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**An Institute for Civil Services**

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# GIST OF 2 ARC REPORT

## CITIZEN CENTRIC ADMINISTRATION

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# CITIZEN CENTRIC ADMINISTRATION

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# CITIZEN CENTRIC ADMINISTRATION

## Introduction

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 to bring inclusive growth.

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, and sustainable and efficient administration for the country at all levels of government. 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:

• Accountable and Transparent Government.

• Progressive interventions to make administration more result-oriented.

• Strengthening Citizen Centric decision making.

• Freedom of Information.

• Social Capital, Trust and Participative public service delivery

## Past initiatives

Some of the generic reform initiatives towards citizen centric administration are:

• 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.

• The first Administrative Reforms Commission had recommended the setting up of the **Lok Pal**. After the recommendations of the first Administrative Reforms Commission, many States have constituted 'Lokayuktas'.

• Review of Administrative Laws which include unification & harmonization of statues, laws, etc.

• **Citizens' Charters:** According to it, 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.

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- **e-Governance:** Information and communication technology 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.

- **Computerised Grievances Redressal Mechanisms:** A Computerized Public Grievances Redressal and Monitoring System (CPGRAMS) were installed in the Department of AR&PG. All the grievances received are entered in this system and processed.

- **Right to Information:** In recognition of the need for transparency in public affairs, the Indian Parliament enacted the Right to Information Act, 2005.

## Concept of Citizen Centric Administration

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 lays 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 citizens.



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.

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

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Policy which embody the concept of a Welfare State 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 action's have been initiated for the socio-economic empowerment of the weaker sections of society.

**The Five Year Plans also 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 perceptional issue but it is real nonetheless. Disadvantaged 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.

*Perceptions about Governance in India*

Public administration in India is generally perceived to be unresponsive, insensitive and corrupt. "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."

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*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 is 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.

*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.

- **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, their attitude is one of indifference and insensitivity to the needs of citizens. is, 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.

- **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. e complacency that the system breeds has resulted in employees adopting an apathetic or lackadaisical attitude towards citizens and their grievances.

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- **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.

- **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.

- **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.

*Need for Reforms*

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.

An analysis of the barriers to good governance reveals that there are several preconditions 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.

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- **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.

- **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.

- **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.

- **Decentralization, Delegation and Accountability**

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.

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."

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."

- **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.

- **Accountability**

Accountability 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

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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.

- **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.

- **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.

- **Active Citizens' Participation - Information Dissemination, Mechanisms, Target Group Consultation**

Promoting citizen centric administration also implies giving a voice to citizens in the governance process. 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. 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.

- **Process Simplification**

Simplifying transactions focuses on adoption of Single Window Approach, minimizing hierarchial tiers, up-dating and simplification of existing department manuals and codes etc. needs to be brought to the centre-stage of administrative reforms.

### Core Principles for Making Governance Citizen Centric

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.

Hence 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. 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. The core principles for making governance citizen centric are:

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- Making Institutions Vibrant, Responsive and Accountable

- Active Citizens' Participation - Decentralization and Delegation

- Transparency

- Civil Service Reforms

- Ethics in Governance

- Process Reforms

- Periodic & Independent Evaluation of the Quality of Governance

Citizen expects good governance and high quality performance from Government. Good governance brings prosperity. Instead bad governance, brings conflict result in civil war, as it restricts opportunities of its citizen which make them frustrated.

Having said all this, it is important to re-iterate that the success of the governance depends on proper policy making and policy implementation which in turn depends on the successful implementation of different methodologies of good governance at the ground level rather than managerial skills of the administrators, mainly because of the in-built variable and dynamic nature of the problems wherein the success of the decisions more depend on whether the understanding of the administrator is congruent to the nucleus of the problem as it was perceived by the public at large. Further not only the administrators are expected to identify the issues but also the relative weights which needs to ascribed to the various issues and their related aspects. Lastly the manner in which the issues are addressed again is very organic and fluid which ascribes ultimate importance to the sensitivities and perceptions of the clientele in accordance with the situational features. Thus, participation of all stakeholders as government, judiciary, institutions, civil society and citizens are necessary to bring good governance.

## Functions of government

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

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

- **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.

- **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.

- **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.

- **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.

- **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 food grains etc.

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The functions of a government could be broadly categorized as follows:

## A.  Regulatory Functions:

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.

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 assesses, 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 numbers of cases where public interest is sacrificed because of weak regulations.

All regulatory functions should adhere to five principles – simplification, transparency, objectivity, convergence and speedy disposal.

*The Commission recommended:*

•   **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.

•   **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.

•   **Self-regulation:** is the best form of regulation: This principle of voluntary compliance can be extended to various fields like Tax, building bye-laws, public health regulations etc.

•   **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.

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.

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## B.  Service Providing Functions

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.

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

*Recommendations to improve service delivery are:*

- 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.

- 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.

- 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.

- 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.

- 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.

- Recruitment for hospitals and schools should be made to an institution/society, moving away from non accountable State level recruitment.

- 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.

- 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.

- 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.

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## C. Developmental Functions of Government:

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.

*Recommendations:*

• The principle of subsidiarity should be followed while deciding on the implementation machinery for any programme.

• Citizens should be actively involved in all stages of these programmes i.e. planning, implementation and monitoring.

• Mandatory social audit should be carried out for all progrmames.

• Impact assessment should be carried out for all programmes at periodic intervals.

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.

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 choice need to be made. Such awareness promotes greater responsibility, enlightened citizenship and maturing of democracy.

### Citizens' Charters

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 citizen's 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.

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*Evolution of the Citizens' Charter*

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.

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:

a)  **Quality - improving the quality of services;**

b)  **Choice - for the users wherever possible;**

c)  **Standards - specifying what to expect within a time frame;**

d)  **Value - for the taxpayers' money;**

e)  **Accountability - of the service provider (individual as well as Organization); and**

f)  **Transparency - in rules, procedures, schemes and grievance redressal.**

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

a)  **Set standards of service;**

b)  **Be open and provide full information;**

c)  **Consult and involve;**

d)  **Encourage access and promote choice;**

e)  **Treat all fairly;**

f)  **Put things right when they go wrong;**

g)  **Use resources effectively;**

h)  **Innovate and improve; and**

i)  **Work with other providers.**

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.

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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.

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 sometime 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.

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

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.

a) **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.

b) **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 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.

c) **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.

d) **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.

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e) **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.

f) **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 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.

g) **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.

h) **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.

i) **Include Civil Society in the process:** Organizations need to recognize and support the e? orts 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.

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.

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### The Sevottam Model

*Sevottam 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.*

### The Sevottam model has three modules:

***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.*

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> ***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.*

*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.**

### Citizens' Participation in Administration

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).

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.

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

•   It enables citizens to demand accountability and helps to make government more responsive, efficient and effective.

•   It helps to make government programmes and services more effective and sustainable.

•   It enables the poor and marginalized to influence public policy and service delivery to improve their lives.

•   It helps to promote healthy, grassroots democracy.

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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.

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.

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

a) **Citizens seeking information:** 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.

b) **Citizens giving suggestions:** 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.

c) **Citizens demanding better services:** 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.

   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

d) **Citizens holding service providers and other government agencies' accountable:** 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. 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.

e) **Active citizens' participation in administration/decision making:** Giving citizens on-going access to the decision-making process, beyond periodic consultations is a more mature and intensive form of

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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.

**f)  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. ¬e 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.

*Steps for Encouraging Citizens' Participation*

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.

**e)**  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.

**f)**  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.

**g)**  Government should adopt a more proactive approach for detection and registration of the physically challenged persons.

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## Decentralisation and delegation

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"

"The spread of power away from the center to local branches or governments"

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.

### History of Decentralisation in India

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.

### 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.

### Benefits of Delegation

If used effectively, delegation provides real benefits to everyone involved. It enables decision making at the most appropriate level, changes the work culture, and 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.

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*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.

*Facilitators of Delegation*

Delegation is facilitated when there is:

a)   Transparency - subordinates are provided with the required information.

b)   Open communication.

c)   Subordinates are made to feel important.

d)   Authority is equated with responsibility.

e)   Acceptance of responsibility and good performance is rewarded.

f)   A culture of trust and risk-taking is developed.

g)   Constructive feedback is given.

h)   Standards to measure and evaluate performance are prescribed in advance.

*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.

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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.

*Second ARC 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

*Defining a Grievance*

'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.

*Grievance Redressal Mechanisms in India*

Government of India, State Governments as well as various organizations under them has 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.

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**Structure of Grievance Redressal Machinery at the National Level**

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.

**Grievance Redressal Machinery in the States**

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.

**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.

> ### Analysis of the existing public grievance system in government of india

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 meeting less 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. Several Ministries/Departments do not detect or note public grievances appearing in newspapers for suo-moto redressal actions despite clear instructions on the subject.

e) No efforts are made to hold satisfaction surveys to ascertain the outcome of measures taken by the organization to redress grievances.

*Internal Grievance Redressal Mechanism*

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.

***The Commission feels that this can best be achieved in the following manner:***

a) 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.

b) All grievance petitions should be satisfactorily disposed of by these officers within thirty days. Non-adherence to the time limit should invite financial penalties.

c) Each organization should also designate an appellate authority and devolve adequate powers upon them including the power to impose fines on the defaulting officers.

*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.**

**e) 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 Act

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 three-tier quasi-judicial machinery at the National, State and District levels;

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- National Consumer Disputes Redressal Commission - known as "National Commission",

- State Consumer Disputes Redressal Commission known as "State Commission" and

- 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.

**Other Laws which Seek to Protect Consumers' Interests**

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:

- Prevention of Food Adulteration Act, 1954.

- Essential Commodities Act and Rules there under.

- The Standards of Weights and Measures Act, 1976 and the Standards of Weights and Measures (Enforcement) Act, 1985.

- Rules and Regulations and Bye Laws under the Municipal Acts of the States.

- 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).

- Mandatory Certification Scheme of Bureau of Indian Standards under various laws.

- The Cinematograph Act, 1952.

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**Second ARC Recommendations for improving 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.*

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## Special institutional mechanisms for protection of vulnerables

The basic premise behind making administration citizen-centric is to ensure that the benefits of good governance are available to all sections of society. 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:

* National Human Rights Commission

* National Commission for Women

* National Commission for Protection of Child Rights

* National Backward Classes Commission

* National Minorities Commission

* National Consumer Disputes Redressal Commission

*Issues*

* **Co-ordination and Avoidance of Overlap in the Functioning of the Commission:** 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 recognizes 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.

* **A More Focussed Approach:** 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.

* **Parliamentary Oversight:** In its Seventh Report entitled 'Capacity Building for Conflict Resolution', the Commission had examined the effectiveness of the institutional framework provided by such Commissions. 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.

*Notes*

*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)  **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 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.**

## Simplifying Internal Procedures

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.

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.

*The Commission has recommended for the need for Business Process Re-engineering. The Commission recommended as follows:*

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, and 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.

*Notes*

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*Recommendations for Simplification of 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 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.

*Recommendations for better 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.

*Recommendations for 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.

*Recommendations for 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. Sufficient number of public functionaries should be designated as Registrars so that each one is assigned a manageable jurisdiction.

c) 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.

*Notes*

d) 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.

e) 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.

*Recommendations for 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.

## 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.

Thus the commission has recommended for citizen centric governance.

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.

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.

*Notes*

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