutionalized in the various public agencies by creating appropriate statistical databases, backed up by modern technology, to monitor the level and trends of various types of offences and link these to a system of incentives and penalties for the officials working in these agencies. It should be combined with initiatives to involve the community in crime prevention measures.”*

2.6.2 Making Institutions Vibrant, Responsive and Accountable

As discussed in the previous paragraphs, ‘Rule of Law’ requires institutions - which are adequately empowered, properly structured and have the right quality of personnel and resources at their disposal – for effective implementation. Steps to ensure this are being discussed separately in the Reports of the Commission on ‘Organizational Structure of the Government of India’ and ‘Steps to ensure effective administration at the State level’. Besides, the Legislature has established several specialised institutions, to look after specific needs of society. The working of some of these institutions would be discussed in this Report.

2.6.3 Active Citizens’ Participation – Decentralization and Delegation

The Constitution of India provides for three tiers of Government – Union, State and Local. The Report of the Commission on ‘Local Self Government / Panchayati Raj Institution’ had recommendations on improving delivery mechanism by decentralization with greater citizens and stakeholder involvements. That Report has also made recommendations on encouraging participative governance by empowering local self-governments. Some aspects of citizens’ participation have been examined in this Report. Besides, some issues related to delegation of authority have also been discussed in an exclusive chapter in this Report.

2.6.4 Transparency

Transparency is one of the core principles of good governance. Transparency in decision making, disclosure of standards of delivery and openness in the every day functioning of the administration are the hallmarks of a citizen centric approach. As this is a reasonably new concept, which has gained acceptance after the enactment of the Right to Information Act, a change in approach is required at all levels of the government. Recommendations in this regard were made by this Commission in its Report on ‘Right to Information’. Some aspects of citizens’ participation in governance have been discussed in chapter 5 of this Report.

FUNCTIONS OF GOVERNMENT

3.1 Functions of Government

3.1.1 All governments perform a wide range of functions. These functions could be classified as follows:⁷

- a. *Self preservation* – The authority of the State needs to be preserved both from external aggression and internal disturbances. Government discharges this function by raising and maintaining a national army, a police force and other enforcement agencies and empowering these agencies through legislations.
- b. *Supervision and resolution of conflicts* – Strengthening of democratic practices and processes, ensuring equity to all citizens, setting up of conflict resolution mechanisms and fair governance are some ways for minimization of conflicts.
- c. *Socio-economic development* – Enactment and effective enforcement of laws, assuring welfare of the weaker sections, bringing about desirable social change are some measures which governments adopt to bring about socio-economic development.
- d. *Regulation of the economy* – This has emerged as one of the most important functions of government. Adopting sound fiscal and monetary policies is one of the major duties of a government.
- e. *Provision of goods and services* – With increasing emphasis on socio-economic development, governments today are major providers of different types of goods and services such as education, health, public distribution of foodgrains etc.

3.1.2 The functions of government are laid down in the Constitution of a country. The Constitution of India lays down the roles and functions of the three levels of government – Union, State and Local. These are spelt out in Part III on Fundamental Rights, Part IV on the Directive Principles of State Policy, Parts IX and IX A on local bodies, etc. For the sake of present analysis, the functions of a government could be broadly categorized as follows:

⁷Adapted from Britannica online - <http://www.britannica.com/EBchecked/topic/467746/political-system/36736/The-functions-of-government>. retrieved on 6-8-08

3.2.3 The Commission in its Report on “Local Governance”, examined the issue of regulatory functions carried out by the local bodies and observed that all regulatory functions should adhere to five principles – simplification, transparency, objectivity, convergence and speedy disposal. The Commission recommended:

5.4.2.10 (a). A time-bound programme for updating and simplification of all regulatory provisions relating to the ULBs should be made mandatory. Each State Government should create a task force to examine and suggest simplification of procedures in local governments. This task force could also suggest steps to be taken to reduce discretion and bring objectivity in the field offices of local governments. The city municipal corporations could undertake such an exercise on their own.

3.2.4 The Commission would like to reiterate that the principles enunciated in the context of local governments would also be applicable to all regulatory activities. Besides, the Commission would emphasise the following aspects of regulation:

- a. *Regulation only where necessary:* It has been argued that India is an over-regulated country, but many of the regulations are not implemented in right earnest. The reasons include – (i) the sheer number of such regulations; (ii) outdated regulations that continue to remain on statute books; (iii) the tendency to over-legislate - as a result, the legislation becomes an end itself; and (iv) the complex procedural formalities stipulated in these regulations. It is, therefore, necessary to have a detailed scrutiny of all laws and regulations – Union, State and Local – followed by the repeal of unnecessary regulations, updation of outdated ones and simplification of procedures so that compliance becomes easy.
- b. *Regulation to be effective:* One of the consequences of a large number of regulations has been their poor enforcement. Social legislations are classic examples of this. Slack enforcement leads to corrupt and unethical practices and the objectives of the legislations are also not met. Another reason for the poor enforcement of regulations is the lack of attention to building capacity in the agencies entrusted with their enforcement. For example, the capacity and expertise of the Motor Vehicles Department has not kept pace with the explosive growth of vehicles on the road. The Commission is of the view that in order to ensure that the regulatory measures do not degenerate into corrupt practices, it is necessary to have an effective supervision of the agencies which

- b. *It is necessary that all schools are made functionally self-sufficient, in as much as basic facilities and classroom requirements are provided in all urban schools within the next two years.*
- c. *The municipalities, especially the larger ones, should seek the help of NGOs, the corporate sector and individual volunteers for assistance in running schools. Indeed, it would be useful to initiate a voluntary service element in our social sector to improve service delivery.*
- d. *The trend in urban areas to shift towards private healthcare needs to be seen as an opportunity by the city authorities to concentrate on public health as distinct from clinical services, and on preventive and not only curative aspects of health care.*
- e. *Institution specific standards should be prescribed for schools and hospitals and third party assessments carried out to monitor performance in service delivery. Performance based incentives should be prescribed at all levels by braking salary ceilings to guarantee service outcomes and linking permanence in service to performance.*
- f. *Recruitment for hospitals and schools should be made to an institution/society, moving away from non accountable State level recruitment.*
- g. *Local bodies should ensure convergence among health systems, sanitation facilities and drinking water facilities. Primary level public health institutions in urban areas should be managed by the urban local bodies.*
- h. *For all services provided by local governments there is need to develop a set of performance indicators. The concerned Ministry should lay down broad guidelines for this purpose. Therefore, the State Governments could lay down norms for this purpose.*
- i. *The concerned Ministry should maintain a State-wise database about the performance of various service delivery systems. Similarly, the State should have a database for such services covering all municipal bodies.*

3.3.2 The Commission would like to reiterate its recommendations on this issue. As far as infrastructure services are concerned, Government agencies have traditionally been

3.3.3.2 Information and Communications Technology (ICT) has enabled governments and their different units to provide information and deliver services to citizens in a faster, more efficient and transparent manner. In fact, different governments are now providing a web-enabled single window interface for all governmental organizations. An example of this is the USA Government's official web portal for all government transactions, services, and information - "**usa.gov**". Similarly, the website **www.direct.gov.uk** provides a single window web-enabled access to the information and public services delivered by the UK government. In India also the National Portal (<http://india.gov.in>) provides an interface to a large number of government organizations at the Union and State levels.

Similarly, State Governments have constituted Single Window Agencies, especially for grant of industrial clearances. These Single Window Agencies have nominees of all the departments concerned. It has been observed that these agencies, many a time, give only 'in principle approval' and the applicant has then to seek formal approvals from each agency. Thus, there is need to sufficiently empower these 'single window' agencies to enable them to provide relevant services. However, it needs to be recognized that though the 'single window' approach is a simple concept, its implementation requires thorough business process re-engineering in government organizations, aided by the use of ICT.

3.3.4. Recommendations:

- a. Government organisations should adhere to the principles highlighted in paragraph 3.2.4 while performing regulatory functions.**
- b. Government agencies, whether regulatory or developmental, should introduce the Single Window Agency concept within their organisations to minimize delays and maximize convenience to citizens. Government as a whole should draw a roadmap with timelines for expeditious creation of a single window at the local level for provision of all developmental and regulatory services to citizens.**

3.4 Developmental Functions of Government

3.4.1 Government implements a large number of welfare and development programmes for promoting the socio-economic upliftment of its citizens. These include programmes for poverty alleviation, employment generation schemes, schemes to strengthen infrastructure, measures for the welfare of weaker sections of society, programmes to improve the health and nutritional status of citizens etc. These programmes are implemented largely by the State Governments through their machinery and through Local Governments. Each

CITIZENS' CHARTERS

4.1 Introduction

4.1.1 The Citizens' Charter is an instrument which seeks to make an organization transparent, accountable and citizen friendly. A Citizens' Charter is basically a set of commitments made by an organization regarding the standards of service which it delivers. Every citizens' charter has several essential components to make it meaningful; the first being the Vision and Mission Statement of the organization. This gives the outcomes desired and the broad strategy to achieve these goals and outcomes. This also makes the users aware of the intent of their service provider and helps in holding the organization accountable. Secondly, in its Citizens' Charter, the organization must state clearly what subjects it deals with and the service areas it broadly covers. This helps the users to understand the type of services they can expect from a particular service provider. These commitments/promises constitute the heart of a citizens' charter. Even though these promises are not enforceable in a court of law, each organization should ensure that the promises made are kept and, in case of default, a suitable compensatory/remedial mechanism should be provided. Thirdly, the Citizens' Charter should also stipulate the responsibilities of the citizens in the context of the charter.

4.2 Evolution of the Citizens' Charter

4.2.1 The Citizens' Charter, when introduced in the early 1990's, represented a landmark shift in the delivery of public services. The emphasis of the Citizens' Charter is on citizens as customers of public services. The Citizens' Charter scheme in its present form was first launched in 1991 in the UK. The aim was to ensure that public services are made responsive to the citizens they serve. In the "Introduction to the First Report on Citizens' Charter" that was released by Prime Minister John Major in 1992, it was clearly defined as follows:

"The Citizens' Charter sees public services through the eyes of those who use them. For too long the provider has dominated and now it is the turn of the user... The Citizens' Charter will raise quality, increase choice, secure better value and extend accountability (Cabinet Office, U.K., 1992)".

4.3 The Charter Mark

4.3.1 The Charter Mark Scheme was introduced in 1991 in the United Kingdom to improve the efficacy of the citizens' charters. It was a tool designed to help organisations focus on, and improve, their customer service and delivery to users. A set of six criteria made up the Charter Mark standard:¹¹

- *Criterion 1:* Set standards and perform well
- *Criterion 2:* Actively engage with your customers, partners and staff
- *Criterion 3:* Be fair and accessible to everyone and promote choice
- *Criterion 4:* Continuously develop and improve
- *Criterion 5:* Use your resources effectively and imaginatively
- *Criterion 6:* Contribute to improving opportunities and quality of life in the communities you serve.

4.3.2 Public service organizations were eligible to apply for the Charter Mark and only those which could score satisfactorily on the criteria mentioned above were given the Charter Mark as a recognition. The process of evaluation was carried out by independent agencies.

4.3.3 Evaluation of the Citizens' Charter scheme in the UK has been conducted by experts from outside agencies as well as Government committees. The Public Service Committee concluded in its 'Report on The Citizens' Charter (1997)' that the initiative had made "a valuable contribution to improving public services". The Committee came to the conclusion that Citizens' Charter had led to improvements in the delivery, culture and responsiveness of many services.¹²

4.3.4 On the other hand, there has also been some criticism about Citizens' Charter. Several assessments revealed that the promises contained in the Charter were vague and meaningless. The Select Committee on Public Administration (UK) in its 11th Report on Choice, Voice and Public Service noted that the Citizens' Charter has lost public respect because it was seen as being too confused in its objectives.¹³

4.3.5 The Charter Mark Scheme was taken up for a comprehensive review in 2006 – 'The Customer Voice in Transforming Public Services' (the Bernard Herdan Report). The following observation was made:

¹¹<http://www.cabinetoffice.gov.uk/chartermark/criteria.aspx> retrieved on 9-1-09

¹²Select Committee on Public Administration 12th Report (UK)

¹³ibid

- iv. Delivery.
- v. Timeliness and Quality of Service.

4.4 The Indian Experience of Citizens' Charter

4.4.1 The Government of India in 1996 commenced a National Debate for Responsive Administration. A major suggestion which emerged was bringing out Citizens' Charters for all public service organisations. The idea received strong support at the Chief Ministers' Conference in May 1997; one of the key decisions of the Conference was to formulate and operationalise Citizens' Charters at the Union and State Government levels in sectors which have large public interface such as Railways, Telecom, Post & Public Distribution Systems, Hospitals, and the Revenue & Electricity Departments. The momentum for this was provided by the Department of Administrative Reforms & Public Grievances (DAR&PG) in consultation with the Department for Consumer Affairs. The Department of AR & PG simultaneously formulated guidelines for structuring a model charter as well as a list of do's and don'ts to enable various government departments to bring out focused and effective charters. Since May 1997, when the programme was launched in India, different Ministries, Departments, Directorates and other organizations at the Union level have formulated 115 Citizens' Charters. There were 650 such Charters developed by various Departments and agencies of the State Governments and Union Territories (as on February 2007).¹⁴

4.4.2 The DARPG set out a series of guidelines to enable the service delivery organisations to formulate precise and meaningful Charters to set the service delivery parameters. These were as follows:

- a. To be useful, the Charter must be simple;
- b. The Charter must be framed not only by senior experts, but by interaction with the cutting edge staff who will finally implement it and with the users (individual organizations);
- c. Merely announcing the Charter will not change the way we function. It is important to create conditions through interaction and training for generating a responsive climate;

Box 4.1: Awareness about Citizens' Charters and RTI: Jharkhand

A Transparency International India study team found that except for banks, none of the service providers in case of Public Distribution System, electricity, hospital, water supply, housing, land records & registration, police and targeted schemes displayed any Citizens' Charters.

However, the RTI display boards displaying the name of the Public Information Officer (PIO) and the complaint boxes were available in case of some of the services.

Source: India Corruption Study – 2008; Transparency International India

¹⁴Extracted from the Website of DAR&PG

- b. Orientation of staff about the salient features and goals/ objectives of the Charter; vision and mission statement of the department; and skills such as team building, problem solving, handling of grievances and communication skills,
- c. Need for creation of database on consumer grievances and redress,
- d. Need for wider publicity of the Charter through print media, posters, banners, leaflets, handbills, brochures, local newspapers etc. and also through electronic media,
- e. Earmarking of specific budgets for awareness generation and orientation of staff, and
- f. Replication of best practices in this field.

4.4.5 An independent review of the Citizens' Charter in India was carried out by the Public Affairs Centre, Bangalore (2007) and the results have been published in a report entitled 'India's Citizens' Charter – A decade of experience'. An overall assessment of the Citizens' Charter is presented in Table 4.1.

4.4.6 The Report of PAC has also brought out the following general deficiencies:

- a. *Poor design and content: Most organizations do not have adequate capability to draft meaningful and succinct Citizens' Charter. Most Citizens' Charters drafted by government agencies are not designed well. Critical information that end-users need to hold agencies accountable are simply missing from a large number of charters. Thus, the Citizens' Charter programme has not succeeded in appreciably empowering end-users to demand greater public accountability.*
- b. *Lack of public awareness: While a large number of public service providers have implemented Citizens' Charter, only a small percentage of end-users are aware of the commitments made in the Citizens' Charter. Effective efforts of communicating and educating the public about the standards of delivery promise have not been undertaken.*
- c. *Inadequate groundwork: Government agencies often formulate Citizens' Charters without undertaking adequate groundwork in terms of assessing and reforming its processes to deliver the promises made in the Charter.*

- d. Charters are rarely updated: *Charters reviewed for this report rarely showed signs of being updated even though some documents date back from the inception of the Citizens' Charter programme nearly a decade ago. Only 6% of Charters reviewed even make the assurance that the document will be updated some time after release. In addition, few Charters indicate the date of release. Needless to say, the presence of a publication date assures end-users of the validity of a Charter's contents.*
- e. End-users and NGOs are not consulted when Charters are drafted: *Civil society organizations and end-users are generally not consulted when Charters are being formulated. Since a Citizens' Charter's primary purpose is to make public service delivery more citizen-centric, agencies must investigate the needs of end-users when formulating Charters by consulting with ordinary citizens and civil society organizations.*
- f. The needs of senior citizens and the disabled are not considered when drafting Charters: *Just one Charter reviewed for this report assured equitable access to disabled users or senior citizens. Many agencies actually do cater to the needs of the disadvantaged or elderly, but do not mention these services in their charter.*
- g. Resistance to change: *The new practices demand significant changes in the behaviour and attitude of the agency and its staff towards citizens. At times, vested interests work for stalling the Citizens' Charter altogether or in making it toothless.*

4.4.7 A study sponsored by the Department of Administrative Reforms and Public Grievances on evaluation of the Citizens' Charters was carried out by the Indian Institute of Public Administration (2008). Some of the observations/ findings of this study are;

- a. Citizens' Charters have still not been adopted by all Ministries/Departments.
- b. There was lack of precision on standards and commitments in several cases.
- c. There is often little interest shown by the organizations in adhering to their Charter.
- d. On the communications front, the Charter programme has been throttled on account of poor planning and resource commitment for publicity.
- e. In some cases, the Charters have become a one-time exercise, frozen in time.
- f. There was general lack of accountability and review mechanisms.

4.5.2.2. In fact, the two action points which do not indicate any specific time frame pertain to general matters relating to creating awareness and acknowledgement of communications. The Charter also stresses on certain expectations on the part of the taxpayers. These include obtaining and quoting correct PAN/TAN in all returns, challans and communications, filing correct returns on time, quoting correct bank details etc.

4.5.2.3 It is evident from the Charter that it applies uniformly to all field formations in the Department. However, field units across the country differ on account of workload (i.e. number of cases, complexity involved), human resources etc. Thus, there is need for having Citizens' Charters at the level of field units which should be formulated by taking into account the ground situation while adhering to the overarching principles adopted by the organization as a whole. Further, there is also need for specifying certain standards for providing basic facilities to the citizens visiting Income Tax offices. It would be advisable for the Income Tax Department to assess and evaluate in due course the extent to which the time lines indicated in the Charter are being adhered to and take suitable remedial measures accordingly.

4.5.3 Citizens' Charter of the Delhi Transport Corporation:¹⁸

4.5.3.1 This Charter is aimed at setting out the commitment *'to provide a convenient, comfortable, regular, punctual, efficient, safe, reliable and eco-friendly bus transit system at reasonable prices benefiting the National Capital.'* It is aimed at establishing *'an effective & active interface with the commuters to evaluate our performance against their expectations and take appropriate remedial measures to provide them the best possible service'*. However, the Charter is more in the nature of an information brochure than a Charter. Many of its action-points are of a general nature and highlight the 'aims' of the organization. It also contains future plans of the Corporation. Some of them are highlighted below:

- i. Reliability and punctuality standards: *'We aim to make our services reliable by way of ensuring their punctuality'*.
- ii. Technology upgradation: *'We are always keen to imbibe the latest technological advancements indigenously & globally available in Bus Body Designs, Engine Equipment, Technology, Systems etc. so as to be able to provide the commuters a comfortable & efficient Bus Service'*.
- iii. Controlling pollution: *'... The Corporation also operates Inter State Services with diesel buses. These buses too are made to undergo Stringent Pollution Checks after regular intervals.'*

¹⁸Source: <http://dtc.nic.in/ccharter.htm>

- Even where the standards of service are spelt out, there is no mechanism to ensure that these standards are actually adhered to. There is no citizen friendly mechanism to compensate the citizen, if the organization fails to honour the promise made in the Charter.
- There is no periodic revision of Charters in order to update them with the expectations of the citizens on the one hand and the organizational experience on the other.
- There is a tendency to have a uniform Charter for all offices under the parent organization. This overlooks local issues.
- Most Charters are verbose and reflect the aspirations of the organization.

4.6 Making Citizens' Charters Effective – An Agenda for Reform*

4.6.1. The Commission has briefly dealt with the issue of Citizens' Charters in its Fourth Report on 'Ethics in Governance'. The Commission observed that in order to make these Charters effective tools for holding public servants accountable, the Charters should clearly spell out the remedy/penalty/compensation in case there is a default in meeting the standards spelt out in the Charter. It emphasized that it is better to have a few promises which can be kept than a long list of lofty but impractical aspirations.

- Internal restructuring should precede Charter formulation:* As a meaningful Charter seeks to improve the quality of service, mere stipulation to that effect in the Charter will not suffice. There has to be a complete analysis of the existing systems and processes within the organization and, if need be, these should to be recast and new initiatives adopted. Citizens' Charters that are put in place after these internal reforms will be more credible and useful than those designed as mere desk exercises without any system re-engineering.
- One size does not fit all:* This huge challenge becomes even more complex as the capabilities and resources that governments and departments need to implement Citizens' Charters vary significantly across the country. Added to these are differing local conditions. The highly uneven distribution of Citizens' Charters across States is clear evidence of this ground reality. For example, some agencies may need more time to specify and agree upon realistic standards of service. In others, additional effort will be required to motivate and equip the staff to participate in this reform exercise. Such organizations could be given time and

*Adapted from the report furnished by PAC.

- vi. *Periodic evaluation of Citizens' Charters:* Every organization must conduct periodic evaluation of its Citizens' Charter preferably through an external agency. This agency while evaluating the Charter of the organisation should also make an objective analyses of whether the promises made therein are being delivered within the defined parameters. The result of such evaluations must be used to improve upon the Charter. This is necessary because a Citizens' Charter is a dynamic document which must keep pace with the changing needs of the citizens as well as the changes in underlying processes and technology. A periodic review of Citizens' Charter thus becomes an imperative.
- vii. *Benchmark using end-user feedback :* Systematic monitoring and review of Citizens' Charters is necessary even after they are approved and placed in the public domain. Performance and accountability tend to suffer when officials are not held responsible for the quality of a Charter's design and implementation. In this context, end-user feedback can be a timely aid to assess the progress and outcomes of an agency that has implemented a Citizens' Charter. This is a standard practice for Charters implemented in the UK.
- viii. *Hold officers accountable for results:* All of the above point to the need to make the heads of agencies or other designated senior officials accountable for their respective Citizens' Charters. The monitoring mechanism should fix specific responsibility in all cases where there is a default in adhering to the Citizens' Charter.
- ix. *Include Civil Society in the process:* Organizations need to recognize and support the efforts of civil society groups in preparation of the Charters, their dissemination and also facilitating information disclosures. There have been a number of States where involvement of civil society in this entire process has resulted in vast improvement in the contents of the Charter, its adherence as well as educating the citizens about the importance of this vital mechanism.

4.6.2 Recommendations:

- a. **Citizens' Charters should be made effective by adopting the following principles:**
 - i. *One size does not fit all.*
 - ii. *Citizens' Charter should be prepared for each independent unit under the overall umbrella of the organisations' charter.*

4.7.3 Each module is assessed on the basis of these three criteria (Table 4.2). Each criteria, in turn, has several specific elements/questions (Table 4.2). Several Departments have initiated steps to use the Sevottam model in order to improve their quality of services.

Table 4.2: Sevottam Model : Assessment Criteria

| Modules | 9 Criteria | 33 Questions |
|--------------------------|----------------|---|
| CITIZENS' CHARTERS | IMPLEMENTATION | 1.1.1 How do you determine and/or distinguish the citizen groups as also your stakeholders and what services do you offer to them? |
| | | 1.1.2 How do you meet the service expectations of your citizens' groups? |
| | | 1.1.3 How do you ensure that services and their standards as described in the charter are in accordance with expectations of citizens' groups identified above? |
| | | 1.1.4 How do you ensure that preparation and/or review of the charter is participatory and inclusive of all your citizens' groups? |
| | | 1.1.5 How do you ensure that frontline staff and citizens' groups are aware of the charter and can understand its contents easily for compliance? |
| | MONITORING | 1.2.1 How do you measure and track service delivery performance of different outlets against charter contents? |
| | | 1.2.2 How do you communicate the gaps in service delivery to officer/team responsible for charter monitoring and to the outlets concerned? |
| | | 1.2.3 How do you fill the observed and/or reported gaps |
| | REVIEW | 1.3.1 How do you find out whether your charter is serving its purpose and take measures to enhance its effectiveness? |
| | | 1.3.2 How do you incorporate legislative changes (e.g. introduction of Right to Information Act, etc.) and other relevant provisions/developments in your charter revision process? |
| | | 1.3.3 How do you ensure that frontline staff and the citizens are aware of the basis for making changes as above? |
| PUBLIC GRIEVANCE REDRESS | RECEIPT | 2.1.1 How do you prepare and implement guidelines for spreading awareness on public grievances process and ensure that citizens get the information they need? |
| | | 2.1.2 How do you prepare and implement guidelines for recording and classifying grievances? |
| | | 2.1.3 How do you prepare and implement guidelines for multiple channels of grievance redress such as toll-free telephone lines, web site, etc? |
| | REDRESS | 2.2.1 How do you determine time norms for acknowledgement, and redress of grievances/complaints received? |
| | | 2.2.2 How do you ensure that the time norms as above are adhered to? |
| | | 2.2.3 How do you continuously improve the system and use forums like Jan Sunwai, Lok Adalats and other single window disposal systems to expedite grievance redress? |
| | PREVENTION | 2.3.1 How do you use grievance analysis while preparing annual action plans and strategy of the organization? |
| | | 2.3.2 How do you find out grievance prone areas and communicate them to the officer/team responsible for service delivery improvement and to the Public Grievance Redress Officer? |
| | | 2.3.3 How do you link grievance analysis to charter review and to other guidelines so that complaint prone areas are improved upon? |
| | | 2.3.4 How do you measure and track the progress on improvements required to reduce complaint prone areas? |
| | | 2.3.5 How do you ensure that frontline staff and the citizens are aware of improvements made in grievance redress mechanism? |

that, for PRI purpose, the Sevottam model can be integrated into the model and thus employees of ministries/departments fulfilling certain level of public accountability be rewarded through PRI. Since collective effort of all employees is required for high quality service delivery, Sevottam score should be a group measure. The unit of analysis can be the larger organization and/or basic performance units determined by service delivery requirements. As PRI system progresses in maturity, minimum performance under Sevottam may be kept as a qualifier for PRI. Here, employees of entire organization (or part) achieving other results, but failing in Sevottam may not receive PRI. We would like to emphasize that by no means we imply non-achievement of other performance goals, while achieving Sevottam. In our opinion, by measuring and rewarding high quality public service delivery, it can be made a natural priority for teams.”

4.7.5 The Commission has studied the Sevottam model and is of the view that it is a step in the right direction. However, it would require further strengthening and refinement. As of now, it is a voluntary initiative. Also, the focus is largely on process standards rather than service standards. The Commission is of the view that while good internal processes are necessary for better services, these by themselves may not be sufficient. Therefore, there is need to focus on better quality of service. This could be achieved within the existing Sevottam framework by shifting the emphasis from processes to quality of service as is illustrated in Table 4.3.

Table 4.3 : Sevottam Model : From Process to Quality of Services

| Modules | 9 Criteria | 33 Questions | Suggested questions to evaluate the quality of services |
|--------------------|----------------|---|--|
| CITIZENS' CHARTERS | IMPLEMENTATION | 1.1.1 How do you determine and/or distinguish the citizen groups as also your stakeholders and what services do you offer them? | Does the listing of services mentioned by you match with that of what the citizens expect of you? What are the gaps and why? How do you address these gaps? |
| | | 1.1.2 How do you meet the service expectations of your citizens' groups? | |
| | | 1.1.3 How do you ensure that services and their standards as described in the Charter are in accordance with expectations of citizens' groups identified above? | What is the difference between the norms that you have set vis-a-vis the customer expectations? |
| | | 1.1.4 How do you ensure that preparation and/or review of the charter is participatory and inclusive of all your citizens' groups? | Do you involve citizens in preparation and periodic review of your charter? Does it cover all citizens' groups? |
| | | 1.1.5 How do you ensure that frontline staff and citizens' groups are aware of the Charter and can understand its contents easily for compliance? | Are the citizens aware of your Citizens' Charter? |
| | MONITORING | 1.2.1 How do you measure and track service delivery performance of different outlets against charter contents? | Are the commitments made in the Citizens' Charter being adhered to? To what extent? |
| | | 1.2.2 How do you communicate the gaps in service delivery to officer/team responsible for charter monitoring and to the outlets concerned? | Does the Citizens' Charter provide for some automatic relief to citizens in case the office is not able to meet the norms prescribed for quality of service? |
| | | 1.2.3 How do you fill the observed and/or reported gaps? | |

Table 4.3 : Sevottam Model : From Process to Quality of Services

Contd.

| Modules | 9 Criteria | 33 Questions | Suggested questions to evaluate the quality of services |
|-----------------------------|----------------|---|---|
| SERVICE DELIVERY CAPABILITY | CUSTOMERS | 3.1.1 How do you determine citizen satisfaction levels and implement steps required for improving the same? | Is there improvement in level of citizen satisfaction? |
| | | 3.1.2 How do you measure citizen satisfaction across the organization and for particular service deliver outlets? | |
| | | 3.1.3 How do you link citizen satisfaction results to Charter review and to other processes affecting service delivery? | Has the improvement in level of citizens' satisfaction or otherwise led to Charter review or process review? |
| | | 3.1.4 How do you prepare and implement guidelines that encourage your outlet for creating a citizen focused organization? | What steps have you taken to create awareness among clients/customers/citizens? |
| | | 3.1.5 How do you find out and distinguish among outlets on the basis of service delivery, and implement steps required to improve the same? | |
| | EMPLOYEES | 3.2.1 How do you encourage and ensure courteous, punctual, and prompt service delivery by your frontline staff? | Has the internal culture of the organization improved? |
| | | 3.2.2 How do you prepare and implement guidelines to encourage the willingness of the frontline staff to accept responsibilities for service delivery as per citizen expectations? | |
| | | 3.2.3 How do you encourage healthy competition among your outlets for improved service delivery? | Do you have a system of incentives/rewards within the organization for improved service delivery? |
| | INFRASTRUCTURE | 3.3.1 How do you determine and implement minimum standards of service for the convenience of citizens such as putting signage, placing waiting benches, drinking water and other needs? | Do you receive feedback from clients/citizens about improvements required in your infrastructural facilities? How regularly do you act upon it? |
| | | 3.3.2 How do you determine the resources that are required taking into account service delivery needs, current budgets, current channels of service delivery to ensure resource availability/utilization as per plans/requirements and standards fixed for service delivery | Do you regularly plan for and work out requirements of resources needed for improving service delivery? |
| | | 3.3.3 How do you prepare and implement guidelines that encourage outlets to continuously improve service delivery? | |

4.8 A New Approach for Making Organizations Citizen Centric

4.8.1 The Commission recognizes that a Citizens' Charter cannot be an end in itself, it is rather a means to an end - a tool to ensure that the citizen is always at the heart of any service delivery mechanism. The IS 15700:2005 of the Bureau of Indian Standards is an Indian Standard for Quality Management Systems. The Standard itself stipulates that a Quality Management System helps an organization to build systems which enable it to provide quality service consistently and is not a substitute for 'service standards'. In fact,

- d. **Perform** to achieve the standards
- e. **Monitor** performance against the set standards.
- f. **Evaluate** the impact through an independent mechanism.
- g. **Continuous improvement** based on monitoring and evaluation results.

4.9.1 Step 1: Define Services

All organizational units should clearly identify the services they provide. Here the term service should have a broad connotation. Enforcement departments may think that enforcement is not a service. But this view is not correct. Even the task of enforcement of regulations has many elements of service delivery like issue of licenses, courteous behaviour etc. Normally, any legitimate expectation by a citizen should be included in the term 'service'. Defining the services would help the staff in an organization in understanding the links between what they do and the mission of the organization. In addition, the unit should also identify its clients and if the number of clients is too large it should categorize them into groups. This would be the first step in developing an insight into citizens' needs.

4.9.2 Step 2: Set Standards

It has been well said that 'what cannot be measured never gets done'. Once the various services have been identified and defined, the next logical and perhaps the most important step is to set standards for each one of these services. A good starting point would be getting an input from the clients as to what their expectations are about each one of the identified services. Thereafter, based on their capability, the organization's overall goals and of course the citizens' expectations, the unit should set standards to which they could commit. It is very important that these standards are realistic and achievable. Complaints redressal mechanism should form an integral part of this exercise. These standards should then form an integral part of the Citizens' Charter.

4.9.3 Step 3: Develop Capacity

Merely defining the services and setting standards for them would not suffice unless each unit has the capability for achieving them. Moreover since the standards are to be upgraded periodically, it is necessary that capacity building also becomes a continuous process. Capacity building would include conventional training but also imbibing the right values, developing a customer centric culture within the organization and raising the motivation and morale of the staff.

4.9.9 Recommendation:

- a. The Union and State Governments should make the seven-step model outlined in paragraph 4.9, mandatory for all organizations having public interface.**

- iii) It enables the poor and marginalized to influence public policy and service delivery to improve their lives.
- iv) It helps to promote healthy, grassroots democracy.

5.1.4 Under this new paradigm, citizens are no longer considered mere beneficiaries of the fruits of technical expertise and knowhow from externally guided development programmes. Instead, they are seen as equal stake holders in the development process. In fact, popular participation as a democratic right that should be promoted in all development projects, has increasingly come to be accepted as an objective and not just as a means to development.

5.1.5 Citizens' participation in governance is a bilateral engagement wherein it is essential both for government agencies as well as the citizens to be fully involved in order for such participation to lead to improved outcomes such as better service delivery, change in public policy, redressal of grievances etc. The pattern of such participation has been described as a ladder with different types of engagements that represent different degrees or intensity of participation. To illustrate, these could start with consultation in order to listen to the citizens' needs and demands and would evolve into consultative meetings, customer feedback, surveys, home visits etc. A more intensive form of participation would lead to creation of institutionalized mechanisms for engagement such as citizens' active involvement in planning, budgeting and monitoring of programmes through membership in Audit and Budget Committees etc.

5.1.6 The Commission is of the view that mechanisms for citizens' participation in governance could be conceptualized in the following main forms:

- i) Citizens seeking information;
- ii) Citizens giving suggestions;
- iii) Citizens demanding better services;
- iv) Citizens holding service providers and other government agencies' accountable; and
- v) Active citizens' participation in administration/decision making.

5.1.7. Each one of these is elaborated in the following paragraphs.

indicate their priorities and the possible solutions. While no uniform model for receiving the suggestions of citizens or holding consultations can be suggested, the Commission feels that it should be mandatory for all government organizations to develop a suitable mechanism for this purpose which could range from the simple 'Suggestion Box' to regular consultations with citizens' groups. The Heads of the concerned organizations should ensure rigorous follow up action on the suggestions received so that these become a meaningful exercise. The Commission also feels that a system of incentives and rewards should be introduced so that suggestions that lead to significant improvement or savings can be acknowledged.

5.4 Citizens Demanding Better Services

5.4.1 The objective of citizens' participation is to ensure that government organizations work for the constituencies which they are meant to serve. For this to happen, government servants should be accountable not only to their superiors but also to citizens. It is only when this is realised by government agencies that citizens can voice their grievances with assurance that due attention is given to them. For example, the *Hyderabad Metropolitan Water Supply and Sewerage Board (HMWSSB)* created a campaign called the *Customers' meets campaign* which "compelled senior managers to leave the comfort and security of their offices to interact directly with citizens in neighbourhoods throughout the city. The campaign not only provided valuable customer feedback to the Metro Water Management, but also sparked pressure from citizens for further reform by raising expectations. The campaign was covered extensively in the media, thereby magnifying its impact. It was followed by the establishment of a Metro Customer Care (MCC) centre located at the head office. The MCC was open 24 hours a day with the sole mandate to receive and coordinate the responses to complaints filed by citizens through a designated telephone number. A software package, called the *Customer Redressal Efficiency System*, provided senior managers with a regular stream of performance-related data that could be used to hold frontline and middle-level managers accountable for service quality and compliance with the norms in Metro Water's new citizens' charter, which had been launched in January 2000 by the Chief Minister. Finally, a *Single Window Cell (SWC)* was established at the head office to receive process and coordinate all new water and sewerage connection applications".²²

5.4.2 The Commission feels that the efficiency of a government organization is best judged by its responsiveness to complaints/demands from its clients. The Commission is of the view that every government organization must ensure the following: (i) a fool-proof system for registration of all complaints, (ii) a prescribed time schedule for response and

²²Reforming Public Services in India; World Bank, Sage.

5.6 Active Citizens' Participation in Administration / Decision-making

5.6.1 Giving citizens on-going access to the decision-making process, beyond periodic consultations is a more mature and intensive form of citizens' participation in governance which can help them negotiate with government for better policy, better plans, better projects etc. At this stage, the citizens no longer merely voice their grievances with government, but it involves government actually working with citizens. As noted in the Commission's report on "Local Governance", *"The most important form of citizens' participation is a community of clearly identifiable stakeholders in the delivery of a specific public service. For instance, parents sending their children to a public school, farmers receiving irrigation from a common source, producers selling their produce in a market and members of a cooperative are groups of clearly identifiable stakeholders who also need empowerment in consonance with the principle of subsidiarity. The Commission has taken note of the debate on local governments versus citizens' groups. The Commission is of the considered view that empowerment of stakeholders and local governments must be seen as a continuum and that there should be no cause for conflict between stakeholders' groups and representative local governments. Effective empowerment of stakeholders accompanied by mechanisms for coordination with local governments is, therefore, a key principle to be followed"*. Examples of such participation would include participatory municipal budgeting, allowing citizens to vote directly through a referendum on specific proposals for changes in public policies, projects and laws; mandatory public hearings before approval of projects or decisions such as changes in land use plans, that affect the environment and/or the local community, giving citizens' representation on management committees for local hospitals and schools, social audit, empowering the Gram Sabha to decide on issues of implementation in government welfare schemes etc.

Box 5.2: Communitisation of Services in Nagaland

Communitization is a partnership between the Government and the community for sharing responsibility in management of public institutions and services. Initially, the scheme of communitization focused on three very important areas Elementary education, Grass root health services and Electricity management. The Nagaland Communitisation of Public Institutions and Services Act in 2002 provided the statutory backing for the initiative. The first important feature of the Act was to provide for the constitution of Boards or committees to represent the community which uses the particular facility set up by the government in the area of education, health and sanitation, water supply and so on. The second delegation comprised powers and functions of the state government to such authorities to manage such public utilities, transfer of government assets to such board, creation of fund for such authorities to which salary and other grants from the government would be credited for running and development of those utilities and imposition of responsibility on the government to provide to such authorities critical supervisory and supportive assistance. Rules under the Act were promulgated for each sector.

Source: Government of Nagaland

Ward Sabha will provide a platform where people can directly discuss their needs and prepare an area specific local plan. The Ward Sabha can exercise certain powers and functions of the Gram Sabha and also some powers and functions of the Gram Panchayats may be entrusted to them. Accordingly, the Commission recommended as under: Wherever there are large Gram Panchayats, States should take steps to constitute Ward Sabhas which will exercise in such Panchayats, certain powers and functions of the Gram Sabha and of the Gram Panchayat as may be entrusted to them.

5.6.4 The Commission reiterates these recommendations since it is of the considered view that citizens' participation in governance has to begin at the grassroots to build a healthy and responsive democracy.

5.7 Encouraging Citizens' Participation

5.7.1 As already stated, creating an institutional environment conducive to citizens' participation in governance involves a bilateral process that requires a vigilant, proactive and responsible citizenry on the one hand and a transparent, responsive and receptive government agency on the other. The Commission feels that there is a case for inducing government departments and agencies to be more proactive in this regard. Of the five forms of citizens' participation mentioned in the foregoing paragraphs, the first three essentially require creation of appropriate fora for interface between the agencies and the citizens for the purpose of consultation, exchange of information, receipt of complaints and suggestions, etc. Steps such as setting up of well equipped information-cum-facilitation centres, public hearings by government officials on specified days preferably at the doorstep of the citizens including greater use of the tools of information technology to cut down queues and increase convenience for citizens would serve to meet the requirements for this type of engagement between the government and the citizens. But the last two types of citizens' participation would require creation of institutional mechanisms perhaps backed by law or government resolutions for encouraging citizens' participation in governance. Examples of such mechanisms ranging from the Gram Sabha to the representation of local residents/stakeholders in the management committees of local schools and hospitals etc have been mentioned earlier. Nagaland's "communitization" initiative for empowering local communities to manage services like education, electricity and water supply (details in the accompanying box) is a significant home grown experiment that effectively involves citizens in governance.

5.7.2 The Commission feels that while no single modality or mechanism can be prescribed for encouraging citizens' participation in governance; in general, there is need to create institutionalized mechanisms for encouraging their participation in governance across public agencies at all levels and, for this to happen, the following steps are necessary:

range from the simple 'Suggestion Box' to periodic consultations with citizens' groups. Heads of the concerned organizations should ensure rigorous follow up action on the suggestions received so that these become a meaningful exercise. A system of incentives and rewards should be introduced so that suggestions that lead to significant improvement or savings can be acknowledged.

- b. Every government organization must ensure the following: (i) fool-proof system for registration of all complaints, (ii) a prescribed time schedule for response and resolution, and (iii) a monitoring and evaluation mechanism to ensure that the norms, prescribed are complied with. Use of tools of information technology can help to make such a system more accessible for citizens. Heads of all government organizations should be made responsible for ensuring the development of such a system for responding to a time bound resolution of the complaints of citizens.
- c. Regular citizens' feedback and survey and citizens' report cards should be evolved by all government organisations for gauging citizens' responses to their services. These should be used as inputs for improving organizational efficiency.
- d. While no single modality or mechanism can be prescribed for encouraging citizens' participation in governance; in general, there is need to create institutionalized mechanisms for encouraging their participation in governance across public agencies at all levels and, for this to happen, the following steps are necessary:
 - i. A comprehensive review of policy and practice in each department/ public agency.
 - ii. Modifying administrative procedures where necessary.
 - iii. Entrustment of the function of institutionalizing citizens' participation in governance to a senior level officer.
 - iv. Performance management reviews to incorporate effectiveness in ensuring citizens' participation in governance.
- e. The objective could also be served by active and cooperative participation by government agencies in civil society initiatives in the area of citizens' participation in grievance redressal.

5.9.2 In pursuance of the aforesaid Proclamation, Parliament enacted 'The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995'. The law provides for prevention and early detection of disabilities, special provisions for education, employment and affirmative action. Besides, it also laid down certain principles of non-discrimination against persons with physical disabilities. Furthermore, the law has also provided the structural mechanism for policy formulation, implementation and monitoring of all matters relating to persons with disabilities.

5.9.3 The Law prohibits any type of discrimination against the physically challenged and to this end it provides for:

- a. Non-discrimination in transport
- b. Non-discrimination on the roads
- c. Non-discrimination in built environment
- d. Non-discrimination in Government employment

5.9.4 However, the specific measures recommended in the law for promoting a barrier free environment for people with disabilities are not enforceable because they are subject to the proviso that the concerned organizations/governments/local bodies should adopt these measures within the "limits of their economic capacity and development". As a result, compliance with these recommendations has been extremely uneven. The Commission recognizes the financial and other constraints that may inhibit immediate implementation of these measures. None the less this should not become an excuse for organizations not even taking the first steps in this regard. The Commission feels that in several categories of transport services as well as in the built environment, the time has come for making the adoption of some of these measures mandatory without further delay and creating a roadmap for universalization of these measures. The Commission would suggest that Government constitute an expert committee to identify the areas in the aforesaid services where special provisions for the physically challenged should be made mandatory. These areas could be reviewed and expanded every five years.

5.9.5 The Commission notes that the Ministry of Social Justice and Empowerment is seeking to amplify the definition of public buildings under 'The Persons with Disabilities Act, 1995' to clarify that public buildings would include buildings which are for public use and not only government buildings.

to provide that such disability certificates should be issued within one week of receipt of application. The Commission would further recommend that wherever possible, efforts must be made to issue such certificates on the spot. Organization of camps at the PHC/village level, as was done in some forest districts of Orissa at the initiative of a District Collector, would greatly help in ensuring this (Box: 5.4).

5.9.8 There is a general perception that a large proportion of the physically challenged are not even aware of their entitlements. It is estimated that only about 22% of the total population of these are in possession of the prescribed disabilities certificate. The Commission is of the view that 100%

registration of all persons of disabilities must become a reality because this would, inter alia, ensure early detection as well as appropriate remedial actions to ameliorate the hardship of the physically challenged and ensure that their entitlements are generally available to all who need them. This would require government to adopt a proactive approach for detection and registration of the physically challenged persons. This could be done by giving the responsibility to the Primary Health Centres (PHCs) to identify all such cases in their jurisdiction and to get the evaluation of the disabilities done. It should also be mandated that Anganvadi Workers, and Auxiliary Nurse Midwives (ANMs) should report cases of suspected disability to the concerned PHC. Thereafter, it should be the responsibility of the Medical Officer of the PHC to examine the case and if it is within his/her competence, issue the disability certificate. In case, an opinion of a specialist is required he/she should consult the District Medical Officer and arrange for the same.

5.9.9 This would however, require placing adequate resources at the disposal of the PHC Medical Officer, delegation of commensurate authority and changes in the relevant rules for this purpose. Simultaneously, steps should be taken to create a database for all the Disabilities Certificate holders with integration at District, State and National levels.

Box 5.4: Window of Hope

The Mayurbhanj District Administration (Orissa) realized that from the point of view of Differentially-abled Persons (DAPs), service delivery is extremely complex, costly and time taking.

The District Administration launched an initiative called 'Window of Hope' with the following innovations:

- A Single Window System with decentralization of service delivery at the block level
- Re-engineering of complex government processes to suit the needs of the DAPs
- All facilities provided free of cost at a 'camp' site to attract the poorest of the poor.
- Mobilisation of funds through convergence and Public –Private Partnerships to ensure 100% follow-up action.

Source: *Presentation made by the District Administration before the ARC during its visit to the State of Orissa (April, 2007)*

DECENTRALISATION AND DELEGATION

6.1 The Principle of Subsidiarity

6.1.1 *The Oxford English Dictionary defines ‘subsidiarity’ as the principle that a central authority should have a subsidiary function, performing only those tasks which cannot be performed effectively at a more immediate or local level.*

6.1.2 This principle is enshrined in several national Constitutions. For example, the Tenth Amendment to the United States Constitution stipulates:

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”

6.1.3 The subsidiarity principle is defined in Article 1-11 of the Constitution of the European Union. It stipulates that in areas which do not fall within the exclusive competence of the Union (i.e. in all areas of shared or supplementary Union competences - see ‘competences’ link), it will act only, *“if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member-States, either at central level or at regional and local levels, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.”*

6.1.4 The Commission in its Sixth Report on Local Governance has stated:

“Application of the subsidiarity principle has three great advantages in practical terms. First, local decision-making improves efficiency, promotes self-reliance at the local level, encourages competition and nurtures innovation. The demonstration effects of successful best practices will ensure rapid spread of good innovations and there will also be greater ownership of programmes and practices by the local communities. Second, democracy is based on three fundamental assumptions: all citizens are equal irrespective of station and birth; the citizen is the ultimate sovereign; and the citizen has the capacity to decide what is in his best interest. Only when these principles are put in practice can a democratic system derive its full legitimacy. Subsidiarity is the concrete expression of these foundations of a democratic society. Third, once decision-making and its consequences are integrally linked at the local level, people can better appreciate that hard choices need to be made.

service delivery. This could be achieved by deregulating and privatizing those activities that could be carried out by the private sector or even by citizens' groups.

6.3.4 The Commission in its Sixth Report on 'Local Governance' has examined the issues of political decentralization to the local governments and their financial empowerment and made wide ranging recommendations. In this Report, the Commission would focus on administrative decentralization. Administrative decentralization is often referred to as delegation. More precisely, the Commission would examine issues pertaining to delegation within a government organization in order to increase their efficiency and effectiveness.

6.4 Meaning of Delegation

Delegation is primarily about entrusting one's authority to others. This means that persons to whom authority has been delegated can take decisions and act independently. They also assume responsibility for their actions. At the same time, the person delegating authority continues to be accountable for the actions of those to whom authority has been delegated. Chester Barnard first enunciated the principle of delegation in the context of effective administration; however, delegation has not been widely accepted and used in public administration. This may be because delegation of authority is immensely challenging for all supervisors because it involves effective communication, motivation, goal setting and behaviour modification.

6.5 Benefits of Delegation

If used effectively, delegation provides real benefits to every one involved. It enables decision making at the most appropriate level, changes the work culture, improves job satisfaction, motivation and morale of employees. Further, it satisfies the employee's need for recognition, responsibility and autonomy. Delegation is the Administrator's key for efficiency, and benefits all. Hence, delegation has a number of benefits:

- Saves time - it leads to quicker decision making.
- Develops people.
- Grooms and motivates a successor.
- Provides more time to superiors for constructive review, or deliberation in the interests of progress.
- Saves hours of unnecessary work.

4. Authority is equated with responsibility.
5. Acceptance of responsibility and good performance is rewarded.
6. A culture of trust and risk-taking is developed.
7. Constructive feedback is given.
8. Standards to measure and evaluate performance are prescribed in advance.

6.8 How to Delegate

The following are the principles to delegate successfully:

- a. *Clearly articulate the desired outcomes. Begin with the end in mind and specify the desired results.*
- b. *Clearly identify constraints and extent of authority, responsibility, and accountability.*
- c. *Where possible, include people in the delegation process. Empower them to decide what tasks are to be delegated to them and when.*
- d. *Match the responsibility with communicate authority.*
- e. *Delegate to the lowest level in the organization capable of performing the task.*
- f. *Provide adequate support and ensure success through ongoing communication and monitoring as well as provision of resources and credit.*
- g. *Focus on results. Allow the person to control his or her own methods and processes. This facilitates success and trust.*
- h. *Avoid “upward delegation.” If there is a problem, do not allow the person to shift responsibility for the task to higher levels.*
- i. *Build motivation and commitment. Discuss how success will impact financial rewards, future opportunities, informal recognition, and other desirable consequences. Provide recognition where deserved.*
- j. *Establish and maintain control.*

GRIEVANCE REDRESSAL MECHANISM

7.1 Defining a Grievance

7.1.1 ‘Grievance’ has been defined as indignation or resentment arising out of a feeling of being wronged. IS 15700: 2005 defines ‘grievance’ as an expression of dissatisfaction made to an organization related to its products, services and/or process(es), where a response or resolution is explicitly or implicitly expected. A grievance is thus any sort of dissatisfaction, which needs to be redressed. It can be real or imaginary, legitimate or ridiculous, rated or unvoiced, written or oral; it must however, find expression in some form or the other.²⁸

7.2 Grievance Redressal Mechanisms in India

7.2.1 Government of India, State Governments as well as various organizations under them have set up grievance redressal mechanisms to look into the complaints of citizens. Besides, there are other institutional mechanisms like the CVC, and the Lokayuktas which have the mandate to look into the complaints of corruption and abuse of office by public servants. Many organizations, for example, the Reserve Bank of India, have set up Ombudsman to look into grievances. Institutions such the National and State Human Rights Commissions, National and State Women’s Commissions, the National Commission for Scheduled Castes, and the National Commission for Scheduled Tribes also look into the complaints from the public in their prescribed areas. Thus, the grievance redressal mechanism is an integral part of any governance system. Today, with increased awareness levels, the aspirations of citizens have gone up as also the demand for prompt and effective resolution of their grievances.

7.2.2 The basic principle of a grievance redressal system is that if the promised level of service delivery is not achieved or if a right of a citizen is not honoured then the citizen should be able to take recourse to a mechanism to have the grievance redressed. This mechanism should be well publicized, easy to use, prompt and, above all, citizens must have faith that they will get justice from them it.

7.2.3 The Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, in their Twenty Ninth Report observed:

²⁸Source: <http://www.meseb.gov.in/pfc/Vol%20-%205%20-%20Rev-2%20-%20GRIEVANCE%20REDRESSAL.pdf>

7.4.2 The grievances received by the Department of AR&PG are forwarded to the concerned Ministries/Departments/State Governments/UTs, who deal with the substantive functions linked with the grievance for redress, under intimation to the complainant. The Department 'takes up' about 1000 grievances every year and depending upon the seriousness of the grievance follows up regularly till its final disposal. This enables the Department to evaluate the effectiveness of the grievance redressal machinery of the concerned government agency.

7.4.3 Guidelines have been issued to all Ministries/Departments to set up a prompt and effective grievance redressal system. As per these guidelines, all Ministries, autonomous bodies and Public Sectors Undertakings (PSUs) are required to designate an officer as Director of Public Grievances including in autonomous bodies and Public Sector Undertakings. It has also been stipulated that the grievance redressal system should form a part of the Citizens' Charters. Ministries have also been advised to fix a time frame for disposal of the petitions received, suo motu identify grievances from newspaper columns and regularly monitor the disposal of the petitions.

7.5 Centralized Public Grievances Redress and Monitoring System (CPGRAMS)

7.5.1 The Department of Administrative Reforms and Public Grievances launched the CPGRAMS in 2007 for receiving, redressing and monitoring of grievances from the public. CPGRAMS provides the facility to lodge a grievance 'online' from any geographical location. It enables the citizen to track online his/her grievance being followed up with departments concerned and also enables the DAR&PG to monitor the grievance. CPGRAMS is a web enabled application and can be accessed by Ministries/Departments/Organizations through a PC using an internet connection and an internet browser. The citizen can access the system online through the portal **www.pgportal.nic.in**. As the system developed has been recently launched, its efficacy and response by other Ministries/Departments is yet to be tested. However, the system is an excellent use of modern technology.

7.5.2 The Commission is of the view that a similar system should be installed at the State and district levels because a decentralized system would benefit a larger number of citizens on the one hand and would also help in improving the effectiveness of field offices on the other. Similar concepts have already been tried in several States, for example, the Lokvani in Uttar Pradesh.

7.8 Analysis of the Existing Public Grievance System in Government of India

7.8.1 The Department of Administrative Reforms and Public Grievances got a study conducted to analyse the public grievance redressal and monitoring system in the Union Ministries and Departments (IIPA, 2008). Some of the findings are as follows:

- a. There is considerable variation across organizations in respect of the number of grievances received, disposed of and pending in various organizations as also the extent of institutionalization of the redress process.
- b. In order to facilitate interface with the public, Ministries and Departments have been advised to observe one day in the week as a meetingless day. It was revealed that most organizations are not even aware of this instruction.
- c. Ministries and Departments have been advised to set up social audit panels for examining areas of public interface. The study brings out that such panels have not been constituted.
- d. Public Grievance Cells often suffer from shortage of staff and resources. Moreover, these cells have not been adequately empowered.

Box 7.2: Guidelines Issued by DAR&PG (Illustrative)

- Observe every Wednesday as a meetingless day in the Central Secretariat Offices.
- Designate a senior officer as Director of Grievances/ Grievance officer in every office.
- Deal with every grievance in a fair, objective and just manner.
- Analyse public grievances received to help identification of the problem areas in which modifications of policies and procedures could be undertaken.
- Pick up grievances appearing in newspaper columns and take remedial action on them in a time bound manner.
- Set up Staff Grievance Machinery and designate a Staff Grievance Officer.
- Include the public grievances work and receipt/disposal statistics relating to redress of public grievances in the Annual Action Plan and Annual Administrative Report of Ministries/Departments.
- Fix time limit for disposal of work relating to public grievances and Staff Grievances and strictly adhere to such time limits.
- Acknowledge each grievance petition within two weeks of receipt, indicating the name, designation and telephone number of the official who is processing the case. The time frame in which a reply will be sent should also be indicated.
- Constitute Lok Adalats/Staff Adalats, if not already constituted, and hold them every quarter for quicker disposal of public as well as staff grievances and pensioners' grievances.
- Constitute a Social Audit panel for examining areas of public interface with a view to recommending essential changes in procedures to make the organisation more people-friendly.
- Establish a Single Window System at points of public contact, wherever possible to facilitate disposal of applications.
- Promptness and courtesy - an obligation of the public service.
- Monitoring of Grievances in Organisations under Ministries/ Departments on a monthly basis.

The Committee is of the view that time limits should be fixed for approval or rejection of applications on the basis of well-publicized and uniformly applied criteria. Also, redressal should be done within a reasonable time period as prescribed for each stage of redressal without indulging in lengthy technicalities of the procedure. The Committee, therefore, recommends that due attention should be given to timely redressal of grievances lodged. It is also of the considered view that officers responsible for delay should be made accountable and suitable action taken against them.

...

The Committee, further recommends that the Public Grievance Redressal Mechanism should be envisaged in a statutory form on the line of the Right to Information Act, 2005 which would make it mandatory on all State Governments/ UTs/ Ministries/ Departments/ Organisations to pursue the grievance till their final disposal.

...

The Committee feels that each Department/ PSU/ Bank Trust etc. is having their internal system for redressal of grievances of its personnel but it is not working satisfactorily and that is the reason that non-settlement of grievances result in filing of petitions in the courts on petty issues. Our Judicial system which is already overburdened by over 3 crore cases pending in various courts of the country contains a large segment of cases on small and petty issues which could have been settled by the parent Department/organizations had their been a good and mature internal grievance redressal system there. The Committee, therefore, recommends that internal grievance redressal methods available in various Ministries/ Departments and the organisations should be strengthened or restructured in a way like both the representative of the organisation and the aggrieved party must be present before the designated authority and the grievance is settled then and there.

...

The Committee is of the considered view that there is a need to bring about a total change in the attitude/behaviour of public servants or in other words, the mind set towards redressal of public grievances at all levels and to pinpoint responsibility for action against grievances of the people. The Committee also feels that one step towards bringing in attitudinal change lies in improving the motivational levels of public servants through rewarding good work and awarding effective suggestions and punishing the deliberate negligence. The Committee refers to the Himachal Pradesh Specific Corrupt Practices Act

- c. *National Human Rights Commission: Regarding violation of or abetment of violation of human rights or negligence in the conduct of public servants in such violation.*{Section 12 (a). *The Protection of Human Rights Act, 1993*}.
- d. *State Human Rights Commission: similar to (c) above.* {Section 29. *The Protection of Human Rights Act, 1993*}.
- e. *National Commission for Women: Regarding deprivation of womens' rights, non-implementation of laws providing protection to women etc.* {Section 10(f). *The National Commission for Women Act, 1990*}.
- f. *National Commission for Scheduled Castes: Regarding complaints with respect to deprivation of rights and safeguards of the Scheduled Castes.* Article 338 (5)(b).
- g. *National Commission for Scheduled Tribes: Regarding complaints with respect to deprivation of rights and safeguards of the Scheduled Tribes.* Article 338 A (5)(b).
- h. *State Commissions for Women: Regarding complaints relating to deprivation of womens' rights, non-implementation of laws providing protection to women etc.* {For example, Section 10(1)(f) of the *Maharashtra State Commission Act, 1993*}.
- i. *National Commission for Protection of Child Rights: Regarding deprivation and violation of child's rights and non-implementation of laws providing protection to children.* {Section 13(f). *The Commissions for Protection of Child Rights Act, 2005*}.
- j. *State Commissions for Protection of Child Rights: Regarding deprivation and violation of child's rights and non-implementation of laws providing protection to children.* Section 24. {*The Commissions for Protection of Child Rights Act, 2005*}.
- k. *National Consumer Disputes Redressal Commission, State Consumer Disputes Redressal Forum, District Consumer Disputes Redressal Forum: Regarding complaints in relation to any goods or service sold or provided for a consideration.* {Section 12, *Consumer Protection Act, 1986*}.

7.9.1.2 Apart from these, the Commission in its Report on 'Public Order' has recommended the setting up of an independent Police Complaints Authority. Besides, the Commission

Consumer Ombudsman, the Equal Opportunities Ombudsman, the Ombudsman against Ethnic Discrimination, the Children's Ombudsman, the Disability Ombudsman etc. In the UK, the Parliamentary Commissioner Act, 1967 provided for a Commissioner, to be known as the Parliamentary Commissioner for Administration, to enquire into complaints made by citizens. The Commissioner may investigate any action taken by or on behalf of a government department or other authority to which this Act applies, being action taken in the exercise of administrative functions of that department or authority (the complaint has to be routed through a Member of the House of Commons). Subsequently, several sector specific Ombudsman have been created like the Health Service Ombudsman, Legal Services Ombudsman, Local Government Ombudsman, Prisons and Probation Ombudsman, Public Services Ombudsman for Wales etc. In Sri Lanka, the Parliamentary Commissioner for Administration (Ombudsman) is a constitutional appointment and is charged with the duty of investigating and reporting upon complaints or allegations of the infringement of fundamental rights and other injustices by public officers, local authorities and other similar institutions.

7.9.3 A Strong Internal Grievance Redressal Mechanism

7.9.3.1 From the existence of a large number of external bodies which have been constituted for redressal of grievances, it is evident that the internal public grievance redressal mechanism has not functioned effectively. Though elaborate guidelines have been issued by the Department of Administrative Reforms and Public Grievances, there has been inadequate compliance. In view of this, the Standing Committee of Parliament recommended that the public grievances mechanism should be backed by a law similar to the Right to Information (RTI) Act, 2005 which would ensure that public grievances are given the attention that they deserve. The basic features of the RTI Act were: (a) it clearly defined the right of citizens to obtain information from the public authorities, (b) establishing well defined points of contact for seeking information – PIO, (c) mandated that departments should suo-motu declare specified information, (d) stipulating a time frame within which the information has to be furnished to the applicant, (e) set up an internal appellant mechanism, and (f) constituted an independent appellant mechanism with the powers to issue directions and even impose fines.

7.9.3.2 The Commission is of the view that when it comes to public grievances, some principles of the RTI initiative may be adopted. However, public grievances cover a wide range of issues and problems ranging from simple complaints regarding red-tapism, corruption and delays to major demands for provision of physical and social infrastructure.

7.9.3.3 Recommendations:

- a. **There is need for a strong and effective internal grievance redressal mechanism in each organization.**
- b. **The Union and State Governments should issue directions asking all public authorities to designate public grievance officers on the lines of the Public Information Officers under the RTI Act. These officers should be of adequate seniority and should be delegated commensurate authority.**
- c. **All grievance petitions received should be satisfactorily disposed of by these officers within thirty days. Non-adherence to the time limit should invite financial penalties.**
- d. **Each organization should designate an appellate authority and devolve adequate powers upon them including the power to impose fines on the defaulting officers.**

7.10 Analysis and Identification of Grievance Prone Areas

7.10.1 Every year, government organizations at the Union and State levels receive a large number of petitions for redressal of grievances from the public. While evolving a robust internal mechanism to deal with these grievances and simplifying processes for better service delivery would form the backbone of an efficient grievance redressal system in government organizations, the main focus of such a system should be to ensure that consequently the number of grievances actually get reduced.

7.10.2 In order to eliminate the underlying causes that lead to public grievances, government organizations would have to be proactively engaged in a rigorous and periodic exercise towards analyzing the nature of grievances received by them. Thus, grievances would have to be identified, correlated and linked with different processes involved in the functioning of both the organization and its various units/functionaries. This would provide a clear mapping of public grievances based on both functions and functionaries. In mapping the nature and origin of grievances, internal resources may be augmented by taking assistance of public opinion and external advice. Once the mapping is done, it would be easy to identify the grievance prone areas, processes, functions and units/functionaries within

CONSUMER PROTECTION

8.1 The Consumer Protection Act

8.1.1 The welfare role of the State is of considerable importance and therefore various measures to ensure the welfare - safety, security and well being - of its citizens are essential. However, citizens rely on the open market for most of their purchases – particularly, goods and also increasingly, of services and the asymmetry between the consumers of goods and services and the producers of these goods and services in terms of knowledge, bargaining power etc. necessitates State intervention. This has resulted in setting up of consumer protection mechanisms. The Consumer Protection Act was passed in 1986 to protect the interests of the consumers. The objective of this law is to provide a simple, fast and inexpensive mechanism to the citizens to redress their grievances in specified cases. The Act envisages a three-tier quasi-judicial machinery at the National, State and District levels; (i) National Consumer Disputes Redressal Commission - known as “National Commission”, (ii) State Consumer Disputes Redressal Commission known as “State Commission” and (iii) District Consumer Disputes Redressal Forum - known as “District Forum”. The Act also provides for establishment of Consumer Protection Councils at the Union, State and District levels, whose main objectives are to promote and protect the rights of consumers.

8.2 Working of the Consumer Courts

8.2.1 A glance at the statistics of disposal of complaints in the consumer fora reveals that, by and large, the speed of disposal has been much better than in the other Courts (Table 8.1).

8.2.3 However in spite of this amendment, the delay in disposal of cases persisted. In the Thirteenth Report of the Parliamentary Standing Committee on Food, Consumer Affairs and Public Distribution, it has been stated as follows:

“The Planning Commission during the meeting with the Department of Consumer Affairs on 21.06.2005 had pointed out that although 5 % to 8 % of cases could be resolved within a stipulated period of 90 days, average period of disposal of cases was 150 days, which had underlined requirement of strengthening of the institutional mechanism. In this regard, the Committee enquired the reasons for such low percentage of cases disposed by the Consumer Fora and the steps taken by the Government for strengthening the institutional mechanism.”

8.2.4 Shri Sharad Pawar, Union Minister for Consumer Affairs, Food and Public Distribution, while addressing the Conference of the Presidents of State Commissions and the Secretaries incharge of Consumer Affairs in the State Governments/UTs (August, 2007) expressed his satisfaction with the overall performance of the Consumer Fora. He stated that over 28 lakh cases were filed and 88 per cent cases were disposed of. He however, cautioned that the need of the hour is to change the common man's perception that the Consumer Fora have become like civil courts, making litigation long drawn out and taking several years to dispose of even cases involving small compensation. Furthermore, even where orders have been passed, these are not getting executed on time. An equally common criticism is that while the orders of the Fora are not swift enough, they are also not adequately punitive to act as deterrent and therefore, offenders may not take the Fora seriously. This situation has to change so that the Consumer Fora become a role model in redressing grievances swiftly and more effectively and sending a strong message that exploitation will be penalised.³²

Box 8.1: Justice Delayed

Facts, in brief are that the Complainant, Mr. Bhausaheb Devram Patil has filed complaint, No. S. R. 92 of 1993, against Kishore D. Patil, alleging deficiency in service on his part in supplying the defective colour television. The District Forum vide its order dated 30.9.1994 directed the Opposite Party to repair the T.V. set or refund its price. As the order was not complied, the Complainant filed an Execution Petition, M.P. No. 28 of 1996, before the District Forum. In that Execution Petition the District Forum by order dated 20.8.1998 sentenced the Opposite Party to undergo simple imprisonment for three months and to pay penalty of Rs. 5,000/-.

Against that order which was passed in the Execution Petition, the Opposite Party filed Revision Petition, i.e. Revision Petition No. 44 of 1998, before the State Commission. The State Commission reversed the original judgment passed by the District Forum in S. R. No. 92/93 and arrived at the conclusion that there exists no relationship of consumer and service provider between the Petitioner and the Respondent.

On 30-5-2006, the National Consumer Disputes Redressal Commission passed the following order (RP-580-1999):

“In the result, this Revision Petition is allowed. The impugned order dated 10.9.1998 passed by the State Commission in R. P. No. 44 of 1998 is set aside. There shall be no order as to costs. However, considering the fact that the Revision Petition was filed in the year 1999, we direct the District Forum to give a chance to the Opposite Party (Respondent) to comply with the order passed by the District Forum in S.R. No. 92 of 1993 by serving necessary notice on him.”

Extracted from the Order RP-580-1999

³²Extracted from <http://ncdrc.nic.in/>

RESOLVED that all the Consumer Fora should dispose of the cases without going into lengthy procedure, since the main object of these Consumer Fora is to dispense equitable justice with speed, simplicity and in an inexpensive manner. The Consumer Fora shall not be bound by the strict rules of pleadings and it shall be incumbent upon them to provide complete justice to the parties on the basis of the material and documents before them. This is in conformity with the procedure followed by the Commercial Courts in England (Roy Goode Commercial Law (Second Edition)). The only requirement is to follow the principles of natural justice. The Consumer Fora are not bound by the procedural technicalities under the substantive law.

The Consumer Forum is expected to follow simple procedure, which may not result in delay in disposal of cases within the stipulated time. The Consumer Forum is not bound to follow the CPC or the Evidence Act. But the Consumer Forum should observe the principle of natural justice while deciding the matter and that is being done by the Consumer Forum. Further, the procedure laid down by the Hon'ble Supreme Court in the case of Dr. J.J. Merchant & Others Vs. Shrinath Chaturvedi (2002) 6 SCC 635 should be followed by the Consumer Fora.³³

...

REITERATED that the State Commission should monitor the working of the District Fora functioning in their States. The President of the State Commission should also see that the Presidents & Members of the District Fora are punctual in attending the Fora sittings. The disposal should be more than the filing of cases and the statements should also reflect the number of cases disposed of within the time frame prescribed under the Consumer Protection Act. It was also reiterated that 'Performance Bench mark', as recommended in the past meetings, be maintained and implemented, to evaluate the work being done by the individual Members of the District Fora and State Commissions for assessing the second term appointment.

8.2.7 The Commission is of the view that while efforts to make the proceedings in the consumer courts simple and quick should continue, a large number of cases could be disposed of by mediation between the parties. This is already being tried out. In 2005, it was decided in a Conference of Presidents of States Commissions and Secretaries in-charge of Consumer Affairs in States/UTs organised by the National Commission on 17-08-2005, that all Consumer Fora may also organize Lok Adalats on the last working day of each week. The Parliamentary Standing Committee on the Department of Food, Public Distribution and Consumer Affairs has also supported such a move.

³³Resolutions adopted in the Conference of Presidents of State Commissions & Secretaries in-charge, Consumer Affairs in State/UT Governments held on 16th and 17th August, 2008 at Hall No. 5, Vigyan Bhawan, New Delhi; <http://ncdr.nic.in/>

Contd.

| | | | | |
|--------------|------------------|------------|--------------|------------|
| 11 | Gujarat | 17 | 595 | 30.09.2008 |
| 12 | Haryana | 5 | 2071 | 31.10.2008 |
| 13 | Himachal Pradesh | Nil | 113 | 30.11.2008 |
| 14 | Jammu & Kashmir | N.A. | N.A. | 0 |
| 15 | Jharkhand | N.A. | 6 | 31.12.2007 |
| 16 | Karnataka | 4 | 6 | 30.11.2008 |
| 17 | Kerala | N.A. | N.A. | 0 |
| 18 | Lakshadweep | Nil | Nil | 30.09.2008 |
| 19 | Madhya Pradesh | N.A. | N.A. | 0 |
| 20 | Maharashtra | 126 | 701 | 31.10.2008 |
| 21 | Manipur | N.A. | N.A. | 0 |
| 22 | Meghalaya | N.A. | N.A. | 0 |
| 23 | Mizoram | 1 | N.A. | 31.03.2008 |
| 24 | Nagaland | N.A. | N.A. | 0 |
| 25 | Orissa | 106 | 431 | 31.10.2008 |
| 26 | Puducherry | N.A. | N.A. | 0 |
| 27 | Punjab | 29 | 2376 | 30.11.2008 |
| 28 | Rajasthan | 120 | 2243 | 30.11.2008 |
| 29 | Sikkim | Nil | Nil | 31.03.2008 |
| 30 | Tamilnadu | 11 | Nil | 30.09.2008 |
| 31 | Tripura | Nil | Nil | 30.06.2008 |
| 32 | Uttar Pradesh | 311 | 1506 | 30.11.2008 |
| 33 | Uttarakhand | Nil | 152 | 30.11.2008 |
| 34 | West Bengal | N.A. | N.A. | 0 |
| TOTAL | | 840 | 11793 | |

Source: <http://ncdrc.nic.in>

- a. There should be an upper time limit for grant of any license/permission/registration. The law should provide for penalties if an application is not disposed of within the stipulated period.
- b. Applications would be processed only on a 'First in First out Basis'. All applications received and pending should be put on the licensing authority's website.
- c. Picking up units for surprise inspection should not be left to the discretion of the inspecting officers. Each office should devise an objective procedure to randomly select units for inspection. Exceptions can be made in case of receipt of genuine complaints against any unit.
- d. The outcome of all inspections must be immediately put in the public domain.
- e. There should be an annual audit of the licensing and inspection system each year by an independent agency.
- f. All licensing authorities should evolve an accessible system for receipt of citizens complaints.

8.3.3 Recommendations:

- a. **Lok Adalats would be effective in settling many consumer disputes. It should be stipulated by law that cases up to a particular value, say Rupees two lakhs, should first be referred to Lok Adalats.**
- b. **All Ministries/Departments need to examine the procedures regulating grant of licenses, permissions or registration including the underlying Acts, Rules, Notifications, etc. These should be recast with the following underlying principles:**
 - i. **There should be an upper time limit for grant of any license/permission/registration. The law should provide for penalties if an application is not disposed of within the stipulated period.**
 - ii. **Applications should be processed only on a 'First in First out Basis'. All applications received and pending should be put on the licensing authority's website.**

SPECIAL INSTITUTIONAL MECHANISMS

9.1 Introduction

9.1.1 The basic premise behind making administration citizen-centric is to ensure that the benefits of good governance are available to all sections of society. As mentioned in an earlier Chapter, one of the pillars of a citizen-centric administrative structure is a robust grievance redressal mechanism. Since some categories of citizens are more vulnerable than others, there is need for institutions which redress grievances specific to them. In fact, the Constitution itself provides for various socio-economic and political safeguards to certain disadvantaged sections of society. These are guaranteed through enshrining of certain specific rights to such citizens and by laying down a number of ‘Directive Principles of State Policy’ for the State to act upon. Further, in case of two specific groups i.e. the Scheduled Castes and Scheduled Tribes, the Indian Constitution also provides for constituting Commissions to safeguard their interests. Apart from this, the Indian State has also constituted several other Commissions through statutes to safeguard the rights of different sections of society. Some of these Commissions are as follows:

- i. National Human Rights Commission
- ii. National Commission for Women
- iii. National Commission for Protection of Child Rights
- iv. National Backward Classes Commission
- v. National Minorities Commission
- vi. National Consumer Disputes Redressal Commission

9.1.2 These are all institutions constituted for providing special focus on redressing the grievances of specific sections of society. In a way, these are special types of citizen-centric measures. The composition, term, functions and powers of these Commissions are discussed briefly in the following paragraphs.

- (b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes.

9.2.4 Some of the constitutional and legal safeguards provided to the Scheduled Castes which the NCSC is required to investigate and monitor are as follows:

- i. *Safeguards provided under Article 17*: This Article prohibits the practice of untouchability. The NCSC also investigates and monitors the implementation of Protection of Civil Rights Act, 1955 and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- ii. *Safeguards provided under Articles 23, 24 and 25 (2) (b)* : Article 23 prohibits traffic in human beings and *begar* and other similar forms of forced labour and provides that any contravention of this provision shall be an offence punishable in accordance with law. In pursuance of this, Parliament has enacted a Bonded Labour System (Abolition) Act, 1976. Article 24 provides for the prohibition of employment of children below the age of 14 years in any factory, mine or other modes of hazardous employment. In pursuance of this Article, Central and State laws have been enacted. Article 25 (2) (b) provides, inter-alia, that Hindu religious institutions of public character shall be thrown open to all classes and sections of Hindus. The NCSC investigates and monitors these general safeguards as they have a special relevance for the Scheduled Castes.
- iii. *Safeguards provided under Article 15(4)*: Article 15(4) empowers the State to make any special provision for the advancement of any socially and educationally backward classes of citizens or for SCs and STs.
- iv. *Safeguards provided under Articles 16(4), 16(4A), 16(4B), 320(4) and 335*: These Articles provide for reservation in posts, promotions, filling up of vacancies etc. for SCs and STs.
- v. *Safeguards provided under Article 164(1)*: The proviso to this Article mentions that in the States of Chhattisgarh, Jharkhand, Madhya Pradesh and Orissa, there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and Backward Classes or any other work.

338 and insertion of Article 338A by the Constitution (Eighty-ninth Amendment) Act, 2003. Before that, as mentioned above, monitoring of constitutional safeguards provided to Scheduled Castes and Scheduled Tribes was done by a common body.

9.3.2 The composition, term, functions, powers and procedure for presentation of Reports in case of the National Commission for Scheduled Tribes (NCST) are similar to that of the NCSC. The constitutional and legal safeguards provided to Scheduled Tribes are also similar to those provided for SCs.

9.3.3 The NCST functions through six units which look after administration, coordination, socio-economic and educational development, service safeguards and atrocities related matters. The NCST has six regional offices which provide it with a regional perspective.

9.4 The National Human Rights Commission

9.4.1 The National Human Rights Commission (NHRC) was constituted in 1994 following the enactment of the Protection of Human Rights Act, 1993. The Statement of Objects and Reasons of the Bill noted that India was a party to the International Convention on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both of which were adopted by the United Nations General Assembly on 16 December, 1966 and that the rights embodied in those Covenants stood substantially protected by the Constitution of India. It observed that there had been “growing concern in the country and abroad about issues relating to human rights”. Having regard to this, and to the changing social realities and emerging trends in the nature of crime and violence, it had been considered essential to review the existing laws and procedures and the system of administration with a view to bringing about greater efficiency and transparency. The Bill received Presidential assent on 8 January, 1994.³⁶

9.4.2 Section 12 of the Act mandates the NHRC to perform “all or any” of the following functions:

- (a) *inquire, suo motu or on the basis of a petition or on a direction/order of a court, into a complaint of-*
 - i) *violation of human rights or abatement thereof or*
 - ii) *negligence in the prevention of such violation, by a public servant;*

³⁶<http://nhrc.nic.in/>

- i. The Commission has the power to require any person to furnish information in relation to any inquiry (subject to privileges).
- ii. Proceedings before the Commission are deemed to be judicial proceedings within the meaning of Sections 193 and 228 and for the purposes of Section 196 of the IPC. The Commission is also deemed to be a Civil Court for the purposes of Section 195 and Chapter XXVI of the Cr.PC.
- iii. The Commission or any Gazetted Officer authorized by it may enter any building etc to seize/take copies of any document.

9.4.4 Further, for the purpose of conducting investigations, the Commission is empowered to utilize the services of any officer or investigation agency of the Union or State Governments, with their concurrence.

9.4.5 During or upon conclusion of an inquiry into complaints etc., the NHRC, if it deems fit, may recommend to the concerned Government or Authority (i) to pay compensation or damages to the complainant, (ii) to initiate proceedings for prosecution etc. and to take any further action as it may think fit. It may also approach the Supreme Court or the concerned High Court for directions / orders / writs. It may also recommend to the respective Governments during the pendency of inquiry to grant immediate interim relief to the victim/family members. On completion of the inquiry, the Commission is mandated to send the inquiry report and its recommendations to the concerned Government(s) which is required to forward its comment and Action Taken Report to the NHRC. The Commission submits its Annual Report to the Union Government and the concerned State Governments which are to be laid before each House of Parliament and State Legislatures along with a memorandum of action taken or proposed to be taken.

9.4.6 The Act also provides for constitution of State Human Rights Commissions at the State level with similar functions, powers and mandate, each restricted to respective State jurisdictions.

9.5 The National Commission for Women

9.5.1 The Committee on the Status of Women in India had in its report (1974) recommended the setting up of a National Commission for Women (NCW) to fulfil

9.6 The National Commission for Protection of Child Rights

9.6.1 The National Commission for Protection of Child Rights was set up in March 2007 as a statutory body in pursuance of the enactment of the Commissions for Protection of Child Rights Act, 2005 to protect, promote and defend child rights in the country.

9.6.2 The Act defines ‘child rights’ in Section 2(b) to include *‘the children’s rights adopted in the United Nations Convention on the Rights of the Child on the 20th November, 1989 and ratified by the Government of India on the 11th December, 1992’*. Article 1 of this Convention mentions that: *“For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”*.³⁷

9.6.3 The main functions of the Commission are to

- i. examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation.
- ii. inquire into violation of child rights and recommend initiation of proceedings in such cases.
- iii. inspect or cause to be inspected any juvenile custodial home, or any other place of residence or institution meant for children, under the control of the Central Government or any State Government or any other authority, including any institution run by a social organization; where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary.
- iv. inquire into complaints and take suo motu notice of matters relating to
 - a. Deprivation and violation of child rights;
 - b. Non-implementation of laws providing for protection and development of children; and

³⁷<http://ncpcr.gov.in/>

- (b) making recommendations for the effective implementation of safeguards for the protection of the interests of minorities by the Union Government or the State Governments; and
- (c) looking into specific complaints regarding deprivation of rights and safeguards of minorities and taking up such matters with the appropriate authorities.

9.8.3 The Constitution does not define the term ‘minority’. However, apart from the general safeguards, the following safeguards are construed to be specifically provided in the case of minorities:³⁹

- i. right of ‘any section of the citizens’ to ‘conserve’ its ‘distinct language, script or culture’; {Article 29(1)}
- ii. restriction on denial of admission to any citizen, to any educational institution maintained or aided by the State, ‘on grounds only of religion, race, caste, language or any of them’; {Article 29(2)}
- iii. right of all minorities, whether based on religion or language, to establish and administer educational institutions of their choice; {Article 30(1)}
- iv. freedom from discrimination on the ground that any educational institution is under the management of a minority, in the matter of receiving aid from the State; {Article 30(2)}
- v. special provision relating to the language spoken by a section of the population of any State; {Article 347}
- vi. provision for facilities for instruction in the mother-tongue at primary stage; {Article 350 A}
- vii. provision for a Special Officer for Linguistic Minorities and his duties; {Article 350 B} and
- viii. provision for including the wearing and carrying of kirpan in the profession of the Sikh religion {Explanation 1, Article 25} as part of Right to freedom of conscience and free profession, practice and propagation of religion.

³⁹http://ncm.nic.in/constitutional_prov.html

Section 3(3) of the PHRA provides that the Chairpersons of the National Commission for Minorities, the National Commission for Scheduled Castes, the National Commission for Scheduled Tribes and the National Commission for Women shall be deemed Members of the NHRC for the discharge of various functions assigned to it. However, this does not cover functions prescribed under Section 12(a) of the PHRA, which deals with inquiry, suo motu or otherwise, into a complaint of violation or abetment of violation of human rights or negligence by a public servant in the prevention of such violation.

9.10.1.3 Moreover, it is evident from a comparison of the functions and powers etc. of different Statutory Commissions {Annexure IX(1)} that there exist national as well as state level Commissions to redress similar grievances. The Central law itself provides for the constitution of National and State level Commissions for safeguarding human rights and child rights. Further, different State governments have constituted statutory Commissions for safeguarding the interests of SCs, STs, Women and Minorities. Among all these Commissions, the Human Rights Commissions have the widest mandate due to the broad definition of the term 'human rights' provided in the PHRA, 1993.

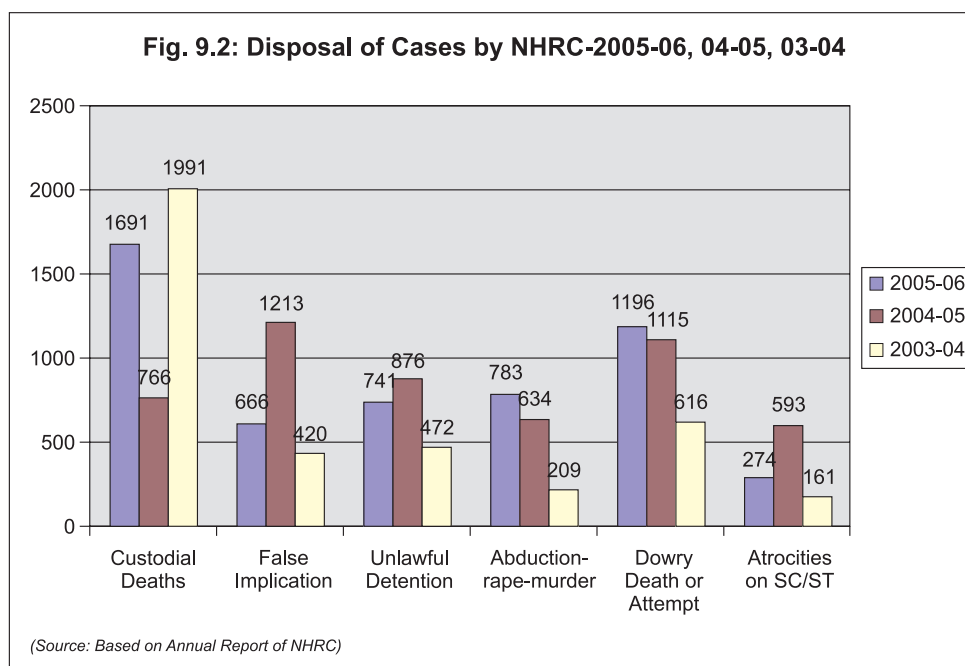
9.10.1.4 Similarly, wherever the States have established statutory State level Commissions' (such as those for Women, SCs and STs, Minorities, Children etc) whose jurisdictions may overlap with the National level Commissions, it is necessary to evolve a mechanism to prevent duplication of efforts.

9.10.1.5 Though it has been mandated in Section 36 (1) of The Protection of Human Rights Act, 1993 (PHRA) that complaints pending before any other statutory Commission will not be enquired into by the National or State level Commissions, in practical terms, the confirmation of such non-pendency is solely dependent on the declaration made by the complainant in the complaint-format (both paper-based and online formats). In fact, in the absence of networking and regular interaction between the National and State Commissions, it is difficult to prevent duplication of effort at the preliminary stage. The Annual Report of the NHRC for 2005-06 mentions that it has 'taken the initiative to have annual interactions with all the State Human Rights Commissions, where mutual discussions take place'. During its visits to different States, one of the suggestions made before the ARC by the State level Commissions related to improved coordination at the national and state levels. The Commission is of the view that there is need to provide a more meaningful and continuous mode of interaction between the National and State HRCs.

9.10.2 A More Focussed Approach

9.10.2.1 A large number of complaints are received by these Commissions which are regularly disposed of by them by providing some relief to the victims. A good citizen centric governance system should ensure that occasions for such complaints do not arise. Efforts have to be made by the Union and State Governments to ensure that the cases of violation of the rights of citizens especially the vulnerable sections are significantly reduced if not eliminated altogether. Preventive measures would also have to be taken to eliminate cases of serious human rights violations such as custodial deaths, torture etc.

9.10.2.2. In addition to the criminal justice system, the National and State Human Rights Commissions as well as the other Commissions could play an important role in preventing such violations of citizens' right and also in mitigating the hardships of the victims. An analysis of the cases disposed of by NHRC over the last three years reveals that a wide variety of complaints of human rights violations are received and processed. But despite the efforts of the NHRC/SHRCs, the number of such cases has not been significantly reduced.



Therefore, the Union and the State Governments should take proactive steps to eliminate causes of such occurrences. This could be achieved by prioritizing the more serious offences like custodial deaths/rapes etc. Guidance of the NHRC and SHRCs may be taken to prepare and implement an action plan for this purpose.

citizens/pressure groups which may also build up public opinion for its acceptance. But the reality is that reports do not come up for discussion at all as the experience of National Commission for SCs and STs in respect of last few reports placed before the Parliament indicates. This is partly because by the time reports are submitted with ATRs, they are dated and at times lose their contextual relevance. Reference to these reports also does not come up during discussions on the budgetary grants of the nodal Ministry as due to shortage of time and low priority, the budget is passed after guillotining. The discussion on the Ministries is not taken up. NCW would also be facing similar problem. It is not known whether National Human Rights Commission has fared better in this respect. Information is not available about specific recommendations made by different Commissions, which have not been accepted by the Government and the reasons assigned for such non-acceptance. While Government may have genuine difficulty in accepting some recommendations in view of their wider ramifications and other valid reasons, non-acceptance of recommendations on a large scale is disheartening and even frustrating to the Commission because its efforts seem wasted.”

9.10.3.3 The Commission has examined this issue and is of the view that in order to make these Commissions more effective, there is need for creating a separate Parliamentary Standing Committee for deliberating on the Annual Reports of these specific Commissions. This way parliamentary oversight would help to enhance accountability on the one hand and effective implementation of the Commissions’ recommendations on the other.

9.10.4 Recommendations:

- a. A common format for making complaints before various statutory Commissions should be devised in consultation with each other. This format should capture the details of the victims and complainants in such a way that it facilitates matching of data across different Commissions. In case of complaints filed without the use of the common format, the necessary fields may be filled up at the time of registration of cases itself by the Commission receiving the complaint.**
- b. As recommended in paragraph 6.3.9 of the Commission’s Eleventh Report entitled ‘Promoting e-Governance: the SMART Way Forward’, each statutory Commission should create an electronic database prospectively**

PROCESS SIMPLIFICATION

10.1 Simplifying Internal Procedures

10.1.1 The working of most government organizations is based on the Weberian principle of decision making governed by rules and regulations to ensure objectivity and uniformity. As a result, the processes and structures in any government organization generally owe their existence to and are regulated by statutes, rules and regulations etc. These rules and regulations or procedural manuals have been formulated over a long period - with many processes still continuing from the colonial period.

10.1.2 The expanse of governance, the complexities and above all the aspirations of citizens have changed substantially in the last few decades. Though there have been sporadic attempts at modifying the old rules and procedures, there has not been an exhaustive and thorough examination of these especially keeping citizens at the centre stage. As the Parliamentary Standing Committee on Information Technology in its 22nd Report observed:

“The Committee observe that the age-old statutes and regulations governing the manual process will not be suitable for governing the electronic processes which require altogether a different set of legal framework and guidelines to make the e-governance successful. They are of the strong opinion that the legal and regulatory changes in the process would be able to deliver the services more efficiently and effectively and remove a lot of other hurdles of manual regulatory mechanism. The Committee, therefore, recommend that a comprehensive review of all relevant statutes and regulations should urgently be done to bring about suitable changes therein so as to make them compatible with the cyber age technology enabling the citizens to obtain maximum advantage of e-Governance projects. They further recommend that possibility of bringing a new legislative mechanism may also be explored, if need be, to ensure that the implementation of e-Governance projects delivers the citizen-centric services in an effective and successful manner”.

10.1.3 The Commission in its Eleventh Report on e-Governance, while emphasizing the need for Business Process Re-engineering, observed;

10.1.6 The Commission while dealing with Ethics in Governance, in its Fourth Report had suggested:

- a. *There is need to bring simplification of methods to the center-stage of administrative reforms. Leaving aside specific sectoral requirements, the broad principles of such reforms must be: adoption of 'single window' approach, minimizing hierarchial tiers, stipulating time limits for disposal etc.*
- b. *The existing Departmental Manuals and Codes should be thoroughly reviewed and simplified with a responsibility on the Head of the Department to periodically update such documents and make available soft-copies on-line and hard copies for sale. These manuals must be written in very precise terms, and phrases like 'left to the discretion of', 'as far as possible', 'suitable decision may be taken' etc should be avoided. This should be followed for all rules and regulations governing issue of permissions, licenses etc.*
- c. *A system of rewards and incentives for simplification and streamlining of procedures may be introduced in each government organization.*
- d. *The principle of 'positive silence' should generally be used, though this principle cannot be used in all cases. Wherever permissions/licenses etc are to be issued, there should be a time limit for processing of the same after which permission, if not already given, should be deemed to have been granted. However, the rules should provide that for each such case the official responsible for the delay must be proceeded against.*

10.1.7 The Commission would like to reiterate its earlier recommendations on this subject. It would like to suggest that all Ministries/Departments should undertake the exercise of simplification of its their internal procedures. This should be completed in a time-bound manner within one year. Similarly, the Ministries/Departments should instruct all organizations under their supervision to carry out this task. State Governments should also be advised accordingly. This elaborate exercise would involve the following steps for any organization:

- a. Constitution of an in-house core team of persons well versed with internal procedures.
- b. Engaging external experts - if necessary.
- c. Getting feedback from citizens.

instruct all organizations under their supervision to carry out this task. State Governments should also be advised accordingly. This elaborate exercise would involve the following steps for any organizations:

- i. Constitution of an in-house core team of persons well versed with internal procedures.**
 - ii. Engaging external experts - if necessary.**
 - iii. Getting feedback from citizens.**
 - iv. Analyzing all processes from the point of necessity, simplicity, rationality and citizen centricity.**
 - v. Redesigning processes and forms.**
 - vi. Doing a pilot study and getting it evaluated.**
 - vii. Once the pilot stabilizes, analyzing the changes required in the rules/statutes.**
 - viii. Implementing the change.**
 - ix. Creating an incentive mechanism for sustaining the change.**
- b. Structural change should be an integral part of any process simplification exercise.**

10.2 Using Modern Technology

The Commission has dealt with this subject at great length in its Eleventh Report on e-Governance.

10.3 Supervision

10.3.1 Supervision is a very important managerial function in any organization. In any hierarchical structure, one of the important tasks of each functionary is to supervise the work of the other functionaries reporting to him/her. Supervision implies oversight and superintendence over the performance of others in an organization. It is carried out through directions and guidance, setting targets, helping in problem solving, monitoring of performance through conduct of inspections, checks and verifications, receipt of reports etc.

all public organizations exist to serve the people at large. To assess the extent to which an organization is serving the public interest, it is therefore necessary to evaluate the outcome of the activities of an organization.

10.4.3 Evaluation exercises could be carried out by the organization itself or through external agencies as it involves interaction with a large body of citizens. Evaluation through external agencies is more effective as citizens are more likely to give frank views to independent assessors. The Commission would therefore like to suggest that each government office which has public dealings should have an external evaluation conducted every year in addition to those conducted by the organization itself.

10.4.4 Recommendations:

- a. The feedback from citizens should be used to monitor the performance of government offices.**
- b. Each government office which has public interface should have an external evaluation conducted annually in addition to those conducted by the organization itself.**

10.5 Rationalising Procedures

The Commission undertook a detailed examination of three different processes and has suggested a framework for making them more citizens friendly.

10.5.1 Issue of Driving License

10.5.1.1 A Driving License is “the license issued by a competent authority, under the Motor Vehicles Act, 1988, authorizing the person specified therein to drive a motor vehicle of any specified class or description”. As per the Motor Vehicles Act, this is a mandatory document required for driving vehicles on public roads. Several governmental agencies also use this document as a proof of identity of a person. The law places all vehicles into two broad categories - transport vehicles and vehicles other than transport vehicles. All public service vehicles like taxis, buses, goods carriers etc included in the former category whereas vehicles used by individuals for their own use are included in the latter category. Needless to say, the provisions for usage of ‘transport vehicles’ are more stringent than for the others.

10.5.1.2 Issuing driving licenses is one of the major functions of the State Motor Vehicles Department. The exponential increase in the number of vehicles on roads – evident from Table 10.1 - has resulted in a commensurate increase in the demand for driving licenses. A citizen centric system of issuing driving license, no doubt, should enable citizens to get the license easily, but at the same time, it should ensure that applicants who do not possess the requisite driving skills are denied the license, since an untrained driver is a risk to the lives of other road users. There have been many reforms in the license issuing procedure over the last several years, important among them being the launch of ‘Vahan’ and ‘Sarathi’ – a computer application to process various issues connected with the issuance of driving licenses. ‘Vahan’ is for processing all transactions related to vehicles and Sarathi is for processing Driving Licences and related activities. Vahan can be used to issue Registration Certificates and Permits. Sarathi can be used to issue a Learner’s Licence, Permanent Driving Licence, Conductor Licence and also Driving School Licence to the applicants. Most States have adopted this system.

10.5.1.3 In spite of these reforms, the general perception is that the license issuing system is still not objective and transparent and is thus prone to corruption. The procedure for issuing a license is laid down in the Motor Vehicles Act, 1998 and the Motor Vehicles Rules, 1999. The Act, while mandating a license for driving all motorized vehicles, lays down a two-step process for issuing the license. In the first stage, after undergoing compulsory training at a licensed driving school, an applicant has to apply for a driver’s license. Section 8 of the Act provides that no learners’ license should be issued to any applicant unless he/she passes to the satisfaction of the licensing authority such test as may be prescribed by the Union Government. The Central Motor Vehicles Rules, 1989, further prescribe that the licensing authority shall administer a test having multiple choice objective type questions. Introduction of this provision reduced the element of subjectivity with the licensing authority. Subsequently, some States developed question banks and the questions to be administered to an applicant were picked up randomly. This process has made the preliminary test totally objective and ensured that only those candidates who have the requisite knowledge are able to obtain a ‘learners’ license’.

10.5.1.4 Section 9 of the Act stipulates that the licensing authority may grant a driving license to an applicant if he/she qualifies in a prescribed test. However, the licensing authority may exempt a candidate from such a test in case of renewal of a license or if the applicant possesses a driving certificate issued by any institution recognised by the State Government.

10.5.1.6 With the introduction of ‘Vahan’ and ‘Sarathi’, the office procedure and record keeping have been streamlined to a large extent, yet the manner in which the ‘test of competence’ is conducted still remains subjective and opaque. The Commission is therefore of the view that there is an urgent need to reform the procedure for conducting the ‘test of competence’.

10.5.1.7 Rule 15, which prescribes the criteria on which a candidate has to be tested for grant of a driving license, stipulates that a candidate, while taking the test should be able to (illustrative):

- a. Take suitable precautions before starting the engine.
 - b. Move away safely and smoothly straight ahead at an angle while at the same time engaging all gears until the top gear is reached.
 - c. To change to lower gears from top gear.
 - d. Stop and restart vehicle on a steep upward incline without rolling back.
 - e. Driving a vehicle backwards into a limited opening.
- ...

10.5.1.8 In the present system, an official of the Motor Vehicles Department asks the candidate to perform different types of manoeuvres in his/her own vehicle and the candidate is declared ‘successful’ based on the subjective assessment of the official administering the test. On an analysis of the testing criteria, the Commission feels that it should be possible to replace this subjective assessment, by an objective practical test for most of the criteria listed in Rule 15. For example - one of the criteria stipulates that the candidate should be tested for his/her ability to drive the vehicle backwards into a limited opening. This could be tested easily if a candidate is asked to drive backward into a pre-defined opening created by erecting plastic or wooden poles. The number of poles toppled by the candidate in the testing process could be a good objective indicator of his/her driving skills. Similar objective tests could be devised for testing the other required skills of the candidate. And to bring in greater transparency, the entire process should be video-recorded and kept open to public scrutiny. The Commission would not like go into further technical details of these tests, but would suggest the constitution of an expert group to devise a practical test for the purpose of driving licenses. Such practical tests have been used to conduct recruitment of drivers in several public transport organizations.⁴⁰

10.5.2.2 The National Population Policy has set a target for achieving 100% births and deaths registration by 2010. At the present pace, it is unlikely that this target would be achieved unless strong measures are undertaken. The Commission is of the view that a perfect registration system could pave the way for a National Population Register, a Unique Identity for the citizens, foolproof voters list etc. In view of the importance of the Civil Registration System, the Commission decided to examine the legal provisions for registration in order to make them citizen friendly and also ensure creation of a very important database of births and deaths.

10.5.2.3 The Registration of Births and Deaths Act, 1969, prescribes the creation of various authorities at the Union, State, District, Municipal and Panchayat levels. (Figure 10.2)

**Fig. 10.2: Administrative Structure of Civil Registration System in A.P.
Chief Registrar of Birth & Death – Director of Health**



by the State Government by designation in this behalf, shall give or cause to be given information regarding births and deaths in a house referred to in clause (a) of sub-section (i) instead of the persons specified in that clause.

10.5.2.5 Basically, this Section stipulates that it shall be the responsibility of the head of the family/head of the medical institution where the event takes place, to submit the requisite information. It is also provided that the information to be submitted to the Registrar shall be in a prescribed form.

10.5.2.6 Furthermore, Section 10 enjoins upon certain persons, like midwives, persons in charge of disposal of dead bodies etc to notify every birth or death to which they were witness. Section 13 provides for delayed registrations:

“Section 13: Delayed registration of births and deaths – (1) Any birth or death of which information is given to the Registrar after the expiry of the period specified therefore, but within thirty days of its occurrence, shall be registered on payment of such late fee as may be prescribed.

(2) Any birth or death of which delayed information is given to the Registrar after thirty days but within one year of its occurrence shall be registered only with the written permission of the prescribed authority and on payment of the prescribed fee and the production of an affidavit made before a notary public or any other officer authorized in this behalf by the State Government.

(3) Any birth or death which has not been registered within one year of its occurrence shall be registered only on an order made by a magistrate of the first class or a Presidency Magistrate after verifying the correctness of the birth or death and on payment of the prescribed fee.

(4) The provisions of this section shall be without prejudice to any action that may be taken against a person for failure on his part to register any birth or death within the time specified therefore and any such birth or death may be registered during the pendency of any such action.

10.5.2.7 A quick analysis of the above provisions indicates that the emphasis at present is on following the detailed procedure for registering births and deaths by seeking information in a prescribed proforma, fixing time frames for information and prescribing a cumbersome procedure and payment of fees for late information rather than on facilitating achievement of 100% registration of births and deaths. The Commission is of the view that a good law on such an important issue should emphasise on the need to ensure 100% credible

- c. Sufficient number of public functionaries should be designated as Registrars so that each one is assigned a manageable jurisdiction.**
- d. Each Registrar would need to be empowered under the law to seek and obtain information from any person. For this purpose, the law should provide that the Registrar shall have the power to issue notice seeking information from any person, regarding births and deaths and that person shall be bound to provide such information.**
- e. In order to make the process of imposition of fines quick and deterrent, the powers to levy fines should be given to the District Registrar.**
- f. There should be no fees for delayed registration. It should be provided that in case of delayed registration, a more elaborate enquiry would be required. The onus for conducting the enquiry should be on the Competent Authority.**

10.5.3 Building Licenses and Completion Certificates

10.5.3.1 Local self governing bodies both in urban and rural areas regulate building activities in their jurisdiction in order to ensure planned development in line with the land use regulations and provisioning of infrastructure. Sanction of building permits at the pre-construction stage and completion certificates at the post-construction stage are the two mechanisms through which such activities are regulated. This activity is generally perceived to be cumbersome, non-transparent and prone to corruption. While there are wide variations between States and across cities in the procedures prescribed for this purpose, generally it involves the following steps:

- i. Submission of proposed building plan application supported by various documents.
- ii. Payment of the prescribed fees.
- iii. Scrutiny of the documents by the officials of the local body to ensure compliance with the regulations.
- iv. Site inspection by the officials.
- v. Submission to the competent authority for approval.
- vi. Grant of the building permit.

10.5.3.5 The Commission feels that in view of the immediate benefit to the citizens and because the administrative simplification required does not entail huge resources and can be done relatively quickly, these procedural simplifications should be made mandatory for the State Governments and local bodies by suitably modifying the guidelines prescribed under JNNURM. Apart from this, the State Governments should be encouraged to adopt the same principles for other small and medium sized towns and cities also.

10.5.3.6 In addition, the Commission is of the view that this simplified procedure should be adopted for grant of completion certificates by local bodies. This would, however, require considerable capacity building in the enforcement wings of the local bodies concerned to ensure that the undertakings given by the owners/architects are complied with. In case of completed buildings, a hundred per cent verification after the issue of completion certificates on the basis of self certification would be necessary within a specified period of 90 days. The Rules should provide heavy penalties, including demolition, for violation of conditions as well as for negligence or collusion, if any, on the part of the prescribed verifying authority. The help of local residents' associations may be obtained for this purpose.

10.5.3.7 Recommendations:

- a. Simplified procedures for grant of building permits on the basis of self-certification by owners / registered architects should be adopted by all State Governments and local bodies.**
- b. The JNNURM guidelines should be amended to make adoption of such procedures as a part of the mandatory reforms.**
- c. Similar simplification of procedures should be done in the issuance of completion certificates by local bodies. In case of completed buildings, a hundred per cent verification after the issue of completion certificates on the basis of self-certification would be necessary within a specified period of 90 days. The Rules should provide heavy penalties, including demolition, for violation of conditions as well as for negligence or collusion, if any, on the part of the prescribed verifying authority.**
- d. The capacity building of the enforcement wings of the local bodies should also be done alongside these initiatives to ensure compliance with local bye-laws. The help of local residents' associations may be enlisted for this purpose.**

addition, suggested various measures for revamping the grievances redressal mechanisms in government departments. The role of special institutional mechanisms such as the various national and state commissions for protection of vulnerable groups has also been examined and measures suggested for improving their functioning.

In conclusion, the Commission would like to reiterate that the aforesaid measures will need to be implemented in conjunction with the various recommendations made in the Commission's other Reports.

- ii. Citizens' Charter should be prepared for each independent unit under the overall umbrella of the organisations' charter.*
- iii. Wide consultation which include civil society in the process.*
- iv. Firm commitments to be made.*
- v. Internal processes and structures should be reformed to meet the commitments given in the Charter.*
- vi. Redressal mechanism in case of default.*
- vii. Periodic evaluation of Citizens' Charters.*
- viii. Benchmark using end-user feedback.*
- ix. Hold officers accountable for results.*

3. (Para 4.9.9) The ARC Seven-Step Model for Citizen Centricity

- a. The Union and State Governments should make the seven-step model outlined in paragraph 4.9, mandatory for all organizations having public interface.**

4. (Para 5.7.4) Citizen's Participation in Administration

- a. It should be mandatory for all government organizations to develop a suitable mechanism for receipt of suggestions from citizens, which could range from the simple 'Suggestion Box' to periodic consultations with citizens' groups. Heads of the concerned organizations should ensure rigorous follow up action on the suggestions received so that these become a meaningful exercise. A system of incentives and rewards should be introduced so that suggestions that lead to significant improvement or savings can be acknowledged.**
- b. Every government organization must ensure the following: (i) fool-proof system for registration of all complaints, (ii) a prescribed time schedule for response and resolution, and (iii) a monitoring and evaluation mechanism to ensure that the norms, prescribed are complied with. Use of tools of information technology can help to make such a system more accessible for citizens. Heads of all government organizations should be made responsible**

- c. **Government should adopt a more proactive approach for detection and registration of the physically challenged persons.**
- d. **To achieve this, responsibility should be cast on the Primary Health Centres (PHCs) to identify all such cases in their jurisdiction and to get the evaluation of the disabilities done. To enable the PHCs to discharge these responsibilities, adequate resources should be placed at the disposal of the Medical Officer, PHC along with delegation of commensurate authority and changes in the relevant rules.**
- e. **Organization of camps at PHC level, attended by the concerned medical personnel, would greatly help in issuing certificates of disability on the spot.**
- f. **Further, steps should be taken to create a database for all the Disabilities Certificate holders with integration at District, State and National levels.**

6. (Para 6.11) Delegation

- a. **Based on the principle of subsidiarity, each government organization should carry out an exercise to assess whether adequate delegation of authority has been done. In doing so, it should be clearly enunciated that the top levels of the organization should essentially focus on policy making functions and the field level functionaries should focus on operational aspects.**
- b. **The extent to which delegated powers is used or is allowed to be used, should be two of the elements while appraising an officer's overall performance.**

7. (Para 7.9.3.3) Evolving an Effective Public Grievances Redressal System

- a. **There is need for a strong and effective internal grievance redressal mechanism in each organization.**
- b. **The Union and State Governments should issue directions asking all public authorities to designate public grievance officers on the lines of the Public Information Officers under the RTI Act. These officers should be of adequate seniority and should be delegated commensurate authority.**

- iv. **The outcome of all inspections must be immediately put in the public domain.**
- v. **There should be an annual audit of the licensing and inspection system each year by an independent agency.**
- vi. **All licensing authorities should evolve an accessible system for receipt of citizens' complaints.**

10. (Para 9.10.4) Special Institution Mechanisms

- a. **A common format for making complaints before various statutory Commissions should be devised in consultation with each other. This format should capture the details of the victims and complainants in such a way that it facilitates matching of data across different Commissions. In case of complaints filed without the use of the common format, the necessary fields may be filled up at the time of registration of cases itself by the Commission receiving the complaint.**
- b. **As recommended in paragraph 6.3.9 of the Commission's Eleventh Report entitled 'Promoting e-Governance: the SMART Way Forward', each statutory Commission should create an electronic database prospectively and each database should be networked with each other to facilitate comparison of data.**
- c. **The Human Rights Commission {as defined in Section 3(3), PHRA} should lay down norms to deal with complaints by the most appropriate Commission. The basic principle could be that the dominant grievance in a complaint should lead to its handling by the appropriate Commission. Nodal officers may be appointed in each Commission to identify and coordinate action over such cases. Internal mechanisms should be evolved within each statutory Commission to facilitate the handling of such cases in a coordinated manner.**
- d. **The Union and State Governments should take proactive steps in dealing with serious offences like custodial deaths/rapes etc on priority so that**

- b. Structural change should be an integral part of any process simplification exercise.**

12. (Para 10.4.4) Monitoring and Evaluation

- a. The feedback from citizens should be used to monitor the performance of government offices.**
- b. Each government office which has public interface should have an external evaluation conducted annually in addition to those conducted by the organization itself.**

13. (Para 10.5.1.11) Rationalising Procedures - Issue of Driving License

- a. Ministry of Road Transport and Highways should constitute an expert group to devise practical and objective tests of competence for issue of driving licenses.**
- b. The conduct of these practical tests as well as the one prescribed for learner's license could be outsourced. Close monitoring over their processes, would however be required.**

14. (Para 10.5.2.9) Registration of Births and Deaths

- a. The emphasis under the Registration of Births and Deaths Act should shift from compliance to prescribed procedures to achieving 100% registration.**
- b. Registrars would need to adopt a more proactive approach, and it would be necessary to cast a duty upon them to register each case of birth and death within their jurisdiction irrespective of the fact whether a formal application has been received by them. The Registration could be done based on information from any source or even suo-motu by the Registrar.**
- c. Sufficient number of public functionaries should be designated as Registrars so that each one is assigned a manageable jurisdiction.**
- d. Each Registrar would need to be empowered under the law to seek and obtain information from any person. For this purpose, the law should**

Citizens' Charter
INCOME TAX DEPARTMENT
Government of India
March , 2007

**A Declaration of Our Commitment to
Excellence in Service to Taxpayers**

Our Mission:

- To promote compliance with Direct Tax Laws through quality taxpayer service encouraging voluntary compliance and firm administration.

We believe:

- in transparency and fairness
- in voluntary compliance
- in encouraging and assisting taxpayers

We aim :

- to provide information, leaflets, forms etc. at the information and facilitation counters as well as on website **www.incometaxindia.gov.in** and to organize awareness programme.
- to issue refund along with interest, if any within 9 months from the end of the month in which the return complete in all respects is received.
- to give effect to appellate/revision order within 45 days from the date of receipt of the appellate/revision order by the A.O.
- to dispose of rectification application within 2 months from the end of the month in which the application is received.
- to issue refund including interest, if any, arising from proceedings other than Section 143(1), within 30 days of its determination.
- to acknowledge communications from taxpayers.
- to allot PAN within 15 days of receipt of PAN application.
- to dispose of application seeking extension of time for payment of tax or for grant of instalments within one month from the end of the month in which the application is received.
- to issue tax clearance certificate under Section 230 of the I.T. Act immediately on the date of receipt of application or latest by the following working day.
- to dispose of application for recognition/approval to provident fund/superannuation fund/gratuity fund within 3 months from the end of the month of its receipt.

Delhi Transport Corporation Citizens' Charter

THE CHARTER

This Charter sets out our commitment to provide a convenient, comfortable, regular, punctual, efficient, safe, reliable and eco-friendly bus transit system at reasonable prices benefiting the National Capital.

The aim is to establish an effective & active interface with the commuters to evaluate our performance against their expectations and take appropriate remedial measures to provide them the best possible service.

The Commuters are at the focal point of this Charter and their maximum satisfaction is the main strategic thrust.

Reliability and Punctuality Standards

We aim to make our services reliable by way of ensuring their punctuality. We also aim at minimizing the waiting time of the commuters at the bus stands by way of optimizing frequency on different routes as against the actual demand.

Technological Upgradation

We are always keen to imbibe the latest technological advancements indigenously & globally available in Bus Body Designs, Engine Equipment, Technology, Systems etc. so as to be able to provide the commuters a comfortable & efficient Bus Service.

Controlling Pollution

DTC is the First Transport in the country to have inducted the CNG Buses in its City Fleet. Not only that, having replaced its entire City Fleet with the CNG buses, the Corporation is the World's Largest Eco-friendly CNG Fleet Operator and, thus, has the pride of its active contribution towards cleaning up the environment of the City. Our city fleet has over 3110 CNG buses.

The Corporation also operates Inter State Services with diesel buses. These buses too are made to undergo Stringent Pollution Checks after regular intervals.

The Corporation has a full-fledged Pollution Control Cell which is entirely dedicated to ensure that its buses plying on the roads do not emit pollution. The buses found emitting smoke are immediately withdrawn from the road & put back only after necessary rectification/s. The telephone number of its Pollution Cell has been displayed in all DTC Buses and any complaint/report about DTC buses found emitting smoke may be telephonically lodged with the Pollution Control Cell at 26811379.

Induction of low floor buses to facilitate disabled and senior citizens.

Customer Care

- *Special Hire Service:* - Apart from the normal services, the Corporation also provides buses to the Citizens of Delhi on Special Hire for marriage parties, picnics, etc. Apart from the normal services, the Corporation also provides buses to the Citizens of Delhi on Special Hire for marriage parties, picnics, etc.

- *DTC Website:* The Website of the Corporation **<http://dtt.nic.in>** contains all vital information about its activities.
- *Central Complaint Cell:* The commuters may lodge their complaints/grievances on phone no. 24351587.

Pass Sections

With a view to do away with the difficulties faced by the commuters in getting their passes made/renewed, the Corporation has computerized its pass sections. The commuters are no more required to stand in the tiring long queues outside the pass sections for the purpose. The networking of all DTC Pass Sections too is in progress. To facilitate the regular commuters of satellite-Towns, DTC is providing concessional bus pass.

The Corporation has computerized pass sections at the following places: -

| | | | |
|---------------------|---------------------|----------------------|--------------------|
| Scindia House | Central Secretariat | Sarojini Nagar Depot | Hauz Khas Terminal |
| Nand Nagari | Shahdara Terminal | Delhi Gate | Nehru Place |
| Timar Pur | Kashmere Gate | Red Fort | Azad Pur |
| Peera Garhi | Raja Garden | Wazir Pur Depot | Shadi Pur Depot |
| Lajpat Nagar | Uttam Nagar Terml. | Mehrauli | Najafgarh Terminal |
| Hari Nagar Depot | Mangol Puri | Hasan Pur Depot | South Campus |
| Jamia Milia Islamia | North Campus | Karol Bagh Terminal | Rohini Depot-II |
| | Bawana Depot | East Vinod Nagar | JNU |
| Alipur | Seema Puri Depot | | |

Procedure for Pass Making

The Corporation issues monthly passes to the commuters for its City Buses. Commuters willing to have DTC passes are required to fill up a FORM which is available for Re. 1/- at all pass-sections of DTC. The requirements to be fulfilled for different categories of passes are as under: -

| Category | Monthly Charges | | Requirements |
|----------------------------|---|----------|--|
| Students | Destination & All Route Pass (Ordinary) | Rs. 13/- | The Form duly filled & a photo - both attested by the Institution Authorities, valid ID Card issued by the Institution and the valid Fee Receipt |
| | All Route Ordinary | Rs.150/- | |
| | All Route Pass (GL) | Rs. 55/- | |
| Residents of Re-settlement | Destination Pass (Up to 10 kms.) | Rs. 50/- | Ration Card & Possession Slip of the accommodation. (Bona fide residents of resettlement) |

Annexure-IV(2) Contd.

| | | | |
|------------------------------|-----------|------|---|
| National Award Winners | All Route | FREE | Certificate of Award, valid proof of residence in Delhi. (Valid for Bharat Ratan, Padam Bhushan, Padam Vibhushan & Padam Shree only are entitled). |
| International Sports Persons | All Route | FREE | Certificate issued by Sports Authority of India and host country for representing India in any event in Asian & Olympic games. Valid proof of residence in Delhi. |

The pass seekers of all above categories are required to pay a sum of Rs. 15/- for ID Card.

| Comparison of Composition, Powers and Functions of Different Constitutional and Statutory Institutions | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|
| | National Human Rights Commission | State Human Rights Commission | National Commission for Women | National Consumer Disputes Redressal Commission, State Commission and District Forum | National Commission for Scheduled Castes | National Commission for Scheduled Tribes | National Commission for Protection of Child Rights | State Commission for Protection of Child Rights | National Minorities Commission |
| Composition | The Commission consists of a Chairperson and four members. (1) The Chairperson should be a retired Chief Justice of the Supreme Court, one Member should be a serving or retired Judge of a High Court, the other Member should be a person having knowledge of, or practical experience in, matters relating to human rights. | The Commission consists of a Chairperson and two members. (1) The Chairperson should be a retired Chief Justice of a High Court, one Member should be a serving or retired Judge of a High Court, the other Member should be a person having experience in, or practical knowledge of, matters relating to human rights. | The Commission consists of a Chairperson and five members. The Chairperson should be a person committed to the cause of women. The five Members should be from amongst persons of ability, integrity and standing who have had experience in law or legislation, trade unionism, management of an industry or organization | The National Commission consists of a President (serving or retired Judge of the Supreme Court) and a minimum of four members, one of whom is the women, who are not less than thirty five years of age, possess a Bachelor's Degree etc. Not more than 50 per cent of the members should be from amongst the persons having a judicial background. The State Commission consists of | The Commission consists of a Chairperson, Vice-Chairperson and three other members. The Chairperson is appointed from amongst eminent socio-political workers belonging to the Scheduled Castes, who inspire confidence amongst the Scheduled Castes by their very personality and record of selfless service. Out of the Vice-Chairperson | The Commission consists of a Chairperson, Vice-Chairperson and three other members. The Chairperson is appointed from amongst eminent socio-political workers belonging to the Scheduled Tribes, who inspire confidence amongst the Scheduled Tribes by their very personality and record of selfless service. Out of the Vice-Chairperson | The Commission consists of a Chairperson and six members out of which at least two are women. The Chairperson should be a person of eminence who has done outstanding work for promoting the welfare of children. The six members are appointed from amongst persons of eminence-integrity and standing in the following six fields. (i) | The State Commission consists of a Chairperson and six members out of which at least two are women. The qualifications are same as those prescribed for the National Commission. | The Commission shall consist of a Chairperson, [a Vice Chairperson and five] Members to be nominated by the Central Government from amongst persons of eminence, ability and integrity; Provided that five members including the Chairperson shall be from amongst the Minority communities. |

| Comparison of Composition, Powers and Functions of Different Constitutional and Statutory Institutions | | | | | | | | | |
|--|---|--|---|---|--|---|--|---|---|
| | National Human Rights Commission | State Human Rights Commission | National Commission for Women | National Consumer Disputes Redressal Commission, State Commission and District Forum | National Commission for Scheduled Castes | National Commission for Scheduled Tribes | National Commission for Protection of Child Rights | State Commission for Protection of Child Rights | National Minorities Commission |
| | | | | Judge) and two other members, one of whom should be a woman having qualifications as mentioned above. | | | | | |
| Term | The Chairman and Members hold office for a term of five years or until they attain the age of seventy years whichever is earlier. The Members are eligible for re-appointment for another term of five years. | Same as that of the National Commission. | The Chairperson and Members hold office for a period not exceeding three years. | Every Member of the National Commission holds office for a term of five years or up to the age of seventy years whichever is earlier. The President and Members are eligible for re-appointment for another term of five years subject to the age limit of seventy years. | Every Member holds office for a term of three years. Members are not eligible for appointment for more than two terms. | Every Member holds office for a term of three years. Members are not eligible for appointment for more than two terms. The upper age limit for holding office in case of the Chairperson is sixty five years and in case of | The Chairperson and Members hold office for a term of three years. They are not eligible for appointment for more than two terms. The upper age limit for holding office in case of the Chairperson is sixty five years and in case of | Similar to the National Commission. | The Chairperson and every Member shall hold office for a term of three years. |

| Comparison of Composition, Powers and Functions of Different Constitutional and Statutory Institutions | | | | | | | | | |
|--|---|-------------------------------------|--|--|---|---|--|--|---|
| | National Human Rights Commission | State Human Rights Commission | National Commission for Women | National Consumer Disputes Redressal Commission, State Commission and District Forum | National Commission for Scheduled Castes | National Commission for Scheduled Tribes | National Commission for Protection of Child Rights | State Commission for Protection of Child Rights | National Minorities Commission |
| Functions | (1) To enquire, suo-moto or on a petition or on a direction/order of any court, complaints of violation/abatement of human rights or negligence in the prevention of such violation by a public servant. (2) Intervene in any proceeding involving allegation of violation of human rights pending before a Court with its approval (3) Visit any jail or other State Government Institutions where persons | Similar to the National Commission. | (1) Inquire into complaints and take suo-motu notice of matters relating to deprivation of women's rights; non-implementation of laws providing for protection to women and achieving the objective of equality and development and non-compliance of policy decisions etc. aimed at mitigating hardships and ensuring welfare of women. (2) Examine, review and report about | (1) The National Commission has jurisdiction to entertain complaints where the value of goods or services and compensation if any, claimed exceeds Rs.1 crore (2) To entertain appeals against the orders of any State Commission (3) Jurisdiction to call for the records and pass appropriate orders in case of any consumer dispute pending or decided by any State | (1) To investigate matters relating to constitutional and legal safeguards provided to the scheduled castes and evaluate the working of such safeguards. (2) To inquire into a specific complaints where rights and safeguards of the scheduled castes have been deprived. (3) To advise on the planning process of socio-economic development of the scheduled | Similar to the National Commission on Scheduled Castes. | (1) Inquire into complaints and take suo-moto notice of matters relating to deprivation and violation of child rights; non-implementation of laws providing for protection and development of children; and non-compliance of policy decisions etc. aimed at mitigating hardships to welfare of children. (2) Examine, review and report about the legal safeguards | Similar functions as to the National Commission within its jurisdiction. | (a) Evaluate the progress of the development of Minorities under the Union and States (b) Monitor the working of the safeguards provided in the Constitution and in laws enacted by Parliament and the State Legislatures. (c) Make recommendations for the effective implementation of safeguards for the protection of the interests of Minorities by the Central Government or the State |

| Comparison of Composition, Powers and Functions of Different Constitutional and Statutory Institutions | | | | | | | | | |
|--|----------------------------------|-------------------------------|-------------------------------|--|--|--|--|---|--|
| | National Human Rights Commission | State Human Rights Commission | National Commission for Women | National Consumer Disputes Redressal Commission, State Commission and District Forum | National Commission for Scheduled Castes | National Commission for Scheduled Tribes | National Commission for Protection of Child Rights | State Commission for Protection of Child Rights | National Minorities Commission |
| | | | | The District Forum has jurisdiction to entertain complaints etc where value does not exceed Rs.20 lakhs. | | | | | analysis on the issues relating to socio-economic and educational development of minorities (g) Suggest appropriate measures in respect of any Minority to be undertaken by the Central Government or the State Governments (h) Make periodical or special reports to the Central Government on any matter pertaining to Minorities and in particular the difficulties confronted by them. |

| Comparison of Composition, Powers and Functions of Different Constitutional and Statutory Institutions | | | | | | | | | |
|--|--|-------------------------------|--|--|--|--|--|---|--|
| | National Human Rights Commission | State Human Rights Commission | National Commission for Women | National Consumer Disputes Redressal Commission, State Commission and District Forum | National Commission for Scheduled Castes | National Commission for Scheduled Tribes | National Commission for Protection of Child Rights | State Commission for Protection of Child Rights | National Minorities Commission |
| | (e) Issuing commissions for the examination of witnesses or documents. (2) The Commission has the power to require any person to furnish information in relation to any inquiry (3) Proceedings before the Commission are deemed to be a judicial proceeding within the meaning of Sections 193 and 228 and for the purposes of Section 196 of | | (d) Requisitioning any public record or copy thereof from any court or office; (e) Issuing commissions for the examination of witnesses or documents. | the examination of witnesses or documents. (2) Proceedings before the Commission are deemed to be a judicial proceeding within the meaning of Sections 193 and 228 and for the purposes of the IPC. The Commission is also deemed to be a Civil Court for the purposes of Section 195 and Chapter XXVI of the Cr.PC. (3) The Commission has powers to pass interim | (d) Requisitioning any public record or copy thereof from any court or office; (e) Issuing commissions for the examination of witnesses or documents. | | from any court or office; (e) Issuing commissions for the examination of witnesses or documents. (2) The Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if | | documents; and (f) Any other matter which may be prescribed. |

| Comparison of Composition, Powers and Functions of Different Constitutional and Statutory Institutions | | | | | | | | | |
|--|----------------------------------|-------------------------------|-------------------------------|--|--|--|--|---|--------------------------------|
| | National Human Rights Commission | State Human Rights Commission | National Commission for Women | National Consumer Disputes Redressal Commission, State Commission and District Forum | National Commission for Scheduled Castes | National Commission for Scheduled Tribes | National Commission for Protection of Child Rights | State Commission for Protection of Child Rights | National Minorities Commission |
| | | | | goods etc. (5) Appeal against orders of the Commission lie with the Supreme Court. State Commission and District Forum: These bodies have similar powers to the National Commission. Appeal against the orders of the State Commission lies with the National Commission. In case of the District Forum, appeal lies with the State Commission. | | | | | |

| Comparison of Composition, Powers and Functions of Different Constitutional and Statutory Institutions | | | | | | | | | |
|--|--|-------------------------------|---|--|--|--|---|---|--------------------------------|
| | National Human Rights Commission | State Human Rights Commission | National Commission for Women | National Consumer Disputes Redressal Commission, State Commission and District Forum | National Commission for Scheduled Castes | National Commission for Scheduled Tribes | National Commission for Protection of Child Rights | State Commission for Protection of Child Rights | National Minorities Commission |
| | the recommendations to the concerned Government or Authority and publish reports along with action taken report (4) The Annual or special reports of the Commission are laid before both Houses of Parliament under respective State Legislature. | | report before the State Legislature along with its Action Taken Report. | | | | (4) The Central and the State Governments are required to place the Annual and Special Reports to be laid before each House of Parliament or the State Legislature concerned along with Action Taken Report within one year from the date of receipt of the report. | | |

