

*Shikayat Nivaran Lokpal*

**Public Grievance Redress Lokpal**

An Element of the Concurrent and  
Collective Anti Corruption and  
Grievance Redress Measures

# Provisions for grievance redress in the government draft (June 21 version)

Section 49 of the government draft requires every ministry/department/office of the Central Government and every NGO to:

- prepare and publish a Citizens' Charter
- appoint at least one Public Grievance Redressal Officer in each district

## **Implications**

- Totally inadequate
- Paying lip service to grievance redress
- Lends itself to arbitrary implementation

# Objective

- **Set up an effective time-bound system for grievance redress** for common citizens to make the government answerable in terms of its functions, duties, commitments and obligations

# Statement of obligations of each Public Authority/Office (justiciable under this Act)

Should include but not necessarily be restricted to defining:

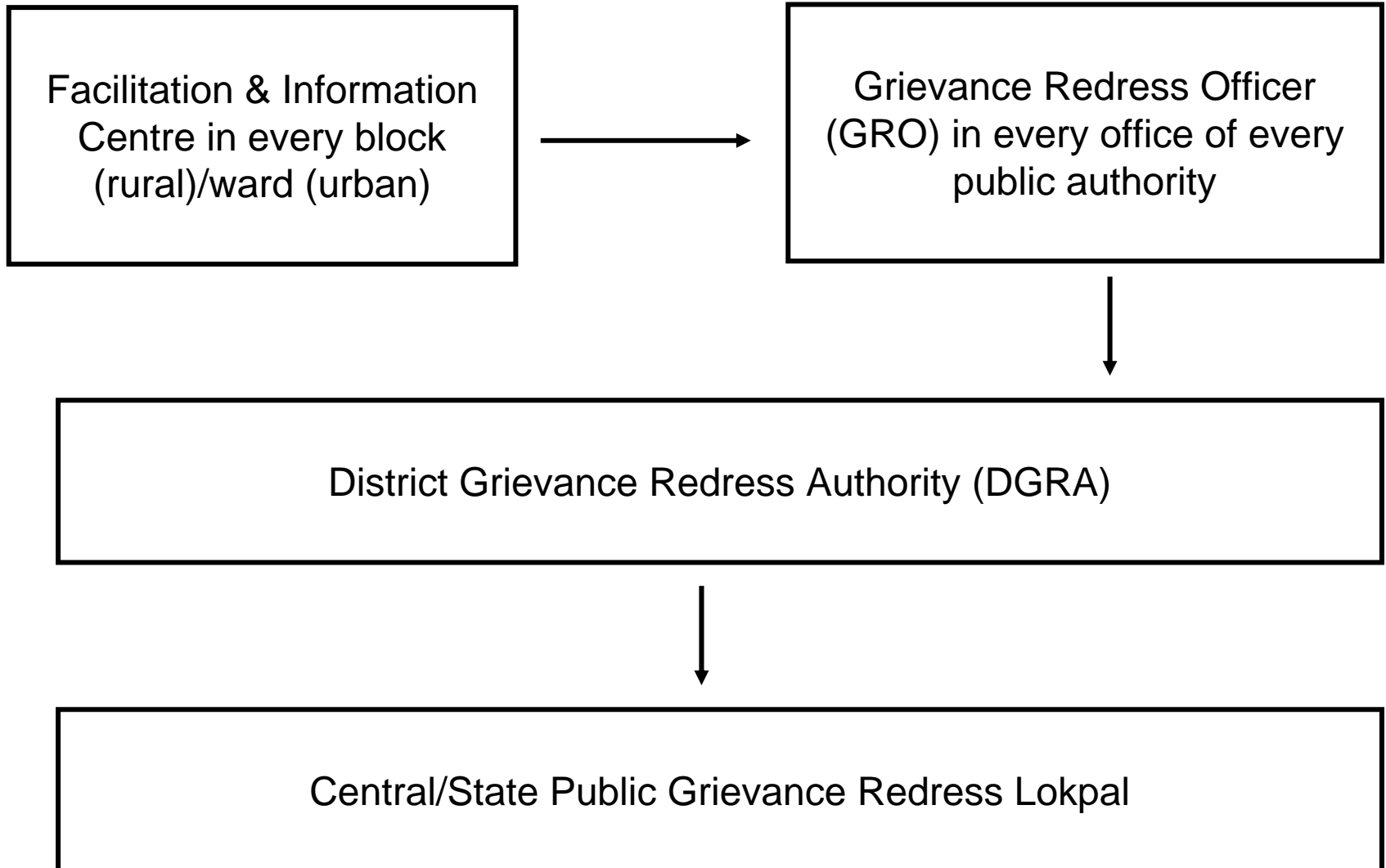
- services and goods that the public authority provides directly (or indirectly through any other agency/contractor)
- timelines for the delivery of goods & services
- processes by which public can access or receive the goods/services
- conditions under which a person becomes eligible for the goods & services & the categories of people who are entitled to receive them
- quantitative and tangible parameters (weight, size, frequency etc.)
- qualitative & quantitative outcomes
- individual responsibility for providing the goods and services

**This information is supposed to be disclosed proactively by each public authority under section 4 of the RTI Act.**

# Scope: What will constitute a grievance?

- Any deficiency in the functioning of a public authority/office in relation to its defined statement of obligations.
- Violation by a public authority/office, of any timeline, service, obligation, commitment etc. laid out in any other law, rule, policy, guideline, order.
- Failure to provide any service or obligation in a manner that would be reasonable to expect of the public authority/office.

# Structure of the grievance redress mechanism



# Process of grievance redress

## Stage 1: Within the public authority

GRO receives a complaint from an individual/organisation  
(Complaint may be filed directly to the GRO or through the facilitation centre)

GRO hears & redresses complaint within the specified time period:

- Orders removal of deficiency in service
- Fixes responsibility
- Initiates departmental action
- Send action taken report (ATR) to DGRA

- GRO rejects the complaint
- GRO does not take adequate or appropriate action
- GRO delays the response, beyond the specified time period
- The orders of the GRO are not effective

Grievance escalates to Stage 2

# Stage 2 & 3: Within the commission

A person complains with the DGRA OR  
ATR is not received within the specified time frame OR  
DGRA takes *suo motu* cognisance of deficiency in functioning of a public authority

DGRA inquires into complaint within the specified time period:

- Orders redress of grievance
- Awards compensation to the complainant
- Penalises the errant officials
- Refers matter to appropriate authority if there is *prima facie* grounds for believing that complaint arises out of violation of Prevention of Corruption Act

- DGRA rejects the complaint
- DGRA does not take adequate or appropriate action
- DGRA delays the response, beyond the specified time period
- The orders of the DGRA are not effective

## Stage 3

File appeal with the state/central commission respectively, against the order (or the lack of it) of the DGRA



# Salient Features

- Specified **time frames** for redressing grievances in relation to the nature of the grievances
- DGRA will hold enquiry, within a specified timeframe, in a transparent, open court and should be on-site as far as possible

# Central/ State Public Grievance Redress Lokpal (PGRL)

## Selection:

- Selection and search committee same as that set up for the Anti- corruption Lokpal

## Scope:

- Receive appropriate complaints and appeals against order of DGRA or if DGRA fails to dispose appeal in time
- Take *suo motu* cognisance of any deficiency in the functioning of a public authority/office
- Receive complaints directly for certain types of grievances

# Powers of the Public Grievance Redress Lokpal (PGRL)

- Commission will enquire into the complaint/ deficiency and within a specified timeframe:
  - Order redress of the grievance
  - Order compensation to the aggrieved
  - Penalise the GRO, DGRA if delinquent
  - Refer the matter for further enquiry and/or investigation to the appropriate authority, if any criminal aspect is prima-facie evident
  - Dismiss complaint

# Linkages with social audits and monitoring committees set up under other laws

- Report of any social audit or monitoring committee, set up under any other law, could be referred to the commission which shall treat it as a grievance and dispose it as per the defined process
- Periodically or when the need arises, the Commission may, through the proposed directorates of social audits, have social audits organised, by which the systemic functioning of specific public authorities/offices could be assessed in a participatory and transparent manner.
- Social audit reports could have the status of a preliminary enquiry.