

GOVERNMENT OF INDIA

SECOND ADMINISTRATIVE REFORMS COMMISSION

TWELFTH REPORT

CITIZEN CENTRIC ADMINISTRATION

The Heart of Governance

FEBRUARY 2009

PREFACE

The American theologian Reinhold Niebuhr wrote, *“Man’s capacity for justice makes democracy possible, but man’s inclination to injustice makes democracy necessary”*. It has also been said that *“democracy is the worst form of government except all those other forms that have been tried from time to time”* (Sir Winston Churchill). But even those cynical about conventional representative democracy with its periodic elections and cycles of widespread popular disillusionment, often described as anti-incumbency; will acknowledge that the average citizen is concerned less with the convolutions of governance and politics, or the myriad structures and levels of government departments; than with obtaining rapid and equitable access to government services, whether regulatory or developmental or welfare oriented, preferably at his doorstep. That is why, stability, transparency, efficiency and continuity in the governance systems that the citizens are most immediately concerned with, is so necessary. That is why, our priority in India must be to place the citizen at the centre of a modern public administration. This is my idea of Inclusive Government.

India has an elaborate legal framework and institutional structures underpinned by the Constitution which articulate the vision of a welfare state and by implication, provide for creation of a citizen centric governance structure. But popular perception as well as the reality belies that vision. In that background, the ARC has tried to address the need for inclusive, transparent and citizen centric administration in all of its Reports submitted so far but especially so in the current Report, which looks specifically at its terms of reference relating to promotion of citizen centric administration. The Commission has in this Report examined in detail the processes, mechanisms, strategies and best practices that can help us attain this objective.

The concepts of good governance and citizen centric administration are intimately connected. Citizen centricity with the aim of ensuring citizens’ welfare and citizens’ satisfaction, is critical for any government, local, state or national; which aims to provide good governance. As has been pointed out in the Report, the following are the pre-requisites of citizen centric governance:

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

Going beyond these necessary conditions, the Commission has outlined the following core principles for making governance citizen centric:

- Rule of Law - Zero tolerance strategy.
- Making institutions vibrant, responsive and accountable.
- Decentralization.
- Transparency.
- Civil Services Reforms.
- Ethics in Governance.
- Process Reforms.
- Periodic and independent evaluation of the quality of Governance.

Finally, taking matters further beyond principles and pre-conditions, the Commission has tried to examine the finer details of how governance can be made more citizen centric, with reference to the strategies and processes, the tools and mechanisms, which can be usefully employed to make the administration citizen centric. These are:

- a) Re-engineering processes to make governance 'citizen centric'.
- b) Adoption of Appropriate Modern Technology.
- c) Right to Information.
- d) Citizens' Charters.
- e) Independent evaluation of services.

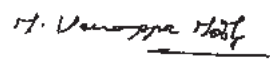
- f) Grievance redressal mechanisms.
- g) Active citizens' participation – Public-private partnerships.

Some of the mechanisms mentioned above have already been examined by the Commission in detail in its earlier Reports. Thus, the Commission in its first Report on 'Right to Information' has made detailed recommendations on further changes required to ensure greater transparency in governance and better implementation of the Right to Information Act. Similarly, the Commission's Report on e-Governance has made detailed recommendations on how adoption of modern technology preceded by re-engineering of processes can make governance more responsive, transparent and efficient.

In that context, the Commission has, in the present Report, examined the concept of citizen centric administration in a more specific manner, in relation to various functions of the government, the role of special institutional mechanisms such as the national and state commissions set up to safeguard the rights of vulnerable sections of the society, other mechanisms such as citizen charters as a means of improving performance and accountability of government departments, how simplification of procedures and decentralization and delegation can improve efficiency and bring Government services to the doorstep of citizens and finally how citizens' participation in administration can make government departments more responsive, accountable and transparent. As governance is primarily a series of service operations with the ultimate objective of maximizing citizens' welfare, use of management principles such as the Six Sigma concepts (data, focus on clients/citizens, quality) combined with Lean thinking (process flow, minimizing the costs of unnecessary complexity) can help to transform government service organizations into more efficient and citizen friendly agencies.

It is ultimately my hope that governance in India can be simplified so as to bring to its citizen a multi-channel single window delivery structure for channelising all types of government services at the local level in the most efficient manner possible using modern IT technology so that the citizen can access these services easily and conveniently at his doorstep and even on the run through the use of mobile telephony. It is hoped that this Report will give certain pointers towards making that vision a reality.

New Delhi
February 17, 2009


(M. Veerappa Moily)
Chairman

Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Administrative Reforms and Public Grievances

Resolution

New Delhi, the 31st August, 2005

No. K-11022/9/2004-RC. — The President is pleased to set up a Commission of Inquiry to be called the Second Administrative Reforms Commission (ARC) to prepare a detailed blueprint for revamping the public administration system.

2. The Commission will consist of the following :

- (i) Shri Veerappa Moily - Chairperson
- (ii) Shri V. Ramachandran - Member
- (iii) Dr. A.P. Mukherjee - Member
- (iv) Dr. A.H. Kalro - Member
- (v) Dr. Jayaprakash Narayan - Member*
- (vi) Smt. Vineeta Rai - Member-Secretary

3. The Commission will suggest measures to achieve a proactive, responsive, accountable, sustainable and efficient administration for the country at all levels of the government.

The Commission will, inter alia, consider the following :

- (i) Organisational structure of the Government of India
- (ii) Ethics in governance
- (iii) Refurbishing of Personnel Administration
- (iv) Strengthening of Financial Management Systems
- (v) Steps to ensure effective administration at the State level
- (vi) Steps to ensure effective District Administration
- (vii) Local Self-Government/Panchayati Raj Institutions
- (viii) Social Capital, Trust and Participative public service delivery
- (ix) Citizen-centric administration
- (x) Promoting e-governance
- (xi) Issues of Federal Polity
- (xii) Crisis Management
- (xiii) Public Order

Some of the issues to be examined under each head are given in the Terms of Reference attached as a Schedule to this Resolution.

4. The Commission may exclude from its purview the detailed examination of administration of Defence, Railways, External Affairs, Security and Intelligence, as also subjects such as Centre-State relations, judicial reforms etc. which are already being examined by other bodies. The Commission will, however, be free to take the problems of these sectors into account in recommending re-organisation of the machinery of the Government or of any of its service agencies.

5. The Commission will give due consideration to the need for consultation with the State Governments.

6. The Commission will devise its own procedures (including for consultations with the State Government as may be considered appropriate by the Commission), and may appoint committees, consultants/advisers to assist it. The Commission may take into account the existing material and reports available on the subject and consider building upon the same rather than attempting to address all the issues ab initio.

7. The Ministries and Departments of the Government of India will furnish such information and documents and provide other assistance as may be required by the Commission. The Government of India trusts that the State Governments and all others concerned will extend their fullest cooperation and assistance to the Commission.

8. The Commission will furnish its report(s) to the Ministry of Personnel, Public Grievances & Pensions, Government of India, within one year of its constitution.

Sd/-
(P.I. Suvrathan)
Additional Secretary to Government of India

*Dr. Jayaprakash Narayan – Member, resigned with effect from 1st September, 2007
(Resolution No. K.11022/26/207-AR, dated 17th August, 2007).

Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Administrative Reforms and Public Grievances

RESOLUTION

New Delhi, the 24th July, 2006

No. K-11022/9/2004-RC (Vol.II) – The President is pleased to extend the term of the second Administrative Reforms Commission by one year upto 31.8.2007 for submission of its Reports to the Government.

Sd/-

(Rahul Sarin)

Additional Secretary to the Government of India

Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Administrative Reforms and Public Grievances

RESOLUTION

New Delhi, the 17th July, 2007

No.K-11022/26/2007-AR – The President is pleased to extend the term of the second Administrative Reforms Commission (ARC) by seven months upto 31.3.2008 for submission of its Reports to the Government.

Sd/-

(Shashi Kant Sharma)

Additional Secretary to the Government of India

Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Administrative Reforms and Public Grievances

RESOLUTION

New Delhi, the 14th February, 2008

No.K-11022/26/2007-AR – The President is pleased to extend the term of the second Administrative Reforms Commission (ARC) by six months upto 30.9.2008 for submission of its Reports to the Government.

Sd/-
(Dhruv Vijai Singh)
Additional Secretary to the Government of India

Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Administrative Reforms and Public Grievances

RESOLUTION

New Delhi, the 5th September, 2008

No.K-11022/26/2007-AR – The President is pleased to extend the term of the second Administrative Reforms Commission (ARC) by six months upto 31.3.2009 for submission of its Reports to the Government.

Sd/-
(P.K. Jha)
Joint Secretary to the Government of India

ORGANISATION

Second Administrative Reforms Commission

1. Dr. M. Veerappa Moily, Chairman
2. Shri V. Ramachandran, Member
3. Dr. A.P. Mukherjee, Member
4. Dr. A.H. Kalro, Member
5. Smt. Vineeta Rai, Member-Secretary

Officers of the Commission

1. Shri A.B. Prasad, Additional Secretary
2. Shri P.S. Kharola, Joint Secretary
3. Shri R.K. Singh, PS to Chairman
4. Shri Sanjeev Kumar, Director
5. Shri Shahi Sanjay Kumar, Deputy Secretary

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LIST OF ABBREVIATIONS

Abbreviation Full Form

ARC	Administrative Reforms Commission
BATF	Bangalore Agenda Task Force
BDA	Bangalore Development Authority
BMP	Bangalore Mahanagara Palike
BWSSB	Bangalore Water Supply and Sewerage Board
BSNL	Bharat Sanchar Nigam Limited
CVC	Central Vigilance Commission
CPGRAMS	Centralized Public Grievances Redress and Monitoring System
CRC	Citizen Report Cards
DAR&PG	Department of Administrative Reforms & Public Grievances
DPG	Directorate of Public Grievances
DCDRF	District Consumer Disputes Redressal Forum
DISNIC	District Information System of the National Informatics Centre
HMWSSB	Hyderabad Metropolitan Water Supply and Sewerage Board
ICT	Information and Communications Technology
MCC	Metro Customer Care
NCSC	National Commission for Scheduled Castes
NCST	National Commission for Scheduled Tribes
NCW	National Commission for Women
NCDRC	National Consumer Disputes Redressal Commission
NCM	National Commission for Minorities
NCBC	National Commission for Backward Classes
NHRC	National Human Rights Commission
NIC	National Informatics Centre
NGO	Non-Governmental Organisation
NREGA	National Rural Employment Guarantee Act

PAC	Public Affairs Centre
PSU	Public Sector Undertaking
RTO	Regional Transport Office
RBI	Reserve Bank of India
RTI	Right to Information
SWC	Single Window Cell
SCW	State Commission for Women
SCDRF	State Consumer Disputes Redressal Forum
SHRC	State Human Rights Commission
VEC	Village Education Committee
VEMB	Village Electricity Management Board
VHC	Village Health Committee

INTRODUCTION

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

- Mahatma Gandhi

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

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

Box 1.1: Jawaharlal Nehru on Citizen Centric Administration

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

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

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

- o Target Group Consultations.*
 - o Flexibility to implementing agencies customized to local needs.*
- *Strengthening Citizen Centric decision making:*
 - o To further empower the citizen through Citizens' Charter etc.*
 - o To facilitate accessibility of user groups to decision making processes. The operational details, inter alia, may include:*
 - ♦ *Setting up of Information Facilitation and Solution Centres.*
 - ♦ *Augmenting facilities for submission and redress of grievances and providing replies thereto.*
 - ♦ *Setting up consultative mechanism for receiving suggestions.*
- *Freedom of Information:*
 - o To review the confidentiality classification of government documents specially with reference to the Officials Secrets Act.*
 - o To encourage transparency and access to non-classified data.*
 - o Disclosure of information and transparency as a supplement to the Right to Information of the citizens.*

Besides, one more term of reference pertains to citizen centric administration:

- *Social Capital, Trust and Participative public service delivery.*
- . . .
 - o Increase the people-centric ness of the administrative approaches.*
 - o Ensuring greater involvement of people's representatives and community at large in the conceptualisation and execution of programmes.*

1.3 Governance in order to be citizen centric should be participative and transparent. It should be effective, efficient and responsive to the citizens. Furthermore, an ethos of serving the citizens should permeate all government organizations. Last but not the least, government organisations should be accountable to the people. As one of the primary functions of the State is to promote the welfare of its citizens, an evaluation of the functioning of the institutions of governance will ultimately have to be based on the satisfaction they provide to the common man. In this regard, prominence would need to be attached to the voice of the citizens themselves.

1.4 Past Initiatives

There have been a large number of reform measures - some at the macro level and others at the micro level - which have sought to bring administration closer to the people. These

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

1.4.1 Santhanam Committee Report - The Central Vigilance Commission

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

1.4.2 First ARC - Lok Pal and Lokayukta

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

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

1.4.3 Review of Administrative Laws

One of the principal causes for the inordinate delay in providing services to citizens was the existence of a complex system of rules, regulations and procedures which had outlived their utility. Government therefore set up a Commission on the Review of Administrative Laws in May, 1998. This Commission submitted its report on 30 September, 1998. Some of its important recommendations include (i) compilation of up-to-date information about rules, regulations etc. by all Ministries/Departments under different Central Laws administered by them; (ii) expeditious amendments to various Acts, (iii) unification and harmonization of Statutes, Laws etc.; and (iv) repeal of 1382 Central Laws of different categories out of about 2500 Laws in force on the ground that these Laws have become irrelevant.¹

1.4.4 Citizens' Charters

The Citizens' Charter is based on the premise that the Citizen is "King" and government organizations exist not to rule but to serve the citizens. Citizens' Charters are merely reflections of this principle. In order to ensure that both the service provider as well as citizens realize that public agencies are meant to provide service, each organization should spell out the services it has to perform and then specify the standards/norms for these services. Once this is done then the organisation can be held to account if the service standards are not met. Government of India commenced the exercise to formulate Citizens' Charters in 1996. The Scheme of Citizens' Charters has been reviewed several times and these have lead to the finalization of Quality Management System Standard – IS 15700: 2005 and also the new assessment-improvement model 'Sevottam'.

1.4.5 e-Governance

The revolution in Information and Communications Technology (ICT) has the potential of elevating the governance process to new levels. The reason why countries around the world are increasingly opting for 'e-Governance' is that governance per se has become more complex and varied in the last few decades and more importantly citizens' expectations from government have increased manifold. ICT facilitates efficient storing and retrieval of data, instantaneous transmission of information, processing information and data faster than the earlier manual systems, speeding up governmental processes, taking decisions expeditiously and judiciously, increasing transparency and enforcing accountability. It also helps in increasing the reach of government – both geographically and demographically.

Recognising the increasing importance of electronics, Government of India established the Department of Electronics in 1970. The subsequent establishment of the National

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

1.4.6 Computerised Grievances Redressal Mechanisms

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

1.4.7 Right to Information

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

the Right to Information Act, 2005. It is a path-breaking legislation empowering people and promoting transparency. The Commission has examined this subject and made comprehensive recommendations in its First Report.

1.5 Citizens Feedback

During its visit to the States, the Commission held public hearings to get first-hand knowledge of the ground situation in various parts of the country regarding reform in the governance system. Some of the grievances voiced at these hearings, which have a direct bearing on citizen centric administration, especially at the cutting-edge level, are as follows:

- i. Officials do not adhere to prescribed time schedules in coming and leaving their offices.*
- ii. Offices do not have any designated day or time-schedule for meeting people.*
- iii. There is great deal of inconvenience and delay in getting different certificates (e.g. - income and castes certificates) because of cumbersome procedures and indifference of the office.*
- iv. Files in government offices do not “move” without payment of a bribe.*
- v. There are no nodal officers in departments implementing various developmental programmes for informing people on how to avail of the benefits.*
- vi. Letters written to higher authorities like Governors and Chief Ministers for redressal of grievances are marked to different departments who do not take any action on them.*
- vii. Acknowledgements are not given for the complaints filed.*
- viii. The Patwari is generally absent from the Gram Panchayats – some hours per day should be fixed for his presence.*
- ix. There is rampant corruption in police stations and tehsil offices.*
- x. Senior citizens are not treated with due regard by officials and are often harassed.*
- xi. Negligence on the part of government officials, even when pointed out to higher authorities, goes un-heeded and un-punished.*

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

1.6 Acknowledgements

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

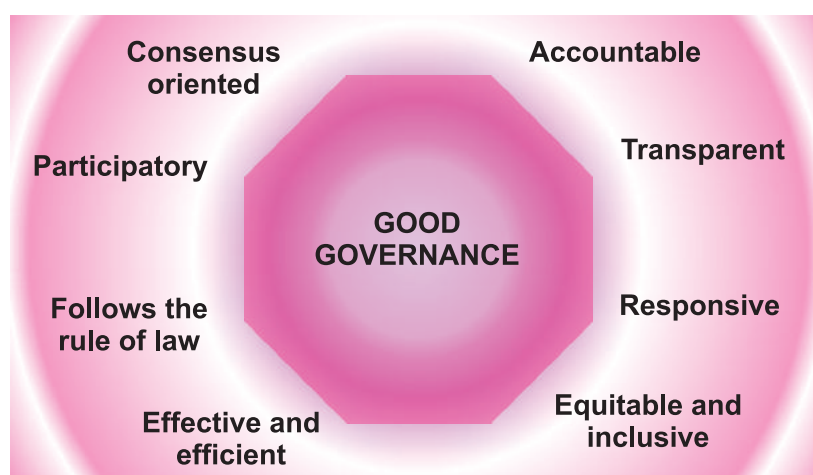
2

THE CONCEPT OF CITIZEN CENTRIC ADMINISTRATION

2.1 Good Governance and Citizen Centric Administration

2.1.1 The concept of good governance is not new. Kautilya in his treatise Arthashastra elaborated the traits of the king of a well governed State thus: *“in the happiness of his subjects lies his happiness, in their welfare his welfare, whatever pleases himself, he does not consider as good, but whatever pleases his subjects he considers as good”*. Mahatma Gandhi had propounded the concept of ‘Su-raj’. Good governance has the following eight attributes which link it to its citizens² (Fig 2.1).

Fig 2.1: Good Governance



2.1.2 Good governance aims at providing an environment in which all citizens irrespective of class, caste and gender can develop to their full potential. In addition, good governance also aims at providing public services effectively, efficiently and equitably to the citizens. The 4 pillars on which the edifice of good governance rests, in essence are:

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

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

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

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

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

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

As a democratic country, a central feature of good governance is the constitutionally protected right to elect government at various levels in a fair manner, with effective participation by all sections of the population. This is a basic requirement for the legitimacy of the government and its responsibility to the electorate.

- The government at all levels must be accountable and transparent. Closely related to accountability is the need to eliminate corruption, which is widely seen as a major deficiency in governance. Transparency is also critical, both to ensure accountability, and also to enable genuine participation.*
- The government must be effective and efficient in delivering social and economic public services, which are its primary responsibilities. This requires constant monitoring and attention to the design of our programmes. In our situation, where the responsibility for delivery of key services such as primary education and health is at the local level, this calls for special attention to ensuring the effectiveness and efficiency of local governments.*
- Governments at lower levels can only function efficiently if they are empowered to do so. This is particularly relevant for the PRIs, which currently suffer from inadequate devolution of funds as well as functionaries to carry out the functions constitutionally assigned to them.*
- An overarching requirement is that the rule of law must be firmly established. This is relevant not only for relations between the government and individuals enabling individuals to demand their rights but also for relations between individuals or businesses. A modern economic society depends upon increasingly complex interactions among private entities and these interactions can be efficiently performed only if legal rights are clear and legal remedies for enforcing these rights are swift.*
- Finally, the entire system must function in a manner which is seen to be fair and inclusive. This is a perceptual issue but it is real nonetheless. Disadvantaged*

**Box 2.1: The 2006 Transparency International
Corruption Perceptions Index**

According to the annual survey by the Berlin-based organization Transparency International, Finland, Iceland, and New Zealand are perceived to be the world's least corrupt countries, and Haiti is perceived to be the most corrupt. The index defines corruption as the abuse of public office for private gain and measures the degree to which corruption is perceived to exist among a country's public officials and politicians. It is a composite index, drawing on 12 polls and surveys from 9 independent institutions, which gathered the opinions of business people and country analysts. Only 163 of the world's 193 countries are included in the survey, due to an absence of reliable data from the remaining countries. The scores range from ten (squeaky clean) to zero (highly corrupt). A score of 5.0 is the number Transparency International considers the borderline figure distinguishing countries that do and do not have a serious corruption problem.

India features at No. 70 with a rating of 3.3. This is a very low ranking in the international scenario and shows that corruption is a serious problem in India.

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

2.2 Perceptions about Governance in India

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

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

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

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

Box 2.2: Common Bottlenecks in Implementation of Projects

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

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

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

There is a general impression that the absolute size of the bureaucracy is overgrown beyond what is fundamentally necessary. It is often referred to as being “bloated”. It is also felt that the numbers are increasing at a rapid pace, with scant regard for the work-load. People also speak of the bureaucracy being top-heavy.

Not only are public servants perceived to be too many in number it is also believed that they do not contribute to the gross domestic product. Public servants are alleged to invariably come late to office, spend a large part of the day in sipping tea, smoking and indulging in gossip, and leave office early. Consequently, productivity is said to be abysmally low, estimates of their actual working hours ranging from one to two-and-a-half hours in a day.

It is felt that bureaucrats are a law unto themselves. They hide behind mountains of paper, maintain uncalled - for secrecy in their dealings with public issues, take surreptitious decisions for considerations that are not always spelt out on paper, and are accountable to no one. They have life-time contracts of service which cannot be cut short on any ground, defended as they are by the safeguards under Article 311 of the Constitution. Their misdeeds are never found out. If exposed, they take refuge behind the protective wall of collective decision making in committees, which cannot be brought to book.

Box 2.3: What's Ailing Public Services?

A recent Centre for Media Studies (CMS) study shows that a majority of citizens are not satisfied with the delivery of public services. In seven out of the 11 departments covered the study, less than one-third of the citizens are satisfied with the services delivered. In fact, in most need-based services such as the police, judiciary and municipalities, (which enjoy a greater discretion and power), not even 20 per cent of the households are satisfied with their services. Even in essential services such as the PDS, hospitals, and electricity and water supplies, a mere 30-40 per cent of the households are happy with the services....

The study brings out that there are hardly any effective complaint redressal systems in place in most departments. In most cases, citizens are not even aware that such systems exist and departments make no effort to educate them. Even those who are aware have little confidence in them. Not surprisingly, the result is a sense of helplessness.

The behaviour of cutting-edge level employees is another area of concern. Most employees of the public services are not turned into the changing expectations of the citizens.

There are a number of possible initiatives at the department level, such as strategic outsourcing of services, use of technology (like e-seva in Andhra Pradesh), better commercial practices, performance-linked incentive to staff, periodic tracking of user satisfaction and involving resident welfare associations. These initiatives can go a long way in improving the quality of public services.

Also, the public service provider needs to be made more accountable to the citizens through user committees. This experiment has been demonstrated to hold potential in the case of Rogi Kalyan Samitis in Madhya Pradesh.

Also, it is high time that we directly linked outlays to outcomes. We can draw valuable lessons from the British experiment of having public service agreements (PSAs) - with local governments under which objective and measurable targets for various services are fixed together with an evaluation mechanism. The funds are allocated to local governments on the basis of their achievement on PSAs.

Source: Business Standard – 25/26 March, 2006 (Shri Manu Vatsal Sharma and Naveen Surapaneni of Centre for Media Studies)

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

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

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

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

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

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

2.3 Barriers to Good Governance

The reasons for Governments not being citizen centric can be attributed to the attitude and work of some government servants, the deficiencies in existing institutional structures and also to some citizens. While the laws made by the Legislature may be sound and relevant, very often they are not properly implemented by government functionaries. The institutional structure provided at times may be also weak and ill-conceived and thus has neither the capacity nor the resources to implement the laws in letter and spirit. The Prime Minister, in this context, had stated:⁵

Effective and efficient institutions form the backbone of a successful development and governance process. The founding fathers had the foresight to create the necessary institutional framework which has brought us thus far. We need to think whether this framework is adequate in the years to come; whether past modes of functioning will address the demands of the future in fast changing world; whether skills and capabilities that were relevant in the past have outlived their utility? It is only by asking and answering these questions will we be able to identify institutional reforms which will meet the needs of our times.

The system often suffers from problems of excessive centralization and policies and action plans are far removed from the needs of the citizens. This results in a mismatch between what is required and what is being provided. Inadequate capacity building of personnel who are to implement the laws also results in policies and laws not being implemented properly. Further, lack of awareness about rights and duties and callous approach to compliance to laws on the part of some of the citizens also create barriers to good governance.

2.3.1 Attitudinal Problems of the Civil Servants

There is a growing concern that the Civil Services and administration in general, have become wooden, inflexible, self-perpetuating and inward looking. Consequently,

Box 2.4: : Mexican Woman Wins 22,000 Dollars for Useless Red Tape

Mexico City (AFP) – A Mexican woman who needs to collect seven signatures every two weeks to obtain medicine for her sick son won a government competition for the most useless bureaucratic procedure.

Cecilia Velazquez received a check for 300,000 (22,000 dollars) from President Felipe Calderon after winning the competition to identify the worst red tape in the notoriously bureaucratic country.

Velazquez's son has a genetic condition and she needs to visit social security services every two weeks to collect his medicine. "The process takes at least four days each time, from delivering the prescription to administering the medicine," Velazquez said.

The competition, overseen by the public services ministry, gathered 20,000 entries from frustrated citizens.

"She's a working mother who has a sick son and I know, as a father, that we will give anything for the health and life of our children," Calderon said as he presented the prize.

Source: http://www.breitbart.com/article.php?id=CNG.65f7f87763fc93d3a726ec0167adc8c8.121&show_article=1

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

2.3.2 Lack of Accountability

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

2.3.3 Red Tapism

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

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

2.3.4 Low levels of Awareness of the Rights and Duties of Citizens

Inadequate awareness about their rights prevents citizens from holding erring government servants to account. Similarly, low levels of compliance of Rules by the citizens also acts as an impediment to good governance; when citizens do not adhere to their duties they infringe on the freedom and rights of other citizens. Thus, awareness of rights and adherence to duties are two sides of the same coin. A vigilant citizenry, fully aware of its rights as well its duties, is perhaps the best way to ensure that officials as well as other citizens, discharge their duties effectively and honestly.

Box 2.5: The Fundamental Duties

- To abide by the Constitution and respect its ideals, the national flag and the national anthem.
- To cherish and follow the noble ideas, which inspired the national struggle for independence.
- To uphold and protect the sovereignty, unity and integrity of India.
- To defend the country and render national services when called upon to do so.
- To promote the harmony and the spirit of common brotherhood among all the people of India transcending religious, linguistic and regional or sectional diversities, to renounce practices derogatory to the dignity of women.
- To value and preserve the rich heritage of our composite culture.
- To protect and improve national environment including forests, lakes, rivers and wildlife and have compassion for living creatures.
- To develop scientific temper, humanism and the spirit of inquiry and reform.
- To safeguard public property and to abjure violence.
- To strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavour and achievement.

2.3.5 Ineffective Implementation of Laws and Rules

There is a large body of laws in the country, each legislated with different objectives – maintaining public order and safety, maintaining sanitation and hygiene, protecting rights of citizens, giving special protection to the vulnerable sections etc. Effective implementation of these laws creates an environment which would improve the welfare of all citizens and at the same time, encourage each citizen to contribute his best towards the development of society. On the other hand, weak implementation can cause a great deal of hardship to citizens and even erode the faith of the citizenry in the government machinery.

2.4 Need for Reforms

2.4.1 An integrated index to measure the quality of governance has not been evolved so far. In the absence of any such index, only indirect conclusions can be drawn about the standards of governance. Rapid economic growth, increasing literacy, improved health indices etc. point towards improving governance standards. At the same time, the poor image of government in

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

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

2.5 Necessary Pre-conditions for Good Governance

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

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

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

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

2.5.2 Sound Legal Framework

A sound legal framework is the basic pre-requisite for any orderly society. The Constitution is the cornerstone of our legal framework. Parliament has enacted a large number of laws to further the objectives enshrined in the Constitution. A dynamic society requires constant updating of existing laws as also enactment of new laws to meet emergent needs and challenges so that the welfare, protection and development needs of citizens is fully met. In fact, the Law Commission has inter alia been given the responsibility to examine existing laws to ensure their relevance to present-day needs and requirements. The Commission in this context has also examined and analysed a number of laws relevant to the wide mandate of promoting a transparent, accountable and citizen centric system of governance. Thus, the Right to Information Act, 2005 was analyzed in the First Report. The National Rural Employment Act, 2005 was examined by the Commission in its Second Report. The Third Report of the Commission dealt with the laws relating to crisis/disaster management. The Fourth Report of the Commission inter alia dealt with the legal framework required to curb corruption in governance. The Fifth Report - Public Order - included a detailed study of the laws governing the Police system in the country. In its Sixth Report -Local Governance – the Commission made recommendations for empowering the urban and rural local bodies. The Commission examined the legal and institutional framework for conflict resolution in its Seventh Report – “Capacity Building for Conflict Resolution”. The Eighth Report of the Commission contained an elaborate evaluation of the laws to combat terrorism. The Ninth Report – “Social Capital” – dealt with the legal provisions for various mechanisms to promote social capital. The Tenth Report – “Refurbishing of Personnel Administration” – analyzed the legal framework for the Civil Services. In its Eleventh Report, the Commission recommended a legal framework for facilitating the implementation of e-Governance projects. As stated earlier, the citizen must be the focus of all laws and there cannot be only a single law to promote citizen centricity. The Commission in this Report has therefore examined some legal provisions which have a direct bearing on promotion of a citizen centric administration in the country and which have not been covered in its earlier Reports.

2.5.3 Robust Institutional Mechanism for Establishing Rule of Law

The country has, over the years, created and sustained strong and effective institutional mechanisms to ensure that the rule of law is maintained and the rights of our citizens are well protected and human dignity upheld. Some of these institutions have been established in our Constitution and others through statutes and executive orders. The Commission in its present Report has examined the structure, powers and functioning of some of these institutions like the National Commissions for the Scheduled Castes and for the Scheduled

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

2.5.4 Competent and Dedicated Workforce

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

2.5.5 Decentralization, Delegation and Accountability

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

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

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

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

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

2.5.6 Adoption of Modern Technology – e-Governance

The Commission has examined various aspects of e-Governance initiatives in India in its Eleventh Report. The Commission has emphasized that even in e-Governance projects, the focus has to be on governance reforms keeping the citizens at the centre stage and using the technological tools made available by the IT revolution to transform the interaction between the citizens and government. The Commission has already made wide ranging recommendations on the subject in the light of both national and international experience.

2.5.7 Transparency and Right to Information

Transparency and Right to Information are an essential pre-condition for good governance. Access to information empowers the citizens to demand and get information about public policies and programmes, thus making the government more accountable and helps to strengthen participatory democracy and citizen centric governance. It enables citizens to keep themselves informed about the policies of the government, the rights that they have and what they should expect as service from the government. These aspects have already been examined in detail by the Commission in its First Report on “Right to Information”. In that Report, the Commission has made detailed recommendations on various aspects of the Right to Information Act and suggested various measures including changes in the Manual of Office Procedure, measures to strengthen the institution of Information Commissioners, the need for capacity building and awareness generation, etc, to facilitate the implementation of the Right to Information Act.

2.5.8 Accountability

In its Tenth Report on “Refurbishing of Personnel Administration”, the Commission had observed as under:

“13.3.1 Accountability also means answerability i.e. questions asked of public officials have to be answered by them. There are two types of questions that can be asked. One type as under the RTI Act merely seeks information/data and involves one way transmission of information. It promotes transparency and to a much lesser degree accountability in Government. The second type of question enquires not just as to what was done but why; and therefore involves a consultative two-way flow of information with the citizens usually providing a feedback in respect of the working of government departments and service delivery of public agencies. Such mechanisms include citizens’ charters, service delivery surveys, social audits, citizens’ report card and outcome surveys. Each of these mechanisms

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

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

2.5.9 Focus on Outcomes – Evaluation and Monitoring

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

2.5.10 Grievance Redressal Mechanisms

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

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

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

by mechanisms for coordination with local governments, is the key principle to be followed.

2.5.11.2 In the present Report, the Commission has examined how meaningful participation by citizens in governance can be promoted through various mechanisms. These would include proactive sharing of information with citizens as required under the RTI Act, setting up of consultative mechanisms for stakeholders, involving citizens groups in certain aspects of governance etc.

2.5.12 Process Simplification

As the Commission has noted in its Report on ‘Ethics in Governance’, simplifying transactions focusing on adoption of Single Window Approach, minimising hierarchial tiers, up-dating and simplification of existing department manuals and codes etc. needs to be brought to the centre-stage of administrative reforms. The Commission has further examined this issue in its Eleventh Report on “e-Governance” where it has made detailed recommendations regarding process re-engineering in all Government organizations focusing on rationality and simplicity ultimately leading to re-designing of governmental forms, processes and structures to make them adaptable to e-Governance backed by procedural, institutional and legal changes. In the present Report, the Commission has made a detailed study of how process simplification could be achieved in a few different areas of citizen-government interface.

2.6 Core Principles for Making Governance Citizen Centric

2.6.1 Rule of Law - Zero Tolerance Strategy

The Commission in its Fifth Report on ‘Public Order’ has stated that in our country there is a tendency for some enforcement agencies not to rigorously enforce the provisions of law. This is particularly evident in case of traffic related violations, civic offences, infringement of pollution control laws etc. For their part, sometimes, the citizens are equally to blame for flouting rules with impunity and without regard to public health, safety and consideration for others. A crackdown on these types of offences in some cities like Delhi, whether enforced by Courts or otherwise, have tended to operate as campaigns and may therefore be unable to create and sustain a long term impact because they are driven by personalities or by court verdicts rather than by the institutions themselves. The Commission has recommended that:

“6.6.4 Recommendations:

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

2.6.2 Making Institutions Vibrant, Responsive and Accountable

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

2.6.3 Active Citizens’ Participation – Decentralization and Delegation

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

2.6.4 Transparency

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

2.6.5 Civil Service Reforms

Civil servants man various institutions of Government. Their attitude, competence, efficiency and approach to governance determines the experience that a citizen has with government. The Commission has made detailed recommendations on civil services reforms in its Report on 'Refurbishing of Personnel Administration'. One of the core principles for reforming the civil services has been 'providing citizen centric administration' so that the governance apparatus becomes an instrument of service to the people.

2.6.6 Ethics in Governance

Ethics is a set of standards that society places on itself and which helps guide behaviors, choices and actions. Corruption and the abuse of office is an important manifestation of the failure of ethics. Ethics in governance, however, has a much wider import than what happens in the different arms of the government. An across-the-board effort is needed to fight deviations from ethical norms. Such an effort needs to include corporate ethics and ethics in business; there is need for ethics in every profession, voluntary organization and civil society structures as these entities are now vitally involved in the process of governance. Finally, there should be ethics in citizen behaviour because such behaviour impinges directly on ethics in government and administration. Recommendations on this have been made in the Report of the Commission on 'Ethics in Governance'.

2.6.7 Process Reforms

After appropriate laws have been enacted, policies laid down and the institutional structure determined, it is important that the appropriate processes are put in place to ensure that they serve the citizens effectively and efficiently. These include well designed citizens' charters with in-built penalties for non-adherence to commitments made, independent, empowered and effective anti-corruption agencies and innovative tools to involve citizens in government's functioning. All these, combined with legislations like the Right to Information Act, will undoubtedly play a major role in promoting a citizen centric administration. In fact, it is this core element which is the focus of this Report.

2.6.8 Periodic & Independent Evaluation of the Quality of Governance

It has been aptly said that what is not monitored, never gets done. This underscores the need to periodically evaluate the quality of governance at all levels. This evaluation can be done internally as well as by external independent agencies. The Planning Commission in the Eleventh Plan Document has emphasized the need to strengthen our monitoring and evaluation capacity and though this may be in the context of programmes and projects, the principle holds good for governance as well. The process reforms required in this connection are dealt with in later chapters of this Report.

FUNCTIONS OF GOVERNMENT

3.1 Functions of Government

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

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

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

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

- a. Regulatory functions
- b. Service providing functions
- c. Developmental functions.

3.2 Regulatory Functions

3.2.1 Thomas Jefferson said government is created to secure the inalienable rights of all citizens - i.e., the right to life, liberty and the pursuit of happiness. If everyone were to be allowed to pursue complete freedom for doing whatever he wants to do and to pursue his happiness, then it could lead to a situation where rights and freedom of other persons may be affected. This necessitates the regulatory role of government. The State enacts laws which impose restrictions on the activities of citizens, in the larger interest of society. In order to enforce these laws, the State creates a large number of organizations which are charged with the implementation of these laws. However, attaining 'optimum regulation' is a challenging task, as a balance has to be achieved between an individual's freedom and society's interest.

3.2.2 In India, as stated earlier, the regulatory role of government stems from the provisions of the Constitution which empower the Union and State Legislatures to make laws on various subjects. Besides, Article 19 of the Constitution empowers the State to impose reasonable restrictions on the exercise of various Rights - conferred by Article 19 - in the interest of public order, sovereignty and integrity of India, protecting the interest of the general public, or in the interest of decency, morality etc. Consequently, there is a plethora of laws and rules which seek to regulate the activities of individuals and groups of individuals. These are in the form of municipal laws and bye-laws, laws governing vehicular traffic, laws governing possession of weapons, laws to prevent public nuisance, taxation laws which impose taxes and stipulate different requirements to be met by the assesseees, laws relating to immigration etc. As mentioned in an earlier paragraph, effective regulation is a delicate balancing exercise and both excessive regulation as well as loose regulation can cause the citizens a great deal of hardship. There are instances where government agencies regulate for the sake of regulation without keeping in mind the ultimate objective of public welfare. Sometimes systemic rigidities, needless complexity and over-centralization lead to a situation where agencies of government function sub-optimally, and efforts of the government machinery do not yield the desired results. There are also large number of cases where public interest is sacrificed because of weak regulations - poor enforcement of municipal building bye-laws led to large scale demolitions in Delhi recently.

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

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

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

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

carry out these regulatory functions. This supervision should primarily be done internally by the supervisory officers and should be supplemented by a periodic assessment by an independent agency.

- c. *Self regulation is the best form of regulation:* In the field of taxation, there has been a shift from departmental assessment to greater reliance on self assessment. This holds good for Union taxes such as Income Tax, State taxes like the VAT and local taxes like the Property Tax. This principle of voluntary compliance can be extended to other fields like building bye-laws, public health regulations etc. To start with, this principle can straightaway be applied to cases where permission/licence is required to be renewed periodically.
- d. *Regulatory procedures to be simple, transparent and citizen friendly:* The Commission in its Report on 'Ethics in Governance' has dealt with a series of systemic reforms to minimize the scope for corruption. These include, simplifying transactions, using IT, promoting transparency, reducing discretion, effective supervision etc.
- e. *Involving citizens' groups, professional organizations in the regulation activities:* The burden of the enforcement machinery can be shared by associating citizens' groups as well as professional organizations to certify compliance and report violations of the regulations to the concerned authorities. Recently, in Delhi the procedure for grant of building permissions has been simplified and registered architects have been authorized to certify the building plans for houses. This has reduced the work of the civic agencies as also delays and corruption. This principle could also be extended to other spheres of activities.

3.3 Service Providing Functions

3.3.1 Government provides a variety of services to citizens ranging from social services like education and health to infrastructural services like power, road, transport and water etc. The Commission in its Report on "Local Governance" has examined the issue of service delivery, particularly health and education and has recommended as follows:

- a. *There is need for a shift in emphasis in the crucial service delivery sectors of education and health from centralized control to decentralized action, from accountability to the State department to accountability to the local communities and from employment guarantee to service guarantee.*

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

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

responsible for these services since these were considered natural monopolies. However, there is now an increasing trend towards privatization of many of these services in order to ensure greater efficiency, competition as well as accountability. Privatization of power distribution in several Indian cities including Delhi reflects this trend. Whether these services are provided by Government or private agencies, there is need to ensure greater efficiency and accountability to the citizens. Ensuring full cost recovery, effective implementation of Citizens' Charters, feedback mechanisms from citizens' groups and public-private partnership are some of the mechanisms to meet these objectives. The subject of Citizens' Charter and involvement of citizens' groups is dealt with in detail in Chapter 4 of this Report.

3.3.3 Single Window System for Delivery of Services

3.3.3.1 One of the ways in which governments across the world have approached efficient and effective service delivery to citizens (and businesses) is by adopting a 'single window system'. The driving force behind this approach is the belief that citizens need not run around different government offices for getting various services. This is achieved through a number of ways. One approach allows a service providing organization to re-engineer its processes in such a way that all the services provided by it get delivered to citizens through a single outlet/unit. Another approach is to establish an organization which would create an infrastructure through which different government organizations are able to provide services to citizens at a single point of delivery. Some governments have adopted an approach where no separate organization is created – all the organizations work in tandem to establish a common service delivery infrastructure.⁸

Box 3.1: Single Window Multi Channel Government (SWMCG) – Germany

SWMCG had its origins in the mid-80s at the municipal level in Germany with a view to create 'one-stop shopping' agencies. Presently, the 'multi-channel' approach integrates the physical access and web-based access systems and offers single window service delivery through the following channels:

1. Municipal Internet Portal – provides comprehensive information, downloads and services
2. Call Centres – provide information, simple services and appointments
3. Citizen Service Centres (CSCs) – provide single window facility for delivering services pertaining to registrations, ID cards, passports, driving licences and crime register attestations. A typical CSC caters to about 100,000 population.

In Germany, CSCs are non-existent at the state and federal levels as most services are delivered by municipal bodies and constitutional law prevents federal and state organs from interfering in municipal activities. However, in case of services like information about policies, taxation, customs, education etc, federal and state web portals are available.

Care has been taken not to overload the CSCs – only the services linked with the core needs of the people, mass services, services which do not require the specialized technical knowledge of the civil servants are being provided. Services which are industry specific or which require the special skills of a government servant or which require collection of additional information have not been loaded on the CSCs.

Source: http://siteresources.worldbank.org/EXT/DEVELOPMENT/Resources/070918_Axel.ppt?resourceurlname=070918_Axel.ppt

⁸Adapted from 'Improving Service Through Single - Window Delivery'; Ralph Heintzman, Assistant Secretary, Service and Innovation, Government of Canada

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

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

3.3.4. Recommendations:

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

3.4 Developmental Functions of Government

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

one of these programmes has its specific features and guidelines. The Commission in its Second Report examined in detail the issues regarding implementation of the National Rural Employment Guarantee Act (NREGA) and made comprehensive recommendation for effective implementation of this law. Without going into specific details of the other important programmes of Government, the Commission would like to suggest that the principle of subsidiarity should be adopted in implementing various programmes. While doing so, citizens should be involved in all stages of these programmes and social audit should be made mandatory for all developmental programmes.

3.4.2 Recommendations:

- a. The principle of subsidiarity should be followed while deciding on the implementation machinery for any programme.**
- b. Citizens should be actively involved in all stages of these programmes i.e. planning, implementation and monitoring.**
- c. Mandatory social audit should be carried out for all programmes.**
- d. Impact assessment should be carried out for all programmes at periodic intervals.**

CITIZENS' CHARTERS

4.1 Introduction

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

4.2 Evolution of the Citizens' Charter

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

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

4.2.2 A Citizens' Charter is a public statement that defines the entitlements of citizens to a specific service, the standards of the service, the conditions to be met by users, and the remedies available to the latter in case of non-compliance of standards. The Charter concept empowers the citizens in demanding committed standards of service. Thus, the basic thrust of Citizens' Charter is to make public services citizen centric by ensuring that these services are demand driven rather than supply driven. In this context, the six principles of the Citizens' Charter movement as originally framed were:⁹

- i. Quality - improving the quality of services;*
- ii. Choice - for the users wherever possible;*
- iii. Standards - specifying what to expect within a time frame;*
- iv. Value - for the taxpayers' money;*
- v. Accountability - of the service provider (individual as well as Organization); and*
- vi. Transparency - in rules, procedures, schemes and grievance redressal.*

These were revised in 1998 as nine principles of service delivery in the following manner:¹⁰

- i. Set standards of service;*
- ii. Be open and provide full information;*
- iii. Consult and involve;*
- iv. Encourage access and promote choice;*
- v. Treat all fairly;*
- vi. Put things right when they go wrong;*
- vii. Use resources effectively;*
- viii. Innovate and improve; and*
- ix. Work with other providers.*

⁹Source: <http://goicharters.nic.in/ccinitiative.htm>

¹⁰Source : <http://goicharters.nic.in/ccinitiative.htm>

4.3 The Charter Mark

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

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

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

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

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

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

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

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

¹³ibid

The Charter Mark scheme is something of an unsung success story. Charter Mark holders are generally very positive about the scheme. They feel it is a valuable management tool in driving up standards and that it helps motivate members of staff. There is much anecdotal, but little hard evidence of the Charter Mark's effectiveness. The Charter Mark Scheme continues to prosper, but percentage penetration of the whole public sector – and therefore overall impact – remains quite low. There is now a very low level of public awareness of the Charter Mark, and a general scepticism about quality schemes and awards was displayed by members of the public that we met in focus groups. However, on balance, people do believe that the holding of some form of quality scheme or award might influence choice where this applies. It is to be noted that most public services do have performance standards and report to Parliament and the Public on how well they have met these. Most public service providers do also measure levels of customer satisfaction however this is often not particularly rigorous. Comparisons even within sectors are difficult to make, with a few notable exceptions. We have also recognised that there has been research in a number of countries on the fundamental drivers of customer satisfaction. Such research has been undertaken in the UK and generated consistent conclusions. In summary, the key drivers of customer satisfaction within public services are considered to be:

- *Delivery of promised outcomes and handling problems effectively;*
- *Timeliness of service provision;*
- *Accurate and comprehensive information, and progress reports provided;*
- *Professionalism and competence of staff and treating customers fairly; and*
- *Staff attitudes – friendly, polite and sympathetic to customers' needs.*

4.3.6 Pursuant to the recommendations made in the Bernard Herdan Report, the Charter Mark Scheme was modified and the 'Customer Service Excellence' scheme was launched in 2008. Like the Charter Mark Scheme, under the new scheme also, public service organizations are encouraged to seek 'Customer Service Excellence' through a formal independent assessment process based on the following five criteria:

- i. Customer Insight.
- ii. Culture of the Organisation.
- iii. Information and Access.

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

4.4 The Indian Experience of Citizens' Charter

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

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

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

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

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

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

Source: India Corruption Study – 2008; Transparency International India

¹⁴Extracted from the Website of DAR&PG

- d. Begin with a statement of the service(s) being offered;
- e. A mention is made against each service about the entitlement of the user, service standards and remedies available to the user in case of non-adherence to standards;
- f. Procedures/costs/charges should be made available on line/display boards/booklets/inquiry counters etc at places specified in the Charter;
- g. Indicate clearly, that while these are not justiciable, the commitments enshrined in the Charter are in the nature of a promise to be fulfilled with oneself and with the user;
- h. Frame a structure for obtaining feedback and performance audit and fix a schedule for reviewing the Charter at least every six months; and
- i. Separate Charters can be framed for distinct services and for organizations/agencies/attached or subordinate to a Ministry/Department.

4.4.3 DAR & PG, in collaboration with the Consumer Coordination Council, New Delhi, undertook an evaluation of the Citizens' Charter programme in 1998. The initiative at that time was at a nascent stage, but the findings were encouraging. Subsequently, a professional agency was engaged from 2002 to 2003 to develop a standardized model for internal and external evaluations of Charters. Some of the findings of the agency were:¹⁵

- i. In a majority of cases, the Charters were not formulated through a consultative process;
- ii. By and large, service providers were not familiar with the philosophy, goals and main features of the Charter;
- iii. Adequate publicity to the Charters had not been given in any of the Departments evaluated. In most Departments, the Charters are only in the initial or middle stage of implementation; and
- iv. No funds have been specifically earmarked for awareness generation of Citizens' Charter or for orientation of the staff on various components of the Charter.

4.4.4 Some of the recommendations of this agency were:¹⁶

- a. Need for citizens and staff to be consulted at every stage of formulation of the Charter,

¹⁵<http://darpg.nic.in/arpg-website/reforminitiatives/CitizenCentricInitiative/CitizensChartersIndianExperience.asp> (retrieved on 14-1-09)

¹⁶<http://darpg.nic.in/arpg-website/reforminitiatives/CitizenCentricInitiative/CitizensChartersIndianExperience.asp>

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

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

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

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

Table 4.1: Overall Assessment of Citizens' Charters

Charter Component	% of Total Score Obtained						Overall
	Social Dev.	Agriculture & Rural Dev.	Infrastructure	Environment	Industry	General Admin.	
Vision & Mission Statement	68%	69%	76%	83%	85%	64%	73%
Business Transacted	81%	84%	91%	91%	81%	88%	85%
Related Legislation	37%	14%	26%	50%	34%	67%	35%
Information About Dept.	41%	54%	40%	85%	58%	59%	50%
List of Services	24%	21%	22%	24%	22%	25%	23%
Quality Standards	50%	61%	69%	59%	59%	44%	57%
Citizens' Duties	41%	28%	54%	63%	23%	41%	41%
Rights and Compensation	20%	17%	24%	31%	12%	26%	21%
Grievance Redress	36%	39%	39%	59%	38%	34%	38%
Citizen Friendly Measures	62%	61%	67%	61%	59%	51%	63%
Overall (% of Total Points)	41%	43%	45%	55%	44%	44%	44%
Avg. Score (Points)	41.2%	42.7%	45.2%	54.5%	44.2%	44.1%	43.9%

Note: Percentages indicate the average fraction of the total possible number of points (100) a Citizens' Charter could receive for a given charter component.

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

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

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

- g. The Charters were devoid of participative mechanisms for effective performance.

4.5 Analysis of Two Citizens' Charters

4.5.1 The Commission has studied the Citizens' Charters of the following two Organisations:

- a. Income Tax Department.
[Annexure IV(1)]
- b. Delhi Transport Corporation.
[Annexure IV(2)]

4.5.2 Citizens' Charter of the Income Tax Department (Government of India):¹⁷

4.5.2.1 The Citizens' Charter (March, 2007) aims at promoting compliance with Direct Tax Laws through quality taxpayer services encouraging voluntary compliance and firm administration. The objectives laid down by the Department for itself include 18 action points. These are aimed at improving service delivery on matters ranging from dissemination of information and generating awareness to issue of refunds, giving effect to orders, disposal of rectification and other applications and redressal of grievances. Out of these 18 action points, 16 mention specific time frames for providing respective services. To mention a few:

- i. Refund should be issued along with interest, if any, within 9 months from the end of the month in which the return, complete in all respects, is received.
- ii. Effect to appellate/revision order should be given within 45 days from the date of receipt of the appellate/revision order by the A.O.
- iii. Rectification application should be disposed of within 2 months from the end of the month in which the application is received.

Box 4.2: Trains in Europe Provide Compensation for Late Running

Thalys International (A train in Europe) provide compensation for delays of more than 30 minutes, except in cases of force majeure. To be more precise, if Thalys reaches its destination more than 30, 60 or 120 minutes late, Thalys offers you 20, 50 or 100% of the price of the journey in question (only for Thalys tickets on an international journey). This compensation consists of travel vouchers to be used on another Thalys journey.

Eurostar (Train between France and the UK) undertakes to provide the following compensation:

Delays of 61 to 180 minutes (inclusive):

One free single ticket or 50% reduction on the cost of any Eurostar journey on the Brussels-London or Paris-London lines.

Delays of 181 minutes and more:

Reimbursement of the single journey that was delayed.

Source: <http://www.b-rail.be/int/E/services/compensation/index.php#thalys>

¹⁷<http://www.incometaxindia.gov.in/citizenscharters.asp>

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

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

4.5.3 Citizens' Charter of the Delhi Transport Corporation:¹⁸

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

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

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

- iv. Commuter care: *‘With a view to be able to take better care of its commuters, the Corporation plans:*
 - a. *To optimize its fleet strength*
 - b. *To diversify*
 - c. *To equip all its buses with GPS based Automatic Vehicle Tracking System, etc.*
- v. The Charter also gives information about ‘the requirements to be fulfilled for different categories of bus-passes’.

4.5.3.2 Thus, this Charter does not provide the citizens with time-frames for any citizen-centric activity on the part of the organization. The Charter should also have incorporated standards such as:

- i. *Standards of Cleanliness:* Specifying benchmarks such as ‘Buses shall be cleaned once a day’.
- ii. *Standards of Punctuality:* Specifying benchmarks to point out the maximum acceptable late running time.
- iii. *Standards of Overloading:* Specifying benchmarks for maximum allowable number of passengers in a bus.
- iv. *Equipment Quality Standards:* Specifying limits for number of running kilometers allowable for a bus, specifying quality of seating equipment etc.
- v. *Safety Standards:* Specifying adherence to benchmarks such as maximum speed limit of 40 KMPH or so for buses.
- vi. *Bus Personnel Standards:* Specifying bench marks for uniforms, behaviour with commuters etc.
- vii. *Standards for Response to Grievances/Complaints:* Specifying time frames response to various types of grievances/complaints, non-adherence to standards specified in the Charter etc.

4.5.4 The analysis of different Charters brings out the following:

- Measurable standards of delivery are rarely spelt out in the Charters.
- As the standards of delivery are seldom defined, it becomes difficult to assess whether the desired level of service has been achieved or not.

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

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

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

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

*Adapted from the report furnished by PAC.

resources to experiment with standards, grievances redressal mechanisms or training. They may also need more time for internal restructuring of the service delivery chain or introducing new systems. Therefore, the Commission is of the view that formulation of Citizens' Charters should be a decentralized activity with the head office providing broad guidelines.

- iii. *Wide consultation process:* Citizens' Charters should be formulated after extensive consultations within the organization followed by a meaningful dialogue with civil society. Inputs from experts should also be considered at this stage.
- iv. *Firm commitments to be made:* Citizens' Charters must be precise and make firm commitments of service delivery standards to the citizens/consumers in quantifiable terms wherever possible. With the passage of time, an effort should be made for more stringent standards of service delivery.
- v. *Redressal mechanism in case of default:* Citizens' Charter should clearly lay down the relief which the organization is bound to provide if it has defaulted on the promised standards of delivery. In addition, wherever there is a default in the service delivery by the organization, citizens must also have recourse to a grievances redressal mechanism. This will be discussed further in the next chapter on grievances redressal mechanisms.

Box 4.3: The Parliamentary Committee's Views on Citizens' Charters

The Committee is of the firm opinion that Citizens' Charters specify standards of services and time limits that the public can reasonably expect from the organization. It also contains the details of grievances redressal mechanism and how it can be accessed. It, therefore, provides for an independent mechanism with the involvement of citizens and consumer groups. The Committee notes that in most of the Government organizations, the Charters are in the initial or middle stage of formulation and implementation. These need to be expedited and put in place on priority. Further, in most cases, Citizens' Charters are not formulated through a consultative process. The Committee, therefore, recommends that there is a need for citizens and staff to be consulted at every stage of formulation of the Charter and there is a need for orientation of staff about the salient features and goals of the Charter.

The Committee also recommends that the Charters so formulated by each of the Ministries/Department/State Governments/UTs should be widely publicized through print/electronic media and displayed at conspicuous places in the organization or establishment.

The Committee is of the view that Charter should be precise and as far as possible simple and spoken language should be used.

Source: Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice; Twenty Ninth Report on Public Grievances Redressal Mechanism, 2008

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

4.6.2 Recommendations:

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

- iii. Wide consultation which include Civil Society in the process.*
- iv. Firm commitments to be made.*
- v. Internal processes and structure should be reformed to meet the commitments given in the Charter.*
- vi. Redressal mechanism in case of default.*
- vii. Periodic evaluation of Citizens' Charters.*
- viii. Benchmark using end-user feedback.*
- ix. Hold officers accountable for results.*

4.7 The Sevottam Model

4.7.1 *Sevottam*¹⁹ is a Service Delivery Excellence Model which provides an assessment-improvement framework to bring about excellence in public service delivery. The need for a tool like Sevottam arose from the fact that Citizens' Charters by themselves could not achieve the desired results in improving quality of public services. Besides, the absence of a credible grievances redressal mechanism within organizations was also becoming a major impediment in improving service delivery standards. Thus, it was felt that unless there is a mechanism to assess the outcomes of various measures, the reform initiatives would not yield the desired results. The Sevottam model works as an evaluation mechanism to assess the quality of internal processes and their impact on the quality of service delivery.

4.7.2 The Sevottam model has three modules.²⁰ The first component of the model requires effective Charter implementation thereby opening up a channel for receiving citizens' inputs into the way in which organizations determine service delivery requirements. Citizens' Charters publicly declare the information on citizens' entitlements thereby making citizens better informed and hence empowering them to demand better services. The second component of the model, 'Public Grievance Redress' requires a good grievance redressal system operating in a manner that leaves the citizen more satisfied with how the organization responds to complaints/grievances, irrespective of the final decision. The third component 'Excellence in Service Delivery', postulates that an organization can have an excellent performance in service delivery only if it is efficiently managing well the key ingredients for good service delivery and building its own capacity to continuously improve service delivery.

¹⁹The term Sevottam is formed by joining two Hindi words *seva* and *uttam* meaning service and excellence respectively.

²⁰Extracted from a booklet on Sevottam, published by the Department of Administrative Reforms and Public Grievances, Government of India.

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

Table 4.2: Sevottam Model : Assessment Criteria

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

Table 4.2: Sevottam Model : Assessment Criteria			Contd.
Modules	9 Criteria	33 Questions	
SERVICE DELIVERY CAPABILITY	CUSTOMERS	3.1.1 How do you determine citizen satisfaction levels and implement steps required for improving the same?	
		3.1.2 How do you measure citizen satisfaction across the organization and for particular service deliver outlets?	
		3.1.3 How do you link citizen satisfaction results to charter review and to other processes affecting service delivery?	
		3.1.4 How do you prepare and implement guidelines that encourage your outlet for creating a citizen focused organization?	
		3.1.5 How do you find out and distinguish among outlets on the basis of service delivery, and implement steps required to improve the same?	
	EMPLOYEES	3.2.1 How do you encourage and ensure courteous, punctual, and prompt service delivery by your frontline staff?	
		3.2.2 How do you prepare and implement guidelines to encourage the willingness of the frontline staff to accept responsibilities for service delivery as per citizen expectations?	
		3.2.3 How do you encourage healthy competition among your outlets for improved service delivery?	
	INFRASTRUCTURE	3.3.1 How do you determine and implement minimum standards of service for convenience of citizens such as putting signage, placing waiting benches, drinking water and other needs?	
		3.3.2 How do you determine the resources that are required taking into account service delivery needs, current budgets, current channels of service delivery to ensure resource availability/utilization as per plans/requirements and standards fixed for service delivery?	
		3.3.3 How do you prepare and implement guidelines that encourage outlets to continuously improve service delivery?	

4.7.4 The Sixth Central Pay Commission observed as follows:

The citizen centric governance commitment of Government of India has led to development of a model for public service delivery (Sevottam). The model has been developed through extensive consultations with multiple stake holders and it has led to development of Indian Standard IS: 15700: 2005. By doing that, India has become the first country to have a published standard for Public Service Delivery. We are of the view

Box 4.4: Some Stipulations in IS 15700:2005

The Citizens' Charter shall contain:

1. Vision and mission statement of the organisation.
2. List of key service(s) being offered by the organisation, and
3. Measurable service standards for the service(s) provided and remedies available to the customer for non-compliance to the standards.

The Citizens Charter shall:

1. Represent a systematic effort of the organisation to focus on its commitment towards its customers.
2. Be simple and easily understandable and also printed in local languages, as required.
3. Be non-discriminatory.
4. Describe or refer to complaint handling process.
5. Include the name, address, telephone number and other contact details of the public grievance officer.
6. Be periodically reviewed for up-dates and continual improvement.
7. Highlight expectations of the organisation from its customers where required.
8. Provide information on the date of issue of the Citizens Charter and persons who were consulted during its preparation.

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

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

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

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

Table 4.3 : Sevottam Model : From Process to Quality of Services <i>Contd.</i>			
Modules	9 Criteria	33 Questions	Suggested questions to evaluate the quality of services
CITIZENS' CHARTERS	REVIEW	1.3.1 How do you find out whether your Charter is serving its purpose and take measures to enhance its effectiveness?	What are the findings of an independent evaluation report regarding adherence to the standards and norm specified in the Charter?
		1.3.2 How do you incorporate legislative changes (e.g. introduction of Right to Information Act, etc.) and other relevant provisions/developments in your Charter revision process?	How frequently do you upgrade your Charter?
		1.3.3 How do you ensure that frontline staff and the citizens are aware of the basis for making changes as above?	Are the staff at the cutting-edge level and the citizens aware of these upgradess?
PUBLIC GRIEVANCE REDRESS	RECEIPT	2.1.1 How do you prepare and implement guidelines for spreading awareness on public grievances process and ensure that citizens get information they need?	Are the citizens aware of the grievance redressal mechanism? To what extent?
		2.1.2 How do you prepare and implement guidelines for recording and classifying grievances?	How do you ensure that all the grievances received by the organization are registered and classified according to their nature? How do you check cases of non-registration of grievances?
		2.1.3 How do you prepare and implement guidelines for multiple channels of grievance redress such as toll-free telephone lines, web site, etc?	
	REDRESS	2.2.1 How do you determine time norms for acknowledgement, and redress of grievances/complaints received?	While registering grievances, do you acknowledge the time norms for their redressal? Do you have checks in place to ensure the adherence to such time norms? In how many cases were the grievances redressed to the satisfaction of the citizen?
		2.2.2 How do you ensure that the time norms as above are adhered to?	
		2.2.3 How do you continuously improve the system and use forums like Jan Sunwai, Lok Adalats and other single window disposal systems to expedite grievance redress?	
	PREVENTION	2.3.1 How do you use grievance analysis while preparing annual action plans and strategy of the organization?	
		2.3.2 How do you find out grievance prone areas and communicate them to the officer/team responsible for service delivery improvement and to the Public Grievance Redress Officer?	What are the improvements in internal processes for reducing the grievances? Has it led to reduction in the number of grievances?
		2.3.3 How do you link grievance analysis to Charter review and to other guidelines so that complaint prone areas are improved upon?	
		2.3.4 How do you measure and track the progress on improvements required to reduce complaint prone areas?	
		2.3.5 How do you ensure that frontline staff and the citizens are aware of improvements made in grievance redress mechanism?	

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

Contd.

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

4.8 A New Approach for Making Organizations Citizen Centric

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

they are complementary to each other. The Sevottam model seeks to assess an organization on (i) implementation of the Citizens' Charter, (ii) implementation of grievances redressal system and (iii) service delivery capability.

4.8.2 The Sevottam model is in the take off stage. The Commission is of the view that a model to make administration citizen centric should be easy to understand both by the citizens and the organizations. Therefore, prescribing a rigid model and implementing it, following a top-down approach is not always the best option. Since the maximum interaction of citizens takes place with field formations, it is necessary that reforms for enshrining a citizens' centric administration take place at that level rather than following a trickle down approach by concentrating on reforms at the apex level. The Commission during its visit to various States and organisations met citizens who observed that the large number of reforms carried out at Headquarters do not trickle down to the cutting edge level and therefore the real benefits do not flow down to large number of citizens. Examples most often cited, pertain to lack of citizen centric reforms at the village level because of which *Patwaris* and other officials, continue to be indifferent and corrupt.

4.8.3 The same approach is also necessary for Citizens' Charter. Today, most of the field formations either do not have a Citizens' Charter or they adopt a generic one provided by the Headquarters.

4.9 The ARC Seven Step Model for Citizen Centricity

This model draws from the principles of the IS 15700:2005, the Sevottam model and the Customer Service Excellence Model of the UK. Each organization should follow a step by step approach which would help it in becoming increasingly more citizen centric. This approach should be followed not only by the top management but also by each unit of the organization that has a public interface. The top management has the dual responsibility of setting standards for itself as well as guiding the subordinate offices in setting their own standards. Besides, all supervisory levels should ensure that the standards set by the subordinate offices are realistic and are in synergy with the broad organizational goals. Thus, though each office would have the autonomy to set standards, these would have to be in consonance with the organizational policies.

- a. **Define** all services which you provide and identify your clients.
- b. **Set** standards and norms for each service.
- c. **Develop** capability to meet the set standards.

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

4.9.1 Step 1: Define Services

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

4.9.2 Step 2: Set Standards

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

4.9.3 Step 3: Develop Capacity

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

4.9.4 Step 4: Perform

Having defined the standards as well as developed the organizational capacity, internal mechanisms have to be evolved to ensure that each individual and unit in the organization performs to achieve the standards. Having a sound performance management system would enable the organizations to guide individuals' performance towards organizational goals.

4.9.5 Step 5: Monitor

Well articulated standards of performance would be meaningful only if they are adhered to. Each organization should develop a monitoring mechanism to ensure that the commitments made regarding the quality of service are kept. Since all commitments have to form a part of the Citizens' Charter, it would be desirable that an automatic mechanism is provided which signals any breach of committed standard. This would involve taking corrective measures continuously till the system stabilizes. Compliance to standards would be better if it is backed up by a system of rewards and punishments.

4.9.6 Step 6: Evaluate

It is necessary that there is an evaluation of the extent of customer satisfaction by an external agency. This evaluation could be through random surveys, citizens' report cards, obtaining feedback from citizens during periodic interactions or even an assessment by a professional body. Such an evaluation would bring out the degree to which the unit is citizen centric or otherwise. It would also highlight the areas wherein there have been improvements and those which require further improvement. This would become an input in the continuous review of the system.

4.9.7 Step 7: Continuous Improvement

Improvement in the quality of services is a continuous process. With rising aspirations of the citizens, new services would have to be introduced, based on the monitoring and evaluation, standards would have to be revised and even the internal capability and systems would require continuous upgradation.

4.9.8 The Commission is of the view that the approach outlined in the model described is quite simple and there should be no difficulty for any organization or any of its units to adopt this approach and make it citizen centric. The Commission would like to recommend that the Union Government as well as State Governments should make this model mandatory for all public service organizations.

4.9.9 Recommendation:

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

5.1 Peoples' Participation in Governance

5.1.1 Governance comprises the mechanisms, processes and institutions through which collective decisions are made and implemented, citizens' groups and communities pursue their vision, articulate their interests, exercise their legal rights, meet their obligations and mediate their differences. (UNDP 1997).

5.1.2 Citizens' participation in governance embodies a shift in the development paradigm from citizens as the recipients of development to one that views them as active participants in the development process. Equally, it involves a shift from a "top-down" to a "bottom-up" approach to development involving increasing decentralization of power away from the Union Government and closer to grassroots levels, i.e. "Subsidiarity" which the Commission has gone into in detail in its Sixth Report on "Local Governance". The concept of citizens' participation in governance is essentially based on the premise that citizens have a legitimate role in influencing decision making processes that affect their lives, their businesses and their communities. In other words, citizens' participation refers to the mechanism and modalities by which citizens can influence and take control over resources and decision making that directly impacts their lives. At the ideological level, direct citizens' participation in governance is seen as contributing to a healthy democracy because it enhances and improves upon the traditional form of representative democracy to transform it into more responsive and thus a participative grassroots democracy.

5.1.3 It is now widely accepted that active citizens' participation can contribute to good governance in the following ways:

- i) It enables citizens to demand accountability and helps to make government more responsive, efficient and effective.
- ii) It helps to make government programmes and services more effective and sustainable.

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

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

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

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

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

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

5.2 Citizens Seeking Information

5.2.1 Access to information is a fundamental pre-requisite for ensuring citizens' participation in governance. Making information available (on procedures, prices, application forms, officers to be contacted for grievance redressal etc) is the first step in any strategy to empower citizens for their interaction with government. The Right to Information Act in India has in essence already laid down the ground-work for ensuring this pre-requisite for citizens' participation in governance but it is only by greater citizens' awareness of their rights under this Act that its vision of transparency can be realized. The Commission in its First Report on the 'Right to Information Act' has already given detailed recommendations on the improvements needed in the implementation of the Right to Information Act to fully achieve its objectives. Those recommendations are reiterated here as being critical to encouraging citizens' participation in governance.

5.3 Citizens Giving Suggestions

5.3.1 Listening to the voice of citizens not just during periodic elections but on an ongoing basis is the starting point of participation of citizens in governance. Such listening could be done through public hearings, surveys, referenda etc. where citizens can give their suggestions with regard to their problems as well as the possible solutions. Citizens are in the best position to articulate their needs and suggest the appropriate solutions which is why there is often need to complement local knowledge and skills with governmental expertise. Such participation can lead to proactive engagement with the policy making process thus creating entry points for further participation and mobilization of citizens to enter the arena of governance.

5.3.2 To illustrate, the Bangalore Agenda Task Force (BATF) was set up in 1999 with the goal of transforming Bangalore into a world class city with the participation of its leading citizens including the heads of its major IT companies, as well as prominent members of the Bangalore civic community. BATF was asked to explore how to improve city services and infrastructure, expand the city resource base and enhance the administrative capacity of the city corporation. The BATF held public summits in the presence of the media and the Chief Minister every six months to follow up these objectives. This engagement not only gave citizens' groups the opportunity to make suggestions on what needed to be done but also enforced accountability in the city service providers by creating a forum where their promises, once made, had to be fulfilled in a time bound manner.²¹

5.3.3 The Commission is of the view that suggestions of citizens can be of great help both at the level of policy making and implementation since citizens are in the best position to

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

5.4 Citizens Demanding Better Services

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

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

resolution, and (iii) a monitoring and evaluation mechanism to ensure that the norms prescribed are complied with. Use of information technology tools can help to make such a system more accessible for citizens. The Commission feels that the heads of all government organizations should be made responsible for ensuring the development of such a system for responding to the complaints of citizens, on a time bound basis.

5.5 Citizens Holding Service Providers and Government Agencies Accountable

5.5.1 Making public agencies work and ensuring that their service delivery would

meet the criteria of efficiency, equity and customer satisfaction, requires citizens to voice their grievance and their dissatisfaction in an organized manner. The mechanisms used could include citizens feedback and surveys, citizens' report card and social audit. To illustrate, *“three citizens' report cards (CRC) on city services in Bangalore conducted by the Public Affairs Centre (PAC) – in 1994, 1999 and 2003 – showed a significant improvement in the quality of services provided by city agencies (Balakrishnan, 2005). ... The three utilities – the Bangalore Electric Supply Company, the telecom company (BSNL) and the Bangalore Water Supply and Sewerage Board (BWSSB) – showed major improvements across all three report cards; the Bangalore Mahanagara Palike (BMP; city corporation), public hospitals, and the Bangalore Development Authority (BDA) improved fastest between 1994 and 1999, with satisfaction ratings remaining steady or falling marginally in the 1999-2003 period. Bangalore's five regional transport offices (RTOs) recorded major improvements between 1999 and 2003, reflecting reforms, including the use of e-governance)”*.²³

5.5.2 The Commission is of the view that citizens should be given the opportunity to rate the services provided by government organizations, on a periodic basis. Regular citizens' feedback and survey and citizens report cards should therefore be evolved by all departments for this purpose. This would not only give a voice to the citizens but also enable the agencies concerned to judge satisfaction ratings and the need for improvement.

Box: 5.1 : Citizen Report Cards (CRC) – Bengaluru

The Public Affairs Centre, Bengaluru presented three Citizen Report Cards (1994, 1999 and 2003). The objectives of the surveys were to find out: 1) how satisfactory were the public services from the users' perspective; 2) what aspects of the services were satisfactory and what were not; and 3) what were the direct and indirect costs incurred by the users for these services. Satisfaction was measured on a rating scale (1 to 7) and aggregated to yield averages for its different dimensions.

A comparison of the performance of different service providing agencies over the last ten years (i.e. the period of time between the three reports) revealed a significant improvement in the satisfaction of users of services. Of the nine agencies on which citizens of Bangalore provided feedback, all received satisfaction ratings above 70% in the third survey (2003) in contrast to less than 40% in 1999 and much lower ratings in 1994.

Source: <http://www.sasanet.org/documents/Case%20Studies/Bangalore%20Citizen%20report%20card.pdf>

5.6 Active Citizens' Participation in Administration / Decision-making

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

Box 5.2: Communitisation of Services in Nagaland

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

Source: Government of Nagaland

5.6.2 Social Audit

Social audit generally refers to engagement of the stakeholders in measuring the achievement of objectives under any or all of the activities of a government organization, especially those pertaining to developmental goals. The basic aim here is to have an understanding of an activity from the perspective of the vast majority of people in society for whom the institutional/administrative system is designed and to improve upon it. Various participation techniques are used to involve all stakeholders in measuring, understanding, reporting and improving the social performance of an organization or activity. The whole process is intended as a means for social engagement, transparency and communication of information, leading to greater accountability of decision-makers, representatives, managers and officials. It can be a continuous process covering all the stages of the target activity/programme.²⁴

Box 5.3: Bhagidari: Citizens' Participation in Governance - Delhi

“Bhagidari”, the Citizens' Partnership in Governance –

- is a means for facilitating citywide changes in Delhi,
- utilises processes and principles of multi-stakeholders (citizen groups, NGOs, the Government) collaboration,
- applies the method of Large Group Interactive Events
- aims to develop 'joint ownership' by the citizens and government of the change process.
- facilitates people's participation in governance

The initiative launched in January 2000 has firmed up and become a movement in eight years. More than 2000 citizens' groups have become 'Bhagidars' in governance after having participated in various Bhagidari workshops. The “Bhagidars” have not only been successful in solving their day-to-day problems, but have also been providing help to public utility departments in maintenance and up-gradation of services. Some examples are:-

1. Successful implementation of 'Clean Yamuna', 'Say no to plastic bags' and 'No crackers on Diwali' campaigns.
2. Switching on/off of streetlights by RWAs.
3. Meter reading by RWAs in their residential colony.

Source: <http://delhigovt.nic.in/bhagi.asp#1>

5.6.3 In its earlier Reports (the Second, Third and Sixth Reports), the Commission has emphasized the need for institutionalizing a system of social audit for improving local service delivery and to this end, the Commission in its Sixth Report, on “Local Governance” has made the following recommendation: *“For establishing robust social audit norms, every State Government must take immediate steps to implement the action points suggested in para 5.9.5 of the Report of the Expert Group on ‘Planning at the Grassroots Level’.*

5.6.3.1 *Gram Sabha:* As noted in the Commission's Report on “Local Governance”- *The Gram Sabha occupies a central place in the entire scheme of local governance because it is this body which provides an opportunity to the individual villager to participate in the local decision making processes. The Commission went on to add : The Commission is of the view that in order to have effective popular participation at the micro level, the large Gram Panchayats should be split into a number of wards/areas. Representing a unit of smaller habitation or cluster, the*

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

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

5.7 Encouraging Citizens' Participation

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

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

a) *A comprehensive review of policy and practice in each department/public agency:*

An assessment should first be made of existing mechanisms for citizens' participation in governance within each agency/department in order to develop sustainable and effective mechanisms for the same. A focused review for a department cutting across central, regional, and state agencies will ensure the development of core values, principles, and successful best practices.

b) *Modifying administrative procedures where necessary:*

It would have to be ensured that the procedures, budgets, and schedules for policy and programme development create adequate "windows" for citizens' involvement along with a transparent and accountable decision-making process.

c) *Entrustment of the function of institutionalizing citizens' participation in governance to a senior level officer:*

A senior officer reporting to the head of the agency would need to be tasked with this function with adequate resources and authority so that the issue gets the required priority on a sustainable basis.

d) *Performance management reviews to incorporate effectiveness in ensuring citizens' participation in governance:*

The performance management reviews of senior officers may incorporate their role in encouraging citizens' participation in governance.

5.7.3 Innovative experiments are being made by government and reputed voluntary organizations in the field of citizens' participation, as for example, the one on 'City Connect' in Chennai and Bengaluru, by Janaagraha for providing a platform to various stakeholders to interact with and support the government for improvement of urban infrastructure and the one on 'Bhagidari' by Government of NCT of Delhi for facilitating citizens' participation in maintenance and up-gradation of services. Active and cooperative involvement of government agencies in such efforts would also promote citizens' participation.

5.7.4 Recommendations:

- a. **It should be mandatory for all government organizations to develop a suitable mechanism for receipt of suggestions from citizens, which could**

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

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

5.8 Enabling Women's Participation

Because of socio-cultural mores and seclusion norms, women in many parts of our country find it more difficult to approach and access government offices/services. This gender perspective must be kept in mind by all government authorities and agencies while ensuring participation of citizens in governance as discussed in earlier paragraphs. This will imply that special measures and mechanisms including in its Citizens' Charters will be required to obtain inputs, suggestions and participation of women in government's policies and programmes. This is particularly important since women are the focus of many of our socio-economic programmes and are also the prime users of resources like water, etc., particularly in rural areas. Encouraging full participation of women as a part of citizen centric administration and obtaining their feedback will ensure that their suggestions and perspectives based on ground realities are adequately reflected in various policies and programmes including in grievance redressal and other mechanisms.

5.9 The Physically Challenged

5.9.1 As per the 2001 Census, there are 2.19 crore persons with disabilities in India (2.13% of the total population) which include persons with visual, hearing, speech, locomotor and able mental disabilities. A citizen centric administration should cater to the special needs of this section of its population and fully involve them in the process of governance. India is a signatory to the Proclamation on the Full Participation and Equality of People with Disabilities in the Asian and the Pacific Region (April, 1993). This Proclamation stated:²⁵

"3. Throughout the region, the opportunities for full participation and equality for people with disabilities, especially in the fields of rehabilitation, education and employment, continue to be far less than those for their non-disabled peers. This is largely because negative social attitudes exclude persons with disabilities from an equal share in their entitlements as citizens. Such attitudes also curtail the opportunities of people with disabilities for social contact and close personal relationships with others. The social stigma associated all too often with disabilities must be eradicated.

4. The built environment throughout much of Asia and the Pacific has been designed without consideration for the special needs of persons with disabilities. Physical obstacles and social barriers prevent citizens with disabilities from participating in community and national life. The various impediments to participation and equality are especially formidable for girls and women with disabilities. With improved attitudes, increased awareness and much care, we can build social and physical environments that are accessible for all, i.e., we must work towards a society for all. ..."

²⁵Source: <http://www.unescap.org/esid/psis/disability/decade/about.asp>

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

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

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

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

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

5.9.6 Government of India has issued ‘The Persons with Disabilities’ (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1996. These Rules have enunciated guidelines for evaluation and assessment of various disabilities and issue of disability certificate. Rule (1) provides:

- a. A Disability Certificate shall be issued by a Medical Board duly constituted by the Central and the State Government.*
- b. The State Government may constitute a Medical Board consisting of at least three members out of which at least one shall be a specialist in the particular field for assessing locomotor/visual including low vision/hearing and speech disability, mental retardation and leprosy cured, as the case may be.*
- c. The Medical Board shall, after due examination, give a permanent Disability Certificate in cases of such permanent disabilities where there are no chances of variation in the degree of disability.*
- d. The Medical Board shall indicate the period of validity in the certificate in cases where there is any chance of variation in the degree of disability.*
- e. No refusal of Disability Certificates shall be made unless an opportunity is given to the applicant of being heard.*
- f. On representation by the applicant, the Medical Board may review its decision having regard to all the facts and circumstances of the case and pass such order in the matter as it thinks fit.*

The certificate issued by the Medical Board under Rule 5 shall make a person eligible to apply for facilities, concessions and benefits admissible under schemes of the Governments or Non-Governmental Organization, subject to such conditions as the Central or the State Government may impose.

5.9.7 The Ministry of Social Justice and Empowerment has issued detailed guidelines describing the procedure for the aforesaid certification. Even though the National Policy for Persons for Disabilities states that government will ensure that persons with disabilities obtain the required certificate without any difficulty in the shortest possible time by adoption of simple, transparent and client friendly procedure, this has not been achieved in reality. The Commission is happy to note that the Ministry of Social Justice and Empowerment is in the process of incorporating a new rule under ‘The Persons with Disabilities Act, 1995’

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

5.9.8 There is a general perception that a large proportion of the physically challenged are not even aware of their entitlements. It is estimated that only about 22% of the total population of these are in possession of the prescribed disabilities certificate. The Commission is of the view that 100% registration of all persons of disabilities must become a reality because this would, inter alia, ensure early detection as well as appropriate remedial actions to ameliorate the hardship of the physically challenged and ensure that their entitlements are generally available to all who need them. This would require government to adopt a proactive approach for detection and registration of the physically challenged persons. This could be done by giving the responsibility to the Primary Health Centres (PHCs) to identify all such cases in their jurisdiction and to get the evaluation of the disabilities done. It should also be mandated that Anganvadi Workers, and Auxiliary Nurse Midwives (ANMs) should report cases of suspected disability to the concerned PHC. Thereafter, it should be the responsibility of the Medical Officer of the PHC to examine the case and if it is within his/her competence, issue the disability certificate. In case, an opinion of a specialist is required he/she should consult the District Medical Officer and arrange for the same.

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

Box 5.4: Window of Hope

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

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

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

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

5.10 Recommendations:

- a. Ensuring the full participation of women should be a specific aim of citizen centric administration and this should be reflected in various policies and programmes, including citizens' charters and grievances redressal mechanisms.**
- b. Government may constitute an expert committee to identify the areas where special provisions for the physically challenged should be made mandatory. These areas could be reviewed and expanded every five years.**
- c. Government should adopt a more proactive approach for detection and registration of the physically challenged persons.**
- d. To achieve this, responsibility should be cast on the Primary Health Centres (PHCs) to identify all such cases in their jurisdiction and to get the evaluation of the disabilities done. To enable the PHCs to discharge these responsibilities, adequate resources should be placed at the disposal of the Medical Officer, PHC along with delegation of commensurate authority and changes in the relevant rules.**
- e. Organization of camps at PHC level, attended by the concerned medical personnel, would greatly help in issuing certificates of disability on the spot.**
- f. Further, steps should be taken to create a database for all the Disabilities Certificate holders with integration at District, State and National levels.**

DECENTRALISATION AND DELEGATION

6.1 The Principle of Subsidiarity

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

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

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

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

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

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

Such awareness promotes greater responsibility, enlightened citizenship and maturing of democracy”.

6.2 History of Decentralisation in India

6.2.1 The British Rule in India was highly centralized. The first major step towards decentralization was when some powers and functions were devolved on the Provincial Government by the Government of India Act, 1919. The Government of India Act, 1935, carried this process further. The Constitution of India laid the foundation of strong Union as well as State Governments. The Seventh Schedule demarcated the legislative powers of the Parliament and the State Legislatures. Article 40 paved the way for further decentralization as it mandated government to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self government. The 73rd and 74th Constitutional Amendments were watersheds in the history of decentralization in India.

6.3 Definition of Decentralisation

6.3.1 Decentralisation is defined as:

“the transfer of decision making power and assignment of accountability and responsibility for results. It is accompanied by delegation of commensurate authority to individuals or units at all levels of an organization—even those far removed from headquarters or other centers of power”²⁶

“the spread of power away from the center to local branches or governments”²⁷

6.3.2 Any organization - be it government or private - cannot be termed as totally centralized or decentralized. There are some functions or activities which are best performed when centralized while certain functions yield better results when performed in a decentralized setting. The issue of centralization versus decentralization is faced by all organizations.

6.3.3 Decentralization is the process of transferring decision making power closer to the people. It includes political decentralization, fiscal decentralization and administrative decentralization. The “new public management” which emerged in the 1990s in some developed countries gave a new perspective to the subject of decentralization. In their book ‘Reinventing Government’ David Osborne and Ted Gaebler put forth a view that governments should be creative, market oriented, decentralized, and focused on offering their “customers” the highest quality services. They advocated that governments should “steer rather than row” and facilitate and ensure service provision rather than itself undertaking

²⁶<http://www.businessdictionary.com/definition/decentralization.html>

²⁷<http://www.audioenglish.net/dictionary/decentralization.htm>

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

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

6.4 Meaning of Delegation

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

6.5 Benefits of Delegation

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

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

- Increases productivity.
- Provides invaluable training to associates and employees.
- Provides an enriched level of satisfaction as well as greater sense of worth.

6.6 Barriers to Effective Delegation

In spite of the several advantages associated with delegation of authority, there are often barriers which inhibit the practice of delegation within an organization. It is necessary to identify these impediments so that measures could be taken to overcome them. Some of the barriers to delegation are:

A. Reluctance by the superior to delegate:

- Because he believes that he can do the task better.
- Lacks trust in others.
- Feels that subordinates will get credit which he deserves.
- Finds it difficult to monitor and supervise.

B. Reluctance by the subordinates to accept delegation:

- Because they find it easier to ask, than to take their own initiative.
- Want to avoid possible criticism from supervisors.
- Fear of making mistakes.
- Lack of self-confidence to take responsibility for their work.

6.7 Facilitators of Delegation

Delegation is facilitated when there is:

1. Transparency - subordinates are provided with the required information.
2. Open communication.
3. Subordinates are made to feel important.

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

6.8 How to Delegate

The following are the principles to delegate successfully:

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

- Set timelines and deadlines.
- Agree on a schedule of checkpoints.
- Make adjustments as necessary.
- Take time to review all submitted work.

6.9 The Commission is of the view that there is a general perception that many government organizations have a tendency to hold back authority at higher levels and instances of top policy makers indulging in micro-management of routine matters are common in government organisations. This could lead to inefficient and time consuming decision making processes and can in fact render the entire administration non-citizen centric. It is therefore necessary that an exercise should be carried out within each organization to assess whether adequate delegation of authority has been done. If required, external expertise can be sought. The principle of subsidiarity should be followed while deciding on the extent of delegation. It should be clearly enunciated that the top echelons in any organization should essentially deal with policy making functions and the field organizations should deal with operational aspects.

6.10 The Commission is also of the view that the extent to which delegated powers is used or is allowed to be used, should be two of the elements while appraising an officer's overall performance.

6.11 Recommendations

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

GRIEVANCE REDRESSAL MECHANISM

7.1 Defining a Grievance

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

7.2 Grievance Redressal Mechanisms in India

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

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

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

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

Nowadays, the empowered and enlightened citizenry is far more demanding services in convenient and comfortable channels. And the government, therefore, has to develop, evolve and enable itself to meet the evolving demands of the society. A citizen-friendly Government should give high priority to redressal of public grievances since the Government being a service provider, it is bound to meet people's needs and aspirations. Effective and timely redressal of public grievances is a hallmark of responsive and responsible governance. This has become more important after enactment of Right to Information law. The society today is impatient with the old system of governance that is not coming up to its expectations. To them, a Government employee is perceived as insensitive, aloof, corrupt and overall the administrative system as autocratic, opaque and with no work culture. This requires a paradigm shift in governance to a system where the citizen is in the centre and he is consulted at various stages of formulation and implementation of public policy. To achieve this objective, our country needs a public service, which is capable, innovative and forward looking. The traditional role of civil service which was of administrator, service provider and controller of development activities has to make way for the new roles of facilitator and regulator so as to create best environment and conditions in the country for building a nation of excellence.

7.3 Structure of Grievance Redressal Machinery at the National Level

7.3.1 Grievances from the public are received at various points in different Ministries/ Departments in the Government of India. However, there are primarily two designated nodal agencies in the Union Government handling these grievances. These agencies are:

- a. Department of Administrative Reforms and Public Grievances, Ministry of Personnel, Public Grievances & Pensions.
- b. Directorate of Public Grievances, Cabinet Secretariat.

7.4 Department of Administrative Reforms and Public Grievances

7.4.1 The Department of Administrative Reforms and Public Grievances (DAR & PG) is the nodal agency in respect of policy initiatives on public grievance redressal mechanisms and citizen-centric initiatives. The role of the Department of Administrative Reforms and Public Grievances is primarily to undertake citizen-centric initiatives in the fields of administrative reforms and public grievances to enable the Government machinery to deliver quality public service to citizens in a hassle-free manner and eliminate the causes of grievance.²⁹

²⁹<http://darpg.nic.in/arpg-website/ReportsAndPublication/PublicGrievanceRedress.asp>

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

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

7.5 Centralized Public Grievances Redress and Monitoring System (CPGRAMS)

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

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

7.6 Directorate of Public Grievances (DPG)

7.6.1 The Directorate of Public Grievances was set up in the Cabinet Secretariat with effect from 01.04.88, initially to look into individual complaints pertaining to four Central Government Departments which were more prone to public complaints. Subsequently, more Departments having larger public interface were added to its purview.

7.6.2 The Directorate was envisaged as an appellate body investigating grievances selectively and particularly those where the complainant had failed to get redressal from the internal redressal machinery and the hierarchical authorities. Unlike the Department of AR&PG, the Directorate of Public Grievances has been empowered to call officers and files to see if the grievance handling has been done in a fair, objective and just manner. Wherever the Directorate is satisfied that the grievance has not been dealt with in such a manner, it makes suitable recommendations for consideration and adoption by the concerned Ministry/ Department which are required to be implemented within a period of one month.³⁰

Box 7.1: Public Grievances Commission – Delhi

The Public Grievances Commission is an additional forum where the public can lodge their grievances. Already, the Directorate of Grievances in the Office of the Chief Minister, the Grievances and Anti-corruption Cell headed by the Secretary (AR) and the Directorate of Vigilance of the government receive complaints of inaction or corruption by the departmental officials. A separate grievance redressal mechanism also exists under each department as well as in the local bodies like Municipal Corporation of Delhi, NDMC, Delhi Jal Board, Delhi Transco etc. The Public Grievances Commission is a body which cross-cuts sectors, departments and agencies and provides a simple, virtually paperless mechanism where the public can personally speak their mind pointing out the difficulties they have faced.

Source: http://pgc.delhigovt.nic.in/about_us.asp

7.7 Grievance Redressal Machinery in the States

7.7.1 State Governments have also evolved mechanisms for redressing public grievances. The Chief Ministers' office generally have a public grievance cell which receives complaints from citizens, forwards these to the concerned departments and follows them up. Some Chief Ministers hold regular public hearings and also use the electronic media for hearing and responding to public grievances. In some States, Ministers and senior officers visit districts and even villages accompanied by officers and hear and resolve grievances of citizens.

7.7.2 At the district level, the District Magistrate is normally designated as the District Public Grievance Officer. He/she monitors the disposal of various complaints received by the public. In some States, the Zila Panchayats have also constituted their own public grievance mechanisms.

³⁰<http://darpg.nic.in/arpg-website/ReportsAndPublication/PublicGrievanceRedress.asp>

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

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

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

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

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

- e. Several Ministries/Departments do not detect or note public grievances appearing in newspapers for suo motu redressal actions despite clear instructions on the subject.
- f. No efforts are made to hold satisfaction surveys to ascertain the outcome of measures taken by the organization to redress grievances.

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

The Committee is of the view that generally, people are not aware that a system of redressal exists in many of the Government departments and its subordinate offices where they are required to visit. The Committee, therefore, recommends that wide publicity through national, regional and local media as well as through electronic media to create awareness regarding the redressal mechanism among people is the need of the day particularly for the weaker sections of the society, women and those challenged with handicaps and also the people living in remote areas.

...

The Committee also recommends that grievance-handling system should be accessible, simple, quick, fair, responsive and effective. It is not uncommon to hear from people complaining against harassment, waste of time and money, repeated visits to offices etc. The Committee, therefore, recommends that every Ministry/Department in the Union/State Government/UTs should have a dynamic public grievance redressal mechanism in place with special focus on the information delivery system. The Committee further feels that the language and the content of various application/complaint forms should be user-friendly, and should be widely available in various outlets, like post offices, on websites for downloading etc.

...

Box 7.3: Complaint Redressal Mechanism in the Telecom Sector

- Customers have three-stage grievance redressal mechanism with their service providers, viz Call Centre, Nodal Officer and Appellate Authority. (Service Providers to appoint Nodal Officers in different service areas to deal with complaints).
- All service requests/complaints made to the customer care helpline shall be assigned a unique docket number and communicate it to the customer.
- Complaints pertaining to service disruption/fault to be attended within a maximum period of three days and billing complaints within one week.

Source: Based on guidelines issued by TRAI. Extracted from an advertisement issued by the Ministry of Consumer Affairs, Food and Public Distribution.

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

...

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

...

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

...

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

which equates omissions on the part of officers to discharge their statutory and bona fide duties with a corrupt practice.

...

The Committee also feels that monitoring is one of the most important aspects of PGR system and there must be a separate unit in each and every Ministry / department which caters to the needs of the citizens or a computerized system like PGRAMS should be used in each and every Ministry/department so that a grievance can also be lodged online and a number is given to the aggrieved so that he can see the status of its grievance online.

...

In support of its foregoing recommendations/observations, The Committee, strongly recommends that the Public Grievance Redressal Mechanism should be envisaged in a statutory form on the line of the Right to Information Act, 2005 which would make it mandatory on all State Governments/UTs/Ministries/Departments/Organisations to pursue the grievance till their final disposal. The Committee also reiterates that like Right to Information Act in the PGRM system, there should be a time limit of 30 days and provision of fine on delay should be there.

7.9 Evolving an Effective Public Grievance Redressal System

7.9.1 The Case for Statutory Backing for the Public Grievance Mechanism

7.9.1.1 As stated in Paragraph 7.6.2, the Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, in their Twenty Fifth Report have recommended that the public grievance mechanism should be envisaged in a statutory form on the lines of the Right to Information Act, 2005. The main reason for recommending a statutory backing, perhaps, emanates from the low priority it has received from various organizations, as has also been brought out in paragraph 7.8.2.

There are several Constitutional and statutory institutions which look into complaints filed by citizens :

- a. *The Central Vigilance Commission.*
- b. *State Lokayuktas.*

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

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

in its Sixth Report has recommended the constitution of a Local Body Ombudsman for a group of districts to look into complaints of corruption and mal-administration against functionaries of public bodies.

7.9.1.3 The Reserve Bank of India first introduced the Banking Ombudsman Scheme in 1995 (this scheme was modified in 2002 and 2006). The Banking Ombudsman receives and considers complaints relating to the deficiencies in banking or other services filed on specific grounds and facilitates their satisfaction or settlement by agreement or through conciliation and mediation between the bank concerned and the aggrieved parties or by passing an Award in accordance with the Scheme. The institution of Insurance Ombudsman was created by a Government of India Notification dated 11th November, 1998 with the purpose of quick disposal of the grievances of insured customers and to mitigate their problems.³¹ The Insurance Ombudsman performs two types of functions (1) conciliation, (2) award making. The Insurance Ombudsman is empowered to receive and consider complaints in respect of personal lines of insurance from any person who has any grievance against an insurer. The complaint may relate to any grievance against the insurer i.e. (a) any partial or total repudiation of claims by the insurance companies, (b) dispute with regard to premium paid or payable in terms of the policy, (c) dispute on the legal construction of the policy wordings in case such dispute relates to claims, (d) delay in settlement of claims, and (e) non-issuance of any insurance document to customers after receipt of premium.

7.9.1.4 The Electricity Act, 2003 also provides for the constitution of an Ombudsman. The Act stipulates that:

- (6) *Any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5), may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission.*
- (7) *The Ombudsman shall settle the grievance of the consumer within such time and in such manner as may be specified by the State Commission.*

7.9.2 International Experience

7.9.2.1 The institution of Ombudsman is common in European countries. The Swedish Constitution of 1809 established the Parliamentary Ombudsman of Sweden, Justitieombudsmannen, as an independent institution of Parliament, to investigate complaints made by citizens. Today, there are several Ombudsmen in Sweden: e.g. the

³¹<http://www.irdaindia.org/brief12aug2003.htm>

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

7.9.3 A Strong Internal Grievance Redressal Mechanism

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

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

Grievances could thus be categorized into three broad groups – (i) grievances arising out of abuse of office and corruption on the part of public functionaries, (ii) grievances arising out of systemic deficiencies within an organization, and (iii) grievances arising from non-fulfillment of needs/demands. While the first category is amenable to statutory intervention similar to those embodied in the RTI Act, the second and the third categories may require internal reforms, organizational capacity building and even substantial budgetary allocations. Statutory mechanisms already exist to deal with the first category of grievances. Moreover, the Commission has recommended the creation of a Local Body Ombudsman in its Sixth Report. The Commission is of the view that since budgetary allocations are a legislative process, setting up an external mechanism as under the RTI Act, with powers to issue directions on such issues would interfere with the resource allocations process which is approved by the legislature. Moreover, setting up of an external appellate authority with powers to issue directions, by means of a law, may lead to proliferation of litigation, convert the grievance redressal process into a legalistic exercise and may even create a turf war with the existing judicial and statutory mechanisms. Public grievances which emanate out of systemic deficiencies, or those which are in the nature of requests or demands are best handled through providing a strong internal grievance redressal mechanism, transparency in use of resources and reforming internal processes. Therefore, there is no doubt that the internal public grievance mechanism needs to be much more effective and efficient both in terms of its reach and functions. The Commission feels that this can best be achieved in the following manner:

- (i) The Union and the State Governments should issue directions asking all public authorities to designate public grievance officers on the lines of the Public Information Officers specified under the RTI Act. These officers should be of adequate seniority and be delegated commensurate authority.
- (ii) All grievance petitions should be satisfactorily disposed of by these officers within thirty days. Non-adherence to the time limit should invite financial penalties.
- (iii) Each organization should also designate an appellate authority and devolve adequate powers upon them including the power to impose fines on the defaulting officers.

7.9.3.3 Recommendations:

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

7.10 Analysis and Identification of Grievance Prone Areas

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

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

the organization. This should lead to devising and taking corrective measures in order to eliminate the reason for generation of grievances – both in numbers and magnitude. The Commission is of the view that this exercise should be carried out at regular intervals so as to keep a constant vigil on the source areas of generation of grievances and accordingly take steps to rectify these.

7.10.3. Recommendation

- a. Government organizations should analyse the complaints received and identify the areas wherein interventions would be required so as to eliminate the underlying causes that lead to public grievances. This exercise should be carried out at regular intervals.**

CONSUMER PROTECTION

8.1 The Consumer Protection Act

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

8.2 Working of the Consumer Courts

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

Table 8.1 : Disposal of Cases by the Consumer Courts					
Sl. No.	Name of Agency	Cases filed since inception	Cases disposed of since inception	Case Pending	% of disposal
Up to September 2003					
1	National Commission	31275	23510	7765	75
2	State Commissions	316374	209314	107060	66
3	District Fora	1817861	1572641	245220	87
	Total	2165510	1805465	360045	
Up to December 2008					
1	National Commission	55961	45742	10219	82
2	State Commissions	459918	349000	110918	76
3	District Fora	2605337	2368366	236971	91
	Total	3121216	2763108	358108	89
<i>Source: Annual Report of the Department of Food Consumer Affairs and Public Distribution, and Website of National Consumer Disputes Redressal Commission</i>					

8.2.2 However, there was public expectation that the disposal in these fora would be even quicker, as they are supposed to provide speedy, simple and inexpensive redressal of citizens' grievances. In order to expedite the proceedings, the law was amended in 2002 and a new Section {13(3A)} was inserted which stipulated as follows:

“(3A) Every complaint shall be heard as expeditiously as possible and endeavour shall be made to decide the complaint within a period of three months from the date of receipt of notice by opposite party where the complaint does not require analysis or testing of commodities and within five months, if it requires analysis or testing of commodities:

Provided that no adjournment shall be ordinarily granted by the District Forum unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum.

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

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

8.2.4 Shri Sharad Pawar, Union Minister for Consumer Affairs, Food and Public Distribution, while

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

Box 8.1: Justice Delayed

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

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

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

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

Extracted from the Order RP-580-1999

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

8.2.5 There have been instances where the final settlement of disputes has taken several years. (Box 8.1). Some of the reasons which have been brought to the notice of the Commission are (i) lack of infrastructure and delay in appointments of Chairpersons and Members, (ii) rigid adoption of procedures laid down in the CPC, by some District Fora and (iii) liberal grant of adjournments.

8.2.6 The Parliamentary Standing Committee on Food, Consumer Affairs and Public Distribution, in its Twenty Fourth Report (2008) observed as follows:

“The Committee are highly perturbed to note that the number of non-functional District Fora which were 22 in 2006 has increased to 52 in 2007. The Committee view this development as a serious hurdle in imparting justice to the aggrieved consumer in many parts of the country.”

...

“The Committee observe that although 74.30% cases were disposed of by the National Commission and State Commissions during 2007-08 yet the position of disposal of cases in respect of the States namely, Assam, Haryana, Maharashtra, Orissa and Uttar Pradesh was dismally poor as only 53.04%, 57%, 58.12%, 60.87% and 35.78% cases respectively were disposed of during the same year.”

Box 8.2: Consumer Courts Need Not be ‘Technical’

Unfortunately, in the present case, an over-technical view has been taken by the State Commission and the District Forum in dismissing the complaint by holding that father/mother of an aggrieved person or his Power of Attorney is not entitled to file complaint under the Consumer Protection Act, 1986 (hereinafter referred to as the Act).

This is erroneous. It is to be reiterated that under the Act, technicalities are not to be encouraged because the only procedure, which is prescribed under the Act is to follow the principles of natural justice and to decide the matter after hearing both the parties.

Repeatedly it has been observed that complaint alleging defects in goods or deficiency in service can be entertained on receipt of a letter stating sufficient facts and the cause of action. If required, it can be entertained after recording statement of the Complainant and if grounds are made out, notice is required to be issued to Opposite Party.

This is forgotten and we still erroneously try to adhere to the procedure prescribed under the C.P.C. or elsewhere.

Revision Petition No 2721 of 2007, National Consumer Dispute Redressal Commission.

Government is seized of the issue of providing better infrastructural facilities for the consumer courts as well as prompt constitution of these bodies wherever they are not functional. As regards disposing of cases quickly, the National and the State Commissions have also expressed their concern as follows:

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

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

...

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

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

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

8.2.8 The Parliamentary Standing Committee on Food, Consumers Affairs and Public Distribution, in its Thirteenth Report observed as follows:

“The Committee are happy to note that holding of “Lok Adalats” by Consumer Fora has given consumers another Forum to seek redressal of their grievances. The Consumer Protection Act does not mandate the Consumer Fora to organize “Lok Adalats”. However, to reduce pendency in Consumer Courts, an out of Court settlement through Lok Adalats, is a powerful medium to resolve Consumers grievances. The Committee, however, regret to note that despite the instructions issued by the President of National Commission to adjudicate the consumer grievances through Lok Adalat, only five States namely, Punjab, Haryana, Chandigarh, Karnataka and Maharashtra have started the Lok Adalats. In the opinion of the Committee, the concept of Lok Adalat is a very convenient option for the consumers to seek redressal of their grievances, which is evident from the number of cases settled by the State Commission and District Fora through Lok Adalats during 2005-06.”

8.2.9 The Lok Adalat experiment has had mixed success. As is evident from Table 8.2, very few cases have so far been settled by the Lok Adalats and the performance of States also varies.

Table 8.2: Consumer Disputes Settled by Lok Adalats (Updated on 31.12.2008)

Sl. No.	States	State Commission	District Fora	As on
1	Andhra Pradesh	N.A.	N.A.	0
2	A & N Islands	N.A.	N.A.	0
3	Arunachal Pradesh	Nil	Nil	30.06.2008
4	Assam	N.A.	N.A.	0
5	Bihar	30	280	31.07.2008
6	Chandigarh	Nil	1276	30.11.2008
7	Chhattisgarh	80	N.A.	30.09.2008
8	D & N Haveli/Daman & Diu	N.A.	N.A.	0
9	Delhi	Nil	N.A.	31.12.2007
10	Goa	Nil	37	30.11.2008

Contd.

Consumer Protection

Contd.

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

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

8.2.10 Lok Adalats could be an effective mechanism for settlement of consumer disputes. However in order to make them more effective, it should be mandated by law that cases up to a particular value, say Rupees two lakhs, should first be referred to Lok Adalats and only if these cannot be settled there should they be taken up for adjudication in the Consumer Courts.

8.3 Other Laws which Seek to Protect Consumers' Interests

8.3.1 Apart from the Consumer Protection Act, 1986, there are a large number of laws - both Union and State - as well as regulations whose objective is to protect the interests of the citizens' - safety, security, health, hygiene etc. Some of these laws are:

- a. *Prevention of Food Adulteration Act, 1954.*
- b. *Essential Commodities Act and Rules thereunder.*
- c. *The Standards of Weights and Measures Act, 1976 and The Standards of Weights and Measures (Enforcement) Act, 1985.*
- d. *Rules and Regulations and Bye Laws under the Municipal Acts of the States.*
- e. *The Drugs and Cosmetics Act, 1940, The Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954, The Narcotic Drugs and Psychotropic Substances Act, 1985, The Medicinal and Toilet Preparations (Excise Duties) Act, 1956, The Drugs (Prices Control) Order, 1995 (under the Essential Commodities Act).*
- f. *Mandatory Certification Scheme of Bureau of Indian Standards under various laws.*
- g. *The Cinematograph Act, 1952.*

8.3.2 The modalities prescribed under each one of these laws is different but the general underlying principle is that a licensing/registration procedure has been prescribed in each one of these laws which seeks to ensure that a licensee fulfills certain pre-conditions before undertaking the prescribed activities. In order to ensure that the licensing conditions are adhered to over a period of time, the laws provide for random inspections and, if conditions of license are violated, penalties have been prescribed. Without going into the specifics of each one of these laws, the Commission is of the view that the effectiveness of these laws can be enhanced by bringing in more transparency and expediency in their enforcement. Some steps that the Commission would like to suggest are as follows:

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

8.3.3 Recommendations:

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

- iii. **Selecting units for surprise inspection should not be left to the discretion of the inspecting officers. Each office should devise an objective procedure to randomly select units for inspection. Exceptions can be made in case of receipt of genuine complaints against any unit.**
- iv. **The outcome of all inspections must be immediately put in the public domain.**
- v. **There should be an annual audit of the licensing and inspection system each year by an independent agency.**
- vi. **All licensing authorities should evolve an accessible system for receipt of citizens' complaints.**

SPECIAL INSTITUTIONAL MECHANISMS

9.1 Introduction

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

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

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

9.2 The National Commission for Scheduled Castes

9.2.1 Part XVI of the Constitution contains ‘Special Provisions Relating to Certain Classes’. Article 330 provides for reservation of seats for Scheduled Castes (and Scheduled Tribes) in the House of the People, Article 332 provides for reservation of seats for Scheduled Castes in the Legislative Assemblies of the States and Article 335 provides that the claims of members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration (in consistence with the maintenance of efficiency of administration) while making appointments to services and posts in connection with the affairs of the Union or of a State. The latter provision is to be read with Article 46, which contains a Directive Principle, that the State shall promote the educational and economic interests of the weaker sections of the society, particularly of the Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation.³⁴ Further, Article 338 provides for the constitution of a National Commission for Scheduled Castes to investigate and monitor all matters relating to constitutional and legal safeguards provide for the Scheduled Castes.

9.2.2 Originally, Article 338 of the Constitution provided for a Special Office for Scheduled Castes and Scheduled Tribes. This Office was designated as Office of Commissioner for Scheduled Castes and Scheduled Tribes. Consequent to the 46th Amendment, a multi-member Commission for Scheduled Castes and Scheduled Tribes was constituted in 1978. This Commission was renamed as the National Commission for Scheduled Castes and Scheduled Tribes in 1987. However, the First Statutory National Commission for Scheduled Castes and Scheduled Tribes was constituted only in 1992 following the 65th Amendment (1990). The Constitution (Eighty-ninth Amendment) Act, 2003 provided for the constitution of separate Commissions for the Scheduled Castes and for the Scheduled Tribes. Accordingly, the first National Commission for Scheduled Castes (NCSC) was constituted in 2004.³⁵

9.2.3 The functions of the Commission, inter alia, are:

- (a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards; and

³⁴Comptroller v. Jagannathan, AIR 1987 SC 537: (1986) 2 SCC 679: (1986) 1 ATC 1: (1986) 1 SLR 712, paragraphs 21 and 22.

³⁵Source: <http://ncsc.nic.in/index2.asp?sid=160>

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

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

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

- vi. Safeguards provided in statutes other than those mentioned above, such as The Child Labour (Prohibition and Regulation) Act, 1986; The Minimum Wages Act, 1948; Acts and regulations in force in different States to prevent alienation of land belonging to SCs etc.

9.2.5 While investigating into matters related to constitutional safeguards and individual complaints, the NCSC has the powers of a civil court trying a suit. Such powers include:

- (a) Summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) Requiring the discovery and production of any documents;
- (c) Receiving evidence on affidavits;
- (d) Requisitioning any public record or copy thereof from any court or office; and
- (e) Issuing commissions for the examination of witnesses and documents.

9.2.6 The Commission has offices in 12 States/UTs, which enables it to have a wide regional perspective. The Commission is organized around four wings which look after administration and coordination, service safeguards, atrocities and protection of civil rights and economic and social development respectively.

9.2.7 The mandate of the Commission is to present Annual and other Reports to the President. These Reports contain recommendations on measures to be taken by the Union and State Governments for effective implementation of the safeguards and other welfare measures. These Reports are to be laid before both Houses of Parliament along with a Memorandum explaining the action taken or contemplated by the respective Ministries/departments and reasons for non-acceptance, if any. In case the recommendations pertain to State Governments, these are to be laid out before the respective State Legislatures along with a similar Memorandum.

9.3 The National Commission for Scheduled Tribes

9.3.1 The National Commission for Scheduled Tribes had an origin similar to the NCSC. It was constituted as a separate Commission in 2004 following the amendment of Article

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

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

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

9.4 The National Human Rights Commission

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

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

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

³⁶<http://nhrc.nic.in/>

- b) *intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;*
- c) *visit, any jail or any other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection for the study of the living conditions of the inmates and make recommendations thereon;*
- d) *review the constitutional and legal safeguards provided for the protection of human rights and recommend measures for their effective implementation;*
- e) *review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures;*
- f) *study treaties and other international instruments on human rights and make recommendations for their effective implementation;*
- g) *undertake and promote research in the field of human rights;*
- h) *spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars, and other available means;*
- i) *encourage the efforts of non-governmental organisations and institutions working in the field of human rights; and*
- j) *such other functions as it may consider necessary for the promotion of human rights.*

9.4.3 The Act defines ‘human rights’ to mean “*rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India*”. This definition cuts a wide swathe across the spectrum of rights available to individuals in India. Because of this wide definition and the range of functions mandated to the Commission, the NHRC has been assigned specific powers to facilitate the discharge of its functions. With regard to inquiries into complaints, it has similar powers of a civil court trying a suit as available with NCSC/NCST. However, it also has some additional powers such as:

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

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

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

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

9.5 The National Commission for Women

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

the surveillance functions to facilitate redressal of grievances and to accelerate the socio-economic development of women. In consequence to the enactment of the National Commission for Women Act, 1990, the National Commission for Women was set up as a statutory body in January 1992 with the mandate to review the constitutional and legal safeguards for women, recommend remedial legislative measures, facilitate redressal of grievances and advise the Government on all policy matters affecting women.

9.5.2 The NCW is inter alia mandated to carry out the following functions:

- i. Investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws;
- ii. take up cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities;
- iii. look into complaints and take suo moto notice of matters relating to:-
 - a. deprivation of women's rights;
 - b. non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development;
 - c. non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women, and take up the issues arising out of such matters with appropriate authorities; and
- iv. inspect or cause to inspect a jail, remand home, women's institution or other place of custody where women are kept as prisoners or otherwise and take up with the concerned authorities for remedial action, if found necessary.

9.5.3 To carry out these functions, the Commission has all the powers of a Civil Court trying a suit, as exists in the case of the NCSC/NCST. The Union Government causes the reports made by the Commission concerning the working of the safeguards provided to women to be laid before each House of Parliament along with an Action Taken Report on the recommendations and the reasons for non-acceptance, if any. In case of matters pertaining to any State Government, the report is placed before the State Legislature along with its Action Taken Report.

9.6 The National Commission for Protection of Child Rights

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

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

9.6.3 The main functions of the Commission are to

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

³⁷<http://ncpcr.gov.in/>

- c. Non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children, or take up the issues arising out of such matters with appropriate authorities.

9.6.4 The powers and manner of presenting reports in case of this Commission are similar to those of the NCW. The Act also provides for constitution of State Commissions for Protection of Child Rights which have similar functions and powers within State jurisdictions.

9.7 The National Backward Classes Commission

9.7.1 Article 340 of the Constitution provides for appointing a Commission to investigate the conditions of socially and educationally backward classes. Following the enactment of the National Commission for Backward Classes Act, 1993, the eponymous Commission was constituted in 1993. The National Backward Classes Commission (NBCC) has been given the mandate of examining requests for inclusion of any class of citizens as a backward class and hear complaints of over-inclusion or under-inclusion in such lists and tender such advice to the Union Government as it deems appropriate. As this Commission has a different mandate it is not discussed further in this Chapter.

9.8 The National Commission for Minorities

9.8.1 The National Commission for Minorities was constituted as a statutory body in 1993 following the enactment of the National Commission for Minorities Act, 1992. As per Section 2 (c) of this Act, the term ‘Minority’ for the purposes of the Act, means a community notified as such by the Union Government. Vide a Gazette notification issued on 23rd October 1993 by Ministry of Welfare, Government of India, five religious communities viz; the Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis) were notified as minority communities. As per the 2001 Census, these five religious minority communities constitute 18.42% of the country’s population.³⁸

9.8.2 The main functions of the Commission are as follows:

- (a) monitoring the working of safeguards for minorities provided in the Constitution and in laws enacted by Parliament and the State Legislatures;

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

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

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

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

9.8.4 The Commission has powers similar to the NCSC to carry out its functions i.e. those of a civil court trying a suit.

9.9 The National Consumer Disputes Redressal Commission

9.9.1 This statutory Commission was created under the Consumer Protection Act, 1986 which was enacted to provide for a consumer disputes redressal mechanism at the national, state and district levels. As these bodies have been given judicial functions with powers to issue orders and decrees, these have been considered in a separate chapter in this Report.

9.10 Issues

A table showing the comparison of objectives, composition, functions, powers etc. of the different Commissions is presented in Annexure IX (1) to this Report.

9.10.1 Co-ordination and Avoidance of Overlap in the Functioning of the Commission.

9.10.1.1 Suggestions have been made, from time to time, to merge all Commissions into a comprehensive Human Rights Commission with separate Divisions for Scheduled Castes, Scheduled Tribes, Women and Children. The Commission has considered this suggestion. While it recognises that there are major issues of overlap and potential conflict which would need to be addressed, the suggestion for merging of the Commissions, particularly in larger States, is impracticable and would fail to adequately address the special problems of different disadvantaged groups. However, this may be possible in case of some of the much smaller States where the various Commissions to redress the grievances of different sections of society could be constituted into a single ‘multi-role’ Commission to carry out the specific functions of the existing constitutional and statutory Commissions of that State.

9.10.1.2 The existence of a large number of Commissions’ should enable each one of them to look into specific categories of complaints thereby ensuring speedy action on the complaint. However, this multiplicity of Commissions could lead to problems of overlapping jurisdictions and even duplication of efforts in dealing with complaints. Some of the laws had envisaged these problems and made legal provisions for the same. For example, in order to prevent duplication of efforts among the National and State Human Rights Commissions’, Section 36 of The Protection of Human Rights Act, 1993 (PHRA) mandates that the NHRC shall not inquire into any matter which is pending before a State Commission or any other Commission duly constituted under any law for the time being in force. Furthermore,

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

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

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

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

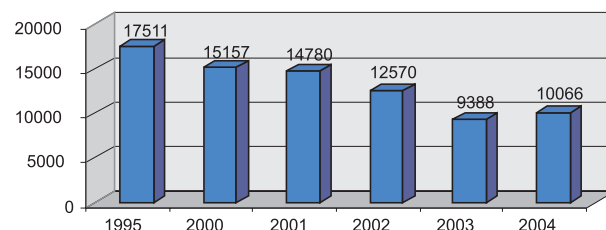
9.10.1.6 At the basic level, in case of complaints, coordination between different Commissions at the national and state levels could easily be facilitated through creation of electronic data bases and networking. For having a seamless exchange of data, a common complaint format needs to be devised for all such Commissions constituted to monitor and investigate the constitutional and legal safeguards. This common format would have specifically designed data fields to capture the details of the victim(s) and complainants. In case of complaints filed without utilizing the specifically designed format, the necessary details could be ascertained at the time of registration of the case itself. The Commission has already recommended in paragraph 6.3.9

of its Eleventh Report entitled ‘Promoting e-Governance: The SMART Way Forward’ that such databases could be generated in a prospective manner without waiting for feeding and updating of the historical data. When the UID project is fully implemented, the unique identification number

allotted to each citizen would further facilitate this process. Within each Commission, a concerted effort needs to be made to identify the dominant grievance in each of the complaints received at the preliminary stage itself so that the complaint could be assigned to the Commission which is best suited to redress the grievance of the complainants. As mentioned earlier, Section 3(3) of the Prevention of Human Rights Act (PHRA) provides that the Chairperson of the NCW, NCSC, NCST, and NCM are deemed to be members of the NHRC. This expanded Commission may lay down the norms to deal with complaints by the most appropriate Commission. Nodal Officers in each Commission may be appointed to coordinate such complaints.

9.10.1.7 The creation of a database and networking would assist these Commissions in not only streamlining their workload but also in deciding which body would be the best agency to carry out investigations. Further, it would also help in identifying those areas and groups where the rights of such groups of citizens are more prone to abuse. This would assist the respective governments in devising specific measures to address the situation.

Fig. 9.1: Number of cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

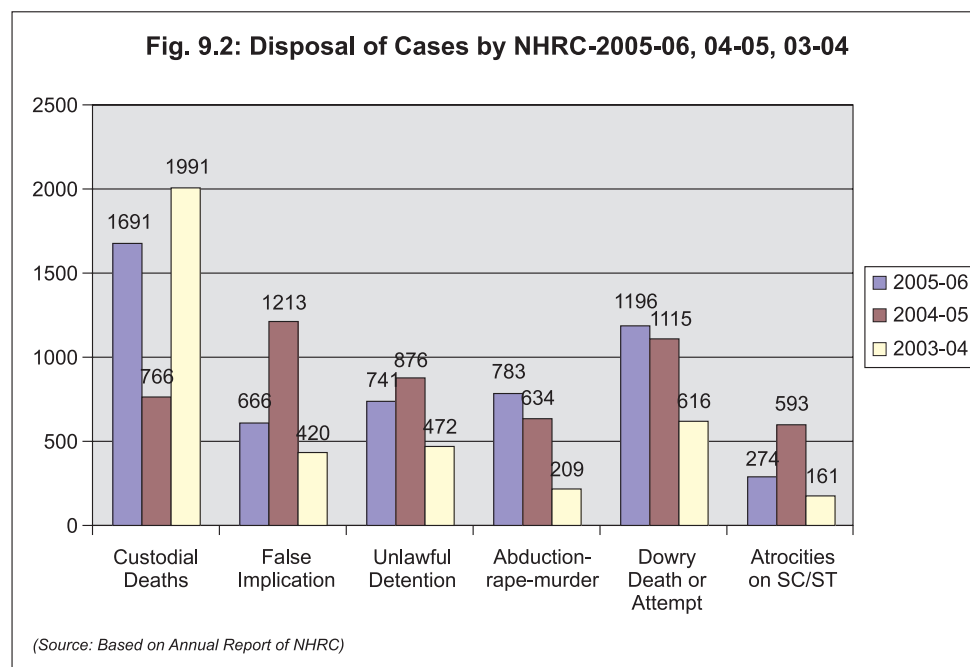


(Source: Table 1.16 Crime in India, 2005 NCRB)

9.10.2 A More Focussed Approach

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

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



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

9.10.3 Parliamentary Oversight

9.10.3.1 In its Seventh Report entitled ‘Capacity Building for Conflict Resolution’, the Commission had examined the effectiveness of the institutional framework provided by such Commissions. In paragraph 6.4.3.1, this Report states that the *“National Human Rights Commission has analysed the effectiveness of the ... watch-dog institutions and has concluded that these institutions are handicapped because of the very large number of complaints received, their limited capacity to deal with these complaints and also due to the absence of adequate field staff”*. Apart from these capacity related handicaps, the ARC also felt that as these Commissions are mandated only to make recommendations in their Reports which are to be laid before Parliament or the State Legislatures or both, their effectiveness depends on the fate of such recommendations i.e on their final implementation. Thus, in paragraph 6.4.3.2 of its Seventh Report, the Commission cited the following from a report prepared by the NHRC on the Prevention of Atrocities against Scheduled Castes:

“The prescribed drill on the reports of the statutory Commissions is that the nodal Ministry of the Commission circulates the recommendations of the Report to the concerned agencies of the Government whom they concern. The comments furnished by them are included in the Action Taken Report, which is placed before the Parliament indicating whether the recommendation is accepted or not accepted and, if accepted, what action is being taken. If no final decision has been taken on a particular recommendation, the comment inserted is that it is under consideration. With these comments on action taken, the report is placed before the Parliament. This explains why there is time lag between submission of the reports by the Commissions and their placement before the Parliament since quite sometime is taken in collecting comments of concerned government agencies. The time lag in case of National Commission for SCs and STs is as long as three years.”

9.10.3.2 The issue of non-acceptance of several recommendations of these Commissions was further discussed in this report and it was observed:

“Usually, in respect of recommendations which are radically divergent from the existing processes/practices/approaches or decisions on the subject, the bureaucratic tendency is to deflect or reject it and some grounds are mentioned for doing so. Commissions, however, expect that during the discussion on the report, some MPs may raise the question of non-acceptance of important recommendations which the Minister concerned may have to answer and, if there is widespread support for the issue, non-acceptance may cause embarrassment. The matter may even be picked up by the Media or NGOs/public spirited

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

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

9.10.4 Recommendations:

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

and each database should be networked with each other to facilitate comparison of data.

- c. **The Human Rights Commission {as defined in Section 3(3), PHRA} should lay down norms to deal with complaints by the most appropriate Commission. The basic principle could be that the dominant grievance in a complaint should lead to its handling by the appropriate Commission. Nodal officers may be appointed in each Commission to identify and coordinate action over such cases. Internal mechanisms should be evolved within each statutory Commission to facilitate the handling of such cases in a coordinated manner.**
- d. **The Union and State Governments should take proactive steps in dealing with serious offences like custodial deaths/rapes etc on priority so that their occurrence diminishes over the years. Help of NHRC may be taken to prepare an action plan for this purpose.**
- e. **In the smaller States, a single ‘multi-role’ Commission may be constituted which would carry out the specific functions of all the constitutional and statutory Commissions at the State level.**
- f. **A separate Standing Committee of Parliament may be constituted to look into Annual Reports submitted by these statutory Commissions.**

PROCESS SIMPLIFICATION

10.1 Simplifying Internal Procedures

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

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

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

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

“To sum up, the Commission feels that the entire gamut of activities under Business Process Re-engineering could be classified into the following four heads:

- a. Clear assessment of citizen needs.*
- b. Analysis of the existing processes and identification of the weaknesses and redundancies.*
- c. Redesigning of processes and the required changes to be made in the statutes and regulations.*
- d. Bringing about changes – in forms, processes, structures and statutes.*

10.1.4 The Commission recommended as follows: (Paragraph 6.4.16, Eleventh Report)

- a. For every function a government organization performs and every service or information it is required to provide, there should be a step-by-step analysis of each process to ensure its rationality and simplicity.*
- b. Such analysis should incorporate the viewpoints of all stakeholders, while maintaining the citizen-centricity of the exercise.*
- c. After identifying steps which are redundant or which require simplification, and which are adaptable to e-Governance, the provisions of the law, rules, regulations, instructions, codes, manuals etc. which form their basis should also be identified.*
- d. Following this exercise, governmental forms, processes and structures should be re-designed to make them adaptable to e-Governance, backed by procedural, institutional and legal changes.*

10.1.5 Earlier, in its Sixth Report, while dealing with Local Governance, the Commission suggested implementation of a time-bound programme for updating and simplification of all regulatory provisions relating to Urban Local Bodies (ULBs). The Commission recommended as follows; (Paragraph 5.4.2.10, Sixth Report)

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

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

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

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

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

- d. Analyzing all processes from the point of necessity, simplicity, rationality and citizen centricity.
- e. Redesigning processes and forms.
- f. Doing a pilot study and getting it evaluated
- g. Once the pilot stabilizes, analyzing the changes required in the rules/statutes.
- h. Implementing the change.
- i. Creating an incentive mechanism for sustaining the change.

Box 10.1: Re-engineering of the Regulatory Processes

- i. Simplification of the extant procedures for approvals/clearances would also require basic changes in the regulatory process prescribed under relevant legislations. Detailed examination of each approval requirement under different Acts, Rules and Regulations would need to be carried out for re-engineering of the regulatory process in the following order:
 - a. Self-regulation, i.e. automatic approval upon filling of necessary documents ('blinking traffic lights' model).
 - b. Professional outsourcing with sufficient documents of certification to enable determination of professional malpractices ('stop-go traffic lights' model).
 - c. Prior case-by-case regulation by public agency ('policeman regulating traffic' model).
 -
- ii. Re-engineering of the regulatory processes is too elaborate an exercise to be undertaken by the Committee at this stage since extensive consultations with the concerned Ministries would also be required. It is, therefore, recommended that re-engineering groups may be formed, to begin with, in the Ministries of Labour, Environment & Forests, Power, Agriculture, Petroleum & Natural Gas and Department of Industrial Policy & Promotion.

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

The Commission is of the view it is a myth that 'complex processes reduce discretion'. The remedy lies in taking quick deterrent action in cases of individual aberrations rather than abandoning simplification for complexity.

10.1.8 Closely associated with the task of simplifying governmental procedures is the reduction in the number of layers in the decision-making process. One of the maladies of most organizations is the existence of a multiplicity of layers in the organizational hierarchy. This delays decision making on the one hand and diffuses accountability on the other. Therefore, structural change should be an integral part of any process simplification exercise.

10.1.9 Recommendations:

- a. **All Ministries/Departments should prepare a roadmap for carrying out a process simplification exercise. This should involve changes in Rules, Regulations and Laws wherever necessary. The entire exercise should be completed within two years. Similarly, the Ministries/Departments should**

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

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

10.2 Using Modern Technology

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

10.3 Supervision

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

10.3.2 Lack of proper supervision in several government offices is evident from the low levels of performance, inadequate discipline, delays in internal processes and consequently citizens' dissatisfaction. This lack of supervision is often due to incompetency at the supervisory levels. Another more important reason is the reluctance on the part of officers to supervise the work of their subordinates in the real sense of the term. As stated earlier there are several elements of supervision. The easier ones like issuing directions, target setting etc are normally carried out but the difficult ones like ensuring compliance to these directions, inspections, meaningful reviews, changing entrenched mindsets are more often than not relegated to background as they may involve a time consuming process of supervision, the unpleasant task of finding fault with subordinates, and, if required, penalizing them. The Commission therefore feels that the supervisory role of all officers needs to be re-emphasised. Also, in the Annual Performance Report of the officer, while rating his/her own performance, the performance of his/her subordinates should be an input.

Box 10.2: Jaankari – RTI Facilitation on Phone

Bihar's unique attempt to accept Right to Information (RTI) applications through phone calls ('Jaankari' project) has been selected for the first prize for 'outstanding performance in citizen centric service delivery' at the National Awards for e-Governance (2008-09).

Under this facility, anyone can make a phone call at the specified number (a call centre) and the call centre person will record all the details. The charges for making the RTI application are included in the phone call charges.

Source: The Times of India, February 7, 2009

10.4 Monitoring and Evaluation

10.4.1 Monitoring is the process of collecting information about the performance of an organizational unit with a view to ensure that the activities are carried out as mandated. Evaluation, on the other hand, assesses the impact of the activities of an organizational unit. Broadly speaking, while monitoring focuses on internal performance, evaluation focuses on the external impact created by the activities of the organization. In other words, while monitoring deals with outputs, evaluation is concerned with outcomes. It has been observed by the Commission that most of the monitoring tools like periodic reporting by subordinates, formats for inspections etc are mainly based on process parameters. The extent to which citizens are satisfied is seldom captured by these tools. The Commission would therefore like to suggest that the feedback of citizens must become a necessary input in all monitoring tools used in government offices.

10.4.2 As mentioned earlier, while monitoring within organizations does take place, impact evaluations are generally rare. The essence of citizen centric administration is that

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

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

10.4.4 Recommendations:

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

10.5 Rationalising Procedures

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

10.5.1 Issue of Driving License

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

Table 10.1 : Total Number of Registered Motor Vehicles in India - 1951-2004

(Figures are in thousands)

Year (As on 31st March)		All Vehicles	Two Wheelers	Cars, Jeeps and Taxis	Buses		Goods Vehicles	Others*
1		2	3	4	5		6	7
1951		306	27	159	34		82	4
1956		426	41	203	47		119	16
1961		665	88	310	57		168	42
1966		1099	226	456	73		259	85
1971		1865	576	682	94		343	170
1976		2700	1057	779	115		351	398
1981		5391	2618	1160	162		554	897
1986		10577	6245	1780	227		863	1462
1991		21374	14200	2954	331		1356	2533
1996		33786	23252	4204	449		2031	3850
1997		37332	25729	4672	484		2343	4104
1998		41368	28642	5138	538	@	2536	4514
1999		44875	31328	5556	540	@	2554	4897
2000		48857	34118	6143	562	@	2715	5319
2001		54991	38556	7058	634	@	2948	5795
2002		58924	41581	7613	635	@	2974	6121
2003	(R)	67007	47519	8599	721	@	3492	6676
2004	(P)	72718	51922	9451	768	@	3749	6828

* : Others include tractors, trailers, three wheelers (passenger vehicles) and other miscellaneous vehicles which are not separately classified.

@ : Includes omni buses.

(P) : Provisional

(R) : Revised

(Source: Website of the Ministry of Road Transport and Highways)

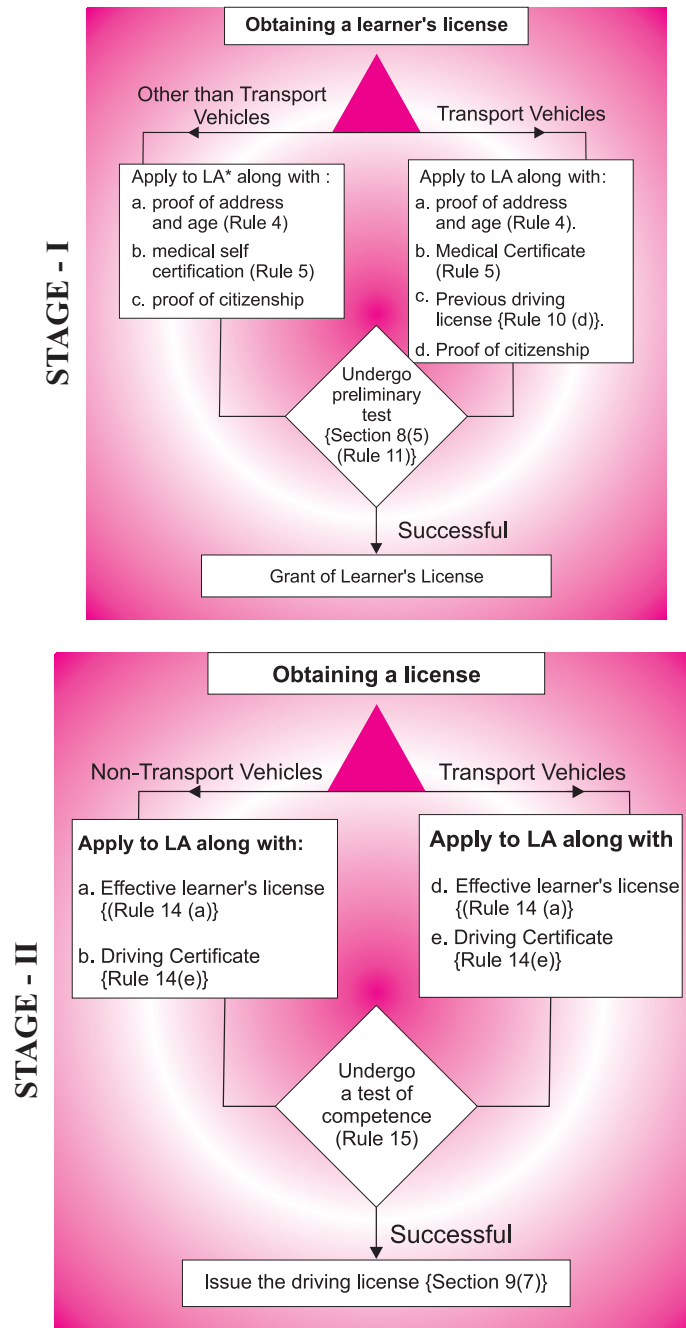
10.5.1.2 Issuing driving licenses is one of the major functions of the State Motor Vehicles Department. The exponential increase in the number of vehicles on roads – evident from Table 10.1 - has resulted in a commensurate increase in the demand for driving licenses. A citizen centric system of issuing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

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

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

10.5.1.5 The entire procedure as prescribed by the Motor Vehicles Act 1988, and the Motor Vehicles Rules, 1989 is explained by the flow chart in Figure 10.1.

Figure 10.1 : Procedure for Issuing Motor Vehicle Driving License



*LA-Licensing Authority

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

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

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

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

10.5.1.9 The Commission is also of the view that in order to reduce the workload of the transport department, the testing processes could be outsourced. Section 9(3) already provides that:

“the test of competence to drive referred to in sub-section (3) of Section 9 shall be conducted by the licensing authority or such other person as may be authorized in this behalf by the State Government.....”

10.5.1.10 The Motor Vehicles Department should however monitor these tests randomly to ensure that these are being properly conducted without undue harassment but at the same time ensuring that those not fit are denied a driving license.

10.5.1.11 Recommendations:

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

10.5.2 Registration of Births and Deaths

10.5.2.1 The Civil Registration System forms the basis of various important databases which a government maintains. It involves the compulsory recording of important events like births, marriages, deaths etc. The registration of births and deaths in India started on a formal basis after the enactment of the Registration of Births and Deaths Act, 1969. Prior to that, registration of births and deaths was a voluntary exercise with no uniformity, in different States. This law provides the legal and administrative framework for the registration of births and deaths in the country. Though registration of births and deaths has been made compulsory under the Act, there is large scale under registration in several States and Union Territories. It is estimated that only 64% of all births and 56% of all deaths are currently registered in India. Several reasons are assigned for this low rate of registration - lack of awareness among people, low priority accorded to this work, somewhat difficult procedures, perception of low utility about the registration certificates, lack of proactive stance of the registering authorities, non-prosecution for not complying with the legal provisions etc. Instances of registering authorities demanding bribes for registration are not uncommon. Several States have attempted to modernize the registration process using computers.

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

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

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



10.5.2.4 Section 8 of the Act provides the mandate for registration of births and deaths:

“Section 8: Persons required to register births and deaths – (1) It shall be the duty of the persons specified below to give or cause to be given, either orally or in writing, according to the best of their knowledge and belief, within such time as may be prescribed, information to the Registrar of the several particulars required to be entered in the forms prescribed by the State Government under sub-section (1) of section 16, –

- (a) In respect of births and deaths in a house, whether residential or non-residential, nor being any place referred to in clauses (b) to (e), the head of the house or, in case more than one household live in the house, the head of the household, the head being the person, who is so recognized by the house or the household, and if he is not present in the house at any time during the period within which the birth or death has to be reported, the nearest relative of the head present in the house, and in the absence of any such person, the oldest adult male person present therein during the said period;*
- (b) In respect of births and deaths in a hospital, health centre, maternity or nursing home or other like institution, the medical officer in charge or any person authorized by him in this behalf;*
- (c) In respect of births and deaths in a jail, the jailor in charge;*
- (d) In respect of births and deaths in a choultry, chattram, hostel, dharmasala, boarding-house, lodging-house, tavern, barrack, toddy shop or place of public resort, the person in charge thereof;*
- (e) In respect of any new-born child or dead body found deserted in a public place, the headman or other corresponding officer of the village in the case of a village and the officer in charge of the local police station elsewhere:*

Provided that any person who finds such child or dead body, or in whose charge such child or dead body may be placed, shall notify such fact to the headman or officer aforesaid:

- (f) In any other place, such person as may be prescribed.*
- (2) Notwithstanding anything contained in sub-section (1), the State Government, having regard to the conditions obtaining in a registration division, may by order require that for such period as may be specified in the order, any person specified*

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

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

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

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

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

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

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

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

registration of births and deaths and procedural formalities should be the means to achieve this, rather than becoming an end in themselves. Further, the role of the Registrar in this entire process should be much more proactive and the law should provide that it should be the duty of the Registrar to register each case of birth and death within his jurisdiction irrespective of whether a formal application has been received by him or not. At present, the law is silent on this aspect and the entire onus to inform the Registrar of the events of births and deaths has been placed on public and private functionaries. In case the Registrar has a very large jurisdiction and it may thus not be feasible for him to keep suo motu track of every birth and death, the problem can be overcome by designating a larger number of public functionaries as Registrars with each of them being assigned a manageable jurisdiction. Furthermore, each Registrar would have to be empowered under the law to seek and obtain information from any person. For this purpose the Law should provide that the Registrar should have the power to issue notice seeking information from any person, regarding births and deaths and the person shall be bound to provide such information. The Commission understands that compliance to the provisions of the law has been weak. Therefore, a provision to impose fines should be incorporated in the law for non-compliance and in order to make the process of imposition of fines quick and deterrent, the power to levy fines should be given to the District Registrar.

10.5.2.8 The Commission is of the view that the provision of late fees for delayed registration is an impediment in achieving 100% registration and needs to be done away with. The Commission also feels that the procedure and the scrutiny of delayed registration cases needs to be modified, and a duty needs to be cast on the Competent Authority to enquire into the veracity of the claimed event. If the Competent Authority comes to the conclusion that the event did actually take place, he/she shall order for the registration of the same. There may be a provision for imposition of late fines, but payment of fines should not be a pre-condition for the registration.

10.5.2.9 Recommendations:

- a. The emphasis under the Registration of Births and Deaths Act should shift from compliance to prescribed procedures to achieving 100% registration.**
- b. Registrars would need to adopt a more proactive approach, and it would be necessary to cast a duty upon them to register each case of birth and death within their jurisdiction irrespective of the fact whether a formal application has been received by them. The Registration could be done based on information from any source or even suo-motu by the Registrar.**

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

10.5.3 Building Licenses and Completion Certificates

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

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

10.5.3.2 Several cities have taken steps to simplify this procedure in order to make it less cumbersome. This is basically sought to be done by shifting the onus for compliance with the building bye-laws and local plans to the owner and the concerned Architect on the same principles as has been done for self assessment of property tax. For example, Delhi, Bengaluru, Mysore, Hyderabad etc. have already adopted simplified procedures for grant of building permits on the basis of certification by the owner/registered architect on a time-bound basis. Generally, the steps involved are the following:

- i. The building permit notice is given by the owner through his/her architect in the concerned office of the local body along with required documentation – affidavits/undertaking/indemnity bond certifying adherence to the building regulation - along with required fee.
- ii. After scrutiny, sanction is issued within a fixed time limit and generally a stamp is affixed on the sanction letter to the effect that sanction has been accorded on the basis of affidavit/undertakings submitted by owner/registered architect.
- iii. If the documents are not in order, the application is rejected straight away and reasons informed.
- iv. In case of discrepancies, mis-representation etc., the defaulting architect is to be black listed and the matter is to be reported to the Council of Architecture for appropriate action against the concerned architect.
- v. In order to ensure that the information submitted is correct, random sample of sanction cases is verified.

10.5.3.3 There are also minor variations in these simplified procedures. For example, the Municipal Corporation of Delhi (MCD) allows all architects registered with the Council of Architecture to certify plans for immediate sanction, while in Bangalore, Architects as well as Engineers / Supervisors who are registered with the Municipal Corporation are authorized to certify the building plans. In addition, they have the responsibility to report deviations in the sanctioned plans and they also file undertakings accepting full responsibility for violations.

10.5.3.4 Government of India has also tried to encourage local bodies to adopt such simplified procedures through the Jawaharlal Nehru National Urban Renewal Mission (JNNURM). The guidelines of JNNURM provide for a set of mandatory reforms as well as optional reforms. Revision of bye-laws to streamline the approval process for construction of buildings, development of sites etc. is included in the set of optional reforms.

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

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

10.5.3.7 Recommendations:

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



CONCLUSION

Citizen centricity is the essence of any vibrant democracy and is inextricably linked to good governance. Good governance basically means creating an environment in which all classes of citizens can develop to their fullest potential. It also means provision of public services in an efficient and equitable manner to citizens.

In India, the Constitution lays the foundation for promotion of citizen centric governance. It provides for fundamental rights that are the hallmark of our democracy and mandates the welfare of all citizens through a set of Directive Principles. Based on the principles enshrined in the Constitution, India has developed an elaborate legal and institutional framework for ensuring good governance to its citizens.

The Commission's primary mandate is to suggest measures for achieving a proactive, responsive, accountable, sustainable and efficient administration for the country at all levels of government. The objective of promoting citizen centric administration has, therefore, been a central focus of all the Reports submitted so far by the Administrative Reforms Commission (ARC).

In this Report, the Commission has emphasized on governance processes that can make administration more citizen oriented. The strategies highlighted in the Report can be conceptualized as demand side strategies and supply side strategies. While the demand side strategies are geared to giving citizens' groups a greater role in governance, the supply side strategies aim to reorient government organizations to make them more efficient, effective and participative.

The Commission has therefore looked at various mechanisms for making administration more responsive to citizens. Thus the concept of citizens' charter as a tool for promotion of greater efficiency and accountability has been examined in detail. Further, processes and mechanisms for promotion of citizens' participation in administration have been suggested. The Commission has also emphasized simplification of processes along with de-centralization and delegation to make administration more accessible to citizens. The Commission has, in

Conclusion

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

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



SUMMARY OF RECOMMENDATIONS

1. Functions of Government

(Para 3.3.4)

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

(Para 3.4.2)

- a. The principle of subsidiarity should be followed while deciding on the implementation machinery for any programme.
- b. Citizens should be actively involved in all stages of these programmes i.e. planning, implementation and monitoring.
- c. Mandatory social audit should be carried out for all programmes.
- d. Impact assessment should be carried out for all programmes at periodic intervals.

2. (Para 4.6.10) Making Citizens' Charters Effective – An Agenda for Reform

Citizens' Charters should be made effective by adopting the following principles:

- i. *One size does not fit all.*

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

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

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

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

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

for ensuring the development of such a system for responding to a time bound resolution of the complaints of citizens.

- c. Regular citizens' feedback and survey and citizens' report cards should be evolved by all government organisations for gauging citizens' responses to their services. These should be used as inputs for improving organizational efficiency.
- d. While no single modality or mechanism can be prescribed for encouraging citizens' participation in governance; in general, there is need to create institutionalized mechanisms for encouraging their participation in governance across public agencies at all levels and, for this to happen, the following steps are necessary:
 - i. A comprehensive review of policy and practice in each department/ public agency.
 - ii. Modifying administrative procedures where necessary.
 - iii. Entrustment of the function of institutionalizing citizens' participation in governance to a senior level officer.
 - iv. Performance management reviews to incorporate effectiveness in ensuring citizens' participation in governance.
- e. The objective could also be served by active and cooperative participation by government agencies in civil society initiatives in the area of citizens' participation in grievance redressal.

5. (Para 5.10) Participation of Women and the Physically Challenged

- a. Ensuring the full participation of women should be a specific aim of citizen centric administration and this should be reflected in various policies and programmes, including citizens' charters and grievances redressal mechanisms.
- b. Government may constitute an expert committee to identify the areas where special provisions for the physically challenged should be made mandatory. These areas could be reviewed and expanded every five years.

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

6. (Para 6.8) Delegation

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

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

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

- c. All grievance petitions received should be satisfactorily disposed of by these officers within thirty days. Non-adherence to the time limit should invite financial penalties.
- d. Each organization should designate an appellate authority and devolve adequate powers upon them including the power to impose fines on the defaulting officers.

8. (Para 7.10.3) Analysis and Identification of Grievance Prone Areas

- a. Government organizations should analyse the complaints received and identify the areas wherein interventions would be required so as to eliminate the underlying causes that lead to public grievances. This exercise should be carried out at regular intervals.

9. (Para 8.3.3) Consumer Protection

- a. Lok Adalats would be effective in settling many consumer disputes. It should be stipulated by law that cases up to a particular value, say Rupees two lakhs, should first be referred to Lok Adalats.
- b. All Ministries/Departments need to examine the procedures regulating grant of licenses, permissions or registration including the underlying Acts, Rules, Notifications, etc. These should be recast with the following underlying principles:
 - i. There should be an upper time limit for grant of any license/permission/registration. The law should provide for penalties if an application is not disposed of within the stipulated period.
 - ii. Applications should be processed only on a 'First in First out Basis'. All applications received and pending should be put on the licensing authority's website.
 - iii. Selecting units for surprise inspection should not be left to the discretion of the inspecting officers. Each office should devise an objective procedure to randomly select units for inspection. Exceptions can be made in case of receipt of genuine complaints against any unit.

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

10. (Para 9.10.4) Special Institution Mechanisms

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

their occurrence diminishes over the years. Help of NHRC may be taken to prepare an action plan for this purpose.

- e. In the smaller States, a single ‘multi-role’ Commission may be constituted which would carry out the specific functions of all the constitutional and statutory Commissions at the State level.
- f. A separate Standing Committee of Parliament may be constituted to look into Annual Reports submitted by these statutory Commissions.

11. (Para 10.1.9) Simplifying Internal Procedures

- a. All Ministries/Departments should prepare a roadmap for carrying out a process simplification exercise. This should involve changes in Rules, Regulations and Laws wherever necessary. The entire exercise should be completed within two years. Similarly, the Ministries/Departments should instruct all organizations under their supervision to carry out this task. State Governments should also be advised accordingly. This elaborate exercise would involve the following steps for any organizations:
 - i. Constitution of an in-house core team of persons well versed with internal procedures.
 - ii. Engaging external experts - if necessary.
 - iii. Getting feedback from citizens.
 - iv. Analyzing all processes from the point of necessity, simplicity, rationality and citizen centrality.
 - v. Redesigning processes and forms.
 - vi. Doing a pilot study and getting it evaluated.
 - vii. Once the pilot stabilizes, analyzing the changes required in the rules/statutes.
 - viii. Implementing the change.
 - ix. Creating an incentive mechanism for sustaining the change.

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

12. (Para 10.4.4) Monitoring and Evaluation

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

13. (Para 10.5.1.11) Rationalising Procedures

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

14. (Para 10.5.2.9) Registration of Births and Deaths

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

provide that the Registrar shall have the power to issue notice seeking information from any person, regarding births and deaths and that person shall be bound to provide such information.

- e. In order to make the process of imposition of fines quick and deterrent, the powers to levy fines should be given to the District Registrar.**
- f. There should be no fees for delayed registration. It should be provided that in case of delayed registration, a more elaborate enquiry would be required. The onus for conducting the enquiry should be on the Competent Authority.**

15. (Para 10.5.3.7) Building Licenses and Completion Certificates

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

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

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

Our Mission:

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

We believe:

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

We aim :

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

Annexure-IV(1) Contd.

- to dispose of application for grant of exemption or continuance thereof to institutions (University, School, Hospital etc.) under Section 10(23C) of the I.T. Act within one year.
- to dispose of application for approval to a fund under Section 10(23AAA) of the I.T. Act within 3 months from the end of the month of its receipt.
- to dispose of application for registration of charitable or religious trust or institution within 4 months from the end of the month of its receipt.
- to dispose of application for approval to Hospitals in respect of medical treatment of prescribed diseases within 90 days of its receipt.
- to dispose of application for grant of approval to institution or fund under Section 80G(5)(vi) of the I.T. Act within six months from the date on which application was made.
- to dispose of application for no deduction of tax or deduction of tax at lower rate as early as possible but not later than 30 days of its receipt.
- to redress/dispose of a complaint/grievance within 2 months from the end of the month of its receipt.
- to dispose of application for transfer of case within 60 days of the receipt of application.

For better services, we expect our taxpayers:

- to obtain PAN/TAN and quote the same correctly in all returns, challans and correspondence.
- to file all statutory returns, completely and correctly well within due dates in proper jurisdiction.
- to pay due taxes well in time.
- to quote Bank Account Number, MICR Code and other Bank details in returns of income to facilitate issue of refunds.
- to be fair and prompt in complying with all proceedings under Direct Taxes Statute.
- to intimate change of address to the Assessing Officer.
- to quote PAN of all deductees in TDS Returns

Complaints and Grievances

Citizens can lodge their complaints/grievances at all Facilitation Counters/Tax Payer Service Centres functioning in all Income Tax Office buildings.

For telephone numbers and e-mail ids of Facilitation Counters/Tax Payer Service Centres, please log on to **www.incometaxindia.gov.in**

Delhi Transport Corporation Citizens' Charter

THE CHARTER

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

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

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

Reliability and Punctuality Standards

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

Technological Upgradation

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

Controlling Pollution

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

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

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

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

Customer Care

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

- *School Bus Service:* - The school bus service of the Corporation is preferred the most by the parents of school going children as the safest mode of transport for the school going children. The Corporation provides the buses to schools within the territory of Delhi on Special Hire.
- *Free/Concessional Passes:* - DTC also offers Free Passes to disabled persons, war-widows & their dependents, eminent sports personalities, Freedom Fighters etc. and Concessional Passes to various categories of commuters viz. Students, Senior Citizens, Residents of Resettlement Colonies, Journalists, etc.
- *Commuter-Care:* - With a view to be able to take better care of its commuters, the Corporation plans -
 - To optimize its fleet strength in order to be able to meet the transportation requirements of the people. The City Fleet is targetted to be raised to 3142 CNG buses.
 - To diversify & introduce a variety of services to cater to specific needs of different segments of society.
 - To equip all its buses with GPS based Automatic Vehicle Tracking System in order to optimize bus availability through realistic/differential scheduling, facilitate quick replacement of buses in case of break-down en route and provide immediate help to the crew/commuters in case of an accident. Automatic Vehicle Tracking System has already been fitted on a number of buses on experimental basis. AVTS, through Satellite Aided Monitoring, will help in ensuring that the buses strictly adhere to their schedule & are stopped properly on bus-stands by the crew.
 - To equip all DTC buses with Speed Governors to make travelling safer for commuters & other road users.
 - To give the city a better look, the Corporation has constructed Bus Queue Shelters of New Design all over the City. DTC Terminals, Time-Keeper Booths & other DTC establishments too are in the process of renovation.

Customer Information

In order to ensure easy accessibility of the information of the commuters' use, the following facilities are available: -

- Route Guide/Maps are available at all pass sections for sale to the commuters.
- *Route/Time-tables:* Displayed at Important Points/Terminals.
- *"Time Keeping-cum-Enquiry Booths":* Manned with knowledgeable staff at Terminals to redress the problems of commuters.
- *Complaint/Suggestion Book:* The commuters may ask the conductor for the same to record their complaints/suggestions.
- *Central Control Room:* Functions round-the-clock. Commuters may dial 24351763 or 24352745 to have any information about DTC services.
- *DTC Call Centre :* Commuters can have any information about DTC's Operation from DTC's Call Centre by dialling 23317600.

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

Pass Sections

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

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

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

Procedure for Pass Making

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

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

Annexure-IV(2) Contd.

Colonies	Destination P. (Above 10 kms.)	Rs. 100/-	colonies that came into existence between 25.06.75 & 24.01.1977 only are entitled.)
General Public	All Route Pass (GL)	Rs. 450/-	No document required. Valid in all City Service.
	Inter-State (NCR) Passes		
	Delhi - GGN	Rs. 700/-	
	Delhi - Bahadurgarh	Rs. 575/-	
	Delhi - Faridabad	Rs. 825/-	
	Delhi - Ghaziabad	Rs. 860/-	
Police Personnel	All Route	Rs. 400/-	Police ID Card. Only Delhi Police personnel are entitled.
Media Persons	All Route	Rs. 100/-	Accreditation Card issued by Press Information Bureau (PIB) or Directorate of Information & Publicity (DIP). Besides, all City Service Buses, also valid in the DTC buses bound for Ghaziabad, Gurgaon, Faridabad, Bahadurgarh and Greater Noida.
Senior Citizens (60 Years & above)	All Route including GL	Rs. 50/-	Residence proof (such as Ration Card, Election ID Card). For Age proof-Passport, School Certificate, Driving License, Pension Book, Radiological Report, Birth Certificate. Income Certificate for annual family income less than Rs. 75000/- issued by MP/MLA & Gazetted officer.)
Disabled Persons	All Route (Ordinary)	FREE	Valid proof of Residence in Delhi, ID Card issued by the SDM, Disability Certificate issued by a Govt. Hospital. {Deaf & Dumb (60 decibel), Blinds (1/60 to 6/60 – both eyes) and Physically Handicapped (40% or above) only are entitled. One escort is allowed with the blinds on half ticket}.
Freedom Fighters	All Route (Ordinary City & Inter-State)	FREE	Pension Payment Order, for recipients of pension under “Swatantra Sainik Samman” Scheme, Bank Certificate and Valid Proof of Residence in Delhi.
War-widows & Dependents	All Route (Ordinary)	FREE	Certificate issued by Ministry of Defence and valid proof of residence in Delhi. (War-widows/dependents of the martyrs of 1962, 1965 & 1971 War only are entitled).

Annexure-IV(2) Contd.

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

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

Annexure IX(1)

Comparison of Composition, Powers and Functions of Different Constitutional and Statutory Institutions									
	National Human Rights Commission	State Human Rights Commission	National Commission for Women	National Consumer Disputes Redressal Commission, State Commission and District Forum	National Commission for Scheduled Castes	National Commission for Scheduled Tribes	National Commission for Protection of Child Rights	State Commission for Protection of Child Rights	National Minorities Commission
Legal Framework	The Protection of Human Rights Act, 1993	The Protection of Human Rights Act, 1993	National Commission for Women Act, 1990	Consumer Protection Act, 1986	Article 338 of the Constitution; The Constitution (Eighty-Ninth Amendment) Act, 2003	Article 338A of the Constitution; The Constitution (Eighty-Ninth Amendment) Act, 2003	Protection of Child Rights Act, 2005	Protection of Child Rights Act, 2005	National Commission for Minorities Act, 1992.
Objectives	Constituted for better protection of Human Rights at the National level and for matters connected therewith or incidental thereto.	Constituted for better protection of Human Rights at the State level and for matters connected therewith or incidental thereto.	Constituted for investigation and examination of all matters relating to the safeguards provided for women under the Constitution and other laws.	To provide for a consumer disputes redressal mechanism at state and district levels.	To investigate and monitor matters relating to constitutional safeguards provided to the Scheduled Castes.	To investigate and monitor matters relating to constitutional safeguards provided to the Scheduled Tribes.	Protection of Child Rights and matters connected therewith or incidental thereto at the national level.	Protection of Child Rights and matters connected therewith or incidental thereto at the state level.	To monitor the working of the constitutional and legal safeguards provided to the minorities and evaluate the progress of the development etc.

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

Annexure IX(1) *Contd.*

Comparison of Composition, Powers and Functions of Different Constitutional and Statutory Institutions									
	National Human Rights Commission	State Human Rights Commission	National Commission for Women	National Consumer Disputes Redressal Commission, State Commission and District Forum	National Commission for Scheduled Castes	National Commission for Scheduled Tribes	National Commission for Protection of Child Rights	State Commission for Protection of Child Rights	National Minorities Commission
	knowledge of, or practical experience in, matters relating to human rights. (2) The Chairperson of the National Commission for Minorities, the National Commission for the Scheduled Castes, the National Commission for the Scheduled Tribes and the National Commission for Women act as deemed Members of the NHRC.		committed to increasing the employment potential of women, women's voluntary organizations (including women activists), administration, economic development, health, education or social welfare. At least one member each shall be from amongst persons belonging to the Scheduled Castes and Scheduled Tribes respectively;	a President (retired or serving Judge of a High Court) and a minimum of two members, one of whom should be a woman having qualifications as mentioned above. Not more than 50 per cent of the members should be from amongst the persons having a judicial background. The District Forum consists of a President (serving or retired or having qualifications of a District	and other Members, at least two are appointed from amongst persons belonging to the Scheduled Castes, and at least one member is appointed from amongst women.	and other Members, at least two are appointed from amongst persons belonging to the Scheduled Tribes; and at least one member is appointed from amongst women.	education, (ii) child health, care, welfare or child development, (iii) juvenile justice or care of neglected or marginalized children or children with disabilities; (iv) elimination of child labour or child in distress; (v) child psychology or sociology; and (vi) laws relating to children.		

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

Annexure IX(1) *Contd.*

Comparison of Composition, Powers and Functions of Different Constitutional and Statutory Institutions									
	National Human Rights Commission	State Human Rights Commission	National Commission for Women	National Consumer Disputes Redressal Commission, State Commission and District Forum	National Commission for Scheduled Castes	National Commission for Scheduled Tribes	National Commission for Protection of Child Rights	State Commission for Protection of Child Rights	National Minorities Commission
				In case of the State Commission, the President or Members hold office for a term of five years or up to the age of sixty seven years whichever is earlier. They are also eligible for re-appointment for another term subject to age limit. In case of the District Forum, the President or Members hold office for a term of five years or up to sixty five years which ever is earlier. They are also eligible for re-appointment.			the Members is sixty years.		

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

Annexure IX(1) *Contd.*

Comparison of Composition, Powers and Functions of Different Constitutional and Statutory Institutions									
	National Human Rights Commission	State Human Rights Commission	National Commission for Women	National Consumer Disputes Redressal Commission, State Commission and District Forum	National Commission for Scheduled Castes	National Commission for Scheduled Tribes	National Commission for Protection of Child Rights	State Commission for Protection of Child Rights	National Minorities Commission
	are detained or lodged for purpose of treatment etc. for making a study of the living conditions and to make recommendations to the Government (4) Review constitutional or legal safeguards for protection of human rights.		the legal and constitutional safeguards provided for women.	Commission where it appears to it that any State Commission has not exercised its Jurisdiction properly. The State Commission has similar jurisdiction within the State. However, it can entertain claims exceeding Rs.20 lakhs but less than Rs.1 crore. Further, it exercises appellate and review over District Fora within the State.	castes and evaluate the progress of their development under the Union and any State. (4) To present to the President, annual and otherwise, reports upon working of the safeguards and make recommendations regarding suitable measures.		provided for the protection of child rights etc. (3) The Commission is prohibited from inquiry into any matter which is pending before a State Commission or any other Commission duly constituted under any law.		Governments, (d) look into specific complaints regarding deprivation of rights and safeguards of the Minorities and take up such matters with the appropriate authorities (e) Cause studies to be undertaken into problems arising out of any discrimination against Minorities and recommend measures for their removal. (f) Conduct studies, research and

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

Annexure IX(1) *Contd.*

Comparison of Composition, Powers and Functions of Different Constitutional and Statutory Institutions									
	National Human Rights Commission	State Human Rights Commission	National Commission for Women	National Consumer Disputes Redressal Commission, State Commission and District Forum	National Commission for Scheduled Castes	National Commission for Scheduled Tribes	National Commission for Protection of Child Rights	State Commission for Protection of Child Rights	National Minorities Commission
Powers	(1) The Commission has all the powers of a Civil Court trying a suit under CPC especially in respect of the following: (a) Summoning and enforcing the attendance of witnesses and examining them on oath; (b) Discovery and production of any document; (c) Receiving evidence on affidavits; (d) Requisitioning any public record or copy thereof from any court or office;	Same as those of the National Commission within its jurisdiction.	(1) The Commission has all the powers of a Civil Court trying a suit under CPC especially in respect of the following: (a) Summoning and enforcing the attendance of any person from any part of India and examining him on oath; (b) Discovery and production of any document; (c) Receiving evidence on affidavits; (d) Requisitioning any public record or copy thereof from any court or office;	National Commission: (a) Summoning and enforcing the attendance of witnesses and examining them on oath; (b) Discovery and production of any document; (c) Receiving evidence on affidavits; (d) The requisitioning of the report of the concerned analysis or test from the appropriate laboratory or from any other relevant source (e) Issuing commissions for	While enquiring into any complaint the Commission has all the powers of the Civil Court trying a Suit, particularly the following: (a) Summoning and enforcing the attendance of witnesses and examining them on oath; (b) Discovery and production of any document; (c) Receiving evidence on affidavits;	Similar to the National Commission for Scheduled Castes.	(1) The Commission has all the powers of a Civil Court trying a suit under CPC especially in respect of the following: (a) Summoning and enforcing the attendance of any person and examining them on oath; (b) Discovery and production of any document; (c) Receiving evidence on affidavits; (d) Requisitioning any public record or copy thereof	Same as those of the National Commission.	(a) Summoning and enforcing the attendance of any person from any part of India and examining him on oath (b) Requiring the discovery and production of any document (c) Receiving evidence of affidavits (d) Requisitioning any public record or copy thereof from any court or office (e) Issuing commissions for the examination of witnesses and

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

Annexure IX(1) *Contd.*

Comparison of Composition, Powers and Functions of Different Constitutional and Statutory Institutions									
	National Human Rights Commission	State Human Rights Commission	National Commission for Women	National Consumer Disputes Redressal Commission, State Commission and District Forum	National Commission for Scheduled Castes	National Commission for Scheduled Tribes	National Commission for Protection of Child Rights	State Commission for Protection of Child Rights	National Minorities Commission
	the IPC. The Commission is also deemed to be a Civil Court for the purposes of Section 195 and Chapter XXVI of the Cr.PC. (4) The Commission may utilize the services of any officer or investigation agency of the Central or State Governments with their concurrence for conducting any investigation.			orders also during the pendency of the proceedings. (4) At the conclusion of the proceedings, the Commission may through an order require the opposite party to remove the defects/ deficiencies in goods/ services, replace them, pay compensation, discontinue unfair trade practices withdraw hazardous goods, seize manufacture of hazardous			the case has been forwarded to him under Section 346 of the Cr.PC, 1973.		

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

Annexure IX(1) *Contd.*

Comparison of Composition, Powers and Functions of Different Constitutional and Statutory Institutions									
	National Human Rights Commission	State Human Rights Commission	National Commission for Women	National Consumer Disputes Redressal Commission, State Commission and District Forum	National Commission for Scheduled Castes	National Commission for Scheduled Tribes	National Commission for Protection of Child Rights	State Commission for Protection of Child Rights	National Minorities Commission
Outcome of the proceedings	(1) If the Commission deems fit, it may recommend to the concerned Government or Authority : (i) To pay compensation or damages to the complainant (ii) To initiate proceedings for prosecution etc. (2) It may approach the Supreme Court or the High Court concerned for directions / orders / Writs (3) Send a copy of Inquiry Report together with	Same as the National Commission. The Annual and Special Reports are laid before the State Legislature.	The Central Government causes the reports made by the Commission on the working of the safeguards to be laid before each House of Parliament along with an Action Taken Report on the recommendations and the reasons for non-acceptance if any. In case of matters pertaining to any State Government, the State Government causes the	The orders of the National Commission, the State Commission and the District Forum are final if no appeal has been preferred against such orders.	The Annual and Special Reports are laid before both Houses of Parliament.	Same as the National Commission for Scheduled Castes. The Special Reports are laid before Houses of Parliament.	(1) The National Commission may recommend to the concerned Government or Authority the initiation of proceedings for prosecution etc. (2) It may approach the Supreme Court or the High Court concerned for Directions/ Writ Orders/ Writ (3) It may recommend to the concerned Government or Authority for grant of interim relief	Similar to the National Commission.	The Central Government shall cause the Annual Report together with a memorandum of action taken are laid before both Houses of Parliament.

Comparison of Composition, Powers and Functions of Different Constitutional and Statutory Institutions									
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	the recommendations to the Government or Authority and publish reports along with action taken report (4) The Annual or special reports of the Commission are laid before both Houses of Parliament under respective State Legislature.		report before the State Legislature along with its Action Taken Report.				(4) The Central and the State Governments are required to place the Annual and Special Reports to be laid before each House of Parliament or the State Legislature concerned along with Action Taken Report within one year from the date of receipt of the report.		

**List of Reports Submitted by the
Second Administrative Reforms Commission up to February 2009**

1. First Report: *Right to Information: Master Key to Good Governance*
2. Second Report: *Unlocking Human Capital: Entitlements and Governance – A Case Study*
3. Third Report: *Crisis Management: From Despair to Hope*
4. Fourth Report: *Ethics in Governance*
5. Fifth Report: *Public Order – Justice for All . . . Peace for All*
6. Sixth Report: *Local Governance – An Inspiring Journey into the Future*
7. Seventh Report: *Capacity Building for Conflict Resolution – Friction to Fusion*
8. Eighth Report: *Combatting Terrorism – Protecting by Righteousness*
9. Ninth Report: *Social Capital – A Shared Destiny*
10. Tenth Report: *Refurbishing of Personnel Administration – Scaling New Heights*
11. Eleventh Report: *Promoting e-Governance – The SMART Way Forward*