



PARLIAMENT OF INDIA
RAJYA SABHA

53

**DEPARTMENT RELATED PARLIAMENTARY STANDING COMMITTEE
ON PERSONNEL, PUBLIC GRIEVANCES, LAW AND JUSTICE**

FIFTY THIRD REPORT

ON

**THE RIGHT OF CITIZENS FOR TIME BOUND DELIVERY OF GOODS AND
SERVICES AND REDRESSAL OF THEIR GRIEVANCES BILL, 2011**

**(PRESENTED TO THE RAJYA SABHA ON 28TH AUGUST, 2012)
(LAID ON THE TABLE OF THE LOK SABHA ON 28TH AUGUST, 2012)**

**RAJYA SABHA SECRETARIAT
NEW DELHI
AUGUST, 2012 / BHADRAPADA, 1934 (SAKA)**

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* TO BE APPENDED AT PRINTING STAGE.

COMPOSITION OF THE COMMITTEE

1. *Shri Shantaram Naik — *Chairman*

RAJYA SABHA

2. Shri Amar Singh
3. Shri Parimal Nathwani
4. Dr. Bhalchandra Mungekar
5. Shri Ram Jethmalani
6. Shri Sukhendu Sekhar Roy
7. Shri Ram Vilas Paswan
8. Dr. Abhishek Manu Singhvi
9. @Shri Bhupender Yadav
10. *Ms. Anu Aga

LOK SABHA

11. Shri Arun Yadav
12. Kumari Meenakshi Natrajan
13. Shri Shailendra Kumar
14. Shri S. Semmalai
15. Shri Anirudhan Sampath
16. Shri Lalu Prasad
17. Shri Prasanta Kumar Majumdar
18. Shri N.S.V. Chitthan
19. Smt. Deepa Dashmuni
20. Dr. Prabha Kishore Taviad
21. Shri P. T. Thomas (Idukki)
22. Shri Kirti Jha Azad
23. Shri D.B. Chandre Gowda
24. Shri Pinaki Misra
25. Shri Harin Pathak
26. Shri Arjun Ram Meghwal
27. Shri Madhusudan Yadav
28. Shri Vijay Bahadur Singh
29. Smt. Chandresh Kumari
30. Vacant
31. Vacant

SECRETARIAT

Shri Deepak Goyal, Joint Secretary
Shri K.P. Singh, Director
Shri Ashok Kumar Sahoo, Joint Director
Shri B.M.S. Rana, Deputy Director
Smt. Niangkhanem Guite, Assistant Director
Smt. Catherine John L., Committee Officer

* Nominated to be Chairman of the Committee w.e.f. 4th May, 2012 vice resignation by Dr. Abhishek Manu Singhvi.

@ Nominated to be the Member of Committee w.e.f. 4th May, 2012.

.. Nominated to be the Member of Committee w.e.f. 21st May, 2012.

INTRODUCTION

I, the Chairman of the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, having been authorised by the Committee on its behalf, do hereby present the Fifty Third Report on the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011. The Bill seeks to establish a mechanism 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.

2. In pursuance of the rules relating to the Department Related Parliamentary Standing Committee, the Hon'ble Chairman, Rajya Sabha referred* the Bill, as introduced in the Lok Sabha on the 20th December, 2011 and pending therein, to this Committee on the 13th January, 2012 for examination and report.

3. Keeping in view the importance of the Bill, the Committee decided to issue a press communiqué to solicit views/suggestions from desirous individuals/organisations on the provisions of the Bill. Accordingly, a press communiqué was issued in national and local newspapers and dailies, in response to which memoranda containing suggestions were received, from various organizations / individuals / experts, by the Committee.

4. The Committee heard the presentation of the Secretary, Department of Administrative Reforms & Public Grievances on the provisions of the Bill in its meeting held on 17th February, 2012. The Committee also heard the views of stakeholders/ NGOs in its meetings held on 8th & 29th February, 12th March and 1st August, 2012. The Committee further held in-house discussion on the Bill on the 18th July, 2012.

5. While considering the Bill, the Committee took note of the following documents/information placed before it :-

- (i) Background note on the Bill submitted by the Department of Administrative Reforms and Public Grievances, Ministry of Personnel, Public Grievances and Pensions;

^s Rajya Sabha Parliamentary Bulletin Part-II (No. 49210) dated the 16th January, 2012.

- (ii) Views/suggestions contained in the memoranda received from various organisations/institutions/individuals/experts on the provisions of the Bill and the comments of the Department of Administrative Reforms and Public Grievances thereon;
 - (iii) Views expressed during the oral evidence tendered before the Committee by the stakeholders such as Dr. Jayaprakash Narayan, Lok Satta Party, the representatives of CII, National Campaign for People's Right to Information, Public Interest foundation, FICCI Quality Forum, Centre for Policy Research, PRS Legislative Research, IC Centre for Governance, Pardarshita, National Alliance for Maternal Health and Human Rights, Transparency International India, Society for Justice; Chairman, Delhi Public Grievances Commission; Shri Manjit Singh, IAS (Retd.); Shri P.S. Krishnan, IAS (Retd.); Dr. Christopher Lakra; Prof. Sushma Yadav; Dr. Idreez Qureshi; Shri Paramjit Saroy; and representatives of the State Governments of Madhya Pradesh, Uttar Pradesh, Punjab, Karnataka in its meetings held on 8th, 17th & 29th February, 2012 and 12th March & 1st August, 2012.
 - (iv) Comments furnished by various State Governments on the Bill; and
 - (v) Other research material/ documents related to the Bill.
6. The Committee adopted the Report in its meeting held on the 23rd August, 2012.
7. Minutes of Dissent given by Shri Sukhendu Shekhar Roy, Member of the Committee has been appended.
8. For the facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

New Delhi;
23rd August, 2012

SHANTARAM NAIK
Chairman,
Committee on Personnel,
Public Grievances, Law and Justice

(iii)

REPORT

The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011 was introduced* in the Lok Sabha on the 20th December, 2011. It was referred* by the Hon'ble Chairman, Rajya Sabha to the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice on the 13th January, 2012 for examination and report.

2. The Bill (**Annexure-A**) seeks 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."

3. The Statement of Objects and Reasons, appended to the Bill, describe the objective of legislation as under :-

"Citizen's Charters were introduced in India in 1997, which was voluntary in character. The main elements of the Citizens Charter were to be published containing the details of services and the time period for delivery of such services. These charters gradually spread from Central Ministries and Departments to States and their Organisations. However, a vast majority of them remained ineffective and dormant. In order to improve Public Service Delivery, a service excellence model called "Sevottam" was initiated in 2005 to give a new thrust to the implementation of Citizens Charter, which has been successfully piloted in a few chosen organisations of the Government of India and States and is being upscaled considerably. Centralised Public Grievance Redress and Monitoring System (CPGRAMS) was launched in 2007, which is a web based portal for lodging complaints by the public. It is now operational in all the Ministries and Departments of Government of India along with about 6000 of their subordinate organisations. Many States have also enacted Right to Public Service Delivery Legislation in which a few important Public

§* Published in Gazette of India (Extraordinary) Part-II Section 2 dated the 20th December, 2011.

* Rajya Sabha Parliamentary Bulletin Part-II (No.49210) dated the 16th January, 2012.

Services have been selected for service delivery. It was felt that these efforts were noteworthy, but in the absence of an overarching structure, their impact was diffused and limited. In this context, it was felt that Rights based approach be followed in this respect by making the Citizens Charter statutory and endowing public with the right to get delivery of services within stipulated time lines.

2. *In view of the aforesaid, it has been felt necessary to enact a comprehensive legislation, namely, the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011. The Bill, inter alia,—*

- (a) confers right on every individual citizen to time bound delivery of goods and provision for services and Redressal of grievances;*
- (b) require 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 for the delivery of goods or rendering of services;*
- (c) provide for obligation of the Head of the Department for updating and verifying the Citizens Charter;*
- (d) require every Public Authority to establish information and facilitation centre for efficient and effective delivery of services and redressal of grievances, which may include establishment of customer care centre, call centre, help desk and people's support centre;*
- (e) require every public authority to, within six months from the date of the coming into force of the proposed legislation, designate as many officers as may be necessary as Grievance Redress Officers in all administrative units or offices at the Central, State, district and sub-district levels, municipalities, Panchayats whereat supplies of goods or render services to*

- receive, enquire into and redress any complaints from citizens in the prescribed manner;*
- (f) require the concerned Grievance Redress Officer, upon receipt of a complaint, to ensure that the grievance is remedied in a timeframe not exceeding thirty days from the date of receipt of the complaint;*
 - (g) provides that any individual aggrieved by a decision of the concerned Grievance Redress Officer or who has not received an action taken report in respect of a complaint filed by him, may, if he so desires, within thirty days from the expiry of such period or from the receipt of such decision, prefer an appeal to the Designated Authority who shall disposed of such appeal within thirty days from the date of receipt of such appeal;*
 - (h) provide for constitution of the State Public Grievance Redressal Commission and the Central Public Grievance Redressal Commission consisting of Chief Commissioners and other Commissioners;*
 - (i) 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;*
 - (j) confer 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;

- (k) 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;*
- (l) provides that if any public servant is found guilty of offence, the disciplinary authority shall initiate the 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;*
- (m) provides that in any appeal proceedings, the burden of proof to establish that a non-redressal of complaint by the Grievance Redressal Officer shall be on the Grievance Redress Officer who denied the request;*
- (n) 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;*
- (o) provides that any person aggrieved by the decision of the Central Public Grievance Redressal Commission may prefer an appeal to the Lokpal, and 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....."

4. In order to have a broader view on the Bill, the Committee decided to invite views/suggestions from desirous individuals/organisations on the Bill. Accordingly, a press communiqué was issued inviting views/suggestions from the general public. In response to the press release published in major English and Hindi dailies and newspapers all over India on the 11th February, 2012 a number of representations/memoranda were received.

Suggestions received through memoranda

4.1. The major points raised/suggestions made in the memoranda are summarized as follows :

- (i) The scope of the Bill should not be restricted to citizens only Non-citizens & Organizations should also be brought within its ambit.
- (ii) Synergy between the RTI Act and this Bill may be created by merging the framework and structure of the two.
- (iii) The integration of the Electronic Delivery of Services Bill and this Bill may be considered.
- (iv) Provision for Reward for outstanding service delivery.
- (v) Title of the Bill should be shorter.
- (vi) Designated Authority may be a district level tribunal set up by the appropriate government which will have jurisdiction to hear complaints, give directions, compensation and impose penalty in relation to all public authorities located within the district.
- (vii) The appointment, transfer and /or removal of the designated authority must be with the concurrence of the State / Central Public Grievance Redressal Commission, who would also be the accepting authority for their annual confidential reports.
- (viii) The term 'substantially financed' may mean substantially financed in cash or kind, directly or indirectly, by public resources which would require the submission of accounts, the auditing of accounts or restrictions on its use or disposal.
- (ix) Before the finalization of the Citizens Charter and Statement of Obligations for each public authority, a draft citizens charter and statement of obligations should be prepared for public discussion. This discussion should be conducted in a transparent and participatory manner. It should involve at the very least, a process of widely publicising and seeking suggestions and comments from the public on the draft Citizens Charter and Statement of Obligation in conformity with the procedure laid

down under Section 4 and the basis on which any of the suggestions of the public are rejected, should also be put in the public domain. This process has to be followed when the Citizens Charter is reviewed every year as per Section 5 of this Act.

- (x) Those matters deemed urgent should be redressed immediately upon receipt of the complaint and no later than 24 hours.
- (xi) There should be Information and Facilitation Centres at the block level in case of rural areas and municipal wards in case of urban areas.
- (xii) The Information and Facilitation Centre should register complaints filed by citizens and forward them to the appropriate Grievance Redress Officer.
- (xiii) The Information and Facilitation Centre should provide all necessary assistance to citizens in filing complaints where necessary and by assisting citizens in tracking their complaints.
- (xiv) The staff and the co-ordinator of the Information and Facilitation Centre should be appointed by the State Public Grievance Redressal Commission in accordance with rules as may be prescribed.
- (xv) Any complaint regarding non-registration of complaint or any violation of the provisions of the Act by the Information and Facilitation Centre shall lie with the Designated Authority.
- (xvi) All complaint should be made in writing or through the electronic means or through text message or through telephone or through any other means that may be prescribed and be acknowledged by a receipt with in two days of the making of the complaint.
- (xvii) The time of thirty days given to the aggrieved individual, to prefer an appeal to the Designated Authority may be enhanced to ninety days.
- (xviii) The Bill may provide that certain categories of grievances as laid down in the Citizens Charter and Statement of Obligation or prescribed by the State/Central Public Grievance Redressal Commission, shall mandatorily result in compensation being made to the complainant, the amount of which shall be determined by the designated authority and be appealable by the complainant to the grievance commission.
- (xix) In Clause 19, it may be added that the temporary charge will be held with the next senior most commissioner, till a permanent appointment is made in accordance with the law.
- (xx) The Bill may provide that any compensation awarded under this Act shall be paid by the public authority and that the

- compensation amount may be recovered from any penalty imposed upon the concerned official, as prescribed in this law.
- (xxi) Every public authority shall ensure that its website contains a system for citizens to track the progress on the complaints filed by them using the unique complaint number awarded to their complaint.
 - (xxii) “An obligation on every public authority to publish and monitor implementation of citizen charter” should be added in the Bill.
 - (xxiii) There should be mandatory audit of compliance with the charter and auditors’ report should be accessible by the public.
 - (xxiv) Emphasis should be on prevention of grievances. The additional responsibility on the Grievance Redress Officer (GRO), for removal of reasons for recurrence of similar grievance in future, should also be fixed.
 - (xxv) A clause of making it obligatory to take corrective and preventive action should be added. There should be a stern action against officers responsible for repetitive grievances of similar nature.
 - (xxvi) Time taken to redress grievance should vary with simple cases taking less time and complicated cases requiring more time. Therefore, fixing a 30 day limit for all types of grievances serves no purpose.
 - (xxvii) Definition of complaint should be restricted only to any failure in the delivery of goods or rendering of services as per the charter.
 - (xxviii) The definition of Public Authority to be restricted to the definition of Authority under Right to Information Act, 2005.
 - (xxix) It is observed that wide power has been conferred on the GRO to recommend a penalty. Therefore, Government should notify the specific nature of penalty to be imposed in a given case and lay down broad guidelines in this regard.
 - (xxx) Section 45 (2) deals with disciplinary procedure against officer proved guilty of *mala fide* action. Here, it may be inserted that disciplinary authority may impose such penalty as deemed fit under CCS (CCA) Rules, 1965. This will result in double jeopardy and is likely to be struck down before Court of Law.
 - (xxxi) There should be provision for time bound delivery of judicial services also.
 - (xxxii) The generic amount of penalty proposed in the Bill is alright as a standard penalty, but in certain cases penalty should be as per financial/ social/ economic impact of denial or delay in services which could be assessed as the estimated loss suffered.
 - (xxxiii) Responsibilities of Health Department officials should be defined in relation to GRO at the district level with an

- ombudsperson under the aegis of a National Health Regulatory and Development Authority.
- (xxxiv) The work of the GRO in the block / ward should be periodically (say once in 6 months) reviewed by the community monitoring committee.
 - (xxxv) In Clause 10, the words "under advice to complainant" should be added at the end of section, so that complainant himself may not file appeal with designated authority.
 - (xxxvi) Language of reply from GRO or designated authority and State Commissions should be in the language of complaint/appeal.
 - (xxxvii) Token filing fee of Rs. 5/- be levied by way of court fee stamp or revenue stamp or revenue stamp or postal stamp or non-judicial stamp/franking, cash, money order or net banking for each complaint. Paying filing fee will make complainant a consumer under Consumer Protection Act 1986.
 - (xxxviii) In Clauses 11(9), 25(2) 42(2) of the Bill, for imposition of penalty, the word 'may' should be replaced by the word 'shall' as in the RTI Act.
 - (xxxvix) There is no provision for action required to be taken if appeals are not disposed of in the time limit of 60 days.
 - (xxxx) In sub-clause (2) of Clause 4, the following provisions may be added :- (i) Provision for specific relevance and special significance for SCs Citizen Charters. (ii) Measures for securing Forest Rights, removing obstacles to the effective functioning of Panchayats in tribal areas according to PESA. (iii) Provision for specific relevance and special significance for Other Backward Classes / Socially and Educationally Backward Classes/ and Backward Classes of Religious Minorities Citizen Charters for uplifting them.
 - (xxxxi) The Bill may provide that if any public servant is found guilty for the second time, one annual increment of the public servant shall be stopped by the disciplinary authority. If the public servant is found guilty for the third time, he shall be compulsorily retired from the service by the disciplinary authority.
 - (xxxxii) The phrase "goods" used in the Bill needs to be defined.
 - (xxxxiii) The Lokpal and Lokayuktas Bill, 2011 is currently pending in Parliament and, therefore, the Lokpal is yet to be instituted at the Centre. A number of States have also not established Lokayuktas. In the absence of these bodies, it is not clear which body shall adjudicate over these appeals.
 - (xxxxiv) Retirement age has to be provided for the Central Chief Public Grievance Commissioner on the Central Commissioners.

- (xxxxxiii) No time limit is fixed for acknowledgement of appeal. This may be done.
- (xxxxxv) Use of Geographic Information System (GIS) for disseminating information under the Bill as GIS is a free and an open source. It can be used for recording of grievances digitally, and visualizing the grievance along with additional information as per data base, for a quicker analysis, etc.
- (xxxxxvi) The definition of "Citizens Charter", "Service" and "Public Authority" under the Bill is too wide and deep, and covers in its ambit the Executive, the Legislature and the Judiciary. It also brings organizations, bodies, government owned companies, and all contractors, suppliers, etc. under the PPP model, under its ambit. This wide scope of the Bill will generate too many complaints. Service should be defined as those to be notified in the Schedule, as has been done by many State legislations on the subject.
- (xxxxxvii) The cost of implementing the Bill to service every grievance against all public authorities is likely to be huge.

4.2. The Committee forwarded some select memoranda, from out of the ones received from the individuals/organisations, to the Department of Administrative Reforms and Public Grievances, for their comments thereon. A list of such memoranda along with the gist of views/suggestions contained therein and the comments of the Department thereon is placed at **Annexure-B**.

COMMENTS OF DEPARTMENT OF ADMINISTRATIVE REFORMS AND PUBLIC GRIEVANCES

4.3. The major highlights of the comments furnished by the Administrative Reforms and Public Grievances are given below :-

- (i) We are open to suggestion to include clients (organizations, bodies, etc.) and even non-citizens in the scope of this Bill.
- (ii) The RTI Act, 2005 and this Bill differ in scope, mandate and subject matter, and therefore, the framework cannot be merged.
- (iii) We are open to suggestion that Electronic Delivery of Services Bill may be harmoniously integrated with the present Bill as the subject matter of both the Bills relates to improvement in Public Service Delivery.
- (iv) We are open to suggestion that a reward system will act as a catalyst for overall improvement.
- (v) Cabinet has approved the title of the Bill which is comprehensive.

- (vi) The definition approved by the Cabinet regarding designated authority is flexible and decentralized. It has been left to the discretion of the appropriate Government (State Government or Central Government as the case may be) to appoint designated authorities as they deem appropriate.
- (vii) There is need to clarify the quantum involved to be taken as "substantially" financed.
- (viii) The Guidelines for Implementing "Sevottam", September 2011, accessible at www.darpg.gov.in, already include the requirement of stakeholder consultation and Steps 3, 4 and 5 in Chapter 3 on 'Charter Design and Implementation process' include how stakeholder consultation is to be planned, how input is to be received, and how stakeholder consultation results are to be consolidated for the purpose of finalization of service standards for the Citizens Charter.
- (ix) While the contact details of the person responsible for service delivery are already a part of the Citizens Charter framework, the Job Card or Job Charts are internal tools for enhancing individual efficiency. These are covered in the Capability Building part and are not required to be included in the Citizens Charter.
- (x) The quantitative as well as qualitative standards for each and every good and service included in the Citizens Charter, are already a part of the Sevottam Compliant Citizens Charter being implemented in Government of India Ministries / Departments since August 2010. The concept has been introduced in six social sectors of all States / UTs also through the two Workshops on Capability Building for Sevottam organized in November 2011.
- (xi) Earlier in June/July 2009, through the recommendations of the Second Administrative Reforms Commission in its 12th Report all State Governments and Union Territory Administration had been requested to consider adoption of "Sevottam" for bringing improvement in public service delivery.
- (xii) The provision for compensation as approved by the Cabinet is appropriate as it would be left to the discretion of competent authorities who will act in a quasi-judicial manner.
- (xiii) The provision as approved by the Cabinet is providing for an IFC at every level of public authority. The suggestion is to have block / ward level IFCs. This is not needed as the Bill already covers Blocks and Municipalities as well as other public authorities.

- (xiv) Further elaboration of the functions and responsibilities of the IFC etc., would be covered under rules and guidelines to be issued under the Bill, from time to time.
- (xv) The provision as approved by Cabinet is sufficient as the proviso enables the designated authority to admit appeals even after thirty days.
- (xvi) The existing proviso under clause 25 and 42 providing for an appeal of urgent or immediate nature to be disposed of within the same day of the receipt of the appeal, as approved by the Cabinet are sufficient.
Compensation would be decided by the Competent Authority on a case to case basis.
- (xvii) Penalty is to be decided on a case to case basis through exercise of quasi judicial powers.
- (xviii) Initiation of disciplinary proceedings, along with imposition of penalty, does not amount to double jeopardy.
- (xix) The provisions of the Bill relate to Services offered by Public Authorities and redressal of grievances. All Public Authorities as defined in the Bill would formulate their citizens charters as per the existing rules, laws, and procedures prevailing therein.
- (xx) The Bill provides for imposition of penalty by the competent authority, in exercise of its quasi judicial powers, on a case to case basis, as per gravity of the reasons for the complaint. Therefore, the penalty related clauses in the Bill as approved by Union Cabinet are appropriate, and the suggestions are not accepted.
- (xxi) The provisions of the Bill, as approved by the Cabinet, are comprehensive and applies to Health sector as well.
- (xxii) Under the Bill, redressal of grievance of a citizen has been taken as a statutory right of the citizen; hence no fee is chargeable for filing complaint.
- (xxiii) The title of the Bill is comprehensive, as it relates to the Rights of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances.
- (xxiv) Guidelines of Citizens Charter in Government of India are already available since 1997, and are published in the form of Compilation from time to time. The last Compilation is of August 2010. A Handbook on Citizens Charter has also been brought out by the Department in 2007. From 2005 onwards, Sevottam Compliant Citizens Charter Guidelines of June 2010, August 2010, and September 2011 have been brought out. All the above Compilations and Guidelines are accessible on the Department's website www.darpg.gov.in The Guidelines may

be reviewed and revised after the enactment of the Bill to include the additional requirements.

- (xxv) The Model Citizens Charters, submitted in the suggestion, do not meet all the requirements of the Government of India Guidelines on Sevottam Complaint Citizens Charter as contained in 'Guidelines for Implementation of Sevottam – September 2011'. Further additions will be required after the enactment of this Bill.
- (xxvi) The penalty provision in the Bill as approved by the Union Cabinet is appropriate, because under the Bill, penalty is to be imposed on a case to case basis after assessing the gravity as well as the nature of the complaint, and in exercise of quasi – judicial powers by the Competent Authority. Therefore, it cannot be made mandatory on lines of the RTI Act, which is merely requiring available information to be sent to the citizen. Grievances that are required to be redressed under the Bill are more complex than RTI information.
- (xxvii) The framework being created by the Bill is for Time Bound delivery of all activities included therein.
- (xxviii) The rules and guidelines can include suitable provisions to enable the concerned Public Authorities to appropriately prepare and publish citizens charters, specifically for various categories.
- (xxix) Section 45 (3) of the Bill providing for disciplinary proceedings against a delinquent official, making him liable to such punishment, including a penalty, as disciplinary authority may decide, is sufficient and a reasonable deterrent.
- (xxx) Punishment need to be commensurate with the gravity of offence and no straightjacket provision for punishment could be made in the Bill.
- (xxxi) The definition of complaint in the Bill is comprehensive, also relating to the redressal of the grievances of citizens, which goes beyond service delivery.
- (xxxii) As and when Lokpal and Lokayuktas Bill comes into force, appeal may be filed against the decision of State/Central Public Redressal Commission, which contain the findings relating to corruption under PC Act, 1988, before Lokpal/ Lokayukta.
- (xxxiii) In Clause 34(1), for Central Commissions the language “or until they attain the age of sixty–five years whichever is earlier,” has been omitted by mistake, although for State Commissioners, the above language exists in the Bill.
- (xxxiv) The provision of Clause 11(3), is adequate for acknowledgement of appeal by the office of the Designated Authority.

- (xxxv) The Reward must remain separate in order to serve as a catalyst for bringing improvements and imparting motivation to officers involved in the time bound delivery of goods and services as per provisions of the Bill.
- (xxxvi) Adoption of electronic modes, internet etc., for public service delivery, has been made the responsibility of the HOD of Public Authority under Clause 6(2).
- (xxxvii) No additional costs are suggested in the Bill except for the cost of establishing Information and Facilitation Centres and the Central and State Public Grievances Redressal Commissions. Improvements in infrastructure and capability building are already covered under various Government initiatives for the application of ICT in governance and service delivery.

PRESENTATIONS BEFORE THE COMMITTEE

5. The Committee heard Dr. Jayaprakash Narayan, President, Lok Satta Party; Secretary, Department of Administrative Reforms & Public Grievances and representatives of Confederation of Indian Industry & National Campaign for People's Right to Information; representatives of Public Interest Foundation, FICCI Quality Forum, Centre For Policy Research, PRS Legislative Research, IC Centre for Governance and Pardarshita; Chairman, Delhi Public Grievances Commission, Shri Manjit Singh, IAS (Retd.), National Alliance for Maternal Health and Human Rights, Transparency International India, Shri P.S. Krishnan, IAS (Retd.), Dr. Christopher Lakra, Prof. Sushma Yadav, Dr. Idreez Qureshi, Shri Paramjit Saroy & Society for Justice; and representatives of State Governments of Madhya Pradesh, Uttar Pradesh, Punjab and Karnataka.

5.0. The Committee also sought the views of all the State Governments on the provisions of the Bill. The Governments of NCT of Delhi, Himachal Pradesh, Meghalaya, Andaman & Nicobar Administration, Rajasthan, Dadra & Nagar Haveli Administration, Union Territory of Lakshadweep Administration, Haryana, Union Territory of Chandigarh Administration, Assam, Jammu & Kashmir, Orissa, Chattisgarh, Nagaland, Mizoram, Gujarat and Punjab submitted their written comments thereon.

STUDY VISIT

5.1. In order to interact with various Public Authorities of the Central Government who are service providers, the Committee undertook a Study visit to Kolkata, Shillong, Guwahati and Imphal and interacted with various Organisations and State Governments from 3rd to 9th June, 2012. The list of such Organisations is given at **Annexure-C**.

5.2. The Committee further held in-house discussion on the Bill on the 18th July, 2012.

5.3. The Committee adopted the Report in its meeting held on 23rd August, 2012.

5.4. The views expressed by witnesses & Members and the feedback received from stakeholders have been dealt with in the succeeding

CHAPTER - II

MAJOR ISSUES EXAMINED BY THE COMMITTEE AND ITS RECOMMENDATIONS THEREON

Definitions

6. Citizens Charter

6.1. Clause 2(e) of the Bill defines Citizens Charter.

6.2. A suggestion came up before the Committee that Citizens Charters shall be specified only for those goods and services where (i) there is a universal coverage, (ii) there are no capacity constraints in the Public Authority, and (iii) there are no supply constraints for delivery of the goods and services.

6.3. Another suggestion that came before the Committee was that the goods and services covered under the Citizens Charter should be restricted to only those which are notified by the appropriate Government from time to time. This suggestion was there in several responses. Some of the State legislations provide for such a dispensation.

6.4. The Committee takes note of the fact that the Citizens Charter contemplated under the Bill envisages enumeration of all the goods supplied and services rendered by a Public Authority. A strong view has come before the Committee that the Bill should provide for notification of services by the appropriate Government for the purpose of inclusion in the Citizens Charter. In fact, this is the position in several States including Madhya Pradesh, Delhi, etc. where only notified services have been brought under the Citizens Charter.

6.5. The Committee does not find any merit in the above proposition as this would only lead to lowering the pace of implementation of the Bill. The Committee feels that there should be no difficulty in incorporating all goods and services in the Citizens Charter at the initial stage itself particularly when this has to be done by the Public Authority and the said Public Authority has the option to determine the time period within which the goods/services being dealt with by it, shall be rendered. The Committee, accordingly, endorses the provisions of the Bill that oblige the Public Authorities

to incorporate all categories of goods supplied and services rendered in the Citizens Charter.

7. Complaint

7.1. Clause 2(f) of the Bill defines the term 'complaint'.

7.2. It was suggested by some of the witnesses and stakeholders that the definition of the term 'complaint' should be more precise and specific and that, including any grievance relating to violation of any law, policy, programme, order or scheme under the ambit of 'complaint', would be far fetched.

7.3. Dr. Jayaprakash Narayan, while tendering oral evidence before the Committee, stated thus :

".....If you look at the Bill, clause 2 (f) has dealt with the definition of the word 'complaint'..... Here, it has become too expansive. Functioning of the public authority has a very, very wide latitude; practically, it includes anything and everything under the sun. Similarly, if it is applicable to a law or a rule or even an order, that is, perfectly, all right. But if we go into policies, schemes, and programmes, then, it will have very wide latitude and it will become impossible to handle things. I have no quarrel with the intent of this legislation. But I have serious reservations about the ability to, actually, enforce this law. Therefore, there will be the real dilution, and the whole law may, ultimately, become ineffective and non-operational. Therefore, our submission is that if you could specify that it is applicable to the Citizen's Charter and to violation of any law or a rule or an order, then, that should be satisfactory....."

7.4. The representative of PRS Legislative Research, stated in this regard, that :

".....It says "Complaint" means a complaint filed by a citizen regarding any grievance relating to, or arising out of, any failure in the delivery of goods or rendering of service pursuant to the Citizens Charter, or in the functioning of a public authority, or any violation of any law, policy, programme, order or scheme but does not include grievance relating to the service matters of a public servant whether serving or retired. This definition implies that there could be complaints related to the functioning of a public

authority or in violation of any law, policy, programme, order or scheme. Many schemes have their own internal grievance redressal mechanism as was mentioned. Even the MGNREGA has its own grievance redressal mechanism. Many others have it. In addition to that, some of the services rendered or goods provided may involve a consideration and, in that case, the consumer courts under the Consumer Protection Act could also be the authority in those cases. Having yet another grievance redressal mechanism would lead to multiplicity of forums. And we all know that it is not a desirable objective....."

7.5. While raising doubts as to whether such wide range of goods and services can be delivered within the prescribed time limit, one of the witnesses said :

".....But how does a Grievance Redressal Officer or a designated authority within the 30 days available to him look into the issues of standards? What is the mechanism available to him? Let us say, it is a Government undertaking which makes goods available for distribution to the designated or eligible persons. But the standard as such would be seen by the Bureau of Indian Standards or by some other agency which is qualified to do it or by the testing laboratories like the Indian Standards Institute which are fixed for this purpose. I don't think this forum or this hierarchy of Grievance Redressal Officers or designated authorities would be able to ensure the standards within the period of 30 days would the Grievance Redressal Officer (GRO) or the designated authority have any mechanism available to enforce those standards within 30 days when he is hearing this matter under a procedure prescribed in this Bill?....."

7.6. While highlighting the difficulties that could arise in providing such an elaborate range of goods and services, one of the witnesses said that :

".....how are they going to enforce an issue relating to violation of law or a policy or a programme? It's a very broad definition. Perhaps, there is more specificity called for....."

7.7. Another point raised in this regard was that the definition covers only failure in the delivery of goods or rendering of service pursuant to the Citizens Charter and that it does not cover 'undue delay'.

7.8. In its written comments furnished by DAR&PG, it has been stated that this has been taken care of by the term failure in delivery of goods and services in a time bound manner.

7.9. While clarifying on this point, Secretary, DAR&PG stated :

".....It is not merely the failure of the service, it is also delayed service because delay in service will be considered as and when the timelines are published in the Citizens Charter. So, if a service is to be rendered within thirty days, beyond thirty days it will be considered delay. And, that will be considered as a failure of the public service. Obviously, if there is any specific mention of delay, it could be considered. But it is also a part of the failure of public service, if there is a delay....."

7.10. One of the witnesses was of the following view regarding registration of complaints:

*".....
information technology

SMS, toll-free helpline

feedback

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- . . .
....."*

7.11. A view has come before the Committee that the definition of the term 'Complaint' in the Bill is too wide as it includes violation of any law, policy, programme, order or scheme by the Public Authority and an apprehension has been expressed whether the Public Authority or the appropriate Government would be in a position to settle complaints on such wide spectrum of issues within the limited period provided for in the Bill to the Grievance Redressal Officer, Designated Authority, etc. The Committee also takes note of the difficulty pointed out by the witnesses arising out of certain grievance redressal mechanisms already being in place and the likely

conflict with the procedure sought to be put in place through the proposed legislation.

7.12. In the Committee's view, the definition of the term 'Complaint' is comprehensive enough so as to cover not only the cases of failure to deliver goods or render services in accordance with the Citizens Charter but also cases where the Public Authority has violated any law, policy, scheme, order, etc. and it should be possible for the Public Authority to handle the same within the given parameters. The Committee is of the firm opinion that issues related to violation of law, policy, scheme, policy, etc are vital and the same cannot be kept outside the purview of the grievance redress mechanism. However, in case it is felt that such matters require some different time schedule for adjudication, the Ministry may examine the issue and provide appropriately in the Bill.

7.13. As regards the specific suggestion that the definition of the term 'Complaint' should also cover undue delay in the delivery of goods and services, the Committee is of the view that cause of action for a complaint arises as soon as there is failure to deliver goods/services within the time specified in the Citizens Charter and hence there is no need to specifically add undue delay as a basis for the complaint. However, the Committee being deeply concerned about preventing undue delay in the delivery of goods/services, recommends that Government may suitably incorporate in the rules to be framed under the legislation provisions specifying the shortest possible time for delivery of goods and services of common nature.

8. Designated Authority

8.1. The term 'Designated Authority' is defined in Clause 2(e) of the Bill as such officer or authority outside the concerned public authority as may be prescribed by the appropriate Government.

8.2. The Central Information Commissioner, in his written memorandum, has raised doubts about the feasibility of appointing Designated Authority from outside the Public Authority.

8.3. Dr. Jayaprakash Narayan, while deposing before the Committee, stated that :

".....Then the designated authority, clause 2 (h) (k) gives the definition of designated authority. It says that the person must be outside the public authority. There are two issues. One is that the designated authority must be within the district, at the very least. Otherwise, if you create a designated authority at the

State level, for the citizen for a simple service to go the State level, is meaningless. If possible it should be at the district level or even at lower level....."

8.4. Shri Nikhil Dey, while placing the views of NCPRI before the Committee, said :

".....there should be a designated authority at the district level. And, that is independent and that has the capacity to penalise and compensate....."

8.5. One of the witnesses who appeared before the Committee placed his views, as under :

"..... The Bill starts by saying that we must identify somebody who is responsible and the Grievance Redressal Officer will, then, be somebody who is of a level higher than that of his. This, Sir, is completely flawed in thinking. It is inappropriate. It does not work anywhere in the world and flies in the face of the fundamental requirement of quality management. You need to appreciate that a service cannot be delivered by one individual.So, the focus has to be on procedures and processes. A process, in fact, comprises the continuous interplay of people, procedures, methods, machines, measurements, funds, responsibilities and information in a proper manner, so that these services are delivered in a required manner....."

8.6. The Ministry, in its written comments furnished to the Committee, has stated that the definition is flexible and that it has been left to the discretion of the appropriate Government to appoint designated authorities.

8.7. The Committee notes the novel concept of Designated Authority that has been incorporated in the Bill. Designated Authority means an officer or authority outside the public authority that has been authorized to hear appeals against the orders of the Grievance Redressal Officer. The Designated Authority has also been empowered to impose penalty and award compensation to the complainant.

8.8. An apprehension has been expressed about the feasibility of having a Designated Authority from outside the Public Authority. The Committee finds merit in having Designated Authority from outside the Public Authority and hopes that it would discharge its

functions more independently and objectively compared to the situation where the Designated Authority had been from within the Public Authority. The Committee hopes that substantial percentage of complaints would be settled at the level of Designated Authority keeping in view the fact that it has been bestowed with the power of imposing penalty on the defaulting public servant and award compensation to the complainant. The Committee is also in agreement with the viewpoint which has come before it that the Designated Authority should be available at the district/sub-district level so that the general public has an easy and convenient access to it.

8.9. The Committee finds that the Bill does not provide anything regarding who could be appointed as a Designated Authority. Further, in terms of Clause 2(h) which defines this term, relevant details about the Designated Authority have been left to be provided for in the Rules. The Designated Authority being an important level in the grievance redress mechanism, it is important that the Bill gives an outline of the form, shape and the content of this level in the grievance redress machinery.

8.10. The Committee also has some observations to make with regard to certain provisions of Clause 11 of the Bill which relates to appeal before the Designated Authority. As per Proviso to Clause 11(7) of the Bill, an appeal of urgent or immediate nature shall be disposed off before the date on which the cause of action may cease to exist. The Committee recommends that this proviso may be amended so as to provide for disposal of appeal 'well' before the date on which the subject matter of cause of action may cease to exist. Secondly, Clause 11(3) provides for acknowledgement of receipt of appeal by the Designated Authority but it does not prescribe a time period for such acknowledgement. The Committee notes that in terms of Clause 8, the Grievance Redress Officer is required to acknowledge receipt of complaint within two days. The Committee recommends that a time period for acknowledging complaints may be prescribed in case of Designated Authority also. The Committee further recommends that in matters of personal delivery of complaints, acknowledgement must be on the spot. Further, intimation regarding acknowledgement should reach the complainant within a specific time period.

9. Grievance Redress Officer

9.1. Clause 7(1) of the Bill provides that every public authority shall designate Grievance Redress Officers in all administrative

units or offices at the Central, State, district and sub-district levels, municipalities, Panchayats whereat supplies of goods or render services to receive, enquire into and redress complaints from citizens.

9.2. The representative of NCPRI, while tendering oral evidence before the Committee, said :

".....The third issue is the Grievance Redress Officer who has been appointed. This has been done at the municipal and the Panchayat level which is extremely useful because this really establishes the decentralized nature of the whole law.

*the
GRO should have supervisory control on the person who is supposed to be delivering the service in the first place. In addition to that,*

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that should be
allowed and*

....."

9.3. The Committee notes the provisions of Clause 10 of the Bill which provide that the Grievance Redress Officer shall after the expiry of 30 days period report of every complaint that has not been redressed, along with relevant details, to the Designated Authority and it shall be treated as an appeal with the Designated Authority. The Committee appreciates this mechanism which is people friendly. The Committee, however, recommends a slight modification in Clause 10 so as to provide therein that the GRO while forwarding complaints to the Designated Authority should also inform the complainant by adding words 'under intimation to the complainant' at the end of Clause 10 of the Bill.

10. Public Authority

10.1. Clause 2(n) of the Bill defines the term Public Authority.

10.2. Concerns were raised from various quarters that the term 'substantially financed' in clause 2(n)(iv) should be clearly defined.

10.3. The Ministry, in its written comments furnished to the Committee, has stated that there is need to clarify on the quantum which constitute "substantially financed".

10.4. The Committee notes that the term 'Public Authority' appearing in the Bill has a wide coverage extending to Bodies/Institutions set up under the Constitution of India, the laws made by the Parliament/State Legislatures. The Bill also authorizes the appropriate Government to cover by issue of notification Bodies/Institutions substantially financed by the appropriate Government, companies under the Companies Act, 1956 as well as private entities engaged in the supply of goods/services on private-public partnership model or otherwise. The Committee is happy to note that this wider definition of the term Public Authority would uphold citizens' rights for prompt service not only with reference to Government institutions/bodies but also with reference to the private entities which are working for Government under some memorandum/contract. This is a welcome step particularly keeping in view the increasing participation of private sector in the service sector in partnership with Government.

10.5. The Committee, however, is also concerned over the use of the word 'substantially financed' in Clauses 4(n)(iv)(A) & (B) of the Bill. The Committee finds this expression to be vague and recommends that it should be suitably qualified so that there is no ambiguity with regard to the Institutions/Organisations receiving funds from appropriate Government which could be brought within the scope of the Bill.

11. Publication and reviewing of Citizens Charter

11.1. In one of the memorandum submitted to the Committee, it was suggested that before the finalization of the Citizens Charter and Statement of Obligations for each public authority, a draft citizens charter and statement of obligation shall be prepared for public discussion. This discussion will be conducted in a transparent and participatory manner. It must involve at the very least, a process of widely publicizing and seeking suggestions and comments from the public on the draft Citizens Charter and Statement of Obligation in conformity with the procedure laid down under Cl. 4 and the basis on which any of the suggestions of the public are rejected, shall also be put in the public domain. This process will also be followed when the Citizens Charter is reviewed every year as per Cl. 5 of this Act.

11.2. The representative of NCPRI while speaking on this issue, stated as follows :

".....But, we feel that the law should require a participatory process for creating of a Citizen's Charter.

, there should be a draft charter. They should allow people to give their views. And, it should be renewed every year in the same participatory process....."

11.3. The DAR&PG, in its written comments furnished to the Committee, has stated these details would be covered under Rules and Guidelines to be issued after the Bill is enacted. It was further stated that the Guidelines for Implementing Sevottam, September 2011, accessible at www.darpg.gov.in already include the requirement of stakeholder consultation and Steps 3, 4 and 5 in Chapter 3 on 'Charter Design and Implementation process' include how stakeholder consultation is to be planned, how input is to be received, and how stakeholder consultation results are to be consolidated for the purpose of finalization of service standards for the Citizen Charter.

11.4. The Committee fully appreciates the viewpoint presented before it regarding the people's participation in the finalization of the Citizens Charter and its review from time to time. In this context, the Committee notes the provisions of Clause 5 of the Bill which provides for wide and extensive publicity of the Citizens Charter through all available means and its updating every year. The Committee also takes note of the provisions of Clause 4(3) of the Bill which authorizes the appropriate Government to make and notify rules in relation to the Citizens Charter. The Committee is convinced that people's participation in the finalization and review of the Citizens Charter would be a useful step and the Charter finalized in this manner would have better acceptability and compliance. The Committee, accordingly, recommends consultation with the concerned stakeholders in the process of finalization/review of the Citizens Charter through suitable provisions in the rules under Clause 4(3).

12. Information and Facilitation Centres

12.1. Chapter IV of the Bill provides for establishment of Information and Facilitation Centres for efficient and effective delivery of services and redressal of grievances.

12.2. One of the witnesses, while tendering oral evidence before the Committee, opined :

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12.3. The Secretary, DAR&PG, while clarifying on this issue, stated :-

".....There was a question about information and facilitation centre, at which level we will have. Obviously, every public authority will have that responsibility, not merely in the Ministry or Departments of the Central Government, but also even at the Gram Panchayat level. So, at every level we should have these in order to sensitize the citizens. There is a responsibility given on the head of the department of public authority to do that, irrespective of the level....."

12.4. The representative of NCPRI, while speaking on this point, said :

".....we feel the Department should have IFC, but there must be one outside, at least, in every block and it is not a big price to pay for us to have that kind of facilitation centre....."

12.5. The Committee appreciates the concept of Information and Facilitation Centers envisaged in Chapter IV of the Bill. The Committee feels that the setting up of such Facilitation Centers would considerably ease the problems being faced by the common

man today in participating/availing benefit under so many schemes/projects announced by Government from time to time for the benefit of the common man. The Committee is in full agreement with the suggestions received by it regarding the location of these Facilitations Centers. These Centers should be so located that they are easily accessible. The Committee, accordingly, recommends that the Facilitation Centers should be located at the point where the service is being provided or goods are being supplied by the Public Authority so that people approach the Public Authority with proper information/guidance. This, in the opinion of the Committee, would save the common man from much of the harassment and trouble which he faces at present due to absence of guidance/help. In this context, the Committee also recommends that the persons manning such Facilitation Centres should be selected/trained suitably so that they are polite, courteous and cooperative while dealing with public.

12.6. The Committee further recommends that these Facilitation Centres should be properly equipped with facilities for communication, etc so that they are able to discharge their responsibility properly and satisfactorily covering all matters/areas falling within their jurisdiction. The Committee, in this context, would also recommend to Government to consider adopting private-public partnership model in the case of these facilitation centers whereby some value added services could be added on nominal/moderate payment basis. Such an arrangement, in Committee's view, would on the one hand, resolve the constraint of manpower which is generally seen with the Public Authorities and, on the other hand, improve the quality of services, generate employment in the private sector and also partially neutralize operational cost of the facilitation centers.

13. Acknowledgement of complaint, appeal

13.1. Clause 8 of the Bill provides that all complaints shall be acknowledged by a receipt within two days of the making of the complaint.

13.2. One of the issues highlighted by many witnesses who appeared before the Committee was that the concerned Public Authority refuses or delays acknowledgment of complaint/appeal.

13.3. The representative of the State Government of Madhya Pradesh, while deposing before the Committee, said that in the survey conducted on Madhya Pradesh Lok Sewaon Ke Pradan Ki

Guarantee Act, 2010 it was found that 43% applicants did not receive acknowledgement.

13.4. Another concern raised was that though a time frame has been given in the Bill for acknowledgment of complaint, no such time limit is given for acknowledgment of appeal. Clause 11(3) of the Bill only provides for acknowledgment of appeal and a definite time frame therefor, has not been prescribed.

13.5. The Committee notes that Clause 11(3) provides for acknowledgement of receipt of appeal by the Designated Authority but it does not prescribe a time period for such acknowledgement. The Committee notes that in terms of Clause 8, the Grievance Redressal Officer (GRO) is required to acknowledge receipt of complaint within two days. The Committee recommends that a time period for acknowledging complaints may be prescribed in case of Designated Authority also.

14. Time frame for redressal of grievance

14.1. Clause 9(1)(a) of the Bill stipulates the time frame for redress of grievance at the level of the Grievance Redressal Officer as 30 days from the date of receipt of the complaint.

14.2. One of the suggestions placed before the Committee was that the 30 day timeline by which the Grievance Redressal Officers shall resolve the complaints specified in Section 9 of this Bill shall be modified as follows : (i) 3 days in the case of complaints which have no supply constraints, e.g., issue of a birth certificate, (ii) 15 days in the case of complaints related to physical works, e.g. provision of water connection, and (iii) 60 days in the case of complaints related to violation of any law or rules or order.

14.3. Dr. Jayaprakash Narayan, while placing his views before the Committee, said :

"..... But the 30-days' time frame is not simply the right one because there are many services which we may require the same day; there are also services which you require in an hour's time; like, in the case of an FIR, if the Grievance Redressal Officer says, "All right; you register the complaint within one month", then, the very purpose is defeated. Therefore, we should look at it more deeply.There cannot be a uniform time-line for all services. There are very simple, routine services and there are complicated services and there are services where application of law is required and, therefore, even, perhaps, 60 days may be called for....."

14.4. The Committee takes note of the provisions of Clause 9(1)(a) of the Bill which provides that the Grievance Redressal Officer (GRO) shall remedy the grievance in a time frame not exceeding 30 days. The Committee finds merit in the suggestions made by the witnesses that such a standard prescription of thirty days time period might create an adverse effect in certain cases where an urgent relief is required. The Committee, accordingly, recommends that the provisions of Clause 9 may be modified suitably so as to provide for disposal of matters by the GRO in a shorter period in urgent cases. In case of complaints that have a bearing on the application of law, scheme, etc.. the Committee recommends Government to consider a wider time schedule at the level of the GRO and the Designated Authority.

15. Time limit for appeal

15.1. It was suggested by some of the stakeholders that the time limit stipulated in the Bill, for preferring an appeal to the designated authority and to the State/Central Public Grievance Redressal Commission, should be increased from 30 days.

15.2. The Ministry, in its written comments in this regard, has stated that the provision in the Bill is adequate as designated authority may admit an appeal even after the prescribed 30 days.

15.3. The Committee takes note of the fact that the Bill provides for a 30 days time period for preferring an appeal with the Designated Authority and with the Public Grievance Redressal Commission. The Committee does not feel the necessity of increasing this time period beyond 30 days as both these Appellate Authorities have been vested with discretionary powers to admit appeals received after the expiry of the prescribed period of 30 days under Clauses 11, 12 and 29 of the Bill.

16. Lesser number of tier of appeals

16.1. One of the witnesses raised a pertinent issue as under :
".....So, I think the other key issue is that in this whole edifice of creating State-level Grievance Redressal Officers and Commissioners, Central Commissioners, we are creating a quasi judicial organization that is going to be large, unwieldy and cumbersome....."

16.2. The Committee is conscious of the fact that the Bill provides for appeal at four stages going up to the level of the Lokpal/Lokayukta. The Committee has recommended in the chapter

‘Appeal to the Lokpal’ that follows in the report that the provision in the Bill for appeal to the Lokpal/Lokayukta is undesirable and unnecessary. The remaining three levels of appeal are desirable and appropriate in the Committees view.

17. Search Committee

17.1. The Committee takes note of the proposal that the Search Committee should consist of persons of standing and having special knowledge and expertise in the matters relating to the grievances, public administration, policy making and management.

17.2. The Ministry has, however, replied that the provision contained in clause 15(2) of the Bill is sufficient.

17.3. The Committee takes note of the provisions of Clauses 15(2) and 32(2) of the Bill which provide for Selection Committee in the process of the appointment of Central and State Grievance Redress Commissioners. These provisions also refer to Search Committees consisting of such Members as may be prescribed.

17.4. The Committee takes note of the proposals that these Search Committees should consist of persons of standing having special knowledge and expertise in matters relating to handling of grievances, public administration, policy making and management.

17.5. The Committee is agreeable to the view that the Search Committees play an important role in the selection process. Accordingly, the Committee finds merit in the suggestion to have specialized persons in the relevant field as Members of the Search Committee. The Committee, accordingly, recommends that these aspects may be taken care of adequately by making suitable provisions in the rules.

18. Retirement age for the Central Commissioners

18.1. The Committee notes that Clause 17 of the Bill provides a retirement age for the State Chief Public Grievance Commissioner and the State Public Grievance Commissioners. However, no retirement age has been provided for the Central Chief Public Grievance Commissioner or the Central Public Grievance Commissioners.

18.2. The Ministry, in its written comments furnished to the Committee, has stated that we are open to the suggestion, as in Clause 34(1) for Central Commissions the language “ or until they attain the age of sixty–five years whichever is earlier,” has been omitted by mistake, although for State Commissioners, the above language exists in the Bill.

18.3. The Committee, accordingly, recommends that clause 34 of the Bill which provides the terms of Office of Central Grievance Redressal Commissioners may be amended on the lines of clause 17 of the Bill.

19. Imposition of penalty, Granting compensation

19.1. Chapter IX of the Bill deals with penalties and compensation.

19.2. One of the proposals put forth was to impose a mandatory obligation on the Designated Authority to impose penalty on the guilty officer and that if no penalty is imposed, a reasoned order will be passed.

19.3. Dr. Jayaprakash Narayan, while voicing his opinion on this point, said :

".....Unless the compensation is payable from the pocket of the person who has delayed the service, there is a danger of collusion between the service providing individual at the cost of the Government..... Therefore, for all fee paying services, there will have to be a provision for automatic compensation for non-delivery. There should be recovery of penalty from the agency or the individual....."

19.4. The Secretary, DAR&PG was of the following view in this regard:

".....The penalty level is up to the GRO because beyond that it will not be possible to impose penalty on an outside authority, which will hear the first appeal in respect of a petitioner....."

19.5. The Committee notes that the Bill provides for a maximum penalty up to Rs.50,000/- to be imposed by the Designated Authority on the official responsible for delivery of goods/services. The Committee feels that while deciding the quantum of penalty, the Appellate Authorities should have due regard to the hardships faced by the complainant in pursuing the complaint. The Committee recommends that suitable provision may be added in the Bill to this effect.

19.6. The Committee takes note of the proviso to Clause 45(2) of the Bill which says that the amount of compensation award shall not exceed amount of penalty imposed under Clause 45(1) of the Bill. Clause 45(2) of the Bill already provides that the Appellate Authority may direct only a portion of the penalty imposed, as deemed fit, to be

awarded by way of compensation to the appellant. In view of the provisions of Clause 45(2), the proviso thereto seems redundant. The Committee, accordingly, recommends that the proviso to Clause 45(2) may be deleted.

19.7. The Committee also takes note of the provisions of Clause 45(3) whereunder a public servant found guilty under Clause 45(1) is liable for disciplinary proceedings in case he is proved guilty of a mala-fide action in respect of any provision of the Act. The Committee feels that the public official once having been found guilty under Clause 45(1) should not be required to be proved guilty of mala-fide action again in terms of Clause 45(3) before being made liable for imposition of punishment/penalty by the disciplinary authority. Element of *malafide* is not easy to establish and prove, and further, once a public servant is proved to have violated the law which requires him to provide a service or goods in question, in time, whether the action of the public servant was *malafide* or not is not material. The Committee, therefore, recommends that Clause 45(3) be amended suitably to give effect to these observations.

20. Quantum of penalty, compensation

20.1. In one of the memoranda received by the Committee, it has been suggested that penalty should be as per financial/social/economical impact of denial/delay in services.

20.2. Some Members of the Committee were of the view that the maximum limit prescribed as Rs. 50,000/- in the Bill as penalty is on the higher side.

20.3. The Committee notes that Rs 50,000 is the upper limit of the penalty that can be imposed on the erring public servant. The Committee has already recommended in para 10.5 above the parameters for deciding the quantum of penalty. Further, this being the maximum limit of the penalty and the actual penalty being based upon the facts and circumstances of the case, the Committee is not inclined to interfere in the quantum of penalty prescribed in the Bill.

21. Appeal to Lokpal

21.1. Some of the Members of the Committee raised doubts about the provision in the Bill regarding preferring appeals to Lokpal/Lokayukta.

21.2. The Ministry, in its written reply, has clarified that Clause 47 of the Bill provides for appeal against the decision of Central

Commission or State Commission to Lok Pal/Lok Ayukta, only in cases which contain the findings relating to corruption under the 'Prevention of Corruption Act, 1988' and that it has been provided in view of clause 49 of 'The Lokpal and Lokayuktas Bill, 2011'.

21.3. Shri Nripendra Misra, while placing his views before the Committee, said :

".....Where is the need for creating an organic link with Lokpal and Lokayukta? They are independent institutions. They will look into performing their activities the manner in which this is passed....."

21.4. The Committee takes note of the provisions of Clause 47 of the Bill which provides for appeal to the Lokpal/Lokayukta against the decisions of the Central/ State Grievance Redressal Commission, respectively. The Committee does not find much justification in providing for appeal with the Lokpal/Lokayukta against the decision of the Central/State Commission. Such a linkage, in Committee's view, is unfounded as the institution of Lokpal has been set up under a different legislation aiming to put in place an anti corruption institution while the objective of the present Bill is to ensure timely delivery of goods/services and grievance redressal. Besides, the Bill in hand, already provides for three levels of appeal up to the level of the Commission and adding another level of appeal above the Commission level does not seem to be called for. The Committee, accordingly, recommends that the provisions of the Bill which provide for preference of appeal to the Lokpal/Lokayukta against the decision of the Central/State Commissions may be deleted.

22. Monitoring the implementation of the Act

22.1. Some of the stakeholders were of the view that the implementation of Citizens Charter should be monitored and emphasis should be on pro-active action to prevent grievances.

22.2. Dr. Jayaprakash Narayan, while stressing upon this point, stated thus :

".....Our appeal is, under section 26(1) and 43 (1), please ensure that the power to monitor the implementation of this law and power to give guidelines and directives to the agencies of the Government in furtherance of this law must be inherent in the Commission. Otherwise now directives such as they may be issued are only upon adjudication. If a case comes before them in appeal, on adjudication they may give the directive. That the

law provides for. It does not provide for general directives and guidelines to monitor the implementation of the grievance redressal Act....."

22.3. Dr. Sanjeevan Bajaj, FICCI Quality Forum also emphasized this issue, as under :

".....Right now what it says is that a citizen has a right to complain if he is not getting service within the time. But if a citizen does not complain, then it means nobody is going to check the monitoring of the Citizens' Charter. We would say that if this kind of a measure has to be brought in, then monitoring should be a part of it. Just as financial audit happens, management audit should also happen. Wherever an organisation has a Citizens' Charter and measurable time norms are given, that should be monitored....."

22.4. The Ministry, in its written comments furnished to the Committee, has stated that it is open to the suggestion and that while implementing the Citizens Charter, the relevant Rules and Guidelines can include these.

22.5. The Committee appreciates the concerns expressed by the witnesses over the need for monitoring the implementation of the Bill. The Committee is convinced that an effective monitoring of the implementation of the Bill would definitely yield better results. The Committee, in this context, takes note of the provisions contained in Clauses 26(3), 43(3) and 46 of the Bill which vest the State Public Grievance Redressal Commission and the Central Public Grievance Redress Commission with the powers to *suo motu* take notice of failure to deliver goods and services in accordance with the provisions of the Act and refer such cases for disposal to the Head of Department of the concerned public authority. The Head of the Department in turn is required to submit an Action Taken Report to the Commission within 30 days. Further, under Clause 46, every public authority is required to ensure that each Grievance Redress Officer keeps a record of the complaints made to it or appeals preferred and the decisions on such complaints and appeals and publish on its website by the 15th day of every month or at such intervals as may be prescribed, a report mentioning the number of complaints received, the number of complaints pending and the number of complaints disposed of. The Committee feels that the Bill carries adequate provisions to ensure its effective monitoring and implementation. The need is to ensure strict compliance of these

provisions of the Bill. The appropriate Government may keep these aspects in view while framing rules in this respect so that the law is complied with strictly, without any laxity.

23. Title of the Bill

23.1. The Secretary, DAR&PG while tendering oral evidence before the Committee, said :

".....So far as the name of the Act is concerned, definitely other options were available there. But, we thought of making it a comprehensive name, which will cover not only the delivery of public services but also grievance redressal. So, it is a comprehensive title. I am not saying that it is a very catchy title, but it is a comprehensive title....."

23.2. One of the witnesses was of the following opinion :

".....First point is that the title of the Bill itself needs a re-look. According to us 'delivery of goods' should not form part of the title of the Bill. Redressal of grievances should come within the body of the Bill....."

23.3. The Ministry, in its written comments furnished to the Committee, has stated that the title has been approved by the Cabinet to reflect the element of "time bound delivery" of goods and services.

23.4. The Committee takes note of the various suggestions that have come before it suggesting a short and crisp title for the Bill. The Bill primarily seeks to put in place a mechanism to ensure time bound delivery of goods and services and a grievance redressal mechanism in case there is a failure in the time bound delivery of goods and services. The Bill envisages a Citizens Charter which brings out in public domain the obligations, duties, commitments of the Public Authority in the matter of providing goods and services within specified time limits together with designation of the public servant responsible for delivery of such goods and services. The Committee feels that the Citizens Charter finds a key position in the Bill and is fairly at the root in achieving the objective of the Bill. Accordingly, the Committee recommends that the title of the Bill may be shortened suitably but, it may essentially carry the words 'Citizens Charter'. The Committee would prefer "Citizens Charter Bill, 2012" as the title of the Bill.

24. Scope of the Bill

24.1. In one of the memorandum submitted to the Committee, it has been stated that there are a number of organizations, namely non-governmental organizations, companies, and even government organizations that would require goods and services from other service providers in the government or organizations authorized by the government. Therefore, it was suggested that the scope of this Bill be enlarged to citizens and organizations.

24.2. The Committee takes note that the Punjab Right to Service Act, 2011 and the Rajasthan Guaranteed Delivery of Public Services Act, 2011 have stipulated that access to the redressal mechanism would be provided to all eligible persons. These Acts define eligible persons as 'any person who is eligible for the notified services.

24.3. Shri M.R. Madhavan, PRS Legislative Research while placing his views before the Committee, stated :

".....The definition of complaint is available only to a citizen. A State provides several services, which are available as well as required, in some cases, by a foreign national as well. For example, if a foreign national is a resident in India, he needs a driving licence and if he is working here, he will require PAN of income tax. Does that person not require access to grievance redressal mechanism? Why are we saying 'citizens' here? Why are we making that distinction?....."

24.4. The Ministry, in its written comments furnished to the Committee, has stated that the Government is open to suggestion.

24.5. The Committee takes note of the suggestion that the Bill should be extended to provide coverage to the non citizens also. The Committee in this regard takes note of the fact that the Punjab Right to Service Act, 2011 and the Rajasthan Guaranteed Delivery of Public Services Act, 2011 stipulate access to the redress mechanism to all eligible persons. These Acts define eligible persons as 'Any person who is eligible for notified services'.

24.6. In the given situation, the Committee would like the Ministry to review whether the coverage of the Bill can be extended to the non citizens also. The Committee notes the written comments of the Ministry wherein they have said that

they are open to suggestion in this regard. Government can consider notifying a few limited services and goods as regards non-citizens rather than totally excluding them. This may also help in establishing goodwill among with international community.

CHAPTER III

OTHER RELATED ISSUES

25. Need for the Bill

25.1. The Committee notes that the Service Delivery legislations enacted by 12 States are noteworthy. However, they are limited to a few public services only. A broader canvas is needed to improve the existing public service delivery being provided by Public Authorities. The State Acts do not have the overarching structure being envisaged by this Bill.

25.2. One of the witnesses, while appearing before the Committee, said that :

".....I am speaking from my experience in dealing with tracking another important set of legislations, that is, the 73rd and 74th Amendments of the Constitution, under which, Citizen's Charter and Redressal of Public Grievances are important items. Already, 22 States have passed community participation and public disclosure laws and many of these laws include specific Citizen's Charters. In some cases, they are provided for under the rules, and in some cases, they are also provided for by the respective public authorities. For instance, Maharashtra has an Act. But, the Bombay Municipal Corporation has a fairly extensive Citizen's Charter, and there is also a fairly elaborate procedure about how grievances and several daily services should be dealt with. Tamil Nadu has it. Haryana has it. A number of States have it. Now, it is still not very clear that what has been the outcome of all these disclosure laws....."

25.3. The Committee is of the view that the Bill seeks to put in place a service delivery mechanism both at the Central and the State level. This is a milestone step in the opinion of the Committee. The decision to enact a Central legislation, as is apparent from the statement of objects and reasons appended to the Bill, has emanated from the experience of the Government of not being successful in extending Citizens Charter over a vast majority of the people in the country. The Committee

notes that the Government introduced in the year 1997 the Citizens Charter which was voluntary in character and subsequently initiated service excellence model called “Sevottam” in 2005 to give a new thrust to the implementation of the Citizens Charter. Many States have also enacted Right to Public Service Delivery Legislation in which a few important public services have been selected for service delivery. No doubt these efforts are noteworthy but in the absence of an overarching structure, their impact was diffused and limited. Therefore, the rationale and objective of bringing a comprehensive legislation is to provide rights based approach and make the Citizens Charter statutory and endow the public with the right to get delivery of services within the stipulated timelines.

25.4. The Committee is of the view that the provisions of the Bill are salutary and will have great impact on the service delivery system when operationalised by the Public Authorities under the Central and the State Governments.

26. Integration with Electronic Services Delivery Bill

26.1. Dr. Jayaprakash Narayan, was of the following opinion on this issue :

".....We must have convergence of various laws, for instance, Electronic Service Delivery law and other laws. But ideally our submission is that, create a district ombudsman whose jurisdiction also applies to Employment Guarantee Act and such other entitlement Acts and it will come automatically to the grievance redressal authority and therefore, he can be drawn from the Government for a period. He must be a senior officer who has a special rank, etc., of District Collector at least, so that he carries the conviction as the stature and power but is outside the public agency and he can deal with all the issues related to all departments within the State Government....."

26.2. He further stated that :

".....Every law is creating a national commission, a State commission, too many high powered bodies acting parallel. It is not very wise. We are creating a

large bureaucracy and post retirement havens and enormous expenditure, without convergence. Sometimes actually there is parallel jurisdiction and conflict of jurisdiction, all kinds of problems. Our appeal is and a very humble appeal we make, the Electronic Service Delivery Act should actually be integrated with this law, though of a separate Ministry, Ministry of Information and the Ministry of Electronics have to pilot that, it must be integrated with this law....."

26.3. The Ministry, in its written comments furnished to the Committee, has stated that Government is open to the suggestion that the two Bills may be harmoniously integrated.

26.4. The Committee takes note of the views expressed by the experts that various laws, particularly, the Electronic Service Delivery Law should be integrated with the Citizens Charter Bill. The Committee feels that such an integration would facilitate the rationalization of the resources and better achieving of the objective of the Bill. The Committee notes the comments of the Government in this regard that it is open to the suggestion that the two Bills may be harmoniously integrated.

27. Reward Mechanism

27.1. The Committee takes note of the proposition made that the Bill may have provisions which will make it mandatory for the respective Governments to design a reward scheme for best performing public authorities and the personnel within. The resources for the financial incentives shall come from the penalties in a particular geographic unit as well as a specified percentage of the fee collected by the public authorities in that geographic unit. The respective governments shall frame the rules, by which the financial incentives shall be offered.

27.2. In this regard, Dr. Jayaprakash Narayan was of the following view:

".....we should also institutionalize the reward mechanism. Otherwise, it will not be a balanced one, if you want to achieve the desired goal....."

27.3. The Committee sees merit in the propositions made before it that the Bill should have mandatory provisions for a

reward scheme for best performing public authorities and the personnel within. In Committee's view, such a reward scheme would prove to be a source of encouragement and motivation for those public servants who were able to render the services within the time targets specified in the Citizens Charter. The Committee notes that the Bill already provides under Clause 45(3) to punish and impose penalty on those public servants who falter in compliance of the Citizens Charter. The Committee feels that in this kind of system being generated through the legislation, an element of motivation to encourage the officials for performing efficiently will have far reaching effects on the success of the Bill. The Committee, therefore, impresses upon the Government to consider providing a suitable reward scheme for the officers working at various levels who have shown their impeccable performance in delivery of services to the people.

28. Constitutionality of the Bill

28.1. The Ministry, in its written reply furnished to the Committee, has stated that the Bill has been introduced under Item 8, 'Actionable wrongs' of the concurrent List of the Constitution of India.'

28.2. Dr. Jayaprakash Narayan, while placing his views before the Committee, stated thus :

".....On matters of fundamental rights, every Government, including the local authority, has the power to make laws and regulations. And, if there are simultaneous laws in existence made by the Union Parliament and the State Legislature, we already have a Constitutional scheme in which the Union law will be prevailing, wherever there is a conflict, unless the State law has obtained the assent of the President of India. Now, on that principle, that law was enacted....."

28.3. The representative of NCPRI, while speaking on this issue, said :

".....In terms of the federalism issue, there is a precedent in the form of the Consumer Protection Act. I can take the local postal office for poor delivery of service to the District Consumer Forum as much as I can take any other State-run enterprises for poor quality of commodity or service that they deliver. So,

we could think of developing the principles based on that particular Act which is already in existence....."

28.4. However, Shri M.R. Madhavan, PRS Legislative Research stated that :

"..... It is not clear to us whether Parliament has jurisdiction over defining such procedures for States. Item 41 of the Seventh Schedule mentions State Public Services..... Parliament definitely has jurisdiction over enacting this Bill to the extent it applies to public authorities at the Union level. I am not clear and I think that needs a close examination whether its jurisdiction extends to enacting similar provisions for State public authorities....."

28.5. The representative of Government of Madhya Pradesh, while touching upon this issue, stated as follows:

".....I just want to express what the State Government feels only in one sentence. Do we really need a Central law to determine the processes of delivering Khasra copies and water connections in the State? That's what my State Government very strongly feels about it....."

28.6. Similar views were expressed by the representative of the Government of Punjab as stated below:

".....Sir, firstly, if the Centre wants to enact a law about services provided by the Central Government, we have no opinion on it. As far as that is concerned, the Centre is perfectly within its jurisdiction. When it comes to the States, the fact is that various States have already gone in for it and each State has found a model that is suitable to it....."

28.7. The Committee takes note of the fact that the Bill has been enacted by the Central Government in pursuance to Entry 8 of List III in the Seventh Schedule of the Constitution of India which enumerates the subject matters falling under the Concurrent List. The said Entry 8 mentions 'actionable wrongs'. The Committee further takes note of the provisions of Article 246 of the Constitution which deals with subject matters on which laws can be made by the Parliament and the legislatures of the States. As per Article 246(2), both the Parliament and the State Legislatures have the powers to legislate on matters enumerated in List III. The Committee also takes note of the fact that the layout and the scheme of the

Bill ensure that the Public Authorities under the Central and the State Government, while implementing the Bill are independent of each other. The Committee feels that both the Central Government and the State Governments would be in a position to implement the Bill independently and without each others' interference. Central legislation on subjects mentioned in the Concurrent List, has always triggered the activities of the State Governments in that regard and, have always been seen as bringing in greater awareness in the States about the subjects in question.

29. Capacity building

29.1. The Secretary, DAR&PG while making a presentation on the Bill before the Committee, said that:

".....The capacity-building is a must for the Government officers. It is about developing their skills and also telling them how to have Government process in engineering because Government process is very important to render the services within timeline. And 'sewottam' is one such thing where we have done a lot of work for capacity building, in some of the domains, not in all....."

29.2. The Committee is aware of the fact that the Bill is a novel legislation of paramount importance, whereby services are to be delivered to the citizens within the stipulated time. The obligation to deliver goods/services in time would certainly need efficient work force of officials. The Committee is of the view that enhancing individual efficiency lies at the core for the successful implementation of the provisions of the Bill. The Committee, therefore, impresses upon the Government to undertake capacity building measures such as training, adopting efficiency improving techniques etc.

30. Financial assistance to States

30.1. Many State Governments which furnished their comments to the Committee, have opined that Central funds should be granted for setting up infrastructure, enhancing manpower, giving publicity to the statute, etc.

30.2. Shri Nripendra Misra, while tendering oral evidence before the Committee, stated thus :

".....There is one Act called the Construction Workers' Welfare Act, 1996. Sir, this Act envisages

that for construction workers, a cess will be created. It is a Central Act but the entire responsibility has been given to the States. The cess will be collected by the States, the rules will be formed by the States and the welfare activities for the labourers or the workers connected with the construction activities will be done....."

30.3. The Committee takes note of the concerns raised by some of the representatives who deposed before the Committee regarding the provision of finance for meeting the obligations provided for in the Bill. The Committee further notes that the Financial Memorandum appended to the Bill refers to the likely additional expenditure to be incurred by the Central Government in the implementation of the Bill. The Committee is of the view that timely provision of goods and services is the responsibility of the Public Authority and the Central Government and State Governments are distinct Public Authorities under the Bill. Therefore, the issue of meeting the financial requirements for the implementation of the Bill in respect of services in the States have to be addressed by the Central Government and the State Governments themselves. Services and goods are to be provided on time by the State Government in their respective departments. But in case we are enacting a loaded legislation for them, it is the duty of the Central Government to share some financial burden in this regards lest, the law remains unenforceable, partly or otherwise.

RECOMMENDATIONS/OBSERVATIONS OF
THE COMMITTEE AT A GLANCE

Definitions

Citizens Charter

1. The Committee takes note of the fact that the Citizens Charter contemplated under the Bill envisages enumeration of all the goods supplied and services rendered by a Public Authority. A strong view has come before the Committee that the Bill should provide for notification of services by the appropriate Government for the purpose of inclusion in the Citizens Charter. In fact, this is the position in several States including Madhya Pradesh, Delhi, etc. where only notified services have been brought under the Citizens Charter. [Para 6.4]
2. The Committee does not find any merit in the above proposition as this would only lead to lowering the pace of implementation of the Bill. The Committee feels that there should be no difficulty in incorporating all goods and services in the Citizens Charter at the initial stage itself particularly when this has to be done by the Public Authority and the said Public Authority has the option to determine the time period within which the goods/services being dealt with by it shall be rendered. The Committee, accordingly, endorses the provisions of the Bill that oblige the Public Authorities to incorporate all categories of goods supplied and services rendered in the Citizens Charter. [Para 6.5]

Complaint

3. A view has come before the Committee that the definition of the term 'Complaint' in the Bill is too wide as it includes violation of any law, policy, programme, order or scheme by the Public Authority and an apprehension has been expressed whether the Public Authority or the appropriate Government would be in a position to settle complaints on such wide spectrum issues within the limited period provided for in the Bill to the Grievance Redressal Officer, Designated Authority, etc. The Committee also takes note of the difficulty pointed out by the witnesses arising out of certain grievance redressal mechanisms already being in place and the likely conflict with the procedure sought to be put in place through the proposed legislation. [Para 7.11]

4. **In the Committee's view, the definition of the term 'Complaint' is comprehensive enough so as to cover not only the cases of failure to deliver goods or render services in accordance with the Citizens Charter but also cases where the Public Authority has violated any law, policy, scheme, order, etc. and it should be possible for the Public Authority to handle the same within the given parameters. The Committee is of the firm opinion that issues related to violation of law, policy, scheme, policy, etc are vital and the same cannot be kept outside the purview of the grievance redress mechanism. However, in case it is felt that such matters require some different time schedule for adjudication, the Ministry may examine the issue and provide appropriately in the Bill. [Para 7.12]**
5. **As regards the specific suggestion that the definition of the term 'Complaint' should also cover undue delay in the delivery of goods and services, the Committee is of the view that cause of action for a complaint arises as soon as there is failure to deliver goods/services within the time specified in the Citizens Charter and hence there is no need to specifically add undue delay as a basis for the complaint. However, the Committee being deeply concerned about preventing undue delay in the delivery of goods/services, recommends that Government may suitably incorporate in the rules to be framed under the legislation provisions specifying the shortest possible time for delivery of goods and services of common nature. [Para 7.13]**

Designated Authority

6. **The Committee notes the novel concept of Designated Authority that has been incorporated in the Bill. Designated Authority means an officer or authority outside the public authority that has been authorized to hear appeals against the orders of the Grievance Redressal Officer. The Designated Authority has also been empowered to impose penalty and award compensation to the complainant. [Para 8.7]**
7. **An apprehension has been expressed about the feasibility of having a Designated Authority from outside the Public Authority. The Committee finds merit in having Designated Authority from outside the Public Authority and hopes that it would discharge its functions more independently and objectively compared to the situation where the Designated Authority had been from within the Public Authority. The**

Committee hopes that substantial percentage of complaints would be settled at the level of Designated Authority keeping in view the fact that it has been bestowed with the power of imposing penalty on the defaulting public servant and award compensation to the complainant. The Committee is also in agreement with the viewpoint which has come before it that the Designated Authority should be available at the district/sub-district level so that the general public has an easy and convenient access to it. [Para 8.8]

- 8 The Committee finds that the Bill does not provide anything regarding who all could be appointed as a Designated Authority. Further, in terms of Clause 2(h) which defines this term, relevant details about the Designated Authority have been left to be provided for in the Rules. The Designated Authority being an important level in the grievance redress mechanism, it is important that the Bill gives an outline of the form, shape and the content of this level in the grievance redress machinery. [Para 8.9]**
- 9. The Committee also has some observations to make with regard to certain provisions of Clause 11 of the Bill which relates to appeal before the Designated Authority. As per Proviso to Clause 11(7) of the Bill, an appeal of urgent or immediate nature shall be disposed off before the date in which the cause of action may cease to exist. The Committee recommends that this Proviso may be amended so as to provide for disposal of appeal 'well' before the date on which the subject matter of cause of action may cease to exist. Secondly, Clause 11(3) provides for acknowledgement of receipt of appeal by the Designated Authority but it does not prescribe a time period for such acknowledgement. The Committee notes that in terms of Clause 8, the Grievance Redress Officer is required to acknowledge receipt of complaint within two days. The Committee recommends that a time period for acknowledging complaints may be prescribed in case of Designated Authority also. The Committee further recommends that in matters of personal delivery of complaints, acknowledgement must be on the spot. Further, intimation regarding acknowledgement should reach the complainant within a specific time period. [Para 8.10]**

Grievance Redress Officer

10. The Committee notes the provisions of Clause 10 of the Bill which provide that the Grievance Redress Officer shall after the expiry of 30 days period report every complaint that has not been redressed, along with relevant details, to the Designated Authority and it shall be treated as an appeal with the Designated Authority. The Committee appreciates this mechanism which is people friendly. The Committee, however, recommends a slight modification in Clause 10 so as to provide therein that the GRO while forwarding complaints to the Designated Authority should also inform the complainant by adding words ‘under intimation to the complainant’ at the end of Clause 10 of the Bill. [Para 9.3]

Public Authority

11. The Committee notes that the term ‘Public Authority’ appearing in the Bill has a wide coverage extending to Bodies/Institutions set up under the Constitution of India, the laws made by the Parliament/State Legislatures. The Bill also authorizes the appropriate Government to cover by issue of notification Bodies/Institutions substantially financed by the appropriate Government, companies under the Companies Act, 1956 as well as private entities engaged in the supply of goods/services on private-public partnership model or otherwise. The Committee is happy to note that this wider definition of the term Public Authority would uphold citizens’ rights for prompt service not only with reference to Government institutions/bodies but also with reference to the private entities which are working for Government under some memorandum/contract. This is a welcome step particularly keeping in view the increasing participation of private sector in the service sector in partnership with Government. [Para 10.4]
12. The Committee, however, is also concerned over the use of the word ‘Substantially financed’ in Clauses 4(n)(iv)(A) & (B) of the Bill. The Committee finds this expression to be vague and recommends that it should be suitably qualified so that there is no ambiguity with regard to the Institutions/Organisations receiving funds from appropriate Government which could be brought within the scope of the Bill. [Para 10.5]

Publication and reviewing of Citizens Charter

13. The Committee fully appreciates the viewpoint presented before it regarding the people's participation in the finalization of the Citizens Charter and its review from time to time. In this context, the Committee notes the provisions of Clause 5 of the Bill which provides for wide and extensive publicity of the Citizens Charter through all available means and its updating every year. The Committee also takes note of the provisions of Clause 4(3) of the Bill which authorizes the appropriate Government to make and notify rules in relation to the Citizens Charter. The Committee is convinced that people's participation in the finalization and review of the Citizens Charter would be a useful step and the Charter finalized in this manner would have better acceptability and compliance. The Committee, accordingly, recommends consultation with the concerned stakeholders in the process of finalization/review of the Citizens Charter through suitable provisions in the rules under Clause 4(3). [Para 11.4.]

Information and Facilitation Centres

14. The Committee appreciates the concept of Information and Facilitation Centers envisaged in Chapter IV of the Bill. The Committee feels that the setting up of such Facilitation Centers would considerably ease the problems being faced by the common man today in participating/availing benefit under so many schemes/projects announced by Government from time to time for the benefit of the common man. The Committee is in full agreement with the suggestions received by it regarding the location of these Facilitations Centers. These Centers should be so located that they are easily accessible. The Committee, accordingly, recommends that the Facilitation Centers should be located at the point where the service is being provided or goods are being supplied by the Public Authority so that people approach the Public Authority with proper information/guidance. This, in the opinion of the Committee, would save the common man from much of the harassment and trouble which he faces at present due to absence of guidance/help. In this context, the Committee also recommends that the persons manning such Facilitation Centres should be selected/trained suitably so that they are polite, courteous and cooperative while dealing with public. [Para 12.5]

15. The Committee further recommends that these Facilitation Centres should be properly equipped with facilities for communication, etc so that they are able to discharge their responsibility properly and satisfactorily covering all matters/areas falling within their jurisdiction. The Committee, in this context, would also recommend to Government to consider adopting private-public partnership model in the case of these facilitation centers whereby some value added services could be added on nominal/moderate payment basis. Such an arrangement, in Committee's view, would on the one hand, resolve the constraint of manpower which is generally seen with the Public Authorities and, on the other hand, improve the quality of services, generate employment in the private sector and also partially neutralize operational cost of the facilitation centers. [Para 12.6]

Acknowledgement of complaint, appeal

16. The Committee notes that Clause 11(3) provides for acknowledgement of receipt of appeal by the Designated Authority but it does not prescribe a time period for such acknowledgement. The Committee notes that in terms of Clause 8, the Grievance Redress Officer is required to acknowledge receipt of complaint within two days. The Committee recommends that a time period for acknowledging complaints may be prescribed in case of Designated Authority also. [Para 13.5]

Time frame for redressal of grievance

17. The Committee takes note of the provisions of Clause 9(1)(a) of the Bill which provides that the Grievance Redress Officer shall remedy the grievance in a time frame not exceeding 30 days. The Committee finds merit in the suggestions made by the witnesses that such a standard prescription of 30 days time period might create an adverse effect in certain cases where an urgent relief is required. The Committee, accordingly, recommends that the provisions of Clause 9 may be modified suitably so as to provide for disposal of matters by the GRO in a shorter period in urgent cases. In case of complaints that have a bearing on the application of law, scheme, etc. the Committee recommends Government to consider a wider time schedule at the level of the GRO and the Designated Authority. [Para 14.4]

Time limit for appeal

18. **The Committee takes note of the fact that the Bill provides for a 30 days time period for preferring an appeal with the Designated Authority and with the Public Grievance Redressal Commission. The Committee does not feel the necessity of increasing this time period beyond 30 days as both these Appellate Authorities have been vested with discretionary powers to admit appeals received after the expiry of the prescribed period of 30 days under Clauses 11, 12 and 29 of the Bill. [Para 15.3]**

Lesser number of tier of appeals

19. **The Committee is conscious of the fact that the Bill provides for appeal at four stages going up to the level of the Lokpal/Lokayukta. The Committee has already recommended in the chapter 'Appeal to the Lokpal' that follows in the report that the provision in the Bill for appeal to the Lokpal/Lokayukta is undesirable and unnecessary. The remaining three levels of appeal are desirable and appropriate in the Committees view. [Para 16.2]**

Search Committee

20. **The Committee takes note of the provisions of Clauses 15(2) and 32(2) of the Bill which provide for Selection Committee in the process of the appointment of Central and State Grievance Redress Commissioners. These provisions also refer to Search Committees consisting of such Members as may be prescribed. [Para 17.3]**
21. **The Committee takes note of the proposals that these Search Committees should consist of persons of standing having special knowledge and expertise in matters relating to handling of grievances, public administration, policy making and management. [Para 17.4]**
22. **The Committee is agreeable to the view that the Search Committees play an important role in the selection process. Accordingly, the Committee finds merit in the suggestion to have specialized persons in the relevant field as Members of the Search Committee. The Committee, accordingly, recommends that these aspects may be taken care of adequately by making suitable provisions in the rules. [Para 17.5]**

Retirement age for the Central Commissioners

23. The Committee, accordingly, recommends that clause 34 of the Bill which provides the terms of Office of Central Grievance Redressal Commissioners may be amended on the lines of clause 17 of the Bill. [Para 18.3]

Imposition of penalty, Granting compensation

24. The Committee notes that the Bill provides for a maximum penalty of up to Rs.50,000/- to be imposed by the Designated Authority on the official responsible for delivery of goods/services. The Committee feels that while deciding the quantum of penalty, the Appellate Authorities should have due regard to the hardships faced by the complainant in pursuing the complaint. The Committee recommends that suitable provision may be added in the Bill to this effect. [Para 19.5]
25. The Committee takes note of the Proviso to Clause 45(2) of the Bill which says that the amount of compensation award shall not exceed amount of penalty imposed under Clause 45(1) of the Bill. Clause 45(2) of the Bill already provides that the Appellate Authority may direct only a portion of the penalty imposed, as deemed fit, to be awarded by way of compensation to the appellant. In view of the provisions of Clause 45(2), the Proviso thereto seems redundant. The Committee, accordingly, recommends that the Proviso to Clause 45(2) may be deleted. [Para 19.6]
26. The Committee also takes note of the provisions of Clause 45(3) where under a public servant found guilty under Clause 45(1) is liable for disciplinary proceedings in case he is proved guilty of a mala-fide action in respect of any provision of the Act. The Committee feels that the public official once having been found guilty under Clause 45(1) should not be required to be proved guilty of mala-fide action again in terms of Clause 45(3) before being made liable for imposition of punishment/penalty by the disciplinary authority. Element of *malafide* is not easy to establish and prove, and further, once a public servant is proved to have violated the law which requires him to provide a service or goods in question, in time, whether the action of the public servant was *malafide* or not is not material. The Committee, therefore, recommends that Clause 45(3) be amended suitably to give effect to these observations. [Para 19.7]

Quantum of penalty, compensation

27. The Committee notes that Rs 50,000 is the upper limit of the penalty that can be imposed on the erring public servant. The Committee has already recommended in para 10.5 above the parameters for deciding the quantum of penalty. Further, this being the maximum limit of the penalty and the actual penalty being based upon the facts and circumstances of the case, the Committee is not inclined to interfere in the quantum of penalty prescribed in the Bill. [Para 20.3]

Appeal to Lokpal

28. The Committee takes note of the provisions of Clause 47 of the Bill which provides for appeal to the Lokpal/Lokayukta against the decisions of the Central/ State Grievance Redressal Commission, respectively. The Committee does not find much justification in providing for appeal with the Lokpal/Lokayukta against the decision of the Central/State Commission. Such a linkage, in Committee's view, is unfounded as the institution of Lokpal has been set up under a different legislation aiming to put in place an anti corruption institution while the objective of the present Bill is to ensure timely delivery of goods/services and grievance redressal. Besides, the Bill in hand, already provides for three levels of appeal up to the level of the Commission and adding another level of appeal above the Commission level does not seem to be called for. The Committee, accordingly, recommends that the provisions of the Bill which provide for preference of appeal to the Lokpal/Lokayukta against the decision of the Central/State Commissions may be deleted. [Para 21.4]

Monitoring the implementation of the Act

29. The Committee appreciates the concerns expressed by the witnesses over the need for monitoring the implementation of the Bill. The Committee is convinced that an effective monitoring of the implementation of the Bill would definitely yield better results. The Committee, in this context, takes note of the provisions contained in Clauses 26(3), 43(3) and 46 of the Bill which vest the State Public Grievance Redressal Commission and the Central Public Grievance Redressal Commission with the powers to *suo motu* take notice of failure to deliver goods and services in accordance with the provisions of the Act and refer such cases for disposal to the Head of

Department of the concerned public authority. The Head of the Department in turn is required to submit an Action Taken Report to the Commission within 30 days. Further, under Clause 46, every public authority is required to ensure that each Grievance Redressal officer keeps a record of the complaints made to it or appeals preferred and the decisions on such complaints and appeals and publish on its website by the 15th day of every month or at such intervals as may be prescribed a report mentioning the number of complaints received, the number of complaints pending and the number of complaints disposed of. The Committee feels that the Bill carries adequate provisions to ensure its effective monitoring and implementation. The need is to ensure strict compliance of these provisions of the Bill. The appropriate Government may keep these aspects in view while framing rules in this respect so that the law is complied strictly, without any laxity. [Para 22.5]

Title of the Bill

30. The Committee takes note of the various suggestions that have come before it suggesting a short and crisp title for the Bill. The Bill primarily seeks to put in place a mechanism to ensure time bound delivery of goods and services and a grievance redressal mechanism in case there is a failure in the time bound delivery of goods and services. The Bill envisages a Citizens Charter which brings out in public domain the obligations, duties, commitments of the Public Authority in the matter of providing goods and services within specified time limits together with designation of the public servant responsible for delivery of such goods and services. The Committee feels that the Citizens Charter finds a key position in the Bill and is fairly at the root in achieving the objective of the Bill. Accordingly, the Committee recommends that the title of the Bill may be shortened suitably but, it may essentially carry the words 'Citizens Charter'. The Committee would prefer "Citizen Charter Bill, 2012" as the title of the Bill. [Para 23.4]

Scope of the Bill

31. The Committee takes note of the suggestion that the Bill should be extended to provide coverage to the non citizens also. The Committee in this regard takes note of the fact that the Punjab Right to Service Act, 2011 and the Rajasthan Guaranteed Delivery of Public Services Act, 2011 stipulate access to the

redress mechanism to all eligible persons. These Acts define eligible persons as ‘Any person who is eligible for notified services’. [Para 24.5]

32. In the given situation, the Committee would like the Ministry to review whether the coverage of the Bill can be extended to the non citizens also. The Committee notes the written comments of the Ministry wherein they have said that they are open to suggestion in this regard. Government can consider notifying a few limited services and goods as regards non-citizens rather than totally excluding them. This may also help in establishing goodwill among with international community. [Para 24.6]

OTHER RELATED ISSUES

Need for the Bill

33. The Committee is of the view that the Bill seeks to put in place a service delivery mechanism both at the Central and the State level. This is a milestone step in the opinion of the Committee. The decision to enact a Central legislation, as is apparent from the statement of objects and reasons appended to the Bill, has emanated from the experience of the Government of not being successful in extending Citizens Charter over a vast majority of the people in the country. The Committee notes that the Government introduced in the year 1997 the Citizens Charter which was voluntary in character and subsequently initiated service excellence model called “Sevottam” in 2005 to give a new thrust to the implementation of the Citizens Charter. Many States have also enacted Right to Public Service Delivery Legislation in which a few important public services have been selected for service delivery. No doubt these efforts are noteworthy but in the absence of an overarching structure, their impact was diffused and limited. Therefore, the rationale and objective of bringing a comprehensive legislation is to provide rights based approach and make the Citizens Charter statutory and endow the public with the right to get delivery of services within the stipulated timelines. [Para 25.3]
34. The Committee is of the view that the provisions of the Bill are salutary and will have great impact on the service delivery

system when operationalised by the Public Authorities under the Central and the State Governments. [Para 25.4]

Integration with Electronic Services Delivery Bill

35. The Committee takes note of the views expressed by the experts that various laws, particularly, the Electronic Service Delivery Law should be integrated with the Citizens Charter Bill. The Committee feels that such an integration would facilitate the rationalization of the resources and better achieving of the objective of the Bill. The Committee notes the comments of the Government in this regard that it is open to the suggestion that the two Bills may be harmoniously integrated. [Para 26.4]

Reward Mechanism

36. The Committee sees merit in the propositions made before it that the Bill should have mandatory provisions for a reward scheme for best performing public authorities and the personnel within. In Committee's view, such a reward scheme would prove to be a source of encouragement and motivation for those public servants who were able to render the services within the time targets specified in the Citizens Charter. The Committee notes that the Bill already provides under Clause 45(3) to punish and impose penalty on those public servants who falter in compliance of the Citizens Charter. The Committee feels that in this kind of system being generated through the legislation, an element of motivation to encourage the officials for performing efficiently will have far reaching effects on the success of the Bill. The Committee, therefore, impresses upon the Government to consider providing a suitable reward scheme for the officers working at various levels who have shown their impeccable performance in delivery of services to the people. [Para 27.3]

Constitutionality of the Bill

37. The Committee takes note of the fact that the Bill has been enacted by the Central Government in pursuance to Entry 8 of List III in the Seventh Schedule of the Constitution of India which enumerates the subject matters falling under the Concurrent List. The said Entry 8 mentions 'actionable wrongs'. The Committee further takes note of the provisions of Article 246 of the Constitution which deals with subject

matters on which laws can be made by the Parliament and the legislatures of the States. As per Article 246(2), both the Parliament and the State Legislatures have the powers to legislate on matters enumerated in List III. The Committee also takes note of the fact that the layout and the scheme of the Bill ensure that the Public Authorities under the Central and the State Government, while implementing the Bill are independent of each other. The Committee feels that both the Central Government and the State Governments would be in a position to implement the Bill independently and without each others' interference. Central legislation on subjects mentioned in the Concurrent List, has always triggered the activities of the State Governments in that regard and, have always been seen as bringing in greater awareness in the States about the subjects in question. [Para 28.7]

Capacity building

38. The Committee is aware of the fact that the Bill is a novel legislation of paramount importance, whereby services are to be delivered to the citizens within the stipulated time. The obligation to deliver goods/services in time would certainly need efficient work force of officials. The Committee is of the view that enhancing individual efficiency lies at the core for the successful implementation of the provisions of the Bill. The Committee, therefore, impresses upon the Government to undertake capacity building measures such as training, adopting efficiency improving techniques etc. [Para 29.2]

Financial assistance to States

39. The Committee takes note of the concerns raised by some of the representatives who deposed before the Committee regarding the provision of finance for meeting the obligations provided for in the Bill. The Committee further notes that the Financial Memorandum appended to the Bill refers to the likely additional expenditure to be incurred by the Central Government in the implementation of the Bill. The Committee is of the view that timely provision of goods and services is the responsibility of the Public Authority and the Central Government and State Governments are distinct Public Authorities under the Bill. Therefore, the issue of meeting the financial requirements for the implementation of the Bill in respect of services in the States have to be addressed by the

Central Government and the State Governments themselves. Services and goods are to be provided on time by the State Government in their respective departments. But in case we are enacting a loaded legislation for them, it is the duty of the Central Government to share some financial burden in this regards lest, the law remains unenforceable, partly or otherwise. [Para 30.3]
