

LEGISLATIVE BRIEF

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The Right Of Citizens For Time Bound Delivery Of Goods And Services And Redressal Of Their Grievances Bill, 2011

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PART I. INTRODUCTION

The spirit behind the Citizen's Charter ---

“A customer is the most important visitor on our premises. He is not dependent on us; we are dependent on him. He is not an interruption on our work; he is the purpose of it. He is not an outsider on our business; he is part of it. We are not doing him a favour by serving him; he is doing a favour by giving us an opportunity to do so.”

- Mahatma Gandhi.

India, which inherited the 'steel frame' bureaucracy from the colonial era, has been undergoing rapid change over the last decade. A strong clamour for accountable and responsive governance surfaced in the 1990s because of several factors. These included economic liberalization, emergence of service providers in the private sector, growing awareness among citizenry and adoption of 'good governance and development' planks by competing political parties. Civil society activism played a major role in increasing awareness levels in various issues like human rights and environment through public interest litigations. The failure of many flagship programmes in reaching the target populations due to bureaucratic apathy, laziness and large scale corruption added to this sentiment. In other words, huge amounts of state resources were going down the drain in the absence of accountable, responsive and citizen-friendly public administration¹

Consequently, the government of India under the leadership of then Prime Minister I.K. Gujral in 1997 launched an important reform initiative to tackle the problem of information asymmetry and the perennial disconnect between the allocation and effectiveness of public expenditure. The Prime Minister convened a Conference of Chief Ministers in 1997 to adopt an 'Action Plan on Effective and Responsive Government.' The three main areas of the Action Plan that found prominence in the Conference of Chief Ministers were:

- Making administration accountable and citizen-friendly;
- Ensuring transparency and right to information and;
- Taking measures to clear and motivate civil services.

The Chief Ministers' Conference concluded with some clear recommendations, such as:

- Enforcing Citizen's Charters,
- Redress of public grievances,
- Decentralization and devolution of powers

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- Review of laws, regulations and procedures. The overall aim of these was to make the government citizen friendly and accountable. **One key decision which emerged from the Action Plan was on the issue of formulating citizen's charters both at the Centre and the States.**ⁱⁱ

Although the Union Government had taken the lead in the 1990s in the form of setting up grievance redress mechanisms and having citizen's charters within key departments to address service delivery problems, these initiatives did not produce any visible positive outcomes and remained symbolic. Of course, the Union Governments in the past had made several attempts, though unsuccessfully, to give more traction to citizen's charters by providing them a legal basis. However, with social Anna Hazare's campaign on Lokpal strongly voicing its demand to have citizen's charter incorporated within the Lokpal. After initial hesitation the Union Government finally went ahead with drafting a comprehensive Grievance Redress Bill, "*The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011.*"ⁱⁱⁱ

The Bill was introduced in the Parliament on December 20, 2011 by the Union Ministry of Personnel, Public Grievances & Pensions.

NEED FOR CITIZEN'S CHARTER:

It has been recognized world over that good governance is essential for sustainable development, both economic and social. **The three essential aspects emphasized in good governance are transparency, accountability and responsiveness of the administration. "Citizen's Charters" initiative is a response to the quest for solving problems encountered by a citizen, day in and day out, while dealing with the organizations providing public services.**^{iv}

The Citizen's Charter is a written, voluntary declaration by service providers about their service standards, choice, accessibility, non-discrimination, transparency and accountability. It should be in accord with the expectations of citizens. A Citizen's Charter is the expression of an understanding between the citizen and the public service provider about the quantity and quality of services citizens receive in exchange for their taxes. It is essentially about the rights of the public and the obligations of the public servants. Therefore, it is a useful way of defining with users and others what service should be and what standards to expect.

As public services are funded by citizens, either directly or indirectly through taxes, they have the right to expect a particular quality of service that is responsive to their needs and is provided efficiently at a reasonable cost.

A further rationale for the Charters is to help change the mindset of the public official from someone with power over the public to someone with the duty to spend public taxes and provide necessary services to citizens.

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However currently, **no regulation on citizen's charter exists**. It is not mandatory for public authorities to publish a citizen's charter. Indian experience with citizen's charter was crippled with various issues mentioned in the latter sections of the document.

Proposed legislation is an initiative to compliment initiatives undertaken by a number of states. The Bill, as its aims and objectives states, intends to provide a broad legal and institutional framework for state governments to address citizens' grievances with regard to services. It will reduce the asymmetry of information prevailing in the consumer market, thereby benefitting all citizens.

One of the key highlights of the new grievances architecture as proposed in the **Bill is the creation of Information and Facilitation Centres for running customer helpdesks**. This is critical for ordinary citizens who are starved for information on redressal mechanisms.

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PART II. THE PROPOSED BILL

Minister for Personnel, Public Grievances & Pensions, Shri V. Narayanasamy, on December 20, 2011 introduced the “The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievance Bill,” in Lok Sabha.

The Bill will lay down an obligation upon every public authority to publish citizen’s charter stating therein the time within which specified goods shall be supplied and services be rendered. Moreover, it provides for a grievance redressal mechanism for non-compliance of citizens charter and for matters connected therewith or incidental thereto.^v

The important feature of the proposed Bill is that it seeks to cover all schemes and departments of the Central Government. States are yet to include all departments within the purview of their Acts. One of the key highlights of the new grievances architecture as proposed in the Bill is the creation of Information and Facilitation Centres for running customer helpdesks.

Salient features of the Bill:

1. The Citizen’s Charter shall list the details of the goods and services provided by a public authority;
 - The name of the person or agency responsible for providing the goods or services;
 - The time frame within which such goods or services have to be provided;
 - The category of people entitled to the goods and services; and
 - Details of the complaint redressal mechanism.
2. Grievance Redress Officers (GRO) at central, state, district, panchayat and municipality will be appointed by every public authority to inquire and redress any complaints. Also the complaint has to be acknowledged within two days of making the complaint.
3. The GRO will ensure that within 30 days of the receipt of the complaint,
 - the complaint is remedied
 - the grievance is redressed;
 - the defaulting officer is identified
 - Also ensure that departmental action is taken against an individual if a grievance has occurred due to deficiency or negligence of that individual.

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- The GRO may also recommend action against an individual to the designated authority if he feels there was willful neglect or a prima facie case under the Prevention of Corruption Act, 1988.
 - Any complaint not redressed within 30 days shall be forwarded by the GRO as an appeal to the designated authority
4. The complainant will be informed in the manner in which the complaint was addressed with an Action Taken Report by the GRO.
- The complainant can also file an appeal against the decision of the GRO to the designated authority, who is an officer or authority as may be prescribed by the appropriate government, within 30 days of the receipt of the decision.
 - In case of a failure on the part of the designated authority to redress a grievance or the complainant is aggrieved by a decision or order of the designated authority, the complainant can appeal to the Central or State Public Grievance Redressal Commission.
 - The State and Central Public Grievance Redressal Commissions shall consist of a Chief Commissioner and a maximum number of 10 Commissioners. An appeal before the State and Central Public Grievance Redressal Commission shall be disposed off within 60 days.
 - The State and Central Public Grievance Redressal Commissions have the power to refer cases of failure of delivery of goods and services to the Head of Department of the concerned public authority. They can also initiate a *suo-motu* inquiry in case they feel there are reasonable grounds to do so.
5. Failing to deliver the goods or services a maximum penalty of Rs 50,000 can be imposed on the designated official or GRO by the Commissions and the designated authority.
- The penalty shall be recovered from the salary of the official.
 - Such penalty may be awarded as compensation to the appellant.
6. An appeal against the decision of the Central Commission shall be filed before the Lokpal. An appeal against the decision of the State Commission shall be filed before the Lokayukta. ^{vi}

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PART III. CRITIQUE OF THE BILL

Scope of the Bill

The bill is meant only for citizens . It may be worthwhile to reflect on whether the provisions of the Bill should be extended to organizations, interest groups, unions and corporates since they are equal stakeholders in the procurement of public goods and services.

Definition of Grievances

The Bill fails to envisage a holistic definition of public grievances that takes into account the multi-dimensional nature of such grievances. While grievances can arise due to inaction or untimely delivery of goods and services, grievances can also arise due to lack of accessibility to the forums for grievance redressal; lack of infrastructure; inability to work the mechanism due to illiteracy; bureaucratic hurdles and other factors.

Service Quality Standards

While the Bill provides for the time-bound delivery of goods and services, quality standards in services has not been adequately addressed. Denial of quality and standards can itself create adequate and compelling reasons for filing grievances. On this, both the Centre's Bill and states' legislations need to be reviewed.^{vii}

Weak Enforcement Mechanisms

The provisions with respect to the enforcement of citizen's charters lack 'teeth'. Citizen's Charters can be regarded as one of the integral parts of this Bill since they are an articulation of the entitlements of citizens and one of the few ways through which they can be made aware of their rights. However, the Bill does not provide for a mechanism for consulting the public in the formulation of these charters, nor is there any penalty provision imposed on the relevant officials in case there is a default in the procedures prescribed for the formulation of the charters. These are the common complaints that are voiced with regard to citizen's charters drafted by most of the state governments.

High Standard of Proof

Further, like all state service guarantee Acts, the Centre's proposed legislation has refrained from providing adequate timelines for disciplinary proceedings and the standard of proof for imposing penalties is extremely high. It would be virtually impossible (logically and legally) for a poor and illiterate person to prove that a

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defaulting officer has acted mala fide or in bad faith. Furthermore, in its current form, the Bill has linked penalties with compensation and the two should be separated and made mutually exclusive.

Lack of independence of Grievance Redressal Officers

There is a need to maintain the independence of the grievance redressal officers from the departments in which the grievance arises to ensure transparency in the grievance redressal process.

No reflection on Practical difficulties faced in delivery of goods and services

The practical difficulties faced by public officials in the provision of goods and services due to bureaucratic hurdles, immense workload and resource inadequacies should be reflected in the Bill.

Lack of consultation with stakeholders, most importantly citizens

It is imperative that citizen's charters were formulated in consultation with citizens and their expectations from public authorities. This would go a long way in addressing not only individual grievances but would also make the law 'service oriented' rather than just 'grievance oriented'.^{viii}

Limited inclusion of Local Governments

It has also been argued that while many central ministries like fertilizers, coal, defence R&D etc. have citizen's charters there are very few local governments and local service providers, with whom the common citizens frequently deal with, that are required to publish citizen's charters.

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PART IV: THE POLITICS

Politics of the Non Political

1. **Anna Hazare:** Against centralization of the bill. They want grievance redressal under the purview of Lokpal Bill.^{ix} They have alleged that this bill has been introduced to weaken the proposed Lokpal as Team Anna wanted Citizen's Charter to be under Lokpal and not as a separate Legislation. But Nikhil Dey of NCPRI opposes Anna's stand citing following reasons:
 - Basic objection to clubbing corruption and grievance under the Lokpal is that the two are very different things and need different approaches.
 - The Lokpal might lead to the imprisonment of and confiscations from defaulters. But this will not be able to redress the problem encountered in service delivery by the complainant. In an allegation of corruption, one has to prove the corruption; whereas in a case of grievance, from the moment one doesn't get something one is entitled to, one are already an aggrieved party.^x
2. **NCPRI:** The efficacy of the government Bill is seriously compromised by the lack of the four main features.
 - a. **People's Facilitation Center:** As per the proposed bill, each public authority will have its own *Information and Facilitation Centre*. This set-up dilutes the single-window facilitation approach, which entails allowing stakeholders to lodge standardized information and documents with a single entry point, as suggested by the NCPRI. Moreover an internally managed facilitation center will be prone to the same conflict of interest issues as the officials of the public authority, and may harass the complainant by making it difficult to raise complaints.
 - b. **Independent Appellate Authority at the District Level:** As per the proposed Bill, appeals against the orders of the GRO of a public authority will lie with the Head of the Department of the Public Authority, and not with an independent District level Authority. There is inherent conflict of interest in this set-up since at least some of the grievances are likely to arise due to negligence or complicity of the HoD of the public authority. Moreover there is increased probability that the HoD will not take action against the GRO of the same public authority. This has been borne out by the RTI experience where the first appellate authority, who sits above the PIO in the chain of command, often endorses the decision of the PIO, irrespective of merit. By combining an internal escalation to the HoD at the district level with an independent appeal mechanism from District level and above, the NCPRI has suggested a means of incorporating both avenues of redress without compromising on the essential element of independent disposal at the district level.

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- c. **Compensation to Complainant:** The proposed Bill has removed all provisions for compensation to the complainant for entitlements wrongly denied or delayed. A nominal amount of compensation (Rs 100/200 for each day of delay) is an important reparative feature, and will help encourage complainants to pursue complaints and also provide some justice for entitlements denied. It is also suggested that if the delay/denial of service occurred due to malafide or negligent actions of a public official, the penalty thus imposed may be applied towards compensation.
- d. **Codification of Section 4 of the RTI:** Six years of experience with the RTI Act has shown that a significant section of RTI users access information in an attempt to resolve grievances with the functioning of public authorities. However, much of the information accessed under the RTI Act to secure entitlements should be proactively disclosed by all public authorities as per the Section 4 of the RTI Act. In fact, non compliance with Section 4, is in itself a violation of the RTI Act, and thus a legitimate complaint as per the Grievance Redress Bill. The Grievance Redress Bill is hence an opportunity to codify Section 4 by combining the existing legal mandate for proactive disclosure under the RTI Act with punitive provisions of the Grievance Redress Bill for non-compliance. Successful implementation will require that Section 4 is explicitly included as part of the Citizen's Charter and Statement of Obligations of the public authority.^{xi}

Politics of the Political Parties

1. **Aam Admi Party:** In the Delhi the Janlokpal Bill, which the AAP-led state government is trying to pass in the upcoming special session on the 15th of February, the Citizen's charter is under the Lokpal and is not a separate legislation. They have alleged that this Bill has been introduced to weaken the proposed Janlokpal Bill that came out of the movement led by Team Anna.
2. **CPI (M):** has emphasized that there needs to be a separate legislation for grievance redressal. But they oppose the present bill on the grounds of **Constitutionality** saying that it challenges the federal structure of the government. The party proposed that the Clause that calls for State Public Grievance Redressal Commission should be deleted.^{xii}
3. **BJP:** They are against centralization of the Bill and argue that since issues related to state public services fall under the legislation of states, the Centre, at best, can suggest a model and not impose its mechanisms upon states. However, the Ministry of personnel affairs clarified that provisions of the Bill relate to 'actionable wrongs' that falls under the concurrent list.^{xiii}
In December 2011 **BJP** had proposed and pressed for the inclusion of Prime Minister, lower bureaucracy and Citizen's Charter under Lokpal.

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4. Trinamool Congress: Citing an offence to the federal structure of the country, UPA ally has filed a dissent note on the Citizen's Charter Bill in the recommendations of the parliamentary panel on personnel, public grievances, law and justice. Trinamool Congress's deputy leader in the Rajya Sabha, Sukehndu Shekhar Roy, said in the note that the Central Act should be limited to the public authorities of the Union government only and that rendering of time-bound services and redressal of their grievances in this matter in states should be left to the state Legislatures to enact a suitable law.^{xiv}

The Common Citizen

- The initiatives are a fresh attempt to create a 'new ecology' for citizen-state relationship. If managed well, the new system could possibly change the nature and content of democracy as practiced in India.
- This new governance model puts 'citizens' at the heart of governance—'citizen-centric' rather than the earlier 'bureaucracy-centric' model of governance.
- By making it mandatory for all government agencies to publish a citizen's charter, it reduces the asymmetry of information among the citizens.

Electoral Benefits

Finally, the citizen's charter and service guarantee initiatives are having an impact on the electoral agenda, with many incumbent governments touting service delivery as a "major achievement". While both Lokpal and service guarantee were raised as major election issues in Uttarakhand by the BJP and the rival Congress Party, the service delivery Act was a major plank for the the Akalis in Punjab. It is also well documented how Chief Minister Shivraj Singh Chauhan of Madhya Pradesh has highlighted the state's service delivery Act as his "single-most important achievement" to provide a corruption-free administration.^{xv}

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PART V: KEY ISSUES

1. Absence of substantive democracy is clearly visible at least in one key domain of state functioning, i.e, public service delivery. Service delivery, the most vital aspect of public administration, continues to be a weak link in India's otherwise impressive democratic process.
2. The public service delivery situation in India convinced the Harvard development economist Lant Pritchett to call India a '**flailing state**' for its incapability to implement programmes and policies crucial to maintain public trust in governance. **In other words, India, according to Pritchett (2008) is perfectly capable of devising a governance system suited to its complex needs, but has been thrown out of gear under the weight of its enormous and incompetent bureaucracy.**
3. It is important to learn from the shortcomings of the citizen's charter programme so that renewed efforts can be made to improve and institutionalize the much needed accountability mechanism.
4. The Bill seeks to make public service delivery in the country more accountable by reducing the asymmetry of information among the citizens.

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PART VI. INTERNATIONAL EXPERIENCE

The British government made one of the earliest attempts at setting up a grievance redress system. The effort was focused on assessing the quality of public services and carrying out basic reforms in the governance.

Some of the initiatives made by countries world over are very similar to the UK model, while others chart new grounds by leaning on the service quality paradigm of the Total Quality Management movement. Also globally the service quality approach is embedded in different degrees in different countries.^{xvi}

In an alternative framework for improving public services, citizen’s charters began to concentrate more on ‘obligations, accountability and responsibilities’. These charters also emphasize the moral and ethical responsibilities of the public service delivery systems. Such systems increase the accountability of State structures and help in the democratization of governance. Therefore their experiences can provide some lessons for the Indian law makers who seem to be using the market-oriented model as the only benchmark for developing new guidelines.^{xvii}

TABLE I According to “Citizen’s *Charters in India Formulation*”(2008), Implementation and Evaluation Indian Institute of Public Administration

| Country | Principles | Remarks |
|--------------------------------|---|---|
| UK(Citizens Charter) 1991 | Standards, openness & information, courtesy & helpfulness, help information, choice& consultation, putting things rights and value for money. | <ul style="list-style-type: none"> • The objective was to make public service providers conscious of needs of the client and the liability to set targets and redress lay on them so that they “owned” their charters and the feeling of imposition from outside was avoided. • Introduced the system of charter marks for rewarding excellence in designated areas of attainment. • A very successful model |
| Belgium – Public Service Users | Transparency, Flexibility, Legal | <ul style="list-style-type: none"> • Does not include |

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| | | |
|-------------------------------------|---|---|
| Charter 1992 | protection, trust | <p>compensation.</p> <ul style="list-style-type: none"> • No comprehensive policy to introduce charters in public services • Failed at federal level, though several initiatives exist at the regional and local levels. |
| France- Public Service Charter 1992 | Transparency and responsibility, simplicity and accessibility, participation and adaptation, trust and reliability. | <ul style="list-style-type: none"> • No system of compensation. |
| Italy- Carta di Servizi 1993 | Continuity and regularity, right of choice, participation, efficiency and effectiveness. | <ul style="list-style-type: none"> • System of compensation not regulated by law and could vary across services. • Existence of charter ignored by most citizens. |
| Spain- The Citizens Charter 1999 | Accessible, transparent and open to the public | <ul style="list-style-type: none"> • Compensation system in case of non- compliance • Certification of charter on voluntary basis. • Introduced “inter administrative” charters regulating services delivered by different administrative levels • Implemented best practice prize and quality awards. • The charter reflects a shift from legal tradition to one that of meets citizens needs and makes government adhere to its principles |
| Bulgaria-The Citizens Charter. | Customer satisfaction, quality, and access | <ul style="list-style-type: none"> • Widely used by citizens. |
| Cyprus- The Citizens Charter. | | <ul style="list-style-type: none"> • Limitedly used. |

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|---|--|--|
| Czech Republic-Citizen Charter Method 2006. | | <ul style="list-style-type: none"> • Incorporates provision for compensation • Clear procedures to file written complaints in local languages have to be provided. • Charter Method beginning to take shape. |
| Estonia- The Citizens Charter 2000 | Quality Management | <ul style="list-style-type: none"> • Set up effective communications and complaints system • Not used at local government level. |
| Latvia- Citizens charter | Publicity and transparency, law on administrative procedure. | <ul style="list-style-type: none"> • Efforts have been made to create bases for communication, involvement of citizens, compensation, complaints procedures through strategic planning and annotation system. |
| Lithuania | | <ul style="list-style-type: none"> • Lithuania does not have a formal Citizen Charter the main aspects aimed at the citizens charter are clearly defined in the national laws. • Citizen's involvement into public tasks, procedures about how about how citizens/consumers must be served in public institutions, the rights of citizens/consumers determined, and the procedures of complaints provided. |
| Finland- Government Resolution | Customer oriented, quality, | <ul style="list-style-type: none"> • Main focus on quality |

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|--|--|--|
| 1998 | flexible, correction of errors, description and specification and efficiency. | standards, communication and quick correction of errors than compensation mechanisms. <ul style="list-style-type: none"> • Charters are ethically and morally not legally binding on public authorities. |
| Denmark-no central service standard initiative but agencies have established service standards on voluntary basis. | | <ul style="list-style-type: none"> • Number of agencies has sought certifications of their quality management systems and performance contracts. • Denmark municipalities at least once a year inform citizen's o their service objectives. |
| Sweden–Public Service Guarantees | Security, quality, accessibility and open channels for citizen complaint, clear specifications on performance, commitment, evaluation, | <ul style="list-style-type: none"> • No system of Economic Compensation. • Listed areas where citizens get in touch with public services in a more specified manner. They are general and technical services, short term contracts, permissions and approvals, soft sector services. |
| Germany - 1999 | Quality, standard, communication, strengthening customer orientation of administration | <ul style="list-style-type: none"> • Considerable emphasis by municipality on development of citizen charter. |
| Greece – Citizens Charter | | <ul style="list-style-type: none"> • Implemented at a limited level |
| Hungaria- Citizens Charter | | <ul style="list-style-type: none"> • Not yet approved |
| Ireland- (No formal citizen charter but mandates every government department and office to develop and publish a | | <ul style="list-style-type: none"> • Involves 4 stages: Consultation with stakeholders/customers, committing to service |

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| | | |
|---|----------------------------------|---|
| custom or charter.) | | standards, performance appraisal and public reporting. |
| Portugal – The Public Service Quality Charter | | <ul style="list-style-type: none"> • Elaborated guidelines to develop quality charter are displayed through CD-ROMS by the Director General for Public Administration |
| Mexico - 2002 | Transparency | <ul style="list-style-type: none"> • Citizen Charters have some legal force behind the commitment made therein. Government plans to implement charters placed in digital system to instantaneously measure customer satisfaction rate. |
| Jamaica - 1994 | | <ul style="list-style-type: none"> • Frequent introduction of new measures by the government. • Public sector entities in response show innovation, initiative, creativity and ingenuity to the needs of the customer. |
| Canada – Service standard initiative 1995 | | <ul style="list-style-type: none"> • Introduced to reduce deficit and provide value for money through resource optimization |
| USA – Charter Initiative within | Shared fundamental principles of | <ul style="list-style-type: none"> • Agencies report back to |

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| | | |
|---------------------------------------|--|---|
| National Performance Review – 1993 | UK charter. | the president identifying and serving their customers |
| Australia –Putting Service First 1997 | Customer Oriented | <ul style="list-style-type: none"> • Focused on measuring and assessing performance and to initiate performance improvement. • Expected to induce competition. • Centre link (a one stop shop) with and innovative and personalized approach. • Treats customer with respect and consistency. • External performance audits every three years by the agencies. • Mandates agencies to report annually to the department of finance and administration on performance. |
| South Africa – Batho Pele - 1997 | Courtesy, Value for money, consultation, Service standard, access, openness, information, redress and transparency | <ul style="list-style-type: none"> • Annual reports by department on performance. • Consultation with citizens at all stages. • Unannounced visits by ministers to service delivery point • Ibzio – a forum to enable face to face dialogue between government leaders and public. |

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|---------------------------------|--|--|
| Ghana – New Citizen’s Charter | Accountability | <ul style="list-style-type: none"> • Charter has a sectoral approach to ensure standards are realistic and well coordinated. |
| Namibia –Public service Charter | Information and openness, standards, courtesy and helpfulness, regular consultation and choice for service users, accountability, non discrimination, value for money. | |
| Malaysia- Client’s Charter 1993 | Quality, accountability | <ul style="list-style-type: none"> • Essentially modelled on UK charter. • Introduced measures like service recovery mechanisms, complaint management system and “Mesra Rakyat” under which officials once a month have to have a face to face meeting with clients to receive complaints and suggestions. • Instituted a best client charter award |
| Bangladesh – Citizens Charter | | <ul style="list-style-type: none"> • Charter is modelled in lines with the Indian Model • Limited progress |
| Mauritius – Citizen’s charter | | <ul style="list-style-type: none"> • An initiative to counter corruption. |

The variation in the Charters adopted across the world as reflected above highlight the huge potential of Citizen’s Charter to be moulded according to the regional, administrative, cultural, socio-economic and political diversity of India.

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PART VII. EXISTING STATE CITIZEN'S CHARTER

The results of a recent review and systematic analysis of the citizen's charters that are in operation in both GOI and the state governments to understand how well they have been designed and implemented in India reveal:

- a. Overall in terms of public awareness about charters, only a small proportion of end users and officials were aware of citizen's charter programme.
- b. A sector-wise analysis shows that while 73 per cent of the users dealing with agencies in the industry sector had expressed satisfaction with their services, only 17 per cent of those who dealt with the social development sector gave a similar rating.
- c. The distribution of charters by state is rather uneven. Access to charters was not easy. The information on charters provided on web sites was not always complete or reader friendly. There is no central, comprehensive listing of all charters at one place.
- d. Most charters drafted by government agencies were not well designed. Critical information such that end-users need to hold agencies accountable are simply missing from a large number of charters.
- e. The systematic planning and technical support needed by agencies to design and implement their charters were not provided in adequate measure.
- f. The charters were weak where it matters most. The relatively more developed states had a better spread and quality of charters.^{xviii}
- g. There is little evidence that many government agencies assessed the feasibility of implementing a citizen's charter before drafting the document.
- h. Systematic monitoring and review of citizens' charters is necessary even after they are approved and placed in the public domain
- i. Analysis points that many agencies merely complied with the GOI directive to prepare citizen's charters, without taking care that their design and implementation were consistent with the spirit of this directive.

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The failure to clearly specify standards of service and grievance redress systems in nearly half the agencies testifies to a lack of serious intent on the part of those responsible for the agencies.^{xix}

TABLE II

| States | Responsible Authority | Services Notified | Penalty Provisions | Monitoring Mechanisms | Use of ICT Tools |
|-------------------|---|---------------------------------|---|--|--|
| Madhya Pradesh | Department of Public Service Management | 52 services from 16 departments | INR 250 per day up to a maximum of INR 5000 | Chief minister's office and DPSM, online tracking system | Online application and tracking system through MIS |
| Bihar | Implemented under the Bihar Prahasanik Sudhar Mission | 50 services from 10 departments | INR 250 per day up to a maximum of INR 5000 | Extensive ICT-based system Adhikaar Samadhan and Jigyasa for monitoring at the state, district and block levels. | Computerized application and monitoring in phase I, phase II&III will see online request and delivery of services. |
| Jammu and Kashmir | Designated Officers(Dos), First Appellate Officers (FAOs) in respective departments | 45 services from 6 departments | INR 250 per day up to a maximum of INR 5000 | Online monitoring in the pipeline | Software for tracking of applications and online monitoring in the pipeline |
| Delhi | Department of Information and Technology. | 72 services from 18 departments | INR 10 per day up to a maximum of INR 200 | e- service Level Agreement Software Monitoring System in place. | Complete ICT based system for filling applications and tracking status. |
| Jharkhand | DO's, FAO's, & Second appellate Officers (SAOs) | 54 services from 20 departments | INR 250 per day up to a maximum of INR 5000 | Development under process | Development under process |

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|---------|---|--------------------------------|--|--|---|
| | in respective departments | | | | |
| Haryana | DO's, FAO's, & SAOs in respective departments | 36 services from 8 departments | At the moment no provisions to penalize, any feedback to be included in annual performance reports | Frequent visits of deputy commissioners to public dealing offices, Dos also responsible for monitoring | Software for application and tracking developed by an external agency, full roll out in the pipeline. |

Source: "India's Shifting Governance Structure: From Charter of Promises to Services Guarantee" (2012), op.cit.

TABLE III

Citizen's Charter and the Annual Report

| Ministry/Department | Whether Citizen's Charter appears in Annual Report |
|---|--|
| Ministry of Civil Aviation | No |
| Ministry of Coal | No |
| Ministry of Commerce | No |
| Ministry of Corporate Affairs | Yes, in a small para no1.14, to mention the Department's website where the Citizen's Charter is available. Para 1.14 also gives the content of the Charter in brief. |
| Ministry of Culture | No |
| Ministry of Defence | No |
| Ministry of Development of North Eastern Region | No |
| Ministry of Earth Sciences | No |

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|--|---|
| Ministry of Health and Family Welfare | No |
| Ministry of Home Affairs | No |
| Ministry of Power | No. The chapter on Power Grid Corporation indicates the Citizen's Charter of the Corporation but nowhere in the Annual Report there is anything about the Ministry's Charter. |
| Ministry of Rural Development | No |
| Ministry of Social Justice and Empowerment | No |
| Ministry of Statistics and Programme Implementation | No |
| Ministry of Steel | No |
| Ministry of Textiles | Yes, but very briefly just to mention that the Ministry's Charter has been formulated and placed in its website. |
| Ministry of Tourism | No |
| Ministry of Tribal Affairs | No |
| Ministry of Water Resources | No |
| Ministry of Women and Child Development | No |
| Ministry of Youth Affairs and Sports | No |
| Department of Agriculture and Cooperation Department of Animal Husbandry, | Yes (as Annexure 3.4 to the latest Annual Report) |
| Dairying and Fisheries | No |
| Department of Biotechnology | No |

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| Department of Chemicals and Petrochemicals | No |
| Department of Consumer Affairs | Yes, but very briefly in a small para no1.4, just to mention the Department's website where the Citizen's Charter is available. |
| Department of Fertilizers | No very briefly the Department's Citizen's Charter |
| Department of Food and Public Distribution | Paras 2.67 and 2.69 mention very briefly the content of the Citizen's Charter which was revised in July 2007 |
| Department of Heavy Industries | Yes. Para 1.10 of the last Annual Report indicates |
| Department of Industrial Policy and Promotion | Yes, as a full chapter (chapter 16) |
| Department of Information Technology | No |
| Department of Posts | No |
| Department of Public Enterprises | No |
| Department of Science and Technology | No |
| Department of Telecommunications | No |

Source "Citizen's Charters in India Formulation (2008), Implementation and Evaluation Indian Institute of Public Administration.

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- ⁱⁱ "India's Shifting Governance Structure: From Charter of Promises to Services Guarantee" (2012), op.cit.
- ⁱⁱⁱ "India's Shifting Governance Structure: From Charter of Promises to Services Guarantee" (2012), op.cit.
- ^{iv} "Citizens Charter – A Hand Book" (2008), Centre For Good Governance.
- ^v "THE RIGHT OF CITIZENS FOR TIME BOUND DELIVERY OF GOODS AND SERVICES AND REDRESSAL OF THEIR GRIEVANCES BILL" (2011)
- ^{vi} "THE RIGHT OF CITIZENS FOR TIME BOUND DELIVERY OF GOODS AND SERVICES AND REDRESSAL OF THEIR GRIEVANCES BILL" (2011)
- ^{vii} "India's Shifting Governance Structure: From Charter of Promises to Services Guarantee" (2012), op.cit.
- ^{viii} "India's Shifting Governance Structure: From Charter of Promises to Services Guarantee" (2012), op.cit.
- ^{ix} "Citizen's Charter Bill tabled in Lok Sabha, Team Anna spells out why it won't work" (2011), accessed from <http://www.ndtv.com/article/india/citizen-s-charter-bill-tabled-in-lok-sabha-team-anna-spells-out-why-it-won-t-work-159539>
- ^x "The government's Citizens Charter Bill is a great breakthrough" (2011), accessed from http://www.tehelka.com/story_main51.asp?filename=Ne311211NikhilDey.asp
- ^{xi} "Substantive Differences Between The NCPRI And Government Grievance Redress Bill" <http://righttoinformation.info/wp-content/uploads/2012/07/Dec-2011-NCPRI-statement-on-Substantive-Differences-Between-The-NCPRI-And-Government-Grievance-Redress-Bill1.pdf>
- ^{xii} "Grievance redressal Bill: passage may not be easy" (2012) accessed from <http://www.livemint.com/Politics/JfsPDLAVpi8UhPIjx6eQyI/Grievance-redressal-Bill-passage-may-not-be-easy.html?ref=related>
- ^{xiii} http://www.bjp.org/index.php?option=com_content&view=article&id=8606:press-shri-prakash-javadekar-on-citizen-charter-bill-2011-a-national-population-registry&catid=68:press-releases&Itemid=494
- ^{xiv} The Indian Express "Citizen's Charter Bill: TMC Files Dissent Note" (2012) accessed from <http://archive.indianexpress.com/news/citizens--charter-bill-tmc-files-dissent-note/994481/>
- ^{xv} Sahoo Niranjana, Kapoor Arjun (2012), "India's Shifting Governance Structure: From Charter of Promises to Services Guarantee," Orf Occasional Paper-35.
- ^{xvi} Total Quality Management movement (TQM) is an approach that seeks to improve quality and performance which will meet or exceed customer expectations. Total quality management has evolved from the quality assurance methods that were first developed around the time of the First World War.
Accessed from <http://logistics.about.com/od/qualityinthesupplychain/a/TQM.htm>
- ^{xvii} Prasad Achana, "Rights based Approach to Citizens Charters" (2011) Peoples Democracy Vol xxxv
- ^{xviii} Paul Samuel (2008), "Indias Citizens Charters: In Search of a Champion," Economic & Political weekly.
- ^{xix} "Indias Citizens Charters: In Search of a Champion" (2008), op.cit.