

# **Impact Assessment of the Karnataka Litigation Policy and Karnataka Sakala Services Act 2011 in reducing Government Litigation in the State of Karnataka**



सत्यमेव जयते

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Referring to the Research study of NLSIU pg. 15-17

## **EXECUTIVE SUMMARY**

The Vision Statement 2009, which was adopted in the “National Consultation for Strengthening the Judiciary, towards Pendency and Delays”, encouraged the State Governments to frame their individual state litigation policy. The State of Karnataka in compliance with Vision Statement framed the Karnataka State Litigation Policy. The aim of the Karnataka State Litigation Policy is to create an efficient and responsible state as a ‘litigant’. The Government of Karnataka also incorporated the Karnataka Guarantee of Services to Citizens Act, 2011, also known as SAKALA Act, as a key legislation in State of Karnataka which guarantee services in time bound manner and establish an administrative mechanism for redressal of grievances arising from public services.

This can be considered as a significant step towards reducing Government litigation, ensuring Government becomes an efficient litigator and creating statutory obligation for timely delivery of essential services. The objective of the present study was to undertake detailed research and collection of information on the working of the Karnataka State Litigation Policy and the Karnataka Sakala Service Act, 2011 towards reducing pendency of government cases, securing the rights of the citizens in accessing essential government services and evaluating the effective functioning of the administrative grievance redressal system.

The study undertook detailed field based research and enquiry with all major stakeholders on the effectiveness of these legislative policies in fulfilment of the objective emphasized above. The findings of the study based on the evidence collected in course of the research presents the current status of the implementation of Karnataka State Litigation Policy and the Karnataka Sakala Service Act, 2011. The research team has conducted three State-level consultation and workshop involving all stakeholders and their views have been canvassed in the study and its findings. Also a citizen satisfaction survey on implementation of the Karnataka Sakala Service Act, 2011 was conducted and the findings reflect the existing challenges in implementation of the legislations.

The findings of the study emphasizes that although Karnataka SAKALA Services Act was enacted to ensure timely delivery of government services but its implementation has not been effective and thus the benefits have not percolated down to the citizens. The working of the SAKALA Mission, the main administrative institution for implementation of the law has structural and infrastructural limitation which is hindering the effective working. Accordingly the study finds that even after the implementation of the SAKALA Services Act the citizens are forced to approach the local courts for their grievance redressal because the administrative grievance redressal mechanism envisaged under the law is ineffective. The study also observes that the Government departments and officials are not ready to change their working culture which is reflected from the Appeal and pendency of appeals. There are still 699 appeals<sup>1</sup> pending and among 699 appeals, 380 appeals applications are pending since 2016 or before. If we see the appeal list, there are appeal applications which are pending since 2012 means from the inception of the SAKALA services. The current situation raises serious questions about the SAKALA Mission and respective Departments attitude.

Similarly with reference to implementation of the Karnataka State Litigation Policy in 2011, the study concludes that it has not been implemented effectively. The concept of “Efficient Litigant and Responsible Litigant” is actually missing in the current process of dealing government litigation in Karnataka. The Rules does not have any provision relating to how to develop efficient lawyers, nor does the Conduct of Litigation Rules deals with the same of making the State Government/ Law Department a responsible litigant. There is no system of review or training, instruction, or programme conducted by the Advocate General office or Law department of the State of Karnataka. Most of the government lawyers are not even aware of the State Litigation policy because there have been no orientation undertaken by the Government Department. Obviously there is no visible impact of the litigation policy in conduct or reduction of government litigation in the State of Karnataka.

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<sup>1</sup> Please see pending appeals status, available on [http://kgsc.kar.nic.in/gsc\\_rpt/gsc\\_Reports/Appeal1.aspx](http://kgsc.kar.nic.in/gsc_rpt/gsc_Reports/Appeal1.aspx), last access on 15/12/2017.



The Study makes some important recommendations as a way forward to achieve the objectives of reduction of government litigation and ensuring timely delivery of public services to the citizens. In connection to government litigation the study recommends that every government department should be required to maintain proper data relating to number of cases filed by or against them in various courts and tribunals. The existing practice of appointing low level officers as Litigation Conducting Officers should be avoided, instead as per the mandate of the SLP every department should appoint a Nodal Officer, who should be a law graduate. The Nodal Officer should have the responsibility of properly maintaining each case file containing all the documents. In order to maintain the chain of accountability the Department Nodal Officer should send a weekly and monthly report to the office of Law Secretary updating the status of each case, including the conduct of government advocates. The application of Section 89 of CPC should be mandatorily incorporated in the SLP. Every department should be required to report the number of settled claims under Section 89 CPC in the monthly report. All reasonable efforts should be made to settle all genuine cases without resorting to litigation. Also the practise of routinely filing an Appeal, Revision or Review on the orders passed by the Karnataka Administrative Tribunal, Central Administrative Tribunal and High Court should be avoided. The appointment of government lawyers needs to be done a Screening Committee or board. A panel should be created for selection or assessment of advocates.

With reference to timely delivery of services the study recommends that in addition to taking immediate steps to address the implementational challenges of SAKALA Act, there is a need for amending the Sakala legislation to improve the scope of citizen-centric accountability and administrative grievance redressal mechanism. The study concludes that essence of the SAKALA Act was to redress grievance by the administrative process but the internal mechanism is incomplete in the absence of an independent grievance redressal mechanism. The Study therefore recommends introduction of amendments to the Karnataka Sakala Services Act 2011. The research team has drafted the Karnataka Accountability and Grievance Redressal Bill 2018 as part of 'Sakala Plus' endeavour which is annexed with the final report.

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# CHAPTER I: INTRODUCTION

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## 1.1. BACKGROUND

*In a democracy, court belongs not to the lawyers and judges but to the citizen*

*Jerome Frank*

Constitution of India through its preamble has guaranteed to its citizens 'Justice' – economic, political and social. But even after seventy years of independence achieving substantive justice for the vast majority of the citizens has remained a distant dream. In the specific area of justice delivery system India is faced with several problems relating to large backlogs and pendency of cases. At present there are more than 22 million cases pending in various courts across the country. It is often acknowledged that on an average the time length of a case from the date of filing to the final disposal crosses the life span of the litigant and in common folklore it is asserted that litigation in India are

handed down from one generation to another as part of their heirloom. Under the separation of power doctrine, the judiciary is an integral part of the state and adjudication of disputes is one of the core functions of the state. Independence, fairness and competence of the judiciary are the cornerstones of the Indian legal system. But the large number of pending cases have crippled the efficient working of the judiciary and had adversely affected the right of the citizens to timely delivery of justice.

In a democracy the administration of justice is for the benefit of the citizens and the lawyers and judges are important instruments in fulfilment of that objective. Courts are deemed to be custodians and protectors of citizen rights. In the words of Justice V.R. Krishna Iyer *“The true conception of the administration of justice is that the lowly concerns of the least person is the highest consideration to the state and the court.”*<sup>2</sup> Thus the judiciary being an integral part of our democratic system, all the constitutional values and implications must be imported into the judicial process. In a democratic society the courts play a crucial role in seeing that neither license nor absolutism becomes dominant, hence the various challenges faced by the judiciary needs to be effectively met at the earliest.

Article 14 of the Indian Constitution guarantees to all citizens ‘equality before the law and the equal protection of the laws’ and Article 39A mandates the State to secure that the operation of the legal system promotes justice on the basis of equal opportunity and ensure that the same is not denied to any citizen by reason of economic or other disabilities. The Constitution guarantees all individuals with equal rights, but unfortunately a vast majority of our citizens are not able to enjoy the rights effectively due to lack of ability to enforce it. From the citizen’s perspective the enforcement of legal rights are done through the judicial processes, but the court procedures are very complex, costly and tardy, putting the poor persons at an extreme disadvantage. It is one of the most important duties of a welfare state to ensure that the judicial and non-judicial dispute resolution mechanisms are equally and effectively accessible to all its

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<sup>2</sup> V.R. Krishna Iyer, *Democracy of judicial Remedies*, The Hindu, January 7, 2003, available at <http://www.thehindu.com/thehindu/2003/01/07/stories/2003010700561000.htm> (visited on July 26, 2016)

citizens for the purpose of resolution of their legal disputes and enforcement of their fundamental and legal rights. The present backlog of cases have resulted in the dilution of the right to access timely justice and an erosion of the rule of law values which has adversely affected the common peoples' faith in the justice delivery system. The emergence of right based approach to development has accentuated the need of a robust judiciary in India. The existing judicial system based on the adversarial model provides the citizens with lengthy and dilatory processes for dispute resolution and vindication of their legal rights. In this context it is necessary to adopt effective measures to weed out unnecessary government cases and avoid future litigations. According to the National Litigation Policy the Government should become an *efficient and responsible litigant* and work towards creating a litigation free society. Under the schemes of 13<sup>th</sup> Finance Commission every State Government is required to adopt a State Litigation Policy for improving the justice delivery system as a pre-condition for receiving financial aid.

In pursuance of these litigation policies a large number of State Governments have enacted legislations for time bound delivery of public services and developed administrative grievance redressal mechanism to deal with the rights of the citizens in accessing these essential services. These legislative measures are significant initiative towards reducing litigations against the State Governments. The administrative redressal mechanism further helps in reducing government litigation costs without compromising with the rights and entitlements of the citizens. These measures are pre-emptive measures in minimizing or reducing government litigation. These facts were also reiterated during the National Consultation on the Role of State Governments for Improving Justice Delivery (2013).

## **1.2 RESEARCH OBJECTIVES**

The research is conducted under the broad area of 'Study on Status of Implementation of State Litigation Policies for reducing Government Litigation in States.'

The primary research objectives are –

- i. Study the implementation of the State Litigation Policy of the State of Karnataka and analyze its impact in reducing number of pending cases in courts in light of the 10-point Action Plan evolved during the National Consultation with State Governments and High Courts (2013)
- ii. Study the working of the grievance redressal mechanisms as provided under the Karnataka Sakala Services Act, 2011 in effectively dealing with citizens demand for public services.
- iii. Analyze the impact of the legislation (KSSA) in reducing government litigation relating to the specified public services in the state of Karnataka.
- iv. Conduct legal awareness camps at the grass root level for promoting the working of Sakala services as an alternative mechanism to protect citizens rights and to secure the availability of public services on a time bound manner.

### 1.3 DESCRIPTION OF THE RESEARCH TEAM

- i. Principal Investigator: Dr. Yashomati Ghosh, Associate Professor
- ii. Research Investigator: Shailendra Kumar

### 1.4 LITERATURE REVIEW

India has been experiencing docket explosion and the problem of huge arrears of pending cases for the past seventy years. According to the recent estimates of the National Judicial Data Grid a total of 29244329 cases are pending before various courts in India of which 8463568 cases are civil in nature and 20780761 are criminal cases.<sup>3</sup> It has been estimated that more than 20 percent of the cases are pending beyond the time frame of 5 years of which almost 7.23 percent are having a pendency period

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<sup>3</sup> As per the data specified on December 22, 2018 at the National Judicial Data Grid available at [https://njdg.ecourts.gov.in/njdgnew/?p=main/pend\\_dashboard](https://njdg.ecourts.gov.in/njdgnew/?p=main/pend_dashboard) (visited on December 22, 2018)  
A critical evaluation of the data available at the NJDG has been discussed in *The State of Indian Judiciary*, DAKSH



beyond 10 years.<sup>4</sup> In a rule of law based society, it is in the wellbeing of the citizens and the State that disputes are adjudicated within a reasonable period of time, so as to give certainty and definiteness to rights and obligations. In case of inordinate delay the sufferings of the litigants are increased manifold due to factors like enhanced cost of litigation, possibility of miscarriage of justice, probability of memory fading, relief becoming infructuous etc. Inordinate delay in the delivery of justice often shakes the confidence of the ordinary litigants towards the judicial system as an effective institution for grievance redressal and grant of adequate relief. The problem of backlog of cases in India is not of recent origin nor can it be attributed to any specific region or state. The Law Commission way back in the year 1958 had emphasised the need to effectively deal with the problem of arrears.<sup>5</sup> Judicial backlog is presently a matter of concern for all the major states of the country. At the national level almost 54.17 percent of cases are pending for a period more than 2 years<sup>6</sup> and at the state level it is an acute problem for most major states such as Uttar Pradesh, Maharashtra, Gujarat, West Bengal, Karnataka, Bihar, Rajasthan, Tamil Nadu and Kerala.<sup>7</sup>

The issue of heavy arrears pending in the various courts of the country has been a matter of concern since the time of independence. Several causes have been attributed as giving rise to the problem of the arrears and backlog of cases. The 14<sup>th</sup> Law Commission Report had observed that post-independence the adoption of the welfare Constitution was instrumental in facilitating a steady increase in the number of cases filed. In the post-Constitution period the three primary factors for increasing the number of litigation were the economic and industrial development of the country, enforcement of the fundamental rights conferred by the Constitution and expansion of the jurisdiction of the High Court with the enactment of special laws like Sales Tax Act, Income Tax

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<sup>4</sup>This data does not include the cases which are pending in the various tribunals and quasi-judicial administrative authorities.

<sup>5</sup> 14<sup>th</sup> Law Commission Report on the Reforms of Judicial Administration (1958), p 64, available at <http://lawcommissionofindia.nic.in/1-50/Report14Vol1.pdf> (visited on July 14, 2017)

<sup>6</sup> As per the data specified on December 22, 2018 at the National Judicial Data Grid available at [https://njdg.ecourts.gov.in/njdgnew/?p=main/pend\\_dashboard](https://njdg.ecourts.gov.in/njdgnew/?p=main/pend_dashboard) (visited on December 22, 2018)

<sup>7</sup> As per the data specified on December 22, 2018 at the National Judicial Data Grid available at [https://njdg.ecourts.gov.in/njdgnew/?p=main/pend\\_dashboard](https://njdg.ecourts.gov.in/njdgnew/?p=main/pend_dashboard) (visited on December 22, 2018)

Act, Representation of the People Act etc.<sup>8</sup> These factors along with other causes such as low judge strength had contributed towards the increase in the workload of the judiciary in the early years.<sup>9</sup> The Satish Chandra Committee Report and the Arrears Committee Report (1990) has comprehensively analysed the several factors which have given rise to the problem of accumulation of arrears of cases in the Indian judiciary in such gigantic proportions.<sup>10</sup> The primary factors contributing to docket explosion and arrears are - Litigation explosion; Population Explosion; Change in the pattern of litigation; Increase in number of legislations; Hasty and Imperfect drafting of legislation; Additional burden on account of Election Petitions; Plurality and Accumulation of Appeals; Increase in Review petitions; Indiscriminate resort to writ jurisdiction; Inadequacy of judge-strength; Delays in filling up vacancies in the High Courts; Failure to provide adequate forums of appeal against quasi-judicial orders; Long arguments and prolix judgments; Lack of priority for disposal of old cases; Granting of unnecessary adjournments; Unsatisfactory selection of Government Counsel; Closure of Courts due to deaths, strikes and non-appearance of lawyers etc. In addition other prominent factors resulting in high pendency are the low people-to-judge ratio resulting in huge case burden on judges in each state and the increasing number of government litigation. The total number of sanctioned judges in India is 21,598 of which 20,502 judges are allotted for the lower courts, 1,065 judges for the High Courts, and 31 judges for the Supreme Court. However at present there are huge vacancies in the different courts, with almost 3 vacancies in the Supreme Court, 437 in the various High Courts and 4,432 vacancies in the subordinate judiciary as on March 1, 2017.<sup>11</sup> On the issue of high number of government litigation it has been estimated that almost 70 percent of the total cases pending are involving the Government and its various authorities.<sup>12</sup> The

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<sup>8</sup> The increase in the work load of the High Courts was observed by the High Courts' Arrears Committee, 1949, as quoted in the 14<sup>th</sup> Law Commission Report.

<sup>9</sup> *Supra* note 9, Vol. 1, p. 2

<sup>10</sup> Report of the Arrears Committee 1989 -1990, available at <http://dakshindia.org/wp-content/uploads/2016/08/Malimath-89-90.pdf> (visited on March 2, 2017)

<sup>11</sup> Statement showing Approved strength, Working Strength and Vacancies of Judges in the Supreme Court of India and the High Courts, (As on 01.03.2017) available at <http://docs.google.com/viewerng/viewer?url=http://judicialreforms.org/wp-content/uploads/2017/03/Vacancy-01-03-2017-1.pdf&hl> (visited on July 14, 2017)

<sup>12</sup> Government Litigation, Department of Justice, available at <http://doj.gov.in/page/government-litigations> (visited July 14, 2017)

reason for increasing government litigation has been attributed to the numerous public services provided by the State and its various agencies.<sup>13</sup> If the citizens are denied access to the various monopolized public services, which are essential to the survival of most people, the deprived citizens have the right to challenge it in a court of law.

There has been a conscious recognition of the gravity of the problem by all the three organs of the State and several Commissions and Committees had been appointed to look into the problem and suggest ways and means of improving the judicial system. Some of the major findings and recommendations of these committees in the last 70 years have been briefly discussed.

i. Report of the Rankin Committee 1924<sup>14</sup> –

In 1924 under the Chairmanship of Mr. Justice Rankin a Civil Justice Committee was appointed to enquire into the issues relating to changes and improvements necessary to bring in *more speedy, economical and satisfactory despatch of the business transacted in the courts*. The Committee had identified insufficient judge strength in some of the High Courts as the principal causes of arrears and delay. Justice Rankin in the Committee Report had candidly observed, nearly ninety years ago, that *“Unless a court can start with a reasonably clean slate, improvement of methods is likely to tantalise only. The existence of mass arrears takes the heart out of a presiding judge. He can hardly be expected to take a strong interest in the preliminaries, when he knows that the hearing of the evidence and the decision will not be by him but by his successor after his transfer. So long as such arrears exist, there is temptation to which many Presiding Officers succumb, to hold back the heavier contested suits is thus maintained*

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<sup>13</sup> Under Article 12 of the Constitution of India, the term ‘State’ includes the union and state governments, the Parliament and the state legislatures, all local authorities and other authorities within the territory of India or under the control of the Indian government. Thus by judicial interpretations and case laws various departments and ministries have come within the limits of the Part III of the Constitution. Similarly the ‘Local authorities’ such as municipalities, panchayats or similar authorities that have the power to make laws & regulations and also enforce them and ‘other authorities’ exercising governmental functions as *instrumentalities of the State* have been brought within the purview of writ jurisdictions under Article 32 and 226 of the Constitution.

<sup>14</sup> Civil Justice Committee 1924-1925

*somewhere near the figure of institution, while the real difficult work is pushed into the background.*<sup>15</sup>

- ii. Report of the High Court Arrears Committee 1949 set up by the Central Government under Chairmanship of Justice S.R. Das –

The report highlighted that the inordinate delay in filling up the vacancies in the High Courts should be avoided and efforts should be made to increase the judge strength in those courts where the judge strength was not commensurate with the volume of work. Increase in the numeric strength of the subordinate judiciary is crucial in meeting the congestion of work.

- iii. Survey Report 1967 –

The Government of India had conducted a survey of the work of each High Court in 1967 and it was reported that inadequacy of Judges was the main cause for delay and pendency, along with several other factors such as delay in filling up the vacancies etc.

- iv. Report of the High Court Arrears Committee, 1972 –

The High Court Arrears Committee, 1972 under the Chairmanship of Mr. Justice J.C. Shah identified the denial of necessary judge strength in the High Courts and delay in filing up of the vacancies as the primary factors affecting the judicial functioning.

- v. Arrears Committee –

At the Chief Justices' Conference held in New Delhi, 1987 primary focus of deliberation was the high arrears of cases in the High Courts and the subordinate courts. Of the several factors delay in judicial appointments and the paucity of presiding judges was considered to be the primarily responsible for the arrears and backlogs. Based on the recommendations of the Conference, a Committee of Chief Justices consisting of Chief Justices Shri V.S. Malimath, P.D. Desai and P.C. Jain was appointed to examine in

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<sup>15</sup> *Id.* Para 16, Page no. 22. Quoted from Report on Subordinate Court of India : A Report on Access to Justice 2016, Centre for Research & Planning, Supreme Court of India, New Delhi

detail the factors causing delay in disposal of cases.<sup>16</sup> The Arrears Committee (1990) was of the opinion that the arrears can be substantially brought down with better management, computerization of court system, increased settlements by Lok Adalats, the effective use of provisions of the Civil Procedure Code with all its necessary amendments, and with the cooperation of the lawyers and the court staff.

vi. Law Commission of India

The Law Commission of India has been the primary body which has conducted several studies on the various aspects of the justice delivery system in India.<sup>17</sup> Some of the crucial Law Commission Reports dealing with justice delivery system are –

i. 14<sup>th</sup> Law Commission Report on the Reforms of Judicial Administration (1958)<sup>18</sup>

–

The Commission discussed the overall problem of the judiciary and suggested for judicial reform in civil matters and criminal justice administration. It highlighted the need to *overhaul the system of administration of justice* and recommended to increase the judge-strength post-independence due to the increase in workload.

ii. 77<sup>th</sup> Report on “Delay and Arrears in Trial courts” (1978) and 79<sup>th</sup> Report on Delay and Arrears in High Courts and Other Appellate Courts (1979)<sup>19</sup>

The Reports dealt with both civil and criminal matters. Some of recommendations were - Time for scrutiny of the cases should be not taken more than one week; Summons and notice should be attached with the plaint at the stage of filing, without stating the filing date; and Procedural reforms in civil and criminal case proceedings.

<sup>16</sup> Report of the National Commission to Review Working of The Constitution, Volume i, Chapter 7 Judiciary. Available on <http://lawmin.nic.in/ncrwc/finalreport/v1ch7.htm>, last visited on 28/07/2016

<sup>17</sup> The Law Commission of India is the primary organization which conducts studies and research on various aspects of legal reforms.

<sup>18</sup> 14<sup>th</sup> Law Commission Report on the Reforms of Judicial Administration (1958), available at <http://lawcommissionofindia.nic.in/1-50/Report14Vol1.pdf> (visited on July 14, 2017)

<sup>19</sup> 77<sup>th</sup> Report on “Delay and Arrears in Trial courts” (1978) available at <http://lawcommissionofindia.nic.in/51-100/Report77.pdf> (visited on July 14, 2017)

79<sup>th</sup> Report on Delay and Arrears in High Courts and Other Appellate Courts (1979) available at <http://lawcommissionofindia.nic.in/51-100/Report79.pdf> (visited on July 14, 2017)

- iii. 100<sup>th</sup> Report on Litigation by and against Government: Some recommendations for reform (1984)<sup>20</sup> – The report proposed for constitution of a “Litigation Ombudsman” for Central government and State government. It further recommended for limiting the period of limitation period for government litigation.
- iv. 124<sup>th</sup> Report on The High Court Arrears- A Fresh Look (1988)<sup>21</sup> – The Report recommended that the National Judicial Service Commission should be set-up for filling existing vacancy in the High Courts and the Supreme Court.
- v. 126<sup>th</sup> Report on Government and Public Sector undertaking Litigation Policy and Strategies (1988)<sup>22</sup> – The Report recommends that government should direct all public sector undertaking for conducting mandatory arbitration. Public sector undertakings should constitute grievance redressal cell and its decision should be binding on the parties.
- vi. 230<sup>th</sup> Report on Reforms in the Judiciary: Some Suggestions (2009)<sup>23</sup> – The Report made recommendations for selection and appointment of High Court Judges, age of retirement, increase in number of judges and creation of new benches, number of working days and vacations, work culture etc.
- vii. 245<sup>th</sup> Report on Arrears and Backlog: Creating Additional Judicial (wo)manpower (2014)<sup>24</sup> - The Report analysed the issue of increasing the judicial strength and discussed the various mechanisms for the purpose of calculating the required number of judges such as on the basis of population ratio or on the basis of time consumed for disposal of cases etc.

A study of the various reports clearly indicates the concern about the problem of delay and arrears in the judiciary have been predominant in the minds of the law makers and the members of the judicial community. An in-depth analysis of the various suggestions

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<sup>20</sup> 100<sup>th</sup> Report on Litigation by and against Government: Some recommendations for reform (1984) available at <http://lawcommissionofindia.nic.in/51-100/Report100.pdf> (visited on July 14, 2017)

<sup>21</sup> 124<sup>th</sup> Report on The High Court Arrears- A Fresh Look (1988) available at <http://lawcommissionofindia.nic.in/101-169/Report124.pdf> (visited on July 14, 2017)

<sup>22</sup> 126<sup>th</sup> Report on Government and Public Sector undertaking Litigation Policy and Strategies (1988) available at <http://lawcommissionofindia.nic.in/101-169/Report126.pdf> (visited on July 14, 2017)

<sup>23</sup> 230<sup>th</sup> Report on Reforms in the Judiciary: Some Suggestions (2009) available at <http://lawcommissionofindia.nic.in/reports/report230.pdf> (visited on July 14, 2017)

<sup>24</sup> 245<sup>th</sup> Report on Arrears and Backlog: Creating Additional Judicial (wo)manpower (2014) available at <http://lawcommissionofindia.nic.in/reports/Report245.pdf> (visited on July 14, 2017)

to resolve the crisis in the administration of justice, broadly advocates for three types of changes. The three types of changes are – Firstly, structural changes in the judicial system by building infrastructure, appointing appropriate number of judges and filling up the vacancies in the Supreme Court, High Courts and Subordinate Courts. Second type of suggestion is to bring changes in to the existing laws by suitable amendments, repeal or enactment. Third suggestion involves changes in government policy. There is a need for government commitment towards providing speedy justice to all needy citizens and clearing the backlog of cases. Based on these recommendations in the course of recent years several remedial measures have been introduced and adopted to deal with the problems and meet up the challenges.

In recent years the Government has made serious efforts to reduce pendency in the court. The Vision Statement adopted in 2009 by the Central Government at the National Consultation for Strengthening the Judiciary toward Reducing Pendency and Delays reflects the government commitment towards providing speedy delivery of justice. The primary focus of the Vision Statement was to increase access by reducing delay and arrears, and enhancing accountability through structural changes and setting performance standards. In order to meet these challenges an action plan was formulated. The core points for judicial reforms in the Action Plan are –

- i. Creation of National Arrears Grid/ identification of arrear
- ii. Identification of bottlenecks in crisis area
- iii. Tackling the bottleneck Areas.
- iv. Adoption of innovative measures for expeditious case disposal.
- v. Focus on selection, training and performance assessment of judicial personnel and court management executive.
- vi. Efficient utilisation of judicial system and existing infrastructure through effective manning, effective planning and timely management by increasing the use of technology and management methods.
- vii. Uncluttering the system: Removing dead weeds and Preventing their re-growth
- viii. Procedural changes
- ix. Management and administration

In accordance with the objectives of the Vision Statement the Central Government has made efforts to implement the Action Plan so as to ensure effective, accessible, and timely justice.

The necessity of framing National Litigation Policy was recognised in the “National Consultation for Strengthening the Judiciary, towards Pendency and Delays”. In the consultation it was recognized that the Government is the biggest litigant, hence conscious efforts is required to be made to reduce the number of government litigation. The Ministry of Law and Justice proposed the formulation of a National Litigation Policy (NLP) to ensure the practice of responsible litigation by the central government. The state governments were also encouraged to frame their state litigation policy. In 2010 Department of Legal affairs framed the NLP and launched it on 23 June 2010 which recognised government as the biggest litigant in the courts and tribunals<sup>25</sup>. The policy aim was to make government an *efficient and responsible* litigant by cutting down on unnecessary and vexatious litigation by government departments. Conscious efforts are required to be made by government departments to reduce repeated making of appeals. At present a new national litigation policy is being drafted and is likely to be implemented soon.

## 1.5 RESEARCH METHODOLOGY

The main objective of the current research was to examine the working of the Karnataka State Litigation Policy and the Karnataka Sakala Service Act, 2011 in reducing pendency of cases, securing the rights of the citizens in accessing essential government services and evaluating the effective functioning of the administrative grievance redressal system in reducing Government Litigation in the State of Karnataka. The universe of the study was restricted to State of Karnataka. The research methodology adopted is a combination of both empirical and doctrinal research. The doctrinal research involves analysis of primary and secondary resource materials

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<sup>25</sup> Department of Justice, Status Note on National Litigation Policy, available on <http://lawmin.nic.in/la/status%20note%20on%20nlp.pdf>, (visited on July 28, 2016)



relating to delay and pendency in the administration of justice. The empirical study is based on studying the working of the Sakala Mission in the various districts of Karnataka and the implementation of the Karnataka State Litigation Policy in reducing government litigation.

### **1.5.1 Sampling Plan**

The empirical research was conducted by means of questionnaire based survey, interview schedule, field visit and collection of data. For the purpose of field study and collection of primary data four district of Karnataka namely Bangalore, Dakshin Kannada, Gulbarga and Raichur were chosen. The sample districts have been identified on the basis of their geographical locations and human developmental index. Bangalore and Dakshin Kannada are part of southern region and are the two most developed districts in the State whereas Gulbarga and Raichur from the northern part of Karnataka and are the two most backward districts in the State according to Karnataka Human Development Index.

Information on judicial arrears, number of court cases, number of government litigation etc. were collected High Court of Karnataka and District Courts of Bangalore, Dakshin Kannada, Gulbarga and Raichur.

### **1.5.2 Data Collection Method**

The Secondary data was collected from study of various governmental reports, books, articles as well as other existing literature. Primary data was based on the empirical study conducted. The research team principally used survey research by using field interview as the means for collection of data. Other data collection tools e.g. field observation method, focused group discussion was also employed to collect the primary data for the purpose of the study. The activities undertaken by the research team for collection of primary data is mentioned below:

### **1.5.3 Collection of Quantitative Data –**

- i. Data on government litigation from four District Courts of Karnataka have been collected through the process of questionnaire.
- ii. Data on government litigation and the measures adopted for reducing delay and pendency has been collected from the Hon'ble High Court of Karnataka.
- iii. Data on number of government litigation filed and pending in various government departments have been collected through RTI applications. However the researchers did not receive data regarding all the queries. Some of the data received were not provided in the manner sought. Most of the government departments failed to respond to the queries sent through the RTI applications. The data analysis is mostly based on the information collected and the materials which are accessible in the public domain.
- iv. Data available on the judiciary in the web portal available at *ecourts.gov.in*
- v. Data available on the Karnataka Sakala Services web portal available at *kgsc.kar.nic.in*

### **1.5.4 Collection of Qualitative Data**

- i. **Interview schedule** – Interview of the Sakala Mission officials and the officials of the Law Department was conducted through detailed one to one discussion as well as focussed group discussion. The methodology applied was a combination of open-ended interviews with series of checklists, guided conversations and relating short answers to specific questions. Effort was made to understand the legal system and the factors which were affecting its effective implementation. The emphasis was that the respondents narrated their experiences in their own words.

#### **Sakala Mission**

- a. Mission Director
- b. Additional Mission Director

- c. State Management Consultant
- d. State IT Consultant
- e. Administrative officer
- f. 30 District SAKALA IT consultants

### **Law Department**

- a. Additional Law Secretary
- b. Law Officers in the Law Department
- c. 6 Government Advocates

### **Judiciary**

- a. Registrar General, High Court
- b. Administrative Registrar, High Court of Karnataka
- c. Justice N. Kumar, Retired Judge, High Court of Karnataka
- d. Dr. S.B. N. Prakash, Retired District and Sessions Judge, Karnataka

- ii. **Questionnaire method** – Citizens' perceptions to the role, working and effectiveness of the Karnataka Sakala Act was collected through structured questionnaire. A total of 300 respondents were selected from Bangalore City and Gulbarga district in order to represent the urban and rural population of Karnataka. The selection of the respondents could not be done on a scientific sampling technique as the universe was amorphous. The general criterion for selection of respondents was based that they should be living in the State of Karnataka for the past five years.
- iii. **Consultation with the members of the civil society group** – Several rounds of consultation sessions were conducted wherein members of the civil society group and citizens were invited to share and narrate their experiences related to the working and implementation of the Sakala Act. A drafting group was constituted to revise and amend the Karnataka Sakala Services Act.

iv. Field Study conducted in Government Departments and Offices

1.	Bangalore urban	<p>Office visited</p> <ol style="list-style-type: none"> <li>1. Bangalore North</li> <li>2. Bangalore South</li> <li>3. K. R. Puram (Taluka office) Bangalore East</li> <li>4. Yalahanka Taluka</li> <li>5. Anekal Taluka.</li> <li>6. NADA Kacheri Rajajinagar</li> <li>7. NADA Kacheri Circle road</li> <li>8. Yeswantpura</li> <li>9. RTO Rajajinagar</li> <li>10. NADA Kacheri Yalahanka</li> <li>11. Nada Kacheri</li> <li>12. Commissioner office, (Bangalore Urban)</li> <li>13. Sub Registrar Office - Gandhi Nagar</li> <li>14. Police station Halsurugate (Home Department)</li> <li>15. Drug Control &amp;</li> </ol>	<ol style="list-style-type: none"> <li>1. Meeting with SAKALA Supervisor and other IT consultant who were working with AJSK, Mojini, Bhoomi.</li> <li>2. Meeting with SAKALA Operators of respective Taluka office and AJSK operator of Taluka offices.</li> <li>3. Conversation with common people at respective taluka offices, Nada Kacheri</li> <li>4. Meeting with Tehsildar/ Tehsildar grade 2 at NADA Kacheri, Rajajinagar, Yashwantpura, Circle Nada Kacheri.</li> <li>5. Meeting with RTO SAKALA operator at RTO office Rajajinagar</li> <li>6. Meeting with SAKALA DIT Bangalore Urban</li> <li>7. Meeting with SAKALA case worker</li> <li>8. Meeting with case</li> </ol>
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		<p>Licensing Department</p> <p>16. Office of Senior Sub-Registrar and Marriage office, Yalahanka</p>	<p>worker, land conversion DC office</p> <p>9. Meeting with Police Constable SAKALA Operator Police Station</p> <p>10. Operators and clerks of respective department</p>
2.	Kalaburagi	<p>Taluka offices</p> <p>1. Gulbarga</p> <p>2. Aland</p> <p>3. Jewargi</p> <p>4. Afzal Pur</p> <p>5. NADA Kacheri Gulbarga</p> <p>6. Mahanagar Palika</p> <p>7. RTO office Gulbarga</p> <p>8. Panchayat Kariyalaye</p> <p>9. Stamp and Registration department</p> <p>10. Land Survey department</p> <p>11. Legal services Authority Gulbarga</p> <p>12. Land conversion office (D.C office )</p>	<p>1. Meeting with Additional Deputy Commissioner (District SAKALA in charge)</p> <p>2. Meeting with SAKALA District IT consultant.</p> <p>3. Meeting with NGO, RTI Activities Association Gulbarga.</p> <p>4. Meeting with respective Tehsildar/ tehsildar Grade 2, in charge of SAKALA in respective taluka office.</p> <p>5. Meeting with SAKALA AJSK Operator, Bhoomi Operators, case worker at NADA kacheri,</p> <p>6. Meeting with Taluka Panchayat officers.</p> <p>7. Meeting with RTO officer</p>

			<p>Gulbarga</p> <p>8. Meeting with District Registrar, Stamp and Registration department</p> <p>9. Meeting with supervisor land survey department</p> <p>10. Meeting, conversation with common people, applicants at respective offices available and present during visit</p>
3.	Raichur	<p>Offices Visited</p> <ol style="list-style-type: none"> <li>1. Raichur Taluka</li> <li>2. Devdurga taluka</li> <li>3. Sindhnur Taluka</li> <li>4. Lingasur Taluka</li> <li>5. Manvi Taluka</li> <li>6. Raichur Nada Kacheri</li> <li>7. Raichur Municipal office</li> <li>8. Raichur Deputy Commissioner office</li> <li>9. Food and Civil Supply</li> </ol>	<ol style="list-style-type: none"> <li>1. Meeting with Additional Deputy commissioner</li> <li>2. Meeting with Tehsildar/ Tehsildar grade 2 at NADA Kacheri in respective Taluka and nada kacheri</li> <li>3. Meeting with SAKALA DIT Raichur</li> <li>4. Meeting with RTI activist, a member of RTI NGO</li> </ol>

		<p>department</p> <p>10. Stamp Registration department Devdurga</p> <p>11. Stamp and Registration Department</p>	<p>5. Meeting with Operator Municipal office</p> <p>6. Meeting with SAKALA, AJSK operator at Taluka offices and Nada Kacheri of respective offices</p> <p>7. Meeting with Director Food and Civil supply</p> <p>8. Meeting with Sub-Registrar with Stamp and Registration Department and Operator</p>
4.	Dakshin Kannada	<p>Taluka Office</p> <p>1. Mangalore</p> <p>2. Bantval</p> <p>3. Belthangady,</p> <p>4. Sullia,</p> <p>5. Puttur</p>	<p>1. Meeting with Additional Deputy Commissioner</p> <p>2. District SAKALA DIT</p> <p>3. Tehsildar Mangalore</p> <p>4. Case worker and Operator</p> <p>5. Tehsildar grade 2, Supervisor SAKALA Belthangady,</p> <p>6. Teshildar Sullia</p> <p>7. Tehsildar Puttur</p> <p>8. AJSK and Bhoomi operator of respective</p>

			Taluka offices
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Tab. 1 List of Government Offices and Departments visited in the course of the field study

All Taluka offices of the three Districts of Bangalore Urban, Raichur and Dakshin Kannada have been covered. In the District of Kalagurugi, only four Taluka were covered due to time constraint and the Chincholi Taluka, Chitapur Taluka, Sedam Taluka were excluded from the research study. The aim of the field visit was to cover all taluka office located in the urban and rural area. Most of the taluka offices are located in the rural area except those which are situated in the district headquarters. The Bangalore Urban District is unique because all the taluka area may be considered as urban settlements due to business, population settlement, and infrastructure.

## 1.6 MAJOR ACTIVITIES CONDUCTED

- i. Studied the implementation of the Karnataka State Litigation Policy.
- ii. Evaluated the functioning of the Law Department in implementing the litigation policy.
- iii. Studied the working of different government departments in becoming efficient and responsible litigant.
- iv. Analysed the functional challenges of Government Advocates
- v. Studied the measures adopted by the Karnataka High Court in reducing pendency.



- vi. Identified the important government sectors and services available under the Sakala Act.
- vii. Identified the scope of citizen rights and entitlements under the Sakala Act.
- viii. Studied and compare the list of services, designated officer, stipulated time for delivery of public services under the Act with the actual working of the programme based on analysis of the data collected.
- ix. Studied the working of the Grievance Redressal Mechanism constituted under the Act based on the analysis of the data collected and interview with some of the concerned officers.
- x. Identified the number of cases filed against the Government in the four district courts from 2010 to 2016.
- xi. Conducted interview with government officials and judicial officers relating to the impact of Sakala Act on government litigation.
- xii. Organized consultation sessions with important stake holders to discuss the working and implementation of the Karnataka Sakala Services Act and the process of improving the implementation of the law.
- xiii. Conducted 2 legal awareness camps in the backward regions of Gulbarga district in association with the District Legal Services Authority
- xiv. Drafted a Karnataka Citizen Grievance Redressal Bill (Sakala Plus) Bill to incorporate the norms of citizen centric governance and accountability.
- xv. Conducted a validation session with important stake holders to discuss the Karnataka State Litigation Policy, Sakala Act and the findings of the report.

## **1.7 STRUCTURE OF THE REPORT**

The Final Report is based on the compilation of the major research findings, which have been extensively discussed in the previous six progress reports. The Final Report is divided into four major chapters. Chapter 1 discusses the research objective, research background and research methodology. It also includes a brief literature review and the summary of the major activities conducted in the course of this research work. Chapter 2 deals exclusively with the implementation of the Karnataka Sakala

Services Act, 2011. It specifically highlights the major findings derived in the course of the empirical study conducted during the field visits to the four districts of Bangalore, Raichur, Kalaburagi and Dakshin Kannada. Chapter 3 analyses the implementation of the Karnataka State Litigation Policy in the conduct of government litigation and highlights the factors causing delay in government litigation. Chapter 4 summarizes the key findings of the research study and proposes a set of recommendations for better implementation of the litigation policy and delivery of public services. Chapter 5 includes a draft of the proposed Karnataka Accountability and Grievance Redressal Bill which was submitted to the Government of Karnataka for future implementation.

## II. IMPLEMENTATION OF THE KARNATAKA SAKALA SERVICES ACT, 2011

### 2.9 Prelude

2.10 Karnataka Sakala Services Act, 2011

2.11 SAKALA Mission

2.12 One Day Regional Consultation cum Workshop on the Implementation of the Karnataka SAKALA Services Act

2.13 District Performance Analysis

2.13.1 Bangalore

2.13.2 Raichur

2.13.3 Kalaburagi

2.13.4 Dakshin Kannada

2.14 Citizen Satisfaction on Implementation of Karnataka Sakala Services Act

2.15 Chapter Findings

### 2.1 PRELUDE

Pendency and arrears of the cases are serious problems for the Indian judicial system. In recent years the Government has made serious efforts to reduce pendency in the court. At present there are a large number of arrears and cases pending in different courts across the country. According to studies at the end of 31<sup>st</sup> December 2013 66,349 cases were pending before the Supreme Court, 4589920 cases were before the different High Courts and 27566425 were pending before the several district and subordinate courts in India.<sup>26</sup> It has also been observed that the rate of institution of newer proceedings often outpaces the rate of disposal of cases. Karnataka judiciary is

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<sup>26</sup> As per the data available in the National Judicial Data Grid as accessed on December 31, 2013

also faced with major concerns relating to large number of judicial arrears. According to estimates 191171 cases were pending before the Karnataka High Court and 1192520 cases are pending before the different district and subordinate courts of the State at the end of December 2013.<sup>27</sup>

It has been further asserted that almost 70 percent of the cases involve the Government as litigants, both by and against it, making it the largest litigator in the country. This litigation according to majority of sources was generally relating to delivery of services. State provides numerous government services to the citizens in their respective jurisdiction through the various government departments. There are some services which are very common and essential for the States as well as the citizen to survive, as without that no citizen or State can exist. Such services are like police department, which provides safety & security of people and property on the basis of requirement of the people and area concern. But the government departments were not accountable to the citizens for providing services within a time bound period. There were no law which could compel department officials to provide services within a specified time, which consequently led to corruption, inordinate delay in providing services, discrimination among the powerful and weak citizens, thereby making government departments ineffective and inefficient. To address this problem and bring accountability and transparency in public service delivery Government of India proposed the creation of Citizens Charter applicable to every department.<sup>28</sup> The object of Citizen Charter was to make public services accountable, creating an agreement of contract of service between the citizens and the public servants, providing for competent and time bound delivery of services, seeking personal redress if the services they received were inadequate. However, the Charter was not a legal document in the strict sense and their implementation was not mandatory for the departments.

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<sup>27</sup> Ibid

<sup>28</sup> In a Conference of Chief Ministers of various States and Union Territories held on 24 May, 1997 in New Delhi, presided over by the Prime Minister of India, an "Action Plan for Effective and Responsive Government" at the Centre and State levels was adopted. For more detail visit <http://goicharters.nic.in/ccinitiative.htm>, last visited on 28/07/2016

Therefore, the citizens had no specific system of grievance redressal if they were denied a service by government department. Also the departments were not bound to give written acknowledgement or state the reason for denial of services in writing. So the citizens seeking redressal of their grievance had to resort to legal remedies through judicial intuitions. There were two types of the grievance redressal mechanism - quasi-judicial or non-conventional redressal mechanism and Constitution remedies.

### **Quasi-judicial or non-conventional redressal mechanism**

**a. Tribunals:** In the general sense, the 'tribunals' are not courts of normal jurisdiction, but they have very specific and pre-defined work areas. The Tribunals exercise jurisdiction only in relation to the matters of the litigants covered by the specific Act. The procedural simplicity of the Act can be appreciated from the fact that the aggrieved person can also appear before it personally. The Government can present its case through its departmental officers or legal practitioners. Thus, the objective of the Tribunal is to provide for speedy and inexpensive justice to the litigants. The tribunals are specialised courts that are established under a statute for the purpose of dealing with disputes relating to only one (or closely related) particular kind of law. Unlike regular courts therefore, a tribunal will only hear cases it specializes in e.g., State Sales Tax Tribunals, The Central Excise and Service Tax Tribunal (CESTAT), The Central and State Administrative Tribunal (SAT and CAT), The Securities Appellate Tribunal (SAT) etc., each dealing with matters relating to State Indirect Taxes, Central Indirect Taxes, Administrative Disputes and Securities Disputes respectively.

**b. Lokayukta:** Lokayukta is appointed to improve the standards of public administration, by looking into complaints against the administrative actions, including cases of corruption, favouritism and official indiscipline in administrative machinery. The Lokayukta has been empowered to investigate and report on allegations or grievances relating to the conduct of public servants. The grievance has been defined by Karnataka Lokayukta Act 1984, it means 'the claim by a person that he sustained injustice or undue hardship in consequence of mal-administration can approach the Lokayukta'.<sup>29</sup>

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<sup>29</sup> Section 2(8)

**c. Consumer forum:** The Consumer Protection Act, 1986, is a central government legislation applicable in all States of India, to provide for the protection of the interests of consumers. If there is any deficiency in services by any service provider in any sector like manufacturing, hotels, transport, telephone department, electricity department, hospitals, banks, educational institution etc, then the consumer can approach consumer courts/ forums for speedy resolving of matters.

**d. Lok Adalat:** Lok Adalat is a system of alternative dispute resolution, developed in India vide Legal Services Authorities Act, 1987. It roughly means "People's court". By virtue of Sec.19 of the Legal Services Authorities Act, 1987, every state authority, district authority, Supreme Court Legal Services Committee or High Court Legal Services Committee or the Taluka Legal Service Committee may organise Lok Adalats for settlement of cases pending in courts. The Lok Adalat is presided over by a sitting or retired judicial officer as a chairman, with two other members, usually a lawyer and a social worker. There is no Court Fee. If the case is already filed in the regular court the fee paid will be refunded if the dispute is settled at the Lok Adalat. The procedural laws and the Evidence Act are not strictly followed while assessing the merits of the claim by the Lok Adalat. The Lok Adalat is often established for traffic dispute, electricity dispute and land dispute.

### **Constitutional Remedies:**

If citizen is seeking any services from the government and government department has denied services, then aggrieved person can go to the court. In these cases citizen could approach the High Court under Article 226 and 227 of the Constitution of India. If the citizen is not satisfied with the decision he can appeal to the Supreme Court. Any person whose fundamental right was violated by the State machinery can go directly to the Supreme Court; however, there are certain restrictions. So majority of citizens having grievances against State relating to delivery of public services approached the High Courts.

Therefore, the prevailing mechanism of grievance redressal in context of public services based on judicial or quasi-judicial institution was adversarial, lengthy, costly and time

consuming processes. It was also a prime source for generation of litigation to the judicial system. So it was inevitable to adopt effective measures to weed out unnecessary government cases and avoid future litigations and an imperative on the State to establish an alternative mechanism with increased accountability and transparency features.

These developments led to consider the need for introducing legislation for time bound delivery of public services and developed administrative grievance redressal mechanism to deal with the rights of the citizens in accessing these essential services. Such an initiative was also measures significant towards reducing litigations against Governments. The administrative redressal mechanism further helps in reducing government litigation costs without compromising with the rights and entitlements of the citizens. These measures are pre-emptive measures in minimizing or reducing government litigation. The primary objective of this legislation is to create citizens charters and establish an internal administrative grievance redressal mechanism to deal with issues relating public services and avoid unnecessary government litigation. In facilitation of this objective it was also advocated to impose bar on the jurisdiction of the civil courts in respect of matters which the competent officer or appellate authority under the statute for time bound delivery of public services are empowered to deal.

### **Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011**

The Central Government introduced the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill in Parliament in 2011. The bill confers every individual citizen the right to time bound delivery of goods and services, and redressal of grievances if there is any. It requires every public authority, to publish within six months, a citizens charter specifying therein, the category of goods supplied and the kind of services rendered by it. The time within which such goods shall be supplied or services be rendered and the names and addresses of individuals responsible for the delivery of goods or rendering of services shall also be specified. It

requires every public authority to establish an information and facilitation centre, which may include establishment of the customer care centre, call centre, helpdesk and people's support centre.

It provides for appointment (by every public authority) officers as grievance redressal officers (GRO) in all administrative units or officers at the central, state, district and sub district levels, municipalities, and panchayats. They will be duty bound towards supplies of goods or render services, to receive, enquire into and redress any complaints from citizens in the prescribed manner. It is further required to remedy the grievances in a time frame not exceeding thirty days from the date of receipt of the complaint. The aggrieved individual may, if he so desired, within thirty days from the expiry of the period or from the receipt of such decision, prefer an appeal to the designated authority who shall dispose of such appeal within another thirty days from the date of receipt of such appeal.

The bill provides for the constitution of the state public grievance redressal commissions and the Central Public Grievance Redressal Commission consisting of chief commissioner and other commissioners. The person aggrieved by the decision of the designated authority falling under the jurisdiction of the state government may prefer an appeal to the state public grievance redressal commission and any person aggrieved by the designated authority falling under the jurisdiction of the Central Government may prefer an appeal to the Central Public Grievance Redressal Commission. The bill confers power upon the designated authority, the State and Central Public Grievance Redressal Commissions to impose a lump sum penalty, including compensation to the complainant, against the designated official responsible for delivery of goods and services or for their failure to deliver goods or services to which the applicant is entitled, which may extend upto fifty thousand rupees which shall be recovered from the salary of the official against whom the penalty has been imposed. Such portion of the penalty imposed, shall be awarded as compensation to the appellant, by the appellate authority, as it may deem fit. If found guilty of an offence, disciplinary action shall also be initiated against the public servant which may result in some form of punishment or penalty, as the disciplinary authority may decide.



In the case of non-redressal of complaint, the burden of proof shall be upon the GRO who had denied the application request. If the appellate authorities find that the grievance complained of is part of corrupt practice, the matter shall be referred to the appropriate competent authority to take action on such corrupt practice, under the Prevention of Corruption Act, 1988. As the third stage of appeal, the bill provides that any aggrieved person by the decision of the Central Public Grievance Redressal Commission may prefer an appeal to the Lokpal. Any person aggrieved by the decision of the State Public Grievance Redressal Commission, may prefer an appeal to the Lokayukta, constituted under the Lokpal and Lokayuktas Act, 2011.

The jurisdiction of other courts is barred by the bill. In the dispute provisions for redress mechanisms, the central bill hasn't made clear provisions for imposition of penalty, and compensation. It only entrusts the appellate authorities to impose a lump sum penalty including compensation, and states that on imposition of penalty, the appellate authority may order such portion of it to be awarded as compensation, as it may deem fit, not exceeding the amount of penalty. The norm for appointing Designated Authority remains vague under the statute. The scheme of appeal is also found to be complex at the third level, linking the aspects of anti-corruption and delivery of public services within the stipulated time limit.

### **State Initiatives towards Public Services Guarantee**

Right in Public Services legislation in India comprises statutory laws which guarantee time bound delivery of services for various public services rendered by the Government to citizen and provides a mechanism for punishing the errant public servant who is deficient in providing the service stipulated under the statute. Right to Service legislation are meant to reduce corruption among the government officials and to increase transparency and public accountability.

Madhya Pradesh was the first state in India to enact Right to Service Act on 18 August 2010 and Bihar was the second to enact this bill on 25 July 2011. Several other states like Bihar, Delhi, Punjab, Rajasthan, Himachal Pradesh, Kerala, Uttarakhand, Haryana,

Uttar Pradesh, Odisha and Jharkhand have introduced similar legislation for effectuating the right to service to the citizen.

The common framework of the legislations in various States includes, granting of "right to public services", which are to be provided to the public by the designated official within the stipulated time frame. The public services which are to be granted as a right under the legislations are generally notified separately through a Gazette notification. Some of the common public services which are to be provided within the fixed time frame as a right under the Acts, includes issuing caste, birth, marriage and domicile certificates, electricity connections, voter's card, ration cards, copies of land records, etc.

On failure to provide the service by the designated officer within the given time or on being rejected, the aggrieved person can approach the First Appellate Authority. The First Appellate Authority, after making a hearing, can accept or reject the appeal by making a written order stating the reasons for the order and intimate the same to the applicant, and can order the public servant to provide the service to the applicant.

An appeal can be made from the order of the First Appellate Authority to the Second Appellate Authority, who can either accept or reject the application, by making a written order stating the reasons for the order and intimate the same to the applicant. The appellate authority can also order the public servant to provide the service to the applicant or can impose penalty on the designated officer for deficiency of service without any reasonable cause, which can range from Rs. 500 to Rs. 5000 or may even recommend for disciplinary proceedings. The applicant may be compensated out of the penalty imposed on the officer. The appellate authorities have been granted certain powers of a Civil Court as provided under Code of Civil Procedure, 1908, like production of documents and issuance of summons to the Designated officers and appellants while dealing with a matter.

The Act covers all Departments, Directorates and their subordinate offices, Local Bodies, Authorities, Corporations and Companies. All such Public Authorities shall designate an officer responsible for providing the specific service. It shall also designate

an Appellate Officer and a Reviewing Officer. A citizen shall approach the Designated Officer for obtaining the service and shall file an appeal to the Appellate Officer in case of default or delay in getting the service.

If the citizen is not provided the specific service within the prescribed time period, the concerned Government employee may be penalised. There is also a provision for providing cash incentive and certificate of appreciation to Government employees against whom no default is reported in a financial year.

### **COMMON SERVICES CENTRES**

The Common Services Centre programme was initiated by Government of India with objective to provide all government services in an integrated manner at the doorstep of the citizen, at an affordable cost. It is a recent initiative wherein the Central Government attempts to provide e-services to various parts of rural India where access to computers, internet and access to digital connectivity is limited. CSC Scheme is based on Public Private Partnership (PPP) for undertaking this challenging task. The main functional purpose of CSCs is to provide multiple essential public utility services, including healthcare, social welfare schemes, agricultural services etc. through a single service delivery point. This initiative is part of Digital India programme to make India a digitally inclusive society and attempts to cater to all forms of Government to Consumers (G2C) services as well as Consumers to Government (C2G) communications. The scheme is implemented through a three-level framework – a. Common Services Centres at the local village level, b. Service Centre Agency at the district level, and c. State Designated Agency at the State level. The State Designated Agency will be responsible for proper implementation of the Scheme within the State.

### **Implementation of CSCs in Karnataka**

The Directorate of Electronic Delivery of Citizen Services (EDCS) department is the nodal agency for implementing CSCs scheme in Karnataka<sup>30</sup>. The department is

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<sup>30</sup> <https://www.karnataka.gov.in/csc/Pages/home.aspx>

working on four online platforms whereby a citizen can avail variety of services - Bangalore One, Karnataka One, E-district and CSCs. It should be noted that E-district and CSCs are part of the same common programme commonly known as *Seva Sindhu*<sup>31</sup>. All these IT platforms are aimed to provide a host of services to the citizens and all districts and majority of the villages are connected through these platforms.<sup>32</sup>

Most of the revenue department services are provided at the CSCs. The systems have been integrated to be simultaneously applicable whenever an application for service is made with the help of any one of the platforms such as SAKALA, CSCs etc. But for the efficient functioning of these e-systems it is important to ensure the proper functioning of internet connectivity, servers, electricity and real time interface of the department software. There is always the challenge of convergence and divergence of the information, because every department uses their own digital platform for collecting information and if other departmental platforms are unable to connect with the host department system, then the applicant may not be able to submit his application for services. For example, the Karnataka Revenue Department uses *Bhoomi* software for delivering land based information, such Khata certificate, ownership or legal status of land, but these services are also under the SAKALA services. The application for any of these services can be submitted by using any of the platform but at the time of submission it is necessary that all technical facilities of the various platforms are effectively working such as SAKALA platform, Bhoomi Platform and CSC platform for the purpose of registration of the application. If any one of these platform do not work at the given time, the application will not be accepted. Even if the application is accepted by the officials, there will be no guarantee for timely delivery of services as acknowledgment receipts may not be issued.

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<sup>31</sup> <https://www.karnataka.gov.in/edistrict/Pages/home.aspx>

<sup>32</sup> <http://www.apnacsconline.in/csc-locator/karnataka/>

## 2.2 KARNATAKA SAKALA SERVICES ACT, 2011

Karnataka Guarantee of Services to Citizens Act, 2011 also known as Karnataka SAKALA Services Act passed in 2011 to provide a guarantee of services to citizens of Karnataka with a stipulated time limit to citizen related services. The Act came to be known as SAKALA Act since November 2012. Karnataka is the 10<sup>th</sup> state to incorporate an Act under Right to Public Services legislation. The SAKALA program is backed by a comprehensive information technology network, developed by the National Informatics Centre (NIC) to provide solutions and services and to monitor the services. The main objectives for enacting the legislation are mentioned in the bill and it states that *the Act aims to guarantee citizen right to obtain service within the stipulated time limit for the services and from the Government departments specified in the Schedule*. For each service guaranteed by the Act, the Government must notify the “*designated officers*” (who are required to provide the service), *competent officers* (who are empowered to impose cost on the public servant defaulting or delaying his duty), *appellate authorities* (who are invested with the power to hear appeal against the orders passed by competent officer under the Act) and the *stipulated time limit*. The stipulated time period begins when the designated officer receives an application for a service to which the citizen is eligible and he must either provide (or authorise another officer to provide) the service in question or reject the application, record the reason in writing and inform the applicant of the rejection as well as the details of the competent officer to whom the first appeal lies. *It further ensures that in order to facilitate the citizen’s ability to ensure the application is being duly processed the citizens shall be provided an application number by the concerned authority and are entitled to monitor the status of their application online*. Therefore, it is the duty of every authority to maintain and update the status of all applications as per the prescribed rules. The legislation is regarded as an unprecedented push towards increasing greater transparency and accountability in governance and provides to curb arbitrariness, ambiguity, corruption and opaqueness in governance.

### **Salient Features of the SAKALA Act**

**a. Creation of Legal Right** - The Karnataka Guarantee of Services to Citizens Act, 2011, provides the legal right to every citizen to obtain citizen related services in the State as per SAKALA Act within the stipulated time specified in the Schedule. In Section 3 the Act prescribes that every citizen shall have right to obtain citizen related services in the State in accordance with this Act within the stipulated time specified in the Schedule. The legislation further imposes a statutory duty on every designated officer and his subordinate public servant to provide citizen related services specified in the Schedule to the citizens eligible to obtain the service, within the stipulated time and also display the same on the notice board of their offices.

**b. Notification and Designation of the Department** – According to Section 4 of the Act State Government within three months from the date of commencement of SAKALA Act, shall notify services provided by the state government under this Act and designated officers of every public authority, Local Authority under Secretariat Department. The State government also notifies competent officer and appellate authority.

**c. Time bound services** – As per the provisions of the Act, the Department, designated officer or authorised person needs to provide services within the stipulated period. The limitation period will start as soon as the application is accepted by the designated person and is issued with an acknowledgement receipt. Within the stipulated period the designated officer is required to provide –

- a. Application Number
- b. Service applied for
- c. Or reject the application with the reasons for refusal
- d. In addition, inform the limitation of appeal period and the Appellate Authority

It should be noted that a designated officer cannot deny providing services because of his services designation/post because this Act provides that it also includes in the service condition of the employment of the designated officer.

**d. Monitoring of the Application** – The Act also provides for a monitoring system, an applicant who has made an application can monitor the status of his application. Concerned public authority must maintain and update the online status of the application. The applicant can check his application status by means of the application number.

**e. Liability and compensation to citizen-** Every applicant who has applied for such services will be entitled to seek compensation from the designated officer/s who is bound to provide services and if he fails to provide such services within the stipulated time, will be liable to pay compensation to the applicant. The liability of the designated officer will be started from the next day of stipulated time and his liability will be Rs. 20 per day for the period of delay, however the maximum liability of the designated officer cannot be more than Rs. 500.

**f. Procedure for imposing liability on guilty officer** - The Act has provided a mechanism for imposing liability, which provides an opportunity to the guilty officer to be present and give explanation of such delay and for not providing services within the stipulated time. The State government will appoint a Competent Officer, not below the group B or C officer for the purpose of imposing the cost on the guilty officer. The procedure for imposing liability on the designated officer is provided by the Section 11 of the Act.

**g. Right to Appeal** - The Act provides a Right to Appeal to the designated officer in case cost has been imposed on him by the Competent Officer U/S 12. Likewise, a citizen has also right to appeal if his application was rejected by the Designated Officer, this right to appeal has been provided under Section 13 of the Act. But this grievance redressal mechanism is largely limited to deal with issues of delay in disposal of the application. The system does not allow an individual to raise substantive legal rights based question regarding delivery or non-delivery of services. Grievances relating to legal rights have to be determined based on the provisions of the parent statute which dealt with the substantive issues relating to the services. Eg. Caste certificates are issued under the provisions of Government of India Notifications under which the adjudicating authority is the High Court, for issuance of Domicile Certificate under the

provisions of Indian Citizenship Act the adjudicating authority is the Supreme Court or High Court and for issues relating to Land Acquisition Act adjudicating power has been conferred upon the District Court.

**h. Bar to jurisdiction of Civil Courts-** The Karnataka Guarantee of Services to Citizens Act bar the civil jurisdiction of the court against designated officer or appellate officer for action taken in good faith in providing services under this Act.

**i. Ruling making power-** Section 19 of the Act empowers the State government to make rules for the smooth operation of the SAKALA. The Rule 3 provides that every department to display of all relevant information on the notice board such as

- Services available
- Form of application
- All the necessary documents that are required to be enclosed with the application
- Checklist for documents to be enclosed,
- Prescribed fees,
- Acknowledgement letter to be given compulsorily,
- Reasons for rejection of services,
- The manner of receiving compensatory cost from the Competent Officer,
- Details on how to contact the Appellate Authority,
- The procedure for monitoring the status of applications

Such Notice boards shall be in front of the office. Sufficient number of copies of the prescribed applications forms must be made available in the counters for receiving the applications. In case of non-display of such information remedial measures are required to be taken by the Competent Officer through the Designated Officer.

The Rule 4 prescribes the manner of receiving an application for services which will be acknowledged by the Designated Officer, if it is complete and contains all the relevant documents. The Officer must mention the date of delivery of services however if the application is not accompanied with supporting documents, the designated officer will not mention the date of services, it should be noted that public holiday will not be counted while counting the date of delivery services or for calculating the limitation



period. The rule also provides the manner of sending notice to the designated officer and to the Appellate Authority, along with the recovery of the cost which has to be paid by the appellate authority or designated officer.

**j. Designated Services-** In accordance with Section 4 of the Act, State Government can include any department or services under the preview of the Act. There are currently 73 departments providing services, these services have been included in the schedule of the SAKALA ACT.

**k. Manner of making and receiving applications for SAKALA designated services-**

The Rules framed by State Government under the SAKALA Act prescribes the manner of receiving an application for services which will be acknowledged by the designated officer if it is complete and includes all documents. The officer shall mention date of delivery of services however if application is not accompanied with supporting documents designated officer will not mention date of services .It is stated that public holiday will be not counted while counting date of delivery services or limitation period for calculating the period of limitation.

**l. Manner of payment of compensation-**The rules also provide the manner of notice to the designated officer and appeal along with recovery of compensatory cost which has to be paid by the appellate authority or designated officer.

**m. Notification of services under SAKALA Act -**The aims of the Act is to guarantee to every citizen right to obtain public service specified in the Act within the stipulated time limit from the Government departments. There are a number of services provided by the State Government. However, not all services are included under the SAKALA Act. There are certain services notified in the SAKALA schedule which have been included under the Act. Under the Act 729 services are being provided by the different departments of the State Government. According to the existing implementation machinery the process of notifying any services under SAKALA system requires to be initiated by the government department to include any service/s into the SAKALA schedule. The department has to communicate their intention to SAKALA mission (the nodal centralized executive agency established by Government to monitor the

implementation of the Act). In the proposal for including a service the department also specifies all terms and conditions, the procedure for application, name of the designated officer and appellate authority and time period for application disposal. As soon as the department finalises all its internal formalities for providing services under the SAKALA system, the SAKALA mission notifies the services and the notified services are brought under the SAKALA system.

**n. Process of monitoring of application/appeals to services** - Once the service/s is included into the Sakala schedule the need for monitoring of its timely disposal becomes essential. Currently there are two systems of monitoring applications, first by the Department Head and second by the SAKALA mission. Every application for service, which is coming under the SAKALA system is mandatorily entered into the SAKALA portal. The application requires to provide some necessary information such as the name of the applicant, services sought, contact number etc. which are filed in the portal. If the application is accepted an acknowledgement is issued for further references. However, if the application is rejected, rejection with reason is displayed in the portal, with further information as to whether the applicant should make a fresh application with documents or she should approach the appellate authority.

The monitoring process begins from the inception i.e. when application is received. The monitoring involves whether the application is accepted or not, ground for rejection of application, when is the due date for providing services, whether services is provided or not, if services are not provided, the ground for not providing the services. If the services are rejected and the applicant chooses to appeal, then the status of appeal and its various stages are also monitored. The SAKALA Mission has established a call centre and has appointed a SAKALA district consultant in case an applicant faces problem in submission of applications. The citizen can call the call-centre for information or any specific assistance.

### **2.3 SAKALA MISSION**

To ensure an effective implementation of the SAKALA Act the Government of Karnataka has constituted a nodal agency called the SAKALA Mission by its executive order. The objective of this agency was to facilitate the smooth implementation of the Act and monitor the progress of the legislative objectives. However, it is important to note that the SAKALA mission was established under an executive order of the Government of Karnataka. The SAKALA Mission works under the Department of Personnel and Administrative Reforms (DPAR), and recently it has shifted to the Department of E-Governance (DPAR). It was formed on the basis of Rule 18 of the Karnataka Guarantee of Services to Citizens Rules 2012 which empowers the State Government to establish a centralised monitoring system, for monitoring of the timely delivery of notified services, through the use of Information and Communication Technologies/E-Governance, and for monitoring various provisions of the Act.

### SAKALA Mission Structure

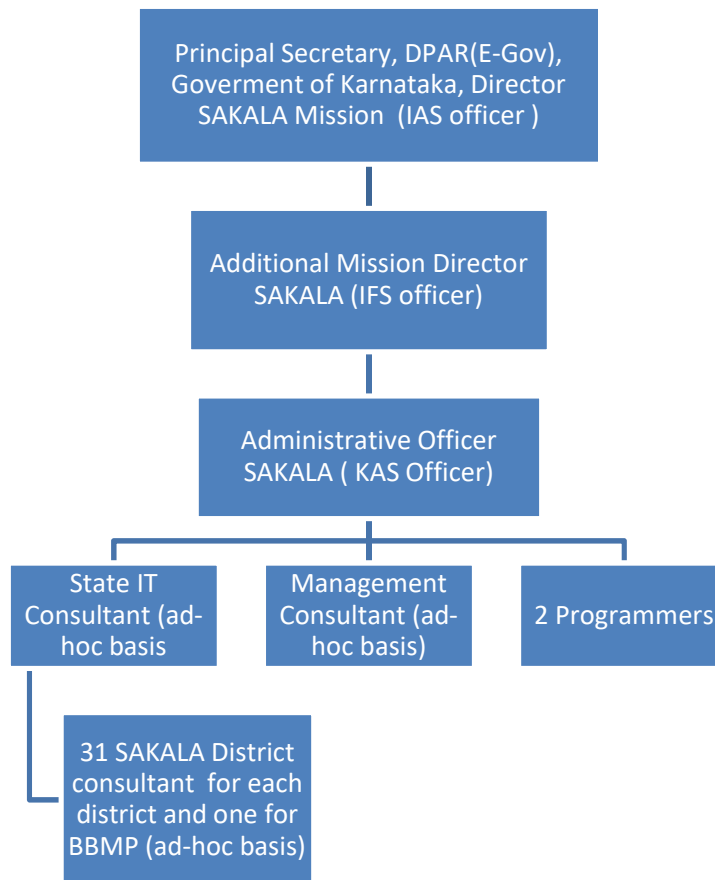


Fig 1. Sakala Mission Structure

The SAKALA Mission does not provide any service but notifies when a department decides to provide certain services under the SAKALA Act either upon the request of the government or on its own. The main functions of the SAKALA Mission are limited primarily to monitoring implementation of the Act, review status of applications in various departments, monitor the reason for the delay, defaulting officer, ranking of departments, cases disposed of by departments, the number of pending cases, along with providing training and sensitisation to the various department personnel.

The main working force of the SAKALA mission is the SAKALA consultants who are deployed at the district level to assist Deputy Commissioner and report to the SAKALA Mission. The main role of the SAKALA district consultant is to monitor any technical issue on a daily pendency at the district level. The other important role is to train the departmental staff and operators about how SAKALA should be used and how it works. If there is any issue with the SAKALA, it should be discussed with the Deputy Commissioner of the district to find out the way to resolve it. There are other responsibilities that include ensuring that services under the SAKALA must be given within the prescribed time to the citizen, and resolve the problem of the citizen by helping them. It should be noted that these SAKALA consultants are on the ad-hoc basis, it means these SAKALA consultants have no actual power to implement SAKALA Act on ground level. If there is any problem regarding implementation, performances, disposal of applications, appeals they can only report to the Deputy Commissioners and SAKALA Mission. So it is worthwhile to note that as per the current position the departments/ designated officers are not bound to listen to the SAKALA consultant.

### **Interview of the Additional Director SAKALA Mission**

To investigate into the role, scope and functioning of the SAKALA Mission the Research Team called upon the officers of SAKALA Mission. The Research Team conducted interview of the Additional Director of SAKALA Mission to gather relevant information about SAKALA Mission on July 14, 2016. The information collected in the interview is summarized and presented in the table below:

<b>SL. No</b>	<b>Question</b>	<b>Reply of the Additional Director</b>
1.	What are the main functions undertaken by the SAKALA Mission?	Mission monitors case status, numbers of applications filed, numbers of applications rejected, reasons for rejections, how many cases went to the first appeal, how many cases went to the second appeal and how many cases are pending with departments. She also

		<p>informed us that mission also monitors queries and appeals which are raised through the Call centre. It's worth mentioning, that Call Centre has been established for providing clarification regarding services, application status, and information about particular services which are included under the SAKALA Act or not. This Call centre also is mandated by the Sakala Rules (<i>Rule 6 and 9 of the Karnataka Guarantee of Services to Citizens Rules 2012</i>) is required to accept the complaint seeking compensation if citizen is aggrieved by services as per the Act.</p>
2.	Whether all available Govt. Services are designated under the SAKALA?	<p>According to the respondent there are a number of services provided by the State Government, however, not all services are included under the SAKALA Act. Only notified services are included in this Act. She explained that one department may be providing numbers of services, but it may be possible that some services of that department are not coming under the Act so Mission does not monitor such services.</p>
3	What is the procedure for designating a service under SAKALA?	<p>She explained that it is a department choice whether they want to include services under the Sakala or not or how many services they want to include in the SAKALA umbrella. If department shows their willingness to include service/s it goes to concerned ministry for approval and once it approved by ministry it comes under SAKALA purview by notification. Also the formalities regarding the service e.g. require documents, fee, stipulated time for delivering services, designated officer, appellate authorities are decided by the concern's department itself and there is no role of SAKALA to decide all these factors.</p>
4.	How is the monitoring	<p>The reply of the respondent was that once services are</p>

	<p>function undertaken by the SAKALA Mission?</p>	<p>included by completing all formalities by departments and are notified under the SAKALA Act, the Mission starts monitoring that specific service. The SAKALA Mission monitor that particular service from the inception i.e. when application was made, application number, whether application is accepted or not, ground for rejection of application, when is due date for providing services, whether services is provided or not, if services are not provided then the ground for not providing the services, if services is rejected, if that applicant went to appeal, status of appeal, if first appeal is rejected whether it went to the second appeal or not.</p> <p>She further stated that every application for services, which is coming under the SAKALA Act mandatorily enter into the SAKALA portal. There is some necessary information such as the name of the applicant, services sought, contact etc. are filed in the portal. If the application is accepted it is acknowledged with 15 digits acknowledgment number for further references. However, if the application is rejected, rejection with reason is filled in the portal with the further suggestions as whether the applicant should make a fresh application with documents or he should approach for appellate authority.</p>
5.	<p>What recourses are left to citizens when their application is rejected? Whether the SAKALA Mission play any role in such circumstances?</p>	<p>According to the respondent SAKALA mission monitors an entire process of disposal of application regardless of end result. In monitoring the processing time of the application it is looked into whether the required services is given in time, if rejected the reasons for rejection, and if it goes to appeal.</p> <p>In cases where the application is rejected some time</p>

		speaking order are given and sometimes not. SAKALA Mission enquiries about why speaking order was not given for rejection. In cases where the application has not been not properly filled, or not accompanied with supporting the application is rejected. However if documents are properly filled and supporting documents are attached, in those cases the application if rejected goes to the appeal. In this process of appeal if applicant faces any problem the call centre established under the SAKALA Mission assist the applicants on available options.
6.	What is the overall role of the SAKALA Mission?	SAKALA Mission primarily monitors the system. Every application coming within the SAKALA system are monitored till the “disposal” of application, by way of providing services, or in case first appeal, and second appeal. Thus SAKALA Mission does not provide any services but only monitors and provides feedback for further improvement by ranking departments, declaring defaulting officer and preparing annual reports.
7.	What in the opinion of the respondent is the percentile figure the disposal of application under SAKALA?	The respondent explained that based on the data of 2014 that out of 100 applications received 98 applications were disposed during 2014 and only 2 applications will be pending. In that cases remaining 2 application will be added in next year with other application for disposal.
8.	Whether the grievance redressal envisaged under the Act is working satisfactorily?	According to the respondent the grievance redressal system SAKALA Act is working satisfactorily. SAKALA mission monitors time bound delivery of services which are included in the Act and if designated officer fails to provide services within stipulated time, there is provision for compensation to the applicant. She said that earlier before implementation of the SAKALA Act,



		people were harassed, aggrieved by prolong delay of getting services but now situation has been changed and due to monitoring of the application services are provided within the given time. However, she acknowledges that some people may have grievances but very nominal.
9.	Whether grievances from SAKALA services have come before 'Lokayukta' <sup>33</sup> ?	The respondent replied that, there are no cases, which has ever gone to Lokayukta from the services which are under the SAKALA Act. The SAKALA portal provides all information related to service like departments, services provided by departments, list of documents (check list of documents), requisite fee and stipulated time. Therefore those services provided under SAKALA Act or SAKALA Mission is also not coming under the Right to information Act.
10.	How many case of default has been traced by the SAKALA Mission and actions taken?	According to respondent, an officer who kept 7 applications pending more than stipulated time will be declared as a defaulting officer and such officer will be punished. However, SAKALA Act does not mention about nature of punishment or who will be deciding authority for punishment. The SAKALA mission role is only to monitor and in case of defaulting officer, Mission only send reports to the respective head of the departments.
11.	Whether the compensation mechanism envisaged under the Act has been	Respondent observed that most people do not claim compensation in cases of delay or defaulting officer. If people claim compensation then it works as punishment to the defaulting officer, may be people are

<sup>33</sup> Lokayukta is appointed to improve the standards of public administration, by looking into complaints against the administrative actions, including cases of corruption, favouritism and official indiscipline in administrative machinery. The Lokayukta has empowered to investigate and report on allegations or grievances relating to the conduct of public servants. The grievance has been defined by Lokayukta Act 1984 and refers to claim by a person that he sustained injustice or undue hardship in consequence of mal-administration.

	used?	<p>not claiming because of its meagre amount. Also, there are issues of recovering compensation as it should be recovered from the defaulting officer, but it is not recovered from them.</p> <p>She mentioned that whenever this issue has been raised by the SAKALA mission, the department heads' are reluctant to avoid problems and their official response are to see the matter and investigate to issue and find out who are guilty. Also in her view the Act empowers the appellate authority to condone the punishment of the defaulting officials on the certain grounds. She further observed that to identify who is guilty for default is investigated by the department itself and all this process take prolong time and in between sometimes officers get transferred or sometime the investigating officer gets transferred, thus no reports come out for such cases. The respondent was of the view that should be made automatic in case of default under SAKALA services.</p>
12.	Whether adequate training is imparted to officers designated under SAKALA?	<p>Respondent observed that departments who are already providing services are required to designate some of their own personals as 'designated officer', so all designated officers are trained by the respective departments as part of their service conditions. However, SAKALA Mission also provides training to the designated officer to all departments, sometimes training is held at the office of the SAKALA Mission and sometimes officials of the SAKALA mission goes out in the districts for providing training to department officials. In 2016, SAKALA mission has trained 800 designated officers at their facility, however, training program has been interrupted from last month due to financial problems and other internal issues, but they</p>

		will start the training session soon in the near future.
13.	What is the level of citizen satisfaction about the working of SAKALA?	The respondent stated that initially there was no such measure undertaken by the SAKALA Mission to record citizen satisfaction. However, Mission has asked their district representative/ Consultant to prepare reports on the citizen satisfaction. The directions have been issued to the SAKALA representative for recording satisfaction level, by way of video recording, documentation reporting or by sharing application view on the SAKALA services and his experiences.

On the basis the interview of the Additional Director of SAKALA Mission and observations through personal visits in the office of SAKALA Mission, it can be inferred in a nutshell that SAKALA mission is working as an ad-hoc monitoring organisation. In absence of any legal power or administrative power over the other departments which provides services as per the SAKALA schedule, SAKALA mission cannot take any action against the designated officer/ defaulting officer or in cases of non-compliance of the procedure laid down by the SAKALA Act and SAKALA rules. This is unique in contrast to Public Services Guarantee Acts in several other states in India, where the nodal agencies are responsible with overall implementation of the legislation and are empowered with appropriate power to direct departments, impose the penalty to defaulting officer, and for awarding compensation to the aggrieved applicant. But the SAKALA mission does not have any such power. It has no power even to recommend appropriate action by the department against the defaulting officer. The mission can at best only inform to department head about defaulting officer. The mission is clubbed with the Department of the Personnel and Administrative Reforms (DPAR) on an ad-hoc basis tasked only to monitor the application process, preparing reports and notify services. There are long vacancies in the position of mission director and other important officers. The SAKALA mission has also employed two consultants on the temporary basis, i.e. State Management Consultant and State IT Consultant, whose responsibility is to manage day to day working of the SAKALA Mission and report to

their superior, however, these two positions were abandoned after October 2016 and was reappointed from late 2017.

Also regular observation of the website of SAKALA Mission during the research period reflects many anomalies. If we see the reports available on the SAKALA website we find that the yearly report of the SAKALA Performance Report has not been published since 2014. The only annual reports available on the website are 2012-13 and 2013-14,<sup>34</sup> but the annual report for the 2014-15 and 2015-16 is missing. The problem is not only with the annual report but also reflects in the monthly report as well. If we see the monthly report we find that the monthly reports are from the April 2012 to December 2012 and for the next year i.e 2013 monthly report start from again April 2013, it means monthly report for January 2013, February 2013 and March 2013 has not been prepared. Now again if we see the monthly report for 2016 we find that monthly report after the February 2016, the report has not been prepared for the months of April, May, Jun, July, August. The mission has prepared only September 2016 report. If we look any report either monthly reports or the annual report we find that there is no information as to how many officials has been penalised for non-compliance of the SAKALA Act or how much money has been recovered from their salary for their default. The only thing reports are showing that how much money has been disbursed as compensation, like the report for September 2016 report shows that Rs. 84180 was paid as compensation. But the report is silent regarding recovery of dues from defaulting officers. The compensation given to the citizens is from the government fund and not from the salary of the defaulting officer as per the SAKALA Rules.

#### **2.4 ONE DAY REGIONAL CONSULTATION CUM WORKSHOP ON THE IMPLEMENTATION OF THE KARNATAKA SAKALA SERVICES ACT**

The research team adopted the focused group discussion method to collect further data on the status of implementation of the SAKALA Act in the State of Karnataka. It was

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<sup>34</sup> For more details please visit [http://SAKALA.kar.nic.in/SAKALA\\_monthly\\_report.aspx](http://SAKALA.kar.nic.in/SAKALA_monthly_report.aspx)

part of the proposed methodology of the project. To fulfil this methodological goal the research team organized a “*One day Regional Consultation cum Workshop on the Implementation of the Karnataka SAKALA Services Act*” was held at National Law School of India University’s Training Centre on September 23, 2016. The focus of this consultation involving principle stakeholders was to deliberate over the working and implementation of the Karnataka SAKALA Services Act 2011 in ensuring right to timely delivery of SAKALA services, citizen satisfaction, achieving good governance and reducing government litigation by promoting alternative administrative grievance redressal mechanism. The consultation was attended by officers of SAKALA Mission and district level consultants of SAKALA Mission from all 30 districts of State of Karnataka responsible for monitoring of the progress of Karnataka SAKALA services, eminent academicians and social activists and representatives from various NGOs and civil society groups organizations working at grass-root for promoting transparency and good governance. The list of participants is annexed with the report and marked as ANNEXURE- 1. The consensus of the participants were that with introduction of the SAKALA Act people’s perception have been changed towards governance, however there is more to be achieved.

**Main outcomes of the deliberation are highlighted below:**

1. When SAKALA was initiated in 2011-12, the implementation kick started in a very positive and enthusiastic manner. But it appears that however after one or two years the pace of the implementation has slowed down considerably. At the inception of the SAKALA Act there were only 200 notified services, but it rapidly increased to more than 700 services being included in SAKALA schedule by the end of 2014. Recently the number of services has increased to 852 and covers 73 departments and institutions. It appeared from the consultation that the level of awareness about SAKALA is not satisfactory among common citizens and the awareness program at the grass-root level has been discontinued. According to a civil society’s report more than 70% of the state’s population does not know what SAKALA is and what are their entitlements and procedural aspect of the SAKALA. According to the SAKALA district

consultants majority of the application under SAKALA is received by Revenue department, RTO / Transport Department and Commercial department. Also according to them the worst delivery system and maximum delay happens with Education department, Revenue department, Home department, RDPR, Health and Family Department, Department of Public Instruction, ESIS and Karnataka Housing Board.

2. As per the SAKALA Rules there should be display board in every government offices providing services under SAKALA. The display board must contain information relating to services provided under the SAKALA, designated officer, application form, required documents, time period for the service delivery, and appellate authority in case of application rejected or denied. But on ground it is not followed except for only few government offices displaying such board. Further designated officers / departments are not providing correct information and not following the mandate of SAKALA. There are no help desks working at majority of government offices. In the beginning there were information help desk at every Taluka level, however at present most of these helpdesks have disappeared. It means the information which is supposed to be provided by the departments and the SAKALA mission to the common people is not being provided.
3. The government departments which are providing services under the SAKALA Act are required to act as per the protocol and following all procedure prescribed under the SAKALA Act. However, in reality very few departments are following those procedures and standards laid down by the SAKALA Act and rules. There are departments who are bypassing all the procedures of the SAKALA e.g. not issuing GSC slips or completing all the procedural aspects after keeping file for a prolonged period of time. There are cases where the applicant has not been provided GSC slip and applicant has approached State Information Commission under Right to Information Act for producing GSC slip. Thus it is evident that there are departments who are bypassing the standard of the SAKALA norms.

4. According to the mandate of SAKALA system, all or maximum services should be available to citizens through the online mode so that as soon as applicant submit application online by completing all necessary information he will get GSC Number/ Slip. Similarly, the Appeal system in SAKALA should also be extended through online mode, to avoid inconvenience of citizens to physically going to appellate authority. But in reality majority of application for the services are accepted only through the physical appearance of applicant which leads to corruption and in cases of online application (which are very less number) application get rejected by designated officer regardless of merits of application. Further, among the services available online, only few services are actually provided through online and remaining are provided same as traditional mode however all notified as online services. This is clearly frustrating the objectives of the SAKALA Act.
5. The implementation of the SAKALA at the district level depends on the Deputy Commissioner who is responsible for overall management of the district administration. Thus it is not possible for the Deputy Commissioner or Assistant Deputy Commissioner to physically verify every violation of the SAKALA norms. Even though the Deputy Commissioner is assisted by the SAKALA District Representative, it is not possible for him to meet each and every district representative or go through reports or call every department head or officials. Thus it seems that SAKALA has been given less importance over the other administrative work.
6. The system mandates that government services that can be provided within a specified time period in appropriate manner and quantity are principally accepted under the SAKALA system. But in reality this is not observed by the officials. In the actual working in the departments there is still an active encouragement to touts making it difficult to approach designated officer by the common people. In some cases officers themselves are directing common people to these middlemen or touts. Officials accept application but in most cases avoid GSC slip, like police department, Revenue Department, Transport Department. Most departments are not maintaining

E-1 Register<sup>35</sup>, which should be maintained manually by the designated officer as per the SAKALA Rule. There is often communication gap between SAKALA Mission and other departments. Further there is also communication gap in departments as instruction form higher authorities are not available and official excuses are given by the officers. Common people are forced to approach other institution for getting their services done, State Information Commission for getting GSC slip, initiating court cases in cases of birth and death certificates.

7. As per the SAKALA Act if there is delay in providing services compensation will be paid merely on application or appeal. But in reality appellate authorities hold application and appeal for investigation as to whose fault it is which is contradictory to the Act which states that investigation and looking whose fault should be dealt with as the internal part of the department and SAKALA mission. Only in few cases compensation has been paid. This evident from the fact that a corpus fund Rs. 5 crore was kept for giving compensation at the time of inception of the Act and only Rs. 75000 were utilised till end of 2016. Also according to majority of district SAKALA consultants in cases a designated officer has defaulted in timely disposal of applications, they are issued notice/ warning and head of the department is informed. Apart from official notice and intimation very little other stern action e.g. disciplinary action or punishment is followed up in actual cases.
8. The SAKALA Mission the nodal agency for monitoring the progress of implementation of the Act is itself is facing shortage of human resources. Various important positions including the director's position has been vacant for nearly one year. Majority of its workforce are hired on contractual basis and there is a lack of coordination in their working. Also there is no clear cut rule or guideline relating division of responsible in among employee's in SAKALA mission, therefore there is little accountability for the mistake. SAKALA district representatives are overburdened with work, they have to take care of entire departments of the Districts, facilitating applicant, appellant and reporting to deputy commissioner so it is very

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<sup>35</sup> See SAKALA Rules, E-1 from, available on [http://www.SAKALA.kar.nic.in/download/Rules%20\[ENG-2016\].pdf](http://www.SAKALA.kar.nic.in/download/Rules%20[ENG-2016].pdf)



hard to be present at every place for one person. The SAKALA district representatives are not recognised by departments as they are not holding any statutory position.

9. There are also technical problem faced by the department and the SAKALA Mission. Even though there are SAKALA representatives to assist departments regarding the technical issue, this technical issue becomes complicated where other softwares are also deployed. Thus, one application which is supposed to be gone through the SAKALA software may not be accepted by the other software. Thus in such cases applications must be first registered in the official software and then into the SAKALA software. It is also possible that this software is protected which means this software can be accessed by the particular officer which makes it necessary for both the operator and the software professional to be present so at the time of application.
10. Departments are also facing problem regarding skill training, human rescues, infrastructure like computer, internet connectivity, printer, and generator. So it is not only departments fault.

## **2.5 DISTRICT PERFORMANCE ANALYSIS**

As this project is action research, which means research must be based on the field visit and fact finding. The field study was aimed on studying the working of the Sakala Mission in the various districts of Karnataka and the implementation of the Karnataka State Litigation Policy in reducing government litigation. Accordingly field study for collection of primary data was conducted in four district of Karnataka namely Bangalore, Dakshin Kannada, Kalaburagi and Raichur. These districts were identified based on the methodology explained in the introduction of this report. The empirical research was conducted by using appropriate data collection tools. The research team had pre-identified districts and taluka offices that provide most of the services under the

SAKALA services. Research team requested SAKALA Mission to allow them to visit the districts and taluka offices. With regards to the permission, a request letter was sent to the SAKALA mission on 12/04/2017. In response to the permission request letter, team received a letter from the SAKALA mission directing them to submit a travel itinerary for field visit, research objective, and research plan. As per the direction research team submitted the required documents. Approval was granted on 31 August 2017 and this adversely affected the time-frame of the conduct of the field study.

### **2.5.1 BANGALORE**

Research Team, conducted field visit in Bangalore Urban district to study the implementation of the SAKALA Services Act. The SAKALA District Representative in the city of Bangalore was contacted in advance and he was enquired about his functions. SAKALA District Representative who is associated with the office of Deputy Commissioner, (Bangalore Urban). The field visit was conducted in following places –

- Bangalore Urban District Office
- RTO Department Rajajinagar
- Yesvantpura Taluka Office
- Yalahanka Taluka Office
- Anekal Taluka Office
- K.R. Puram Taluka Office
- Nada Kacheri Taluka Office

The SAKALA District Representative stated that he is assisting in day to day reporting of the working of the SAKALA services in the various departments of the District. He reports to the Deputy Commissioner and also coordinates with the SAKALA Mission and other departments. He is also responsible to monitor pending application in various departments through the SAKALA portal. If there is pending applications, he requests the designated officer to dispose application within the prescribed time. In addition, he also helps an applicant with the filing of appeal and subsequent procedures.



**Pic. 1. Commissioner office, (Bangalore Urban) Revenue Department**

The SAKALA District Representative introduced the research team with other technical consultants. As per the SAKALA rules, it is mandatory for every office to display certain information relating to services which are provided under the SAKALA. However, there are offices in Bangalore Urban district which do not comply with these Rules appropriately as they either do not have SAKALA display board or even if there is display board the information has not been updated.



**Pic. 2. SAKALA counter board at Yalahanka NADA Kacheri kept in the Stairs**

Also as stated earlier in the Traffic Department the information board was not updated, while in the Police station we did not find any SAKALA board on public display.



**Pic. 3. Remains of SAKALA display board Revenue Department, Anekal Taluka**

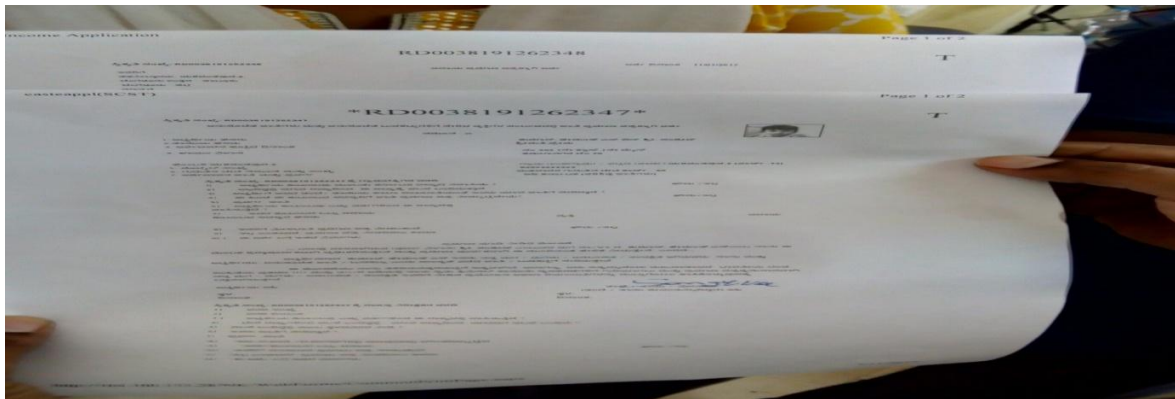
Every department had their own excuse as regards why the SAKALA board was not displayed at a proper public place. Some of the office employees informed us that fund has not been provided by the SAKALA mission whereas some of the officials told us that no board was provided by the Mission. On both sides a blame game is played by the departments and SAKALA mission.

There are technical challenges with the server as sometime it goes down and problem becomes critical as the officials may not be able to feed the application in system. The maintenance of these servers is poor.



**Pic. 4. Non-functional SAKALA Counter at K. R. Puram (Taluka office)**

The entire system of the SAKALA and other programs are based on the IT system, enabling conversion and diversion of the application into one place or different offices. However, the equipments are not properly working and the system is also not properly maintained resulting frequent interruption in feeding the application by officials.



**Pic. 5 GSC slips are being given to the applicants. (Sample)**

The computer system and printer are maintained by Deputy Commissioner, (Bangalore Urban) office and in case of technical faults the process of maintenance is time consuming and there is no certainty about the time when the systems are repaired. The same problem is faced when printer is not working and the GSC slip cannot be printed

and delivered to the applicant. Lack of adequate availability of funds is cited as the cause for not having backup equipments.

In the course of discussion it was discovered that SAKALA is not the only government programme which was helping the common people to access public services and there were other citizen-centric government programmes available. However, the other programmes are not backed by any specific legislation and don't create any right in favour of the citizens. These programmes use different online platforms, apart from the SAKALA platform. The consequence of using different online system for the same service often gives rise to execution problems, when one of the platforms fails to work.

It was further revealed on probing by the research team that use of the term online services is problematic, because usually the term 'online service' implies that a person can access that service from any place at any point of time. But in the SAKALA - Revenue Department online services implies that the applicant needs to physically visit the concerned office and apply through the SAKALA operator. The SAKALA operator fills up the relevant information in to the system which is connected with the server.

### **2.5.2 RAICHUR**

The Raichur District is located in north-east part of Karnataka and 410 Kms from the capital city of Bangalore. The District headquarter is located in the main city along with Raichur and the District and Session Court is also situated in this city. The field Visit of Raichur District was conducted from 5<sup>th</sup> October to 12 October 2017. The research team visited the following sites in Raichur District for collecting field data:

- Office of Deputy Commissioner, Raichur
- Food and Civil Supply Department, Raichur
- Taluka office Raichur
- NADA Kacheri Raichur
- Municipal Council office, Raichur



- Devdurga Taluka office
- Stamp and Registrations Department, Devdurga
- Sindhanur Taluka office
- Lingasgur Taluka office
- Stamp and Registration Department, Lingasgur
- Manvi Taluka office

The research team visited the Deputy Commissioner office of the Raichur District, wherein they were introduced to the Additional District Commissioner and Ms. Aisha Siddique, the District IT Consultant of SAKALA. The Additional Deputy Commissioner of Raichur was very encouraging towards the field visit and assured extension of all possible support to the research team.

At the Deputy Commissioner office, there are two counters working for receiving land conversion application. The counter is inside the office and there is no board or indication indicating the direction. When the researcher asked about how many appeal or applications were received every month, the operator replied that average 30 to 40 applications are received every month. He also informed that generally there were no appeals if the applications were rejected. The District IT Consultant further showed the SAKALA board which is painted on the wall of the DC office, the SAKALA board seems very old and is in need of updating. Further, it was noticed that the kiosk is not working and it was kept outside, covering SAKALA helpdesk table. The place seemed that it was earlier SAKALA help desk but now it was dismantled. When the researcher asked about maintaining and repair of the kiosk and help desk, District IT Consultant informed that the Deputy Commissioner office will take necessary action and help desk has been discontinued by the SAKALA mission.

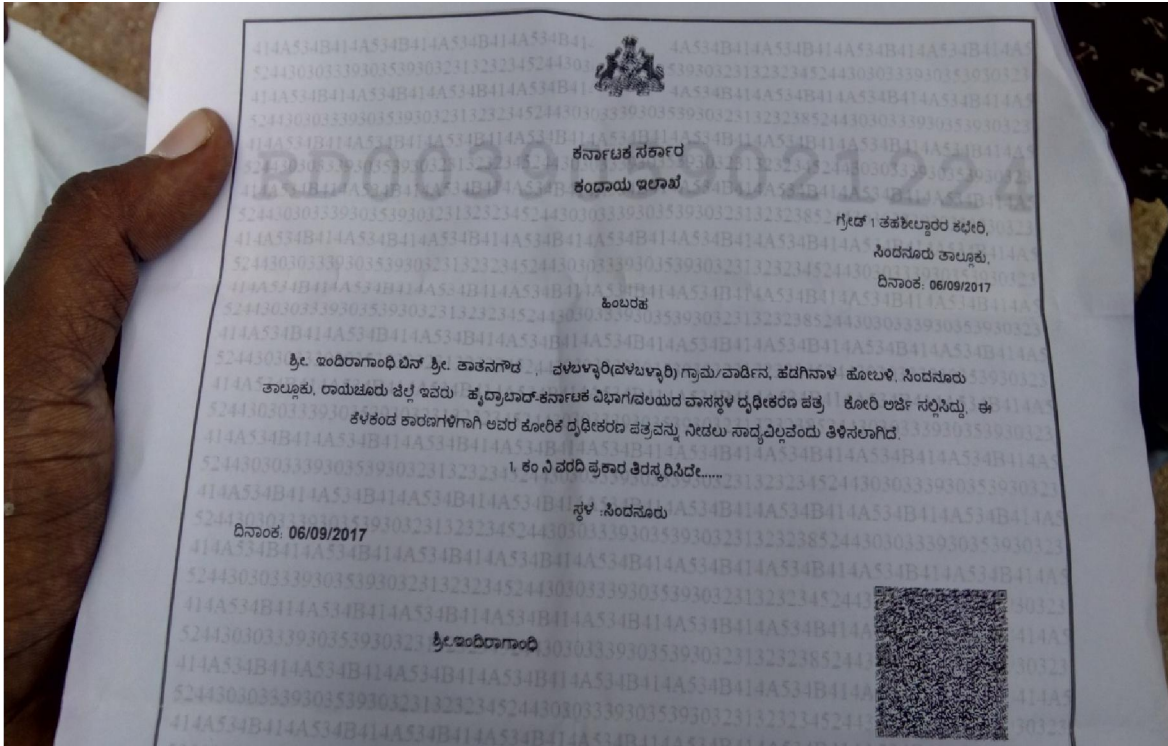


**Pic. 6. Damaged Kiosk and SAKALA Board at DC office Raichur**

The Raichur Taluka office is located in the main city on the Fort Road within 1 km of the district headquarter. In the Taluka office there was no SAKALA board and only one counter was functioning. Similarly in NADA kacheri, the operators were present but the counters were closed. At the Raichur NADA Kacheri office there was electricity problem. Also the place is infested with middlemen who were operating without any resistance from the administration.

At this place the research team had the opportunity to meet a citizen who was almost weeping because his application was just rejected. The reason for rejection was “RI (Revenue Inspector) rejected” as cited on the rejection letter. It is interesting to note that the authority to reject such an application vests with Tehsildar. But this rejection letter was suggesting that that revenue inspector rejected the application and the same was approved by the designated authority without application of mind. On further inquiry at the counter, the research team was informed by the operator that the application was solely rejected on the specified ground.





**Pic. 7. Rejection letter specifying an inappropriate ground for rejection**

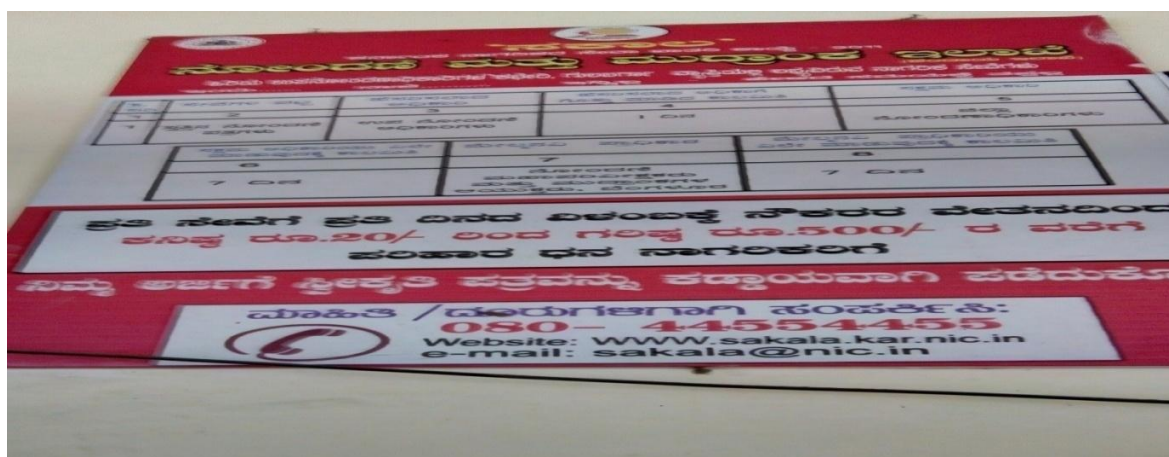
On further probing the applicant about his next course of action after rejection, the applicant replied that he will meet with Revenue inspector and pursue his re-application and pay if required some facilitation money for approval. When the applicant was informed about the appellate procedure by the research team and was provided with the SAKALA helpline number, the applicant in dismay replied that nothing will happen unless he will pay bribe to the revenue inspector.

### 2.5.3 Kalaburagi

It is located in the northern part of the State Karnataka and consists of seven talukas including Kalaburagi Taluka office which is located in the main city. The research team visited the Deputy Commissioner office wherein they had a short meeting with the Additional Deputy Commissioner. The Additional Deputy Commissioner extended his full support for field visit and directed Ms. Vidya, the District IT Consultant to provide necessary information. The research team visited the following sites

- Office of Deputy Commissioner, Kalaburagi
- Stamp and Registration Department, Kalaburagi
- Taluka Panchayat Karyalaya, Kalaburagi
- RTO Office, Kalaburagi
- NADA Kacheri, Kalaburagi
- Maha Nagarpalika, Kalaburagi
- Gulburga Taluka office
- Jewargi Taluka office
- Aland Taluka office
- Afzal Pur Taluka office
- Stamp and Registration Department, Afzal Pur

During the team visit to Stamp and Registration Department it was discovered that this office provides only one service and remaining 7 services are not provided as per the SAKALA Rules because there has been no official circular issued by the Registrar General of Stamp and Registration. This revelation was surprising because as per the SAKALA schedule, 8 services of the Stamp and Registration Department have been notified under the SAKALA Act. The Stamp and Registration Department at District headquarter has SAKALA display board which provides information as regards which services are provided under the SAKALA.



**Pic. 8. SAKALA Display Board at Stamp and Registration Department, Kalaburagi (only one service mentioned)**

In majority of SAKALA service offices there were counters however none of the counters had any information displayed relating to the type of applications which were received under the different schemes. When the officials inquired about implementation of SAKALA, the officers did not know how many notified services were delivered by his office. About SAKALA board where it was not displayed the common answer was due to renovation or whitewash of the building the board was removed and in such cases the board not reinstalled. In many offices middlemen were present. These middlemen apparently helped the applicants by facilitating the processing of application for facilitation money.



**Pic. 9. NADA Kacheri, Gulbarga**

The research team visited the Gulbarga Mahanagar Palika office and found there is one help desk at the main entrance of the building, but the staff seating at the helpdesk was not aware of the SAKALA services.



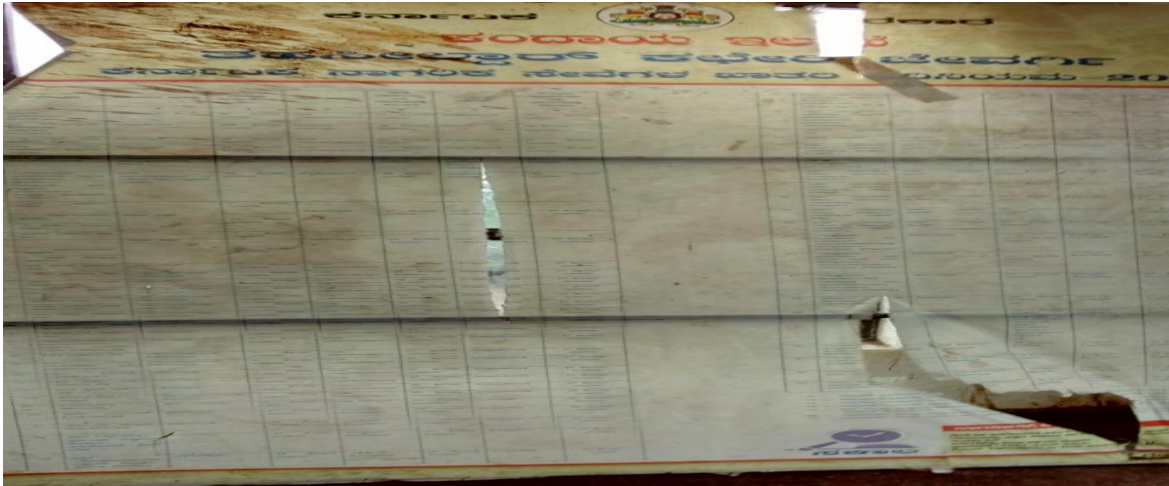
**Pic. 10. Gulbarga Mahanagar Palika (Non-functional Helpdesk)**

Finally, after meeting the supervisor of the computer department the research team found that there are 4 services provided by the Nagar Palika under the SAKALA Services Act. These are -

1. Birth certificate
2. Death certificate
3. Trade licence
4. Building licence.

At the main building, only two services are provided, birth certificate and death certificate while trade licence and building licence are provided at the new building counter. At the computer centre of the Nagar Palika, there was a counter where applications were received and services were given. At the counter, there was one pamphlet where all services were mentioned. Further, in the Jevargi Taluka office the banner of the SAKALA was in damaged condition and it was kept turned back, facing the wall, so that the people could not see them.





**Pic. 11. SAKALA Dispay Board at Jevargi Taluka office**

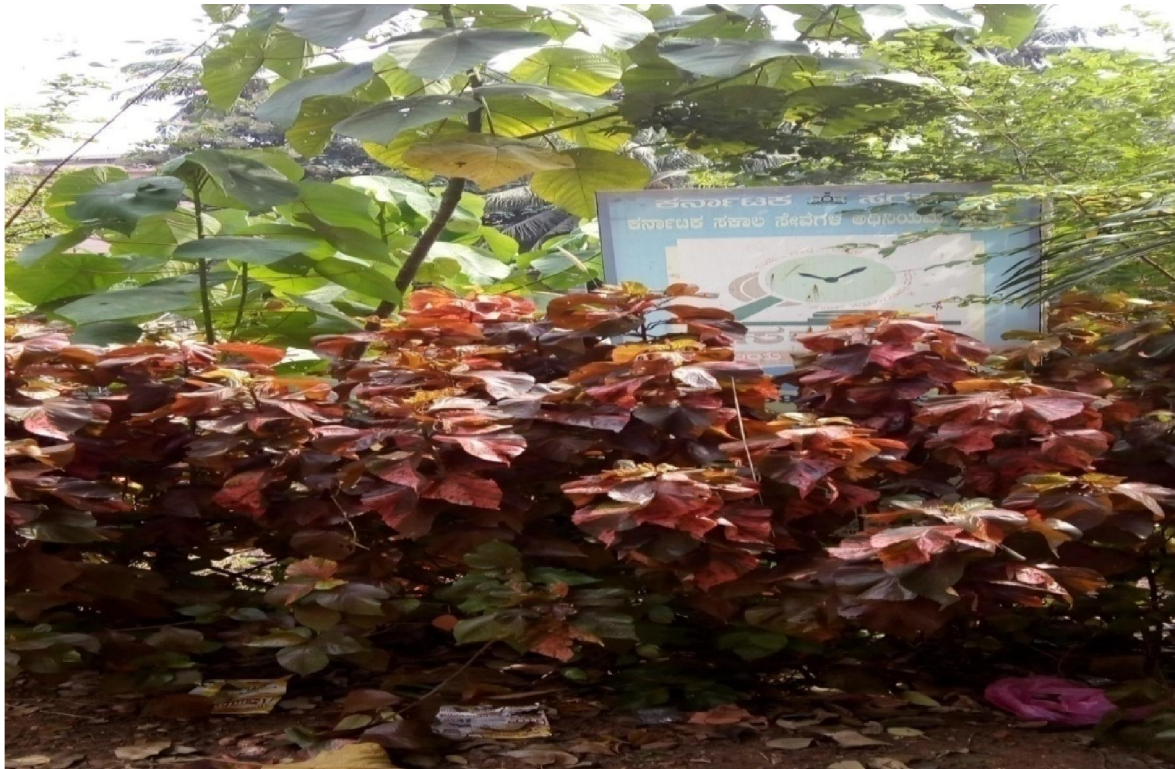
When research team asked about the counter, only one counter was operating because there was only one available operator. The operator further informed that there are middlemen very active at Taluka office, and officials find it very difficult to remove them. There is also maintenance problem with the systems even though the Deputy Commissioners office provides maintenance support but that takes weeks after the complaint has been made.

#### **2.5.4 DAKSHIN KANNADA**

The Dakshin Kannada is located 300 Km from the Bangalore State capital. The District headquarter and District court is located in Mangalore, one of the Taluka of Dakshina Kannada. The research team visited the following sites -

- Deputy Commissioner office
- Mangalore Taluka office
- Bantval Taluka office
- Belthangdi Taluka office
- Sullia Taluka office
- Puttur Taluka office

The Deputy Commissioner office was unreachable. At district headquarter, there is no SAKALA board of information available. In the compound, there is one small SAKALA Logo board, hidden inside the garden in front of DC office.



**Pic. 12. Condition of SAKALA Logo Board of DC office at Mangalore**

After reaching Mangalore, the researcher contacted Dakshin Kannada DIT. The DIT replied that SAKALA is working as it is mandated and there are no issues. However, when the research team inquired about the steps undertaken for ensuring timely delivery of services, the DIT gave vague replies. Also the DIT was asked that as per data available in the SAKALA website<sup>36</sup>, Dakshin Kannada seems to have very less number of appeals and cases where compensation has been awarded for period of 2012 to 31<sup>st</sup> November, 2017. The DIT had no reply but she assured that she will

<sup>36</sup>[http://kgsc.kar.nic.in/gsc\\_rpt/gsc\\_Reports/rpt\\_dlt\\_mnt\\_pency\\_lst.aspx](http://kgsc.kar.nic.in/gsc_rpt/gsc_Reports/rpt_dlt_mnt_pency_lst.aspx)

provide the necessary information after taking approval from the DC but she was unreachable afterwards.

The research team also visited some Taluka offices. The Mangalore Taluka office located in the main city, around 2 KM from the DC office appeared comparatively better than the other Taluka offices of the district. The Counters on the main entrance were systematically arranged and notices were well displayed on each counter. Further, there was also kiosk working in the Taluka office.



**Pic. 13. Mangalore Taluka office**

However, even at the Mangalore Taluka office also there was no SAKALA board. The research team interacted with the Tehsildar and he mentioned that SAKALA services are provided as per the Rule, there were no implementational issues with SAKALA services. When the research team asked about number of rejection of the application for service and appeals he replied that there is no need for filing appeal, as a matter of practice when applications are rejected they are sent to appellate authority automatically, hence no separate appeal. However, this information is vague because



the District has the lowest number of appeals during 2012 to 2017.<sup>37</sup> The research team visited few other Taluka Offices and there was either no SAKALA board or it was not displayed properly. In majority of these offices some of the counters were non-functional.



**Pic. 14. Bantaval Counter No board/ No information**

In the **Sullia Taluka office** in place of SAKALA board a white banner was placed over the board having information on property tax. The banner only mentioned about the services and number of days in which services may be provided. Other information's such as designated officer, appellate authority, and helpline/call centre number and how to track application status etc. was not mentioned.

<sup>37</sup> List of First Appeal of Dakshin Kannada till 8/12/2017, available on [http://kgsc.kar.nic.in/gsc\\_rpt/gsc\\_Reports/Appeal1.aspx](http://kgsc.kar.nic.in/gsc_rpt/gsc_Reports/Appeal1.aspx)



ಕ್ರ. ಸಂ.	ವರ್ಗ	ಪ್ರಮಾಣಪತ್ರಗಳ ಸಂಖ್ಯೆ
1	ಪೂರ್ವಭಾವಿ ಪ್ರಮಾಣಪತ್ರಗಳ ಹಂಚಿಕೆ	30
2	ಭೂ ಯೋಜನೆಯಡಿ ಪ್ರಮಾಣಪತ್ರಗಳ ಹಂಚಿಕೆ	120
3	ಪೂರ್ವಭಾವಿ ಪ್ರಮಾಣಪತ್ರಗಳ ಹಂಚಿಕೆ	15
4	ಪೂರ್ವಭಾವಿ ಪ್ರಮಾಣಪತ್ರಗಳ ಹಂಚಿಕೆ	07
5	ಪೂರ್ವಭಾವಿ ಪ್ರಮಾಣಪತ್ರಗಳ ಹಂಚಿಕೆ	07
6	ಪೂರ್ವಭಾವಿ ಪ್ರಮಾಣಪತ್ರಗಳ ಹಂಚಿಕೆ	07
7	ಪೂರ್ವಭಾವಿ ಪ್ರಮಾಣಪತ್ರಗಳ ಹಂಚಿಕೆ	07
8	ಪೂರ್ವಭಾವಿ ಪ್ರಮಾಣಪತ್ರಗಳ ಹಂಚಿಕೆ	07
9	ಪೂರ್ವಭಾವಿ ಪ್ರಮಾಣಪತ್ರಗಳ ಹಂಚಿಕೆ	30
10	ಪೂರ್ವಭಾವಿ ಪ್ರಮಾಣಪತ್ರಗಳ ಹಂಚಿಕೆ	21
11	ಪೂರ್ವಭಾವಿ ಪ್ರಮಾಣಪತ್ರಗಳ ಹಂಚಿಕೆ	21
12	ಪೂರ್ವಭಾವಿ ಪ್ರಮಾಣಪತ್ರಗಳ ಹಂಚಿಕೆ	07
13	ಪೂರ್ವಭಾವಿ ಪ್ರಮಾಣಪತ್ರಗಳ ಹಂಚಿಕೆ	07
14	ಪೂರ್ವಭಾವಿ ಪ್ರಮಾಣಪತ್ರಗಳ ಹಂಚಿಕೆ	07
15	ಪೂರ್ವಭಾವಿ ಪ್ರಮಾಣಪತ್ರಗಳ ಹಂಚಿಕೆ	07
16	ಪೂರ್ವಭಾವಿ ಪ್ರಮಾಣಪತ್ರಗಳ ಹಂಚಿಕೆ	07
17	ಪೂರ್ವಭಾವಿ ಪ್ರಮಾಣಪತ್ರಗಳ ಹಂಚಿಕೆ	07
18	ಪೂರ್ವಭಾವಿ ಪ್ರಮಾಣಪತ್ರಗಳ ಹಂಚಿಕೆ	07

**Pic. 15. Property Tax and SAKAL boards at the main entrance of the Sullia Taluka office**

The officials in the Taluka offices were either ignorant or reluctant to share information about SAKALA implementation. Some basic problems were highlighted. One issue was frequent and long failure of power supply hampering the work. Although there is an alternative arrangement of inverter, but it is not very helpful because the battery doesn't survive for such long hours. In course of further conversation, the officials mentioned that the DIT who is deployed to resolve the technical issue of SAKALA and facilitate applicant is generally not available. The DIT does not visit Taluka offices on regular basis. There is no awareness among citizens that a person is available to facilitate their application and appeal process. Although the role of DIT is crucial in effective implementation of SAKALA but usually they are deployed for other purpose by the District administration.

It also important to note that as on 31<sup>st</sup> November, 2017, monthly report published by SAKALA Mission Dakshin Kannada figures 30<sup>38</sup> among all districts in overall

<sup>38</sup> SAKALA monthly report November 2017, available on [http://www.sakala.kar.nic.in/sakala\\_monthly\\_report/2017/November%202017%20\[ENG\].pdf](http://www.sakala.kar.nic.in/sakala_monthly_report/2017/November%202017%20[ENG].pdf)

performance. But after repeated inquiry with multiple officials at district administration no information is available about whether it has adopted any specific measures for improving its performance.

## **2.6 CITIZEN SATISFACTION SURVEY ON IMPLEMENTATION OF KARNATAKA SAKALA SERVICES ACT**

The questionnaire based empirical study was conducted in Bangalore and Kalaburagi Districts as these two districts are representative of urban and rural Karnataka. The survey was conducted for evaluating citizen's experience in availing public services after the enactment of the Karnataka SAKALA Services Act based on a pre-tested questionnaire in Kanada language. The questionnaire was circulated to total 300 respondents who were found in the premise of the offices during the field visit. The average age of the participants ranged from 16 years to 50 years. One major limitation of the data collected was respondents (primarily from rural and backward regions) reluctance to answer questionnaire satisfactorily. The data collected was analyzed and is presented below.

1. General Profile of the Respondents:

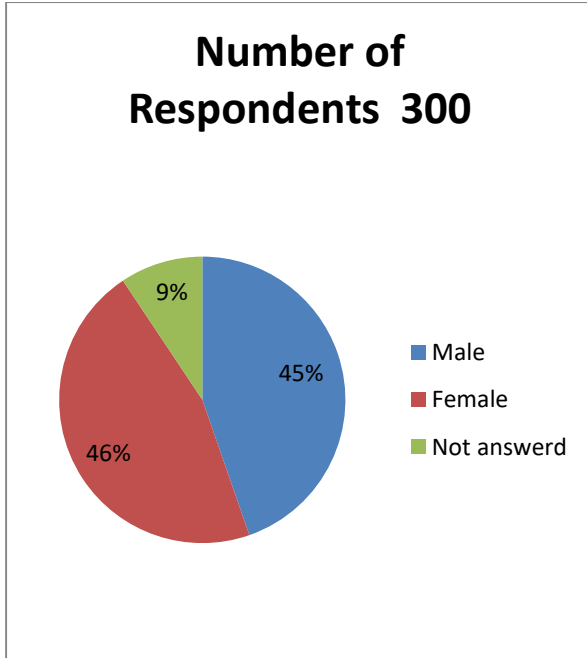


Fig.2 Gender representation

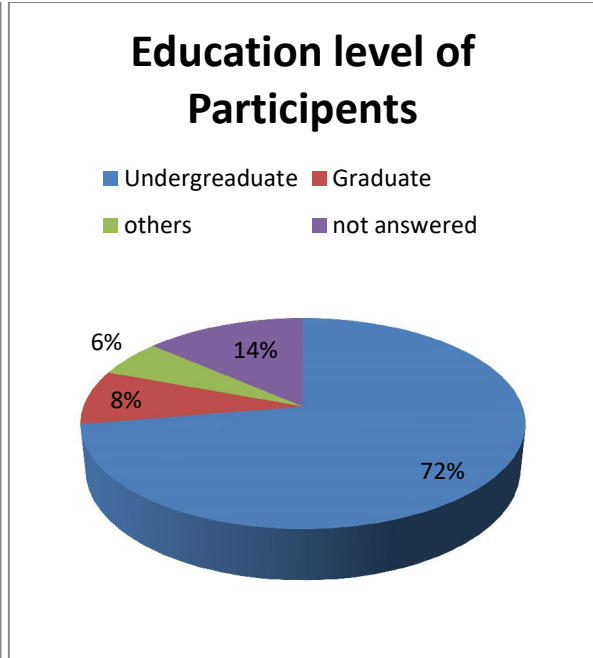


Fig.3. Educational qualification

**2. Sakala and Technology: Accessibility of the citizens.** The SAKALA Services Act emphasizes increased use of technology.

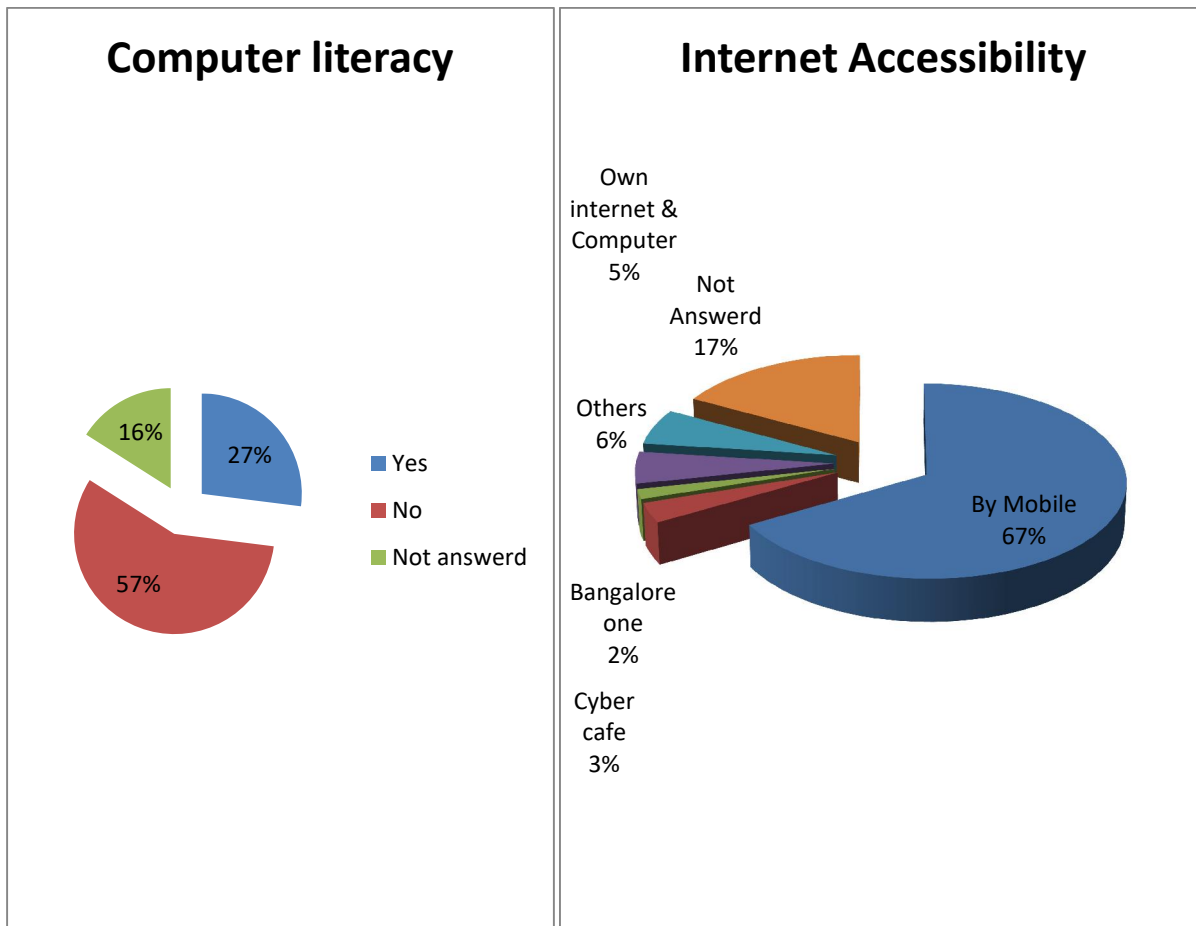


Fig.4. Level of Computer literacy

Fig.5. Internet Accessibility

But lack of effective computer literacy is a major challenge. Majority of the rural population had very little experiences with computers and internet. 57% of the respondents did not have the requisite computer knowledge to access basic services through online portals. Merely 27 % of the respondents who were largely from Bangalore had necessary computer knowledge and skills to access the Sakala services. Also the data revealed that only 5% of the respondents had computer and internet connectivity in their homes and very few had used internet facilities at the cyber cafe or Bangalore One centres. The majority of the respondents i.e. 67% uses their smart

mobile phones to access internet. Hence it is important to develop citizen friendly mobile apps for accessing the Sakala system.

### 3. Mode of availing public services

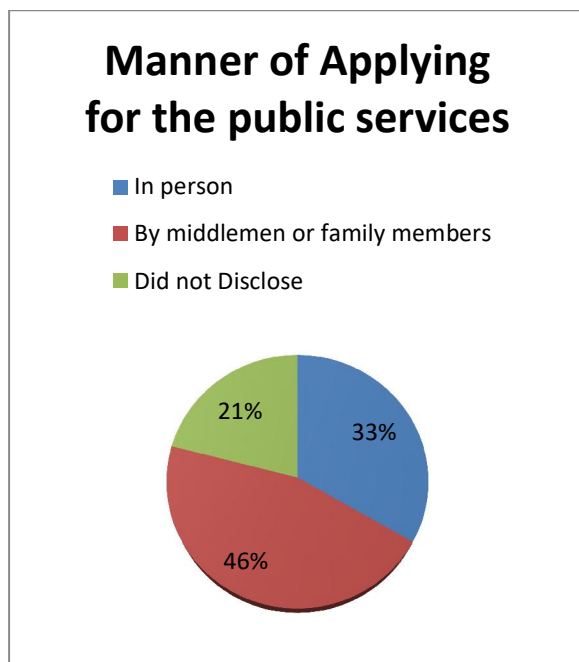


Fig.6. Manner of Application

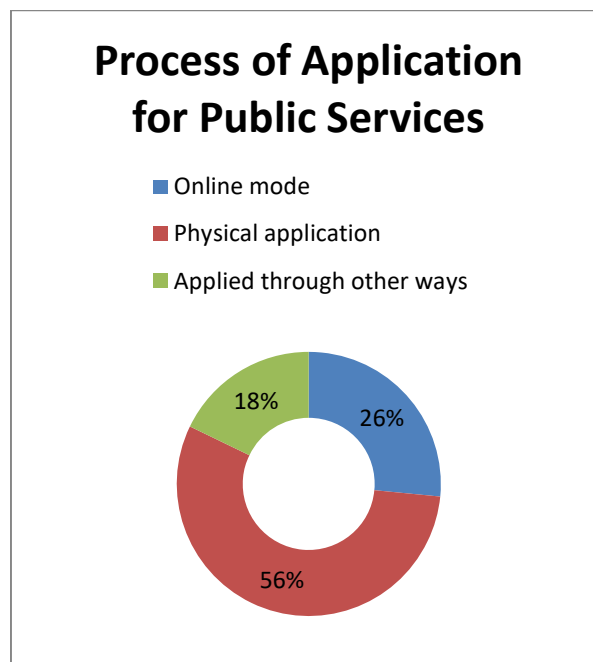


Fig.7. Process of Application

Under the SAKALA services there are two processes for applying services - Online (through internet) and Offline (physically visit offices). The SAKALA Act is aimed to ease citizen's manner and process of availing public services by increased use of technology interface and convenience centres. A large number of essential services like khata certificate, caste certificate, income certificate etc. were included in the SAKALA system. But the survey data reveals that 33% respondents are still personally visiting the government departments and offices to avail the services. 46% of respondents claimed to have used the help of other family members as well as middlemen in applying for those services. Further 21% of the respondents had not disclosed the manner in which the services were applied for. As per the survey 56% of the respondents physically went

to the government office for making application while only 26% of respondents used the online process of submission of applications. Only 18% of respondents availed other modes of application.

**4. Actual and Timely delivery of public services**

Among all the respondents 37% of the respondents didn't received the service applied for.

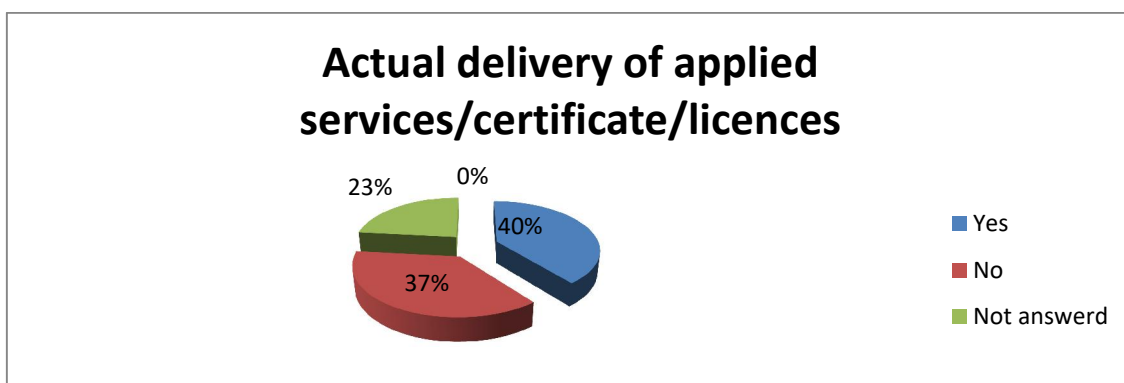


Fig. 8 Actual Delivery of Service

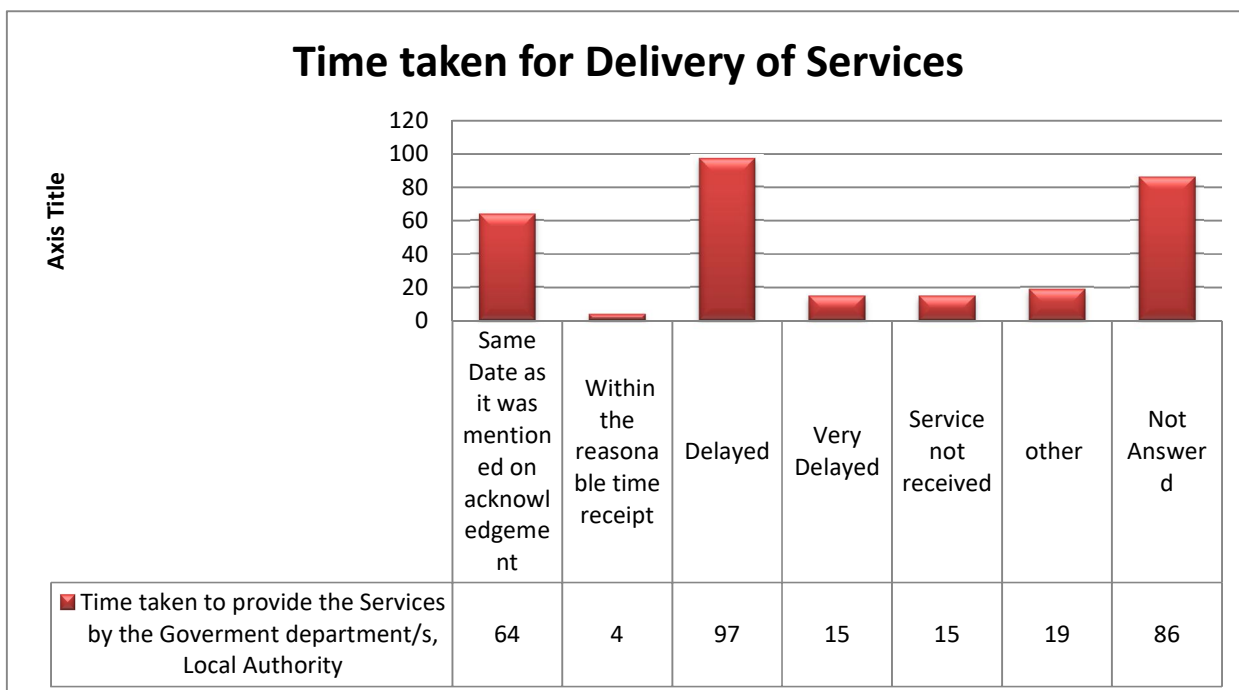


Fig.9. Time taken for Delivery of Services

Out of the total respondents all of whom have applied for some specified SAKALA service from the government departments or local authority, only 63% of the respondents' application were approved for delivery of the specified services. Out of this 63% only 21% of the respondents reported that they have received the services as per the time period stipulated in the GSC receipt. 1% respondents reported that they received the services not within the statutory time period but within a reasonable time, which ranged from 2 days to 7 days. 5% of the respondents reported to have received after significant period of delay. Another 5% of the respondents reported to have never received the services. 29% of the respondents didn't report back on actual delivery of service.

### 5. Challenges faced in the delivery of services

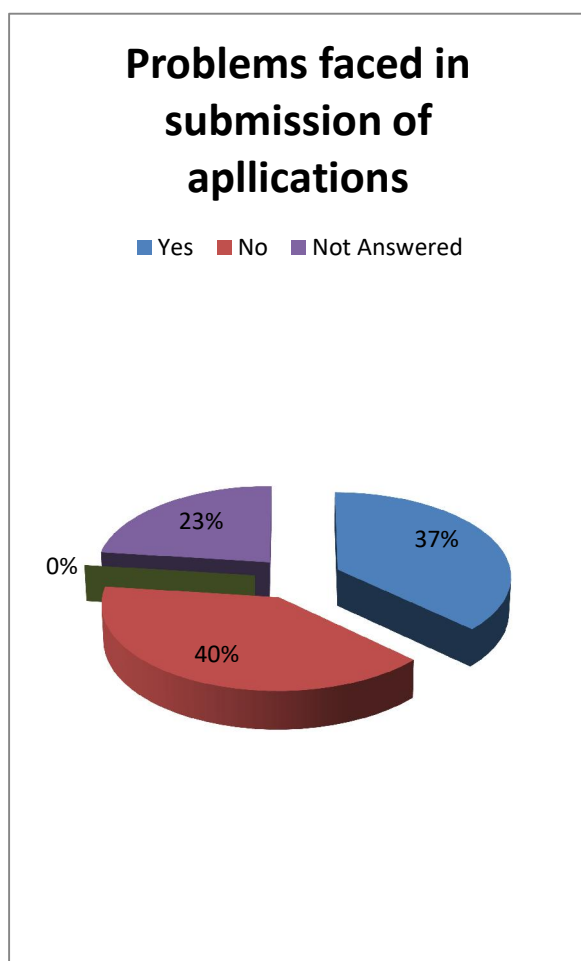


Fig.10. Submission of applications

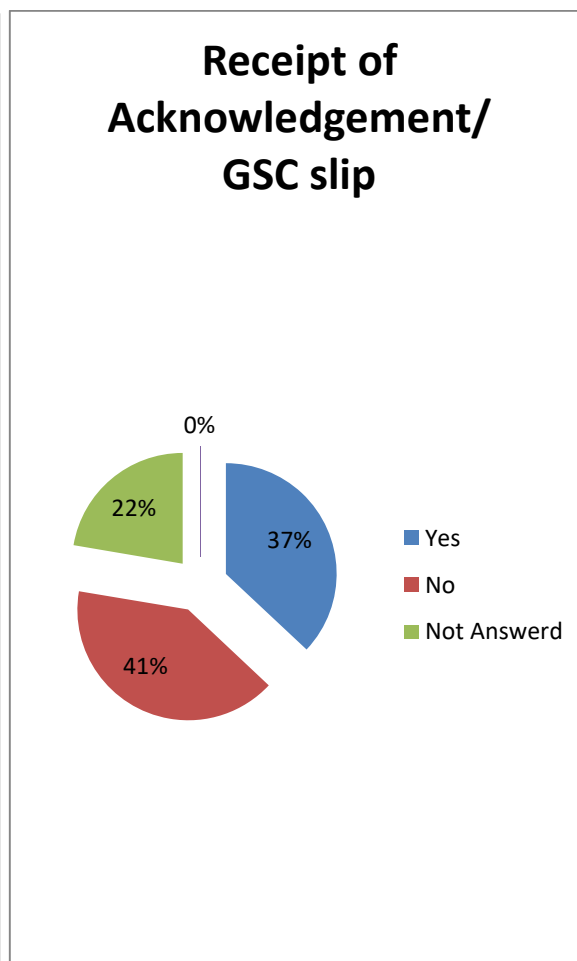


Fig. 11 Receipt of GSC slip

37% of the respondent said that they faced problem while applying for the services. 40% of the respondent stated that they did not face any problem. However, 20% of the respondents did not respond to this question. Further, 41% of the respondents claimed that they have not received any GSC slip. 37% said that they had received the GSC slip. One of the primary reasons for non-receiving of GSC slip is due to general lack of awareness among the public about the working of SAKALA. Some of the respondents were not even aware about the nature and purpose of GSC slip.

## 6. Reasons for Denial

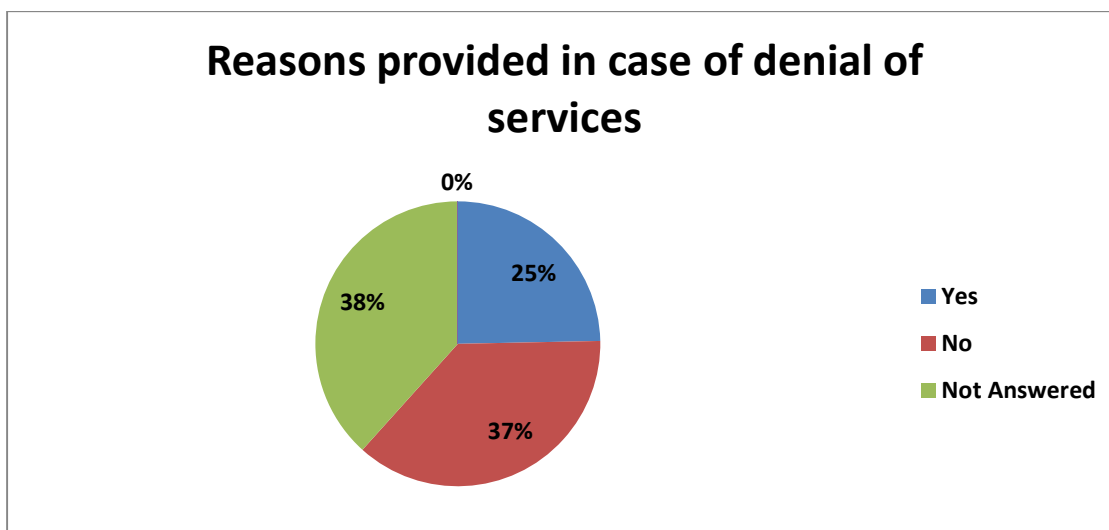


Fig.12. Reasons of denial provided

In case of the denial of the application for the services merely 25 % of the respondents said that they received the specific ground for denial of services, while 37% of respondents said that they were not informed about the ground for denial. Many of the respondents were not satisfied with the reason given as they often specified unjustified reason. 35 % of the respondents did not answer the question as they may not be aware about the statutory requirement of providing the reasons.



## 7. Follow up actions

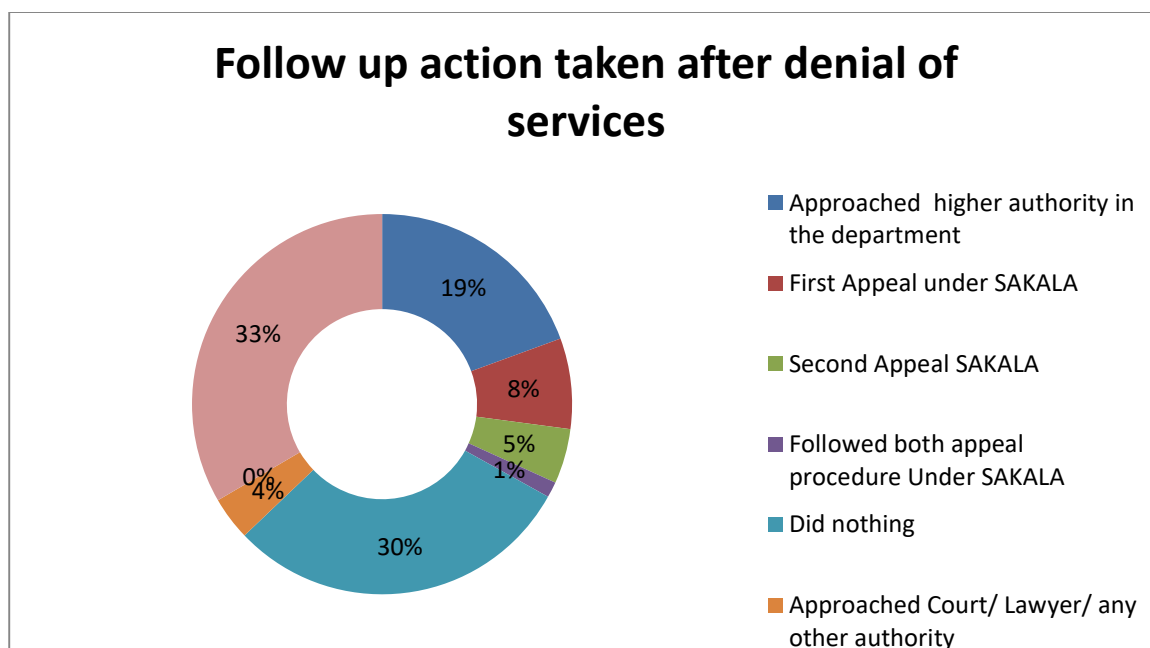


Fig.13. Follow up action taken after denial of services

19% of the respondents claimed to have approached higher authorities for pursuing their applications. Mere 8% of the respondents had filed formal appeal against the decision of the designated officer and only 5% went for further second appeal. Only 1% of the applicants had followed both procedures of appeal. The percentage of the respondents who chose not to do anything after the denial of the services was 30%. About 4% of the respondents had sought the advice of Lawyers and judicial processes for getting desired services and another 4% had approached other means for pursuing their applications.

## 8. Appellate procedures under Sakala and their effectiveness

33% of the respondents stated that they had received the services after meeting the higher officials and their complaints were heard by the officials. Around 37% respondents claimed that approaching the higher officials were not satisfactory. A large number of the citizens instead of choosing the appeal process prefer to either

directly meet the officials for getting their work done or procure documents through alternative procedures such as middle men and *dala*.

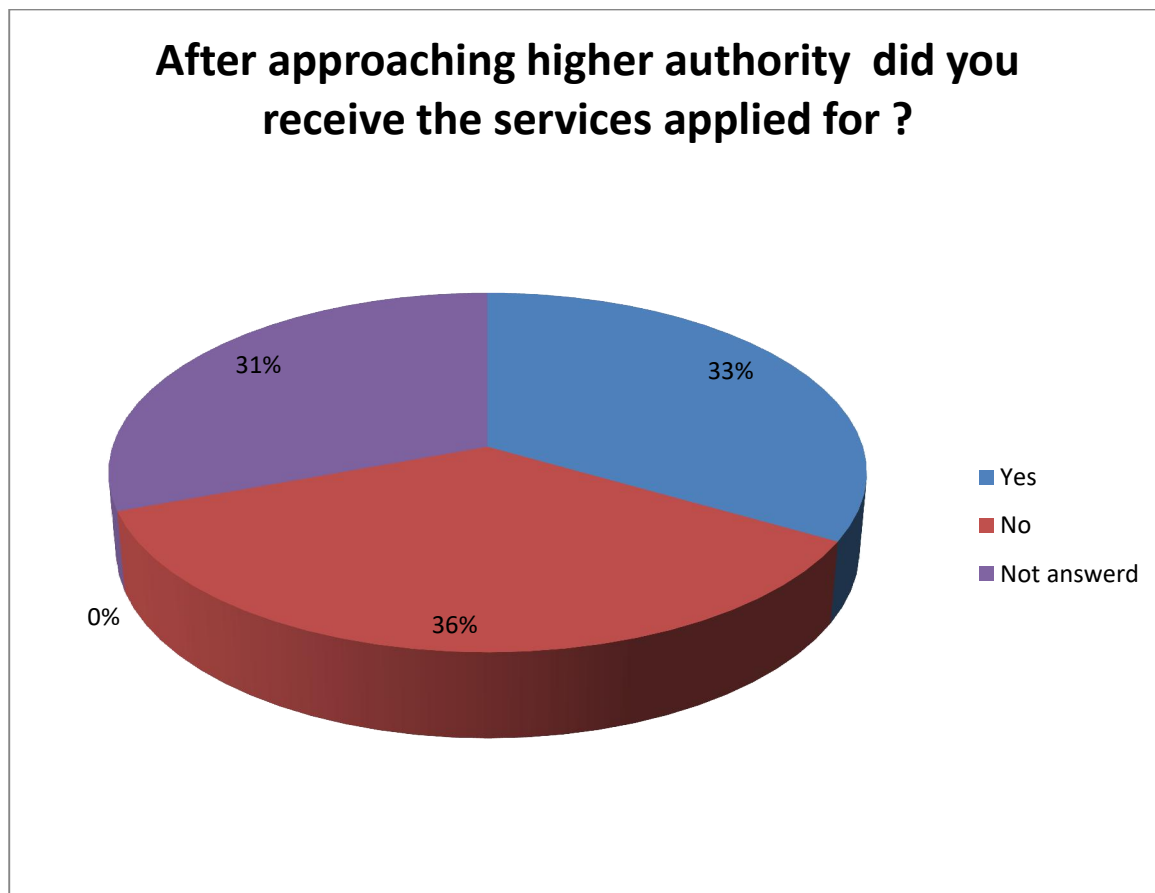


Fig.14. Appellate procedure under Sakala

## 9. Awareness about SAKALA, SAKALA Helpline Number and SAKALA Symbol

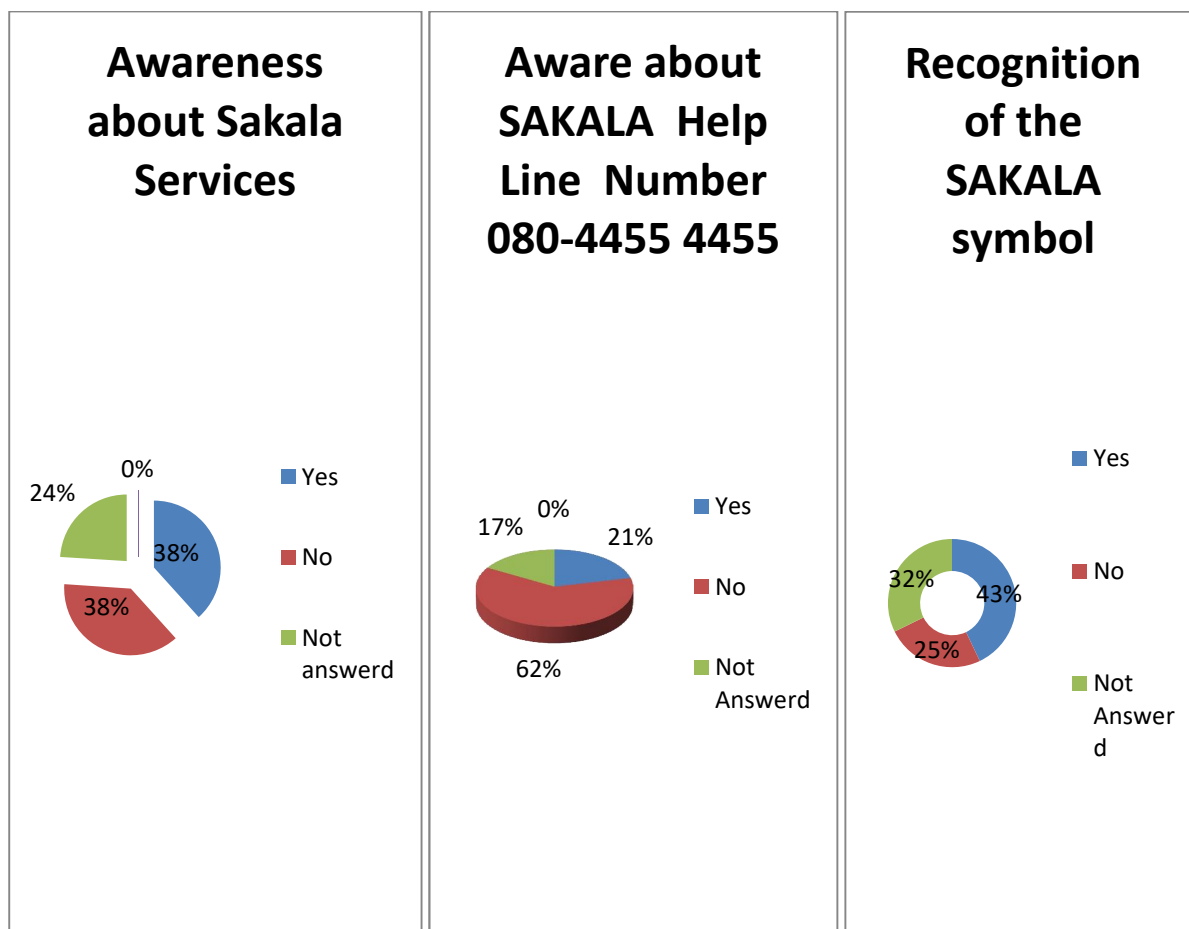


Fig. 15

Fig. 16

Fig. 17

As per the survey only 38% of the respondent said that they knew about the Sakala and the process under Sakala. While 38% said that they have not heard the Sakala or they do know about the Sakala. Responding to question on awareness about SALALA helpline 62% of respondents answered negatively. Only 21% of the respondents were about Sakala helpline. This clearly indicated that the Sakala over a period of time has lost its connectivity with the citizens. Among the respondents only 6% claimed to have called the SAKALA call-centre, while the majority had not used this facility. Further Only 43% of the respondents could recognize the SAKALA symbol, while 25% said that they have not seen or recognised this symbol and 32% did not responded to this question. This implies that almost 57% of the respondents were not familiar with SAKALA symbol.

### 10. Over-all satisfaction with SAKALA Services in promoting citizen centric administration

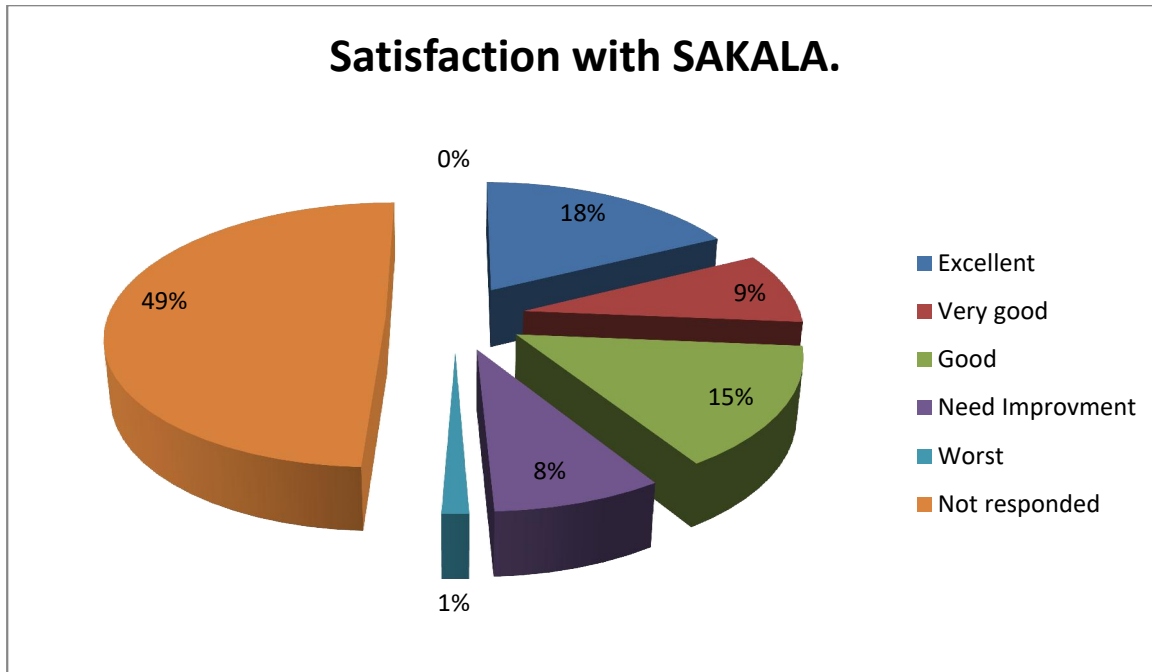


Fig. 18. Satisfied with Sakala Services

Among the respondents 42 % of the respondents claimed overall satisfaction with - 18% rating it excellent, 9% - very good and 15% - good. But the majority 58% of the respondents were not satisfied with SAKALA.

## 2.7 CASE STUDY

**Name of Respondent:** Ravi Gurung  
**Father Name:** Tam Bahadur Gurung  
**Address:** Humnabad, Ring Road,  
Near T.V Station Quarters,  
Ram Nagar, Kalaburagi

**Document/ services applied for :** Caste and Income certificate  
**Office applied from service:** NADA Kacheri

**Issues** - Non-issuance of Caste Certificate from NADA Kacheri

**Reason for denial** - As stated in the rejection letter

1. Revenue inspector has not provided details (As per rejection letter dated 02/08/2017)
2. No family documents are provided (As per rejection letter dated 27/08/2017)

#### **Fact of the Case-**

The name of the respondent is Ravi Gurung S/o Tam Bahadur Gurung resident of the Gulbarga. The respondent is living in Gulbarga since last 35 years. He has completed his entire education from Gulbarga. He needed caste and income certificates for the purpose of applying for a government job. He applied for both certificate at NADA Kacheri Gulbarga, where he got the income certificate but was denied the caste certificate. When he applied for caste certificate the operator by seeing his application told him that he will not get caste certificate as that type of caste certificate has not been issued for anyone, but when applicant insisted, operator accepted an application for caste certificate. The respondent also told us that there is no board or information at NADA Kacheri about SAKALA and no one there provides any information about any process of application. When the respondent application was accepted and it was fed into the system, the applicant did not receive any SMS from the system as is provided in the SAKALA information

brochure and SAKALA website. However, operator upon receiving application provided a receipt of the application.

The applicant checked the status of the application and approached the NADA Kacheri Tahsildar and requested to process his application. He visited NADA kacheri two days before the last date of expected date of service delivery time the application. When respondent requested that "sir, please process the application" and also showed the documents, the Tahsildar (as per the respondent) replied that till now his office has not issued that type of the caste certificate and he will not issue the certificate. When respondent insisted for processing the application, the Tahsildar instructed him to bring his application form. The Tahsildar looked at the application and informed him that he will not be processing his application. In spite of several requests made and presenting all the necessary documents before the Tahsildar, the Tahsildar refused to provide the service required and categorically ruled that he would not be issuing the certificate. After the due date, the rejection letter was issued and the reason for rejection was "Revenue inspector has not provided details".

Upon the rejection, the respondent approached his friend who works in the DC office, narrated his problem and asked that what he should do. The respondent friend enquired about the status and spoke with the officials at NADA Kacheri. When the researcher asked whether the respondent knew that there was one DIT (district IT consultant) who may help him regarding his appeal process, the respondent had replied that he did not know about DIT and nor about the grievance redressal procedure under SAKALA. Respondent further stated that most of the people don't know about Sakala because no information is available at the various government offices. When the researcher enquired about how the Revenue Department after accepting the application and issuing receipt of the same could have issued a rejection letter stating that the application had not been received, the respondent stated that on majority occasions officials did not state the genuine reason for denial of application. The respondent further stated corruption was rampant at the NADA Kacheri office. Even though the application fee for the caste certificate is Rs.10 but the window operator would ask for Rs. 20, and in this way the officials would generate thousands of rupees as bribe.

The respondent with the help of his friend, who was working at the DC office, called upon the Tahsildar at NADA Kacheri and enquired about the application. The tahsildar then had asked the respondent to visit his office and submit a new application form, without payment of application fee. After submission of the second application, respondent met with the Tahsildar, who then asked him to meet the Revenue Inspector and the village accountant, and get his documents personally verified by those officials. The respondent was further instructed to include his school transcript and *Punchnama* from the village accountant. Under the Sakala procedures once an application is filed, it is the responsibility of the department to verify all the documents and take a decision. The specific demand to meet the Revenue Inspector and village accountant personally by the respondent is an indirect way of telling him that he need to pay bribe to these officials for verification of the documents. If the government department or officials want any clarification on documents, they should intimate the applicant and ask him to come to the office with all the original documents for verification. Further, during the verification process, the respondent was repeatedly harassed by the officials who called him to the office several times on different pretexts. In spite of all these, the second application was also rejected and the same was conveyed by the village accountant verbally. The respondent again approached Tahsildar at NADA Kacheri to know about the exact reason for rejection, but no answer was provided by the Tahsildar. The respondent had then filed 3 RTI applications regarding information about the status of his certificate application to the NADA Kacheri. When the officials realized that the respondent is likely to take up the issue with media and higher officials through the RTI applications, the Tahsildar called upon the respondent and asked him to make a third new application for the same services. The application form was already filled up by the officials and the respondent was compelled to sign on the third application form. The respondent was threatened by the tahsildar that if refused to sign the new application, then he would never be issued the caste certificate. Finally, thereafter the caste certificate was issued to the respondent on the 6th day of making the third application.

## 2.8 CHAPTER FINDINGS

- I. The State of Karnataka in compliance with Vision Statement framed the Karnataka State Litigation Policy. The aim of the Karnataka State Litigation Policy is to create an efficient and responsible state as a 'litigant'. The aims of the litigation policy are to change the attitude of the government official by laying down the guidelines and ensuring that the practice of always letting the court decide is dissuaded in most cases.
- II. The Karnataka Guarantee of Services to Citizens Act, 2011, also known as SAKALA Act, is a key legislation in State of Karnataka which guarantee services in time bound manner. Under the SAKALA Act 729 services are being provided by the different departments of the State Government. The SAKALA Mission, the monitoring body of SAKALA implementation has been created to monitor implementation of the time bound delivery of services which have been included in the SAKALA Act. However, SAKALA Mission has no authority to punish or impose penalty on defaulting officials. The mission can only monitor, recommend suggestions and provide training to the departments which have been included under the SAKALA Act. It does not have the power to hear any grievances from the citizens as the power of grievance redressal is provided to the specific government departments under the statute.
- III. The Karnataka SAKALA Services Act was enacted to ensure timely delivery of government services. But a study of the working of the SAKALA Mission, which has been created for the purpose of implementation of the statute, clearly indicates that the mission is faced with structural and infrastructural limitation which is hindering their effective working.
- IV. At present there is no exclusive Mission Director appointed for the SAKALA Mission. In the absence of appointment of exclusive Mission Director, the Secretary of the Department of Personal And Reforms is entrusted with the



responsibility of the Mission Director of the SAKALA Mission, hence in addition to his works in the DPAR he is required to perform the functions of the SAKALA mission. According to the citizens group the working commitment towards the implementation of SAKALA tends to become secondary in nature in the absence of a dedicated Mission Director. In addition the SAKALA Mission is dependent on contractual and out-sourced employees for planning and execution.

- V. At the Mission Directorate the State IT consultant and State Management Consultant post is contractual in nature. These two posts are crucial for monitoring the SAKALA implementation and resolving IT issues such as monitoring, managing and solving IT related problems. The post involves high level of technical skills, but at present these two posts are vacant.
- VI. The backbone of the SAKALA mission is district representatives. These district representatives are contractual and have no statutory position or power to instruct or to direct defaulting officers in the departments. The SAKALA district officers are only empowered to report to the Deputy Commissioner in case of anything going wrong. But the Deputy Commissioners are pre-occupied with other administrative works so it is not possible to see report on day today basis. During One day Consultation cum Workshop programme most of the SAKALA district representatives expressed that it would be better if there was an officer appointed exclusively as reporting officer who could meet regularly and study reports and take necessary actions on the basis of the report.
- VII. The DIT (District IT consultant of SAKALA) working as a bridge between District administration and SAKALA Mission. The DIT submit their day to day basis SAKALA report to the District Nodal office and also report to the SAKALA mission if there are any issues relating to services delivery, technical error and non-compliance by the departments. However, DIT despite being crucial for services delivery under SAKALA and SAKALA success depend on their pro-activeness, often deployed for other works that are not related to

their skill or job responsibility. For Example, Dakshin Kannada DIT was deployed for crops survey.

- VIII. The SAKALA Display Board is not maintained. According to Rule 2, all offices under SAKALA have to compulsorily provide display board containing all necessary information. However it seems that most of the offices are not willing to comply. The research team in its field visit in the district offices has observed consistently that there is no SAKALA board or any other information board in most of the offices. In some places SAKALA board didn't specify the necessary information e.g. application process, necessary documents, and appellate authority etc. The absence of the SAKALA board in offices amounts to concealing information and violation of the SAKALA Rule.
- IX. Although SAKALA Services Act promises a robust mechanism to ensure timely delivery but very little of that has translated actually in practice. The Act requires timely delivery of public service and give reasons for its failure. But applications are not disposed within the prescribed time. The SAKALA Commission official report claims that more than 95% of applications of citizens for services have been disposed, but whether all of them are disposed within the timeframe, is not mentioned. Also the research team calculated that number of application received, and the number of applications where service have been provided, and result was only in 60 to 65% cases the applicants have got the actual services for which they had applied for. It is undeniable that SAKALA is the best model till now for delivering public services but SAKALA needs to be improved for achieving realistic success.
- X. There are offices which do not receive application under the SAKALA despite the fact that some services from these offices are notified under the SAKALA. The offices which do not receive applications under SAKALA includes Fisheries department, Youth Department, Forest department, Ayush Department, Drug control department, Gulbarga University, Karnataka Housing Board, Labour Department, and Fire Services Department etc. This information was also communicated to the SAKALA mission through the

official procedures however, no steps have been taken by the Mission to make sure that those departments accept applications under the SAKALA and provides services as per the SAKALA Rules.

- XI. Further study observed that Stamps and Registration Department do not comply with the rules at all, when we asked about display board the officials told that they do not give any services under the SAKALA thus there was no board. But in reality there are eight notified services which are provided by the Stamps and Registration Department. Also as stated earlier in the Traffic Department the information board was not updated while in the Police station we did not find any SAKALA board on public display.
- XII. The SAKALA aims to facilitate citizen to avail services, certificate within the statutory period and in case of denial of service, and the reason for denial in writing. The reason for rejection is for the rejecting applications (on endorsement). The sole purpose of making such provision was to discourage arbitrary decision making, from the government officials. Even though SAKALA legislation has not mentioned what could be ground for the rejection of the applications, but it is presumed that legislation intended that, applications must be rejected on the reasonable and legal ground not arbitrarily. However, when it comes to actual practice the government's officials are still acting arbitrarily. Because SAKALA Act does not lay down criteria or parameter which may be followed the research team observed rejection grounds, as mentions on rejection letter (endorsement) "Revenue inspector has not provided details", in many rejections letters, that cannot be justified. Further, it was also observed that in some cases the revenue inspectors and other officials hold application till last day and on last day they send files to the certificate issuing authority under these circumstances most of the applications get rejected by the issuing authority.
- XIII. It seems that departments and officials are not ready to change their working culture which is reflected from the Appeal and pendency of appeals. There

are still 699 appeals<sup>39</sup> pending and among 699 appeals, 380 appeals applications are pending since 2016 or before. If we see the appeal list, there are appeal applications which are pending since 2012 means from the inception of the SAKALA services. The current situation raises serious questions about the SAKALA Mission and respective Departments, mostly Revenue Department where most of the appeals are pending. Further, it seems that the stipulated period applies to only new applications not to the appeals under the SAKALA otherwise this situation may not have risen.

- XIV. Long electricity disconnection is a major problem in Raichur District SAKALA offices. The Assistant Tehsildar of these taluka specifically mentioned to the research team that there is electricity issue in this area and sometimes due to lack of electricity they are not able to receive application because if they receive applications, applications need to feed into the system/ computer. Even there are the power backup systems but some time power backup also fails due to less number of batteries. The maintenance and up-gradation of the computers system and printers are poor in rural area offices. The Sullia, Afzalpur, Puttur, Lingasugur and Manvi Taluka, Assistant Tehsildar (SAKALA-in charge) specifically mentioned that there are issues related to system maintenance, the requirement of the additional system, electricity or power backup. The sole success of SAKALA implementations is dependent on the IT system but necessary infrastructure is lacking and whatever systems are available do not get proper maintenance.
- XV. The application under the SAKALA are accepted and entered in to the online system so that information relating to the application can be tracked and GCS slip can be generated. However, if SAKALA server is not working or the software cannot be worked on then the application cannot be entered into the system and as a consequence many times the GSC slip is not issued. If GSC slip is not issued than the whole purpose of SAKALA can fail because if GSC slip is not issued the applicant will have no receipt whereby they can demand that the application be processed within a certain period of time. Secondly, it

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<sup>39</sup> Please see pending appeals status, available on [http://kgsc.kar.nic.in/gsc\\_rpt/gsc\\_Reports/Appeal1.aspx](http://kgsc.kar.nic.in/gsc_rpt/gsc_Reports/Appeal1.aspx) , last access on 15/12/2017.

would be hard to check the status of application and thirdly if the application is disposed on the ground of service denied, then the reason of the same may not be reflected in the system.

- XVI. In addition to Sakala, there are other e-platforms such as Bhoomi and CSCs which are delivering various government services to the citizens. The success of all these platforms is dependent upon proper convergence of information between these IT platforms. For submission of an application it is necessary that all technical facilities of the various platforms are properly working, if any one of the platforms are not working, the application cannot be processed. Mr Rajiv Chawla, SAKALA Mission Director had also made similar observation and had stated that "IT interface for all government services to ensure there is a framework to receive applications, which was the biggest hurdle"<sup>40</sup>. Hopefully future technological development will resolve the interface problems.
- XVII. The main objective of SAKAL Act was to facilitate timely delivery of services to citizens by enabling information technology system. The operators are employed for the purpose of receiving application and feeding them in to system and giving receipt or GSC slips to the applicant. In most of the cases these operator are not government employee but outsourced people. Usually the program implementing departments engage a private contractor or a human resource agency for supplying personnel or consultants as per the requirement of the department. But these IT consultants informed the research team that they don't receive their salaries regularly and sometime it is given after 4 to 6 months delay. The irregularities in distribution of salary affects the working of the District Consultants and also their travel allowance are often not reimbursed which affects their movement and coordination among the various departments and SAKALA office. Also a part of their salary is deducted by the private contractor or human resource agency as payment of facilitation money. This scenario may increase a tendency among the IT consultants to accept bribe or engage in corrupt practices

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<sup>40</sup> : <https://www.deccanherald.com/news/new-look-sakala-go-digital-681931.html>

- XVIII. During the field visit, the research team accessed some official communication from the Districts Administration and DIT, which prove that SAKALA mission is not taking any steps for resolving the issue which has been requested by the district's administration and DIT. There have been reports that some of the departments are not accepting applications under SAKALA and same has been communicated to the SAKALA mission. Further, despite being monitoring agency SAKALA mission has not come up with the plan as regards how appeals can be resolved within the short period or within the stipulated period. If this issue has not been resolved, it may create huge arrears of appeal like in the judiciary. If pending applications are not disposed of, it may lead to litigations where one of the litigants will be the government. It seems that SAKALA mission is not conducting inspections in the respective districts and departments. There are many offices that do not display SAKALA board or provide any information to the applicants relating to SAKALA, procedure established by the SAKALA and procedure of Appeals. There is no monitoring of the rejected applications, reason for rejection, appeal rejection ground. If reasons for rejections are monitored and whenever it is found that ground for rejection given of the rejection letters are unreasonable, unjustified and baseless, disciplinary action may be taken by the respective department or SAKALA mission.
- XIX. The SAKALA Act aimed to remove corruption and enhance accountability in delivery of public services. The increased use of technology was desired as means to fulfil this end. But in reality the presence of middle-men has not been completely removed. During the field visit the research team spotted presence of these middle-men quite actively in majority of Taluka office premises. These *dalaal* or middle-men claimed that they will facilitate citizens to get their desired services without following the normal procedure, by paying commission or facilitation money. Sometimes they also threat the operators if they do not cooperate or facilitate in receiving the application.

- XX. The coordination between SAKALA mission and other departments is lacking. The respective department's officials are not aware necessary change. The number of services by the respective departments has been increased and included under SAKALA but local offices are not aware of the change thus they are not giving even notified services under SAKALA. For example, RTO office Gulbarga, Taluka Panchayat office, Stamp and Registration department Devdurga and Gulburga not aware of number of services which should be provided by their office. Further, in case of Stamp and Registration department, even services have been notified under SAKALA but officials order from the Inspector General of Stamp and Registration has not been issued to regional and districts offices.
- XXI. Citizens' satisfaction of SAKALA: More than half of the citizens who has applied for public services under SAKALA are largely ignorant about majority of the processes and benefits of SAKALA and are also equally dissatisfied. About one-third of SAKALA users are only satisfied about the SAKALA system. The success of the SAKALA Services Act is largely dependent on technology. Efforts are being made to make online availability of majority of the services. But the success can be achieved when the citizens are aware about the basics of information based technologies so that they will be independently able to access the services by using the ICT. In the absence of computer literacy the ordinary people will be dependent on middlemen and computer operators for availing their entitled services. Even to avail online services in many government office e.g. revenue department the applicant needs to visit Tehsil office or Nada Kacheri for submitting the application form and other documents, which afterward the government computer operator feeds into the online system. As per the survey almost half of the citizens are still required to physically approach to the government office for submitting their applications. Also citizens still face several problems while submitting application. Some of the problems faced by the citizens involve misbehaviour of the officials, refusal to accept applications, demand for bribery, lack of information relating to relevant documents and appellate mechanisms, non-functioning of the system due to electricity problems and presence of

middlemen or *dalals*. Further in rural areas citizens are scared to make complaint against government officials due to fear of retaliatory actions. The awareness about SAKALA among common citizens is very poor. Very few people know about SAKALA helpline, call-centres or even SAKALA Symbol. There could be one reason why most of people don't know about SAKALA is that SAKALA awareness programme was stopped long before and the hoarding boards were also not there in most of the offices. The failure of the state administration and SAKALA Mission is glaring in this regard.



# III. IMPLEMENTATION OF THE KARNATAKA STATE LITIGATION POLICY

- 3.1. Prelude
- 3.2. National Litigation Policy
- 3.3. Karnataka State Litigation Policy
- 3.4. Government Litigation – Analysis
- 3.5. Factors causing delay in Government Litigation
- 3.6. Chapter Findings

## 3.1 PRELUDE

Government regarded to be the biggest contributor to litigation in India. Approximately 46 percent of the total pending cases in courts pertain to the government. This attitude of the Government was repeatedly criticised by the Supreme Court and several reminders and concerns were raised by the Court in several of its leading cases. Some of these cases are *Dilbag Rai Jarry vs UOI*<sup>41</sup> and *State of Punjab vs Geeta Iron & Brass work Ltd.*<sup>42</sup> A similar opinion was reiterated again in 2003 by the Supreme Court in the matter of *Chief Conservator of Forests, Government of A.P vs. Collector*<sup>43</sup> after which the Central Government decided to formulate the National Litigation Policy which was followed by other States Governments as well.

Government litigation includes cases relating to Public Sector Undertakings and other autonomous bodies, service matters, disputes with private entities as well as

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<sup>41</sup> 1974 SCC (3) 554

<sup>42</sup> 1978 SCC (1) 68

<sup>43</sup> MANU/SC/0153/2003

inter-se disputes between two government departments and disputes between two PSUs.<sup>44</sup> There is also a problem with defining government litigation itself, whether cases which are pending in the courts can be alone referred to as litigation or does it include cases which are pending in the tribunals and quasi-judicial body, such as land dispute cases. In addition the Government and its various ministries have records of the number of cases pending in the courts and the status of those cases. Most of the departments do not maintain any record relating to cases pending before tribunals and other authorities.

### LITIGATION STATISTICS OF KARNATAKA

Karnataka judiciary consists of High Court and Subordinate Courts, including district and session courts and other lower courts for delivering justice in the State. According to the data available in the National Judicial Data total cases pending in Karnataka are 5089125 as on 24.12.2018.<sup>45</sup> The cases which are pending for more than 10 years is 1108190 which constitute 21.78% of pending cases and 1125123 (22.11%) cases are pending from 5 to 10 years. The cases which are pending for 2 to 5 years is 1318185 and it constitutes 25.9%, while 1537627 cases are pending for less than 2 years which constitute 30.21% of cases. It means total 70 % of the cases are pending for more than 2 years. It is pertinent to mention that these cases are only those which are pending in the courts and does not include those cases which are pending in the quasi-judicial or administrative tribunals. The same source provides that 2506379 civil cases are pending before various courts of the state. If these data is compared with data from the previous years it can be observed that number of pendency has increased. In 2016, more than 10 years of pending cases constituted 10.15% which come down to 1.87% in 2017, but now has again increased to 21.78%. Similarly cases which were pending for more than 5 years had come down to 10.7% in 2017, whereas in 2016 it was 16.81%, but now it has increased to 22.11%.

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<sup>44</sup> As information provided by Department of Justice, Govt. of India, <http://doj.gov.in/page/action-plan-reduce-government-litigation> (last visited 11/03/2018)

<sup>45</sup> National Judicial Data Grid for High Courts, [http://njdg.ecourts.gov.in/hcnjdg\\_public/main.php](http://njdg.ecourts.gov.in/hcnjdg_public/main.php) (visited on 24/12/18)

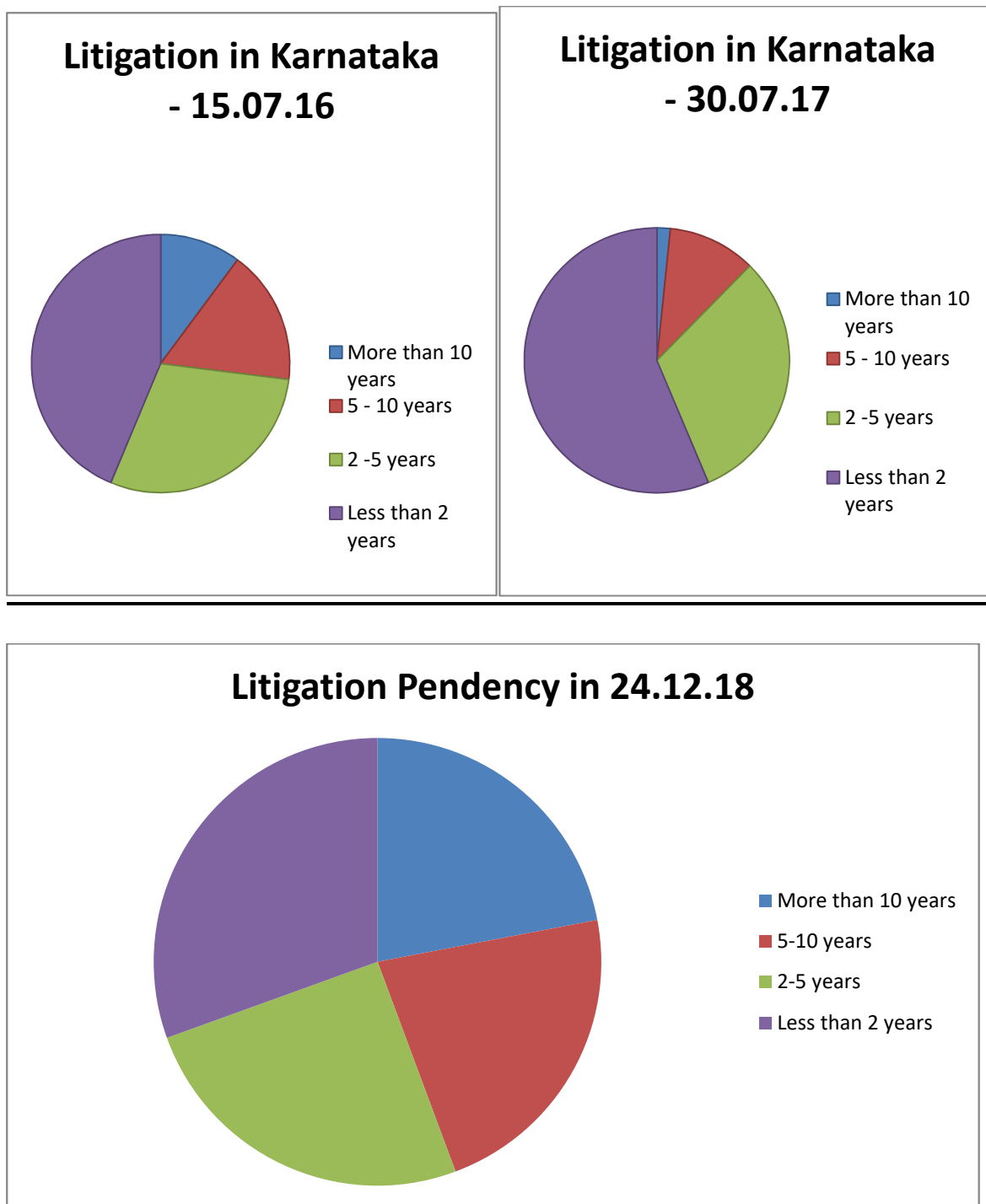


Fig. 19: Government Litigation in Karnataka 2016 - 2018

(Source- National Judicial Data Grid 15.07.2016; 30.07.2017 & 24.12.2018)

The Research Team also prepared a table of judicial statistics of districts which were sample districts for the empirical study. The data was collected and tabulated from the various details made available in the E-court website on 02/8/2017. The purpose of this data retrieval was twofold, firstly to see what types of cases the subordinate

courts and district courts entertain and have jurisdiction. Secondly, to identify whether the cases which are going to the subordinate courts involved government litigation and only those cases are represented where State Government and its Departments are one of the Party and the cases are civil in nature.

**Tab. 4: Bangalore City Civil Court – Cases filed by or against the State**

Year	No cases	Pending	Disposed
2010	150	30	120
2011	111	8	103
2012	53	15	30
2013	112	21	91
2014	190	31	159
2015	400	192	208
2016	330	165	165
2017	219	177	42

**Tab. 5: Dakshin Kannda District Court and Subordinate Court – Cases filed by or against the State**

Year	No of Cases	Pending	Disposed
2010	17	2	15
2011	30	5	25
2012	89	9	74
2013	235	9	227
2014	436	12	428
2015	606	63	577
2016	1156	263	898
2017	501	325	174

**Tab. 6: Raichur District Court and Subordinate Court – Cases filed by or against the State**

Year	No of cases	Pending	Disposed
2010	20	2	17
2011	29	4	20
2012	22	2	24
2013	42	4	38
2014	34	26	19
2015	43	31	15
2016	24	22	4
2017	11	9	2

**Tab. 7: Kalaburagi District and Subordinate Court – Cases filed by or against the State**

Years	No cases	Pending	Disposed
2010	17	2	17
2011	46	3	44
2012	32	7	25
2013	558	84	447
2014	23	7	28
2015	38	19	18
2016	69	38	20
2017	65	44	16

It is very hard to get accurate statistics on number of cases where the government is one of the parties to the litigation. This statistics below is compiled from information received by High Court of Karnataka.

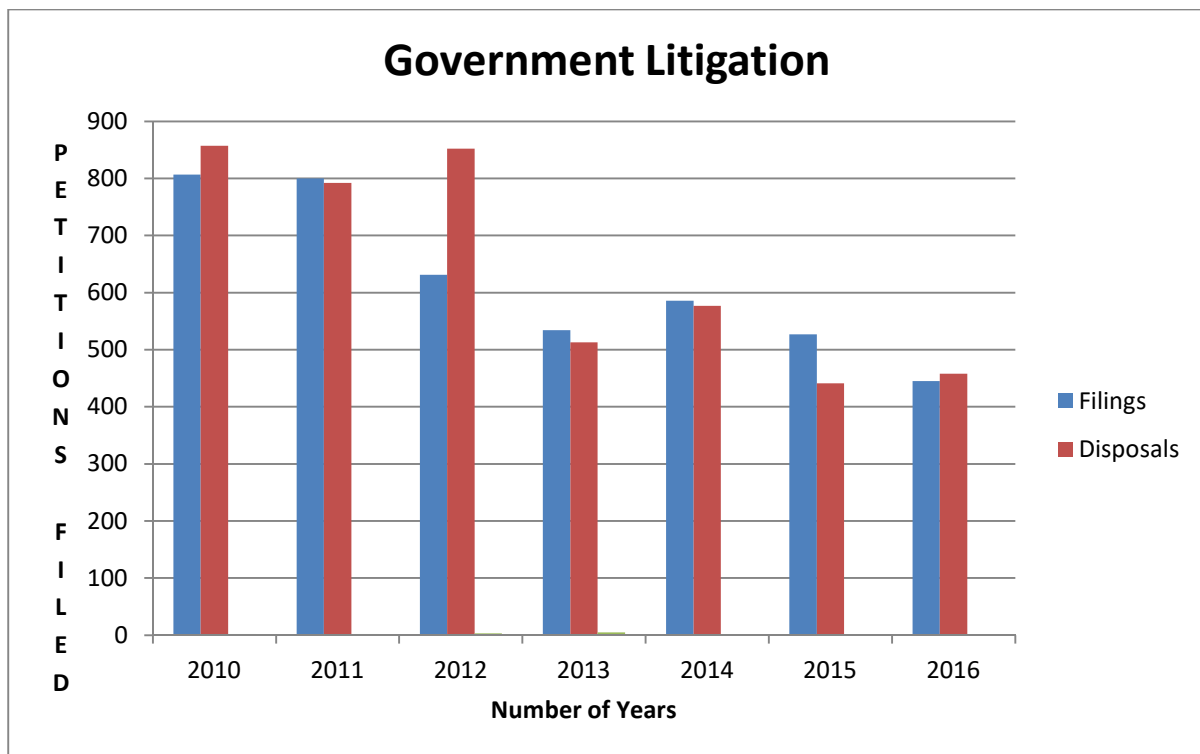


Fig. 20. Number of Petitions filed before Karnataka High Court

The purpose of these data was to analyse whether the SAKALA Act and the State Litigation Policy have helped in reducing government litigation in the State of Karnataka over a period of time. It appears that initiatives have been adopted to reduce the number of litigation and minimize the number of institution of cases by creating alternative forums for redressal of grievances. Accordingly a draft National Litigation Policy was developed by Central Government and it calls upon every Government department to become an *efficient and responsible litigant* and work towards creating a litigation free society. Under the schemes of 13<sup>th</sup> Finance Commission every State Government is required to adopt a State Litigation Policy for improving the justice delivery system as a pre-condition for receiving financial aid. Further the Research Team also prepared a table to identify the principle legislations and services and the prescribed grievance redressal mechanism to analyze the source of government litigation.

**Tab. 8: Primary Public Services provided under statutes and the specified Grievance Redressal Mechanism**

SL	Services	Act	Court Jurisdiction
1.	Birth and Death Certificate	THE REGISTRATION OF BIRTHS AND DEATHS ACT, 1969	Declaratory suite/ in case of issuance of birth or death certificate Chief Registrar of death and birth certificate.
2.	Khata Extract/ khata certificate, Khata transfer	THE KARNATAKA LAND REVENUE ACT, 1964	Revenue Court/ Sec 61 bar jurisdiction of Civil court
3.	Caste certificate	Govt of India Notification 12011/68/98/-BCC Certificate issued by revenue department THE CONSTITUTION (SCHEDULED CASTES) ORDER, 1950 Constitutional Schedule cast Amendment Act 2002.	High Court
4.	Domicile Certificate	Article 19, Indian citizenship Act	High Court/ Supreme court
5.	Compensation under Land Acquisition Act	Land Acquisition Act	District Court
6.	Old age pension, destitute widow pension, pension for disable person	National Social Assistance Programme(NSAP) <a href="http://rural.nic.in/sites/programmes-schemes-NSAP.asp">http://rural.nic.in/sites/programmes-schemes-NSAP.asp</a>	Only administrative authority under the policy and programme
	NOC under PTCL	Karnataka PTCL Act 1978	Commissioner

7.			
8.	Services under the BDA	BDA Act 1976	High Court
9.	Services under the transport department	Motor vehicle Act and THE KARNATAKAMOTOR VEHICLES RULES, 1989	State Transport Appellate Tribunal, High Court
10	Building plan, Trade license	The Karnataka Municipalities Act 1964, Karnataka City Municipality Building Act 1979, Karnataka Town Municipality Building Act 1981, The Karnataka Town And Country Planning Act, 1961.	High Court

It is necessary to note that Government litigation is filed in courts and quasi-judicial authorities and State is litigant in both institutions, whether it is a court or a quasi-judicial body. The quasi-judicial institutions are actually the administrative grievance redressal system and as per the current system of collection of litigation statistics only these are excluded. If we see the National Judicial Data Grid which is part of the E-Court project we find that it includes only cases which are pending or disposed of in various levels of Courts. Thus cases which are filed, disposed and pending in the tribunal or quasi-judicial bodies are left out. The exclusion of these cases is an impediment in securing accurate information as regards the actual status of government litigation. On realization of complete statistics about government litigation from judicial and quasi-judicial bodies, clearly State will be the biggest litigant.

This statistical limitation imputes a major challenge in investigating the real impact of the actualization of Karnataka Litigation Policy and Karnataka Sakala Services Act 2011 in reducing Government Litigation. The statistical data available on government litigation is available only from judicial institution but cases with respect to the SAKALA Services Act don't figure in this. Only limited services which are provided



under SAKALA Services Act were falling within the Court's jurisdiction and are largely within the purview of quasi-judicial bodies. So after the introduction of SAKALA Services Act and Section 18 which barred the jurisdiction of the Civil Court, the impact of the legislation in reducing government litigation cannot be appropriately measured due to lack of availability of composite baseline data of government litigation, inclusive of judicial and quasi-judicial institutions. So impact of litigation policy is examined with reference to only status of government litigation which has been filed before the courts.

### Lok Adalat:

Lok Adalat is another initiative developed in India by the Legal Services Authorities Act, 1987 (LSAA) to provide a system of alternative dispute resolution. Under the statute it is the responsibility of the State Legal Services Authority and the Taluka Legal Services Committee to organise Lok Adalats for settlement of cases pending in courts. Lok Adalats have been established for settlement of motor vehicle compensation cases, electricity disputes, land disputes etc.

**Tab. 9 Statistics of Lok Adalats conducted by Karnataka State Legal Services Authority**

Sl. No.	Year	No. of Lok Adalats Organised	Pending Matters	PLC	Total no. of Cases settled	Compensation paid in MVC cases	Compensation paid in LAC cases
1.	2013-14	24496	204593	33898	238491	1267375556	339222092
2.	2014-15	28846	495990	956346	1452336	1386658452	199702406
3.	2015-16	18939	251104	1317710	1568814	1615126193	203367238
4.	2016-17	15768	185123	220331	405454	1472536004	147043273

5.	2017-18	11307	105846	8426	14272	2042133362	105158933
6.	2018-19 (April 18 to Sept 18)	4487	43682	4111	47793	449961284	13468427
	<b>Total</b>	<b>103843</b>	<b>1286338</b>	<b>2540822</b>	<b>3727160</b>	<b>8233790851</b>	<b>1007962369</b>

Statement showing the details of cases settled in Lok Adalats given during the period April 2013 to September 2018.<sup>46</sup>

### 3.2 NATIONAL LITIGATION POLICY

The necessity of framing National Litigation Policy was recognised in the “National Consultation for Strengthening the Judiciary, towards Pendency and Delays”. In the said national consultation, the Ministry of Law and Justice presented the resolution which was adopted for framing National Litigation Policy (NLP) to ensure responsible litigation by the Central Government. This resolution also encouraged the State Governments to frame their State Litigation Policy. In 2010 Department of Legal Affairs framed the NLP and launched it on 23 June 2010. The NLP recognised the fact that government is the biggest litigant in the courts and tribunals<sup>47</sup>. The policy aim was to make efficient and responsible government litigant by recognising the fact that government is the protector of the rights of citizens. However, the 2010 NLP was never implemented and in its place, a new National Litigation Policy is being drafted and reviewed in 2015. However, the new NLP is still pending for adoption and implementation by the Central Government.

The National Litigation Policy drafted by the Government is an effort to deal with the issue of limiting the needless and vexatious litigation by government departments.

<sup>46</sup>Karnataka State Legal Services Authority, Bengaluru <http://kslsa.kar.nic.in/docs/LA.pdf>

<sup>47</sup>Status Note on national litigation policy, available on <http://lawmin.nic.in/la/status%20note%20on%20nlp.pdf>, last visited on 28/07/2016

The Legal Information Management-Based System (LIMBS) is an initiative which makes it mandatory for all government ministries to upload all data about pending cases involving them for the purpose of monitoring.

### **Fundamental Points - NLP**

The draft National Litigation Policy puts emphasis to make Central Government “EFFICIENT LITIGANT” by focusing on core issues and addressing them exactly on the legal issues in time bound manner with litigation management, coordination and organised way. The NLP creates accountability for ensuring to win the good case and discourage bad cases based on the representation of competent and sensitive legal persons.

The second objective of NLP is to make the Government a “RESPONSIBLE LITIGANT”, by not pursuing bad cases for sake of litigation, discourage false pleas and technical point arguments, not misleading the courts and tribunals by ensuring that correct facts and relevant documents are placed before the courts.

The NLP says that government should not act as an irrational litigant and do away with the attitude of “Let the Court decide.” All cases should be pursued based on their merits. The stake holders such as Ministry of Law & Justice, Heads of various Departments, Law Officers and Government Counsels, and individual officers should play their part in the success of this policy. Every department is required to appoint Nodal Officers to review the status of cases. NLP also puts emphasis that government should resort to alternative dispute resolution mechanism to dispose of fresh cases between government departments and public sector undertakings.

The NLP objective is to reduce average pendency period from 15 years to 3 years. Further, it aims to prioritise and emphasise cases relating to welfare legislation, social reform, weaker sections and senior citizens and other categories, identify procedural bottlenecks and ensure removal of unnecessary government cases.

### 3.3 KARNATAKA STATE LITIGATION POLICY

The Karnataka State Litigation Policy aims to develop an efficient and responsible litigant culture among various government agency and department by recognizing that government departments are dominant litigant in various judicial and quasi-judicial forums.

#### **The term 'Efficient Litigant' means –**

- Focusing on the core issues involved in the litigation and addressing them squarely.
- Managing and conducting litigation in a cohesive, coordinated and time-bound manner.
- Ensuring that good cases are properly represented and defended, cases are not needlessly persevered with.
- The government is not an ordinary litigant and would see that the litigation would reach to its logical end.
- Safeguarding the public interest.

#### **The term 'Responsible Litigant' means –**

- That litigation will not be resorted to for the sake of litigating.
- That false plea and technical points shall be discouraged.
- Ensuring that the correct facts and all relevant documents will be placed before the court.
- Ensuring that nothing will be suppressed from the court and there will be no attempt to mislead any court or Tribunal.

The State government has tried to create a check on the state litigation by ensuring its proper implementation. Under the policy, two government officials have been made responsible for its implementation. Firstly, the Law Secretary of Department of Law will be responsible for overall implementation and review the policy and submit a monthly report to the Ministry of Law, and secondly, the Additional Law Secretary

will be designated as a Nodal Officer who would monitor all the government cases in High Court and Supreme Court. All law officers and Government Counsels will report to the Nodal Officer with regard to the concerned cases. The policy makes an interesting suggestion by recommending that litigation between government departments and government undertakings should be resolved by an Empowered Committee.

The policy has taken positive steps for resolving litigation. It directs the government officials who receive legal notice (under section 80 CPC) to reply within the prescribed time as per the legal notice. If the notice is requesting something genuine and reasonable all efforts should be made to settle the case without resorting to litigation or through the Lok Adalat. The litigation policy aims to dissolve cases by Lok Adalat or arbitration. The policy also laid down the guidelines for filing appeal or proceeding in the High Court and Supreme Court. It also emphasised to recruit efficient legal counsel and to train them and organise conferences and seminars to enhance their legal knowledge. The policy provides necessary guidelines for limitation period, for filing appeals, review, documents supply, adjournments, specialised litigation, arbitration, and government representation.

### **Implementation Hierarchy under Karnataka Litigation Policy**

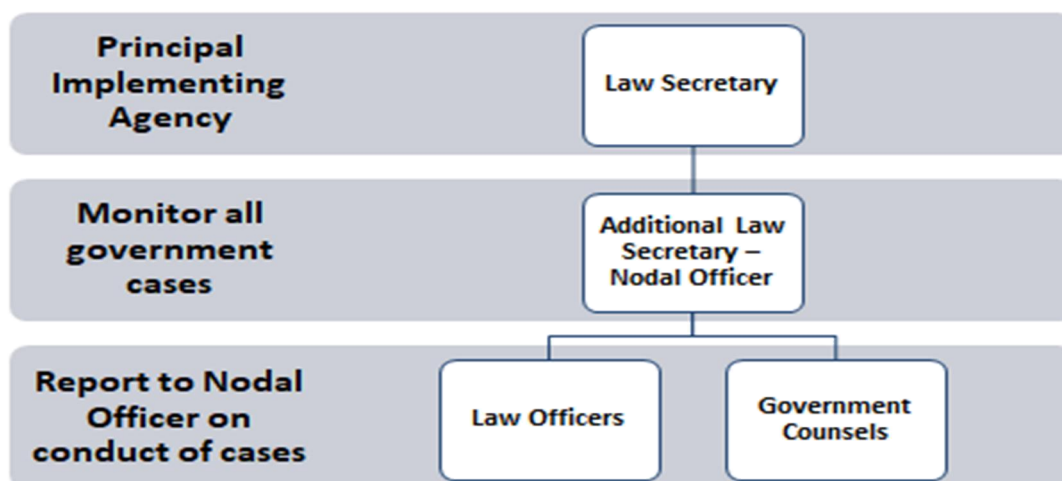


Fig. 21. Administrative Structure under State Litigation Policy

### 3.4 GOVERNMENT LITIGATION: ANALYSIS

Karnataka has adopted the State Litigation Policy from 2011, but there is little information about the status of its implementation and the action plan. The Research Team interviewed on 7<sup>th</sup> January 2017 the Karnataka Law Secretary which was also attended by Additional Law Secretary, and Law Officers working under the Law department. The discussion took place in the form of group discussion wherein the attendees shared their experiences regarding the implementation of State Litigation Policy and current State Litigation System. The data of the focus group discussion is provided below:

**Tab. 9: Summary of the group discussion with members of the Karnataka Law Department**

Sl. No	Question	Responses
1.	When Karnataka State Litigation Policy was notified and effective?	The Karnataka State Litigation Policy was adopted on 29/03/2011 and brought into immediate effect. The Secretariat has prepared the Karnataka State Litigation Policy and has circulated it among the departments.
2.	How many departments of the State governments have been implementing Karnataka State litigation Policy?	The Karnataka State Litigation Policy has been circulated to all Govt. Departments. However, the State Litigation Policy has not been specifically implemented. The litigation practice in the State is based on the Conduct of Litigation Rules issued by the Government of Karnataka in 1984 and subsequently revised in 1985. The objective is to manage government litigation and legal proceedings. The rule has been further amended several times and the last amendment was done in the year 1999. It deals with issues such as the manner in which the government should be represented in litigation matters, how the government should monitor the cases,

		<p>how legal officers should be appointed and what fee should be paid to the lawyers and legal officers. Part III of the rules deal with the issuance of notice under Section 80 of the C.P.C which provides that no cases will be instituted against the government or government officials until two months' notice in advance is served to government or the concerned official. Part III, Rule 4 expressly provides that as soon as the officer receives notice under Section 80 of C.P.C, the receiving officer of the notice shall prepare para-wise remarks and forward it to the concerned Administrative Secretariat through proper channel within 15 days of the receipt of the notice along with a detailed report containing the history and all particulars of the case as well as copies of all relevant documents and further specify whether it is a case for settlement, if so, the proposed terms of settlement and all particulars necessary to arrive at a settlement. If it is decided that the claim is genuine and requires to be admitted, the concerned administrative secretariat will take action to settle the claim forthwith.<sup>48</sup></p>
3.	<p>What measures have been initiated taken by the Department of Law in furtherance of the Karnataka Litigation Policy?</p>	<p>No specific measure has been undertaken in pursuance of the State Litigation Policy. State Litigation Policy supplements the existing rules.</p>
4	<p>Please also tell us what are the measures which have been taken to minimise litigation by the Government of</p>	<p>The routine procedure is followed as specified by the Karnataka Conduct of Litigation Rules 1984.</p>

<sup>48</sup> Part iii rule 4 (4) of the Karnataka Conduct of Litigation rule 1985, available on <http://dpal.kar.nic.in/Kanunu%20padakosha%20PDF%20Files/CGLitigationrules1985.pdf>, last visited on 28/07/2016

	Karnataka?	
5.	How many nodal officers have been appointed/ nominated by the departments as per the Karnataka State Litigation Policy?	There are no Nodal Officers as mandated by the State Litigation Policy. However sometime back few nodal officers were appointed by the Law Department, tentatively about five (5) officers were appointed, but at present that practice have been done away with. Under the present system, no nodal officers have been appointed. Under the State Litigation Policy, it is the Head of the Department who has to nominate nodal officers who will report to the Nodal Officer of the Law Department. However, no such practices have been adopted by the State Departments.
6	Whether any appraisal/ review done on the manner of conduct of cases?	There has been no specific appraisal or review on the manner of conduct of cases either by the law department or any other department. There are Litigation Officers appointed to handle each case and the head of legal officers to look into each case. The different ministries and departments handle their own legal disputes.
7	Whether any list of litigation officer with name, mobile number and address and concern departments are available?	The Law department does not have any specific list. The details may be collected from the office of the Advocate General. The Advocate General Office has the list of government lawyers.
8	What are the method/ manner of resolving any litigation between government departments/ government undertakings?	There is no specific method or manner of resolving litigation or disputes between government departments or government undertakings. The ordinary process of conducting litigation is followed.



9.	Whether an Empowered Committee has been constituted to monitor Govt. litigation and monthly, annual reports have been submitted to the committee?	No Empowered Committee has been appointed or constituted for the purpose of dealing with government litigation. There are no monthly/ annual reports prepared by the Law Secretary or law department relating to government litigation. The Karnataka Law department (Ministry of Law and Justice) do not maintain any specific monthly or annual report relating to government litigation. The Departments or secretariat should be required to maintain such monthly or annual report.
10	How many statutory notices have been received by departments under Section 80 of CPC?	No such data is available with the Law Department. Details may be collected from the office of the Advocate General, Registrar of High Courts and specific government departments.
11	What is the procedure followed for appointing government advocate?	The appointment of the Government Lawyers and other Law officers are made as per The Karnataka Law Officers (Appointment and Conditions of Service) Rules, 1977, which also provides their service conditions, salary, appointment, eligibility for appointment etc. Elaborate procedures have been laid down in the Rules.
12	Whether a Committee has been constituted for the assessment of advocates, training programme, seminar, and related activities for the advocates?	There is no Screening Committee for appointment of government lawyers or creation of panel for selection or assessment of advocates. There are no programmes organised by the Advocate General Office relating to training programme, seminar, workshop and other activities for the advocates.
13	What is the role of Advocate General and Panel of lawyers?	As per The Karnataka Law Officers (Appointment and Conditions of Service) Rules, 1977, Chapter IV, Rule 21, the primary responsibilities of the Advocate General are - Advice the Government upon such legal matters; including legislative projects; represent the Government

		<p>in such proceedings whether civil, criminal, original, appellate or otherwise before, the Karnataka High Court or any other High Court or the Supreme Court; represent the Government in the Supreme Court and in the High Court in cases in which the Supreme Court or the High Court has directed notice to the Advocate General.</p> <p>The responsibility of other Government Lawyers has been described in Chapter V, Rule 23. As per this Rule the responsibility includes –</p> <p>Assist the Advocate General; appear and conduct the cases allotted to them or authorise a High Court Government Pleader attached to them to do so. The responsibility for the proper conduct of the work entrusted to a law officer shall continue to be his even though the case may be actually conducted by a High Court Government Pleader attached to him.</p> <p>With respect to the work entrusted to them, attend to the work of preparing detailed instructions in the form of a statement of laws and facts in all applications, appeals or other matters required to be filed in the High Court or the Supreme Court on behalf of the State Government. Prepare all necessary pleadings and counter-affidavits. Furnish opinion about the fitness of cases for appeal and prepare grounds for appeals.</p>
14	What problems are faced by the Litigation Officers?	There is lack of proper orientation and involvement with the case. There is no coordination between the Government Pleader and Litigation Conducting Officer.

15	What is the application of Section 89 of CPC?	Section 89 of CPC, as a practice is not followed. <sup>49</sup> Sec. 89 has not been included within the Karnataka Litigation Policy. ADR practices have not been included and it is not followed. However the Department of Law and Justice is keen to implement the practice that the issue will be soon placed before the Secretary's departmental meeting.
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In furtherance of the objective of this research project the Research Team investigated further on the issue of implementation of the Karnataka State Litigation policy. In this regard the research team interviewed Shri. R. Dev Das Additional Government Advocate, Karnataka and several other Government Pleaders.

#### **A. INTERVIEW OF SHRI R. DEV DAS ADDITIONAL GOVERNMENT ADVOCATE, KARNATAKA**

Shri. R. Dev Das is holding the office of principal Government Advocate for period of two years and is a Government Advocate for nine years. According to him the Advocate General allocates the work to the government advocates. Case arise in different courts with various subjects, hence the office of Advocate General gives every lawyer cases in various subjects. The objective of this is that every

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<sup>49</sup>**Section 89 of the Civil Procedure Code - Settlement of disputes outside the Court**

(1) Where it appears to the court that there exist elements of a settlement which may be acceptable to the parties, the court shall formulate the terms of settlement and give them to the parties for their observations and after receiving the observation of the parties, the court may reformulate the terms of a possible settlement and refer the same for-

- (a) Arbitration;
- (b) Conciliation
- (c) Judicial settlement including settlement through Lok Adalat; or
- (d) Mediation.

(2) Where a dispute had been referred-

- (a) for arbitration or conciliation, the provisions of the Arbitration and Conciliation Act, 1996 shall apply as if the proceedings for arbitration or conciliation were referred for settlement under the provisions of that Act.
- (b) to Lok Adalat, the court shall refer the same to the Lok Adalat in accordance with the provisions of subsection (1) of section 20 of the Legal Services Authority Act, 1987 and all other provisions of that Act shall apply in respect of the dispute so referred to the LokAdalat;
- (c) for judicial settlement, the court shall refer the same to a suitable institution or person and such institution or person shall be deemed to be a Lok Adalat and all the provisions of the Legal Services Authority Act, 1987 shall apply as if the dispute were referred to a Lok Adalat under the provisions of that Act;

government lawyer must know various types of cases. There is no department allocation to the lawyers, but the cases are assigned on the basis of the subject matter such as appeal or writ matter. If one particular advocate does writ matter than all cases regardless of department goes to that advocate. However, there are some departments like Revenue, Education etc. which give cases to one particular advocate, since the numbers of cases are high. According to him, the most serious issue is a lack of communication between the government department and office of the Advocate General Office.

There is a communication gap between department and Advocate General Office, there is a problem of day to day communication and often it is difficult to know in which section particular case belongs. Further, he mentioned that whenever cases are filed in court and court issues notice then the designated advocate writes to the department specifying the issues and asking them to give instruction, including preparation of the para-wise remarks on the notice/ petition. The major problem is that generally the department sends the lowest ranking officer and that person may not have any knowledge about the case or he may be not able to answer specific queries. If the same is brought to the knowledge of the head of the department, he may be in a better position to answer the question. When information and instruction are unavailable the advocate is helpless as a result he is forced to take adjournment. The problem may be of a minor nature but due to communication gap delay is happening.

Also responding to issue of fees he stated according to the advocate appointment rule, there is a fixed salary. As per current system an advocate is entitled to Rs 600/ per case disposal and Rs. 20,000/ per month as remuneration. Advocates have demanded and made representation before the State Government to increase the salary/ remuneration equivalent to other States but it has not been enhanced till date. He suggested that government advocates monthly remuneration should be increased to at least Rs. 50,000/ and the rate per disposal of cases should be increased to Rs. 1000/ per case. Also no training program, orientation or seminars are organized for government advocates.

## B. SUMMARY OF INTERVIEW OF GOVERNMENT ADVOCATES IN KARNATAKA

Government Lawyers and Pleader, who are representing Government of Karnataka in the High Court or other Courts and Tribunals are not aware of Karnataka State Litigation Policy. They are required to conduct their business as per the Karnataka Conduct of Government Litigation Rules, 1985. The appointment of the government lawyers is done by the Advocate General office and there is no such system of appointment as per the state litigation policy. The Section III of the State Litigation Policy mandates to appoint a competent, efficient and eligible person as government lawyers, however in practice, political influence is given importance. There is no such committee or board appointed who will check the legal knowledge of the candidate. There is no screening committee who assess skill and capability of the candidate, even though there are eligibility criteria for appointment of the law offices as per The Karnataka Law Officers (Appointment and Conditions of Service) Rules, 1977. But this rule does not prescribe the manner of selection of the law officer, that is, if the selection will be based. As a result appointments are done based on government recommendation, for defending a Government's policies in the court. Every time, when a new government is constituted government lawyers are also replaced by the other.

It is also revealed from the government lawyers interview that most of the government lawyers are not equipped with the infrastructure, such as computer, printer, basic stationery, they are only provided with one small cabin. Further most of the lawyers told that they have never been provided with training, seminar, workshop or refresher course. There is no concept of specialization in the litigation as matter of fact, the case allocations are done in rotation system and interest of the respective government lawyers.

Also the Karnataka Law Officers (Appointment and Conditions of Service) Rules 1977, provided that there will be an annual review of the work of the lawyers. As per the Rule 6 of the Rules 1977, says that "*The work of law officer shall be reviewed every year in the month of September and for this purpose, a report about his work and ability shall be sent to the Government in the Department of the Law and Parliamentary Affairs every year*". This rules, however, does not indicate who will

review the working of the law officer. The respondent advocates stated that they never heard about the review of the working of the law officer work. Although in the Karnataka State Litigation Policy certain mechanism has been adopted for appraisal of the government advocates by the nodal officer but same is not observed in practice. Suggestions evolved from the interview for speedy disposal of government litigation are as follows:

- There must be coordination among the different departments;
- One officer for one subject matter should be deployed to secure information required by the court immediately;
- There is need to train the officers regarding the court proceeding;
- Government officials before passing orders, issuing endorsements, direction etc. should consult with government lawyers and pleaders so that the quality of decision is improved. Most of the orders issued are vague in language giving room for court interpretation;
- There is lack of follow up action and the progress of all cases should be monitored by the agency periodically;
- The decision taken by the court needs to be replicated in same subject matters;
- In each department, litigation conducting officer who has the legal knowledge must be deployed, who can interact with government lawyers on a day to day basis. Every department must supply required information; and
- To avoid unnecessary litigation Officials and department must solve the problem of common man diligently and honestly.<sup>50</sup>

### **C. PROBLEMS FACED BY JUDGES WHILE DEALING WITH GOVERNMENT LITIGATION:**

- In general, lack of cooperation from the parties. Concerned official and learned government are not attending the courts regularly and they are not assisting the court for speedy disposal.

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<sup>50</sup> Data compiled from the written submissions of the District Courts

- Government cases are mostly uncontested. Participation in those cases by the concerned persons is not timely. Government pleaders are not attending the cases diligently and in time.
- Government pleader and officials of the government department are not appearing before the court properly and there are not showing any interest to prosecute the case and also they are not filing written statement in time and in some cases even though they appeared they do not bother about to file written statement.
- Lack of interest on the part of the concerned officials and pleaders.
- Officials of the Government Department who are parties to the suit are not appearing before the court for compliance or Sec. 89 of CPC. Parties neither coming for settlement nor coming to conduct cases.
- Objections and written statement are not filed within time and no regular representation.
- The civil suits instituted by and against the State Govt. and its departments are relating to the matters of permanent injunction. Therefore, not possible to settle the matters under Sec. 89 of CPC in between the private parties and State Government and its Departments.
- No proper cooperation from the parties. There will be no representation in the cases either by the officials sued or by ADGPs. In many cases though the officer sued appears or engages ADGPs, there will be no counter statement to the claim against the government. In several matters of significance there will be no proper assistance resulting in severe handicap for the Court in attending the matters where technical and informal matters are involved.
- Officials of the Government Department who are parties to the suit are not appearing before the court for compliance of Sec. 89 of CPC. Government is a party for litigation, hence parties are not ready to settle the matter.
- Delay in filing of Para wise remarks of the concerned officials who may be representing on behalf of the head of the department is a problem for speedy disposal of the Government litigation.
- Seeking adjournment by the counsels on the ground of lack of proper information for filing objections, written statement and leading evidence etc,

changing of officials who are attending particular cases, non-appearance of officials before the court are factors for delay.

- With regard to Government litigation normally the officials of the concerned Government department do not appear before the court to give evidence. The written statement in Original Suit is not filed within statutory period. The officials of the concerned Government department do not actively participate in alternative dispute resolution method resolved u/s 89 of CPC.
- The authorized officer of the Government or local authority do not appear before the courts. Even if authorized officer appears, he pleads lack of authority or permission to enter into compromise. The Government or the local authority are not filing the written statement or objections to the case of the litigants and keep silence without disclosing real fact in the matter.
- Non-cooperation of the Govt. departments and ADGP

### **3.5 FACTORS CAUSING DELAY IN GOVERNMENT LITIGATION**

The Karnataka State Government is the biggest litigant in the State.<sup>51</sup> However, there is not much emphasis given to improve or reduce litigation by the state government and its departments. Under the current system, no officers are made accountable for litigation proceedings, but under the State Litigation Policy the law officer and nodal officer are accountable for the progress of the cases and decide on its merit and demerit. In the present system, there is no obligation on the executive officers for applying their mind and there is no accountability involved with regards to legal matters.

The basic reasons for the inordinate delay in the Court are due to procedural law issues along with ineffective and improper information and communication by the department. If government officials act sensitive some of the dispute may have been solved by the department itself by discussion with the parties. However, he thinks that current system of the administrative grievance redressal system is effective enough to resolve public grievances and common people are generally satisfied with government officials' attitude and performances. If a person is denied services by the

<sup>51</sup> As Claimed by the Law department of Karnataka available on <http://www.karnataka.gov.in/law/pages/divisions.aspx>



respective department, he approaches the respective department grievance redressal forum and in case of failure from there, they approach the Court. During an interview with the government lawyers, almost all the lawyers said that department head does not take interest in the ongoing cases and most of the time they do not also appoint litigation conducting officers, even if they appoint litigation conducting officer they appoint junior officers as litigation conducting officer, who generally don't know about the cases.

Usually, if the department received any statutory notice, the head of the department takes no action unless that notice converts into the litigation. Once that statutory notice converts into litigation then it is referred to the lawyers of Advocate General Office. There is no responsibility fixed for the head of the department under the Conduct of Litigation Rules 1985 and State Litigation Policy is not followed by the departments. As matter of fact the cases are referred to the Lok Adalat, only when courts refer such cases to Lok Adalat or on the request of the other party.

The administrative mechanism of the Legal Officers in the Government Department is headed by the Head of Legal Cells. They are the authorized law officers of the department. These officers work within the Department and under the Department Secretary. Their primary responsibility is to examine any plaint which is received by the department. Their task is to make para-wise remarks on the plaint. They do not make any recommendation or does not discuss the merit of the case in their observation. But there is no possibility or opportunity to discuss the merits of the case or to come to a conclusion about the settlement of the case during this period. Every department faces practical difficulties which make the 2 months notice period inadequate. It generally takes almost two months on an average for the complaint/ notice received to move across the different levels in the department to reach the table of the Secretary. From the Secretary, the file will move to Head of Legal Cell. There is generally no time left for discussion regarding the merit of the case. As a routine practice, the file is handed over to a government lawyer for following up on the case. The Legal cells also do not have the time or opportunity to discuss on the merit of the case. Most often the senior officers fail to apply their own mind due to lack of time. The kind of application of mind as observed in the judicial officers is generally absent in the administrative officers.

Filing procedure is faulty. There is no proper procedure conducted for the maintenance of files. It is often seen that lower level government officials do not have adequate knowledge to create and maintain proper files. Files do not have any separate note sheet columns and the enclosures are also not numbered or indexed. No reference details relating to previous actions or correspondences are maintained. Karnataka Law Officers Rules are followed for the purpose of appointment of all advocates, including Special Counsels and Senior Advocates. There is no Screening Committee constituted for the purpose of the appointment. Generally, the Nodal Department takes the decision of selecting the advocates. No annual report on the performance of the advocate is maintained. There is no formal process of grading or appraisal of the performance of the advocates.

Also no Nodal Officers are appointed under the Karnataka Litigation Policy. No empowered committee has been constituted for dealing with inter-department cases. No report of the number of government cases pending in various courts are prepared or maintained by the Department. Some records may be available in the office of the Advocate General. Every Nodal department appoints a Litigation Conducting Officer with reference to each government case handled by the department. LCO is supposed to keep track of the cases. LCOs are appointed from one of the existing department officers/employees who not well aware about the facts of the case. LCOs do not properly follow up on the case. He is present only on the first day to sign the affidavit, thereafter, he usually does not keep a track of the case. Court passes order but no actions are taken due to lack of interest/ accountability of LCOs. Only when the contempt order is likely to be issued that LCO takes cognizance of the case.

Section 89 of CPC as a practice it is not followed. ADR practices have not been applied generally. However the Department of Law and Justice is keen to implement the practice as it has been recommended repeatedly by the judges and National Litigation Policy as part of best practice model. The issue is likely to be placed before the Secretary meeting. Also there is a need for sensitization among the administrative officers about the significance of government litigation and court processes. There is a need to create accountability among the government officials regarding timely redressal of government cases. There is a need to proportionately fix the accountability among the officials based on the degree of responsibility.

### 3.6 CHAPTER FINDINGS

Therefore it can be concluded that although in paper the State of Karnataka has adopted Karnataka State Litigation Policy in 2011, however, it has not been implemented. Government litigation in practice is still conducted on the basis of the Karnataka Conduct of Litigation Rules 1985. The concept of “Efficient Litigant and Responsible Litigant” is actually missing in the current process of dealing government litigation in Karnataka. The Karnataka Law Officers Rules does not have any provision relating to how to develop efficient lawyers, nor does the Conduct of Litigation Rules deals with the same of making the State Government/ Law Department a responsible litigant. The biggest problem in the government litigation is lack of communication and proper information from the respective departments. Further, with regard to the government litigation, no review has been conducted or reports prepared by the Law Department and Law Secretary, as has been mandated by the State Litigation Policy.

The evidence collected in form of primary data stated above clearly shows that there is no system of review and there has been no special training, instruction, or programme conducted by the Advocate General office or Law department of the State of Karnataka. Most of the government lawyers are not even aware of the State Litigation policy because there have been no orientation undertaken by the Government Department. The government lawyers do their routine litigation work without following standard of State Litigation Policy. Obviously there is no visible impact of the litigation policy in conduct or reduction of government litigation in the State of Karnataka.

## **IV. FINDINGS, CONCLUSIONS AND RECOMMENDATIONS**

- 4.1 Key Findings of the Study
- 4.2 Recommendations from the Study
- 4.3 Summary - Draft Accountability and Grievance Redressal Bill
- 4.4 Contributions of this Study
- 4.5 Scope for Further Research

### **4.1 KEY FINDINGS OF THE STUDY**

#### **I. IMPLEMENTATION OF THE KARNATAKA STATE LITIGATION POLICY IN REDUCING GOVERNMENT LITIGATION**

One of the primary research objectives was to study the status of Government litigation in the State of Karnataka. In this context the research team conducted empirical studies to analyse the factors which were causing delay in the conduct of government litigation. The research team conducted in depth study of the working of the Karnataka subordinate judiciary and the Karnataka High Court to identify the factors resulting in high pendency of government litigation. Data was collected from the district courts of Dakshin Kannada, Gulbarga, Raichur and Bangalore City Civil Court as well as the High Court of Karnataka regarding the numbers of cases filed by and against the State Government during the period 2010 to 2016. In the course of the study the research team by means of questionnaire based study tried to identify the primary factors causing delay and pendency of government litigation. By the

process of open-ended interview and focussed group discussion with the officials of the Law Department and government advocates the research team identified the issues challenges faced in the conduct of government litigation and the implementation of the Karnataka State Litigation Policy.

The major findings of the research study have been summarized below.

#### **A. FACTORS CAUSING DELAY AND PENDING WITH REGARD TO GOVERNMENT LITIGATION**

- i. General lack of cooperation from the parties. The government officials and the government advocates are often not committed to expeditiously deal with the cases. They do not attend the courts regularly and do not assist the court in speedy disposal of the matter. Objections and written statement are not filed within time and no regular representation.
- ii. Lack of Proper Documentation by Government Officials. Often delay is caused due to irregularities in the record keeping and documentation. The departments do not submit all the necessary documents in a time bound manner.
- iii. Lack of Authority of Department Representatives. Ordinarily the government departments are represented by low level officers who are not aware about the nitty-gritty of the cases and often are not in a position to give an undertaking on behalf of the government. Delay in filing of Para wise remarks of the concerned officials who may be representing on behalf of the head of the department is a problem for speedy disposal of the Government litigation.
- iv. Delay in filing of Para wise remarks of the concerned officials who may be representing on behalf of the head of the department is a problem for speedy disposal of the Government litigation.
- v. Lack of adequate response from government officials. In most court related matters the senior officials do not appear before the court unless specifically summoned by the court. As a consequence adjournments are often sought by the government advocates to seek specific response or instructions from the government.

- vi. Non-cooperation of government officials. For most government officials litigation matters are an additional responsibility, hence there is a general apathy and non-accountability among the officials which cause delay in disposal of cases.
- vii. Non-appearance of Government Pleader often causes delay in disposal of cases. The judges are reluctant to dispose of the cases on the ground of absence of lawyers because government litigation involves huge liability on public exchequer.
- viii. Lack of coordination between government officials and lawyers. Government lawyers are often not properly briefed about the case and the standing of the department on the contentious issue, which compels the court to grant repeated adjournments as the advocate would need to seek necessary permission from the higher authority.
- ix. Seeking of unnecessary adjournments by the advocates and parties to the suit on the ground of lack of proper information for filing objections, written statement and leading evidence is another cause for delay.
- x. Filing unnecessary frivolous interim applications for taking adjournment of cases.
- xi. Court Commissioners often do not submit their reports on time thereby causing delay.
- xii. Unwillingness among the parties to resolve u/s 89 of CPC. Officials of the Govt. Department who are parties to the suit are not appearing before the court for compliance Sec. 89 of CPC.

## **B. CONDUCT OF GOVERNMENT LITIGATION**

- i. Conduct of government litigation is based on Karnataka Conduct of Litigation Rules 1984 and Karnataka Law Officers (Appointment and Conditions of Service) Rules, 1977.
- ii. No government department, including the Department of Law and Justice maintain any data relating to the number of government litigation filed and

pending in the State. There is no official record regarding number of government litigation pending in the different courts and tribunals.

- iii. No monitoring of the government litigation takes place. No annual or monthly report on the conduct of litigation has been prepared or maintained by Department, including the Law Department.
- iv. The Law Officers and Government Counsels are not required to report about the conduct of particular cases to the Law Department.
- v. There is no specific policy to deal with litigation or disputes between two or more government departments or government undertakings.
- vi. No departmental nodal officers have been appointed to specifically deal with all litigation matters involving the Department.
- vii. Every department appoints a Litigation Conducting Officer (LCO) with reference to each government case handled by the department. Generally the departments appoint junior officers as LCOs, who generally don't know about the case details. LCOs do not regularly follow up on the case. There is lack of day to day interaction between the government lawyer and LCO. Only when the contempt order is likely to be issued that LCO takes cognizance of the case. Ordinarily there is a lack of accountability among these officers relating to the conduct of cases.
- viii. Ordinarily the administrative officers working in the government department fail to apply their mind with reference to the cases/ notices made. Based on the notes made by the subordinate officers, the senior government officers put in their recommendation. Most often the senior officers fail to apply their own mind due to lack of time. The kind of application of mind as observed in the judicial officers is generally absent in the administrative officers which results in subsequent increase in government litigation.
- ix. In the case of government litigation, the head of the department does not have any obligation to settle disputed legal claims. Government lawyers are appointed to handle the legal issues. It is for the courts to direct parties, or if the other party requests, for amicable settlement.
- x. The role of the Head of Legal Cells is minimal. Their primary responsibility is to examine any plaint which is received by the department. Their task is to

make para-wise remarks on the plaint. They do not make any recommendation nor do they discuss the merit of the case in their observation. The remarks once noted will be sent to the Secretary for his final decision.

- xi. Usually, if the department received any statutory notice, the head of the department takes no action unless that notice converts into the litigation. Once that statutory notice converts into litigation then it is referred to the lawyers of Advocate General Office.
- xii. The 60 day notice period under Sec. 80 CPC cannot be said to be sufficient for deliberating the merits of the claim because in most cases the period is taken by officers and department to move the file from the lowest level clerk to the Secretary of the Department.
- xiii. There has been no specific appraisal or review on the manner of conduct of cases either by the law department or any other department. In case of any contempt, an order issued by the Courts, strictures passed, or cost imposed, then the specific review of the case is done and the manner of conducting the case is reviewed. If heavy costs are imposed on the Department then actions are taken against the AOR. The office of Advocate General would make a recommendation against the appointment of such advocates.

### **C. IMPLEMENTATION OF THE KARNATAKA STATE LITIGATION POLICY**

- i. On the recommendation of the 13<sup>th</sup> Finance Commission, Karnataka State Litigation Policy (SLP) was adopted on March 29, 2011. The objective of the SLP was to ensure that the Government should be an *efficient and responsible litigant*. The aim was to change the attitude of the government officials by laying down guidelines so as to avoid the tendency of *let the court decide* in every case. SLP was published and circulated by the Law Department but no specific order relating to the implementation of the same has been issued to any Department. Conduct of government litigation is still based on Karnataka Conduct of Litigation Rules 1984 and Karnataka Law Officers (Appointment and Conditions of Service) Rules, 1977.



- ii. The Additional Law Secretary has been appointed as the Nodal Officer for implementation of State Litigation Policy but the Law Officers and Government Counsels do not report about the conduct of particular cases to the Nodal Officer as was contemplated under the policy.
- iii. The Head of the Department is required to nominate departmental nodal officers who will report to the Nodal Officer of the Law Department about the progress of the litigation matters. But no such practices have been adopted by the departments.
- iv. No Empowered Committee has been constituted to deal with government litigation between various government departments and government undertakings.
- v. The litigation policy has not included the application of Section 89 of CPC as a mandate.
- vi. No reports are maintained regarding the status and performance of government litigation.
- vii. The system of appointment of advocates as prescribed by the policy is not followed.
- viii. No appraisal of the performance of the government advocates have been done.
- ix. No training programmes or professional development programmes are conducted for the upliftment of the advocates.

#### **D. ROLE AND FUNCTIONING OF THE GOVERNMENT ADVOCATES**

- i. Lack of communication between the government department and office of the Advocate General Office is the biggest problem. Communication gap with the departments, information gap, inappropriate information and absence of day to day communication with the department are the major areas of concern.
- ii. The Litigating Conducting Officers are generally low ranking officers who may not have legal knowledge or legal qualification. The authorised representatives or litigation conducting officer engaged with a lawyer for day

- to day communication are often not well-informed about the cases and is not in a position to answer specific queries.
- iii. If proper information and instructions are not provided by the Department then the lawyers are forced to take adjournment.
  - iv. The salary structure of the government lawyers is inadequate.
  - v. The appointment of the government lawyers is done by the Advocate General office and no specific committee or board is appointed who will check the legal knowledge of the advocates before appointment.
  - vi. Government lawyers lack basic infrastructure facilities such as computer, printer, internet etc.
  - vii. There are no programmes organised by the Advocate General Office relating to training programme, seminar, workshop and other activities for the advocates.

## II. IMPLEMENTATION OF THE KARNATAKA SAKALA SERVICES ACT

The second major research objective was to study the implementation of the Right to Timely Delivery of Public Service law, popularly known as the Karnataka SAKALA Services Act 2011 in the State of Karnataka. The focus of the research study was to analyse the implementation and impact of the SAKALA Act in promoting citizen centric administration by ensuring timely delivery of services, accountability in governance and reduce the number of government litigation by introducing the administrative grievance redressal mechanism. Under the SAKALA Act 729 services are being provided by the different departments of the State Government. Before the introduction of Public Services Guarantee legislation, there was no legal accountability for the officials of departments to provide services within the time bound period,<sup>52</sup> thus making the common people come under the mercy of the state officials. The SAKALA Act has been a great step towards improving administrative accountability in service delivery for the common people of Karnataka. The IT enabled Sakala mechanism has achieved many great milestones. It has been

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<sup>52</sup> For detail see First Quarterly Report

recipient of several awards such as Google Cub Innovator Award (2012), National e-Governance Award for Outstanding Performance in Citizen Centric Service (2013) and National Award for the Government Category of the Quality Council of India – D.L. Shah Quality Awards (2014). In spite of its various achievements there had not been any major study conducted in the actual implementation of the SAKALA Act and its technology inbuilt system at the grass root level. In this context the research team conducted empirical studies to analyse the working of the SAKALA Mission in implementation of the SAKALA Act in various districts of Karnataka. For the purpose of field study and collection of primary data four districts of Karnataka namely Bangalore, Dakshin Kannada, Gulbarga and Raichur were chosen based on geographical locations and human development index. The research team conducted indepth study of the actual working of the SAKALA Act by visiting the taluka offices in these districts. Detailed one to one discussions as well as focussed group discussions were conducted with the officials of the SAKALA Mission to identify the working and implementational challenges in implementation the citizen centric endeavour. Citizens' perceptions to the role, working and effectiveness of the Karnataka SAKALA Act were collected from 300 respondents through structured questionnaire. Several rounds of consultation sessions were also conducted with members of the civil society group to identify the administrative and legislative gaps in the working and implementation of the SAKALA Act. The research team identified the issues, challenges and limitation in the implementation Karnataka SAKALA Services Act.

The major findings of the research study have been summarized below:

#### **A. SAKALA MISSION**

- i. There is absence of statutory status of the SAKALA Mission. Under the Karnataka Guarantee of Services to Citizens Rules 2012, Rule 18, the State Government establish a centralized monitoring system through an executive order by the name of SAKALA Mission, for monitoring of the timely delivery of notified services, through the use of Information and Communication

- Technologies (ICT) /E-Governance, and for monitoring various provisions of the Act.
- ii. SAKALA Mission is only a monitoring body with the primary function of data collection. It does not have any statutory power of implementing the provisions of the statute. It merely monitors the electronic database relating to case status, numbers of applications filed, numbers of applications rejected, reasons for rejections, how many cases went to the first appeal, how many cases went to the second appeal and how many cases are pending with departments.
  - iii. SAKALA Mission enjoys supervisory position without effective implementational power. In case of any violation of the Sakala rules and parameters which needs to be followed by the different government departments while accepting application, disposal and appeal, the Mission cannot initiate any action against the defaulting officers. Even though the SAKALA Mission is responsible for proper implementation of the SAKALA Act, it does not directly provide any service to the citizens under the Act. All services are delivered by the different department and the officials of those departments are legally not responsible for obeying any instruction unless it comes from the higher officials of the same departments such as department secretary or head of the department.
  - iv. There is no exclusive Mission Director appointed for running of the SAKALA Mission. In the absence of appointment of exclusive Mission Director, the Secretary of the E-Governance Department (previously Secretary of the Department of Personal And Reforms) has been entrusted with the responsibility of the Mission Director of the SAKALA Mission, hence in addition to their existing responsibility, they are required to perform the functions of the SAKALA Mission. In such circumstances the working commitment towards the implementation of Sakala may tend to become secondary and often depends upon the personal will of the officials.
  - v. There is lack of adequate manpower. The Sakala team consists of one Management Consultant, one Technical Consultant and 30 District IT Consultant (one for each district). Main responsibility of the District IT consultants handle is to assist district administration with regard to technical

aspect for implementation of the SAKALA, collection of data and preparation of information database. Often it is not possible for the Sakala representatives to visit all the different government offices at the taluka level on a weekly basis in light of the long travel distances.

#### **B. ABSENCE OF INDEPENDENT GRIEVANCE REDRESSAL MECHANISM**

The SAKALA Mission does not have the authority to deal with grievances. If an application is rejected the applicant has to approach the appellate authority in the same department. SAKALA Mission has no statutory power in the grievance redressal process. It can only recommend for talking actions against defaulting officers. Absence of independent grievance system may create elements of departmental bias. Under the SAKALA monitoring system, application is monitored till the “disposal” of application, by way of providing services, or with regard to the first appeal, and second appeal. If the applicant does not receive the service on second appeal, the citizen is left with no legal remedy under the administrative grievance redressal mechanism.

#### **C. PAYMENT OF COMPENSATORY COST TO THE AGGRIEVED CITIZENS**

Under Section 8 of the Act an aggrieved citizen can seek compensatory cost for any delay or default in the delivery of services. But this demand based nature of payment of compensation often acts as a deterrence to the citizens and most often people do not claim compensation in fear of retaliatory actions. Also the meagre compensation amount dissuades many citizens from making claims. A mere sum of Rs. 84180 has been given as compensation till September 2016 out of the corpus fund of Rs. 5 crore which was reserved for payment of compensation under the statute.

#### **D. ACTION AGAINST DEFAULTING OFFICERS**

If people claim compensation for delay or default then it works as punishment to the defaulting officer. Section 9 of the Act imposes liability on the defaulting officer to pay back the compensation amount to the state. But compensation amount has hardly

been recovered from the defaulting officers. Departments generally fail to take disciplinary actions against the defaulting officers. The statute recognizes the aim of the legislation to be an effort towards building a culture of administrative accountability to ensure timely delivery of services and not particularly for penalization of defaulting officers.

#### **E. ABSENCE OF HELPDESKS AND INFORMATION DISPLAY BOARD**

Most government offices do not have the Sakala Information board displayed at prominent places. The information displayed on the boards are not updated on a regular basis thereby causing hardships to the citizens. Even the Sakala help desks are not properly maintained in most government offices.

#### **F. ACKNOWLEDGMENT RECEIPT**

GSC slip is the foundational based of time bound services. With the issuance of GSC slips the time starts clicking for timely delivery of services under the SAKALA Act. Specific issues of tampering with the GSC slips were highlighted by the citizen participants such as many designated officers accepts application without immediately issuing GSC slip and subsequently they enter into the system after withholding the application so that better time keeping of the Sakala services can be maintained. Some cases were reported wherein the applicant received GSC number and the decision on the application almost simultaneously raising questions on the workability and credibility of the system. Bypassing of the IT enabled system is quite common practice. In addition there are some departments which avoid issuance of GSC slip like the Police Department, Revenue Department and Transport Department.

### **G. NON-REPORTING OF CRUCIAL INFORMATION**

There is irregularity in the publication of monthly and annual report by the Sakala Mission. In addition some crucial information are not provided in the reports such as number of officials who have been penalised for non-compliance of the statutory requirements or amount of money recovered from the salary of the officials for their default.

### **H. ADMINISTRATIVE APATHY AND ABSENCE OF MID-LEVEL ACCOUNTABILITY AT THE DISTRICT LEVEL**

The District IT representatives under the SAKALA Mission are contractual employee and do not enjoy statutory position or power to instruct or to direct actions against defaulting officers in the departments. Many a time the designated officers of the departments do not cooperate with them by asserting that they are outsourced employee and the other government officials are not bound to listen to the consultants. These district level officers are required to report to the District Deputy Commissioner in case of any non-compliance with the Sakala provisions. In reality it is not possible for the IT representatives to approach the Deputy Commissioner on a regular basis as she has multiple other responsibilities. It is not possible for her to go through reports and take appropriate action on a daily basis. In addition there is a general administrative apathy in implementation of Sakala.

### **I. PREVALENCE OF CORRUPTION AND MIDDLEMEN**

Corruption is prevalent in the government departments. Middlemen or *dalals* were visible in departments such as RTO department, Revenue Department etc. The *dalal* work as a mediator and facilitate applicants for getting services with the help of government officials. In some cases there are tacit understanding between the officials and the middlemen, hence the departments do not take action against the

defaulting officers. The SAKALA Mission also cannot take any legal action against such officers and *dalals* because as per the SAKALA Act there is no such power conferred on the Mission.

#### **J. INFRASTRUCTURE PROBLEMS**

Sakala operators are facing numerous problems such as lack of stationery, computer and printer maintenance, outsourced operators' salary problem etc. The Sakala has employed more than 100 outsourced employees as operators but their salary is distributed after delay of 3 to 4 months. The delay in distributing salary may attract corruption which will destroy the purpose of the SAKALA Services Act.

### **4.2 RECOMMENDATIONS FROM THE STUDY**

#### **I. SUGGESTED MEASURES TO CONDUCT GOVERNMENT LITIGATION IN AN EFFICACIOUS MANNER**

- i. Need to effectively implement the State Litigation Policy (SLP) to achieve the goals of efficient and responsible litigant.
- ii. Every government department should be required to maintain proper data relating to number of cases filed by or against them in various courts and tribunals. Such data maintenance would be helpful in identifying the nature and types of litigation which a department is faced with and thereby help in avoiding frivolous and similar type of litigation. Law Department should maintain an over-all data on the number of cases pending in different courts in which State is a party. Lack of adequate data maintenance may give rise to misapprehension about the high number of government litigation pendency.
- iii. Proper record should be maintained regarding number of notices received under S.80 CPC by the Advocate General's office.



- iv. The Law Department should publish a Monthly Status Report and an Annual Report on the conduct of government litigation to improve efficiency and accountability
- v. The existing practice of appointing low level officers as Litigation Conducting Officers should be avoided, instead as per the mandate of the SLP every department should appoint a Nodal Officer, who should be a law graduate. The primary task of the Nodal Officer should be to coordinate between the Department and Government Advocates so that timely and effective communication takes place. The Nodal Officer should personally follow up each case with the concerned government advocate.
- vi. The Nodal Officer should have the responsibility of properly maintaining each case file containing all the documents. Files should have a separate note sheet columns and the enclosures should be properly numbered and indexed. All reference details relating to previous actions or correspondences should be maintained.
- vii. In order to maintain the chain of accountability the Department Nodal Officer should send a weekly and monthly report to the office of Law Secretary updating the status of each case, including the conduct of government advocates.
- viii. At present the two months' notice period under Section 80 CPC gets exhausted in the process of file moving from one officer's table to the other. All legal notices/ complaints/complaints should be received by the Nodal Officer at the first instance from the office of the Advocate General. The Nodal Officer should immediately send a copy of the notice to the Head of the Department as well as to the concerned legal cell officers for their para-wise remarks. On receiving the remarks the Nodal Officer should forward it to the concerned Administrative Departments of the Secretariat. The Administrative Departments must examine and forward the same to the Law Department for their opinion on whether to contest the claim or not, within a specified time period.
- ix. Under Section 80 CPC 2 month notice period is deemed to be a Government privilege. In the course of the 2 month there is hardly any possibility or opportunity to discuss the merits of the case or to come to a

conclusion about the settlement of the case. Every department faces practical difficulties which make the 2 month notice period inadequate to look into the merits of the case under Section 80. Thus within the statutory notice period generally no constructive decision is taken. It is necessary to relook into the specified time period under Section 80.

- x. In the case of government litigation, the head of the department does not have any obligation to settle disputed legal claims. It is deemed to be the responsibility of the Government lawyers to handle the legal issues. The application of S. 89 of CPC should be mandatorily incorporated in the SLP. Every department should be required to report the number of settled claims under Section 89 CPC in the monthly report. All reasonable efforts should be made to settle all genuine cases without resorting to litigation. Responsibility for proper conduct of cases should be fixed on the Head of the department, Nodal Officer and the Government Advocate.
- xi. The general practice in cases of disputes involving immovable property that the government will routinely file an appeal needs to be revisited.
- xii. The practise of routinely filing an Appeal, Revision or Review on the orders passed by the Karnataka Administrative Tribunal, Central Administrative Tribunal and High Court should be avoided. The Head of the Department should be required to provide reasons in writing as regards the legal necessity to challenge the order and send the same to the Administrative Department and Department of Law for the final decision on the matter.
- xiii. Referring legal matters to the Lok Adalat should be encouraged by the Law Department.
- xiv. The appointment of government lawyers is done by the Office of Advocate General and there is no formal system of appointment. The appointments are done based on government recommendation, that is, the current state government will appoint government lawyers for defending their policies in the court. Every time, when a new government is constituted government lawyers are also replaced by the other. As per the mandate of the SLP a Screening Committee or board should be appointed who will check the legal knowledge, skill or capability of the candidates. A panel should be created for selection or assessment of advocates.

- xv. The Law department should maintain a specific list of Government Lawyers and publish in the official website along with their email address.
- xvi. Karnataka Law Officers (Appointment and Conditions of Service) Rules, 1977 provided that there will be an annual review of the work of the lawyers. As per the Rule 6 of the Rules 1977, says that “The work of law officer shall be reviewed every year in the month of September and for this purpose, a report about his work and ability shall be sent to the Government in the Department of the Law and Parliamentary Affairs every year”. This rules, however, does not indicate who will review the working of the law officer. Only Rule 6 (2) provides that views of the Joint Secretary, the Solicitors, the Additional Solicitors and the Assistant Solicitors in the Department of Law and Parliamentary Affairs shall also be taken into consideration. However in the last 10 years there has been no review or appraisal of the working of the law officers’ work. In order to ensure efficient conduct of government litigation, as per the mandate of the SLP, formal process of grading or appraisal of the performance of the advocates should be institutionalized. Annual report on the performance of the advocate should be maintained.
- xvii. Any adverse order or strictures made by the Courts against the performance of the government advocate should be given serious consideration. The office of Advocate General should make a recommendation against the appointment of such advocates. The names of errant advocates should be excluded based on such recommendations.
- xviii. Regular training programmes should be organised by the Advocate General Office with the help of Law Schools to conduct customized training programmes, seminar and workshop for government advocates. Lawyers should be provided with training and refresher courses relating to the State litigation policy, case flow management practices, professional ethics and subject knowledge improvement in the areas of IPR, Cyber law, labour law, service laws or revenue matter etc. Efforts should be made to inculcate specialization of domain knowledge and skills amongst the advocates.

- xix. Government lawyers are generally are given office space but are not provided with the necessary infrastructure, such as computer, printer and other basic stationery. Efforts should be made to provide them with support staff so that conduct of cases becomes smooth and efficient. The compensation package for the government advocates may be revised based on performance indicators.
- xx. Training programmes relating to basic legal and judicial processes should be conducted for government officials in order to sensitize them about the working of the Indian legal system and the administration of justice.

## **II. SUGGESTED MEASURES FOR IMPROVING THE IMPLEMENTATION OF THE KARNATAKA SAKALA SERVICES ACT, 2011**

### **A. MEASURES FOR IMPROVING THE IMPLEMENTATIONAL CHALLENGES**

- i. The implementation of the Karnataka Guarantee of Services to Citizen Act, 2011 is monitored by the SAKALA Mission which is constituted for monitoring the implementation of the SAKALA. The main focus area of the Mission is to monitor case status, numbers of applications filed, numbers of applications rejected, reasons for rejections, how many cases went to the first appeal, how many cases went to the second appeal and how many cases are pending with departments. It also monitors queries and appeals which are raised through the call centres. The functional mandate of the Sakala Mission needs to be broadened whereby they can initiate legal and accountability processes in cases of breach of the statutory obligations by department or government offices. The Sakala Mission, Mission should be empowered to recommend appropriate disciplinary action by the department against the defaulting officer.
- ii. There is a need to appoint a dedicated Mission Director entrusted with the exclusive responsibility of implementation. During the last couple of years there has been severe problems regarding the administrative functioning of the SAKALA Mission which hampered its smooth functioning.

- iii. The SAKALA Mission along with the Regional Administrative Training Institutes should conduct regular training programmes for the designated officers. Specialized training programmes should be conducted for the quasi-judicial authorities such as the Competent Officer and the Appellate Authorities on issues relating to principles of natural justice and conduct of fair administrative proceedings. Adequate finances should be allocated by the Government for the purpose of conducting training programmes.
- iv. Regular inspections by the District Sakala Representative of all taluka level offices should be made mandatory so as to ensure that the all the obligations under the SAKALA Act are being duly complied with. The officers should be given travel allowances for conducting field inspections. The officers should be required to submit their field reports on a weekly basis to the SAKALA Mission for enabling it to take further actions.
- v. SAKALA Mission must mandatorily publish the Monthly Report as well as the Annual Report on their official website. The reporting should give equal weightage to the achievements as well as to the failures. Mechanism should be developed to obtain citizen satisfaction feedback and the same should be reported.
- vi. Awareness programmes and publicity campaign should be mandatorily conducted. The awareness level about Sakala is very minimal. Televisions and radio based awareness campaigns, street plays, school based campaigns needs to be encouraged. Monthly reports should indicate the number of such programmes conducted.
- vii. Every department should mandatorily publish the Sakala Information leaflet and display the Information Board at a prominent place. Every six months the information contained should be updated so that the citizens are made well aware about the various administrative commitments under the statute. The information contained should be include the procedural formalities, requisite documents and fees, stipulated time for delivering services, acknowledgment slips, name of the designated officer and the appellate procedures.
- viii. If an application is accepted under Sakala then a 15 digit acknowledgment number is issued for further references. Once the application is formally accepted, the SAKALA mission monitors the entire process of disposal of

application regardless of end result. The Sakala District Representative should religiously monitor that all the designated officers are generating the GSC number and issuing the same to the applicants. Absence of GSC slip can give rise to maladministration and abuse of power.

- ix. The application for majority of the services are accepted only through the physical appearance of applicant which leads to corruption. Maximum number of services should be made available through the online mode so that as soon as the applicant submits application online by completing all necessary information he will get GSC Number/ Slip. Filing of appeal should also be extended through the online mode, apart from physically going to the appellate authority.
- x. All designated officers should mandatorily maintain the E-1 Register as required under the Sakala rules.<sup>53</sup> At present such registers are not being maintained and it should be the responsibility of the Sakala representatives to verify the register on a monthly basis.
- xi. Under the existing scheme reasons for rejection of application have to be stated, but many a times the reasons are frivolous or abusive in nature resulting in victimization of the citizens. The Sakala IT system should be revised in a manner that the officer concerned is required to specify the genuine reasons for example selecting an option from a drop down list. The SAKALA Mission office should regularly review the reasons for rejection and intimate the concerned department on a monthly basis. Regular review of the responses of the government officers will help to bring in better accountability.
- xii. Once a service has been rejected by the designated officers, the rejection response should mandatorily contain the information relating to appellate procedure. Most often citizens are not aware about the administrative appellate procedures and they end up filing multiple applications for the same services.
- xiii. Any delay in dealing with the application should give rise to automatic payment of compensation. Till date only a miniscule population has made demand for payment of compensation, even though delay in service delivery is quite common. Most people are reluctant to go to the government office and

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<sup>53</sup> Please see SAKALA Rules, E-1 from, available on [http://www.sakala.kar.nic.in/download/Rules%20\[ENG-2016\].pdf](http://www.sakala.kar.nic.in/download/Rules%20[ENG-2016].pdf)

make additional application for payment of compensation for reasons such as fear of retaliation, unnecessary harassment etc. The service application form should be amended to incorporate an optional clause stating the assent of the applicant for automatic payment of compensation in case of delay in service delivery.

- xiv. At present the compensation amount payable is fixed at Rs. 20/per day for delay upto a maximum of Rs.500. The compensation amount needs to be enhanced to make it deterrent.
- xv. The setting up of Helpdesks should be mandatorily complied with so that citizens do not have to depend upon middlemen and others for gaining information.
- xvi. The Sakala representatives should be provided with adequate stationery and infrastructure facilities like computer, internet connectivity, printer, and generator.
- xvii. Sakala implementing officer at the district level is the Deputy Commissioner. But in light of his huge official responsibility it is not possible for him to go through Sakala reports and take appropriate action on daily basis. A subordinate officer should be designated as the District Reporting Officer to whom the Sakala District Representative will report regarding the implementation issues.
- xviii. The Act has provided a mechanism for imposing liability against defaulting officers. The procedure for imposing liability on the designated officer is provided by the Section 11 of the Act. The officer who keeps 7 applications pending for more than stipulated time he will be declared as a defaulting officer and such officer will be punished. Hardly any action has been taken by the Department Heads against the defaulting officers and even no recovery of compensation has been done from a defaulting officer. Hence there is a need to establish an independent grievance redressal mechanism to look into the issue of defaulting officers.
- xix. Call Centres has been established for proving clarification regarding services, application status, and information about particular services which are included under the SAKALA Act or not. The call centre is also mandated by the Sakala Rules is required to accept the complaint seeking compensation if

citizen is aggrieved by services as per the Act. But the call centre helpline facilities have not adequately publicised because of which most citizens are not aware of the same. Government should take the help of mobile phone technology and SMS facilities to create awareness about the Sakala Helpline.

- xx. Strict actions should be taken against unauthorised touts and middlemen who openly try to lure the citizens. The Sakala Information Board and the Helpdesks should prominently prohibit any form of solicitation by agents or middlemen. The SAKALA Mission should be authorized to refer such matters to the Deputy Commissioner for taking strict penal actions.
- xxi. Many departments which have been included within the Sakala services are found to have not implemented the same by not issuing proper office orders. The SAKALA Mission should coordinate with all the departments to ensure that the services which have been notified under the statute are being duly implemented. Whenever a department or office claims to have received zero applications under Sakala, the Mission should initiate an internal enquiry to identify the reasons for the same.

**B. NEED FOR AMENDING THE SAKALA LEGISLATION TO IMPROVE THE SCOPE OF CITIZEN-CENTRIC ACCOUNTABILITY AND ADMINISTRATIVE GRIEVANCE REDRESSAL MECHANISM – DRAFT KARNATAKA ACCOUNTABILITY AND GRIEVANCE REDRESSAL BILL, 2018**

The SAKALA Mission, the monitoring body of SAKALA implementation has been created to monitor implementation of the time bound delivery of services which have been included in the SAKALA Act. However, SAKALA Mission has no authority to punish or impose penalty on defaulting officials. The mission can only monitor, recommend suggestions and provide training to the departments which have been included under the SAKALA Act. It does not have the power to hear any grievances from the citizens as the power of grievance redressal is provided to the specific government departments under the statute. Under the Sakala monitoring system, application are monitored till the “disposal” of application, by way of providing services, or in case first appeal, and second appeal. If applicant is not provided with



the requisite services by the department then the applicant can approach the appropriate court to seek legal remedies for obtaining the services. This process of approaching the Court, particularly the High Court under writ jurisdiction, will add to the list of government litigation with the citizen getting only a delayed remedy. Under the Sakala Act in Karnataka there is no State level appellate authority like in the States of Punjab and Bihar<sup>54</sup> which will act as an appellate authority after the first and second appeal under the statute. On the basis of the research it was noticed that, even after the implementation of the SAKALA Services Act, people are approaching the local courts for their grievance redressals. One of the primary objective of the Right to Public Delivery of Service laws were to reduce government litigation by prohibiting the jurisdiction of the civil court but in the absence of an independent appellate grievance redressal authority that statutory goal will not be fulfilled. The essence of the SAKALA Act was to redress grievance by the administrative process but the internal mechanism is incomplete in the absence of an independent grievance redressal mechanism. The research team conducted several rounds of consultation sessions with Sakala officials and members of the civil society group to revise and amend the Karnataka SAKALA Services Act 2011. The research team has drafted the Karnataka Accountability and Grievance Redressal Bill 2018 as part of 'SAKALA PLUS' endeavour.

## **C. SUMMARY OF THE DRAFT KARNATAKA ACCOUNTABILITY AND GRIEVANCE REDRESSAL BILL, 2018**

### **I. PURPOSE**

The current proposal is that the Accountability Bill be framed as Sakala 2.0, to:

- address some of the shortcomings of the Karnataka Guarantee of Services to Citizens Act,

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<sup>54</sup> In Bihar there is Reviewing Authority, created under S. 3 of BIHAR RIGHT TO PUBLIC SERVICES ACT, 2011, for more detail visit [http://gad.bih.nic.in/Acts/L\\_eGazette\\_GazettePublished\\_167\\_2\\_2011\[1\].pdf](http://gad.bih.nic.in/Acts/L_eGazette_GazettePublished_167_2_2011[1].pdf), last visited on 28/07/2016

- interlink and build on existing corruption/maladministration and grievance redressal institutions outlined under similar Acts and
- expand Accountability to include both service delivery failures and redressal of individual citizen grievances
- create appellate structures that also capture the experience across Karnataka and periodically collect recommendations for system-level changes.

## II. OBJECTIVE –

A bill to facilitate the participation of the citizens of India in the formulation of laws and programmes through a pre legislative process and ensure the transparency and accountability of Government programmes and public officials to the people through processes and systems that include Citizens Charters and Job Charts, social audits and weekly public hearings, Information and Facilitation Centres and independent structures at the District and State level that hears appeals related to grievance redress processes. The Bill aims to create institutionalized mechanisms that ensures the effective delivery of citizen entitlements to the people and collective monitoring by citizens of the same.

## III. TITLE – Karnataka Accountability and Grievance Redress Bill, 2018

## IV. MAIN PROVISIONS –

1. **RIGHT** - Subject to the provisions of this Act, every person or group of persons shall have the right to time bound delivery of goods and provision for services, of the prescribed measure and quality and redress of complaints with respect to these goods and services.
2. **PRE-LEGISLATIVE CONSULTATION** - Every State Department shall publish all proposed legislations, delegated legislations, policies and programmes through

electronic media and other means, for facilitating a transparent and participatory process of consultation.

3. **CITIZEN CHARTER** - Every public authority shall publish, within one month of the commencement of this Act, a Citizens Charter, specifying therein all the category of goods supplied and services rendered by it and the time within which such goods shall be supplied or services be rendered.
4. **JOB CHART** - Every public servant shall have a job chart which shall be placed in the public domain.
5. **INFORMATION SYSTEM** - Government shall build and operate an online, integrated, publically accessible transaction based information system, known as the Janata Information System (JIS) that inter alia discloses: all financial transactions of all Departments on a real time basis; all official communication and correspondence, all minutes and action taken reports; all budgetary matters, any public grievance etc.
6. **COMPLAINT** -“complaint” means any application made by a citizen or a group of citizens (i) for seeking any benefit or relief under any policy, programme or scheme run by the State Government of Karnataka or the Union Government, or (ii) regarding any matter arising out of the failure a public authority to function in accordance with its Citizens Charter and Job Chart of public officials
7. **GRIEVANCE REDRESS AUTHORITY** - The Head of the Department of every public authority shall, within one month from the date of the coming into force of this Act, designate/appoint officers as Grievance Redress Officers in all administrative units or offices to receive, enquire into and redress any complaints from citizens. The Grievance Redress Officer shall provide a preliminary response to each grievance registered and allow an opportunity for the complainant to publicly explain the nature of the complaint as well as present any appropriate information related to the matter. The response of the complainant shall be duly recorded in the proceedings of the hearing.

If the complainant does not receive a written response from the Grievance Redress Officer within 21 days or the complainant is not satisfied by the written response received, he or she may request the intervention of the Head of Department for redress.

- 8. DISTRICT GRIEVANCE REDRESS COMMISSION** - In case the Head of Department does not respond within seven days of the receipt of such a request, the complaint shall be deemed as an appeal to the District Grievance Redress Authority, which shall initiate action to redress grievances and send an action taken report to the complainant.
- 9. PUBLIC HEARING** - The Public Hearing shall be organised by a panel comprising of the Taluk Panchayat President, the Executive Officer, a Gram Panchayat President chosen by the presidents of all Gram Panchayats in the Taluk concerned, the Municipal President of the Taluk Headquarters of the Taluk concerned, the Chief Officer of the said Municipality and a representative of other municipalities, or Town Panchayats in the taluk if any, chosen by the presidents of such Municipalities or Town Panchayats concerned.
- 10. INFORMATION AND FACILITATION CENTRE** - In every Taluk, municipal ward and Gram Panchayat the centre shall function as a single window for receiving complaints and applications related to all government schemes, programmes and departments and shall be interlinked with network of other customer care centres, call centres, help desks and web based tracking platforms established by the State.
- 11. SOCIAL AUDIT** - The State Government shall facilitate the conduct of social audit of all social sector and public service programmes implemented by the State Government in every Gram Panchayat, Municipality and Town Panchayat at least once in a year.
- 12. FUNDING** - There shall be a dedicated fund equivalent to one per cent of the budgets of all departments providing public infrastructure and public service delivery, including health, education, public works department, women and child,

Panchayati Raj etc. to be used for all measures for furthering transparency, accountability, pro-active disclosures, public consultations.

**13. KARNATAKA PUBLIC GRIEVANCE REDRESS COMMISSION** - The Commission shall have jurisdiction over all public authorities as defined under this Bill. It shall, upon adjudication of an appeal, have the power to issue directions,—

(a) requiring the public authority to take such steps as may be necessary to secure compliance with the provisions of the Citizens Charter or with the provisions of this Act;

(b) requiring the timely creation, updation and wide dissemination of the Citizens Charter of the public authority

(c) requiring the appointment of Grievance Redress Officers

(d) requiring the establishment of Information and Facilitation centres

#### **4.3 CONTRIBUTION OF THIS STUDY**

The Karnataka Litigation Policy and the Karnataka Guarantee of Services to Citizens Act, 2011 which was subsequently renamed as the Karnataka SAKALA Services Act, 2011 was a significant step towards reducing Government litigation, ensuring Government becomes an efficient litigator and creating statutory obligation for timely delivery of essential services. The objective of the present study was to undertake detailed research and collection of information on the working of the Karnataka State Litigation Policy and the Karnataka Sakala Service Act, 2011 towards reducing pendency of government cases, securing the rights of the citizens in accessing essential government services and evaluating the effective functioning of the administrative grievance redressal system.

The study took detailed field based research and enquiry with all major stakeholders on the effectiveness of these legislative policies in fulfilment of the objective emphasized above. The findings of the study based on the evidence collected in course of the research presents the current status of the implementation of Karnataka State Litigation Policy and the Karnataka Sakala Service Act, 2011. In the

opinion of the research team, this is the first commissioned independent review of these legislative systems and provides an unbiased picture of the actual reality in the grass-root level. It is evident from the findings of the study that the implementation has not been in letter and spirit and hence the results are far from satisfaction. The research team has conducted three State-level consultation and workshop involving all stakeholders and their views have been canvassed in the study and its findings. Also a citizen satisfaction survey on implementation of the Karnataka Sakala Service Act, 2011 was conducted and the findings reflect the existing challenges in implementation of the legislations. The study provides detailed recommendation including suggestion on necessary legislative change to ensure effective working of the system. The suggestion for this legislative change emerged out of the second and third stakeholder consultation and find merit of public discussion. Overall the study is first comprehensive independent review of the Karnataka State Litigation Policy and the Karnataka Sakala Service Act, 2011 providing a necessary body of information about the challenges in implementation of these legislations in reducing arrears in courts and timely delivery of essential public services. The recommendations made at the end of the study has been developed after due consultation with all major stakeholders and can be useful tool for the Government to strengthen the system. The Supreme Court in its recent judgement<sup>55</sup> has urged the Central Government to shape up the litigation policy, and the findings and recommendations of this research report will help in formulating a realistic policy framework for reducing government litigation on one hand and ensuring the efficient conduct of litigation on the other hand.

#### **4.4 SCOPE FOR FURTHER RESEARCH**

The present study on implementation of Karnataka State Litigation Policy and the Karnataka SAKALA Service Act, 2011 in reducing Government litigation through timely delivery of public services and an administrative grievance redressal

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<sup>55</sup> Times of India, *SC to Centre: Stop clogging courts with frivolous cases*, published on May 1, 2018

mechanism throws light on several important new propositions. The study creates independent baseline information of actual working of these legislations. On the basis of the research it was noticed that, even after the implementation of the SAKALA Services Act, citizens are approaching local courts for their grievance redressals. One of the primary objective of the Right to Public Delivery of Service laws were to reduce government litigation by prohibiting the jurisdiction of the civil court but in the absence of a transparent system and appellate grievance redressal authority, that statutory goal has not been fulfilled. The study recommendations along with steps to improve the existing systems and creation of a centralized Database for Government litigation developed from information provided by various Government Departments and Courts can be a good step towards a continuous and sustained statistical analysis on pendency and arrears in Government Litigation. This data can be cross analyzed with the data available under SAKALA system. The analysis can be an effective research to establish the relation between a transparent system of public service delivery supported with an independent administrative grievance redressal with Government litigation. At present the manner of conduct of litigation and reducing the time period has been a matter of concern in light of the Government's goal of ease of doing business, hence empirical research on the actual conduct of litigation is necessary to identify the actual bottlenecks.

Further, the essence of the SAKALA Act was to redress grievance by the administrative process but the internal mechanism is incomplete in the absence of an independent grievance redressal mechanism. The research team conducted several rounds of consultation sessions with Sakala officials and members of the civil society group to revise and amend the Karnataka SAKALA Services Act 2011. The research team has drafted the Karnataka Accountability and Grievance Redressal Bill 2018 as part of 'Sakala Plus' endeavour. This provides also scope for future research.

## V. Draft Bill

### KARNATAKA ACCOUNTABILITY AND GRIEVANCE REDRESSAL BILL 2018

#### KARNATAKA ACCOUNTABILITY AND GRIEVANCE REDRESSAL BILL 2018

The current proposal is that the Karnataka Accountability and Grievance Redressal Bill be framed as Sakala 2.0 (Sakala Plus) to:

- address some of the shortcomings of the Karnataka Sakala Services Act,
- interlink and build on existing corruption/maladministration and grievance redressal institutions outlined under similar Acts and
- expand Accountability to include both service delivery failures and redressal of individual citizen grievances
- create appellate structures that also capture the experience across Karnataka and periodically collect recommendations for system-level changes.

*A bill to facilitate the participation of the citizens of India in the formulation of laws and programmes through a pre legislative process and ensure the transparency and accountability of Government programmes and public officials to the people through processes and systems that include Citizens Charters and Job Charts, social audits and weekly public hearings, Information and Facilitation Centres and independent structures at the District and State level that hears appeals related to grievance redress processes. The Bill aims to create institutionalized mechanisms that ensures*



*the effective delivery of citizen entitlements to the people and collective monitoring by citizens of the same.*

### **Declaratory Rights**

<b>Sec 1</b>	<p>(1) This Act may be called the Karnataka Accountability and Grievance Redressal Bill, 2018</p> <p>(2) It extends to the whole of Karnataka</p> <p>(3) It shall come into force within 120 days of the Act being passed by the State Assembly and receiving the assent of the Governor of Karnataka.</p>
<b>Sec 2</b>	<p>In this Act, unless the context otherwise requires, —</p> <p>(a) "action taken report" means a report furnished to the complainant by the Grievance Redress Officer, District Grievance Redress Authority or the Karnataka Public Grievance Redress Commission in response to a complaint or appeal, as the case may be, specifying in detail the action taken to date to redress the complaint or appeal; compensation due to be paid to the complainant and action taken/penalty imposed on the functionary held responsible for failing to fulfil his/her obligations under this Act;</p> <p>(b) "appeal" means an appeal filed by a person against the order of a Grievance Redress Officer, District Grievance Redress Authority; or an appeal filed by a person regarding the failure of any public authority or any concerned official to comply with the provisions of this Act,</p> <p>(c) "appropriate Government" means a public authority functioning in the territory under the Government of Karnataka, which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly by the Government of Karnataka</p> <p>(d) "Chief Commissioner" means the Chief Commissioner of the Karnataka Public Grievance Redress Commission appointed under this Act;</p> <p>(e) "Citizens Charter" means a document declaring the functioning, obligations,</p>

	<p>duties and commitments of a public authority under any law, policy, programme, order or scheme for providing goods and services effectively and efficiently in accordance with reasonable levels of standards and time limits, including all matters mandated to be disclosed in accordance with the provisions of Section 4 of the Right to Information Act, 2005, and designation of public servants for such delivery of goods and services, and grievance redress.</p> <p>(f) "complaint" means any application made by a citizen or a group of citizens (i) for seeking any benefit or relief under any policy, programme or scheme run by the State Government of Karnataka or the Union Government, or (ii) regarding any matter arising out of the failure a public authority to function in accordance with its Citizens Charter and Job Chart of public officials.</p> <p>- Provided that this does not include grievances relating to the service matters of a public servant, whether serving or retired."</p> <p>(g) "days" means the working days, referred to as the timeline;</p> <p>(h) "Karnataka Public Grievance Redress Commission" means the Karnataka Public Grievance Redress Commission constituted under this Act;</p> <p>(i) "District Grievance Redress Authority" means a district level authority set up by the Karnataka Public Grievance Redress Commission which will have jurisdiction to hear complaints and appeals, give directions, award compensation and impose penalty in relation to all public authorities located within the district.</p> <p>(j) "Grievance Redress Officer" means a Grievance Redress Officer designated under Section 9</p> <p>(k) "Head of the Department" means an officer designated as such by the appropriate Government, as the head of a Government Department and includes any officer who is delegated with the powers of the Head of the Department.</p> <p>(l) "Information and Facilitation Centre" includes a customer care centre, call centre or help desk, established or designated as such, in accordance with the provisions of this Act;</p> <p>(m) "notification" means a notification published in the Official Gazette;</p> <p>(n) "prescribed" means prescribed by the rules made under this Act;</p>
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	<p>(o) "public authority" means any authority or body or institution of self-government established or constituted, —</p> <p>(i) by or under the Constitution;</p> <p>(ii) by any other law made by Parliament;</p> <p>(iii) by any other law made by the Karnataka Legislative Assembly;</p> <p>(v) by an agreement or memorandum of understanding between the Government and any private entity as Public - Private Partnership or otherwise;</p> <p>(iv) by notification issued or order made by the appropriate Government, and includes any, —</p> <p>(A) government department,</p> <p>(B) organisation or body corporate in its capacity as an instrumentality of "State" as defined under article 12 of the Constitution and rendering services of public utility in India; including those non-governmental organizations owned, controlled or substantially financed directly or indirectly by the appropriate Government,</p> <p>(C) Government company as defined under Section 2 (45) of the Companies Act, 2013;</p> <p>(D) other company or body which supplies goods or renders services in pursuance of an obligation imposed under any Central or State Act or under any licence or authorisation under any law for the time being in force or by the Central or State Government;</p> <p>(vi) includes any body which is under the control of the Government of Karnataka or the Governor of Karnataka;</p> <p>(p) "Public hearing" means an open forum or meeting that brings together complainants and public authorities once a day on a weekly basis to hear, address and solve grievances;</p> <p>(q) "service" means all goods and services, that are to be provided or rendered by a public authority under its designated functions, obligations, responsibilities or duties;</p>
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	<p>(r) "urgent matter" means any matter that could affect the life and liberty or access to essential services of a person or a group of persons and which must be addressed immediately.</p>
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<b>Sec 3</b>	<p>Notwithstanding anything contained in any other Law being in force, the provisions of the Act shall apply to:</p> <ul style="list-style-type: none"> <li>(a) public servants appointed substantively to any civil service or posts in connection with the affairs of the State Government</li> <li>(b) public servants of local bodies and authorities which are owned, controlled or substantially financed by the State Government</li> <li>(c) servants of entities administered in partnership between State Government and other private entities</li> <li>(d) Contractual staff including those paid, employed or contracted full time or part time by the State Government or its entities to carry out a public function.</li> </ul>
<b>Sec 4</b>	<p>Subject to the provisions of this Act, every person or group of persons shall have the right to time bound delivery of goods and provision for services, of the prescribed measure and quality and redress of complaints with respect to these goods and services.</p>

<b>Sec 5</b>	<p>Every State Department shall publish all proposed legislations, delegated legislations, policies and programmes through electronic media and other means, for facilitating a transparent and participatory process of consultation.</p> <p>(1) The public authority concerned shall publish in the public domain the draft legislation, delegated legislation, policy, programme and information that shall include:</p> <ul style="list-style-type: none"> <li>a) brief justification for such legislation, delegated legislation, policy, programmes</li> <li>b) essential elements of the proposed legislation, delegated legislation, rules, policy, programmes in an explanatory note that describes its contents in simple language</li> <li>(c) its broad financial implications, and an assessment of its impact on environment, fundamental rights and lives and livelihoods of the people affected</li> <li>(d) a set of questions and standard formats in which feedback is solicited from the public.</li> </ul> <p>(2) Such details shall be kept in the public domain for a minimum period of thirty days and shared with the public in such manner as may be specified by the public authority concerned</p> <p>(3) Where such legislation, delegated legislation, policy or programme affects specific groups of people, it shall be disclosed through print or electronic media or in such other manner as may be considered necessary to reach the people affected. Such means include notices to households, pamphlets and posters in every Panchayat office, School and Post Office in the area where the people affected are ordinarily resident.</p> <p>(4) The summary of feedback and comments received from the public shall be placed on the website of the Department concerned.</p> <p>(5) The Department concerned may in addition to placing the proposal in public domain, also hold consultations with all stakeholders.</p> <p>(6) All draft legislation, delegated legislation, rules, policies and programmes shall be referred to the Department of Law and Justice for vetting after the completion</p>
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	<p>of the process of public consultation and inter-departmental consultations.</p> <p>The Department of Law and Justice shall also, at the time of examination of the draft legislation or rules or policy or programme, ensure that the Department concerned has complied with the process of consultation described in this section.</p> <p>(7) With respect to draft legislation and delegated legislation or other rules, policies and programmes that require approval from the State Cabinet, the Department concerned shall include a summary of the consultation with stakeholders and responses received and along with its remarks on the same, in the note for the Cabinet along with the draft legislation.</p> <p>(8) With respect to draft legislation, the summary of the pre-legislative process shall be placed before the Legislative Committees concerned by the Department concerned, if the matter is referred to such General or Special Committee by the State Legislature.</p>
<b>Sec 6</b>	<p>(1) Every public authority shall publish, within one month of the commencement of this Act, a Citizens Charter, as defined in sub-section (e) of section 2, specifying therein all the category of goods supplied and services rendered by it and the time within which such goods shall be supplied or services be rendered.</p> <p>(2) Without prejudice to the generality of the provisions contained in sub-section (1), the Citizens Charter shall provide information on all of the following matters, namely: —</p> <ul style="list-style-type: none"> <li>(a) the details of all the goods supplied and services rendered by the public authority including details of functions, obligations, responsibility or duty that the public authority is required or reasonably expected to provide;</li> <li>(b) the name, designation and contact details of person or agency through which such goods are supplied or services rendered</li> <li>(c) the name, designation, contact details and addresses of individuals responsible for the delivery of goods or rendering of services</li> <li>(d) the time frame within which goods have to be supplied or services rendered</li> <li>(e) the roles and responsibilities of every officer or employee of the public authority;</li> </ul>

(f) the class of persons who are entitled to receive such goods and avail such services and the conditions under which a person becomes entitled for goods or services;

(g) the quantitative and tangible parameters, including weight, size and frequency wherever relevant, of the goods and services available to the public;

(h) the qualitative standards of the goods and services available to the public;

(i) details of the complaint redress mechanism including:

(i) the timeframe within which complaints are to be disposed of, depending on the nature of complaints, including timeframe for redress of complaints of an urgent or immediate nature.

Provided that the timeframe shall not exceed the timeframe defined in section 9 and section 11 of this Act.

(ii) the person or authority to whom such complaint be made;

(iii) the name, designation, contact details and addresses of the Grievance Redress Officers of the public authority;

(j) any other information relevant to delivery of goods or provision of services, including those obligations disclosed as per the requirements of section 4 of the Right to Information Act 2005, or such other information as may be prescribed.

(3) The Head of the Department in each public authority, or an officer designated by him for the purpose, shall be responsible for developing, publishing, updating and verifying the Citizens Charter every year and the accuracy of the contents thereof.

(4) It shall be the responsibility of the Head of the Department of every public authority, or an officer designated by him for the purpose, to ensure that the Citizens Charter is widely disseminated to the public.

(5) The appropriate Government may, by notification, make rules in relation to Citizens Charter and grievance redress. These rules shall be subject to review of and directions by the Karnataka Public Grievance Redress Commission.



<b>Sec 7</b>	<p>Every public servant shall have a job chart which shall be placed in the public domain.</p> <p>(1) The Head of the Department concerned shall be responsible for ensuring the preparation and publication of job charts for public servants coming under its control and supervision and its periodic updating in line with current roles and responsibilities.</p> <p>(a) The Job Chart shall include responsibilities to be carried out by the public official, in order to ensure the effective delivery of goods and services, within time, standards and norms, as prescribed in the Citizens Charter.</p> <p>(b) The Job Chart shall contain the terms of service and obligations of the public official, including responsibilities of supervision that are contained in any Act, Scheme, Programme, Rules, Orders and/or executive instructions and shall contain the specific responsibility of that official in order to carry out the task of that public office.</p> <p>(c) The Job Chart shall contain responsibilities for ensuring transparent functioning of the public servants and their duties for mandatory disclosure of information</p> <p>(d) The Job Chart shall outline the hours of work of the official concerned, the timing, and the place or places of work</p> <p>(e) The Job Chart shall outline all the mechanisms for public interaction that the public official must adhere to in the execution of his or her duties</p> <p>(f) The Job Chart shall contain the reporting responsibilities of the public official.</p>
<b>Sec 8</b>	<p>(1) In furtherance of the obligations included under Sec 4 of the RTI Act, all Information systems of any public authority shall be in the public domain,</p> <p>(2) The Government of Karnataka shall build and operate an online, integrated, publically accessible transaction based information system, known as the Janata Information System (JIS) that inter alia discloses:</p> <p>(i) all financial transactions of all Departments on a real time basis. No financial transaction may take place without it being routed through this</p>

platform,

ii) All official communication and correspondence,

iii) All committees, their meetings, decisions and their minutes and action taken reports,

iv) All budgetary matters, financial sanctions, under consideration and approved,

v) The directory of all public servants, transfer policies of the Department and all transfer orders issued by the department, indicating compliance with the transfer policy as also exceptions from the transfer policy, if any.

vi) Details of disciplinary action and of penalties imposed on public servants of the Department under this or any other Act,

vii) Any public grievance registered with the Department shall be linked to and registered on the main public grievance redress portal, and follow the same transparent process of disposal as mandated by the Rules of the State Public Grievance Redress portal to be maintained and monitored by the State Public Grievance Redress Commission.

(2) Every Head of the Department of every public authority, or an officer designated by him for the purpose, shall ensure that all material be disseminated taking into consideration the local language and the most effective method of communication in that local area free of cost.

*Explanation.* — For the purposes of this section the expression "disseminated" means making known and communicating the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority by any citizen.

(3) Every Head of the Department of every public authority, or an officer designated by him for the purpose, shall ensure that the Citizens Charter is made available at the website of the public authority. in other electronic forms like electronic display boards and free of cost at all block and/or ward level offices and all other offices of the public authority.

(4) Every Head of the Department of every public authority, or an officer designated by him for the purpose, shall ensure that a copy of the Citizens Charter

	of the public authority duly certified by him is submitted to appropriate bodies, including the Karnataka Public Grievance Redress Commission, when it is published and subsequently, every time that it is modified, updated or amended.
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### Operative clauses

<b>Sec 9</b>	<p>(1) The Head of the Department of every public authority shall, within one month from the date of the coming into force of this Act, designate/appoint as many officers as may be necessary as Grievance Redress Officers in all administrative units or offices at the State, district, sub-district, ward/GP, to receive, enquire into and redress any complaints from citizens in the manner as may be prescribed:</p> <p>Provided that the Grievance Redress Officer so designated shall be at least one level above and be deemed to have supervisory control on the individual designated to deliver goods or render services as per the Citizens Charter.</p> <p>(2) Every public authority shall, immediately on designation of a Grievance Redress Officer, display, at each of its offices, customer care centre, help desk, point of service, website, the name of the Grievance Redress Officer, their addresses and telephone numbers, e-mail addresses, facsimile numbers and other means of contacting them, in respect of each area for which the Grievance Redress Officer have been appointed or designated.</p> <p>(3) Every public authority shall appoint or designate such number of Grievance Redress Officer under sub-section (1) and for such areas, as may be considered by it as necessary,.</p>
<b>Sec 10</b>	<p>(1) Applicants wishing to register a grievance shall submit complaint to the Grievance Redress Officer thus appointed in writing, or electronic means text message or telephone to the authorised contact addresses of the Grievance Redress Officer or through any other means that may be prescribed, which shall necessarily be reduced to writing</p> <p>(2) The Grievance Redress Officer, shall acknowledge each complaint with a receipt, issued through writing, electronic means or text message or through any other means as may be prescribed, providing a unique complaint number for the</p>

	<p>complaint and specifying the date and time of the issue of the receipt, and the date and place of the hearing, which shall be no later than ten days</p> <p>(3) The receipt shall contain the particulars of receiver of complaint, of the Grievance Redress Officer concerned and the time frame stipulated in the Citizens Charter within which the complaint shall be redressed.</p> <p>(4) The Grievance Redress Officer shall provide all necessary assistance to citizens in filing complaints, including providing assistance to complainants who are unable to make complaints in writing, to reduce their oral complaints to writing.</p> <p>(5) Upon receiving a complaint directly from a citizen, the Grievance Redress Officer shall as soon as possible, and no later than 24 hours of receipt of a complaint, forward a copy of the complaint to the Information and Facilitation Centre.</p>
<b>Sec 11</b>	<p>(1) On the receipt of a complaint, the Grievance Redress Officer shall make appropriate enquiries, including the conduct of open hearings close to the location of the complainant as also visit the site of the complaint where the applicant and the person complained against shall be given a fair chance of being heard.</p> <p>(2) The Grievance Redress Officer shall provide a preliminary response to each grievance registered and allow an opportunity for the complainant to publicly explain the nature of the complaint as well as present any appropriate information related to the matter. The response of the complainant shall be duly recorded in the proceedings of the hearing.</p> <p>(3) The Grievance Redress Officer shall be present at the weekly Public Hearing at the Taluk level to respond to complaints already received and complaints registered during such weekly public hearing.</p> <p>(4) The Grievance Redress Officer shall take into account the recommendations of the chair of the weekly Public Hearing in dealing with the grievance concerned</p> <p>(5) In case the matter is disposed at the Public Hearing, the complainant shall be given a copy of the Action Taken Report, which shall contain an appropriate space for the complainant to record his or her level of satisfaction on the disposal.</p>
<b>Sec 12</b>	<p>(1) The Grievance Redress Officer may seek the assistance of any other officer required for the proper discharge of his duties or may direct any other officer to</p>

	<p>take action to redress a complaint.</p> <p>(2) Any officer whose assistance has been sought under sub-section (1), shall render all assistance to the Grievance Redress Officer seeking his assistance and for the purposes of provisions of this Act, such other officer shall be deemed to be a Grievance Redress Officer.</p> <p>(3) If a Grievance Redress Officer receives a complaint that relates to matters that are partly or wholly dealt with by another Grievance Redress Officer or Public Authority then the receiving Grievance Redress Officer shall transfer the complaint to the appropriate Grievance Redress Officer and Public Authority within two days and send intimation to the complainant and the Information and Facilitation Centre. Where two or more Grievance Redress Officers or Public Authorities are involved in any complaint, copies of the complaint shall be transferred to all the relevant Grievance Redress Officers and Public Authorities.</p> <p>(4) While transferring the complaint, the Grievance Redress Officer shall record in writing why the matter does not partly or wholly relate to his or her jurisdiction. The Grievance Redress Officer who receives the complaint transferred in part or in whole shall be deemed to be a Grievance Redress Officer in accordance with the provisions of this Act. The deemed Grievance Redress Officer shall dispose of the transferred complaint within the time frame stipulated in the Citizens Charter, not exceeding twenty one days, from the date of receipt by the Public Authority.</p>
<b>Sec 13</b>	<p>The Grievance Redress Officer shall furnish a written response to the complainant within 21 days of the grievance being registered, which describes the nature of action taken to initiate redress upon receipt of the grievance and the time period within which the same shall be remedied.</p> <p>(1) A copy of every written response shall be submitted by the Grievance Redress Officer to the Head of the Department concerned.</p> <p>(2) In case a complaint cannot be redressed by the Grievance Redress Officer, the written response shall record the reason for the inability for the same and be approved by the Head of the Department concerned before communicating the same to the complainant</p> <p>Provided that complaints of an urgent or immediate nature shall be disposed of within two days from the date of receipt of the complaint;</p>

	<p>(3) The Grievance Redress Officer shall</p> <p>(a) identify the reason for the occurrence of the grievance and fix responsibility for the same on the defaulting office or public servant concerned.</p> <p>(b) initiate action in accordance with conduct rules and departmental procedures where the grievance has occurred as a result of a deficiency, negligence or malfeasance on the part of an office or a public servant;</p> <p>(c) recommend to the Head of the Department concerned a penalty to be levied on the public official concerned where he finds that such official has wilfully neglected to deliver the goods or services, or has delayed such delivery beyond the prescribed time without any good reason, or has delivered goods or services that do not meet the prescribed standards of quality or measure, or there exist prima facie grounds for a case under the Prevention of Corruption Act, 1988,</p> <p>(d) recommend any compensation that may be paid to the complainant for delay or non-delivery of goods and services, which resulted in the complaint.</p>
<b>Sec 14</b>	<p>(1) If the complainant does not receive a written response from the Grievance Redress Officer within 21 days or the complainant is not satisfied by the written response received, he or she may request the intervention of the Head of Department for redress. In case the Head of Department does not respond within seven days of the receipt of such a request, the complaint shall be deemed as an appeal to the District Grievance Redress Authority, which shall initiate action to redress grievances in accordance with the provisions of this law, within the time frame defined in the Citizens Charter, not exceeding ten days, and send an action taken report to the complainant</p> <p>Provided that an appeal related to a complaint of an urgent or immediate nature shall be disposed of within two days from the date of receipt of the appeal;</p> <p>(2) If the applicant is not satisfied with the written response of the Grievance Redress Officer he or she may appeal to the District Grievance Redress Authority</p> <p>(3) Where the District Grievance Redress Authority finds that the grievance has occurred and has not been redressed by the Grievance Redress Officer as a result of deficiency, negligence or malfeasance, then action shall be taken in accordance with conduct rules and departmental procedures.</p>

	<p>(4) Where the District Grievance Redress Authority finds that the individual responsible for the delivery of the goods and services has wilfully neglected to deliver the goods or services, or has delayed such delivery beyond the prescribed time without any good reason, or has delivered goods or services that do not meet the prescribed standards of quality or measure, or there exist prima facie grounds for a case under the Prevention of Corruption Act, 1988, or the Grievance Redress Officer did not submit a written response to the complainant within 21 days or the Grievance Redress Officer did not ensure redress within the time frame stipulated as per the written response submitted by him/her to the complainant, the District Grievance Redress Authority shall make an observation to the Karnataka Grievance Redress Commission to that effect along with a recommendation for the penalty and compensation if any, to be paid to the complainant.</p>
<p><b>Sec 15</b></p>	<p>Every person or group of persons who files a complaint under the provisions of this Law, shall be entitled to a collective Public Hearing within 14 days of the complaint being filed.</p> <p>(1) For this purpose a weekly Public Hearing open to the public shall take place at the Taluk level at a public place of the area, with adequate space to seat all those who wish to participate.</p> <p>(2) All those who attend the Public Hearing shall be issued a dated receipt and their applications taken up sequentially on a first come first served basis. Those who attend the Public Hearing with dated receipts issued prior to the hearing shall be heard first</p> <p>(3) The Public Hearing shall be organised by a panel comprising of the Taluk Panchayat President, the Executive Officer, a Gram Panchayat President chosen by the presidents of all Gram Panchayats in the Taluk concerned, the Municipal President of the Taluk Headquarters of the Taluk concerned, the Chief Officer of the said Municipality and a representative of other municipalities, or Town Panchayats in the taluk if any, chosen by the presidents of such Municipalities or Town Panchayats concerned. Such panel shall oversee the hearing and proceedings of the Public Hearing, which includes making provisions for all facilities such as public address systems, drinking water and so on, for those attending the Public Hearing. The Panel may set up separate desks for counselling and convenient hearing of grievances by the Departments concerned, before bringing up the same before the Panel for consideration. The Panel shall recommend measures to the department concerned to take action to ensure that</p>

	<p>grievances are redressed.</p> <p>(4) Coordinators of the Information and Facilitation Centre at the Taluka level shall be present at the Public Hearing to provide support to the applicants.</p> <p>(5) All Grievance Redress Officers shall attend the Public Hearing and submit statements on the current status of the redressal of the complaint. The complainant shall be provided an opportunity to furnish their response to such statement of the Grievance Redress Officer.</p> <p>(6) For those matters where a final decision has been or is taken, the Department concerned shall announce the decision publicly. The complainant shall be provided an opportunity to respond. The proceedings of the same shall be recorded in the minutes of the Panel. An Action Taken Report shall be provided in writing to the applicant. Where the applicant is not satisfied with the decision on his or her complaint, he or she shall be informed of the appeal process under this law. With respect to matters that are not concluded by the Panel at the Public Hearing, the applicants concerned shall be informed of the date of the next hearing and the date by which the final response shall be provided.</p> <p>(7) Where a Complainant is absent at a Public Hearing, the complaint shall be read out and addressed by the department concerned. The public hearing shall take into account material presented with the complaint and information available with the department before taking a decision.</p> <p>(8) Action Taken Reports for grievances disposed between public hearings shall be submitted to and taken on record at the very next public hearing.</p> <p>(9) The proceedings shall be recorded and reviewed by the Public Hearing Panel and uploaded on the web portal in a format prescribed for the purpose,</p> <p>(10) Grievances filed with a request for confidentiality shall not be heard in the Public Hearing.</p> <p>(11) All social audit findings shall be considered as preliminary findings that shall be placed for action at Public Hearings. The Panel shall ensure that the Department concerned provides redress as ordered within one week. A report shall be sent to the complainant concerned and the District representative of the Social Audit Unit.</p>
<b>Sec 16</b>	<p>(1) The Government of Karnataka shall establish an Information and Facilitation Centre in each Taluk and one in every municipal ward and Gram Panchayat of Karnataka for providing information on the efficient and effective delivery of</p>



services and redress of grievances.

The Information and Facilitation centre shall function as a single window for receiving complaints and applications related to all government schemes, programmes and departments and shall be interlinked with network of other customer care centres, call centres, help desks and web based tracking platforms established by the State.

(2) Every Information and Facilitation Centre shall receive complaints and appeals directly, through post, through phone lines and electronically through text messages, emails or such other means and shall have facility of computers and internet connectivity.

(3) The Information Facilitation Centre shall acknowledge each complaint with a receipt, issued through writing, electronic means or text message or through any other means as may be prescribed, providing a unique complaint number for the complaint and specifying the date and time of the issue of the receipt, and the date and place of the hearing, which shall be no later than ten days

(4) The receipt shall contain the particulars of receiver of complaint, of the Grievance Redress Officer concerned and the time frame stipulated in the Citizens Charter within which the complaint shall be redressed.

(5) The Information and Facilitation Centre shall:

(i) register complaints and applications filed by citizens and shall as soon as possible, and no later than 24 hours of receipt of the complaint, forward each complaint to the appropriate Grievance Redress Officer.

(ii) register appeals filed by citizens and shall as soon as possible, and no later than 24 hours of receipt of the appeal, forward each appeal to the appropriate District Grievance Redress Authority or the Karnataka Public Grievance Redress Commission, as the case may be, within 24 hours of receipt of an appeal.

(iii) provide all necessary assistance to citizens in writing and filing complaints where necessary and by assisting citizens in tracking their complaints using the unique complaint number.

(iv) keep track of the applications filed and the actions taken or inaction in

	<p>respect thereof</p> <p>(v) reduce the complaints to writing of those complainants who are unable to do so on their own.</p> <p>(6) Every Information and Facilitation Centre shall provide citizen adequate and comfortable facilities for seating and other conveniences.</p> <p>(7) The Information Facilitation Centre shall be equipped with online repository of information on all Government Laws, programmes, schemes, policies, under which citizens are entitled to delivery of goods and services and shall provide frequent and relevant information to citizens about the schemes, programmes, citizens charters, job charts, entitlements received by beneficiaries and status of complaints of different departments.</p> <p>(8) Copies of all social audit reports shall be deposited by the SAU at the IFC within one week of the social audit. All social audit findings shall be treated as the conclusion of a preliminary inquiry and be presented to the Panel of the subsequent public hearing and Departments concerned for necessary orders and directions.</p> <p>(9) The staff and the Coordinator of the Information and Facilitation Centre shall be appointed by the State Public Grievance Redress Commission through the DGRAs as may be prescribed. At least fifty percent of the staff of the information facilitation centres shall be women, and at least half drawn from the scheduled castes and scheduled tribes.</p> <p>(10) Any complaints regarding non-registration of complaint or appeal or any violation of the provisions of the Act by the Information and Facilitation Centre shall lie with the District Grievance Redress Authority.</p>
<b>Sec 17</b>	<p><b>Duty of the State to Arrange for Social Audits:</b></p> <p>The State Government shall facilitate the conduct of social audit of all social sector and public service programmes implemented by the State Government in every Gram Panchayat, Municipality and Town Panchayat at least once in a year, in the manner prescribed in this act.</p> <p>(1) The social audit shall be a process independent of any process undertaken by the implementing agency of the programme or scheme. The implementing agency</p>

	<p>shall at no time interfere with the conduct of social audit</p> <p>(2) Social Audit may enable adequate publicity of the provisions of various Government schemes and programmes and provide an opportunity for people to apply for them.</p> <p>(3) Social Audit shall enable all stakeholders to seek and obtain further information and responses from all involved in the implementation of the programme or scheme concerned.</p>
<p><b>Sec 18</b></p>	<p><b>Constitution and Duties of the Social Audit Unit:</b></p> <p>(1) The State Government shall identify or establish an independent organization for every Taluk (hereinafter referred to as the Social Audit Unit) to facilitate conduct of social audits in the Taluk. The SAU shall</p> <ul style="list-style-type: none"> <li>a) prepare a list of all the Departments/schemes/programmes to be audited</li> <li>b) develop appropriate protocols for carrying out a social audit of any Department, scheme or programme</li> <li>c) at the beginning of every financial year, prepare a calendar for that year to <ul style="list-style-type: none"> <li>(i) carry out social audit of each department, Scheme or programme</li> <li>(ii) conduct at least one social audit in each Gram Panchayat, Town Panchayat and Municipality in the Taluk</li> </ul> </li> </ul> <p>Provided that the SAU may club together the social audits for each department Gram Panchayat, Town Panchayat or Municipality wise, for the sake of convenience and efficiency</p> <p>(2) For each social audit cycle, the Social Audit Unit shall:</p> <ul style="list-style-type: none"> <li>a) Build capacities of citizens for conducting social audit; and towards this purpose identify, train and deploy suitable resource persons at village, block,</li> </ul>

	<p>district and state level, drawing from primary stakeholders and other civil society organizations having knowledge and experience of working for the rights of the people. The resource persons deployed for facilitating social audit in a panchayat or municipality, shall not be residents of the same panchayat</p> <p>b) Prepare social audit reporting formats, resource material, guidelines and manuals for the social audit process of each Department, scheme or programme</p> <p>c) Create awareness amongst the beneficiaries about their rights and entitlements under various public programmes</p> <p>d) Facilitate verification of records with primary stakeholders and visits to sites concerned</p> <p>e) Facilitate smooth conduct of social audits for reading out and finalizing decisions after due discussion</p> <p>f) Upload the social audit reports including action taken reports in the public domain and have them placed before the Gram Sabha or Wards Committee of the Gram Panchayat, Town Panchayat or Municipality respectively</p>
<b>Sec 19</b>	<p><b>Conduct of social audit:</b></p> <p>(1) Adequate notice shall be given of the social audit in the Panchayats, Municipalities and Town Panchayats by the Resource Persons concerned</p> <p>(2) The action taken report relating to the previous social audit shall be read out at the beginning of the meeting of each social audit</p> <p>(3) For facilitating conduct of social audit by citizens, the resource persons deployed by the Social Audit Unit, shall verify along with stakeholders:</p> <p>a) All documents recording expenditure made in the programme or scheme concerned, by contacting the beneficiaries whose names are recorded in the same</p> <p>(b) Correctness of the selection of beneficiaries, in accordance with the pre-conditions laid down in the programme or scheme concerned</p> <p>(c) the site of work/asset created and assess the quantity with reference to records and also quality and usefulness of work done</p>

	<p>(d) Cash book, bank statements and other financial records to verify the correctness and reliability of financial reporting</p> <p>(e) The invoices, bills, vouchers or other related records used for procurement of materials to testify such procurement was in accordance with the estimate, the procedure laid down and was economical</p> <p>(f) Any other payment made by the implementing agency from the funds of the programme or scheme concerned</p> <p>(4) A Social Audit public meeting shall be held at a location appropriate to the institution or programme being audited, in the Panchayat, Municipality or Town Panchayat level to discuss the findings of the verification exercise and to review compliance with stipulations on transparency and accountability, fulfilment of the rights and entitlements of stakeholders and the proper utilization of funds.</p>
<b>Sec 20</b>	<p><b>Duty of Departments, Public Officials and others concerned, with respect to the social audit:</b></p> <p>(1) The Social Audit shall be chaired by a representative/nominee of the DGRA or its equivalent.</p> <p>(2) All elected members of the Panchayat, Municipality or Town Panchayat concerned and staff involved in implementing the schemes or programmes being audited (including staff of non-governmental organizations, self-help groups and payment disbursing agencies) shall be present at the Social Audit public meeting and respond to queries</p> <p>(3) The relevant heads of departments of public service agencies at the district level shall depute public officials of the appropriate level to attend the Social Audit public meeting.</p>
<b>Sec 21</b>	<p><b>Duty of Departments and Implementing Agencies to provide information to the Social Audit Unit:</b></p> <p>(1) The implementing agency concerned at the Taluk level shall ensure that all the required information and records such as registers, gram sabha resolutions, administrative, technical and financial sanctions, work estimates, bills and vouchers, measurement books, all documents relating to receipts and expenditure, including any other document that the Social Audit Unit requires to</p>

	<p>conduct the social audit of any scheme or programme being implemented by such implementing agency in the Grama Panchayat, Town Panchayat or Municipality concerned are collated in the requisite formats and provided along with photocopies to the Social Audit Unit at least fifteen days in advance of the scheduled date of meeting of the Social Audit.</p> <p>(2) Such information shall be concurrently placed in the public domain through appropriate measures such as photocopies, summary reports, annual reports, pamphlets and wall paintings which contain the details of expenditure made and benefits provided under the scheme or programme being socially audited.</p> <p>(3) Every District level departmental head or any official on his behalf shall</p> <ul style="list-style-type: none"> <li>a) ensure that all records for conduct of social audit are furnished to the Social Audit Unit by implementing agencies through the officer identified for the purpose</li> <li>b) Ensure that corrective action is taken on the social audit report</li> <li>c) Take steps to recover the amount embezzled or improperly utilized and issue receipts or acknowledgement for amount so recovered</li> <li>(d) Return monies/goods due to beneficiaries found to be misappropriated, within seven days of the recovery of such amount</li> <li>(e) Maintain a separate account for amounts recovered during the social audit process</li> <li>(f) Ensure that the appropriate action (including initiating criminal and civil proceedings or termination of services) is initiated against individuals or class of individuals or persons who mis-utilised or embezzled the amount meant for the programmes/schemes</li> </ul>
<b>Sec 22</b>	<p><b>Actions to be taken on Social Audit Reports:</b></p> <p>(1) Social audit reports shall be prepared in the local language by the Social Audit Unit and displayed on the notice board of the Grama Panchayat, Municipality or Town Panchayat concerned. Extracts of the same shall be displayed on the notice board of the department concerned.</p> <p>(2) A summary of findings of such social audits conducted during a financial year shall be submitted by the State Government to the Comptroller and Auditor</p>

	General of India. A copy of the social audit report shall be submitted by the SAU to the IFC at the Taluk level for necessary action.
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### Appellate structure

<b>Sec 23</b>	<p>(1) Any complainant aggrieved by a decision of the Grievance Redress Officer concerned, or who has not received an action taken report in respect of a complaint filed by him or her within the time period prescribed, may, prefer an appeal to the District Grievance Redress Authority within ninety days from the expiry of such time period prescribed or from the receipt of such decision,</p> <p>Provided that the District Grievance Redress Authority may admit the appeal after the expiry of ninety days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time.</p> <p>(2) Any individual who has been unable to submit a complaint or appeal to an Information and Facilitation Centre or to a Grievance Redress Officer, as the case may be, either by reason that no such officer has been appointed or no such Centre has been established under this Act, or because the Information and Facilitation Centre or Grievance Redress Officer, as the case may be, has refused to accept his or her complaint or appeal under this Act, may, if he or she so desires, prefer an appeal to the District Grievance Redress Authority.</p> <p>(3) The receipt of the appeal under sub-section (1) and (2) shall be acknowledged by the office of the District Grievance Redress Authority by way of a dated receipt.</p> <p>(4) The District Grievance Redress Authority shall, for the purposes of its functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—</p> <p>(a) summoning and enforcing the attendance of any person and examining him on oath;</p> <p>(b) discovery and production of any document or other material object producible as evidence;</p>
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- (c) receiving evidence on affidavits;
- (d) requisitioning of any public record;
- (e) issuing commission for the examination of witnesses;
- (f) reviewing its decisions, directions and orders;
- (g) any other matter which may be prescribed.

(5) The District Grievance Redress Authority shall have original jurisdiction to adjudicate upon every appeal made to it under this section.

(6) The District Grievance Redress Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder,

(7) For the purpose of inquiring into appeals, the DGRA shall as far as possible hold hearings in open court in different parts of the District, close to the location of the complainant and visit the site of the complaint if necessary. It may seek the assistance of a technical panel of experts empowered to conduct an enquiry on its orders.

(8) Every appeal shall be disposed of by the District Grievance Redress Authority within thirty days from the date of receipt of such appeal:

Provided that an appeal of an urgent or immediate nature shall be disposed of within two days of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than thirty days from the date of receipt of the appeal.

(9) The District Grievance Redress Authority shall deliver copies of the decisions to the parties concerned and the Information Facilitation Centre within a period of five working days from the date of such decisions.

(10) The District Grievance Redress Authority shall impose a penalty upon Grievance Redress Officer and/or the staff or the Coordinator of the Information and Facilitation Centre who have acted in a mala fide manner or failed to discharge their duties without any sufficient and reasonable cause or violated the provisions of this Act.:



	<p>Provided that the public officials concerned shall be given a reasonable opportunity of being heard before any penalty is imposed on them.</p> <p>(11) The District Grievance Redress Authority shall, in deciding an appeal, award compensation to the complainant for any loss or other detriment suffered.</p> <p>(12) Where it appears to the District Grievance Redress Authority that the grievance complained of is, <i>prima facie</i>, indicative or representative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, on the part of the officer of the public authority complained against, it shall record in writing such evidence as may be found in support of such conclusion and refer the same to the appropriate authorities competent to take cognizance of such corrupt practice.</p> <p>(13) The District Grievance Redress Authority shall, upon adjudication of an appeal or complaint, have the powers to issue directions requiring the officers concerned of the public authority to take such steps as may be necessary to secure compliance with the provisions of this Act.</p> <p>(14) The District Grievance Redress Authority may make recommendations on systemic changes to prevent recurrence of grievances.</p> <p>(15) The District Grievance Redress Authority shall be provided with such officers and employees as the Karnataka Public Grievance Redress Commission may think fit and prescribe, including technical staff and a panel of experts whose expertise the District Grievance Redress Authority may utilise while disposing of appeals.</p> <p>(16) Appointment, transfer and/or removal of the District Grievance Redress Authority shall be done by the Karnataka Public Grievance Redress Commission, which shall also be the competent authority for writing their annual confidential reports.</p> <p>(17) An officer appointed as the District Grievance Redress Authority, shall be above the rank of a Deputy Commissioner of a district.</p> <p>(18) Where the District Public Grievance Redressal Commission, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry suo-moto in respect thereof.</p>
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	<p>(19) The District Grievance Redress Authority or the State Public Grievance Redress Commission shall conduct an immediate hearing and issue appropriate orders to law and order agencies to ensure the security of those complainant who complains that he or she has been threatened or attacked or intimidated as a consequence of filing the complaint may approach</p>
<b>Sec 24</b>	<p>The Karnataka Government shall constitute, by notification, a Commission to be known as the "Karnataka Public Grievance Redress Commission" to exercise the jurisdiction, power and authority conferred under this Act. The Karnataka Public Grievance Redress Commission shall have jurisdiction over all public authorities as defined under this Bill.</p>
<b>Sec 25</b>	<p>(1) Any person who does not receive a decision within the time specified in Section 7 or Section 13, or is aggrieved by a decision of the District Grievance Redress Authority, may within ninety days from the expiry of such period or from the receipt of such a decision prefer an appeal to the Karnataka Public Grievance Redress Commission:</p> <p>Provided that the Commission may admit the appeal after the expiry of ninety days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time.</p> <p>(2) Any individual aggrieved by the failure of the public authority or concerned official to publish, update or disseminate the Citizens Charter as per the provisions of this Act, or the failure of the public authority or concerned official in complying with the provisions of this Act may prefer an appeal to the Karnataka Public Grievance Redress Commission.</p> <p>(3) The decision of the Karnataka Public Grievance Redress Commission under this Act shall be binding on the public authority and officials of a public authority.</p>
<b>Sec 26</b>	<p>The Karnataka Public Grievance Redress Commission shall consist of,—</p> <p>(a) a Chief Commissioner; and</p>

	<p>(b) such number of Commissioners, as may be prescribed</p> <p>Provided that the number of Commissioners prescribed shall be determined by: the number of complaints and appeals being received by the Karnataka Public Grievance Redress Commission; and the number of cases that a Commissioner is required to dispose of, as specified by norms of the Karnataka Public Grievance Redress Commission.</p>
<b>Sec 27</b>	<p>(1) The Chief Commissioner and Commissioners shall be appointed by the Governor of the Karnataka on the recommendation of a Selection Committee consisting of,—</p> <p>(a) the Chief Minister, who shall be the Chairperson of the Committee;</p> <p>(b) the Leader of Opposition in the Legislative Assembly; and</p> <p>(c) a sitting judge of the High Court to be nominated by the Chief Justice of Karnataka</p> <p>(2) The selection committee shall select out of a panel of five eligible candidates for each vacancy which shall be finalised by a search committee consisting of such members as may be prescribed.</p> <p>The Search Committee shall consist of such persons of standing and having special knowledge and expertise in the matters relating to grievance redress policy, public administration, policy making and management, or in any other related matter.</p> <p>(3) Subject to the provisions of sub-sections (1) and (2), the Selection Committee may regulate its own procedure.</p>
<b>Sec 28</b>	<p>A person shall not be qualified for appointment as a Chief Commissioner or a Commissioner of the Karnataka Public Grievance Redress Commission unless,—</p> <p>(a) he/she is, or has been an officer of the State Government and has held the post in the rank of Principal Secretary to that Government; or</p> <p>(b) he/she is or has been a District Judge for at least ten years; or</p> <p>(c) he/she is or has been a Judge of the High Court of the State; or</p> <p>(d) he/she is an eminent person recognised for his work towards public</p>

	<p>service in the area and who has worked for at least fifteen years in the social sector, in academia or journalism or other sectors relevant to the prevention or redress of grievances:</p> <p>Provided that not more than half the members of the commission at any time be from among (a), (b) and (c)</p> <p>Provided further that the Chief Commissioner of the Karnataka Public Grievance Redress Commission shall be from sub sections (a), (c) or (d) above.</p>
<b>Sec 29</b>	<p>The Chief Commissioner and the Commissioners shall hold office for a term of five years from the date on which he or she enters upon his office and shall not be eligible for reappointment.</p>
<b>Sec 30</b>	<p>(1) The Karnataka Public Grievance Redress Commission shall appoint such staff and personnel as deemed necessary for the discharge of its functions under this Act and may take the help of the UPSC or any other appropriate organisation in appointing staff and personnel.</p> <p>(2) The officers and employees so appointed under sub-section (1) shall discharge their functions under the general superintendence of the Chief Commissioner.</p> <p>(3) The salary and allowances payable to, and the other terms and conditions of service of,—</p> <p style="padding-left: 40px;">(a) the Chief Commissioner shall be the same as that of the Chief Justice of the Karnataka High Court</p> <p style="padding-left: 40px;">(b) the Commissioners shall be the same as that of the Judge of the Karnataka High Court</p> <p>Provided that if the Chief Commissioner or Commissioner, at the time of his appointment is in receipt of a pension, other than a disability or wound pension in respect of any previous service under the Government of India or the Government of State, his salary in respect of the service as Chief Commissioner or Commissioner shall be reduced by the amount of that pension, including any portion of pension, which was commuted and pension equivalent of other forms of retirement benefits, excluding pension equivalent or retirement gratuity:</p>

	<p>Provided further that where the Chief Commissioner or Commissioner, if at the time of his appointment is in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as a Chief Commissioner or the Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:</p> <p>Provided also that neither the salary and allowances nor the other terms and conditions of service of the Chief Commissioner or Commissioner shall be varied to their disadvantage after appointment.</p>
<b>Sec 31</b>	<p>(1) Any member of the Karnataka Public Grievance Redress Commission may, by notice in writing under his hand addressed to the Governor of the State with a copy to the Chief Commissioner, resign his office.</p> <p>(2) Notwithstanding anything contained in sub-section (1), the Governor may by order remove from office the Chief Commissioner or any Commissioner if the Chief Commissioner or a Commissioner, as the case may be,—</p> <ul style="list-style-type: none"> <li>(a) is adjudged an insolvent; or</li> <li>(b) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or</li> <li>(c) engages during his term of office in any paid employment outside the duties of his office; or</li> <li>(d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or</li> <li>(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Commissioner or as a Commissioner.</li> </ul> <p>(3) The State Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the aforesaid Chief Commissioner or Commissioners.</p>
<b>Sec 32</b>	<p>(1) The Karnataka Public Grievance Redress Commission shall, for the purposes of its functions under this Act, have the same powers as are vested in</p>

	<p>a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—</p> <ul style="list-style-type: none"> <li>(a) summoning and enforcing the attendance of any person and examining him on oath;</li> <li>(b) discovery and production of any document or other material object producible as evidence;</li> <li>(c) receiving evidence on affidavits;</li> <li>(d) requisitioning of any public record;</li> <li>(e) issuing commission for the examination of witnesses;</li> <li>(f) reviewing its decisions, directions and orders;</li> <li>(g) any other matter which may be prescribed.</li> </ul> <p>(2) The Karnataka Public Grievance Redress Commission shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Commission shall have the power to regulate its own procedure.</p>
<b>Sec 33</b>	<p>(1) The Karnataka Public Grievance Redress Commission shall have original jurisdiction to decide every appeal made to it.</p> <p>(2) The Karnataka Public Grievance Redress Commission shall arrange to deliver copies of the decision to the parties concerned within a period of five days from the date of such decision.</p>
<b>Sec 34</b>	<p>All proceedings before the Karnataka Public Grievance Redress Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.</p>
<b>Sec 35</b>	<p>The staff and officers of the Karnataka Public Grievance Redress Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.</p>

<b>Sec 36</b>	<p>(1) An appeal under Section 14 shall be disposed of within sixty days from the date of filing of the appeal:</p> <p>Provided that an appeal of an urgent or immediate in nature shall be disposed of within five days of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than five days from the date of receipt of the appeal.</p> <p>(2) The Karnataka Public Grievance Redress Commission shall mandatorily impose penalty, while deciding an appeal, against the District Grievance Redress Authority, Head of the Department, Grievance Redress Officers, or any other officer of the public authority, the staff or coordinator of the Information and Facilitation Centre, for acting in a mala fide manner or having failed to discharge his duties without any sufficient and reasonable cause or not redressing the complaint within the stipulated time frames or for violating the provisions of this Act.</p> <p>Provided that the concerned officers shall be given a reasonable opportunity of being heard before any penalty is imposed on them under this Act.</p> <p>(3) The Karnataka Public Grievance Redress Commission shall mandatorily award compensation to the complainant in case of any loss or other detriment.</p>
<b>Sec 37</b>	<p>(1) The Karnataka Public Grievance Redress Commission shall, upon adjudication of an appeal, have the power to issue directions,—</p> <ul style="list-style-type: none"> <li>(a) requiring the public authority to take such steps as may be necessary to secure compliance with the provisions of the Citizens Charter or with the provisions of this Act;</li> <li>(b) requiring the timely creation, updation and wide dissemination of the Citizens Charter of the public authority</li> <li>(c) requiring the appointment of Grievance Redress Officers</li> <li>(d) requiring the establishment of Information and Facilitation centres</li> </ul> <p>(2) It shall be the duty of the Karnataka Public Grievance Redress Commission to receive and inquire into an appeal from any person,—</p> <ul style="list-style-type: none"> <li>(a) who has been unable to submit an appeal to the District Grievance</li> </ul>

	<p>Redress Authority</p> <p>(b) who has been refused redress of complaint under this Act;</p> <p>(c) whose complaint has not been disposed of within the time limit specified;</p> <p>(d) who has been denied access to the Citizens Charter of the public authority either because the Charter was not created by the public authority or is inadequate in any regard or it is not widely disseminated to make people aware of it or has not been updated or published as per the provisions of this Act;</p> <p>(d) who has been unable to submit a complaint to the Information and Facilitation Centre or the Grievance Redress Officer;</p> <p>(e) in respect of any other matter relating to registering and redressing of a complaint or appeal under this Act.</p> <p>(f) in respect of any other matter relating to violation of this Act.</p> <p>(3) The Karnataka Public Grievance Redress Commission may, <i>suo motu</i>, take notice of failure to deliver goods and services in accordance with the provisions of this Act and refer such cases for disposal to the District Grievance Redress Authority and in such cases, an action taken report shall be sent by the District Grievance Redress Authority to the Commission within thirty days from the date of such reference.</p>
<b>Sec 38</b>	<p>(1) The Commission shall be responsible for establishing a state public grievance redress portal to accept, process and track grievances. The IFC shall be responsible for updating the portal with grievances registered and action taken therein. State Government must ensure integration of all programme specific web platforms and information systems with this portal.</p> <p>(2) The Commission must ensure that the web platforms are able to process data and present information so that citizens can easily seek information about their entitlements and track the status of their complaint.</p> <p>In any appeal proceedings, the burden of proof to establish that a complaint has been redressed properly, adequately and within the stipulated time frame shall</p>



	be on the concerned Grievance Redress Officer and other concerned officials.
<b>Sec 39</b>	(1)Where it appears to the Karnataka Public Grievance Redress Commission that the grievance complained of is <i>prima facie</i> indicative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, on the part of the responsible officer of the public authority complained against then it shall record such evidence as may be found in support of such conclusion and shall refer the same to the appropriate authorities.

### Penalties and Compensation & Reporting

<b>Sec 40</b>	<p>(1) The District Grievance Redress Authority, at the time of deciding any appeal, shall impose a lump sum penalty of up to fifty thousand rupees which shall be recovered from the salary of the official against whom penalty has been imposed, against the Grievance Redress Officer, or any other officer of the public authority, the Staff or Coordinator of the Information and Facilitation Centre, for refusing to receive a complaint or appeal, or acting in a mala fide manner or having failed to discharge his duties without any sufficient and reasonable cause or for violating the provisions of this Act.</p> <p>(2) The District Grievance Redress Authority, at the time of deciding any appeal, shall impose upon the Grievance Redress Officer, or any other officer of the public authority, for not disposing the complaint within the stipulated timeframe in accordance with the provisions of this Act a penalty of two hundred and fifty rupees for each day of delay, extend till the complaint is redressed, provided that the total amount of such penalty shall not exceed fifty thousand rupees;</p> <p>Provided that for subsections (1) and (2) the officers concerned shall be given a reasonable opportunity of being heard before any penalty is imposed on them under this Act.</p> <p>(3) The Public Grievance Redress Commission, shall impose a lump sum penalty, which may extend up to fifty thousand rupees which shall be recovered from the salary of the official against whom penalty has been imposed upon the Grievance Redress Officer, Head of the Department, any other officer of the public authority, the staff or coordinator of the Information and Facilitation Centre</p>
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or the District Grievance Redress Authority for refusing to receive a complaint or appeal, or acting in a mala fide manner or having failed to discharge his duties without any sufficient and reasonable cause or for violating the provisions of this Act,

(4) The Public Grievance Redress Commission, at the time of deciding any appeal, shall impose upon the Grievance Redress Officer, District Grievance Redress Authority or any other officer of the public authority for not disposing the complaint within the stipulated timeframe in accordance with the provisions of this Act a penalty of two hundred and fifty rupees for each day of delay till the complaint is redressed, provided that the total amount of such penalty shall not exceed fifty thousand rupees;

Provided that for sub sections (3) and (4) the officers concerned shall be given a reasonable opportunity of being heard before any penalty is imposed on them under this Act.

(5) Any penalty imposed on an official under sub sections (1), (2), (3) or (4) shall be entered in the service record of such official. Any official against whom the penalty is imposed by the DGRA may choose to file an appeal with the Commission within one month.

(6) If any public servant is found guilty under sub-sections (1), (2), (3) or (4), the disciplinary authority shall initiate disciplinary proceedings against such officer of the public authority, who if proved to be guilty of a *mala fide* action in respect of any provision of this Act, shall be liable to such punishment including a penalty as the disciplinary authority may decide.

(7) Any disciplinary action against an official under sub section (6) shall be entered in the service record of such official.

(8) If a citizen does not receive an entitlement as per the stipulated time frame the citizen shall be entitled to receive compensation for violation of any provision of this Act including norms for time frame, quality and quantity.

(9) Quantum of compensation payable may include the costs incurred by the complainant to access his/her entitlement beyond the stipulated time frame.

(10) The DGRA while disposing off an appeal may award compensation to the complainant as per the norms of this Act and provisions contained in any other Act.

	<p>(11) The total amount of compensation awarded by the DGRA shall not exceed Rs 25,000 in any single case.</p> <p>(12) However the DGRA may recommend a higher level of compensation which shall be considered and disposed of by the Commission within one month for a final decision.</p> <p>(13) At the time of deciding the second appeal, the Commission may award compensation to the complainant who does not receive an entitlement within the stipulated time frame or in accordance with norms for quality and quantity or has otherwise suffered a violation of any provision of this Act .</p> <p>(14) The quantum of compensation payable may include the costs incurred by the complainant to access his or her entitlement beyond the stipulated time frame.</p> <p>(15) Any compensation awarded under this Act shall be paid by the public authority. The compensation amount may be recovered from the official concerned by such public authority.</p> <p>(16) The order for compensation made by the DGRA shall be carried out within two weeks and shall not be subject to appeal. However, while deciding any other appeal the Commission may award a compensation which shall be in addition to any other compensation that the DGRA may have awarded.</p>
<b>Sec 40</b>	<p>Any matter that during enquiry indicates prima facie evidence of corruption or criminal activity shall be sent to the Lokayukta / Vigilance Officer/Commissions/Appropriate Agency for further investigation and action.</p>
<b>Sec 41</b>	<p>(1) Every public authority shall ensure that every Grievance Redress Officer keeps a record of complaints made to it and appeals if any, and decisions on such complaints and appeals. and that its website contains a system for citizens to track the progress on the complaints and appeals filed by them using the unique complaint number awarded to their complaint.</p> <p>(2) Every public authority shall publish on its website monthly reports, , containing details for that month and cumulatively for the financial year concerned, on —</p> <ul style="list-style-type: none"> <li>(a) the number of complaints and appeals received;</li> <li>(b) the number of complaints and appeals pending;</li> <li>(c) the number of complaints and appeals disposed of; and</li> </ul>

	<p>(d) such other particulars, as may be prescribed, for discharge of its functions under this Act.</p> <p>Provided that such publication shall be completed on or before the 15th day of the month succeeding the one reported upon</p> <p>(3) The Head of the Department of every public authority shall periodically review the compliance of the public authority with this Act and take disciplinary action for repeated violations by public officials concerned. The Head of the Department shall, once every three months, send a report to the Chief Secretary of Karnataka on such compliance.</p>
<b>Sec 42</b>	<p>(1) The District Grievance Redress Authority and the Karnataka Public Grievance Redress Commission shall maintain a web-based record of complaints made to it, appeal therein and decisions taken thereon and a system that enables citizens to track progress on the same through unique complaint numbers assigned.</p> <p>(2)—The designated authority and the Karnataka Public Grievance Redress Commission shall publish on its website, monthly reports, containing details for that month and cumulatively for the financial year concerned, of</p> <ul style="list-style-type: none"> <li>(a) the number of complaints and appeals received;</li> <li>(b) the number of complaints and appeals pending;</li> <li>(c) the number of complaints and appeals disposed of; and</li> <li>(d) such other particulars, as may be prescribed, for discharge of its functions under this Act.</li> </ul> <p>Provided that such publication shall be completed on or before the 15th day of the month succeeding the one reported upon</p>
<b>Sec 43</b>	<p>(1) The Karnataka Public Grievance Redress Commission shall, as soon as is practicable after the end of each year, prepare a report on the implementation of the provisions of this Act during that year and forward a copy thereof to the Government of Karnataka</p> <p>(2) The Chief Secretary of Karnataka shall periodically review the compliance of the government and its public authorities with the Act and address systemic problems, including the adequacy of financial, human and material resources</p>

	required by each Public Authority to fulfil their obligations under the Act and initiate disciplinary action for repeated violations by Public officials concerned.
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### Miscellaneous

<b>Sec 44</b>	<p>(1) A complainant under this law shall not be required to establish that he or she is personally affected by the grievance, provided that the individual on whose behalf any complaint is filed retains the right to be heard at the procedures prescribed under this law for the hearing and disposal of complaints.</p> <p>(2) No fee shall be charged for the filing of grievance or filing of appeal</p> <p>(3) No form shall be prescribed as mandatory for filing of a complaint or an appeal.</p> <p>(4) The various authorities and Information and Facilitation centre shall render all assistance to a complainant for filing a complaint/ appeal and for any other matter related to this Act</p> <p>(5) A complainant may file a complaint at any one or more levels of authorities authorised in this Act to receive a complaint.</p>
<b>Sec 45</b>	<p>Notwithstanding the specific provisions that prescribe the action to be taken when a complaint or appeal is registered under this act, every such enquiry process shall aim to:</p> <p>(1) establish whether the violation that forms the basis of the complaint took place</p> <p>(2) determine whether the complaint suffers from procedural that need to be rectified before entitlements can be fulfilled.</p> <p>(3) determine who and what was responsible for the grievance and issue</p>

	<p>directions to immediately redress the grievance.</p> <p>(4) the penalty to be imposed, the compensation to be given, and other remedial measures to be taken.</p> <p>Provided that all enquiries shall be conducted within the stipulated time frames and with an opportunity to be heard given to all parties concerned including the complainant. Provided further that while ordinarily the functioning of the grievance redress mechanism shall be transparent, in special circumstances, in-camera hearings and confidential investigations may be adopted to protect the privacy of individuals or groups of individuals, particularly children or other vulnerable groups.</p>
<b>Sec 46</b>	The Grievance Redress Officer, District Grievance Redress Authority and Karnataka Public Grievance Redress Commission shall not close a matter till they have determined on the basis of feedback from the complainant that the grievance has been adequately resolved and their orders fully complied with.
<b>Sec 47</b>	<p>Every order made by the Karnataka Public Grievance Redress Commission shall be enforced by the Karnataka Public Grievance Redress Commission in the same manner as if it were a decree or order made by a court in a suit pending therein and it shall be lawful for the Karnataka Public Grievance Redress Commission to send, in the event of its inability to execute it, such order to the court within the local limits of whose jurisdiction, —</p> <p>(a) in the case of a public authority not falling under clauses (b) and (c), the place at which the main office of such public authority is situated; or</p> <p>(b) in the case of an order against a public authority being a company, the registered office of the company is situated; or</p> <p>(c) in the case of an order against any other person, the place where the person concerned voluntarily resides or carries on business or personally works for gain is situated, and thereupon, the court to which the order is so sent, shall execute the orders as if it were a decree or order sent to it for execution.</p>
<b>Sec 48</b>	(1) The budget of the Karnataka Public Grievance Redress Commission and its staff including the District Grievance Redress Authority and Information Facilitation and Tracking Centres, shall be prepared by the Karnataka Public

	<p>Grievance Redress Commission and shall be voted upon directly by the Legislature</p> <p>(2) There shall be a dedicated fund equivalent to one per cent of the budgets of all departments providing public infrastructure and public service delivery, including health, education, public works department, women and child, Panchayati Raj etc. to be used for all measures for furthering transparency, accountability, pro-active disclosures, public consultations. Upto 50% of the fund may be allocated to departments for institutionalizing processes of internal monitoring and maintenance of MIS amongst others. At least 50% of the fund shall be made available for implementing the provisions of the Law.</p>
<b>Sec 49</b>	<b>Deemed Service Condition:</b> The provisions of this Act shall be deemed to be part of service conditions of the officials of public authorities.
<b>Sec 50</b>	<b>Supplement:</b> The provisions of this Act shall be in addition to and not in derogation of, any other law for the time being in force.
<b>Sec 51</b>	<b>Bar of Jurisdiction:</b> No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by the Grievance Redress Officer or the District Grievance Redress Authority or the Karnataka Public Grievance Redress Commission.
<b>Sec 52</b>	<b>Protection of Actions Taken in Good Faith:</b> No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.
<b>Sec 53</b>	<p><b>Power to make Rules:</b> (1) The Government may, by notification, make rules for carrying out the provisions of this Act, in consultation with the Karnataka Public Grievance Redress Commission.</p> <p>(2) Every draft rule shall be made available in the public domain on the website of the government and the Karnataka Public Grievances Commission for thirty continuous days (3) Every rule made by the Government shall be laid, as soon as may be after it is made, before the Legislature</p>
<b>Sec 54</b>	<b>Power to remove Difficulties:</b> If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act

	as may appear to be necessary for removing the difficulty:
	Provided that no order shall be made under this section after the expiry of one year from the commencement of this Act.



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## ANNEXURE – 1

### ONE DAY REGIONAL CONSULTATION CUM WORKSHOP ON THE IMPLEMENTATION OF THE KARNATAKA SAKALA SERVICES ACT IN THE STATE OF KARNATAKA (September 23, 2016)

#### LIST OF PARTICIPANTS

1. DR. JUSTICE N. KUMAR, NHRC Chair on Human Rights, NLSIU
2. Prof (Dr.) Venkat Rao, Vice- Chancellor, NLSIU
3. Prof Babu Mathew, NLSIU
4. Prof Versha Vahini, NLSIU
5. Prof. (Dr.) Satyanarayana Sangita, Prof. NLSIU
6. Dr, Yashomati Ghosh, Assistant Professor, NLSIU, (Principal investigator of Project)
7. Ms. Nupur Sinha, centre for social justice Gujarat
8. Mr.Viresh Bellur, Trustee of RTI Study Centre
9. Mr. S.P Nargund – Trustee, Rastotthan Trust
10. S.S. Hiremath- Businessman and RTI Activist
11. Savita R Giri, Assistant Professor, SS. Law Collage
12. Ms. Rakshita Swami, MKSS
13. Mr. Surya Prakash, Daksh Legal

#### **SAKALA Mission and District SAKALA consultant**

14. Muttujilan- District SAKALA IT consultant
15. Mallikarjun - District SAKALA IT consultant
16. KalpanaRaghuramn SAKALA, Programmer
17. Sudharshini - District SAKALA IT consultant
18. Madhvi - District SAKALA IT consultant
19. Prihvi VC, - District SAKALA IT consultant
20. Naveen, - District SAKALA IT consultant
21. Praveen B.V, - District SAKALA IT consultant
22. Gopal Krishna, - District SAKALA IT consultant

23. Mara Gouda s. Janali, - District SAKALA IT consultant
24. Salama, - District SAKALA IT consultant
25. Varun – Management Consultant SAKALA Mission
26. Abhilash – IT consultant SAKALA Mission
27. Chandan, - District SAKALA IT consultant
28. ChandanSandoor, - District SAKALA IT consultant
29. Madiwi Bhat, - District SAKALA IT consultant
30. Darshini, - District SAKALA IT consultant
31. Sumedha, - District SAKALA IT consultant
32. Ashita, - District SAKALA IT consultant
33. Aisha Jamadar, - District SAKALA IT consultant
34. Aysha Siddique, - District SAKALA IT consultant
35. Gautami, - District SAKALA IT consultant
36. Virendra Reddy, - District SAKALA IT consultant
37. Smita GB, - District SAKALA IT consultant
38. Naga Shree, - District SAKALA IT consultant
39. Vidhay IT consultant, - District SAKALA IT consultant
40. Raghvendra, - District SAKALA IT consultant
41. Shailendra Kumar, Research-Investigator, NLSIU
42. Veenita, Research Scholar, NLSIU
43. Suchitra Menon Faculty NLSIU
44. Sameerulla Accountant NLSIU.

**ANNEXURE – 2****ONE DAY CONSULTATION CUM VALIDATION PROGRAMME ON THE  
IMPLEMENTATION OF THE KARNATAKA STATE LITIGATION POLICY AND  
KARNATAKA SAKALA SERVICES ACT 2011 IN  
THE STATE OF KARNATAKA (December 10, 2017)****LIST OF PARTICIPANTS**

1. DR. JUSTICE N. KUMAR, NHRC Chair on Human Rights, NLSIU
2. Prof (Dr.) Venkat Rao, Vice- Chancellor, NLSIU
3. Shri K. Mathai, KAS, Administrative Officer, Sakala Mission
4. Shri. Nikhil Dey, Activist, MKSS
5. Prof Babu Mathew, NLSIU
6. Shri T.R. Raghunandan
  
7. Mr.Viresh Bellur, Trustee of RTI Study Centre
  
8. Prof. (Dr.) Satyanarayana Sangita, Prof. NLSIU
9. Mr. S.P Nargund – Trustee, Rastotthan Trust
10. S.S. Hiremath- Businessman and RTI Activist
11. Indresh E.S. Government Advocate
12. Giri Kumar, Government Advocate
13. Kathyayini Chamaraj, Social Activist, CIVIC
14. Shailendra Kumar, Research-Investigator, NLSIU
15. Suchitra Menon Faculty NLSIU
16. Sameerulla Accountant NLSIU
  
17. Shri. Narendra Kumar, Activist
18. Dr Yashomati Ghosh, Associate Professor, NLSIU, (Principal Research Investigator)

**ANNEXURE – 3****INTERVIEW SCHEDULE : Prepared for the Sakala Mission Directorate**

Name of the Officer

Designation

Functional Role

Address

1. What are the fundamental objectives of enacting Karnataka Sakala Services Act, 2011?
2. Is reduction in government litigation one of the (un-stated) objectives under the statute?
3. What is the primary objective of creating the administrative grievance redressal mechanism under the statute?
4. Is restriction on the jurisdiction of the civil court a restraint on the rights of the citizens to access justice?
5. Is the right to obtain citizen related services an enforceable legal right?
6. Can this right be enforced through any other alternative means?
7. Does the administrative grievance redressal mechanism under the statute provide an efficacious and expeditious alternative redressal mechanism?
8. Are there any other legal remedies available after exhaustion of the remedies under the statute.
9. Does the usage of the term 'application disposed' under the statute which includes both approval and rejection of services is responsible for the high rate of disposal.
10. To what extent are the reasons cited in case of rejection of application. What are the most common grounds for rejection of application.

11. What is the rationality for the presence of some unaccounted data on Sakala website.
12. Is the information intimating about the period of making appeal against the decision, time available for making the appeal and all other details of the competent officer to whom the first appeal lies made available to the applicant. What is the process?
13. What is the percentage of re-application for services?
14. What is the number of first appeal. Why is the number of first appeal to the competent officer much less in number in comparison to the number of applications rejected.
15. Why is the number of second appeal to the appellate authority very few.
16. What is the procedure applicable under the appellate system? Are the principles of natural justice duly applied by the competent authorities and appellate authorities.
17. What are the various procedures for monitoring the status of the application.
18. What is the mechanism for the nodal agency to monitor the data provided by the various departments?
19. Is there any review mechanism of the working of departments, particularly on the issue of rejection of applications?
20. Are the officers provided with any training to deal with adjudicating matters as they have been provided with some of a civil court?
21. How many legal cases have been filed by citizens relating to the services provided after the enactment of Sakala Act?
22. Has there been any reduction in the number of cases filed post enactment of Sakala Act in comparison to the number of legal complaints before the enactment.
23. How many citizens have been paid compensatory cost for the delay or default in the delivery of services beyond the stipulated time.
24. Is it mandatory for the citizen to make a specific demand for payment of compensatory cost?
25. Is there any procedure for recording the satisfaction level of the citizens with regard to the services availed under the Sakala.
26. What is the manner of recording the responses of the citizens



- a. Rating his/her experience – proforma, online, mobile based etc.
- b. Any other means

27. Is there data available about the citizens who have availed the Sakala services –

- a. Before the application of the Sakala i.e. before 1<sup>st</sup> April 2012
- b. After the application of the Sakala i.e. after 1<sup>st</sup> April 2012

28. What are the primary means of awareness and knowledge about the working of the Sakala Act



.....  
 .....

5. Did you get acknowledgement receipt for your application after submission?

Yes                      No

6. Did you get your desired services/certificate/licences

Yes ..... No, reason for denial/

7. If yes, how much time government department took for providing services?

..... Days/ month

8. Did you get services within your expected time or it was delayed/ too much delayed.

9. If you denied services, what was your next move

- Did noting
- Approached higher authority/ appeal
- Approached Court/ Lawyer

10. What was result after approaching higher authority/ appeal, Court, lawyer. Did you get your services

Yes ..... No

11. Do you know about SAKALA Act/ SAKALA Mission/ SAKALA call centre?

Yes .....No

12. Have you ever approached SAKALA mission, or called SAKALA call centre for any help regarding your application

Yes ..... No

13. If yes what was their responses, are you satisfied with their cooperation/help for your problem.

Yes .....No

14. Did you pay any bribe/ money to the any officer for getting your work done, other than payment of official fee

No, ..... Yes,

If yes, how much (Rs).....

Any additional information .....

15. What you think about SAKALA, is it helping people for getting them government services or there is need for improvement. If any

**ANNEXURE – 5****List of Government Departments and Offices where RTI applications were sent**

SL	Department/ Institution RTI sent	Responses Received
1.	Advocate General office	Yes
2.	Bruhat Bangalore Municipal Corporation	
3.	Karnataka Information Commission	Yes
4.	Gulbarga Mahangara Palike	
5.	The Registrar, City Civil Court, Behind Cauvery Bhavan	
6.	Chief Administrative Officer, District & Sessions Court	
7	Bagalkote City Municipal Council	
8	City Municipal Council, Bhadravathi	
9	Bidar City Municipal Council	
10	Chamarajanagara City Municipal Council	
11	Chickmagalur City Municipal Council	
12	Chintamani City Municipal Council	
13	Chitradurga City Municipal Council	
14	Channapatna City Municipal Council	

15	Dandeli City Municipal Council	
16	Doddaballapur City Municipal Council	
17	Gadag-Betageri City Municipal Council	
18	Gangavathi City Municipal Council	
19	Gokak City Municipal Council	
20	Harihar City Municipal Council	
21	Hassan City Municipal Council	
22	Haveri City Municipal Council	
23	Hospet City Municipal Council	
24	Karwar City Municipal Council	
25	Kolar City Municipal Council	
26	Kollegala City Municipal Council	
27	Koppal City Municipal Council	
28	Madikeri City Municipal Council	
29	Mandya City Municipal Council	
30	City Municipal Council Rabkavi-Banahatti Rampur	
31	Raichur City Municipal council	

**ANNEXURE – 6****Questions sent to the Office of Advocate General of Karnataka under RTI**

To  
State Public Information Officer &  
Administrative Officer  
Department of Advocate General for Karnataka,  
High Court Building,  
Bangalore – 560001

Date .....

**Subject: Request for Information under Right to Information Act 2005**

**Sir,**

I, ....., currently engaged as a research investigator by National Law School of India University Bangalore on Ministry of Law and Justice Government of India sponsored project on **Impact Assessment of the Karnataka Litigation Policy and Karnataka Sakala Services Act 2011 in reducing Government Litigation in the State of Karnataka**, for the purpose of research work wish to seek following information as under:

1. How many cases are pending against or by State or State Departments in various courts, including District Court, High Court and other adjudicating authority like revenue court or tribunals, till December 31, 2016.
2. How many cases has been filed “**By**” the State or State Departments in the various Courts, including District Courts, High Court please provides year wise years 2010, 2011, 2012, 2013, 2014,2015,2016.

3. How many Cases has been filed '**against**; State or State Departments in various Courts, including District Courts, High Court please provides year wise years 2010, 2011, 2012, 2013, 2014,2015,2016.
4. How many cases have been settled through ADR mechanism under the Section 89 of C.P.C. please provide number of such cases year wise for years 2010, 2011, 2012, 2013, 2014,2015,2016
5. Which are the departments of the State government who have maximum numbers of cases pending against them? Please name 5 departments with highest number of cases
6. How many Government Pleaders and Law officers are currently working in High Court and Districts? Please provides name and contact details of



**ANNEXURE – 7****Sample Questions sent to the Government Departments and Offices under RTI**

To

Date

Public Information Officer  
Bagalkote City Municipal Council  
Sector No 19 ,Navanagar  
Bagalkot - 587103  
Karnataka-

**Subject: Request for Information under Right to Information Act 2005****Sir,**

I, ....., currently engaged as a research investigator by National Law School of India University Bangalore in a Ministry of Law and Justice Government of India sponsored project on **Impact Assessment of the Karnataka Litigation Policy and Karnataka Sakala Services Act 2011 in reducing Government Litigation in the State of Karnataka**, for the purpose of research work wish to seek following information as under:

1. How many public services/certificates are provided by the Bagalkote City Municipal Council and its various departments to the general public/ citizens
2. How many services are provided under the SAKALA Act by the Bagalkote City Municipal Council including it's departments?

3. How many court cases are pending against or by Bagalkote City Municipal Council in various courts (District court, High Court, Supreme Court), till December 31, 2016
4. Does Department follow procedure prescribed by the Karnataka State Litigation Policy 2011 while dealing with Court cases/ legal notice?
5. How many legal notices has been received by the Bagalkote City Municipal Council and settled amicably without approaching Court/s, please provide such number of cases year-wise for the periods – 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-2016.
6. How many cases/ appeals has been filed/ instituted by the Department in year 2010, 2011, 2012, 2013, 2014, 2015,2016
7. How many court cases have been pending against or by Bagalkote City Municipal Council relating to SAKALA services provided by Bagalkote City Municipal Council in various court, 2013-2014, 2014-2015, 2016
8. How Bagalkote City Municipal Council handles legal issues, does department have legal cell/department or through the nominated lawyers in various court.
9. How many application has been received and disposed under “Janahitha” Public Grievance Mechanism initiated by urban development department in year 2014,2015, 2016.

**ANNEXURE – 8****Questions sent to the Office of Sakala Mission under RTI**

To

Date .....

Public Information Officer

SAKALA Mission,

607,6th floor,Gate-2,MS Building,

Ambedkar Veedhi,

Bengaluru-560001

**Subject: Request for Information under Right to Information Act 2005****Sir,**

I, ....., currently engaged as a research investigator by National Law School of India University Bangalore in a Ministry of Law and Justice Government of India sponsored project on **Impact Assessment of the Karnataka Litigation Policy and Karnataka Sakala Services Act 2011 in reducing Government Litigation in the State of Karnataka**, for the purpose of research work wish to seek following information as under:

1. How much fund has been allocated by the State government for implantation of SAKALA Act 2011, to the SAKALA MISSION for years, 2012, 2013,2014,2015,2016, 2017
2. How much money has been spent by the SAKALA Mission years, 2012, 2013,2014,2015,2016 and2017 in various head, i.e. training, infrastructure, advertisements, campaigning, and awareness programme?

**ANNEXURE – 9****Sample questions sent to the District Courts under RTI**

To  
Public Information Officer &  
Chief Administrative Officer,  
District & Sessions Court, Kalaburagi.

Date .....

**Subject: Request for Information under Right to Information Act 2005**

Sir,

I, ....., currently engaged as a research investigator by National Law School of India University Bangalore in a Ministry of Law and Justice Government of India sponsored project on **Impact Assessment of the Karnataka Litigation Policy and Karnataka Sakala Services Act 2011 in reducing Government Litigation in the State of Karnataka**, for the purpose of research work wish to seek following information as under:

1. How many court cases are pending "Against" or "By" State government/ departments in Kalaburagi District & Session court including subordinate courts since 2010 to December 2016?
2. Please provide the list of cases which are pending since 2010 in various court including civil courts, district court of Kalaburagi.

**ANNEXURE – 10****Questionnaire for Judges of the Hon'ble High Court and District Courts of  
Karnataka**

**Name:** \_\_\_\_\_

\_\_\_\_\_

**N.B.**

- i. All information is confidential.
- ii. No personal details of the respondents will be disclosed
- iii. Data collected will be used for academic and research purposes only

1. What type of problems/ challenges you face while dealing government cases.
2. What is your observation, how much Government Officials, Government Litigation Conducting officers and Authorise Representatives inclined to resolve and settle the cases?
3. What is your opinion on government lawyers and pleaders, do they are incline and makes efforts to decide cases as soon as possible.
4. How often government lawyer make request to the Court for to refer matter under section 89 of CPC for amicable settlement.

5. What is your opinion, why government litigation is biggest litigant, do you think that if decision making officials may have appropriate knowledge of law he/she may be able to make correct decision which reduce government litigation.
6. Do you think that if the Government Department's officials acted sensitively, some of the cases may have been solved at the department level amicably between the Parties without the need to approach the Court/s.
7. What is your observation, what changes should be made with regard to the recruitment and appointment of government Lawyers and pleader, Training, professional development, Skill Assessment, efficiency assessment of Lawyers.
8. What you think, measures adopted by the State Judiciary and State Government for reducing pendency and litigation is appropriate.
9. What is your opinion how litigation and government litigation can be reduce, what changes Judiciary and State Government should adopt for reducing litigation.

**ANNEXURE – 11****Questionnaire for Government Advocates and Pleaders of Karnataka****Name:** \_\_\_\_\_

\_\_\_\_\_

N.B.

i. All information is confidential.

ii. This is a Government of Karnataka project and is not disclosed

iii. Data collected will be used for academic and research purposes only

1. How long you have been Government Advocate/ pleader

Designation/s if any

Year of practice  
advocate

as pleader

as Govt

1. How long you have been Government Advocate/ pleader

Designation/s if any

Year of practice  
advocate

as pleader

as Govt

2. What type of cases (nature of cases) government cases you do? Civil, Criminal, property, services matter, writs, appeal, SLP etc.

3. There are some services provided by the government to the common people, like khta transfer, birth certificate, cast certificate, trade licences, etc but there is no clear provision if in case those services denied, so in case if services are denied what are the legal remedies for common people.

4. Does a common person who is denied public services can approach consumer forum because "services" itself is included in to Consumer

Protection Act, secondly all government servant are paid by the public fund and they are bound to provided public services to the public within as per the law.

5. As per the SAKALA Act, Section 18, have barred the jurisdiction of the civil court but problem is that government officials/ officers denied services on non legal ground. Thus in that cases what would be remedies for the common people. Considering the position that not every individual is financially well off to approaches to High Court
6. What type of problem you face while representing government cases,
7. What is your observation regarding behaviour and attitude of government officials to words Govt Advocate related to the cases from concern department?
8. Is there any officer or nodal officer who monitor progress of the cases either in AG office or by department
9. How does government department usually cooperate with government lawyers, by
10. What are the reasons why government litigation took years for disposal is it due to law and procedure, Due to ineffective information and communication form departments, reason.
11. Does High Court have adopted any mechanism for speedy disposal of cases?
12. Do you know about Karnataka State Litigation Policy, which is adopted by state of Karnataka in 2011.



13. Does government litigations pending in high court are sent to LOK ADALTS by Courts itself or you need special instruction from department or Advocate general office.
14. There are some guideline laid down by the K State Litigation policy relating appeals of the cases and appeals in revenue cases does those guide line followed while appealing cases in High court or revenue cases.
15. Is there any mechanism to review progress of the cases and take appropriate action, does Advocate general office have such mechanism
16. Have you heard about Case Flow management Rules 2006, if yes how it is applicable?
17. Do you think that if department's officials acted diligently some cases may have been salved on department level without approaching the court and could be decided amicably between Parties of matter?
18. What is your observation regarding government departments who are providing public services (in the form of certificate, licences, permission, services etc.) to the common people, can they avoid litigation if they could work sincerely. Your observation
19. What do you think; government lawyers/ pleaders get well paid. What is your suggestion? If any
20. Does Law Departments/ Advocate General office conduct, training programme, carrier enhancement programme/ course, seminar, workshop or professional development programme on issue of pendency of cases for government advocate/pleaders.
21. What is your suggestion as how government litigation can be reduced, and effectively represented in courts for speedy justice

## ANNEXURE – 12

Newspaper Clipping: Report on the Research Findings (The Hindu December 10, 2017)

THE HINDU  
SUNDAY, DECEMBER 10, 2017

# Middlemen rule the roost in delivering govt. services despite Sakala: Study

The NLSIU research says that corruption prevalent in the form of *dadal* in departments such as Transport and Revenue

**NAGESH PRABHU**  
BENGALURU

The Karnataka Sakala Services launched in 2011 – to ensure timely delivery of government services – is not meeting its end if a recent study by the National Law School of India University (NLSIU), Bengaluru, is an indication.

Corruption still dogs the delivery of services in government departments, according to the study by Yashomati Ghosh, Associate Professor, NLSIU, who conducted the study (2017) for the Union Ministry of Law and Justice. It found that corruption was prevalent in the form of “*dadal*” in departments such as Transport and Revenue.

The study said: “The *dadal* works as a mediator and facilitates applicant for getting services with the help of government officials.”

In most cases, higher officials either do not listen to applicants or do not take action against the defaulting officers.

Absence of a full time-director, delivery of services by hiring of over 1,000 outsourced employees as computer operators, and delay in the release of salary for employees, poor infrastructure in the form of computer, internet connectivity, printer, and generators contributed to poor delivery of services under Sakala.

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Absence of a full time-director, delivery of services by hiring of over 1,000 outsourced employees as computer operators, and delay in the release of salary for employees, poor infrastructure in the form of computer, internet connectivity, printer, and generators contributed to poor delivery of services under Sakala, the research said.

**‘Supervisory position’**  
The Sakala Mission has no powers to take action against officers defaulting in delivery of services. The mission has been given only supervisory position without power.

More than 725 services are being provided under the Sakala Act. It said the mission

**Findings**

- Absence of a full time-director, delivery of services by hiring of over 1,000 outsourced employees as computer operators, and delay in the release of salary for employees, poor infrastructure in the form of computer, internet connectivity, printer, and generators contributed to poor delivery of services under Sakala.

has become only a monitoring body with the primary function of data collection.

“The Sakala Mission does not have any statutory power of implementing the provisions of the statute. It merely monitors the electronic database relating to case status, number of applications filed, number of applications rejected, reasons for rejections, how many cases went for first appeal and second appeal, and how many cases are pending with departments,” the study noted.

**Compensation**  
It said many applicants seeking services do not claim compensation for the delay in services owing to the meagre compensation amount.

The corpus fund of ₹5 crore has been set aside for providing compensation. But only ₹84,180 was disbursed as compensation as on September 2016.



According to the study by NLSIU, Bengaluru, the Sakala Mission has no powers to take action against officers defaulting in delivery of services. •FILE PHOTO

**Service display boards not updated**

**SPECIAL CORRESPONDENT**  
BENGALURU

The NLSIU study noted that there is discrepancy between the number of services listed under Sakala and actual services provided in offices. The Sakala services display board has not been maintained in taluk offices, Nadakacheri, and police stations.

For example, the Sakala information board was not updated at the RTO office in Rajajinagar, Bengaluru. Further, the Department of Stamps and Registration neither display information on

Sakala nor provide any services. The office of the Senior Sub-Registrar and Marriage, Yeelahanka in Bengaluru, and the Drug Control Department have failed to comply with the Sakala rules, the study said.

Most offices do not have help desks to tell applicants about process, officer, departments, and documents. Often, designated officers accept application without issuing acknowledgement slips. There were irregularities in publication of monthly and annual reports, the study said.

**‘Poor expertise of govt. officials in law causing pendency of cases’**

About 12.65 lakh cases pending in State

**NAGESH PRABHU**  
BENGALURU

Appointment of junior officers as Litigation Conducting Officers (LCOs) for government cases, non-appearance of government pleader for hearings, lack of coordination between government officials and lawyers, and non-appearance of government officials in court hearings are among the major reasons for large pendency of cases, particularly government litigations, according to the study by NLSIU, Bengaluru.

It found that appointment of junior officers in government departments as LCOs, who generally lack expertise in law, and absence of interaction between government lawyer and LCO contributed to pendency.

The study looked at cases in Kalaburagi, Raichur, Dakshina Kanada, and the Bengaluru City Civil Court.

“LCO is generally an officer who may not have legal knowledge or qualification. The authorised representatives or LCO engaged with a lawyer for day to day communication are often not well-informed about the cases,” the study said.

The study noted that “almost 70% of cases involve the government as litigants, both by and against it, making it the largest litigator in the country,” and 12.65 lakh cases are pending in various courts of Karnataka.

**Causes for cases pending**

- Poor communication between departments and Advocate General office
- Non-appearance of govt. officials in court hearings
- Lack of coordination between govt. officials and lawyers
- Lack of legal expertise of Litigation Conducting Officers

Yashomati Ghosh of NLSIU noted that poor communication between the government department and office of the Advocate General is the “biggest problem” and a major factor for pending litigations.

The study also said that no official records regarding number of government litigations pending in the different courts in the State were maintained.

The Law Department neither monitors its litigation nor prepares annual/monthly report on the conduct of litigation.

Under the SLP, the heads of the departments has to nominate nodal officers, who will report to the Nodal Officer of the Law Department. However, no such practice has been adopted by departments, it said.

**PUBLIC WORKS DEPARTMENT**  
No. FF:PWDC:Tender-23



## ANNEXURE – 13

Newspaper Clipping: Report on the Research Findings (The Indian Express December 11, 2017)

THE NEW  
INDIAN  
EXPRESS

BENGALURU

04

BENGALURU

MONDAY 11.12.2017



## SAKALA SERVICES FACE MIDDLEMEN HURDLE: STUDY

NLSIU Bengaluru conducts study for the Union Ministry of Law and Justice; suggests more powers to Sakala Mission

### PANEL DISCUSSION ON STUDY FINDINGS

An Independent Accountability Mechanism is needed to make Sakala effective. Usage of Information Technology is important but there seems to be an undue emphasis on it. It also ensures exclusion of a lot of people. We now need an RTI-Part Two in the country. Nihal Dey, social activist who played a key role to legislate the RTI Act

Volunteers are present in every government office to help citizens. They are there even at the CM's office, Vidhana Soudha and the M S Building to get things done. I gave a report to Lokayukta and even filed FIR against them but they continue to exist. V Bellur, Civic activist

There needs to be a count of applications filed as per the manual way of doing things as opposed to Sakala or online applications. Kathayini Chamaa, civic activist and freelance writer

When you pay the Property Tax in BBMP, they never give you the exact address for which the payment is made. Only the main road is specified. Information is deliberately not provided. Mahabhisim, Activist, Citizens Action Forum

Lack of awareness and lack of political will are among the reasons implementation of the Sakala Act has been a failure. Even when it is all e-governance, human interference persists. Santosh Nagrundi, founder trustee of NGO Ras Trottan Sarkalip Trust

Sakala has been deliberately sabotaged. It has been made a failure intentionally. Namenda Kumar, Bribe-Free Karnataka Forum



### EXPRESS NEWS SERVICE @Bengaluru

IN a damning report on the state of affairs of the Sakala Services in Karnataka, a study conducted for the Union Ministry of Law and Justice has blamed middlemen for ensuring that corruption continued to exist in government departments.

The findings of the study by Associate Professor Yashomati Ghosh and Research Investigator Shailendra Kumar of the National Law School of India University (NLSIU) Bengaluru on the implementation of the Karnataka Sakala Services Act 2011 were made public on Sunday. The Sakala Services Act is aimed at ensuring timely delivery of services through usage of information technology.

Administrative officer of Sakala Mission K Mathai, popularly referred to as whistleblower, said the study vindicated the findings of his report submitted to the Chief Minister in April.

"Delays are prevalent in the departments such as RTO, Revenue, etc. Dalal works as a mediator and facilitates the applicant to get services with the help of government officials," the report said. It further said, "Action cannot be taken against such officers and middlemen, because, as per the Sakala Act and rule, there is no such power for the Sakala Mission."

Despite being launched as an online service, the application filed online is often rejected by the officer on some pretext or the other, thereby forcing the applicant to physically visit the office, the study said. "Services accepted through the physical appearance of applicant led to corruption," it stressed.

The report said the Mission is like a monitoring body which carries out data collection. "The Mission cannot initiate any action against defaulting officers," it added.

Compensation needs to be paid to the affected applicant in case of delay. Due to the meagre amount, most people are not claiming it, the report said. Out of a corpus fund of Rs 5 crore, only a mere sum of Rs 94,180 was given as compensation, it pointed out.

Lack of infrastructure and manpower also hampered efficient functioning of Sakala.



Justice N Kumar (left) and others are seen during a day-long consultation cum-validation programme on the implementation of the Karnataka State Litigation Policy and Karnataka Sakala Services Act 2011 in reducing government litigation held at NLSIU campus in Bengaluru. S SHANMUGHANATH

### SAKALA TAKES 21 DAYS, MIDDLEMEN PROMISE IT IN 3 DAYS!

Administrative Officer of Sakala Mission K Mathai said that middlemen tell public they can deliver the job speedier than Sakala and good people to pay up. Recalling an inspection he conducted at Hassan and the scenes he witnessed at the



K Mathai

Municipal City Corporation office, Mathai said, "While many services under Sakala are offered in 21 days, middlemen tell the commoner that they could get it done in 3 days." Later based on real time taken, most Sakala services are now given a delivery deadline of 8 days.

Responding to the findings on Sakala presented, Mathai said, "My report to the CM on the state of affairs in Sakala Mission in April 2017 stands vindicated today," Mathai's report also spoke of alleged misuse of funds by Mission Director G Kalpana, which resulted in her removal from the post.

## Poor students paid ₹1k each to get caste certificate: Watchdog

S LALITHA@Bengaluru

IN a shocking revelation of the lack of awareness of the Sakala Scheme in Kalaburgi, a watchdog that monitors its functioning has revealed that the poorest of students in the district have paid up to Rs 1,000 to get certificates meant to be handed over to them free.

Speaking to the New Indian Express on the sidelines of a programme organised at the National Law School of India University (NLSIU) campus, S S Hiremath, Co-ordinator of Karnataka Sakala Watch, said his group had organised two rounds of awareness programmes for PU students at A and Kalaburgi taluks in the district.

"We met nearly 500 PU students by end of November and spoke to them about Sakala. We were shocked to hear from them that 50 percent of them had each paid Rs 1,000 to get the Caste and Income certificates for admission from SLC to the PU stream," Hiremath, also an RTI activist, said. "Imagine these are students from the most backward parts of Karnataka and this amount really means a lot to their families."

The shocking part is that most of them had not even heard of the word 'Sakala', he added. Apart from these two taluks, the group also keeps a close tab on the other

### SAKALA ACT COVERS TOTAL 729 SERVICES

The Sakala Act 2011 is a key legislation that guarantees timely delivery of government service to all its citizens. Aimed at empowering citizens by promising administrative accountability, Sakala covers 729 services of different departments.

five taluks of Jawargi, Afzalur, Chittapur, Chincholi and Sedam.

Sharing the experience, the co-ordinator said the revenue tahsildars in all the places regularly turn down applications given under Sakala without any genuine reasons to back it. "If you go through middlemen, your job gets done," he said.

Small-time businessman Santosh Bhairamagi shared his experience when he attempted to get a Class IV contractor licence at the PWD department in Kalaburgi taluk. "As soon as I told them I wanted an application for the licence, a staff member told me it would cost Rs 5,000. I told them I wanted an acknowledgment of the application under the Sakala scheme," he recalled. The staffer instantly said, "It costs you only Rs 2,500 and took the right amount from me," Bhairamagi said.

## ANNEXURE - 14

Newspaper Clipping: Report on the Legal Awareness Camp (Vijaya Karnataka November 25, 2017)

ಕಾಯ್ದೆಯ ಅರಿವು- ನೆರವು ಕಾರ್ಯಕ್ರಮ

## ಸಕಾಲ ಕಾಯ್ದೆಯ ಮಾಹಿತಿ ನೀಡಲು ಸಲಹೆ

ಪ್ರಜಾವಾಣಿ ವಾರ್ತೆ 25-11-17

ಕಲಬುರ್ಗಿ: 'ವಿದ್ಯಾರ್ಥಿಗಳು ಓದಿನೊಂದಿಗೆ ಸರ್ಕಾರ ರೂಪಿಸಿರುವ ಕಾನೂನುಗಳ ಸಾಧಕ-ಬಾಧಕಗಳನ್ನು ತಿಳಿಯಬೇಕು ಹಾಗೂ ಅವುಗಳ ಬಗ್ಗೆ ಗ್ರಾಮೀಣ ಭಾಗದಲ್ಲಿ ಜಾಗೃತಿ ಮೂಡಿಸಬೇಕು' ಎಂದು ಹೆಚ್ಚುವರಿ ಜಿಲ್ಲಾಧಿಕಾರಿ ಧೀಮಾಶಂಕರ ತೆಗ್ಗಲಿ ತಿಳಿಸಿದರು.

ನ್ಯಾಜನಲ್ ಲಾ ಸ್ಕೂಲ್ ಆಫ್ ಇಂಡಿಯಾ, ಸರ್ಕಾರಿ ಪದವಿಪೂರ್ವ ಕಾಲೇಜು, ಜಿಲ್ಲಾ ಕಾನೂನು ಸೇವೆಗಳ ಪ್ರಾಧಿಕಾರ, ಮಾಹಿತಿ ಹಕ್ಕು ಕಾರ್ಯಕರ್ತರ ಸಂಘದ ಆಶ್ರಯದಲ್ಲಿ ಇಲ್ಲಿನ ಬೇವರ್ಗಿ ಕಾಲೋನಿಯ ಸರ್ಕಾರಿ ಪದವಿಪೂರ್ವ ಕಾಲೇಜಿನಲ್ಲಿ ಮಂಗಳವಾರ ಏರ್ಪಡಿಸಿದ್ದ 'ಸಕಾಲ ಕಾಯ್ದೆಯ ಅರಿವು-ನೆರವು' ಕಾರ್ಯಕ್ರಮ ಉದ್ಘಾಟಿಸಿ ಅವರು ಮಾತನಾಡಿದರು.

'ರಾಜ್ಯದಲ್ಲಿ ಜಾರಿಗೆ ತಂದಿರುವ ಸಕಾಲ ಕಾಯ್ದೆ ದೇಶದಲ್ಲೇ ಮೊದಲನೆಯದಾಗಿದೆ. ಇಂಥ ಕಾಯ್ದೆ ಬೇರೆ ದೇಶದಲ್ಲಿ ಇಲ್ಲ. ಬೇರೆ ದೇಶದವರು ಈ ಕಾಯ್ದೆಯ ಬಗ್ಗೆ ತಿಳಿದುಕೊಳ್ಳುತ್ತಿದ್ದಾರೆ. ವಿದ್ಯಾರ್ಥಿಗಳು ಈ ಕಾಯ್ದೆಯ ಪ್ರಯೋಜನಗಳನ್ನು ತಿಳಿದು ಗ್ರಾಮೀಣ ಭಾಗದಲ್ಲಿ ತಿಳಿಸಬೇಕು' ಎಂದರು.



ಕಲಬುರ್ಗಿಯ ಬೇವರ್ಗಿ ಕಾಲೋನಿ ಸರ್ಕಾರಿ ಪದವಿಪೂರ್ವ ಕಾಲೇಜಿನಲ್ಲಿ ಈಚೆಗೆ ನಡೆದ ಕಾರ್ಯಕ್ರಮವನ್ನು ಧೀಮಾಶಂಕರ ತೆಗ್ಗಲಿ ಉದ್ಘಾಟಿಸಿದರು

'ಸರ್ಕಾರದಿಂದ ದೊರೆಯುವ ಸೇವೆಗಳನ್ನು ನಿಗದಿತ ಸಮಯದಲ್ಲಿ ದೊರಕಿಸುವ ಏಕೈಕ ಕಾಯ್ದೆ ಇದಾಗಿದೆ. ಕಾನೂನುಗಳಿಂದ ಸಾರ್ವಜನಿಕರಿಗೆ ಆಗುತ್ತಿರುವ ಪ್ರಯೋಜನಗಳ ಬಗ್ಗೆ ತಿಳಿಸುವುದರಿಂದ 'ಭ್ರಷ್ಟಾಚಾರ ನಿರ್ಮೂಲನೆ ಸಾಧ್ಯವಾಗಲಿದೆ' ಎಂದರು.

ಕಾನೂನು ಸೇವೆಗಳ ಪ್ರಾಧಿಕಾರದ ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿ ಎಸ್.ಆರ್. ಮಾಣಿಕ್ಯ ಮಾತನಾಡಿ, 'ಜಿಲ್ಲಾ ಕಾನೂನು ಸೇವಾ ಪ್ರಾಧಿಕಾರವು ಸಾರ್ವಜನಿಕರಿಗೆ ಕಾನೂನುಗಳ ಬಗ್ಗೆ ಜಾಗೃತಿ ಮೂಡಿಸಿ ಉಚಿತ ಕಾನೂನು ಸಲಹೆಗಳನ್ನು ನೀಡುತ್ತಿದೆ. ಸಮಾಜವನ್ನು ಉತ್ತಮ ಮಾರ್ಗದಲ್ಲಿ ಕೊಂಡೊಯ್ಯಲು

ಕಾನೂನುಗಳನ್ನು ರೂಪಿಸಲಾಗಿದೆ. ಅವುಗಳನ್ನು ಪಾಲಿಸಿದಲ್ಲಿ ಶಿಕ್ಷೆ ಅನುಭವಿಸಬೇಕಾಗುತ್ತದೆ. ಜನನ-ಮರಣ, ಬಾಲ್ಯವಿವಾಹ, ಗ್ರಾಹಕರ ಹಿತರಕ್ಷಣೆ, ಸಕಾಲ, ಮಾಹಿತಿ ಹಕ್ಕು ಕಾಯ್ದೆಗಳ ಕುರಿತು ಎಲ್ಲರೂ ತಿಳಿಯುವುದು ಅವಶ್ಯವಾಗಿದೆ' ಎಂದರು.

ಮಾಹಿತಿ ಹಕ್ಕು ಕಾರ್ಯಕರ್ತ ಸಿದ್ದಾಮಯ್ಯ ಹಿರೇಮಠ ಮಾತನಾಡಿ, 'ಸರ್ಕಾರಿ ವ್ಯವಸ್ಥೆಯಲ್ಲಿ ಸೇವೆ ನೀಡುವಲ್ಲಿನ ವಿಳಂಬ ಧೋರಣೆ ಹಾಗೂ ಭ್ರಷ್ಟಾಚಾರವನ್ನು ತಡೆಗಟ್ಟಲು ಕಾಲ ಕಾಯ್ದೆಯನ್ನು ಜಾರಿಗೊಳಿಸಲಾಗಿದೆ. ಅರ್ಜಿ ಸಲ್ಲಿಸಿದರೆ ನಿಗದಿತ ಅವಧಿಯಲ್ಲಿ ಸೇವೆ ಒದಗಿಸಲಾಗುತ್ತದೆ. ಸೇವೆ

### ಮುಖ್ಯಾಂಶಗಳು

- ಸಕಾಲ ಕಾಯ್ದೆಯ ಮಾಹಿತಿ ಕಾರ್ಯಕ್ರಮ
- ಸಕಾಲದಿಂದ ಸ್ವತಂತ್ರ ಸರ್ಕಾರಿ ಸೇವೆ
- ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಕಾಯ್ದೆಯ ಅರಿವು ಅತ್ಯಗತ್ಯ

ಒದಗಿಸದಿದ್ದಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರಿ ಹಾಗೂ ಸಿಬ್ಬಂದಿಗೆ ದಂಡ ವಿಧಿಸಲು ಅವಕಾಶ ಕಲ್ಪಿಸಲಾಗಿದೆ' ಎಂದು ತಿಳಿಸಿದರು.

ಸಕಾಲ ಯೋಜನೆಯ ಜಿಲ್ಲಾ ಸಂಚಾಲಕಿ ವಿದ್ಯಾ ದೇವಾಪುರ ಮಾತನಾಡಿ, 'ರಾಜ್ಯದಲ್ಲಿ ಸಕಾಲ ಜಾರಿಗೊಳಿಸಿದಾಗ 11 ಇಲಾಖೆಗಳ 151 ಸೇವೆಗಳನ್ನು ನೀಡಲಾಗುತ್ತಿತ್ತು. ಈಗ 61 ಇಲಾಖೆಗಳ 760 ಸೇವೆಗಳು ಇದರಲ್ಲಿ ಲಭ್ಯ. ಸಾರ್ವಜನಿಕರು ಸೇವೆ ಪಡೆಯಲು ಆನ್‌ಲೈನ್ ಮೂಲಕವೂ ಅರ್ಜಿ ಸಲ್ಲಿಸಬಹುದು' ಎಂದರು.

ಸರ್ಕಾರಿ ಪದವಿ ಪೂರ್ವ ಕಾಲೇಜು ಪ್ರಾಂಶುಪಾಲ ಕೆ.ಡಿ. ನಾಯಕ, ವಕೀಲ ಬಿ.ಎಸ್.ಪಾಟೀಲ, ಸಂಶೋಧಕ ಶೈಲೇಂದ್ರಕುಮಾರ, ಸರ್ಕಾರಿ ಪದವಿಪೂರ್ವ ಕಾಲೇಜಿನ ಉಪನ್ಯಾಸಕರಾದ ಚಂದ್ರಕಾಂತ ಸನಾದಿ, ಬಾನ್ ವೆಸ್ತಿ ಇದ್ದರು.



## ANNEXURE – 15

**Newspaper Clipping: Report on the Legal Awareness Camp (Prajavani  
November 22, 2017)**

### ಕಾನೂನು ಸಾಧಕ ಬಾಧಕ ತಿಳಿವಳಿಕೆಗೆ ಸಲಹೆ

**ಕಲಬುರಗಿ:** ವಿದ್ಯಾರ್ಥಿಗಳು ತಮ್ಮ ಓದಿನೊಂದಿಗೆ ಸರ್ಕಾರ ರೂಪಿಸಿರುವ ಕಾನೂನುಗಳ ಸಾಧಕ-ಬಾಧಕಗಳ ಬಗ್ಗೆ ತಿಳಿದು ಗ್ರಾಮೀಣ ಭಾಗದಲ್ಲಿ ಜಾಗೃತಿ ಮೂಡಿಸುವುದು ಅಗತ್ಯವಾಗಿದೆ ಎಂದು ಹೆಚ್ಚುವರಿ ಜಿಲ್ಲಾಧಿಕಾರಿ ಭೀಮಾಶಂಕರ ತೆಗ್ಗೇ ತಿಳಿಸಿದರು.

ಅವರು ಮಂಗಳವಾರ ನ್ಯಾಷನಲ್ ಲಾ ಸ್ಕೂಲ್ ಆಫ್ ಇಂಡಿಯಾ ವಿಶ್ವವಿದ್ಯಾಲಯ ಬೆಂಗಳೂರು ಹಾಗೂ ಸರ್ಕಾರಿ ಪದವಿಪೂರ್ವ ಕಾಲೇಜು, ಜಿಲ್ಲಾ ಕಾನೂನು ಸೇವೆಗಳ ಪ್ರಾಧಿಕಾರ, ಮಾಹಿತಿ ಹಕ್ಕು ಕಾರ್ಯಕರ್ತರ ಸಂಘ ಕಲಬುರಗಿ, ಕರ್ನಾಟಕ ಸಕಾಲ ವಾಚ್ ರಾಷ್ಟ್ರೋತ್ಥಾನ ಸಂಕಲ್ಪ ಟ್ರಸ್ಟ್ ಹುಬ್ಬಳ್ಳಿ ಇವುಗಳ ಸಂಯುಕ್ತಾಶ್ರಯದಲ್ಲಿ ಜೇವರ್ಗಿ ಕಾಲೋನಿಯ ಸರ್ಕಾರಿ ಪದವಿ ಪೂರ್ವ ಕಾಲೇಜಿನಲ್ಲಿ ಏರ್ಪಡಿಸಿದ್ದ ಸಕಾಲ ಕಾಯ್ದೆ ಕಾನೂನು ಅರಿವು ನೆರವು ಕಾರ್ಯಕ್ರಮ ಉದ್ಘಾಟಿಸಿ ಮಾತನಾಡಿದರು.

ರಾಜ್ಯ ಜಾರಿಗೆ ತಂದಿರುವ ಸಕಾಲ ಕಾಯ್ದೆ ದೇಶದಲ್ಲೇ ಮಾದರಿಯಾಗಿದ್ದು ಇಂಥಹ ಕಾಯ್ದೆ ಬೇರೆ ದೇಶದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿಲ್ಲ ಬೇರೆ ದೇಶದವರು ಈ ಕಾಯ್ದೆಯ ಬಗ್ಗೆ ತಿಳಿದುಕೊಳ್ಳುತ್ತಿದ್ದಾರೆ. ವಿದ್ಯಾರ್ಥಿಗಳು ಸಕಾಲ ಕಾಯ್ದೆಯ ಪ್ರಯೋಜನಗಳನ್ನು ತಿಳಿದು ಗ್ರಾಮೀಣ ಭಾಗದಲ್ಲಿ ತಿಳಿಸಬೇಕು. ಸರ್ಕಾರದಿಂದ



ಕಲಬುರಗಿಯಲ್ಲಿ ಮಂಗಳವಾರ ನಡೆದ ಸಕಾಲ ಕಾಯ್ದೆ ಕಾನೂನು ಅರಿವು ನೆರವು ಕಾರ್ಯಕ್ರಮವನ್ನು ಹೆಚ್ಚುವರಿ ಜಿಲ್ಲಾಧಿಕಾರಿ ಭೀಮಾಶಂಕರ ತೆಗ್ಗೇ ಉದ್ಘಾಟಿಸಿದರು. ಹಿರಿಯ ನ್ಯಾಯಮೂರ್ತಿ ಎಸ್.ಆರ್.ಮಾಣಿಕ್ಯ ಹಾಗೂ ಇತರರಿದ್ದರು.

**22-11-2017**

ಸಿಗುವ ಸೇವೆಗಳನ್ನು ನಿಗದಿತ ಸಮಯ ದಲ್ಲಿ ದೊರಕಿಸಿ ನ್ಯಾಯ ನೀಡುವ ಏಕೈಕ ಕಾಯ್ದೆ ಇದಾಗಿದೆ. ಸರ್ಕಾರ ಜಾರಿಗೊಳಿಸಿರುವ ಕಾನೂನುಗಳಿಂದ ಸಾರ್ವಜನಿಕರಿಗೆ ಆಗುತ್ತಿರುವ ಪ್ರಯೋಜನಗಳ ಬಗ್ಗೆ ತಿಳಿಸುವುದರಿಂದ ಭ್ರಷ್ಟಾಚಾರ ನಿರ್ಮೂಲನೆ ಸಾಧ್ಯವಾಗುವುದು ಎಂದರು.

ಹಿರಿಯ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು ಹಾಗೂ ಜಿಲ್ಲಾ ಕಾನೂನು ಸೇವೆಗಳ ಪ್ರಾಧಿಕಾರದ ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿ ಎಸ್.ಆರ್.ಮಾಣಿಕ್ಯ ಮಾತನಾಡಿ, ಜಿಲ್ಲಾ ಕಾನೂನು ಸೇವಾ ಪ್ರಾಧಿಕಾರವು

ಸಾರ್ವಜನಿಕರಿಗೆ ದಿನನಿತ್ಯದಲ್ಲಿ ಅವಶ್ಯಕವಿರುವ ಕಾನೂನುಗಳ ಬಗ್ಗೆ ಜಾಗೃತಿ ಮೂಡಿಸಿ ಉಚಿತ ಕಾನೂನು ಸಲಹೆಗಳನ್ನು ನೀಡುತ್ತದೆ. ಸಮಾಜವನ್ನು ಸ್ವಾರ್ಥ ಮಾರ್ಗದಲ್ಲಿ ಕೊಂಡೊಯ್ಯಲು ಕಾನೂನುಗಳನ್ನು ರೂಪಿಸಲಾಗಿದೆ. ಅವುಗಳನ್ನು ಪರಿಪಾಲಿಸದಿದ್ದಲ್ಲಿ ಶಿಕ್ಷೆ ಅನುಭವಿಸಬೇಕಾಗುತ್ತದೆ. ಜನನ-ಮರಣ, ಬಾಲ್ಯವಿವಾಹ, ಗ್ರಾಹಕರ ಹಿತರಕ್ಷಣೆ, ಸಕಾಲ, ಮಾಹಿತಿ ಹಕ್ಕು ಕಾಯ್ದೆಗಳ ಕುರಿತು ಎಲ್ಲರೂ ತಿಳಿಯುವುದು ಅಗತ್ಯಕೆವಿದೆ ಎಂದರು.

ಮಾಹಿತಿ ಹಕ್ಕು ಕಾರ್ಯಕರ್ತರ ಸಿದ್ಧಾಮಯ್ಯ ಹಿರೇಮಠ ಮಾತನಾಡಿ, ಸರ್ಕಾರಿ ವ್ಯವಸ್ಥೆಯಲ್ಲಿ ಸಾರ್ವಜನಿಕರಿಗೆ ಸೇವೆ ನೀಡಲು ಅನುಸರಿಸುತ್ತಿದ್ದ ವಿಳಂಬ ಧೋರಣೆ ಹಾಗೂ ಭ್ರಷ್ಟಾಚಾರವನ್ನು ತಡೆಗಟ್ಟಲು ಸರ್ಕಾರ ಸಕಾಲ ಕಾಯ್ದೆಯನ್ನು ಕಾನೂನು ರೂಪದಲ್ಲಿ ಜಾರಿಗೊಳಿಸಿದೆ. ಸಕಾಲದಲ್ಲಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದರೆ ನಿಗದಿತ ಅವಧಿಯಲ್ಲಿ ಸೇವೆ ಒದಗಿಸಲಾಗುತ್ತದೆ. ಸೇವೆ ಒದಗಿಸದಿದ್ದಲ್ಲಿ ಯಾವ ಅಧಿಕಾರಿ ಅಥವಾ ಸಿಬ್ಬಂದಿಯಿಂದ ಸೇವೆ ವಿಳಂಬವಾಗಿದೆಯೋ ಅವರ ಸಂಬಳದಿಂದ 20 ರಿಂದ 500 ರೂ. ದಂಡ ಕಡಿತಗೊಳಿಸಿ ಅರ್ಜಿದಾರರಿಗೆ ನೀಡಲಾಗುವುದು ಎಂದರು.

ಜಿಲ್ಲಾ ಸಕಾಲ ಸಂಚಾಲಕ ವಿದ್ಯಾ ದೇವಾಪುರ ಮಾತನಾಡಿ, ರಾಜ್ಯದಲ್ಲಿ ಸಕಾಲ ಕಾಯ್ದೆ ಜಾರಿಗೊಳಿಸಿದಾಗ 11 ಇಲಾಖೆಗಳ 151 ಸೇವೆಗಳನ್ನು ನೀಡಲಾಗುತ್ತಿತ್ತು. ಸದ್ಯ 61 ಇಲಾಖೆಗಳ 760 ಸೇವೆಗಳು ಲಭ್ಯವಿದ್ದು ಸಾರ್ವಜನಿಕರು ಯಾವುದೇ ಸೇವೆಗಾಗಿ ನೇರವಾಗಿ ಆನ್ ಲೈನ್ ಮೂಲಕ ಅರ್ಜಿ ಸಲ್ಲಿಸಬಹುದಾಗಿದೆ. ಪ್ರಾಂಶುಪಾಲ ಕೆ.ಡಿ. ನಾಯಕ, ವಕೀಲ ಬಿ.ಎಸ್. ಪಾಟೀಲ, ಎನ್.ಎಸ್. ಎಲ್.ಐ. ವಿಶ್ವವಿದ್ಯಾಲಯದ ಸಂಶೋಧಕ ಶೈಲೇಂದ್ರಕುಮಾರ್, ಉಪನ್ಯಾಸಕ ಚಂದ್ರಕಾಂತ್, ಜಾನ್ ಮೈ ಇದ್ದರು.

# ANNEXURE - 16

Newspaper Clipping: Report on the Karnataka Accountability Bill (Prajavani November 6, 2017)

ಆಡಳಿತದಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ತರಲು ಸಿದ್ಧವಾಗಿದೆ 'ಸಕಾಲ ಪ್ಲಸ್' ಕರಡು ಮಸೂದೆ

Prajavani 6.11.17

## ಅಹವಾಲು ಸ್ವೀಕರಿಸಲು ಪ್ರತಿ ಜಿಲ್ಲೆಯಲ್ಲೂ ಆಯೋಗ

ಪ್ರಜಾವಾಣಿ ವಾರ್ತೆ

ಬೆಂಗಳೂರು: ಜನರ ಅಹವಾಲು ಸ್ವೀಕರಿಸಲು ಪ್ರತಿ ಜಿಲ್ಲೆಯಲ್ಲೂ ಆಯೋಗ ರಚಿಸಬೇಕು. ಈ ಸ್ವಾಯತ್ತ ಸಂಸ್ಥೆಯು ಲೋಕಾಯುಕ್ತದ ಸಹಯೋಗದೊಂದಿಗೆ ಕಾರ್ಯ ನಿರ್ವಹಿಸಬೇಕು

ಆಡಳಿತದಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ತರುವ ಹಾಗೂ ಅಧಿಕಾರಗಳ ಹೊಣೆಗಾರಿಕೆಯನ್ನು ಹೆಚ್ಚಿಸುವ ಸಲುವಾಗಿ ನ್ಯಾಷನಲ್ ಕ್ಯಾಂಪೇನ್ ಫಾರ್ ಪೀಪಲ್ಸ್ ರೈಟ್ಸ್ ಟು ಇನ್ಫಾರ್ಮೇಶನ್, ನ್ಯಾಷನಲ್ ಲಾ ಸ್ಕೂಲ್ ಆಫ್ ಇಂಡಿಯಾ ಯೂನಿವರ್ಸಿಟಿ, ಸಿವಿಕ್ ಬೆಂಗಳೂರು ಹಾಗೂ ನಮ್ಮ ಬೆಂಗಳೂರು ಫೌಂಡೇಷನ್ ಸೇರಿ ಸಿದ್ಧಪಡಿಸಿದ 'ಸಕಾಲ ಪ್ಲಸ್' ಕರಡು ಮಸೂದೆಯಲ್ಲಿರುವ ಪ್ರಮುಖ ಅಂಶವಿದು.

ಭಾನುವಾರ ಇಲ್ಲಿ ಆಯೋಜಿಸಿದ್ದ ಸಂವಾದದಲ್ಲಿ ನಿವೃತ್ತ ಐಎಎಸ್ ಅಧಿಕಾರಿ ಟಿ.ಆರ್.ರಘುನಂದನ್ ಅವರು ಕರಡು ಮಸೂದೆಯ ಪ್ರಮುಖ ಅಂಶಗಳನ್ನು ವಿವರಿಸಿದರು. ಗ್ರಾಮ/ವಾರ್ಡ್ ಮಟ್ಟದಲ್ಲಿ ಮಾಹಿತಿ ಕೇಂದ್ರ: 'ಪ್ರತಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ

ಸಕಾಲ ಕಾಯ್ದೆ ಮತ್ತು ಮಾಹಿತಿ ಪಕ್ಕು ಕಾಯ್ದೆಗಳಲ್ಲಿ ಕೆಲವು ಲೋಪಗಳಿವೆ. ಸಾರ್ವಜನಿಕ ಸೇವೆಯ ಗುಣಮಟ್ಟ ಸುಧಾರಿಸಲು ಈ ಕರಡು ಮಸೂದೆ ಸಿದ್ಧಪಡಿಸಲಾಗಿದೆ ಟಿ.ಆರ್.ರಘುನಂದನ್ ನಿವೃತ್ತ ಐಎಎಸ್ ಅಧಿಕಾರಿ

ಮತ್ತು ವಾರ್ಡ್ ಹಂತಗಳಲ್ಲಿ ಮಾಹಿತಿ ಕೇಂದ್ರ ಸ್ಥಾಪನೆಯಾಗಬೇಕು. ಇಲ್ಲಿ ಸರ್ಕಾರದ ಎಲ್ಲ ಯೋಜನೆಗಳ ಮಾಹಿತಿ, ಇಲಾಖೆಗಳ ಹಾಗೂ ಅಧಿಕಾರಿಗಳು ನಿರ್ವಹಿಸುವ ಕಾರ್ಯಗಳ ಕುರಿತ ಸಮಗ್ರ ವಿವರ ಒದಗಿಸಬೇಕು. ಈ ಕೇಂದ್ರಗಳ ಮೂಲಕ ಸಾರ್ವಜನಿಕರು ಅಹವಾಲು ಸಲ್ಲಿಸುವುದಕ್ಕೂ ಅವಕಾಶ ಕಲ್ಪಿಸಬೇಕು. ಪ್ರತಿವಾರ ಸಾರ್ವಜನಿಕ ಅಹವಾಲು ಸಭೆ ನಡೆಸಬೇಕು ಎಂಬ ಅಂಶಗಳು ಮಸೂದೆಯಲ್ಲಿವೆ ಎಂದು ಅವರು ಮಾಹಿತಿ ನೀಡಿದರು.

'ಅಹವಾಲು ಸಭೆಗಳಲ್ಲಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ಮತ್ತು ತಾಲ್ಲೂಕು ಪಂಚಾಯಿತಿ ಅಧಿಕಾರಿಗಳು ಭಾಗವಹಿಸಬೇಕು. ಸಲ್ಲಿಕೆಯಾದ ಅಹವಾಲುಗಳ ಕುರಿತು ವಿಸ್ತೃತ ಚರ್ಚೆ ನಡೆಸಬೇಕು. ಕೆಲವು

- ಮುಖ್ಯಾಂಶಗಳು**
- ಪ್ರತಿ ಗ್ರಾಮ, ವಾರ್ಡ್ ಮಟ್ಟದಲ್ಲಿ ಅಹವಾಲು ಕೇಂದ್ರ ಸ್ಥಾಪಿಸಬೇಕು
- ಪ್ರತಿವಾರ ಸ್ಥಳೀಯ ಮಟ್ಟದಲ್ಲಿ ಸಾರ್ವಜನಿಕ ಅಹವಾಲು ಸಭೆ ನಡೆಸಬೇಕು
- ಮಾಹಿತಿ ವಿಳಂಬಕ್ಕೆ ವಿಧಿಸುವ ದಂಡವನ್ನು ಪರಿಷ್ಕರಿಸಬೇಕು



ಸಮಸ್ಯೆಗಳಿಗೆ ಅಲ್ಲಿಯೇ ಪರಿಹಾರ ಸೂಚಿಸಬೇಕು. ಯಾವುದೇ ಅಧಿಕಾರಿ ತಪ್ಪು ಎಸಗಿರುವುದು ಸಾಬೀತಾದರೆ ಅಂತಹವರಿಗೆ ದಂಡ ವಿಧಿಸಬೇಕು. ಮಾಹಿತಿ ನೀಡಲು ವಿಳಂಬವಾದರೆ, 21 ದಿನದೊಳಗೆ ಲಿಖಿತವಾಗಿ ಕಾರಣ ನೀಡಬೇಕು ಅಂಬ ಅಂಶಗಳನ್ನೂ ಮಸೂದೆಯಲ್ಲಿ ಸೇರಿಸಲಾಗಿದೆ ಎಂದು ವಿವರಿಸಿದರು.

'ಸರ್ಕಾರ ಯಾವುದೇ ಕಾನೂನು ರೂಪಿಸುವ ಮುನ್ನ ಸಾರ್ವಜನಿಕರಿಂದ ಅಭಿಪ್ರಾಯ ಸಂಗ್ರಹಿಸಬೇಕು. ಸಕಾಲ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ಯಾವುದೇ ಮಾಹಿತಿ ನೀಡಲು ವಿಳಂಬವಾದಲ್ಲಿ

ಸಂವಾದದಲ್ಲಿ ನಮ್ಮ ಬೆಂಗಳೂರು ಫೌಂಡೇಷನ್ ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಹಣಾ ಅಧಿಕಾರಿ ಶ್ರೀಧರ್ ಪದ್ಧಿಸೆಟ್ಟಿ, ಸಕಾಲ ಯೋಜನೆ ಆಡಳಿತಾಧಿಕಾರಿ ಕೆ.ಮಠಾಯಿ, ನ್ಯಾಷನಲ್ ಲಾ ಸ್ಕೂಲ್ ಆಫ್ ಇಂಡಿಯಾ ಯೂನಿವರ್ಸಿಟಿಯ ಪ್ರೊ. ಯುತೋಮತಿ ಘೋಷ್ ಟಿ.ಆರ್.ರಘುನಂದನ್ ಹಾಗೂ ನ್ಯಾಷನಲ್ ಕ್ಯಾಂಪೇನ್ ಫಾರ್ ಪೀಪಲ್ಸ್ ರೈಟ್ಸ್ ಟು ಇನ್ಫಾರ್ಮೇಷನ್ ಸಂಸ್ಥೆಯ ನಿರ್ದೇಶಕಿ ಡಾ. ಭಾಗವತಿಸಿದ್ದರು -ಪ್ರಜಾವಾಣಿ ಚಿತ್ರ

ಸಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರಿ ದಿನವೊಂದಕ್ಕೆ ತೆರಬೇಕಾದ ದಂಡದ ಮೊತ್ತವನ್ನು (ಕನಿಷ್ಠ ₹ 250 ರಿಂದ ಗರಿಷ್ಠ ₹ 50,000) ಪರಿಷ್ಕರಿಸಬೇಕು' ಎಂದರು. 'ಸರ್ಕಾರದ ಎಲ್ಲ ಇಲಾಖೆಗಳಲ್ಲೂ ಸಾರ್ವಜನಿಕರಿಗೆ ಲೆಕ್ಕಪರಿಶೀಲನೆಗೆ ಅವಕಾಶವಿರಬೇಕು. ಇದರಿಂದ ಆಡಳಿತದಲ್ಲಿ ಬ್ರಷ್ಟಾಚಾರ ಕಡಿಮೆ

ಮಾಡಬಹುದು. ಅಧಿಕಾರಿಗಳ ಹೊಣೆಗಾರಿಕೆಯನ್ನು ಹೆಚ್ಚಿಸಬಹುದು. ಈ ಮಸೂದೆಯನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಸಲ್ಲಿಸುತ್ತೇವೆ. ಶೀಘ್ರವೇ ವಿಧಾನ ಮಂಡಲದ ಅಧಿವೇಶನದಲ್ಲಿ ಮಂಡಿಸಿ ಅನುಮೋದನೆ ಪಡೆಯುವಂತೆ ಮನವಿ ಮಾಡುತ್ತೇವೆ' ಎಂದು ತಿಳಿಸಿದರು.



Bengaluru



**ANNEXURE – 17**

**Newspaper Clipping: Report on the Karnataka Accountability Bill (Kannada Prabha November 6, 2017)**

**ಕನ್ನಡಪ್ರಭ**

# ಸಕಾಲ ನಿರ್ಲಕ್ಷ್ಯಕ್ಕೆ ದಿನಕ್ಕೆ ₹250 ದಂಡ!

‘ಸಕಾಲ ಪ್ಲಸ್- ಕರ್ನಾಟಕಕ್ಕಾಗಿ ಒಂದು ಕರಡು ಹೊಣೆಗಾರಿಕೆ ಮಸೂದೆ’ ಕುರಿತ ಚರ್ಚೆ



ನಮ್ಮ ಬೆಂಗಳೂರು ಫೌಂಡೇಷನ್ ಹಾಗೂ ವಿವಿಧ ಸಂಘಟನೆಗಳ ಸಹಯೋಗದಲ್ಲಿ ಭಾನುವಾರ ಸೆಂಟ್ರಲ್ ಕಾಲೇಜಿನ ಜ್ಞಾನಜ್ಯೋತಿ ಸಭಾಂಗಣದಲ್ಲಿ ಆಯೋಜಿಸಿದ್ದ ‘ಸಕಾಲ ಪ್ಲಸ್- ಕರ್ನಾಟಕಕ್ಕಾಗಿ ಒಂದು ಕರಡು ಹೊಣೆಗಾರಿಕೆ ಮಸೂದೆ’ ಕುರಿತ ಚರ್ಚೆಯಲ್ಲಿ ಪಾಲ್ಗೊಂಡ ಗಣ್ಯರು.

## • ಕನ್ನಡಪ್ರಭವಾರ್ತೆ ಬೆಂಗಳೂರು

ಸಕಾಲ ಯೋಜನೆಯಡಿ ಬರುವ ಸೇವೆಗಳನ್ನು ನಿಗದಿತ ಅವಧಿಯಲ್ಲಿ ನೀಡದೆ ವಿಳಂಬ ಮಾಡಿದರೆ ದಿನವೊಂದಕ್ಕೆ ವಿಧಿಸಬಹುದಾದ 20 ರು. ದಂಡ ಪ್ರಮಾಣವನ್ನು 250 ರು.ಗೆ ಹೆಚ್ಚಿಸಬೇಕು. ಇದರಿಂದ ಸಕಾಲ ಯೋಜನೆಯನ್ನು ಪರಿಣಾಮಕಾರಿಯಾಗಿ ಅನುಷ್ಠಾನಗೊಳಿಸಲು ಸಾಧ್ಯವಾಗುತ್ತದೆ ಎಂದು ಕೇಂದ್ರ ಗ್ರಾಮೀಣಾಭಿವೃದ್ಧಿ ಮತ್ತು ಪಂಚಾಯತ್ ರಾಜ್ ಇಲಾಖೆ ಮಾಜಿ ಜಂಟಿ ಕಾರ್ಯದರ್ಶಿ ಟಿ.ಆರ್. ರಘುನಂದನ್ ಹೇಳಿದ್ದಾರೆ.

ನ್ಯಾಷನಲ್ ಕ್ಯಾಂಪೈನ್ ಫಾರ್ ಪೀಪಲ್ಸ್ ರೈಟ್ ಟು ಇನ್ಫರ್ಮೇಷನ್ (ಎನ್‌ಸಿಪಿಆರ್‌ಐ) ಸಂಘಟನೆ, ಸಿವಿಕ್, ನಮ್ಮ ಬೆಂಗಳೂರು ಫೌಂಡೇಷನ್ ಹಾಗೂ

- ಸಕಾಲ ಯೋಜನೆಯನ್ನು ಮತ್ತಷ್ಟು ಪರಿಣಾಮಕಾರಿ ಅನುಷ್ಠಾನ ಗೊಳಿಸಲು ಕನಿಷ್ಠ ದಂಡ ಶುಲ್ಕವನ್ನು 250 ರು. ಮತ್ತು ಗರಿಷ್ಠ ದಂಡ 5000 ರು.ಗೆ ಹೆಚ್ಚಿಸಬೇಕು
- ಗ್ರಾಮ ಪಂಚಾಯ್ತಿ ಮಟ್ಟದಲ್ಲೂ ಮಾಹಿತಿ ಕೇಂದ್ರ ಆರಂಭಿಸಬೇಕು

ವಿವಿಧ ಸಂಘಟನೆಗಳ ಸಹಯೋಗದಲ್ಲಿ ಭಾನುವಾರ ಸೆಂಟ್ರಲ್ ಕಾಲೇಜಿನ ಜ್ಞಾನಜ್ಯೋತಿ ಸಭಾಂಗಣದಲ್ಲಿ ಆಯೋಜಿಸಿದ್ದ ‘ಸಕಾಲ ಪ್ಲಸ್- ಕರ್ನಾಟಕಕ್ಕಾಗಿ ಒಂದು ಕರಡು ಹೊಣೆಗಾರಿಕೆ ಮಸೂದೆ’ ಕುರಿತ ಚರ್ಚೆಯಲ್ಲಿ ಪಾಲ್ಗೊಂಡ ಅವರು ಮಾತನಾಡಿದರು.

ಸಕಾಲ ಯೋಜನೆಯಡಿ ಪ್ರಸ್ತುತ 700 ಸೇವೆಗಳನ್ನು ತರಲಾಗಿದೆ. ಸಾರ್ವಜನಿಕರು ಕೋರುವ ಮಾಹಿತಿಯನ್ನು ಸಮಯಕ್ಕೆ ಸರಿಯಾಗಿ ನೀಡದಿದ್ದರೆ ನಂತರ ಒಂದು

ದಿನಕ್ಕೆ ಕನಿಷ್ಠ 20 ರು.ನಿಂದ ಗರಿಷ್ಠ 500 ರು. ವರೆಗೆ ದಂಡ ವಿಧಿಸಲು ಕಾಯ್ದೆಯಲ್ಲಿ ಅವಕಾಶವಿದೆ. ಸಕಾಲ ಯೋಜನೆಯನ್ನು ಮತ್ತಷ್ಟು ಪರಿಣಾಮಕಾರಿಯಾಗಿ ಅನುಷ್ಠಾನಗೊಳಿಸಲು ಕನಿಷ್ಠ ದಂಡ ಶುಲ್ಕವನ್ನು 250 ರು. ಮತ್ತು ಗರಿಷ್ಠ ದಂಡ 5000 ರು. ಗೆ ಹೆಚ್ಚಿಸಬೇಕು. ಈ ನಿಟ್ಟಿನಲ್ಲಿ ಎನ್‌ಸಿಪಿಆರ್‌ಐ ಸಿದ್ಧಪಡಿಸಿರುವ ಸಕಾಲ ಪ್ಲಸ್ ಕರಡು ಹೊಣೆಗಾರಿಕೆ ಮಸೂದೆಯಲ್ಲಿನ ಶಿಫಾರಸು ಸೂಕ್ತವಾಗಿದೆ ಎಂದರು.

ಅಲ್ಲದೆ, ಸಕಾಲ ಸೇವೆಗಳಿಗೆ

ಸಂಬಂಧಿಸಿದ ದೂರುಗಳ ಪರಿಹಾರಕ್ಕೆ ಜಿಲ್ಲಾ ಮಟ್ಟದಲ್ಲಿ ಒಂದು ಮಂಡಳಿ, ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ಮಟ್ಟದಲ್ಲಿ ಮಾಹಿತಿ ಕೇಂದ್ರ ಆರಂಭಿಸಬೇಕು. ಅಲ್ಲಿ ಯಾವ್ಯಾವ ಅಧಿಕಾರಿಗಳು ಯಾವ ಸೇವೆಗಳಿಗೆ ಒಳಪಡುತ್ತಾರೆ ಎಂಬ ಮಾಹಿತಿ ನೀಡಬೇಕು. ಸಕಾಲ ಸೇವೆ ಅನುಷ್ಠಾನದಲ್ಲಿ ನಿರ್ಲಕ್ಷ್ಯ ವಹಿಸುವ ಅಧಿಕಾರಿಗಳ ವಿರುದ್ಧ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕು ಎಂದು ಹೇಳಿದರು.

ಕಾರ್ಯಕ್ರಮದಲ್ಲಿ ಬೆಂಗಳೂರು ಕೇಂದ್ರ ವಿವಿ ಕುಲಪತಿ ಪ್ರೊ.ಎಸ್. ಜಾಫೆಟ್, ಎನ್‌ಸಿಪಿಆರ್‌ಐನ ನಿಖಿಲ್ ದೇವ್, ಸಿವಿಕ್‌ನ ಕಾತ್ಯಾಯಿನಿ ಚಾಮರಾಜ್, ನಮ್ಮ ಬೆಂಗಳೂರು ಪ್ರತಿಷ್ಠಾನದ ಸಿಂಹ ಶ್ರೀಧರ್ ಪಟ್ಟಿಸೆಟ್ಟಿ ಮತೀತರರು ಪಾಲ್ಗೊಂಡಿದ್ದರು.

**ANNEXURE – 18**

**Sakala Monthly Report – December 2017 published by the Sakala Mission:  
Referring to the Research study of NLSIU pg. 15-17**

**NEWS CLIPS**

**Middlemen rule the roost in delivering govt. services despite Sakala: Study**

Nagesh Prabhu

BENGALURU, DECEMBER 10, 2017 22:31 IST

**The NLSIU research says that corruption prevalent in the form of dalal in departments such as Transport and Revenue**

The Karnataka Sakala Services launched in 2011 — to ensure timely delivery of government services — is not meeting its end if a recent study by the National Law School of India University (NLSIU), Bengaluru, is an indication.

Corruption still dogs the delivery of services in government departments, according to the study by Yashomati Ghosh, Associate Professor, NLSIU, who conducted the study (2017) for the Union Ministry of Law and Justice. It found that corruption was prevalent in the form of “*dala*” in departments such Transport and Revenue.

The study said: “The *dala* works as a mediator and facilitates applicant for getting services with the help of government officials.”

In most cases, higher officials either do not listen to applicants or do not take action against the defaulting officers. Absence of a full time-director, delivery of services by hiring of over 1,000 outsourced employees as computer operators, and delay in the release of salary for employees, poor infrastructure in the form of computer, internet connectivity, printer, and generators contributed to poor delivery of services under Sakala, the research said.

**‘Supervisory position’**

The Sakala Mission has no powers to take action against officers defaulting in delivery of services. The mission has been given only supervisory position without power.

More than 725 services are being provided under the Sakala Act. It said the mission has become only a monitoring body with the primary function of data collection.



“The Sakala Mission does not have any statutory power of implementing the provisions of the statute. It merely monitors the electronic database relating to case status, number of applications filed, number of applications rejected, reasons for rejections, how many cases went for first appeal and second appeal, and how many cases are pending with departments,” the study noted.

### **Compensation**

It said many applicants seeking services do not claim compensation for the delay in services owing to the meagre compensation amount.

The corpus fund of ₹5 crore has been set aside for providing compensation. But only ₹84,180 was disbursed as compensation as on September 2016.

### **Display boards not updated**

The NLSIU study noted that there is discrepancy between the number of services listed under Sakala and actual services provided in offices. The Sakala services display board has not been maintained in taluk offices, Nadakacheri, and police stations.

For example, the Sakala information board was not updated at the RTO office in Rajajinagar, Bengaluru. Further, the Department of Stamps and Registration neither display information on Sakala nor provide any services.

The office of the Senior Sub-Registrar and Marriage, Yelahanka in Bengaluru, and the Drug Control Department have failed to comply with the Sakala rules, the study said.

Most offices do not have help desks to tell applicants about process, officer, departments, and documents. Often, designated officers accept application without issuing acknowledgement slips. There were irregularities in publication of monthly and annual reports, the study said.