



A STUDY ON RIGHT TO PUBLIC SERVICES

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Introduction

It has been recognised world over that good governance is essential for sustainable development, both economic and social. The three essential aspects emphasised in good governance are transparency, accountability and responsiveness of the administration. Citizens' Charters initiative is a response to the quest for solving the problems which a citizen encounters, day in and day out, while dealing with the organisations providing public servicesⁱ.

The concept of Citizens' Charter enshrines the trust between the service provider and its users. The concept was first articulated and implemented in the United Kingdom by the Conservative Government of John Major in 1991 as a national programme with a simple aim: to continuously improve the quality of public services for the people of the country so that these services respond to the needs and wishes of the users.

The UK's Citizens' Charter initiative aroused considerable interest around the world and several countries implemented similar programmes. Example: Australia (Service Charter, 1997), Belgium (Public Service Users' Charter 1992), Canada (Service Standards Initiative, 1995), France (Service Charter, 1992), India (Citizens' Charter, 1997), Jamaica (Citizens' Charter 1994), Malaysia (Client Charter, 1993), Portugal (The Quality Charter in Public Services, 1993), and Spain (The Quality Observatory, 1992) (OECD, 1996)ⁱⁱ.

They were all designed to empower the citizens in relation to public service delivery. The principles were to maintain quality and prescribed standards and provide procedures to deal with lapses, and maintain accountability and transparency. Later, these were elaborated to cover accessibility, choice, involvement, fairness, consultation, etc., which put citizens at the centre of the delivery system. Every Citizen is entitled to hassle-free public services and redressal of his grievances. It is appropriate time to analysis the right to services in India.

Responsiveness

Right to Public Services legislation are meant to increase the accountability and responsiveness of the administration. Right to 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 mechanism for punishing the errant public servant who is deficient in providing the service stipulated under the statute. This will be helpful to redress the grievance of the urban people as well as rural people, which will play a key role to good governance in the urban and rural area.

Madhya Pradesh became the first state in India to enact Right to Service Act and Bihar was the second to enact this law. Several other states like Bihar, Delhi, Punjab, Rajasthan, Himachal Pradesh, Kerala, Uttarakhand, Haryana, Uttar Pradesh, and Jharkhand have introduced similar legislation for effectuating the right to service to the citizen.

Madhya Pradesh Right to Public Services Act guarantees the delivery of public services in a stipulated time frame. If concerning officials fail to perform their duties, they will have to pay a fine varying from Rs. 250 per day to Rs. 5,000. The fine so received would go the applicants as compensation. It is well-considered and solely aims at guaranteeing effective delivery of public services to the people in a stipulated time limit. It has notified 52 services in 16 departments. The Right to Service process consists of three stages as Submission of initial application, First appeal and Second appeal.

The Bihar government has put in place its Right to Service Act, 2011 making it mandatory for the state government and its agencies to extend services to people within a stipulated time frame with effect from August 15, 2011. Initially, the Act covered 30 services. So far Bihar has 50 notified services.

With an aim to provide public services in a time-bound manner, the Rajasthan government has implemented the Rajasthan Guaranteed Delivery of Public Services Act, 2011 to ensure effective time-bound delivery of 108 services of 15 major government departments with a provision of cash penalty for the offenders. Currently 153 important services of 18 departments are incorporated in Act.

The Uttar Pradesh Government enacted Right to Service Act, 2011. In the first phase, services of revenue, urban development, health & medical, and food & civil supplies have been included and the maximum services notified are in the



Revenue Department, with mutation, birth and death certificates, water connection, disability certificate and issue of APL ration cards, duplicate copy of driving license and registration certificate being some services chosen from the other departments.

Delhi Government has enforced its Delhi (Right of Citizen to Time Bound Delivery of Services) Act, 2011 from September 15, 2011 to ensure smooth service delivery in 36 categories under 18 department. With a view to provide delivery of public services within time limits, Punjab enforced its Right to Services Act in 2011 for delivery of citizen centric 67 services. Details of 149 notified services under the act for time bound delivery and along with the designated officers, First Appellate Authority, Second Appellate Authority are available in the government website.

Though Haryana started its time-bound delivery of services in 2011 but it has recently enacted its Haryana Right to Service Act, 2014. Considering the prompt service delivery as an essential ingredient in good-governance, the Government of Jammu and Kashmir has enforced its Public Service Delivery Guarantee Act 2011 to make public servants liable for the service delivery and ensure it befitting response to citizens' calls. The Act provides for the delivery of public services by the designated officers to the eligible persons of the State within the specified time limit.

In an attempt to bring in transparency in the system of governance, the Jharkhand government has notified its Jharkhand Right to Service Act, 2011 from November 15, 2011 to empower its people to get citizen centric services within stipulated time from the employees of all govt. departments. Also, the Act fixes the accountability of the concerned officers in case of delay. The Act, provides for punishment of the government employees as well. It will also appoint first and second Appellate officers in different services.

In an endeavor to empower citizens with power to get timely service from government set up, the government has enacted the Himachal Pradesh Public Services Guarantee Act, 2011 with effect from November 16 2011. Karnataka enacted its Karnataka (Right of Citizens to Time Bound Delivery of Services) Act, 2011 to ensure that the services are provided in a timely manner in various departments.

The Kerala State Right to Service Act, 2012 came into force on the 1 November 2012, which provides effective, time-bound redress of grievances of citizens, delivery of services to the public and making government servants liable in case of default.

The Chhattisgarh Lok Seva Guarantee Act provides delivery of certain public services to citizens by the State Government, local bodies, public authorities or agencies within the stipulated time, and to fix the liabilities of persons responsible for delivery of such services in the event of default and for matters connected therewith or incidental thereto. Every person shall have the right to obtain public services within the stipulated time. In case, any applicant fails to obtain the required public services within the stipulated time, he/she shall be entitled to receive cost of his application.

According to the Uttarakhand Right to Service Act in 2011, all the government departments will be bound to provide citizen centric services within stipulated time period, as a matter of right. The "Odisha Right to Public Services Act, 2012" seeks that the state government would provide certain public services within a stipulated time. It aims to cover various guarantees under a single umbrella at the state level.

The Assam Assembly passed its Assam Right to Public Services Act, 2012 on 29th March 2012 to ensure better delivery of notified public services within a definite timeframe and also fixes responsibility on public servants to provide these services in a time bound manner. Under the provisions of the Act, the Government will provide certain notified public services to the eligible citizens in a time bound manner.

The Gujarat (Right of Citizens to Public Services) Act, 2013 confers right on every individual citizen to time bound delivery of services and redressal of grievances. It requires the state government to notify the services to which the Act shall apply and the time limits within which the notified services shall be provided

The West Bengal Right to Public Services Act, 2013 aims at prompt delivery of public services to the people of the state within a stipulated time. Hence, every person shall have the right to obtain public services in accordance with the provisions of this Act. The Goa Public Services Guarantee Act makes it mandatory to provide services like residence certificates, income certificate, NOC to transport dead bodies, birth certificates in panchayat and municipality and others to be delivered within a specified number of days.



Redressal

The Citizen's Charter and Grievance Redressal Bill 2011 also known as The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011 or Citizens Charter Bill was proposed by Indian central legislation. It was tabled by the Minister of State for Personnel, Public Grievances and Pensions, in Lok Sabha in December 2011. The bill lapsed due to dissolution of the 15th Lok Sabha.

The Union government is considering a Bill to guarantee time bound delivery of services, called the Right to Services Act, on the lines of the Acts already in place in many States. Union Law Minister wrote to Prime Minister on June 10, 2015, suggesting such a Bill be prepared at the Central level. Top sources in the government have confirmed that the Bill is now under the "active consideration" of the Personnel and Public Grievances Ministryⁱⁱⁱ. But, it is still waiting for the legislation.

The preamble of the Bill as follows: "A is Bill to lay down an obligation upon every public authority to publish citizens charter stating therein the time within which specified goods shall be supplied and services be rendered and provide for a grievance redressal mechanism for non-compliance of citizens charter and for matters connected therewith or incidental thereto"^{iv}.

Proposed Law

The proposed Bill, which is pending in the Parliament, confers right on every individual citizen to time bound delivery of goods and provision for services and Redressal of grievances. It requires every public authority to publish, within six months of the commencement of the proposed legislation, a Citizens Charter specifying therein the category of goods supplied and services rendered by it, the time within which such goods shall be supplied or services be rendered the name and addresses of individuals responsible as designated officers for the delivery of goods or rendering of services.

It requires every Public Authority to establish information and facilitation centre for efficient and effective delivery of services and redressal of grievances. It requires every public authority to designate Grievance Redress Officers in all public authorities of the Central, State, district and sub-district levels, municipalities, Panchayats etc. to enquire into and redress any complaints from citizens in a timeframe not exceeding thirty days from the date of receipt of the complaint.

It provides that any individual aggrieved by a decision of the concerned Grievance Redress Officer may, within thirty days, prefer an appeal to the Designated Authority who shall dispose of such appeal within thirty days from the date of receipt of such appeal. The Designated Authority shall be from outside the concerned public authority. It provides for constitution of the State Public Grievance Redressal Commission and the Central Public Grievance Redressal Commission consisting of Chief Commissioners and other Commissioners.

It also provides that any 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 decision of the Designated Authority falling under the jurisdiction of the Central Government may prefer an appeal to the Central Public Grievance Redressal Commission. It confers power upon the Designated Authority, the State Public Grievance Redressal Commission and the Central Public Grievance Redressal Commission to impose a lump-sum penalty, including compensation to the complainant, against designated official responsible for delivery of goods and services or Grievance Redress Officer for their failure to deliver goods or render services to which the applicant is entitled, which may extend up to fifty thousand rupees which shall be recovered from the salary of the official against whom penalty has been imposed.

It also provides that on the imposition of the penalty, the appellate authority may, by order, direct that such portion of the penalty imposed under the proposed legislation shall be awarded to the appellant, as compensation, not exceeding the amount of penalty imposed, as it may deem fit. It provides that if any public servant is found guilty of offence, 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.

It provides that where it appears to the Designated Authority or the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission that the grievance complained of is prima facie 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 competent to take cognizance of such corrupt practice^v.



Principles

Several efforts have been made in the past for strengthening and improving the Public Service delivery mechanism. This includes Citizens' Charters and the Right to Information. The proposed Right to Public Services Act is an important legislation in the field of delivery of services to the citizen. The right of the citizen has been put first through mechanism charted in the Act, and Rules made there under for clear identification of the services, authorities responsible for delivering such services within the bureaucratic hierarchy, and accountability of its different layers. The Act will address the growing demand of citizens for improved and transparent delivery of public service and will ensure a time frame for delivery of such service.

The proposed commission for public services shall promote and protect the right to public services. National Human Rights Commission of India follows the Paris Principles, which was a accepted guidelines of the United Nations in the year 1993. The proposed commission for public services is a kind of national human rights institution only. It has to adopt the principles on national human rights institutions, i.e., Paris Principles. The National Human Rights Commission of India provides the room for the chair persons of the three national commissions, which are specialized human rights institutions. It is highly suitable to accommodate the chair person of the commission for public services also in the National Human Rights Commission of India.

Conclusion

The study identified that in order to fulfil redress the grievance of the people, it is essential to concentrate on the following measures.

- i. The Parliament has to enact the Right to Public Services Act as early as possible.
- ii. The Central Right to Public Services Act has to replace the State Acts on the Right to Public Services.
- iii. The Central and State Commissions for the Right to Public Services has to be established by way of enacting the Right to Services Act.
- iv. The proposed Right to Public Services Act will provide a good solution for the grievances redressal of the people towards the good governance.
- v. The chair person of the proposed Central Commission for the Right to Public Services has to be designated as ex officio member of the National Human Rights Commission.

It is the responsibility of the Central government for the better administration of grievances redressal by way of designing the law for the Right to Public Services.

ⁱ *Citizen's Charters - A Hand Book, Department of Administrative Reforms and Public Grievances, New Delhi, 2008, p.4*

ⁱⁱ *Ibid.*,

ⁱⁱⁱ *"Government considering Bill to ensure right to services", The Hindu, 21 August, 2015.*

^{iv} *The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal Of Their Grievances Bill, 2011, Government of India, New Delhi, p.1.*

^v <http://pib.nic.in/newsite/efeatures.aspx?relid=79138>.