

Measures for Fighting Corruption and Ensuring Better Governance
Note for discussion on the *Lokshikayat* Grievance Redress Commission

The purpose of the paper is to discuss mechanisms which would allow the public to directly and on an ongoing basis make the government accountable in terms of the functions it is supposed to perform, specifically with relation to its duties to the nation, and obligations and commitments to the people of India. This paper presents some of the important general principles that would underlie these mechanisms, as an element of the Measures for fighting corruption and ensuring better governance. The paper proposes that Grievance Redress Commissions be set up at the Centre and in the states to develop an institutional capacity to receive, enquire into and redress any complaints relating to deficiencies in the functioning of the government.

Annexed is a flow chart that describes the functioning of the proposed mechanism.

Objectives

To create a system whereby common citizens can make the government answerable in terms of its functions, specifically with relation to its duties, commitments and obligations towards citizens.

1. Develop a clear and tangible statement of obligations of all public authorities, offices and public servants¹
2. Develop systems to ensure that the people of India are appropriately made aware of these statements of obligations and are also made aware of their rights and entitlements in relation to these.
3. To build on the existing structures of grievance redress set up under various laws such as NREGA or are envisioned to be set up under proposed entitlements laws like the National Food Security Act.
4. Develop institutional capacity to receive, enquire into and redress complaints regarding any grievance in terms of:
 - a. Any deficiency in the functioning of a public authority/office in relation to its defined statement of obligations.
 - b. Violation by a public authority/office, of any timeline, service, obligation, commitment etc. laid out in any other law, rule, policy, guideline, order etc.
 - c. Failure to provide any service or obligation in a manner that would be reasonable to expect of the public authority/office.

Creation of statement of obligations

The statement of obligations of each public authority/ office in terms of its duties, obligations and commitments towards citizens, should include but not necessarily be restricted to-

- a. Defining the services and goods that the particular public authority/office provides directly (or indirectly through any other agency/contractor).

¹ Though there are various documents including citizens' charters which lay down the statement of obligations of various departments, however, the functions, obligations, duties and commitments of elected representatives do not appear to be specified in a similar manner. Even for public authorities and officials, very often the citizens' charters and other documents are inadequate, unclear, and vague. Taskforces would be set up which would help public authorities evolve and codify their statement of obligations. These task forces should hold wide public consultations.

- b. Detailing and describing the processes by which the public can access and/or receive the goods and services that they are entitled to from the public authority/office.
- c. Describing the conditions under which a person becomes eligible for the goods and services, and consequently the categories of people who are entitled to receive the goods and services.
- d. Defining the quantitative and tangible parameters, (weight, size, frequency etc,) and timelines, that are applicable to the goods and services that are accessible to the public.
- e. Defining the qualitative and quantitative outcomes that each public authority/office had undertaken to achieve through the goods and services that it was obligated to provide. (For example- level of cleanliness for sanitation services, incidence of vector based diseases for health care services etc.)
- f. Laying down individual responsibility for providing the goods and services (who is responsible for delivery/implementation and who is responsible for supervision).

Section 4 of the RTI Act requires each public authority to put its obligations in the public domain. The statement of obligations should become a part of the required suo motu disclosures under section 4(1)(b) of the RTI Act, where required, by invoking the power to add topics, as provided for in sub-section xvii.

Making people aware of the statement of obligations of public authorities/offices

5. It would be the obligation of each public authority/office to ensure that the statement of its obligations is widely disseminated in all appropriate manners, is verified to be correct, and is updated in keeping with the timeline specified.

Essential features of the grievance redress system

6. Every public authority/office would have a designated Grievance Redress Officer (GRO) for receiving² and disposing of complaints about any deficiency by an officer/functionary, in a specified timeframe³. The GRO should have adequate authority and power to ensure that:
 - a. the deficiency is redressed in a reasonable timeframe
 - b. responsibility is fixed for the deficiency occurring in the first place and, where thought necessary, the errant functionary is reprimanded or punished
7. Facilitation centres would be set up at the block level which would register grievances of citizens and forward these to the appropriate GRO. These centres would also function as information centres and would proactively provide information to citizens about the schemes and programs of the government and would also assist citizens in filing grievances and in tracking their applications and entitlements. These facilitation centres would be under the administration of the Grievance Redress Commission. Rajiv Gandhi Sewa Kendras and Common Service Centres that already exist in several states could be equipped and mandated to function as facilitation and information centers.

² Grievances could be received in multiple ways, on paper, through emails, SMS, website, telephonically, etc, and for each complaint a dated receipt must be issued.

³ The timeframe could be specified in relation to the nature of the complaint. For example- complaints of an immediate nature (non delivery of ration, drinking water, emergency medical services etc.) would have to be redressed within 48 hours; complaints which are not of an immediate nature (example- no response to an application for a ration card or any certificate within the specified time frame etc.) would have to be redressed within 15 days and other complaints (example- non availability of a flyover) would have to be redressed within 100 days.

8. Where a complaint is not redressed by the GRO in the time specified, or a person is aggrieved by the action taken by the GRO to redress the complaint, the complainant could approach the District Grievance Redress Authority of the Grievance Redress Commission set up for the purpose, which shall in a time-bound manner, enquire into the grievance and into the action taken, if any, by the GRO. For the purpose of inquiring into complaints, the District Grievance Redress Authority shall ordinarily hold open court hearings in different parts of the district, close to the location of the complainant, and visit the site of the complaint, as required.
9. An appeal against the order (or lack of order) of the District Grievance Redress Authority will lie with the state commission in each state, and with the Central Commission for central government authorities.
10. Where the Commission, or the District Grievance Redress Authority, determines that the complaint was genuine and that no action or no sufficient action was taken on it, or taken within the required time frame, by the GRO, it would:
 - a. order redress of the grievance in an appropriate time frame;
 - b. order, if it felt necessary, compensation⁴ to any person(s) adversely affected by the deficiency⁵;
 - c. penalise the GRO in keeping with the gravity of the deficiency and, where there is a delay, penalise the GRO as per the quantum of delay.
11. Where the Commission determines that though the GRO had taken appropriate and adequate action in order to redress the grievance, however, further required action by some other public servant or authority was not taken, or delayed, then the Commission shall penalise this authority/public servant.
12. In every complaint, received by the Commission, where it is either alleged by the complainant or the Commission feels that there is *prima facie* grounds for believing that there is a *prima facie* case of violation of the Prevention of Corruption Act to the deficiency, the Commission may apart from issuing the necessary orders relating to the redress of grievance, also refer the matter for further enquiry and/or investigation to the appropriate authority.
13. The Commission would also receive complaints from the public regarding the absence or inadequacy of a 'statement of obligations' of any public authority/office and/or ineffective dissemination of the same. Where such a complaint is received or where *suo motu* cognisance is taken by the Commission of such deficiencies, the Commission may issue directions to the concerned public authority/office to rectify the deficiency in the time frame specified.
14. If the public authority/office fails to comply with these directions, without any good reasons, then the Commission may impose a penalty on the concerned official. Where there is repeated non compliance of the directions of the commission, the Commission may direct the disciplining authority of the concerned public servant to initiate departmental proceedings against the concerned person.
15. Adequate measures and powers would be provided to the Commission to ensure that its directions are invariably complied with.
16. The functioning of the commission shall be transparent in keeping with the letter and spirit of the RTI Act, 2005.
17. The Commission may direct a public authority/office to make necessary changes to its structure, and mechanisms for training and sensitization of officials, to better handle the grievances of citizens or any other related matter. The Commission may also recommend to any public authority/office any such changes in its policy/guideline/order etc. as it deems fit, if in the

⁴ The financial powers for penalising and awarding compensation of the District Grievance Redress Authority would be less than that of the state/central commission.

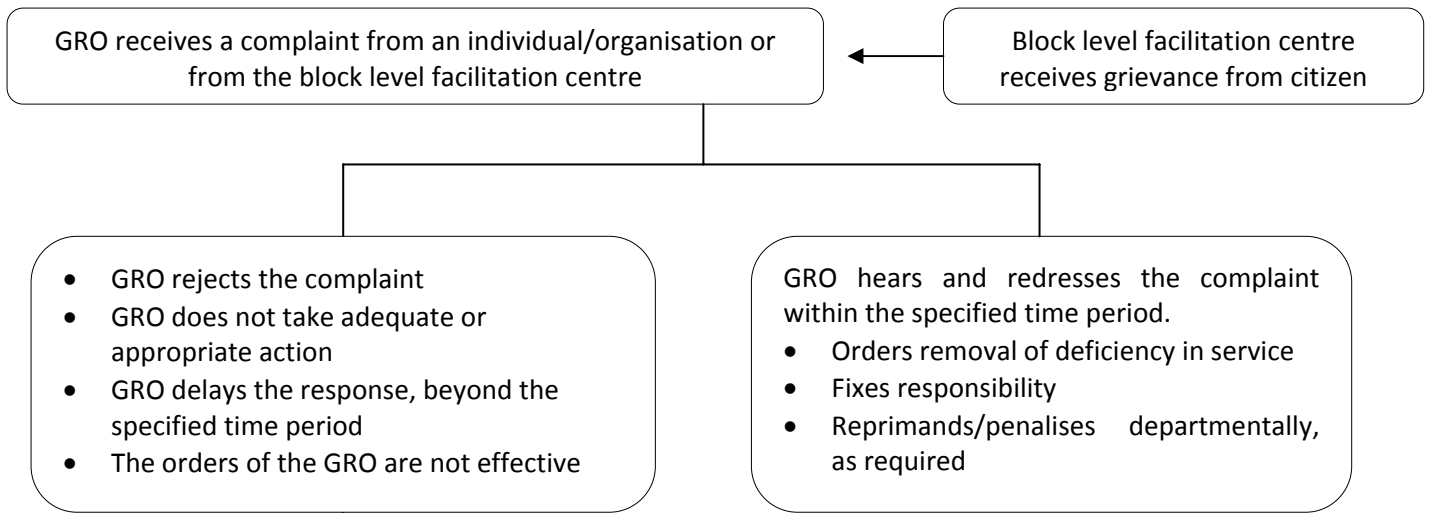
⁵ An appeal against the level of compensation awarded by the District Grievance Redress Authority can be made to the commission. However, no appeal against the order of the commission would lie with any court of law or other body/tribunal. Where appeal, or a writ petition, is to be filed by the GRO/another accused, at least 50% of the compensation will have to be paid prior to any such appeal/writ being entertained.

opinion of the Commission, citizens grievances are emanating from such policy/guideline/order etc.

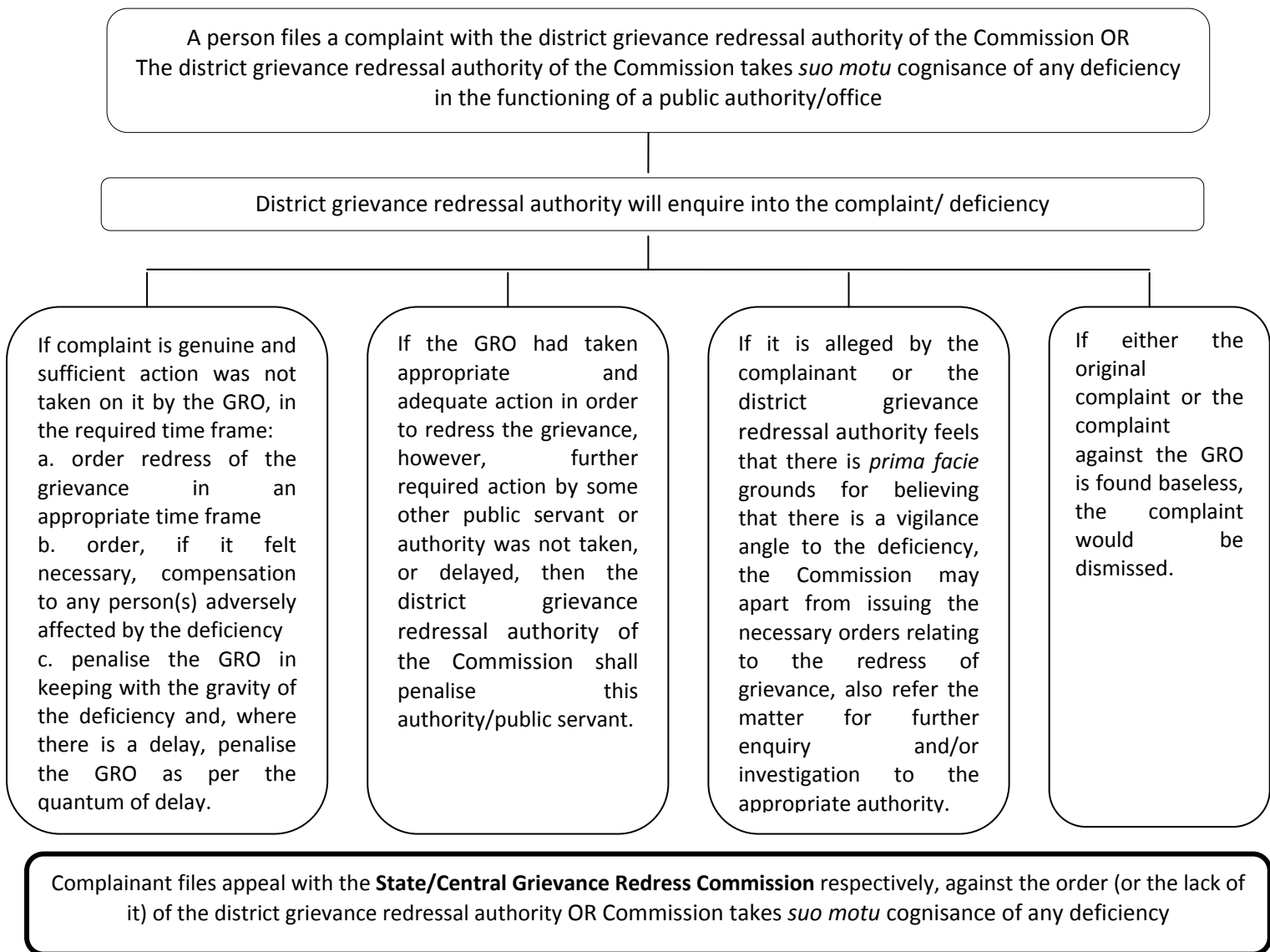
18. For the purposes of performing these and other functions, the Commission would be given all the powers and facilities, deemed necessary.
19. The Commission will follow principles of natural justice and provide right of hearing to all parties involved, especially before imposing a penalty or dismissing a complaint.
20. The Commission, if it considers it desirable, could have organised through the proposed directorates of social audits, periodically or when the need arises, social audits by which the systemic functioning of specific public authorities/offices could be assessed in a participatory and transparent manner. Such social audits should have the status of a preliminary enquiry on the basis of which the Commission could either pass orders or, where it thinks it necessary, hold a more detailed enquiry. Any vigilance matter that might emerge in such a social audit would be dealt with as specified in point 10.
21. The report of any social audit or monitoring committee, set up under any other law, in so far as it reveals a prime facie grievance, either individual or systemic, could be referred to the commission which shall treat it as a grievance and dispose it as per the steps defined in point 10 above.

Flowchart

Stage 1: Within the public authority



Stage 2: Grievance Redress Commission



Complainant files appeal with the **State/Central Grievance Redress Commission** respectively, against the order (or the lack of it) of the district grievance redressal authority OR Commission takes *suo motu* cognisance of any deficiency