

UPSC Civil Services Examination

Subject – UPSC GS-III

Topic – Components of Redressal Mechanism

To the people of India, Government of India has provided various components of redressal mechanisms to receive compensation for wrongs done to them w.r.t their rights provided by the latter. The components of redressal mechanism are an important segment in Indian polity and governance for the [UPSC civil services syllabus](#).

This article will introduce you with three components of redressal mechanisms:

1. PIL
2. Lok Pal
3. Lokayukta

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Let us one-by-one introduce the topics:

Grievance Redressal Mechanism - Public Interest Litigation

- Public Interest Litigation (PIL) has meant a change in the traditional function of the Supreme Court.
- PIL has enabled the Supreme Court to exercise affirmative action to vindicate those socio-economic rights traditionally considered unenforceable by the court and has thus enlarged the scope of Article 32 of the Constitution.
- Through Public Interest Litigation, citizens seek judicial intervention, in a number of matters involving the interest of the public at large.
- Through this extend jurisdiction, the judiciary has undertaken the responsibility to critique and monitor the government and its various agencies and to give socio-economic justice to the underprivileged masses without actually interesting with the political, administrative field or the legislative sphere.
- In the words of Justice P.N. Bhagwati of the Supreme Court :‘Public Interest Litigation’ is the strategic arm of the legal aid movement and aims at bringing justice within the reach of the poor vulnerable masses and helpless victims of injustice.
- Public Interest Litigation is meant to bring justice to the doorstep of the weak, the unorganized and exploited sections of society who have no access to the courts because of the prohibitive cost of litigation.

- PIL is a means by which justice can percolate down to the masses and be made more accessible and available to the poor and the victims of injustice.
- PIL is brought before the court not for the purpose of enforcing the right of one individual against another but it is intended to promote and vindicate public interest which demands that violation of constitutional or legal rights of a large number of people who are poor and ignorant, socially and economically in a disadvantageous position, should not go unnoticed or unredressed.
- It is not in the nature of adversary litigation but it is a challenge and an opportunity to the government and its officers to make basic human rights meaningful.
- The courts have done away with the rule of standing i.e. 'locus' evolved by Anglo-Saxon jurisprudence that only a person wronged can sue for judicial redress. This does not hold good in the present setting. Justice should become easily available to the lowly and the lost. Law should not remain a closed shop. Even under the old system it was permissible for the next friend to move the court on behalf of a minor or a person under disability or a person under detention or in restraint.
- Public interest Litigation has further relaxed the rule of locus standi.

Significance of PIL

- Public interest is part of participatory justice and standing in civil litigation of that person must have liberal recreation at the judicial doorsteps.
- In order to entertain PIL, the court has liberalized procedural rules.
- In one case the Supreme Court has observed that in "Litigation undertaken for the purpose of redressing public injury, enforcing public duty, protecting social-collective diffused rights and interests or vindicating public interest, any citizen who is acting bonafide and who has sufficient interest, has to be accorded standing".
- The question whether a person has sufficient interest, will have to be seen in each case and no definite parameters can be laid down in this respect.
- In a case where an issue was raised regarding the locus standi of lawyers to file writ petitions by way of public interest litigation on behalf of judges who were being transferred, it was unanimously held that lawyers had interest and locus standi to file the petitions and they could not be told off at the gates.

Grievance Redressal Mechanism - Lok Pal

- The word 'lokalpal' was coined by Dr L.M.Singhvi in 1963. The concept of a constitutional ombudsman was first proposed in parliament by Law Minister Ashoke Kumar Sen in the early 1960s.
- The first Jan Lokpal Bill was proposed by Shanti Bhushan in 1968 and passed in the 4th Lok Sabha in 1969, but did not pass through the Rajya Sabha. Subsequently, 'lokalpal bills' were introduced in 1971, 1977, 1985, again by Ashoke Kumar Sen, while serving as Law Minister in the Rajiv Gandhi cabinet, and again in 1989, 1996, 1998, 2001, 2005 2008, and in 2012 yet they were never passed.
- Fifty two years after its first introduction, the Lokpal Bill is still not enacted in India.
- The Lokpal Bill provides for the filing, with the ombudsman, of complaints of corruption against the prime minister, other ministers, and MPs.
- The [Administrative Reforms Commission \(ARC\)](#) recommended the enacting of the Office of a Lokpal, convinced that such an institution was justified, not only for removing the sense of injustice from the minds of citizens, but also to instill public confidence in the efficiency of the administrative machinery.
- Following this, the Lokpal Bill was, for the first time, presented during the fourth Lok Sabha in 1968, and was passed there in 1969. However, while it was pending in the Rajya Sabha, the Lok Sabha was dissolved, and thus the bill was not passed.

- The bill was revived several times in subsequent years, including in 2011. Each time, after the bill was introduced to the House, it was referred to a committee for improvements, to a joint committee of parliament, or to a departmental standing committee of the Home Ministry.
- Before the government could take a final stand on the issue, the house was dissolved again. Several conspicuous flaws were found in the 2008 draft of the Lokpal Bill.
- The basic idea of a lokpal is borrowed from the Office of the Ombudsman, which has the Administrative Reforms Committee of a lokpal at the Centre, Anna Hazare fought to get this bill passed and it did pass on Dec 27, 2011, with some modifications. These were proposed as the Jan Lokpal Bill.
- However, Hazare and his team, as well as other political parties, claimed that the Lokpal Bill passed was weak, and would not serve its intended purpose.
- So the proposed bill by the ruling Congress Party has yet to be accepted in the Rajya Sabha. As of Dec 29, 2011, the bill has been deferred to the next parliamentary session, amid much controversy and disruption by the LJP, RJD and SP parties.

Grievance Redressal Mechanism - Jan Lokpal Bill

- The Jan Lokpal Bill (Citizen's Ombudsman Bill) is a draft anti-corruption bill drawn up by prominent civil society activists, seeking the appointment of a Jan Lokpal, an independent body that would investigate corruption cases, complete the investigation within one year and conduct trials for the case within the next year.
- On 27 December 2011, the Lokpal bill was passed by the Lok Sabha after a day long debate and amendments. The Indian Army, the Indian Air Force and the Indian Navy have been kept out of the jurisdiction of the Lokpal. The bill also keeps the CBI independent.

Grievance Redressal Mechanism - Whistle Blowers Protection Bill

- On 9 August 2010 the Whistle Blowers Protection Bill was approved by the Union Cabinet.
- The bill is officially known as the Public Interest Disclosure and Protection to Persons Making the Disclosure Bill, 2010.
- The Bill was passed by the Lok Sabha in December 2011 and then was sent to the concerned Standing Parliamentary Committee.
- The proposed legislation is designed to protect the whistleblowers to facilitate the disclosure of information, and uncover corruption and deceptive practices that exist in government organization.

Key Features of Whistle Blowers Protection Bill

- It will protect the whistleblowers from any discrimination or victimization in their workplace.
- The bill provides for addressing complaints against public sector employees, central employees and the state government employees.
- The Chief Vigilance Commission will be the Designated Agency under the law.
- It will receive written complaints or disclosure on any allegation of corruption or of office misuse by any government employee:
- The designated agency will ascertain the identity of the complainant; if the complainant is anonymous, it shall not take any action in the matter. The identity of the complainant will not be revealed unless the complainant himself has made either the details of the complaint public or disclosed his identity to any other office or authority.
- While calling for further report/investigation, the commission shall not disclose the identity of the informant and shall also request the concerned head of the organization to keep the identity of the informant a secret, if for any reason, the head comes to know the identity.

- In case the identity of the informant is disclosed in spite of the commission's directions to the contrary, it is authorized to initiate appropriate action as per extant regulations against the person or agency who made such disclosure.
- The commission shall be authorized to call upon the CBI or the police authorities, as considered necessary, to render all assistance to complete the investigation pursuant to the complaint received.
- If any person is aggrieved by any action on the ground that he is being victimized because he had filed a complaint or disclosure, he may file an application before the commission seeking redress in the matter, wherein the commission may give suitable directions to the concerned person or the authority.
- If the commission is of the opinion that either the complainant or the witnesses need protection, it shall issue appropriate directions to the concerned government authorities.
- In case the commission finds the complaint to be motivated or vexatious, it shall be at liberty to take appropriate steps.
- The commission shall not entertain or inquire into any disclosure in respect of which a formal and public inquiry has been ordered under the Public Servants Inquiries Act, 1850, or a matter that has been referred for inquiry under the commissions of Inquiry Act, 1952.
- The offenders will be liable for imprisonment up to three years and a fine up to ~ 50,000.
- There will be penalization in case of delays in response under the Right to Information Act. A fine of ~ 250 will be imposed for each day of the delay beyond the set deadline.
- There will be penalization for officials who try to mislead the CVC.
- The bill also ensures that honest government officials are not harassed in anyway but those individuals who file false complaints and charges will be liable for imprisonment up to two years and a fine up to 30,000.

Grievance Redressal Mechanism - Lokayukta

- Though, at central level no institution of Lokpal or Lokyukta has yet been established but at State level many states like Maharashtra, Rajasthan, M.P., Kamataka, Bihar; H.P., Punjab, etc. have appointed Lokayuktas on the lines suggested by the ARC to deal with the problems of public grievances.
- It may be worth recalling that the Lok Ayuktas existing in several states-Andra Pradesh, Assam, Bihar, Gujarat, Himachal Pradesh, Maharashtra, Rajasthan..and Uttar Pradesh-have, completely failed to curb political corruption. Although they are supposed to bring the chief minister and state ministers within their purview, they have hardly been doing that.
- Public functionaries are targeted but politicians are left alone. Moreover, none of them has a uniform system or mode of functioning. While in some states they are authorised to direct prosecution, in others they can only recommend it to the concerned state government.
- It was to iron out these anomalies that in 1991, an Implementation Committee of five Lok Ayuktas came out with certain recommendations. Uniformity of status and provisions was on the top of the list. Significantly, these were ignored.
- At the moment, Lok Ayuktas are crippled by various lacunae; they do not have constitutional status and they lack the power to issue an interim order. Nor is action immediately taken on the completion of an enquiry in which an official is indicted.
- Unless there is political will towards comparative honesty and public pressure to cleanse polluted administration, institutions will be of no use.
- Furthermore, there has to be a clear understanding of 'public duty'.
- As the Allahabad High Court pointed out, peaceful protesters cannot be shot or raped by the police under the guise of carrying out their responsibilities. The problem of redressal of people's grievances cannot be solved by high powered bodies like Lokpal and Lokayuktas situated at capital headquarters away from the public.
- The citizens' grievances mostly concern the 'cutting edge' of administration mostly at district level and below the point of contact between the citizen and the administration.

- The remedy lies in decentralisation of administration to make it accountable to the people. The second remedy is the organization of various interests of consumers or of various functional groups to look after their own particular interests.
- The farmer's lobby, chambers of commerce, the labour organisations and consumers organisations are examples of such organisations. The organization of government servants, teachers, students, etc. do compel the government to agree to their demands. As a result, the unorganised people suffer and their grievances mostly remain unsolved.

Lokayukta Bill, 2011

1. The Lokayukta Bill 2011 prescribes that the Lokayukta shall consist of:
 - A chairperson, who is or has been a Chief Justice of a High Court or a judge of the High Court or an eminent person who fulfills the eligibility specified in this legislation; and
 - Such number of members, not exceeding eight, out of whom 50 per cent shall be Judicial Members. Out of these eight members, not less than 50 per cent will be from scheduled castes, scheduled tribes, other backward classes, minorities and women.
2. The chairperson and members shall be appointed by the Governor after obtaining the recommendations of a selection committee consisting of:
 - The Chief Minister as chairperson,
 - Speaker of the Legislative Assembly,
 - Leader of Opposition in the Legislative Assembly,
 - Chief Justice of the High Court of the state or a judge of the High Court nominated by him, and
 - An eminent jurist nominated by the Governor as members.
3. The chairman and every member shall be appointed for a term of five years or till he attains the age of 70 years, whichever is earlier.
4. Salary, allowances and other conditions of service of the chairperson shall be same as those of the Chief Justice of the High Court, while those of other members shall be same as those of a judge of the High Court.
5. There shall be a Secretary to the Lokayukta in the rank of Secretary to the state government who shall be appointed by the chairperson from a panel of names sent by the state government.
6. Besides, there shall be a Director of Inquiry and a Director of Prosecution not below the rank of Additional Secretary to the state government, appointed in a similar manner.
7. All other provisions concerning the structure, powers and functioning of the Lokayukta will be on pattern of the Lokpal as given in the proposed legislation.