

Time Bound Public Service Delivery System

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Abstract - Abstract Many key legislations, like the Right to Information, Right to Education and Mahatma Gandhi National Rural Employment Guarantee, passed in India over the last decade which indicates a shift towards the adoption of a rights based approach in governance. A crucial recent legislation in this direction is the Right to Service (RTS) Act being passed by various Indian states under varied nomenclature. The basic idea behind this Act is that citizens have a legal entitlement to demand time bound services from the government and any shortfall on the part of government officials to fulfil this commitment can make them liable to penalization. For this purpose, states have fixed the time limit for notified services under the Act within which these services have to be delivered to citizens. This paper focuses on assessing the diligent delivery of what is known as G2C (government to citizen) services on the basis of accessibility, availability, efficiency and regularity.

KeyWords – Legislation, Right, Key, Redressal, Grievance.

I. INTRODUCTION

It further explores the existing system of public grievance redressal and examines how current models have failed due to incidents of absenteeism, corruption and outreach resulting in a need to formulate The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011. At the end the paper provides various suggestions like e-SLA and introduction of e-governance to make the process of public service delivery user-friendly. Hence, this research proves that citizen's charter-SLA, DARPG and e-governance can be anti corruption and time bounding weapons for the development of transparent public delivery system in India.

The Indian constitution as per its state policy laid down that India is a welfare state. This simply means that it is a model where state plays a major role in protecting and promoting the interest of the citizens as well as looks after their well being and spend a portion of their budget on social welfare and in implementing policies. So every citizen is entitled to hassle free public services and Redressal of grievances. Accordingly, the right to Service Act, represents the commitment of the particular state towards a standard quality and time framed service delivery, grievance Redressal mechanism, transparency and accountability. Based on the anticipated expectations and aspirations of the public, standard time frame should be drawn-up with care and concern for the concerned service users.

They enable the service seekers to avail the services of the government department with minimum inconvenience and maximum speed. Though many efforts have been made by the government, many problems are present in the public service delivery system. The main problems which need special emphasis are to make transparency, cost effectiveness well planned, time bound and easy access. Amongst all the problems stated above the major and the foremost is how much time it will take to complete the work. If the applicant knows that when will he/she get his/her work done, then this not only reduces the repeated rounds of the government offices by the applicant but also indirectly imposes a constraint on the authority to complete the work in stipulated time as otherwise it would call for a disciplinary action.

It will not only fasten the process but also reduces the number of foot counts at govt. offices as majority of people in government offices come to enquire about the completion of their work. The biggest advantage of this time bound work is that, it will reduce the corruption to large extent as the applicant need not give any money to agents, or the officers for getting their work done faster, secondly the people who do not have money to offer need not worry about their work getting delayed.

What Is Right To Public Service?

Right to public service legislation in India comprises statutory laws which guarantee time-bound delivery of various public services rendered to the citizens and provides mechanism for punishing the errant public servant if they are deficient in providing the stipulated services. Hence right to services ensures delivery of time bound services to the public, if the concerned officer fails to provide the service in time, he will have to pay fine. Thus, it is aimed to reduce corruption among the government officials and to increase transparency and public accountability.

Public Service Delivery:

Currently, public officials and civil servants are considered as one of the most troubled sections of our society due to their slow and painful process in performing their duties. As a result, the common man, who is entitled to avail hassle-free public services and information thereof, has to face a lot of problems and pay bribes to avail the needed public services.

The Procedure under the Public Service Guarantee Act:

- The Applicant shall receive a receipt when he or she submits an application to the officer for desired service. The time begins from the date of submission which is mentioned on the receipt.
- There is a fixed time for every officer to keep a file with him. If the officer in charge fails to provide the service in time, the applicant can approach the First and Second Appellate officers. They would instruct the officer concerned to provide the service.
- In case of delay, the officer in charge will have to pay a fine as per provisions of the state concerned.
- The Appellate officer can also be penalized if he fails to ensure the delivery of service. He/ she shall also if failed to give any valid reason for non delivery of services.
- The Act will be instrumental in curbing corruption on the lower levels bureaucracy. If implemented in good order

II. METHODOLOGY

This paper employs the qualitative approach on the basis of data collected from the secondary sources of data. Various reports, Govt., publications, published articles in the print media and journals are the major sources. This paper analyses the various issues on various public services provided by the government. Online resources are the major sources of the data collection techniques. The RTPS Act and rules in various states have been studied. The reports that have been consulted are those published by the organizations such as DARPG, the second administrative reform commission and The World Bank annual report titled "Making services work for the poor." Report on the Delhi right of citizen to Time Bound Delivery of services(e-SLA) by Indian institute of public administration(IIPA), New Delhi also been referenced in the preparation of this study.

Objective of the study

What is the present position of the public service delivery system and what deficiencies in the current mechanism has emphasised the need for a time bound and stricter act on public service.

Origin of the need for time bound service delivery system

The need for a time restricted system is not of recent origin, it has come a long way starting from the time when all the work was done on the papers But now e-governance

has taken its place where all the work is done with the help of technology, we will study all those stages in the following points:-

The citizen's charter

The citizen's charter initiative came up with the motto of "putting people first" in the form of a written declaration by government departments enlisting a set of commitment, standard of service delivery and Redressal and remedial actions in case of non-compliance with the same. It was implemented for the very first time in United Kingdom by John Major's govt. in the year 1991. This influenced several countries such as Belgium, India, France, Australia, Malaysia, Spain etc. to adopt similar measures.

In 1997, initiated by Prime Minister I.K Gujral as part of the 'Action plan for effective and responsive govt. the first push for public service reforms was provided. It was then that a decision was made to formulate the Citizen's charter for sectors with big. public networks (eg.Railway, telecom, posts, public distribution system). The basic idea behind Citizen's charter, as mapped out in the hand book named "Rationale of a citizen's charter's itself, elucidates what one may call the preamble of governmental responsibility:-

"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. The citizen's charter is a written, voluntary Declaration by service providers about service standards, choice, accessibility, non-Discrimination, transparency and Accountability. It should be in accordance with the Expectations of citizens. Therefore, it is a useful way of defining for the customers the Nature of service provision and explicit standards of service delivery. 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 right sense of duty in spending the public money Collected through taxes and in providing citizens with necessary services."

Directorate of public grievances

The directorate of public grievances came up on 1 April 1988 with the goal of looking into individual complaints concerned with mainly four central govt. departments, Today the directorate functions have expanded and now include 16 central govt. organizations. The work of the directorate of public grievances starts when the complainant failed to get redressed by the internal hierarchy of the organization. It can also call for files and officers to evaluate if the justice is being delivered in a timely manner. Between 1999 and 2015,74 percent of the cases taken up by the directorate were decided in favour of

the complainant, with only 16percent not found valid enough to be acted upon, so were declared unsustainable.

Department of administrative reforms and public grievances (DARPG)

DARPG has taken within its ambit the responsibility of establishing integrity and quality in public service, alongwith modernizing it by reengineering and bringing out improvements in already existing processes. The main steps taken by it are such as citizen's charter, public grievance policy, quality management in govt., e-governance etc. It has a twofold role as the formulator of policies and the watchdog of existing practices, monitoring and ensuring norms are being followed by all the ministries and departments in term of regulation and delivery of services.

III. DRAWBACKS IN THE CURRENT SYSTEM

Citizen's charter a voluntary initiative

The Citizen's Charter initiative faced some major roadblocks in implementation as it was not legally binding but voluntary in nature. A review done by a 2008 study of the Citizen's Charters conducted by Indian Institute of Public Administration found out that many charters were non-existent or outdated, lacked precision on standards, commitments and mechanisms. The study, after careful assessment of the charters concluded there was lack of organisational clarity and information and the mechanism for processing of suggestions and systematic review was missing from 98 percent of the charters. It further pointed out that charter-making got frozen in time as a onetime exercise since there was no monitoring, reviewing or up gradation after its formulation.

Corruption

The pervasiveness of rampant corruption in form of red tape, bribes, favouritism, nepotism and discrimination while providing services eats away equality, leads to generalised perception of all government employees and mechanisms as being opaque and lacking ethical work culture and channels out the nation's wealth. It makes it very costly for the ordinary person to seek justice or service from public officers. Corruption has a cause and effect relationship with service delivery as lengthy procedures and complex administrative structures cause people to look for alternate ways to get the work done quicker and the cost of paying a bribe seems more bearable than the delay to them. The failure to penalize the corrupt, especially when those who are corrupt are the ones in power is a looming problem interfering with all spheres of honest working culture.

Lack of awareness:

Information about existence of the charter and what it entitles people to, who is to be approached and how. An analysis of the RTI act taken up in 2010 showed only 12 percent of the rural population and 30percent of the urban population were aware of their Right to Information.

Non-revision of Rules:

Prepared at most times without involvement of citizens and stakeholders, the rules and guidelines, when available, are poorly defined and with dynamic environment, are hardly updated, renewed or revised. Absenteeism:

Government servants instead of serving the public, assume their role is authoritative in nature. Incidents of lack of motivation and accountability, officials not adhering to their prescribed schedules, not being available for appointments, being busy, having personal conversations on the phone for hours, being absent during work hours, or going on indefinite lunch breaks are a regular cause of inconvenience to the citizens and go unreported and unchecked.

Major steps taken by Govt. for effective services delivery

Introduced as Bill No. 131 of 2011 in the Lok Sabha for the purpose of empowering citizens, changing their perception of government functioning, and to tackle charges of employees being insensitive and corrupt, bringing in transparency and accountability and removing the feeling of impunity among the officials in a more tangible way, the Bill laid down the following provisions:

1) Mandatory to Publish the Citizen's Charter:

Earlier, formulating a charter was an activity which was voluntary. The Bill now makes it mandatory for every public authority to publish a Citizen's Charter within six months of commencement of the Bill and specify details and time limits with regards to goods and services it renders as well as the names and designations of individuals who are in charge of delivering the same. It further states that it is the obligation of the Head of Authority to ensure that the Charter is regularly updated and reviewed and is available online and in print, free of cost.

2) Information and Facilitation Centre:

All public authorities from the Centre and the state to the district and sub-district levels, municipalities and panchayats will have to establish information and facilitation centres. They could be in the form of customer care centres, call centres, help desks, people's support centres, or online portals, whichever means they take

employ to make the information available at the citizen's doorstep. For example, every public authority is required to publish on its website, by the 15th of every month or, in certain cases, at even shorter intervals, the number of complaints received, pending and disposed off in the concerned time period.

3) Organisational Structure:

a) Grievance Redress Officer (GRO) : Every public authority is required to designate Grievance Redress Officers to look into and redress any complaints from citizens. The timeframe for doing the same is 30 days (from the date of receipt of the complaint). The GRO shall be at least one level above the officer designated to deliver the service. Must provide all necessary assistance to citizens in filing complaints and unique complaint number to the aggrieved citizen within two days of receiving the complaint. Must notify a stipulated time frame in which the service will be delivered and complaint will be addressed as per Charter norms. Also expected to remedy the complaint in a time frame not exceeding 30 days from the date of receipt of complaint. May make a recommendation for the penalty, including compensation to the complainant, to be imposed, to the designated authority. Must report every complaint which has not been redressed along with the details of the complainant, nature of complaint, and reasons for non-redressal of complaints to the designated authority, after the expiry of 30 days.

b) Designated Authority (DA): Any individual aggrieved by a decision or inaction of the concerned GRO may, within 30 days, appeal to the Designated Authority. The Designated Authority shall be from outside the concerned public authority. The DA shall dispose of such appeal within 30 days from the date of receipt of such appeal. The DA shall exercise the same powers as are vested in a civil court under the Code of Civil Procedure, 1908. It may impose penalty, including compensation to the complainant, in deciding an appeal against concerned officer for acting in a malafide manner or having failed to discharge their duties without any sufficient and reasonable cause. Additionally, the Right to be Heard provides any accused officers of the concerned public authority with a reasonable opportunity of being heard before any penalty is imposed upon them, thereby ensuring fair and just representation of both sides of any case.

c) State and Central Public Grievance Redressal Commission: Any individual aggrieved by a decision or inaction of the concerned DA may file an appeal to the State/Centre Public Grievance Redressal Commission respectively.

d) Penalty and Compensation: The Designated Authority, the State Public Grievance Redressal

Commission and the Central Public Grievance Redressal Commission have the power to impose a lump-sum penalty, on the errant officer which may extend up to fifty thousand rupees and shall be recovered from his salary. The compensation amount awarded to the appellant shall not exceed the amount of penalty imposed.

e) Disciplinary action: It provides that if any public servant is found guilty, he/she would be subject to disciplinary proceedings.

f) Appeal to Lokpal / Lokayukta: It provides that any person aggrieved by the decision of the Central Public Grievance Redressal Commission Or the State Public Grievance Redressal Commission, which contains the findings relating to corruption under Prevention of Corruption Act, 1988, may file an appeal to the LokPal Or Lokayukta, constituted under the Lokpal And Lokayukta Act, 2011

IV. EXAMPLE OF AN IDEAL SYSTEM

Delhi:-Service Level Agreement model called the Delhi (Right of Citizens to Time Bound Delivery of Services) Act 2011; this Act covers 116 services across 22 departments. The Delhi Act focuses on delivering the service or compensating the citizen within time, before even starting the appeal process. The penalty is minor, INR10 per day, and there is administrative action against officers with repeated defaults, thus making the approach more disciplinary. Various government departments sign a Service Level Agreement and are required to appoint a competent officer who is to be approached for filing complaints. The competent officer is the first appeal and a Second Appellate Authority decides whether to penalize or repeal the complaint, thereby removing multiple levels of authorities in between.

What demarcates this act from those in other states is its online monitoring system and the electronic Service Level Agreement (e-SLA) that records and tracks applications. A Service Level Agreement (SLA) is a contract between the customer and network service provider used in the implementation of this act for better outreach through a web-based interface, thus providing citizens with a facility to track their applications. The SLA accepts and disposes applications and acknowledgment slips automatically. The electronic disposal works in an integrated and central manner, just like CPGRAMs. In a way it is playing the role of monitoring infrastructure, in place of the state. Thus, the e-SLA also helps identify and keep a check on the non-performing departments and staff.

V. CONCLUSION

Increasing number of Indian states are passing their

respective RTS Acts; there is also a growing awareness among citizens about the benefits that the Act provides them with. Given this, the ICT based online monitoring system of Delhi i.e. e-SLA provides a replicable solution for meeting both the demand and supply side of governance commitments under the RTS. Further, with governance in India actively taking the e-governance route and the demand for transparent and accountable government machinery being on the rise, a simple yet effective online system like the e-SLA can lead the way in developing a day to day monitoring system wherein governance processes are tracked and government officials made answerable. By gradually altering the working culture of government departments and providing a convenient and accessible service delivery model to citizens, e-SLA is building a citizen-centric public service delivery environment in the capital of the country.

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