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From Charter of Promises
to Services Guarantee**

Niranjan Sahoo

Arjun Kapoor

OBSERVER RESEARCH FOUNDATION

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About the Authors

Dr. Niranjan Sahoo is a Senior Fellow at Observer Research Foundation. His interests include diverse but interrelated policy issues concerning governance reforms, equity and social exclusion. He has written a book, *Reservation Policy and its Implementation Across Domains in India*, published by Academic Foundation, New Delhi.

Arjun Kapoor is a graduate of Nalsar University of Law, Hyderabad. He was an Intern at the Centre for Politics and Governance, Observer Research Foundation, and worked on issues concerning public service delivery and grievance redressal mechanisms.

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Abstract

Once synonymous with inefficiency and slothfulness, India's public service delivery system is finally being overhauled and put on the path of reform. Ironically, this new service delivery revolution is being spearheaded by a set of state governments. The paradigm shift in service delivery was first initiated by the Union Government in the late 1990s through the citizens' charter initiative; though this move failed because of “half measures” it has led to serious tractions in the form of service guarantee legislations in recent times. Coinciding with the Lokpal movement led by noted social activist Anna Hazare, a number of service guarantee legislations are drawing the attention of various sections in India. Led by Madhya Pradesh and promptly followed suit by several states such as Bihar, Punjab and Delhi, the service guarantee Acts seek to make access to public services a matter of right—no more are citizens at the mercy of officials as was the case for the past six decades. Moreover, 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. Not only are the initiatives creating a new nomenclature for competitive politics, they are giving a new direction to initiate bold reforms and convert the outcome into electoral advantage. This Paper attempts to capture the key trends related to the service delivery mechanism and the far reaching

consequences they may have for democracy and governance in the country. While the Paper does a quick stock-taking of key trends emerging from service guarantee Acts in select states, it also scrutinizes the Centre's proposed legislation that seeks to establish a broad architecture for states to improve their service delivery system.

Keywords: Service Delivery, Citizens' Charter, Grievance Redressal, Right to Service Guarantee Act

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

– Mahatma Gandhi

Introduction

In the last six decades of its democratic existence, while the procedural or formal democracy (in the form of free and fair periodic elections) has taken strong roots in India, the substantive part of such democracy (addressing crucial issues of liberty, economic equality and redistributive justice primarily benefitting the governed¹) is yet to make a serious beginning. So, while elections are seen as a celebration of democracy in India and rightly viewed as a major success story of democratic experiment in Asia and the world at large, this has not translated into a corresponding improvement of democratic governance benefitting millions of citizens who continue to vote in good faith and with growing enthusiasm². This absence of substantive democracy is clearly visible at least in one key domain of state functioning: 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. With some exceptions, the state of public service delivery in India has remained poor, sloppy and ineffective. Many official reports (like the Second Administrative Reform Commission 2008) and scores of studies have highlighted the glaring inadequacies in the state of service delivery in India³.

In recent memory, India's state of service delivery was aptly captured by Harvard development economist Lant Pritchett. The public service delivery situation convinced Pritchett to call India a 'flailing state' for its incapability to implement programmes and policies crucial to maintain public trust in governance⁴. According to Pritchett, “In police, tax collection, education, health, power, water supply—in nearly every routine service—there is rampant absenteeism, indifference, incompetence and corruption. In many parts of India, in many sectors, the everyday actions of the field—level agents of the state—policemen, engineers, teachers, health workers—are increasingly beyond the control of the administration at the national or state level”. In other words, India, according to Pritchett (2008)⁵ 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. As a result, the State's ability to deliver basic services and make the administration citizen-friendly has received inadequate attention and treatment by successive governments at the Centre as well as the states for over six decades.

Lately, a major shift has been taking place in India's much derided governance system, particularly with regard to service delivery. This has been triggered by a host of factors: growing disenchantment of the citizenry with the state of public service delivery; rise of civil society activism espousing governance reforms (access to basic services, entitlements); greater awareness among citizens; a series of policy measures serving as the founding pillars for other reforms (Right to Information Act 2005, setting up regulatory institutions, e-governance, etc); service delivery emerging as new touchstone of governance reforms globally in advanced and developing countries and, importantly, the positive convergence of competitive politics⁶ with good governance ideals

in the last decade in India; all these factors have created a favourable climate for key governance reforms⁷. Beginning before the Lokpal (an Ombudsman like institution) agitation by noted social activist Anna Hazare but taking major traction during the course of this year's long anti-corruption agitation, more than a dozen Indian states have launched a bold initiative in the form of service guarantee legislation to revamp critical service delivery functions. A large number of states enacting such bold legislations in quick succession (and taking them seriously) sends an unambiguous message that good governance has taken centre-stage in the country's democratic politics.

After a long wait, the citizen-state relationship is being sought to be altered largely because of the changing nature of competitive politics in India⁸. As things look now, the states are leading the new movement on governance reforms with regard to service delivery. Ironically, the Union which had laid the foundation for a paradigm shift in governance (through Citizens' Charter initiative) in the last decade now seems to be following the initiatives taken by some of the state governments. While several states have already enacted service guarantee legislations that make access to services a matter of right, the Union Government is yet to debate a bill that it had proposed in the last winter session of Parliament.

This Paper attempts to capture some of the key developments with regard to new governance initiatives in the form of citizens' charter and service guarantee Acts in improving the state of public service delivery. While the Paper tracks the global and national developments on key governance reforms, the emphasis is on capturing the key trends emerging from the states' experiences of implementing service guarantee Acts. In conclusion, the paper juxtaposes state level initiatives with national efforts (in the form of the grievance redress bill) to see if both measures can

converge at some point to help lay down an effective governance architecture in improving pressing service delivery challenges.

Improving Service Delivery: A Glance at Global Initiatives

Over the last two decades, a paradigm shift has taken place in governance, both in the manner in which public services are being delivered to the citizens and the methods in which their grievances are being redressed. The new governance model, which initially took root in advanced OECD countries (particularly in Great Britain during John Major Government's in 1991), put 'citizens' at the heart of governance—'citizen-centric' rather than the earlier 'bureaucracy-centric' model of governance. The governments in the West were responding largely to the growing disenchantment of the public with the inadequate quality of services being delivered by a non-responsive bureaucracy; besides, a number of governments in the early 1990s faced a severe resource crunch⁹. The new model increasingly emphasised on quality and time-bound delivery of services, transparency, accountability, timely redressal of grievances, consultation with citizens, value for money and, finally, enhancing citizen satisfaction¹⁰.

Among numerous instruments suggested to improve public service delivery by making the administration more responsive and citizen-friendly, citizens' charters¹¹ emerged as the most useful way to achieve these parameters. Citizens' charters represented a landmark shift in how services were to be delivered¹². Leading the pack was the John Major Government in 1991 which put out the first formal citizens' charter “to promote citizen orientation of administration by placing citizens at the heart of administration”¹³. In every sense, this signalled a radical departure from the traditional top-down approach of the bureaucracy by building

bridges between the government administration and citizens by placing the needs and interests of citizens at the heart of public service delivery (Government of UK 1999). Following Britain's example, countries all over Europe, America, Asia and Africa have brought out their version of citizens' charters¹⁴. In fact, a number of countries went several steps further by creating elaborate devolution mechanisms and legal entitlements guaranteeing public services to citizens¹⁵. While there are variations across countries, within regions and even services, every country that adopted a citizens' charter initiative aimed to produce citizen-centric public services that focused on improving quality of services, standards conformity, and the grievance redressal process.

Charters Revolution in India!

India, which inherited the 'steel frame' bureaucracy (largely conversant with maintaining 'law and order' than 'to serve its key constituency or citizens') 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, coinciding with economic liberalization, emergence of private service providers that began competing with public agencies in providing services (eg, telecom, electricity), growing awareness among citizenry, thanks to civil society activism (human rights, environment, flurry of activism through public interest litigations) and 'good governance and development' planks being adopted by competing political parties¹⁶. What added to this was the failure of many flagship programmes in reaching the target populations for known reasons of bureaucratic apathy, slothfulness and large scale corruption¹⁷. In short, huge amounts of state resources were going down the drain in the absence of accountable, responsive and citizen-friendly public administration

(The World Bank 2006; Pritchett 2008). To arrest such growing cynicism among citizens and taking note of changes that public administrations all around the world were undergoing to become accountable and responsive, the Government of India initiated a Conference of Chief Secretaries in 1996 to formulate, “*An Agenda for Effective and Responsive Administration*”. Among its major recommendations, the formation of citizens' charter was chosen as a key instrument to bring about a visible change in public service delivery. The idea was to start citizens' charters in as many departments of the Centre and the States at the earliest¹⁸.

The new governance initiative received further boost from the Union Government when the then Prime Minister, I.K. Gujral, convened the 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: (a) Making administration accountable and citizen-friendly; (b) Ensuring transparency and right to information and; (c) Taking measures to clear and motivate civil services. The Chief Ministers' Conference concluded with some clear recommendations, such as: (a) enforcing Citizens' Charters, (b) redress of public grievances, (c) decentralization and devolution of powers and; (d) 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 citizens' charters both at the Centre and at the States. The Department of Administrative Reforms and Public Grievances (DARPG) of the Union Government was given the responsibility of coordinating formulation, operationalisation and evaluation of the citizens' charters of the Union Ministries/Departments and other Central Government organizations¹⁹.

It all began by selectively introducing charters in key government departments and agencies, especially the ones that have a large public interface, such as the Indian Railways, Department of Posts, Department of Telecommunications and Department of Public Distribution System as test cases. One notable innovation at the central level was setting of quality standards for services called “Sevottam”²⁰. Till now, some 120 departments, ministries and authorities under the Central Government and over 700 departments, ministries and authorities under the state governments have published citizens' charters²¹. In short, citizens' charter as a key instrument to improve service delivery has taken a big leap (at least in volume and size) at the central level, covering almost all departments that interface with the public in day to day affairs.

While the Union Government took an early cue from the series of global initiatives to revamp public administration by introducing citizens' charters in key departments and fine tune the process for quick redressal of grievances, many of these initiatives remained mere symbolism rather than game changers. A couple of follow up studies assessing the effectiveness of citizens' charters have recorded dismal and discouraging pictures. For instance, a study titled “*India's Citizen's Charters: A Decade of Experience*” by the Public Affairs Centre, Bangalore (2007)²² found that most citizens' charters in India suffer from poor design and content, lack of public awareness and wrong information. Further, the study found that the citizens are not consulted during the process of formulation of the charters and in most cases, officials in the departments are themselves unaware of the contents of the charters. According to the study, just 51 per cent of charters reviewed included a section on citizen's obligations whereas only 34 per cent of charters reviewed included a section on citizen's rights; about 11 per cent of the charters reviewed included an incomplete section on citizen's rights.

A similar study on citizens' charter by the Indian Institute of Public Administration (IIPA) in 2008²³ revealed that many departments and ministries had not adopted any charters, while some departments had not updated them. Around 43 per cent of the charters reviewed did not have any service delivery standards and 41 per cent did not indicate any timeframe for the delivery of goods and services. The study concluded that in order to remedy the existing anomalies, it is important that citizens' charters have more clarity and precision in standards and commitments, greater participatory structures, visibility and communication and effective mechanisms to ensure proper enforcement for delivery of services and standards.

As is evident from the above studies, with some exceptions (railways, banking, posts), the citizens' charter initiative of the Centre has largely remained ornamental, having little impact on the quality of governance in service delivery. To quote the report of the Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice (25th Report) *“people are not aware that a system of redressal exists in many of the Government departments and its subordinate offices where they are required to visit. In addition to the above, the existing mechanisms are more process based than standard based and hence there are no mandatory initiatives to ensure that the services provided are of a certain standard and quality that is desirable.”*

From Charter of Promises to Service Guarantee: Review of State level Experiences

Compared to the Union Government's charter experiment which began with lofty goals and promises but stagnated after a point, a number of state governments have initiated governance reforms that seem to have more teeth and substance. While the Centre's initiatives, including citizens'

charters, were largely proactive voluntary initiatives by certain departments (notwithstanding solid backing of ministry of Personnel and Public Grievances), the state level initiatives came with legal guarantee. The state governments are duty bound to meet the promises or rights declared under the Service Guarantee Acts. In short, service delivery or grievance redress with regard to listed services (as mentioned in respective Service Guarantee Acts) becomes a matter of right for citizens of the state.

Public Service Guarantee Acts: A Review of Selected States

Beginning with Service Guarantee Act of Madhya Pradesh Government in 2010, nearly a dozen Indian states²⁴ have enacted their version of public service guarantee legislation. As mentioned earlier, the Service Guarantee Acts brought out by the states in recent times largely acknowledge the collapse of the public service delivery system. By articulating citizen entitlements and creating internal checks and balances through effective grievance redressal mechanisms, they mark a significant departure from the earlier mode of governance that had little or no institutionalized process of making governance responsive or citizen friendly. While it is too early to evaluate the efficacy of these Acts and their long term effect on improving service delivery, a quick appraisal of emerging trends would give some pointers or hints as to how the process is evolving at the moment.

Madhya Pradesh

Leading the bandwagon on key governance reforms for better facilitation of delivery of services is Madhya Pradesh (MP), a state known in recent times as BIMARU (meaning backward or sick). A brainchild of Shivraj

Singh Chauhan, a politician with an impressive track record of initiating a number of development schemes and governance reforms, "*the Madhya Pradesh Public Service Guarantee Act* " enacted on August 18, 2010 is a bold initiative to give the state's citizens the 'Right to Service' in a timely manner. For the first time in the country, a government has made services as entitlements, giving citizens legal rights on issues of access to services and grievance redress. The Act covers 52 services across 16 departments under its ambit including key public services such as issuing caste, birth, marriage and domicile certificates, drinking water connections, ration cards, copies of land records, etc²⁵. The most distinct feature of the Service Guarantee Act is the penalty provision for failure to comply with the service request. The Act has a fixed timeframe for each service and if an official fails to perform the duties enshrined in the Act, he/she will have to pay a fine starting from Rs. 250 per day to a maximum of Rs. 5000. In a way, the Act is a copybook example of the Right to Information (RTI) Act, 2005. The Rs. 50 per day penalty provision in RTI Act is forcing many officials to furnish information as demanded by citizens²⁶. There are various appeal processes in the Act for non-compliance of complaints/demands. What is more important is that the Act provides for compensation that may be paid to the complainant out of the penalties imposed on the defaulting officers. One of the notable features of the service guarantee Act is its emphasis on online or single window system of service delivery.

The government of Madhya Pradesh has announced the opening of 400 Lok Seva Kendras through Public Private Partnership (PPP) basis at the block levels offering end-to-end services from a single window through an online system that would fix and track accountability. Borrowing largely from the PPP model of Kerala (Akshaya Jana Sevana Kendram²⁷), the proposed Lok Seva Kendras will be run by private entrepreneurs with active involvement of the government department. The most noteworthy

feature of the Act is that a separate Public Service Management Department (PSMD) has been established with the required financial and administrative support to oversee the effective implementation of the Act. Apart from bringing required coordination among district and block level officials to facilitate quick redressal of grievances related to services, the new department has been tasked with training of officials, promotion of e-governance to help speed up the redressal process, among other initiatives. Overall, the Act seems to be a bold initiative to clean up key bottlenecks related to service delivery.

What are the initial responses and trends emerging from this bold initiative? While it would take a longer period of time to see clear results, the Act is already showing a huge difference in its initial months. In just about five months of its implementation, 8,500 cases were received. Within this period, nine departments had provided around 26 kinds of services and responded to 2, 17,445 applications out of the 2, 26,061 received since September 25, 2010²⁸. This clearly reflects the state of service delivery and the frustration of the citizenry with regard to service delivery. What is noteworthy is the fact that within one-and-half years of its implementation, the Act has been able to dispose 73 lakh cases without a single appeal out of a total of 82 lakh applications; about 6.5 lakh applicants availed of online services²⁹. Further, within this short span, services were provided on 72 lakh applications (99 per cent of the applications).

Yet, there are plenty of problems and challenges that are increasingly overshadowing the positive results of the MP Service Guarantee Act. A fact-finding survey conducted by the Madhya Pradesh Government in 32 offices, 22 revenue blocks and eight districts found that in 20 per cent of the cases there was serious discrepancy in the information compiled,

registers and display boards were missing from 25 per cent of the offices and only 28 per cent of the citizens and public officials were aware of the general provisions of the Act³⁰. There are other also other issues, such as rigid attitudes of officials, lack of capacity, availability of resources and, most importantly, 'quality' of services delivered to citizens.

Bihar

Once dismissed as a state 'ungovernable', Bihar under the leadership of the present Chief Minister Nitish Kumar has emerged as a leading state in governance reforms. Following the example of Madhya Pradesh, the state has enacted its own service guarantee legislation. Drafted under the close guidance of the Chief Minister, "*The Bihar Right to Public Services Act, 2011*" (BRTPS Act)³¹ intends to address some of the key public service delivery bottlenecks experienced in 50 critical public services across 10 departments. These include General Administration Department, departments for Commercial Tax, Transport, Home, Social Welfare, Human Resources, Food and Consumer, Urban Development, Revenue and Land Reforms and Registration.

Apart from having basic provisions on timeframe, different appellate forum for grievances and penalty provisions for non-compliance, the BRTPS Act is marginally better than the MP Act because of its added emphasis on the use of Information and Communications Technology tools and infrastructure³². The BRTPS Act plans to enhance service delivery and the redressal process by the use of ICT tools and infrastructure³³. In addition to these tools, the legislation has also led to the recruitment of field- level IT Managers in all 38 districts of Bihar, IT Assistants in all 534 blocks of the state and Executive Assistants for

managing the IT systems at different levels of administration³⁴. Further, in every district headquarter a 'May I Help You' Booth has been set up to provide information on the BRTPS Act and its implementation; training has been given to about 180 nodal officers on the provisions of the BRTPS Act³⁵. The Government of Bihar is now considering implementing a single window service provision on the lines of the Lok Seva Kendras in Madhya Pradesh³⁶.

The reports emerging from the ground suggest the Act is showing positive results with regard to service delivery and grievances redressal. Having embedded strong ICT tools in the system (making it simpler and more accessible for citizens to file their grievances), the new law is attracting maximum attention and responses from ordinary citizens. For instance, within the very first month, around 16 lakh applications were filed under the BRTPS Act; nine lakh cases were disposed successfully and around seven are lakh pending³⁷.

Notwithstanding plenty of promises and some early successes, the implementation of the legislation has been fraught with several challenges. The biggest impediment in the smooth functioning of the BRPTS Act is its limited reach at the local or block level. Further, there has been tremendous pressure on frontline offices; queues are long and sometimes citizens have to make return visits to submit their applications³⁸. The key reason for such poor delivery of services is largely lack of needed capacity among the delivery institutions to perform such tasks³⁹. Furthermore, deficient infrastructure, shortage of revenue and *karamcharis*, incomplete applications and overcrowding of application submission counters are some of the other challenges facing the implementation of the BRTPS Act⁴⁰.

Delhi

Following the MP and Bihar examples, the Government of Delhi brought out *The Delhi Right of Citizen to Time Bound Delivery of Services Act* on September 15, 2011. So far, around 96 services of various departments have been brought under the purview of the Act. While many of its core features resemble those of MP and Bihar⁴¹, the Delhi Act is a vastly improved version especially with regard to its provision on electronic mode of routing the complaint and redressal process. For instance, under the Delhi Act, a citizen can file applications online to get the services which are being provided under the electronic Service Level Agreement (e-SLA), an online monitoring system. Delhi's online monitoring system captures the submission of service applications and their disposal electronically through a central software in which various departments' data is integrated and linked to the central software, which can then be used to generate reports and evaluations that assist higher authorities in overseeing and monitoring the performance of their departments and track any sort of delay⁴². Till now, the e-SLA system monitors 70 services of 22 departments. The e-SLA monitoring system is an excellent example of leveraging ICT tools for supporting and strengthening governance processes and monitoring mechanisms and most Indian states can learn and adapt from Delhi's experience to develop an ICT service delivery monitoring infrastructure of their own.

Since December 2011, around 454,187 applications have been received by all departments out of which 424,631 applications have been disposed within time. The Transport Department has received the maximum number of applications (173268)⁴³. However, a major weakness of the Delhi Act is the low penalty provision on officials for non-compliance⁴⁴. As per provisions of the Act, officials are liable to pay financial penalty of

Rs 10 per day up to a maximum of Rs 200 to applicants if they fail to deliver services like issuance of ration card, driving license and electricity connection within the stipulated time-frame.

Punjab

A pet project of Sukhbir Singh Badal⁴⁵, the Deputy Chief Minister and elder son of Chief Minister of Punjab Prakash Singh Badal, *The Punjab Right to Service Act, 2011* was enacted on October 10, 2011 and covers 67 key services for time bound delivery. Among the major services that come under the purview of this new Act are land records, mutation, sanction of water, certified copies of birth/death certificates, vehicle licenses, copy of FIR, caste certificates, and registration of all kinds of documents. In a significant departure from other states, the Punjab Act brings 20 services related to policing under its purview. Similar to other state Acts, the Punjab Act stipulates a strict time limit on the provision of services. For instance, registration of documents such as sale and lease deed, GPA, and partnership deed would have to be done on the same day, while birth/death certificates have to be provided in two working days. Passport verification has to be completed in 21 days. In case of non-compliance, as in the other states, the Act imposes a moderate fine ranging between Rs. 500 to Rs 5000 on errant officials.

While it may be premature to comment on the Act's efficacy, the initial response emerging from the state shows some positive signs. Field reports indicate that the Act has generated interest and curiosity among ordinary citizens, particularly the dalits and economically weaker sections of the population⁴⁶. Also, as reported recently in media⁴⁷, the incumbent government by implementing the Act was able to reap crucial electoral benefits during the recently concluded assembly elections.

Other Notable Examples

The positive reporting by the media and civil society groups on the MP and Bihar experiments on service guarantee provisions has generated enthusiasm, even competition, among a number of Indian states to enact similar or even more broad-based legislation to address citizens' grievances with regard to services (Nayar 2012). For instance, Karnataka, a state with a much longer record of initiating governance reforms than MP and Bihar, recently enacted the Karnataka Citizens' Services Act 2012. Seen as Chief Minister Sadananda Gowda's big ticket initiative to project himself as people-friendly⁴⁸, the Citizens' Services Act is much more comprehensive in its scope and compliance provisions. Compared to other states, the Karnataka Act covers more than 100 services from more than two dozen core departments. Importantly, the Chief Minister's office directly oversees the complaints via personal delivery, telephone and email. The Act also stipulates moderate fines in case of non-redressal of the complaint within the stipulated time.

Similarly, the Government of Rajasthan passed *The Public Services Guarantee Act 2011* on November 14, 2011 to provide time-bound disposal of as many as 108 public services related to 15 key departments of the state government. The officers who fail to deliver services within the prescribed timeframe are liable to be punished under the Act. Similar to legislations in other states, the Rajasthan Service Guarantee Act imposes a cash penalty ranging from Rs 500 to Rs 5,000 in case of non-compliance by the officials. The Act aims at bringing transparency in administration, apart from curbing corrupt practices. While the Act is of very recent origin, the initial trends emerging from Rajasthan suggest it has begun to have some impact on the ground. Already, complaints have started mounting and in

some cases, appellate authorities have taken appropriate steps to give it a push⁴⁹.

Uttarakhand, Himachal Pradesh, Chhattisgarh and Uttar Pradesh have also notified their own Acts and Odisha, Kerala, Goa and Jharkhand are in the process of bringing out their versions of the legislation. The states, it seems, are trying to compete and out-do one another to give good governance a major makeover.

Summary of State level Trends

While it is too early to evaluate how these Acts are performing in addressing citizens' grievances with regard to service delivery, at the risk of over generalization one can observe some initial trends and key pointers emerging from these initiatives. First, because of considerable political backing that these Acts have received from the top leadership of several states as mentioned above, their implementation (at least in the first leg) is being carried forward with some degree of seriousness. Notwithstanding the reports of continued resistance or apathy to such initiatives by a section of state bureaucracy, many of the key provisions are increasingly being adhered to by the officials as these are seen as pet projects of the Chief Ministers. For instance, MP and Bihar demonstrated their seriousness by learning lessons quickly and making the required changes or amendments to improve the process of implementation. According to a recent study⁵⁰, the Government of Madhya Pradesh has standardized the process of providing services to citizens in quick time. The right to public service has streamlined governmental activities by checking inefficiencies, preventing delays and lack of coordination across various departments. Further, to facilitate the implementation of the Act, the Government of Madhya Pradesh has set up a new Department for Public Services

Management headed by an independent minister to oversee the enforcement of the Act. In addition, the MP government's recent announcement to set up 400 Lok Seva Kendras through PPP mode at the block and sub-block level to provide services from a single window through an online interface will add more teeth to the process⁵¹. Similarly, in the case of Bihar, despite key capacity and resource constraints, the state government is showing its resolve and commitment to take these initiatives to the lowest and most excluded sections of the population.

The most positive outcome of service delivery legislations is that it has unleashed a new wave of reforms. Now, states are competing to introduce better provisions. This is clearly apparent in certain states like Karnataka, Punjab, MP and Bihar where the Chief Ministers are trying to personally monitor the progress and implementation of service delivery mechanisms. Moreover, the state initiatives have played a role in encouraging the Union Government to incorporate some of the best features in its proposed grievance redress draft bill. To begin with, the draft Union bill, which was earlier entitled “Citizen's Right to Grievance Redress Bill 2011” has been renamed the “Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011”, thereby highlighting 'service delivery' and promising to make it a constitutional right, as is the case in several states. Besides, the Union Bill has incorporated a number of provisions from the Service Guarantee Acts brought out by many states.

Finally, the citizens' 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 Minsiter Shivraj Singh Chauhan of Madhya Pradesh has highlighted the state's servie delivery Act as his “single-most important achievement” to provide a corruption-free administration⁵². In sum, this key initiative is finally receiving due political attention, the lack of which had stunted governance in the country for over six decades. Also, in some ways the initiatives signal a major shift in democratic politics which is finally turning its attention to good governance issues than the yesteryear emphasis on identity and other parochial matters .

Problems and Challenges

Notwithstanding impressive trends and outcomes, there are many problems and challenges facing these promising governance reforms. Some useful studies and reports have highlighted the following challenges⁵³.

- While service guarantee legislations contain many enabling provisions and innovative mechanisms to address service delivery issues, these are not without serious bottlenecks and handicaps. Some of these concerns extend to defining the scope of the Act adequately, so as to specify the number and type of services covered in a scenario along with the different kinds of complaints and grievances. In fact, most of the state legislations do not have any provisions for publishing citizens' charters and making information available in the open sources. No wonder the surveys conducted by some state governments have revealed that the awareness levels of citizens and those of service providers with respect to the provisions of the acts are quite low⁵⁴.

- The legislations have ignored a very important aspect of citizens' welfare that is implicit in the imposition of services delivery standards and quality marks. While there is a focus on timely delivery of services, there are no provisions that enforce quality standards yet.
- There is a shortage of manpower and financial resources. Adequate incentives to motivate government officials such as promotions, rewards, performance assessments are yet to receive due weightage in various states.
- There is a lack of availability of Management Information Systems for maintaining records under the state legislations as is provided in the Right to Information Act, 2005. Experience has shown that maintenance of records of the complaints and grievances has an important bearing on the provision of services and the same should be accounted for in any public grievance mechanism.
- While most of the state legislations are showing plenty of early promises and positive outcomes, implementation of these Acts have not gathered the required momentum. In rural areas in particular, lack of awareness and infrastructure, and poor power supply remain key bottlenecks in the realization of key promises made in the Acts. In addition, states under review are yet to overcome challenges of absenteeism amongst public officials, financial and manpower constraints apart from facing the major hurdle in the form of opposition or apathy from the top bureaucratic echelons⁵⁵.

To sum up, while the passing of the service guarantee Acts is itself a huge achievement in terms of the much needed change in attitudes and mindsets of the politico-bureaucratic class, vital to any meaningful

governance reforms, these Acts can be seen only as baby steps rather than substantive reforms. Notwithstanding plenty of positive trends and initial momentum that has come in various segments (including information availability on services and grievance redress, online programmes), states have still to show real commitment on several other fronts in this crucial governance area.

Service Guarantee Revolution: Will the Centre finally catch up with the States?

Although the Union Government had taken the lead in the Nineties in the form of setting up grievance redress mechanisms and having citizens' charters within key departments to address service delivery problems, these initiative as reported earlier produced no 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 citizens' charters by providing them a legal basis⁵⁶. However, with social activist Anna Hazare's campaign on Lokpal strongly voicing its demand to have citizens' charter incorporated within the Lokpal, after initial hesitation⁵⁷ the Union Government went ahead to draft a comprehensive Grievance Redress Bill, "*The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011*", to assuage the public anger. Apart from trying to circumvent the criticisms of the Anna Hazare group, the proposed legislation was meant to compliment the initiatives undertaken by a number of states in recent times. The proposed legislation, as seen from its aims and objectives, intends to provide a broad legal and institutional framework for state governments to address citizens' grievances with regard to services. But does the new bill address some of the core problems and challenges facing the state Acts?

The Bill was introduced in Parliament on December 20, 2011 by the Union Ministry of Personnel, Public Grievances & Pensions. Among the key features of the Bill, for the first time, it lays down an obligation on every public authority to publish citizens' charters, specifying the time within which the goods and services would be provided and a grievance redressal mechanism for non-compliance of citizens' charters. This is more or else in sync with various state Acts. 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.

Further, the proposed Bill stipulates the creation of Grievance Redressal Officers (GROs) in each department of the Government. In any situation, the GRO shall not take more than 30 days in addressing the complaint and ensuring delivery of goods and services. It shall be the duty of the GRO to inform the complainant of the manner in which the grievance has been redressed through an "action taken report". In terms of achieving timely compliance of grievances, the Bill ensures that an appeal can be made to the designated authority. Such an appeal must be addressed within 30 days of receiving it. It shall be within the scope of the designated authority's powers to order compliance of the citizens' charter by the public authority, to impose a penalty (up to Rs. 50,000) on an officer who has acted in a mala fide manner and to provide compensation to the complainant.

Further, the Bill proposes to establish a network of State Public Grievance Redressal Commissions and the Central Public Grievance Redressal Commission. 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. While the Bill is clear that any issue falling under the Prevention of Corruption Act (1988) shall be addressed by the relevant authorities, it provides that any person aggrieved by the decision of the Central Commission can appeal to the Lokpal and any person aggrieved by the State Commission can appeal to the Lokayukta.

While the Bill contains several landmark provisions and in many ways would provide 'leads' to state governments, it hardly resolves or addresses the anomalies and challenges that have been noticed in the state initiatives. There is little evidence to suggest that the drafters of the bill have learnt any lessons from the initial trends emerging from the state level experiences.

Scope of the Bill

The scope of the Bill covers only 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. Further, grievances can also arise from decisions taken without

application of mind, not taking appropriate interest in the functioning of subsidiary offices/linked autonomous organizations, slackness in administration, low morale of the services, inherent inertia, absence of incentives and lack of proper authority⁵⁸.

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.

Weak Enforcement Mechanisms

The provisions with respect to the enforcement of citizens' charters lack 'teeth'. Citizens' 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. 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 citizens' 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 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. Compensation to the complainant can be a compelling measure of compliance and at the same time compensate the complainant in way that a disciplinary proceeding against a defaulting officer cannot ensure.

The Way Forward

Notwithstanding the number of problems that both Central Bill and the existing state legislations are riddled with, there are plenty of ways forward. Many initiatives are triggering a paradigm shift in the arena of governance and administration that can be further strengthened by some course correction.

Improving Access to Information

The experiences from the implementation of the Right to Information Act, 2005⁵⁹ clearly indicate that state departments do not fulfill their obligation of pro-active disclosure of information. One of the strongest recommendations that has come from the National Campaign on the Right to Information (NCPRI) has been to codify Section 4 of the RTI Act, within the proposed framework of the Bill⁶⁰. This will ensure that citizens will be able to procure information beyond what is stipulated in the citizens' charters and any denial/failure to do so would qualify as a grievance in itself.

Addressing Quality Concerns

In the realm of citizen administration, first, the imperative of adhering to a benchmark or standards must become a feature of the new law. Second, an appropriate framework of evaluation of services according to prescribed standards must be brought in either as a legal requirement or a policy initiative. To this effect, the “Sevottam” model of service delivery and IS 15700: 2005* published by the Bureau of Indian Standards, should be integrated into the functioning of each department and be made a mandatory stipulation.

e-Governance

The future of governance in India can well be found in the concept of e-governance. This is crucial to reform the existing administrative and bureaucratic structures and make them efficient. The existing model of the BRTPS Act is a step in the right direction with extensive use of Informational and Communication Technology tools such as *Adbikar* and *Samadhan*. Similar models can be found in Kerala which are extremely efficient and have revolutionized the concept of governance in India. The Rajiv Gandhi Sewa Kendras could be used in each one of the 6000 blocks at the district level as the single window system instead of creating new infrastructure⁶¹. In this regard, the proposed Electronic Service Delivery Bill, 2011 may come handy⁶². If the former could draw organic linkages with the citizens' grievance redressal mechanism, a single window system could be created for the provision of services and the redressal of

*The Bureau of Indian Standards (BIS) developed a generic standard for quality service delivery in 2005 named as IS 15700: 2005. This standard lays down the requirements of Quality Management Systems for Services Quality by Public Service Organisations. It is a certifiable Standard and is applicable to all organisations involved in Public Service delivery.

grievances. For this purpose, a standardised software could be merged with single window system based on a PPP Model.

Resource Commitments and Capacity Building Measures

As is evident from state level experiences, while it does not require much time in creating a new law, even the ones with legal teeth (for example, the Right to Education (RTE) or even the present service guarantee laws), in the absence of adequate resources and manpower (including capacity) commitments, very little can be achieved. Therefore, it is imperative that the states commit themselves to address capacity of service providers by strengthening human resources, financial and infrastructural support. Resource commitments have to be made to ensure that delivery of services is not hampered due to difficulties faced by the service providers. At the same time, it is extremely crucial to train public officials in the functioning of grievance redressal mechanisms, information and technology tools and equip them with functional skills to successfully manage grievance redressal mechanisms. Training must also be imparted to regulate the conduct of public officials and make them more citizen-friendly⁶³. Further, the performance of these officials must be monitored and evaluated constantly and, importantly, a reward or incentive structure created within the new system for the best performers⁶⁴.

Integrating Social Audit

Social audits have come to be realized as an effective measure of ensuring accountability and transparency from the government. Experiences from social audits conducted under the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) have been extremely

successful. However, social audits have been relatively inconspicuous in most states. The outcome of social audits has been quite illuminating. As of June 30, 2010, Rs 82 crore worth of misappropriated funds have been detected, of which around Rs 15 crore have been recovered. About 33,800 field level functionaries have been implicated, 3,842 functionaries have been dismissed based on the findings of social audit, and 1,430 suspended⁶⁵. All this has been made possible by 60,000 village social auditors (wage earners trained in social audit) trained by 700-odd district and state resource persons and 22 technical resource persons. In Andhra Pradesh, social audits of MGNREGA have recovered Rs 33 crore⁶⁶. This scheme works under the Andhra government and in the past few years, around 3.5 lakh complaints have been registered and almost a 1,00,000 people have been trained to volunteer for these audits⁶⁷. Hence, these measures will be extremely beneficial in ensuring that public funds are efficiently utilized in the delivery of goods and services and would empower citizens to hold governance institutions accountable.

Conclusion

While the procedural aspect of democracy has taken strong roots in India through periodic elections and enthusiastic participation of citizens, the substantive part of democracy—governance and inclusive participation—has received little or no attention. Thanks to the interplay of many factors and the positive convergence of competitive politics with good governance ideals in the last decade, India's service delivery mechanism, the most critical aspect of governance, is witnessing a promising change. The paradigm shift which began gathering pace during the half-baked citizens' charter initiative in the late 1990s by the Central Government has taken a different turn and shape in the form of service guarantee Acts being passed by a number of Indian states. The plethora

of governance reforms unleashed, coinciding with Anna Hazare's Lokpal agitation, is showing plenty of promise for further eliminating key public service delivery woes. While conceding that huge areas need improvement, the state initiatives in the form of service guarantee Acts have helped by creating a 'new ecology' for more governance reforms, which if managed well (as they have been in the cases of Bihar, MP and recently in Punjab) could possibly change the nature and content of democracy as practiced in India. Not only is this creating a new nomenclature for competitive politics, it is giving a new direction to initiate bold reforms and convert the outcome into electoral advantage. Finally, looking at the report card both in terms of legislation and political weight given to these initiatives, for a change, the states are leading the way, while the Centre seems to be doing a “catching up” act.

1. For the best illustration of procedural and substantive democracy in India, see Jayal 2001.
2. Varshney 2000.
3. For a comprehensive review of state of service delivery in India, see “Making Service Delivery Work” The World Bank, 2006. Also see Public Affairs Center (PAC) report 2002. In the recent times, service delivery issues have been captured by the 7th Report of the Second Administrative Reform Commission, Government of India, 2008.
4. Noted Harvard economist Lant Pritchett called India a flailing state. To quote him "In police, tax collection, education, health, power, water supply - in nearly every routine service - there is rampant absenteeism, indifference, incompetence and corruption. In many parts of India, in many sectors, the everyday actions of the field-level agents of the state - policemen, engineers, teachers, health workers - are increasingly beyond the control of the administration at the national or state level. For details, see Pritchett's study at : <http://dash.harvard.edu/bitstream/handle/1/4449106/Pritchett%20India%20Flailing%20State.pdf?sequence=1>
5. Pritchett links low administrative performance to (a) an exploitative system inherited from the British; (b) the steady decline of the Congress Party's role as an “institutionalized political aggregator from the grass roots and (c) the rise of regional and caste-based parties that are more focused on jobs and contracts for their millions of supporters than 'broad - based benefits to citizens”. See Pritchett 2008.
6. Over last decade, politics in India is witnessing a major shift. The nature and the manner in which elections are fought and won is undergoing a major shift. Rather than merely focusing on issues of identity (caste, class, religion, language, etc) to form governments, political parties and leaders are increasingly seeking mandate on performance or good governance. What was popularized by Digvijay Singh, then Chief Minister of Madhya Pradesh, N. Chnadrababu Naidu, Telugu Desam Party from Andhra Pradesh and SM Krishna, the then Chief Minister of Karnataka in the late 1990s and early 2000s, has now acquired a new stream with host of serving chief ministers emulating and in some cases improvising these ideals to win elections in the recent times. For instance, as has been extensively reported Nitish Kumar who defeated a long serving Chief Minister Laloo Prasad Yadav in 2004, won a landslide verdict again last year on development and good governance plank. His most significant achievement is the overhaul of Bihar's notorious governance system known for leakages, inefficiency and slothfulness. Other chief ministers who have been getting elected through good governance mandate are Narendra Modi, Chief Minister of Gujarat, Sheila Dixit, Chief minister of Delhi, Naveen Patnaik, Chief Minister of Odisha, Raman Singh, Chief Minister of Chhattisgarh and Shivraj Singh Chauhan, Chief Minister of Madhya Pradesh. In other words, development and good governance plank seems to be changing India's grammar of democratic politics. In fact, recent drive towards enacting service guarantee acts by a number of state

governments is a clear vindication of this new trend. This issue has been widely reported by media and scholarly columns. For detailed treatment, see MK Venu, “Good Competitive politics”, *The Financial Express*, 22 November 2011, source: <http://www.financialexpress.com/news/column-good-competitive-politics/878749/0#>

7. See Venu, *ibid*
8. *Ibid*
9. Beginning in the late 1970s, a widespread discontent with the public administration system in the UK and the feeling within and outside the government that it was not adequately client-oriented and responsive led the Thatcher Government to search for new ways and means to improve standards, induce greater economy, efficiency and effectiveness of public services and make them more caring and client oriented. Her government initiated a series of reform measures to make public services more efficient and responsive. The reform initiatives like 'The Efficiency Scrutinizer' in 1979, 'The Financial Management Initiative' in 1982 and 'The Next Step Programme' in 1988 formed the foundation of the Citizen's Charter experiment which was initiated by the Major Government in 1991. For details, see The House of Commons report, 2008, also IIPA Report 2008.
10. See “*India's Citizen's Charters A Decade Of Experience*”, Public Affairs Centre, Bangalore available at <http://siteresources.worldbank.org/publicsectorandgovernance/resources/indiacitizencharter.pdf> .
11. The key aim of the Charter programme was to measure public service in order that a better one could be delivered. In this regard, the Government asked each service to institute means of redress when it fell short of its promised output levels. The public services were asked to set their targets themselves in order that they could feel that they 'own' their respective charters and those were not imposed on them from outside. This was done to raise morale of the officials so that they could take pride in delivering high quality public services. The rule was that if the targets were not met, there would be some demand for an explanation or if the shortcomings were serious enough, some sort of penalty. The core objective was to make the public service providers conscious of the needs of their clients and to make them liable if they failed to meet the needs of the clients (IIPA Report, 2008).
12. Public Administration Select Committee, Twelfth Report of Session 2007-08, The House of Commons, UK. See <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmselect/cmpublicadm/411/411.pdf>
13. Unveiling key vision behind Citizens' Charter, the then Prime Minister, John Major said that it will work for quality across the whole range of public services. It will give support to those who use services in seeking better standards. People who depend on public services—patients, passengers, parents, pupils, benefit claimants—all must know where they stand and what service they have a right to expect. See the House of Commons Report 2007-08.

14. The British Citizens' Charter created wave across many continents. Many countries around the world implemented similar programmes for transforming the delivery, culture and responsiveness of their public services. These included: Belgium's Public Service Users' Charter (1992); Malaysia's Clients' Charter (1993); Jamaica's Citizen's Charter (1994); Canada's Service Standard Initiative (1995); Australia's Service Charter (1997); Sweden's Citizen's Services Act (1998); Spain's Service Charters (1999), and so on. As one can see, some countries named their initiatives as Service Charters, while few others have titled them a Public Service Guarantees. See Sen (2011); IIPA report 2008.
15. Notable names are France, Australia, Malaysia and Canada.
16. Good governance and development became the most popular vote bank slogans in the hands of several Chief Minister in the 1990s. It is in everybody's knowledge how a tech-savvy Chandrababu Naidu of Telugu Desam Party (TDP), Andhra Pradesh became a global eye catcher in espousing model concept like Janmabhoomi (good governance) and IT. Similarly, Digvijay Singh too wooed voters in Madhya Pradesh through his good governance mandate. Several other chief ministers jumped to this newly found concept and promised all sorts of reforms. In fact, Karnataka's Chief Minister SM Krishna gave good competition to Chandrababu Naidu by introducing slew of governance reforms.
17. A research study conducted by the Public Affairs Centre (PAC), Bangalore on the state of India's public services based on user experience, throws up some illuminating figures. The study examined five key services such as drinking water, primary health care, primary education, distribution of food and public transport. The results of the study indicated that not more than 20% of the users were satisfied with any of the services, the lowest being 8% for distribution of food. Several reasons may be attributed to this failure of governance. Corruption, lack of adequate accountability mechanisms, lack of information, illiteracy, paucity of resources and an extremely inefficient bureaucracy- have all contributed to the current status quo. See India's citizens' charters: a decade of experience, Public Affairs Centre, Bangalore, 2007. Also see Pritchett 2008.
18. The first directive of the Union Government to the Ministries/Departments to initiate the exercise of formulation of Citizen's Charters was given in December 1996 forwarding a copy of 'the Citizen's Charters and requesting the Ministries/Departments 'to identify areas which have wide public interface'. This letter was followed by a letter of the then Cabinet Secretary to the Secretaries of the Ministries/Departments in January 1997, inviting their attention to the recommendations emerging from the Conference of Chief Secretaries held in November 1996. The Cabinet Secretary highlighted the need for phased introduction of Citizen's Charters incorporating 'essentially citizen's entitlement to public services, wide publicity of standards of performance, quality of services and access to information'. Social audit was advised and it was desired that consumer organizations,

citizen's groups, experts and retired public servants 'are involved in this process' (see IIPA 2008).

19. For details see IIPA report 2008.
20. One of the pioneering efforts of the DARPG has been the implementation of the “Sevottam” Service Model. The framework essentially aims at improving public service delivery by the creation of service delivery standards through means of an effective performance monitoring evaluation mechanism. The evaluation mechanism is based on a set of criterion which is accorded a certain number of points and is used to assess the capabilities of each department in the delivery of goods and services. These criteria are expressed in the form of three components of the model: a) Citizen Charter Excellence to make citizens better informed and empowered b) Public Grievance Redress to ensure an efficient mechanism that addresses the grievances of the citizens c) Service Delivery Capability to improve the delivery of services. Each criterion has a list of specific elements/questions that are taken into consideration while allotting points. Accumulation of the requisite number of points under each of this criterion by the requisite department/ministry results in the accreditation of the standard 15700: 2005 developed by the Bureau of Indian Standards
21. “*Citizens' Charters-A Handbook*” available at <http://darpg.gov.in/articlecontent.aspx?category=184>.
22. “*India's Citizen's Charters A Decade Of Experience*”, Public Affairs Centre, Bangalore available at <http://siteresources.worldbank.org/publicsectorandgovernance/resources/indiacitizencharter.pdf> .
23. “*Citizen's Charters in India Formulation, Implementation and Evaluation*”, Indian Institute Of Public Administration available at darpg.gov.in/darpgwebsite_cms/.../iipa_report_citizen_charter.pdf.
24. Apart from MP, a number of other Indian states namely Bihar (Bihar Right to Service Act, 2011), Delhi (Right to Citizen to Time Bound Delivery of Services), Himachal Pradesh (Himachal Pradesh Public Services Guarantee Act, 2011), Jammu and Kashmir (Jammu and Kashmir Public Services Guarantee Act, 2011), Punjab (Punjab Right to Services, 2011), Rajasthan (Rajasthan Guaranteed Delivery of Public Services Act, 2011), Uttar Pradesh (The Uttar Pradesh Janhit Guarantee Adhinyam, 2011) and Uttarakhand (Uttarakhand Right to Services Act, 2011). A number of other states such as Kerala, Odisha, and Karnataka too have announced their intention to bring out such acts in their respective states.
25. Some of the other services include new electricity connections, temporary electricity connections, increase in sanctioned loads, complaints regarding meter repair/replacement, new water connections, repair of hand pumps, financial assistance after natural disasters, provision of copies of khasara/khatoni, domicile certificate, social security pension, new apl/bpl cards and so on. For more details, see The Madhya Pradesh Lok Sewaon Ke Pradan Ki Guarantee Adhinyam, 2010, see for details: <http://www.mppkvcl.org/html/loksewagaranteeadhinyam2010.pdf>

26. See a recent DFID Study on RTI Act. Source:
http://www.dfid.gov.uk/R4D/PDF/Outputs/Mis_SPC/60827_DPRCallandBentley_preprint.pdf
27. Akshaya Jana Sevana Kendram or Akshaya Common Service Centres are e-centres started by the Government of Kerala in 2005 to promote e-literacy work among citizens. But gradually, this was expanded to include services like distant education, empowering of women self-help groups, supporting local governments, Aadhaar (UID) enrolment, delivering birth-death certificates, registering lakhs of people for health insurance programme, etc. These centres work as single window for Chief Minister's grievance redressal forum and mass contact programmes. These centres are currently run by private sector players with active state support.
28. See the report by One World Foundation Report 2011, "*Right to Service in Madhya Pradesh, Documentation of Best Practice*," link: <http://indiagovernance.gov.in/download.php?filename=files/righttoservice> .
29. For details, see the link: <http://khojkhbarnews.com/?p=18296>
30. See One-World Foundation report 2011.
31. See for details visit to Bihar State Act: <http://gad.bih.nic.in/Acts/BRTPSAct-2011.pdf>
32. These ICT tools include a) *Adbikar*- a software for monitoring delivery of services and issue of acknowledgment slips; b) an Interactive Voice Response System called *Samadhan* wherein citizens will be able to call a helpline and get clarifications about their entitlements and service covered under the Act, procedure for filing applications, track application status and connect to Public Grievance Officers; c) online applications and online delivery of services.
33. These ICT tools include a) *Adbikar*- a software for monitoring delivery of services and issue of acknowledgment slips; b) an Interactive Voice Response System called *Samadhan* wherein citizens will be able to call a helpline and get clarifications about their entitlements and service covered under the Act, procedure for filing applications, track application status and connect to Public Grievance Officers; c) online applications and online delivery of services.
34. See *Citizens' Right to Public Service: Documentation Of Best Practice, report by the OneWorld Foundation*, September 2011 .
35. Ibid op.cit
36. Ibid.
37. Ibid
38. According reports, in Bhojpur district for instance, the applicants mentioned the biggest problem facing them resided in their inability to reach the persons assigned to forward their applications due to lack of recognition of the employees or the non-disclosure of their contact details. Similarly, in Sultanganj district, some applicants

cited the instances of applications being lost by the concerned departments. For details, see One-World Report 2011. Also see ,Rakesh Bhatnagar. 'In Bihar, services on time a citizen's right'. Daily News and Analysis, 28 September. 2011 available at http://www.dnaindia.com/india/report_in-biharservices-on-time-a-citizens-right_1518402.

39. Lola Nayar, “Serve Dharma A Few States Show The Way By Notifying The Right To Service”, 19th Dec 2011, Outlook India available at <http://outlookindia.com/article.aspx?279285>.
40. *“Innovation In Public Grievance Redressal System In Bihar-A Problem Solving Approach”* available at http://indiagovernance.gov.in/files/innovation_in_public_grievance_redressal_system_in.swf.
41. For instance, the appellate process and penal provision is same as they are in other states. As per provisions of the Act, officials are liable to pay financial penalty of Rs 10 per day up to a maximum of Rs 200 to applicants if they fail to deliver services like issuance of ration card, driving license and electricity connection within stipulated time-frame.
42. The e-SLA helps in keeping a check on non performing departments and personnel and introduces a culture of transparency and accountability. It also provides citizens' with a web based interface to track their applications anytime, anywhere and rightly demand their services on time. For more see the case study from Governance Knowledge portal of Government of India : <http://indiagovernance.gov.in/bestpractices.php?id=1240>
43. Deepak Virmani & Sushil Singh, Presentation on State Acts, available at http://www.undp.org.in/sites/default/files/reports_publication/undp_bhupal_consultation_report_withannex_lg.pdf.
44. In case of any delay in service delivery, the department is liable to pay cost of Rs. 10 per day subject to a maximum of Rs. 200 per application, to the citizen as compensatory cost. See Section 7, The Delhi (Right Of Citizen To Time Bound Delivery of Services) Act, 2011
45. For more details, see the Tribune Story, available at <http://www.tribuneindia.com/2011/20111011/ldh1.htm>
46. See BS Ghuman 'Making Babus change through RTS”, <http://dailypostindia.com/news/8622-Making-babus-change-through-the-RTS.html>
47. See Raghvendra Rao's news report “Punjab's rewritten history has a leaf out of Nitish Kumar”, The Indian Express, March 9, 2012. Link: <http://www.indianexpress.com/news/punjab-s-rewritten-history-has-a-leaf-out-of-nitish-book/921683/0>
48. See Saritha Rai's “The Service Motive”, in The Indian Express, November 19, 2011. Link: <http://www.indianexpress.com/news/the-service-motive/877846/>
49. To quote a media report, very recently the Collector of Bikaner penalized the erring officials for non-compliance of Act. The penalty provision in Rajasthan's nascent

legislation on guaranteed delivery of public services was invoked by the Collector of Bikaner on Friday to impose fines of Rs.1,000 each on a Sub-Divisional Magistrate and four revenue officials for delay in disposal of an application on land allocation in the canal area. The officer and the other functionaries have also been asked to pay Rs.200 each so that a total of Rs.1,000 could be paid to the aggrieved citizen. See the detailed story: <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/article2838664.ece>

50. See One-World Foundation Report 2011.
51. Lola Nayar, Outlook, available at <http://outlookindia.com/article.aspx?279285>.
52. See One-World Foundation Report 2011
53. The experiences of the various states have flagged certain important questions that are vital to the effective functioning of grievance redressal mechanisms. Some of these issues have been articulated by OneWorld Foundation India after a thorough study of the implementation of the right to service acts in the ten states. See the GOI-UNDP report at: http://www.undp.org.in/sites/default/files/reports_publication/undp_bhupal_consultation_report_withannex_lg.pdf.
54. For details see; UNDP Report on service guarantee acts, at “https://undp.org.in/sites/default/files/reports_publication/UNDP_Bhupal_Consultation_Report_withAnnex_lg.pdf”
55. See Lola Nayar, Outlook, source: <http://outlookindia.com/article.aspx?279285>.
56. Even before Anna Hazare's demand to set up grievance redress mechanism through citizens' charter, the NAC led group under Aruna Roy, noted social activist had drafted grievance bill.
57. It must be admitted here that the bill was not introduced proactively by the Union Government to address issues of public grievances and service delivery woes. The UPA government had rejected parliamentary panel recommendation in 2008 to provide legal teeth to the citizens' charters. It was introduced as a counter move to Anna Hazare's demand for citizens' charter within Lokpal. The bill which was initially drafted by NCPRI and had not seen the day light was rather adopted by default as a countermove to Anna Hazare's vociferous demand to have it within the proposed Jan Lokpal.
58. “*Grievance Redress Mechanism In Government—Types Of Public Grievances*” available at <http://pgportal.gov.in/grm.aspx>.
59. The Right to Information Act, 2005 [RTI Act] is a landmark and pioneering legislation in the quest for accountable and transparent governance. The RTI Act confers the power upon a citizen to obtain information from a public authority (albeit subject to certain safeguards) and imposes a penalty on the defaulting officer for non disclosure of information or disclosure after unreasonable delay.
60. “NCPRI Discussion note on the citizen's right to grievance redress” available at <http://righttoinformation.info/ncpri-public-consultations-on-the-lok-pal->

bill/public-consultations-on-collective-and-concurrent-lokpal-anti-corruption-and-grievance-redress-measures-by-the-ncpri-nehru-memorial-museum-and-library-and-inclusive-media-4-change-csds/.

61. See One-World Foundation report 2011.
62. The bill proposes to facilitate delivery of goods and services in electronic mode would provide for electronic submission of forms and applications, issue or grant of any licence, permit, certificate, sanction or approval, and receipt or payment of money.
63. See One-World Foundation Report 2011.
64. The Indian Institute of Management Ahmadabad has published a study formulating an appropriate framework for such performance related incentives for the Government of India. The study also indicates that the model has been hugely successful internationally and has been implemented by countries such as USA, UK, Canada, Spain, Sweden, Finland, Australia. See; *Synthesis Report Of Studies Formulating The Concept, Principles, And Parameters for Performance Related Incentives (PRI) In Government For. Sixth Central Pay Commission,* Indian Institute of Management, Ahmadabad, 2008 available at india.gov.in/govt/studies/iimabad.pdf
65. Annual Conference Of Chief Secretaries, Background Papers, 4-5 February, 2011, Daprg, Ministry Of Personnel, Public Grievances And Pensions available at http://www.darpg.gov.in/darpgwebsite_cms/document/file/background_papers_2_cs.pdf.
66. Ibid.
67. See Shoma Chaudhury's story: <http://righttoinformation.info/1056/nikhil-dey-interview-on-grievance-redress-with-shoma-chaudhury/>.

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Appendix 1

Comparison between different states

States	Responsible Authority	Services Notified	Penalty Provisions	Monitoring Mechanism	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 Prashasanik 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 application and tracking status.
Jharkhand	DOs, FAOs & Second Appellate Officers (SAOs) in respective departments	54 services from 20 departments	INR 250 per day up to a maximum of INR 5000	Development under process	Development under process
Haryana	DOs, FAOs & 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: With modifications, adapted from the GoI-UNDP Pathways for an Inclusive Indian Administration

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Observer Research Foundation
20, Rouse Avenue, New Delhi-110 002
Email: orf@orfonline.org
Phone: +91-11-43520020 Fax: +91-11-43520003
www.orfonline.org