



# **PARLIAMENT OF INDIA RAJYA SABHA**

**53**

**DEPARTMENT-RELATED PARLIAMENTARY STANDING  
COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES,  
LAW AND JUSTICE**

**FIFTY THIRD REPORT**

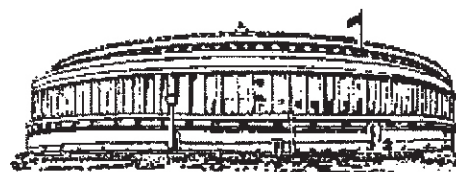
**ON**

**THE RIGHT OF CITIZENS FOR TIME BOUND DELIVERY OF GOODS  
AND SERVICES AND REDRESSAL OF THEIR GRIEVANCES BILL, 2011**

**(PRESENTED TO THE RAJYA SABHA ON 28<sup>TH</sup> AUGUST, 2012)  
(LAID ON THE TABLE OF THE LOK SABHA ON 28<sup>TH</sup> AUGUST, 2012)**

**RAJYA SABHA SECRETARIAT  
NEW DELHI**

**AUGUST, 2012/BHADRAPADA, 1934 (SAKA)**



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## COMPOSITION OF THE COMMITTEE

- \*1. Shri Shantaram Naik — *Chairman*

### **RAJYA SABHA**

2. Shri Amar Singh
3. Shri Parimal Nathwani
4. Dr. Bhalchandra Mungekar
5. Shri Ram Jethmalani
6. Shri Sukhendu Sekhar Roy
7. Shri Ram Vilas Paswan
8. Dr. Abhishek Manu Singhvi
- @9. Shri Bhupender Yadav
- #10. Ms. Anu Aga

### **LOK SABHA**

11. Shri Arun Yadav
12. Kumari Meenakshi Natrajan
13. Shri Shailendra Kumar
14. Shri S. Semmalai
15. Shri Anirudhan Sampath
16. Shri Lalu Prasad
17. Shri Prasanta Kumar Majumdar
18. Shri N.S.V. Chitthan
19. Shrimati Deepa Dashmuni
20. Dr. Prabha Kishore Taviad
21. Shri P. T. Thomas (Idukki)
22. Shri Kirti Jha Azad
23. Shri D.B. Chandre Gowda
24. Shri Pinaki Misra
25. Shri Harin Pathak
26. Shri Arjun Ram Meghwal
27. Shri Madhusudan Yadav
28. Shri Vijay Bahadur Singh
29. Shrimati Chandresh Kumari
30. Vacant
31. Vacant

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\* Nominated to be Chairman of the Committee *w.e.f.* 4<sup>th</sup> May, 2012 *vice* resignation by Dr. Abhishek Manu Singhvi.

@ Nominated to be the Member of the Committee *w.e.f.* 4<sup>th</sup> May, 2012.

# Nominated to be the Member of the Committee *w.e.f.* 21<sup>st</sup> May, 2012.

**SECRETARIAT**

Shri Deepak Goyal, *Joint Secretary*

Shri K.P. Singh, *Director*

Shri Ashok Kumar Sahoo, *Joint Director*

Shri B.M.S. Rana, *Deputy Director*

Shrimati Niangkhanem Guite, *Assistant Director*

Shrimati Catherine John L., *Committee Officer*



## INTRODUCTION

I, the Chairman of the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, having been authorised by the Committee on its behalf, do hereby present the Fifty Third Report on the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011. The Bill seeks to establish a mechanism to lay down an obligation upon every public authority to publish citizens charter stating therein the time within which specified goods shall be supplied and services be rendered and provide for a grievance redressal mechanism for non-compliance of citizens charter and for matters connected therewith or incidental thereto.

2. In pursuance of the rules relating to the Department Related Parliamentary Standing Committee, the Hon'ble Chairman, Rajya Sabha referred\* the Bill, as introduced in the Lok Sabha on the 20<sup>th</sup> December, 2011 and pending therein, to this Committee on the 13<sup>th</sup> January, 2012 for examination and report.

3. Keeping in view the importance of the Bill, the Committee decided to issue a press communique to solicit views/suggestions from desirous individuals/organisations on the provisions of the Bill. Accordingly, a press communique was issued in national and local newspapers and dailies, in response to which memoranda containing suggestions were received, from various organizations/ individuals/ experts, by the Committee.

4. The Committee heard the presentation of the Secretary, Department of Administrative Reforms & Public Grievances on the provisions of the Bill in its meeting held on 17<sup>th</sup> February, 2012. The Committee also heard the views of stakeholders/NGOs in its meetings held on 8<sup>th</sup> & 29<sup>th</sup> February, 12<sup>th</sup> March and 1<sup>st</sup> August, 2012. The Committee further held in-house discussion on the Bill on the 18<sup>th</sup> July, 2012.

5. While considering the Bill, the Committee took note of the following documents/information placed before it :—

- (i) Background note on the Bill submitted by the Department of Administrative Reforms and Public Grievances, Ministry of Personnel, Public Grievances and Pensions;
- (ii) Views/suggestions contained in the memoranda received from various organisations/institutions/individuals/experts on the provisions of the Bill and the comments of the Department of Administrative Reforms and Public Grievances thereon;
- (iii) Views expressed during the oral evidence tendered before the Committee by the stakeholders such as Dr. Jayaprakash Narayan, Lok Satta Party, the representatives of CII, National Campaign for People's Right to Information, Public Interest foundation, FICCI Quality Forum, Centre for Policy Research, PRS Legislative Research, IC Centre for Governance, Pardarshita, National Alliance for Maternal Health and Human Rights, Transparency International India, Society for Justice; Chairman, Delhi Public Grievances Commission; Shri Manjit Singh, IAS (Retd.); Shri P.S. Krishnan, IAS (Retd.); Dr. Christopher Lakra; Prof. Sushma Yadav; Dr. Idreez Qureshi; Shri Paramjit Saroy; and representatives of the State Governments of Madhya Pradesh, Uttar Pradesh,

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\* Rajya Sabha Parliamentary Bulletin Part-II (No. 49210) dated the 16<sup>th</sup> January, 2012.

(iv)

Punjab, Karnataka in its meetings held on 8<sup>th</sup>, 17<sup>th</sup> & 29<sup>th</sup> February, 2012 and 12<sup>th</sup> March & 1<sup>st</sup> August, 2012.

- (iv) Comments furnished by various State Governments on the Bill; and
- (v) Other research material/documents related to the Bill.

6. The Committee adopted the Report in its meeting held on the 23<sup>rd</sup> August, 2012.
7. Minutes of Dissent given by Shri Sukhendu Shekhar Roy, Member of the Committee has been appended.
8. For the facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

NEW DELHI;  
23<sup>rd</sup> August, 2012

SHANTARAM NAIK  
*Chairman,*  
*Committee on Personnel,*  
*Public Grievances, Law and Justice.*

## ACRONYMS

1. CCA – Classification, Control and Appeal
2. CCS – Central Civil Services
3. CII – Confederation of Indian Industry
4. CPGRAMS – Centralised Public Grievances Redress and Monitoring System
5. DAR & PG – Department of Administrative Reforms and Public Grievances
6. FICCI – Federation of Indian Chamber of Commerce and Industry
7. GIS – Geographic Information System
8. GRO – Grievance Redress Officer
9. HOD – Head of Department
10. IAS – Indian Administrative Service
11. ICT – Information and Communication Technology
12. IFCs – Information and Facilitation Centres
13. MGNREGA – Mahatma Gandhi National Rural Employment Guarantee Act
14. NCPRI – National Campaign for People’s Right to Information
15. NCT – National Capital Territory
16. NGOs – Non Governmental Organisations
17. PC – Prevention of Corruption
18. PPP – Public Private Partnership
19. RTI – Right to Information
20. SCs – Scheduled Castes
21. UTs – Union Territories.



## REPORT

The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011 was introduced\* in the Lok Sabha on the 20<sup>th</sup> December, 2011. It was referred\* by the Hon'ble Chairman, Rajya Sabha to the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice on the 13<sup>th</sup> January, 2012 for examination and report.

2. The Bill (**Annexure-A**) seeks to lay down “an obligation upon every public authority to publish citizens charter stating therein the time within which specified goods shall be supplied and services be rendered and provide for a grievance redressal mechanism for non-compliance of citizens charter and for matters connected therewith or incidental thereto.”

3. The Statement of Objects and Reasons, appended to the Bill, describe the objective of legislation as under :—

*“Citizen’s Charters were introduced in India in 1997, which was voluntary in character. The main elements of the Citizens Charter were to be published containing the details of services and the time period for delivery of such services. These charters gradually spread from Central Ministries and Departments to States and their Organisations. However, a vast majority of them remained ineffective and dormant. In order to improve Public Service Delivery, a service excellence model called “Sevottam” was initiated in 2005 to give a new thrust to the implementation of Citizens Charter, which has been successfully piloted in a few chosen organisations of the Government of India and States and is being upscaled considerably. Centralised Public Grievance Redress and Monitoring System (CPGRAMS) was launched in 2007, which is a web based portal for lodging complaints by the public. It is now operational in all the Ministries and Departments of Government of India along with about 6000 of their subordinate organisations. Many States have also enacted Right to Public Service Delivery Legislation in which a few important Public Services have been selected for service delivery. It was felt that these efforts were noteworthy, but in the absence of an overarching structure, their impact was diffused and limited. In this context, it was felt that Rights based approach be followed in this respect by making the Citizens Charter statutory and endowing public with the right to get delivery of services within stipulated time lines.*

2. *In view of the aforesaid, it has been felt necessary to enact a comprehensive legislation, namely, the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011. The Bill, inter alia,—*

- (a) confers right on every individual citizen to time bound delivery of goods and provision for services and Redressal of grievances;*
- (b) require every public authority to publish, within six months of the commencement of the proposed legislation, a Citizens Charter specifying therein the category of goods supplied and services rendered by it, the time within which such goods shall be supplied or services be rendered the name and addresses of individuals responsible for the delivery of goods or rendering of services;*
- (c) provide for obligation of the Head of the Department for updating and verifying the Citizens Charter;*

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\* Published in Gazette of India (Extraordinary) Part-II Section 2 dated the 20<sup>th</sup> December, 2011.

\* Rajya Sabha Parliamentary Bulletin Part-II (No. 49210) dated the 16<sup>th</sup> January, 2012.

- (d) *require every Public Authority to establish information and facilitation centre for efficient and effective delivery of services and redressal of grievances, which may include establishment of customer care centre, call centre, help desk and people's support centre;*
- (e) *require every public authority to, within six months from the date of the coming into force of the proposed legislation, designate as many officers as may be necessary as Grievance Redress Officers in all administrative units or offices at the Central, State, district and sub-district levels, municipalities, Panchayats whereat supplies of goods or render services to receive, enquire into and redress any complaints from citizens in the prescribed manner;*
- (f) *require the concerned Grievance Redress Officer, upon receipt of a complaint, to ensure that the grievance is remedied in a time-frame not exceeding thirty days from the date of receipt of the complaint;*
- (g) *provides that any individual aggrieved by a decision of the concerned Grievance Redress Officer or who has not received an action taken report in respect of a complaint filed by him, may, if he so desires, within thirty days from the expiry of such period or from the receipt of such decision, prefer an appeal to the Designated Authority who shall dispose of such appeal within thirty days from the date of receipt of such appeal;*
- (h) *provide for constitution of the State Public Grievance Redressal Commission and the Central Public Grievance Redressal Commission consisting of Chief Commissioners and other Commissioners;*
- (i) *any person aggrieved by the decision of the Designated Authority falling under the jurisdiction of the State Government may prefer an appeal to the State Public Grievance Redressal Commission and any person aggrieved by the decision of the Designated Authority falling under the jurisdiction of the Central Government may prefer an appeal to the Central Public Grievance Redressal Commission;*
- (j) *confer power upon the Designated Authority, the State Public Grievance Redressal Commission and the Central Public Grievance Redressal Commission to impose a lump sum penalty, including compensation to the complainant, against designated official responsible for delivery of goods and services or Grievance Redress Officer for their failure to deliver goods or render services to which the applicant is entitled, which may extend up to fifty thousand rupees which shall be recovered from the salary of the official against whom penalty has been imposed;*
- (k) *provides that on the imposition of the penalty, the appellate authority may, by order, direct that such portion of the penalty imposed under the proposed legislation shall be awarded to the appellant, as compensation, not exceeding the amount of penalty imposed, as it may deem fit;*
- (l) *provides that if any public servant is found guilty of offence, the disciplinary authority shall initiate the disciplinary proceedings against such officer of the public authority, who if proved to be guilty of a mala fide action in respect of any provision of this Act, shall be liable to such punishment including a penalty as the disciplinary authority may decide;*
- (m) *provides that in any appeal proceedings, the burden of proof to establish that a non-redressal of complaint by the Grievance Redressal Officer shall be on the Grievance Redress Officer who denied the request;*

- (n) *provides that where it appears to the Designated Authority or the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission that the grievance complained of is prima facie indicative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, on the part of the responsible officer of the public authority complained against then it shall record such evidence as may be found in support of such conclusion and shall refer the same to the appropriate authorities competent to take cognizance of such corrupt practice;*
- (o) *provides that any person aggrieved by the decision of the Central Public Grievance Redressal Commission may prefer an appeal to the Lokpal, and any person aggrieved by the decision of the State Public Grievance Redressal Commission may prefer an appeal to the Lokayukta, constituted under the Lokpal and Lokayuktas Act, 2011...*

4. In order to have a broader view on the Bill, the Committee decided to invite views/suggestions from desirous individuals/organisations on the Bill. Accordingly, a press communique was issued inviting views/suggestions from the general public. In response to the press release published in major English and Hindi dailies and newspapers all over India on the 11<sup>th</sup> February, 2012 a number of representations/memoranda were received.

#### **Suggestions received through memoranda**

4.1 The major points raised/suggestions made in the memoranda are summarized as follows:

- (i) The scope of the Bill should not be restricted to citizens only Non-citizens & Organizations should also be brought within its ambit.
- (ii) Synergy between the RTI Act and this Bill may be created by merging the framework and structure of the two.
- (iii) The integration of the Electronic Delivery of Services Bill and this Bill may be considered.
- (iv) Provision for Reward for outstanding service delivery.
- (v) Title of the Bill should be shorter.
- (vi) Designated Authority may be a district level tribunal set up by the appropriate government which will have jurisdiction to hear complaints, give directions, compensation and impose penalty in relation to all public authorities located within the district.
- (vii) The appointment, transfer and/or removal of the designated authority must be with the concurrence of the State/Central Public Grievance Redressal Commission, who would also be the accepting authority for their annual confidential reports.
- (viii) The term 'substantially financed' may mean substantially financed in cash or kind, directly or indirectly, by public resources which would require the submission of accounts, the auditing of accounts or restrictions on its use or disposal.
- (ix) Before the finalization of the Citizens Charter and Statement of Obligations for each public authority, a draft citizens charter and statement of obligations should be prepared for public discussion. This discussion should be conducted in a transparent and participatory manner. It should involve at the very least, a process of widely publicising and seeking suggestions and comments from the

public on the draft Citizens Charter and Statement of Obligation in conformity with the procedure laid down under Section 4 and the basis on which any of the suggestions of the public are rejected, should also be put in the public domain. This process has to be followed when the Citizens Charter is reviewed every year as per Section 5 of this Act.

- (x) Those matters deemed urgent should be redressed immediately upon receipt of the complaint and no later than 24 hours.
- (xi) There should be Information and Facilitation Centres at the block level in case of rural areas and municipal wards in case of urban areas.
- (xii) The Information and Facilitation Centre should register complaints filed by citizens and forward them to the appropriate Grievance Redress Officer.
- (xiii) The Information and Facilitation Centre should provide all necessary assistance to citizens in filing complaints where necessary and by assisting citizens in tracking their complaints.
- (xiv) The staff and the co-ordinator of the Information and Facilitation Centre should be appointed by the State Public Grievance Redressal Commission in accordance with rules as may be prescribed.
- (xv) Any complaint regarding non-registration of complaint or any violation of the provisions of the Act by the Information and Facilitation Centre shall lie with the Designated Authority.
- (xvi) All complaint should be made in writing or through the electronic means or through text message or through telephone or through any other means that may be prescribed and be acknowledged by a receipt with in two days of the making of the complaint.
- (xvii) The time of thirty days given to the aggrieved individual, to prefer an appeal to the Designated Authority may be enhanced to ninety days.
- (xviii) The Bill may provide that certain categories of grievances as laid down in the Citizens Charter and Statement of Obligation or prescribed by the State/Central Public Grievance Redressal Commission, shall mandatorily result in compensation being made to the complainant, the amount of which shall be determined by the designated authority and be appealable by the complainant to the grievance commission.
- (xix) In Clause 19, it may be added that the temporary charge will be held with the next senior most commissioner, till a permanent appointment is made in accordance with the law.
- (xx) The Bill may provide that any compensation awarded under this Act shall be paid by the public authority and that the compensation amount may be recovered from any penalty imposed upon the concerned official, as prescribed in this law.
- (xxi) Every public authority shall ensure that its website contains a system for citizens to track the progress on the complaints filed by them using the unique complaint number awarded to their complaint.
- (xxii) “An obligation on every public authority to publish and monitor implementation of citizen charter” should be added in the Bill.



- (xxiii) There should be mandatory audit of compliance with the charter and auditors' report should be accessible by the public.
- (xxiv) Emphasis should be on prevention of grievances. The additional responsibility on the Grievance Redress Officer (GRO), for removal of reasons for recurrence of similar grievance in future, should also be fixed.
- (xxv) A clause of making it obligatory to take corrective and preventive action should be added. There should be a stern action against officers responsible for repetitive grievances of similar nature.
- (xxvi) Time taken to redress grievance should vary with simple cases taking less time and complicated cases requiring more time. Therefore, fixing a 30 day limit for all types of grievances serves no purpose.
- (xxvii) Definition of complaint should be restricted only to any failure in the delivery of goods or rendering of services as per the charter.
- (xxviii) The definition of Public Authority to be restricted to the definition of Authority under Right to Information Act, 2005.
- (xxix) It is observed that wide power has been conferred on the GRO to recommend a penalty. Therefore, Government should notify the specific nature of penalty to be imposed in a given case and lay down broad guidelines in this regard.
- (xxx) Section 45 (2) deals with disciplinary procedure against officer proved guilty of *mala fide* action. Here, it may be inserted that disciplinary authority may impose such penalty as deemed fit under CCS (CCA) Rules, 1965. This will result in double jeopardy and is likely to be struck down before Court of Law.
- (xxxi) There should be provision for time bound delivery of judicial services also.
- (xxxii) The generic amount of penalty proposed in the Bill is alright as a standard penalty, but in certain cases penalty should be as per financial/social/economic impact of denial or delay in services which could be assessed as the estimated loss suffered.
- (xxxiii) Responsibilities of Health Department officials should be defined in relation to GRO at the district level with an ombudsperson under the aegis of a National Health Regulatory and Development Authority.
- (xxxiv) The work of the GRO in the block/ward should be periodically (say once in 6 months) reviewed by the community monitoring committee.
- (xxxv) In Clause 10, the words "under advice to complainant" should be added at the end of section, so that complainant himself may not file appeal with designated authority.
- (xxxvi) Language of reply from GRO or designated authority and State Commissions should be in the language of complaint/appeal.
- (xxxvii) Token filing fee of Rs. 5/- be levied by way of court fee stamp or revenue stamp or revenue stamp or postal stamp or non-judicial stamp/franking, cash, money order or net banking for each complaint. Paying filing fee will make complainant a consumer under Consumer Protection Act, 1986.
- (xxxviii) In Clauses 11(9), 25(2) 42(2) of the Bill, for imposition of penalty, the word 'may' should be replaced by the word 'shall' as in the RTI Act.

- (xxxvix) There is no provision for action required to be taken if appeals are not disposed of in the time limit of 60 days.
- (xxxx) In sub-clause (2) of Clause 4, the following provisions may be added :–
  - (i) Provision for specific relevance and special significance for SCs Citizen Charters.
  - (ii) Measures for securing Forest Rights, removing obstacles to the effective functioning of Panchayats in tribal areas according to PESA.
  - (iii) Provision for specific relevance and special significance for Other Backward Classes/Socially and Educationally Backward Classes/and Backward Classes of Religious Minorities Citizen Charters for uplifting them.
- (xxxxi) The Bill may provide that if any public servant is found guilty for the second time, one annual increment of the public servant shall be stopped by the disciplinary authority. If the public servant is found guilty for the third time, he shall be compulsorily retired from the service by the disciplinary authority.
- (xxxixii) The phrase “goods” used in the Bill needs to be defined.
- (xxxixiii) The Lokpal and Lokayuktas Bill, 2011 is currently pending in Parliament and, therefore, the Lokpal is yet to be instituted at the Centre. A number of States have also not established Lokayuktas. In the absence of these bodies, it is not clear which body shall adjudicate over these appeals.
- (xxxixiv) Retirement age has to be provided for the Central Chief Public Grievance Commissioner on the Central Commissioners.
- (xxxixiii) No time limit is fixed for acknowledgement of appeal. This may be done.
- (xxxixv) Use of Geographic Information System (GIS) for disseminating information under the Bill as GIS is a free and an open source. It can be used for recording of grievances digitally, and visualizing the grievance along with additional information as per data base, for a quicker analysis, etc.
- (xxxixvi) The definition of “Citizens Charter”, “Service” and “Public Authority” under the Bill is too wide and deep, and covers in its ambit the Executive, the Legislature and the Judiciary. It also brings organizations, bodies, government owned companies, and all contractors, suppliers, etc. under the PPP model, under its ambit. This wide scope of the Bill will generate too many complaints. Service should be defined as those to be notified in the Schedule, as has been done by many State legislations on the subject.
- (xxxixvii) The cost of implementing the Bill to service every grievance against all public authorities is likely to be huge.

4.2 The Committee forwarded some select memoranda, from out of the ones received from the individuals/organisations, to the Department of Administrative Reforms and Public Grievances, for their comments thereon. A list of such memoranda along with the gist of views/suggestions contained therein and the comments of the Department thereon is placed at Annexure-B.

#### **COMMENTS OF DEPARTMENT OF ADMINISTRATIVE REFORMS AND PUBLIC GRIEVANCES**

4.3 The major highlights of the comments furnished by the Administrative Reforms and Public Grievances are given below :–

- (i) We are open to suggestion to include clients (organizations, bodies, etc.) and even non-citizens in the scope of this Bill.

- (ii) The RTI Act, 2005 and this Bill differ in scope, mandate and subject matter, and therefore, the framework cannot be merged.
- (iii) We are open to suggestion that Electronic Delivery of Services Bill may be harmoniously integrated with the present Bill as the subject matter of both the Bills relates to improvement in Public Service Delivery.
- (iv) We are open to suggestion that a reward system will act as a catalyst for overall improvement.
- (v) Cabinet has approved the title of the Bill which is comprehensive.
- (vi) The definition approved by the Cabinet regarding designated authority is flexible and decentralized. It has been left to the discretion of the appropriate Government (State Government or Central Government as the case may be) to appoint designated authorities as they deem appropriate.
- (vii) There is need to clarify the quantum involved to be taken as “substantially” financed.
- (viii) The Guidelines for Implementing “Sevottam”, September 2011, accessible at [www.darpg.gov.in](http://www.darpg.gov.in), already include the requirement of stakeholder consultation and Steps 3, 4 and 5 in Chapter 3 on ‘Charter Design and Implementation process’ include how stakeholder consultation is to be planned, how input is to be received, and how stakeholder consultation results are to be consolidated for the purpose of finalization of service standards for the Citizens Charter.
- (ix) While the contact details of the person responsible for service delivery are already a part of the Citizens Charter framework, the Job Card or Job Charts are internal tools for enhancing individual efficiency. These are covered in the Capability Building part and are not required to be included in the Citizens Charter.
- (x) The quantitative as well as qualitative standards for each and every good and service included in the Citizens Charter, are already a part of the Sevottam Compliant Citizens Charter being implemented in Government of India Ministries/ Departments since August, 2010. The concept has been introduced in six social sectors of all States/UTs also through the two Workshops on Capability Building for Sevottam organized in November 2011.
- (xi) Earlier in June/July, 2009, through the recommendations of the Second Administrative Reforms Commission in its 12<sup>th</sup> Report all State Governments and Union Territory Administration had been requested to consider adoption of “Sevottam” for bringing improvement in public service delivery.
- (xii) The provision for compensation as approved by the Cabinet is appropriate as it would be left to the discretion of competent authorities who will act in a *quasi-judicial* manner.
- (xiii) The provision as approved by the Cabinet is providing for an IFC at every level of public authority. The suggestion is to have block/ward level IFCs. This is not needed as the Bill already covers Blocks and Municipalities as well as other public authorities.
- (xiv) Further elaboration of the functions and responsibilities of the IFC etc., would be covered under rules and guidelines to be issued under the Bill, from time to time.

- (xv) The provision as approved by Cabinet is sufficient as the proviso enables the designated authority to admit appeals even after thirty days.
- (xvi) The existing proviso under clause 25 and 42 providing for an appeal of urgent or immediate nature to be disposed of within the same day of the receipt of the appeal, as approved by the Cabinet are sufficient.  
  
Compensation would be decided by the Competent Authority on a case to case basis.
- (xvii) Penalty is to be decided on a case to case basis through exercise of *quasi-judicial* powers.
- (xviii) Initiation of disciplinary proceedings, along with imposition of penalty, does not amount to double jeopardy.
- (xix) The provisions of the Bill relate to Services offered by Public Authorities and redressal of grievances. All Public Authorities as defined in the Bill would formulate their citizens charters as per the existing rules, laws and procedures prevailing therein.
- (xx) The Bill provides for imposition of penalty by the competent authority, in exercise of its *quasi-judicial* powers, on a case to case basis, as per gravity of the reasons for the complaint. Therefore, the penalty related clauses in the Bill as approved by Union Cabinet are appropriate, and the suggestions are not accepted.
- (xxi) The provisions of the Bill, as approved by the Cabinet, are comprehensive and applies to Health sector as well.
- (xxii) Under the Bill, redressal of grievance of a citizen has been taken as a statutory right of the citizen; hence no fee is chargeable for filing complaint.
- (xxiii) The title of the Bill is comprehensive, as it relates to the Rights of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances.
- (xxiv) Guidelines of Citizens Charter in Government of India are already available since 1997 and are published in the form of Compilation from time to time. The last Compilation is of August, 2010. A Handbook on Citizens Charter has also been brought out by the Department in 2007. From 2005 onwards, Sevottam Compliant Citizens Charter Guidelines of June, 2010, August, 2010 and September, 2011 have been brought out. All the above Compilations and Guidelines are accessible on the Department's website **www.darpg.gov.in** The Guidelines may be reviewed and revised after the enactment of the Bill to include the additional requirements.
- (xxv) The Model Citizens Charters, submitted in the suggestion, do not meet all the requirements of the Government of India Guidelines on Sevottam Complaint Citizens Charter as contained in 'Guidelines for Implementation of Sevottam – September, 2011'. Further additions will be required after the enactment of this Bill.
- (xxvi) The penalty provision in the Bill as approved by the Union Cabinet is appropriate, because under the Bill, penalty is to be imposed on a case to case basis after assessing the gravity as well as the nature of the complaint, and in exercise of *quasi-judicial* powers by the Competent Authority.. Therefore, it cannot be made mandatory on lines of the RTI Act, which is merely requiring available information to be sent to the citizen. Grievances that are required to be redressed under the Bill are more complex than RTI information.

- (xxvii) The framework being created by the Bill is for Time Bound delivery of all activities included therein.
- (xxviii) The rules and guidelines can include suitable provisions to enable the concerned Public Authorities to appropriately prepare and publish citizens charters, specifically for various categories.
- (xxix) Section 45 (3) of the Bill providing for disciplinary proceedings against a delinquent official, making him liable to such punishment, including a penalty, as disciplinary authority may decide, is sufficient and a reasonable deterrent.
- (xxx) Punishment need to be commensurate with the gravity of offence and no straightjacket provision for punishment could be made in the Bill.
- (xxxi) The definition of complaint in the Bill is comprehensive, also relating to the redressal of the grievances of citizens, which goes beyond service delivery.
- (xxxii) As and when Lokpal and Lokayuktas Bill comes into force, appeal may be filed against the decision of State/Central Public Redressal Commission, which contain the findings relating to corruption under PC Act, 1988, before Lokpal/Lokayukta.
- (xxxiii) In Clause 34(1), for Central Commissions the language “or until they attain the age of sixty-five years whichever is earlier,” has been omitted by mistake, although for State Commissioners, the above language exists in the Bill.
- (xxxiv) The provision of Clause 11(3), is adequate for acknowledgement of appeal by the office of the Designated Authority.
- (xxxv) The Reward must remain separate in order to serve as a catalyst for bringing improvements and imparting motivation to officers involved in the time bound delivery of goods and services as per provisions of the Bill.
- (xxxvi) Adoption of electronic modes, internet etc., for public service delivery, has been made the responsibility of the HOD of Public Authority under Clause 6(2).
- (xxxvii) No additional costs are suggested in the Bill except for the cost of establishing Information and Facilitation Centres and the Central and State Public Grievances Redressal Commissions. Improvements in infrastructure and capability building are already covered under various Government initiatives for the application of ICT in governance and service delivery.

## **PRESENTATIONS BEFORE THE COMMITTEE**

5. The Committee heard Dr. Jayaprakash Narayan, President, Lok Satta Party; Secretary, Department of Administrative Reforms and Public Grievances and representatives of Confederation of Indian Industry and National Campaign for People’s Right to Information; representatives of Public Interest Foundation, FICCI Quality Forum, Centre For Policy Research, PRS Legislative Research, IC Centre for Governance and Pardarshita; Chairman, Delhi Public Grievances Commission, Shri Manjit Singh, IAS (Retd.), National Alliance for Maternal Health and Human Rights, Transparency International India, Shri P.S. Krishnan, IAS (Retd.), Dr. Christopher Lakra, Prof. Sushma Yadav, Dr. Idreez Qureshi, Shri Paramjit Saroy and Society for Justice; and representatives of State Governments of Madhya Pradesh, Uttar Pradesh, Punjab and Karnataka.

5.0 The Committee also sought the views of all the State Governments on the provisions of the Bill. The Governments of NCT of Delhi, Himachal Pradesh, Meghalaya, Andaman and Nicobar Administration, Rajasthan, Dadra and Nagar Haveli Administration, Union Territory of Lakshadweep

Administration, Haryana, Union Territory of Chandigarh Administration, Assam, Jammu and Kashmir, Orissa, Chhattisgarh, Nagaland, Mizoram, Gujarat and Punjab submitted their written comments thereon.

## **STUDY VISIT**

5.1 In order to interact with various Public Authorities of the Central Government who are service providers, the Committee undertook a Study visit to Kolkata, Shillong, Guwahati and Imphal and interacted with various Organisations and State Governments from 3<sup>rd</sup> to 9<sup>th</sup> June, 2012. The list of such Organisations is given at **Annexure-C**.

5.2 The Committee further held in-house discussion on the Bill on the 18<sup>th</sup> July, 2012.

5.3 The Committee adopted the Report in its meeting held on 23<sup>rd</sup> August, 2012.

5.4 The views expressed by witnesses and Members and the feedback received from stakeholders have been dealt with in the succeeding paras.

## CHAPTER-II

### MAJOR ISSUES EXAMINED BY THE COMMITTEE AND ITS RECOMMENDATIONS THEREON

#### Definitions

##### 6. Citizens Charter

6.1 Clause 2(e) of the Bill defines Citizens Charter.

6.2 A suggestion came up before the Committee that Citizens Charters shall be specified only for those goods and services where (i) there is a universal coverage, (ii) there are no capacity constraints in the Public Authority, and (iii) there are no supply constraints for delivery of the goods and services.

6.3 Another suggestion that came before the Committee was that the goods and services covered under the Citizens Charter should be restricted to only those which are notified by the appropriate Government from time to time. This suggestion was there in several responses. Some of the State legislations provide for such a dispensation.

6.4 **The Committee takes note of the fact that the Citizens Charter contemplated under the Bill envisages enumeration of all the goods supplied and services rendered by a Public Authority. A strong view has come before the Committee that the Bill should provide for notification of services by the appropriate Government for the purpose of inclusion in the Citizens Charter. In fact, this is the position in several States including Madhya Pradesh, Delhi, etc. where only notified services have been brought under the Citizens Charter.**

6.5 **The Committee does not find any merit in the above proposition as this would only lead to lowering the pace of implementation of the Bill. The Committee feels that there should be no difficulty in incorporating all goods and services in the Citizens Charter at the initial stage itself particularly when this has to be done by the Public Authority and the said Public Authority has the option to determine the time period within which the goods/services being dealt with by it, shall be rendered. The Committee, accordingly, endorses the provisions of the Bill that oblige the Public Authorities to incorporate all categories of goods supplied and services rendered in the Citizens Charter.**

##### 7. Complaint

7.1 Clause 2(f) of the Bill defines the term 'complaint'.

7.2 It was suggested by some of the witnesses and stakeholders that the definition of the term 'complaint' should be more precise and specific and that, including any grievance relating to violation of any law, policy, programme, order or scheme under the ambit of 'complaint', would be far fetched.

7.3 Dr. Jayaprakash Narayan, while tendering oral evidence before the Committee, stated thus:

*"...If you look at the Bill, clause 2 (f) has dealt with the definition of the word 'complaint'... Here, it has become too expansive. Functioning of the public authority has a very, very wide latitude; practically, it includes anything and everything under the sun. Similarly, if it is applicable to a law or a rule or even an order, that is, perfectly, all right. But if we go*

*into policies, schemes, and programmes, then, it will have very wide latitude and it will become impossible to handle things. I have no quarrel with the intent of this legislation. But I have serious reservations about the ability to, actually, enforce this law. Therefore, there will be the real dilution, and the whole law may, ultimately, become ineffective and non-operational. Therefore, our submission is that if you could specify that it is applicable to the Citizen's Charter and to violation of any law or a rule or an order, then, that should be satisfactory..."*

7.4 The representative of PRS Legislative Research, stated in this regard, that:

*"...It says "Complaint" means a complaint filed by a citizen regarding any grievance relating to, or arising out of, any failure in the delivery of goods or rendering of service pursuant to the Citizens Charter, or in the functioning of a public authority, or any violation of any law, policy, programme, order or scheme but does not include grievance relating to the service matters of a public servant whether serving or retired. This definition implies that there could be complaints related to the functioning of a public authority or in violation of any law, policy, programme, order or scheme. Many schemes have their own internal grievance redressal mechanism as was mentioned. Even the MGNREGA has its own grievance redressal mechanism. Many others have it. In addition to that, some of the services rendered or goods provided may involve a consideration and, in that case, the consumer courts under the Consumer Protection Act could also be the authority in those cases. Having yet another grievance redressal mechanism would lead to multiplicity of forums. And we all know that it is not a desirable objective..."*

7.5 While raising doubts as to whether such wide range of goods and services can be delivered within the prescribed time limit, one of the witnesses said:

*"...But how does a Grievance Redressal Officer or a designated authority within the 30 days available to him look into the issues of standards? What is the mechanism available to him? Let us say, it is a Government undertaking which makes goods available for distribution to the designated or eligible persons. But the standard as such would be seen by the Bureau of Indian Standards or by some other agency which is qualified to do it or by the testing laboratories like the Indian Standards Institute which are fixed for this purpose. I don't think this forum or this hierarchy of Grievance Redressal Officers or designated authorities would be able to ensure the standards within the period of 30 days... would the Grievance Redressal Officer (GRO) or the designated authority have any mechanism available to enforce those standards within 30 days when he is hearing this matter under a procedure prescribed in this Bill?..."*

7.6 While highlighting the difficulties that could arise in providing such an elaborate range of goods and services, one of the witnesses said that:

*"...how are they going to enforce an issue relating to violation of law or a policy or a programme? It's a very broad definition. Perhaps, there is more specificity called for..."*

7.7 Another point raised in this regard was that the definition covers only failure in the delivery of goods or rendering of service pursuant to the Citizens Charter and that it does not cover 'undue delay'.

7.8 In its written comments furnished by DAR&PG, it, has been stated that this has been taken care of by the term failure in delivery of goods and services in a time bound manner.

7.9 While clarifying on this point, Secretary, DAR&PG stated:

*"...It is not merely the failure of the service, it is also delayed service because delay in service will be considered as and when the timelines are published in the Citizens Charter. So, if a*



*service is to be rendered within thirty days, beyond thirty days it will be considered delay. And, that will be considered as a failure of the public service. Obviously, if there is any specific mention of delay, it could be considered. But it is also a part of the failure of public service, if there is a delay...*

7.10 One of the witnesses was of the following view regarding registration of complaints:

*“...हमारा एक अन्य सुझाव है कि information technology का इस्तेमाल किया जाए। लोग अपनी शिकायतों को दर्ज करने के लिए SMS, toll-free helpline का इस्तेमाल कर सकें और उसके माध्यम से उनको feedback भी दिया जाए कि उनकी शिकायत दर्ज हुई है, किस अधिकारी के पास गई है, उसका फोन नंबर, उसकी ईमेल आई.डी. वगैरह दी जाए।..”*

7.11 A view has come before the Committee that the definition of the term ‘Complaint’ in the Bill is too wide as it includes violation of any law, policy, programme, order or scheme by the Public Authority and an apprehension has been expressed whether the Public Authority or the appropriate Government would be in a position to settle complaints on such wide spectrum of issues within the limited period provided for in the Bill to the Grievance Redressal Officer, Designated Authority, etc. The Committee also takes note of the difficulty pointed out by the witnesses arising out of certain grievance redressal mechanisms already being in place and the likely conflict with the procedure sought to be put in place through the proposed legislation.

7.12 In the Committee’s view, the definition of the term ‘Complaint’ is comprehensive enough so as to cover not only the cases of failure to deliver goods or render services in accordance with the Citizens Charter but also cases where the Public Authority has violated any law, policy, scheme, order, etc. and it should be possible for the Public Authority to handle the same within the given parameters. The Committee is of the firm opinion that issues related to violation of law, policy, scheme, etc. are vital and the same cannot be kept outside the purview of the grievance redress mechanism. However, in case it is felt that such matters require some different time schedule for adjudication, the Ministry may examine the issue and provide appropriately in the Bill.

7.13 As regards the specific suggestion that the definition of the term ‘Complaint’ should also cover undue delay in the delivery of goods and services, the Committee is of the view that cause of action for a complaint arises as soon as there is failure to deliver goods/services within the time specified in the Citizens Charter and hence there is no need to specifically add undue delay as a basis for the complaint. However, the Committee being deeply concerned about preventing undue delay in the delivery of goods/services, recommends that Government may suitably incorporate in the rules to be framed under the legislation, provisions specifying the shortest possible time for delivery of goods and services of common nature.

## 8. Designated Authority

8.1 The term ‘Designated Authority’ is defined in Clause 2(e) of the Bill as such officer or authority outside the concerned public authority as may be prescribed by the appropriate Government.

8.2 The Central Information Commissioner, in his written memorandum, has raised doubts about the feasibility of appointing Designated Authority from outside the Public Authority.

8.3 Dr. Jayaprakash Narayan, while deposing before the Committee, stated that:

*“...Then the designated authority, clause 2 (h) (k) gives the definition of designated authority. It says that the person must be outside the public authority. There are two issues. One is that the designated authority must be within the district, at the very least. Otherwise, if you create a designated authority at the State level, for the citizen for a simple service*

*to go the State level, is meaningless. If possible it should be at the district level or even at lower level...”*

8.4 Shri Nikhil Dey, while placing the views of NCPRI before the Committee, said:

*“...there should be a designated authority at the district level. And, that is independent and that has the capacity to penalise and compensate...”*

8.5 One of the witnesses who appeared before the Committee placed his views, as under:

*“...The Bill starts by saying that we must identify somebody who is responsible and the Grievance Redressal Officer will, then, be somebody who is of a level higher than that of his. This, Sir, is completely flawed in thinking. It is inappropriate. It does not work anywhere in the world and flies in the face of the fundamental requirement of quality management. You need to appreciate that a service cannot be delivered by one individual. So, the focus has to be on procedures and processes. A process, in fact, comprises the continuous interplay of people, procedures, methods, machines, measurements, funds, responsibilities and information in a proper manner, so that these services are delivered in a required manner...”*

8.6 The Ministry, in its written comments furnished to the Committee, has stated that the definition is flexible and that it has been left to the discretion of the appropriate Government to appoint designated authorities.

**8.7 The Committee notes the novel concept of Designated Authority that has been incorporated in the Bill. Designated Authority means an officer or authority outside the public authority that has been authorized to hear appeals against the orders of the Grievance Redressal Officer. The Designated Authority has also been empowered to impose penalty and award compensation to the complainant.**

**8.8 An apprehension has been expressed about the feasibility of having a Designated Authority from outside the Public Authority. The Committee finds merit in having Designated Authority from outside the Public Authority and hopes that it would discharge its functions more independently and objectively compared to the situation where the Designated Authority had been from within the Public Authority. The Committee hopes that substantial percentage of complaints would be settled at the level of Designated Authority keeping in view the fact that it has been bestowed with the power of imposing penalty on the defaulting public servant and award compensation to the complainant. The Committee is also in agreement with the viewpoint which has come before it that the Designated Authority should be available at the district/sub-district level so that the general public has an easy and convenient access to it.**

**8.9 The Committee finds that the Bill does not provide anything regarding who could be appointed as a Designated Authority. Further, in terms of Clause 2(h) which defines this term, relevant details about the Designated Authority have been left to be provided for in the Rules. The Designated Authority being an important level in the grievance redress mechanism, it is important that the Bill gives an outline of the form, shape and the content of this level in the grievance redress machinery.**

**8.10 The Committee also has some observations to make with regard to certain provisions of Clause 11 of the Bill which relates to appeal before the Designated Authority. As per Proviso to Clause 11(7) of the Bill, an appeal of urgent or immediate nature shall be disposed off before the date on which the cause of action may cease to exist. The Committee recommends that this proviso may be amended so as to provide for disposal of appeal ‘well’ before the date on which the subject matter of cause of action may cease to exist. Secondly, Clause 11(3) provides for acknowledgement of receipt of appeal by the Designated Authority but it does not prescribe a time period for such acknowledgement. The Committee notes that in terms of**

Clause 8, the Grievance Redress Officer is required to acknowledge receipt of complaint within two days. The Committee recommends that a time period for acknowledging complaints may be prescribed in case of Designated Authority also. The Committee further recommends that in matters of personal delivery of complaints, acknowledgement must be on the spot. Further, intimation regarding acknowledgement should reach the complainant within a specific time period.

## 9. Grievance Redress Officer

9.1 Clause 7(1) of the Bill provides that every public authority shall designate Grievance Redress Officers in all administrative units or offices at the Central, State, district and sub-district levels, municipalities, Panchayats whereat supplies of goods or render services to receive, enquire into and redress complaints from citizens.

9.2 The representative of NCPRI, while tendering oral evidence before the Committee, said:

*“...The third issue is the Grievance Redress Officer who has been appointed. This has been done at the municipal and the Panchayat level which is extremely useful because this really establishes the decentralized nature of the whole law. इसमें हमने एक रिकमेंडेशन यह दी है कि the GRO should have supervisory control on the person who is supposed to be delivering the service in the first place. In addition to that, शिकायत लेकर जो भी जाएँ, यह जरूरी नहीं हो कि वे अपने बारे में ही शिकायत करें। यदि उन्हें किसी और के बारे में भी शिकायत करनी हो, तो that should be allowed and कारण देने की जरूरत हो, जैसा कि हमने एक चीज़ यह देखी है कि सूचना का अधिकार कानून से लोगों को काफी मदद मिली है, क्योंकि जब उनसे कारण पूछा जाता है, तो प्रॉब्लम होती है।...”*

9.3 The Committee notes the provisions of Clause 10 of the Bill which provide that the Grievance Redress Officer shall, after the expiry of 30 days period, report every complaint that has not been redressed, along with relevant details, to the Designated Authority and it shall be treated as an appeal with the Designated Authority. The Committee appreciates this mechanism which is people friendly. The Committee, however, recommends a slight modification in Clause 10 so as to provide therein that the GRO, while forwarding complaints to the Designated Authority, should also inform the complainant by adding words ‘under intimation to the complainant’ at the end of Clause 10 of the Bill.

## 10. Public Authority

10.1 Clause 2(n) of the Bill defines the term Public Authority.

10.2 Concerns were raised from various quarters that the term ‘substantially financed’ in clause 2(n)(iv) should be clearly defined.

10.3 The Ministry, in its written comments furnished to the Committee, has stated that there is need to clarify on the quantum which constitute “substantially financed”.

10.4 The Committee notes that the term ‘Public Authority’ appearing in the Bill has a wide coverage extending to Bodies/Institutions set up under the Constitution of India, the laws made by the Parliament/State Legislatures. The Bill also authorizes the appropriate Government to cover, by issue of notification Bodies/Institutions substantially financed by the appropriate Government, Government companies under the Companies Act, 1956 as well as private entities engaged in the supply of goods/services on private-public partnership model or otherwise. The Committee is happy to note that this wider definition of the term Public Authority would uphold citizens’ rights for prompt service not only with reference to Government institutions/

bodies but also with reference to the private entities which are working for Government under some memorandum/contract. This is a welcome step particularly keeping in view the increasing participation of private sector in the service sector in partnership with Government.

10.5 The Committee, however, is also concerned over the use of the word ‘substantially financed’ in Clauses 4(n)(iv)(A) & (B) of the Bill. The Committee finds this expression to be vague and recommends that it should be suitably qualified so that there is no ambiguity with regard to the Institutions/Organisations receiving funds from appropriate Government which could be brought within the scope of the Bill.

## 11. Publication and reviewing of Citizens Charter

11.1 In one of the memorandum submitted to the Committee, it was suggested that before the finalization of the Citizens Charter and Statement of Obligations for each public authority, a draft citizens charter and statement of obligation shall be prepared for public discussion. This discussion will be conducted in a transparent and participatory manner. It must involve at the very least, a process of widely publicizing and seeking suggestions and comments from the public on the draft Citizens Charter and Statement of Obligation in conformity with the procedure laid down under Clause 4 and the basis on which any of the suggestions of the public are rejected, shall also be put in the public domain. This process will also be followed when the Citizens Charter is reviewed every year as per Clause 5 of this Act.

11.2 The representative of NCPRI while speaking on this issue, stated as follows:

*“...But, we feel that the law should require a participatory process for creating of a Citizen’s Charter. जो कोई डिपार्टमेंट अपना सिटिजंस चार्टर बना रही है, there should be a draft charter. They should allow people to give their views. And, it should be renewed every year in the same participatory process...”*

11.3 The DAR&PG, in its written comments furnished to the Committee, has stated these details would be covered under Rules and Guidelines to be issued after the Bill is enacted. It was further stated that the Guidelines for Implementing Sevottam, September 2011, accessible at [www.darpg.gov.in](http://www.darpg.gov.in) already include the requirement of stakeholder consultation and Steps 3, 4 and 5 in Chapter 3 on ‘Charter Design and Implementation process’ include how stakeholder consultation is to be planned, how input is to be received, and how stakeholder consultation results are to be consolidated for the purpose of finalization of service standards for the Citizen Charter.

11.4 The Committee fully appreciates the viewpoint presented before it regarding the people’s participation in the finalization of the Citizens Charter and its review from time to time. In this context, the Committee notes the provisions of Clause 5 of the Bill which provides for wide and extensive publicity of the Citizens Charter through all available means and its updating every year. The Committee also takes note of the provisions of Clause 4(3) of the Bill which authorizes the appropriate Government to make and notify rules in relation to the Citizens Charter. The Committee is convinced that people’s participation in the finalization and review of the Citizens Charter would be a useful step and the Charter finalized in this manner would have better acceptability and compliance. The Committee, accordingly, recommends consultation with the concerned stakeholders in the process of finalization/review of the Citizens Charter through suitable provisions in the rules under Clause 4(3).

## 12. Information and Facilitation Centres

12.1 Chapter IV of the Bill provides for establishment of Information and Facilitation Centres for efficient and effective delivery of services and redressal of grievances.

12.2 One of the witnesses, while tendering oral evidence before the Committee, opined:

*“...साधारण लोगों के लिए, गरीबों के लिए एकदम ऊपरी स्तर तक जाना बहुत मुश्किल है, इसलिए हमारा यह सुझाव है कि इसके अंतर्गत ब्लॉक स्तर पर एक जन सहायता केंद्र रखा जाए। आप लोगों ने कहा है कि हर विभाग के, हर स्तर पर एक पब्लिक नोटिस होना चाहिए कि क्या-क्या सूचनाएं हैं। इसमें हमारा यह सुझाव है कि ब्लॉक स्तर पर एक केंद्र हो, जिसका नाम जन सहायता केंद्र हो और जिसमें हर विभाग की बातें रखी जाएं।...”*

12.3 The Secretary, DAR&PG, while clarifying on this issue, stated:—

*“...There was a question about information and facilitation centre, at which level we will have. Obviously, every public authority will have that responsibility, not merely in the Ministry or Departments of the Central Government, but also even at the Gram Panchayat level. So, at every level we should have these in order to sensitize the citizens. There is a responsibility given on the head of the department of public authority to do that, irrespective of the level...”*

12.4 The representative of NCPRI, while speaking on this point, said:

*“...we feel the Department should have IFC, but there must be one outside, at least, in every block and it is not a big price to pay for us to have that kind of facilitation centre...”*

**12.5 The Committee appreciates the concept of Information and Facilitation Centers envisaged in Chapter IV of the Bill. The Committee feels that the setting up of such Facilitation Centers would considerably ease the problems being faced by the common man today in participating/ availing benefit under so many schemes/projects announced by Government from time to time for the benefit of the common man. The Committee is in full agreement with the suggestions received by it regarding the location of these Facilitation Centers. These Centers should be so located that they are easily accessible. The Committee, accordingly, recommends that the Facilitation Centers should be located at the point where the service is being provided or goods are being supplied by the Public Authority so that people approach the Public Authority with proper information/guidance. This, in the opinion of the Committee, would save the common man from much of the harassment and trouble which he faces at present due to absence of guidance/help. In this context, the Committee also recommends that the persons manning such Facilitation Centres should be selected/trained suitably so that they are polite, courteous and cooperative while dealing with the public.**

**12.6 The Committee further recommends that these Facilitation Centres should be properly equipped with facilities for communication, etc. so that they are able to discharge their responsibility properly and satisfactorily covering all matters/areas falling within their jurisdiction. The Committee, in this context, would also recommend to Government to consider adopting private-public partnership model in the case of these facilitation centers whereby some value added services could be added on nominal/moderate payment basis. Such an arrangement, in Committee's view, would on the one hand, resolve the constraint of manpower which is generally seen with the Public Authorities and, on the other hand, improve the quality of services, generate employment in the private sector and also partially neutralize operational cost of the facilitation centers.**

### **13. Acknowledgement of complaint, appeal**

13.1 Clause 8 of the Bill provides that all complaints shall be acknowledged by a receipt within two days of the making of the complaint.

13.2 One of the issues highlighted by many witnesses who appeared before the Committee was that the concerned Public Authority refuses or delays acknowledgment of complaint/appeal.

13.3 The representative of the State Government of Madhya Pradesh, while deposing before the Committee, said that in the survey conducted on Madhya Pradesh Lok Sewaon Ke Pradan Ki Guarantee Act, 2010 it was found that 43% applicants did not receive acknowledgment.

13.4 Another concern raised was that though a time-frame has been given in the Bill for acknowledgment of complaint, no such time limit is given for acknowledgment of appeal. Clause 11 (3) of the Bill only provides for acknowledgment of appeal and a definite time-frame therefor, has not been prescribed.

**13.5 The Committee notes that Clause 11(3) provides for acknowledgement of receipt of appeal by the Designated Authority but it does not prescribe a time period for such acknowledgement. The Committee notes that in terms of Clause 8, the Grievance Redressal Officer (GRO) is required to acknowledge receipt of complaint within two days. The Committee recommends that a time period for acknowledging complaints may be prescribed in case of Designated Authority also.**

#### **14. Time frame for redressal of grievance**

14.1 Clause 9(1)(a) of the Bill stipulates the time-frame for redress of grievance at the level of the Grievance Redressal Officer as 30 days from the date of receipt of the complaint.

14.2 One of the suggestions placed before the Committee was that the 30 day timeline by which the Grievance Redressal Officers shall resolve the complaints specified in Section 9 of this Bill shall be modified as follows: (i) 3 days in the case of complaints which have no supply constraints, e.g., issue of a birth certificate, (ii) 15 days in the case of complaints related to physical works, e.g. provision of water connection, and (iii) 60 days in the case of complaints related to violation of any law or rules or order.

14.3 Dr. Jayaprakash Narayan, while placing his views before the Committee, said:

*"...But the 30-days' time-frame is not simply the right one because there are many services which we may require the same day; there are also services which you require in an hour's time; like, in the case of an FIR, if the Grievance Redressal Officer says, "All right; you register the complaint within one month", then, the very purpose is defeated. Therefore, we should look at it more deeply. ...There cannot be a uniform time-line for all services. There are very simple, routine services and there are complicated services and there are services where application of law is required and, therefore, even, perhaps, 60 days may be called for..."*

**14.4 The Committee takes note of the provisions of Clause 9(1)(a) of the Bill which provides that the Grievance Redressal Officer (GRO) shall remedy the grievance in a time-frame not exceeding 30 days. The Committee finds merit in the suggestions made by the witnesses that such a standard prescription of thirty days time period might create an adverse effect in certain cases where an urgent relief is required. The Committee, accordingly, recommends that the provisions of Clause 9 may be modified suitably so as to provide for disposal of matters by the GRO in a shorter period in urgent cases. In case of complaints that have a bearing on the application of law, scheme, etc. the Committee recommends Government to consider a wider time schedule at the level of the GRO and the Designated Authority.**

#### **15. Time limit for appeal**

15.1 It was suggested by some of the stakeholders that the time limit stipulated in the Bill, for preferring an appeal to the designated authority and to the State/Central Public Grievance Redressal Commission, should be increased from 30 days.

15.2 The Ministry, in its written comments in this regard, has stated that the provision in the Bill is adequate as designated authority may admit an appeal even after the prescribed 30 days.

**15.3 The Committee takes note of the fact that the Bill provides for a 30 days time period for preferring an appeal with the Designated Authority and with the Public Grievance Redressal Commission. The Committee does not feel the necessity of increasing this time period beyond 30 days as both these Appellate Authorities have been vested with discretionary powers to admit appeals received after the expiry of the prescribed period of 30 days under Clauses 11, 12 and 29 of the Bill.**

#### **16. Lesser number of tier of appeals**

16.1 One of the witnesses raised a pertinent issue as under:

*“...So, I think the other key issue is that in this whole edifice of creating State-level Grievance Redressal Officers and Commissioners, Central Commissioners, we are creating a quasi judicial organization that is going to be large, unwieldy and cumbersome...”*

**16.2 The Committee is conscious of the fact that the Bill provides for appeal at four stages going up to the level of the Lokpal/Lokayukta. The Committee has recommended in para 21 ‘Appeal to the Lokpal’ that follows in the report that the provision in the Bill for appeal to the Lokpal/Lokayukta is undesirable and unnecessary. The remaining three levels of appeal are desirable and appropriate in the Committee’s view.**

#### **17. Search Committee**

17.1 The Committee takes note of the proposal that the Search Committee should consist of persons of standing and having special knowledge and expertise in the matters relating to the grievances, public administration, policy making and management.

17.2 The Ministry has, however, replied that the provision contained in clause 15(2) of the Bill is sufficient.

**17.3 The Committee takes note of the provisions of Clauses 15(2) and 32(2) of the Bill which provide for Selection Committee in the process of the appointment of Central and State Grievance Redress Commissioners. These provisions also refer to Search Committees consisting of such Members as may be prescribed.**

**17.4 The Committee takes note of the proposals that these Search Committees should consist of persons of standing having special knowledge and expertise in matters relating to handling of grievances, public administration, policy making and management.**

**17.5 The Committee is agreeable to the view that the Search Committees play an important role in the selection process. Accordingly, the Committee finds merit in the suggestion to have specialized persons in the relevant field as Members of the Search Committee. The Committee, accordingly, recommends that these aspects may be taken care of adequately by making suitable provisions in the rules.**

#### **18. Retirement age for the Central Commissioners**

18.1 The Committee notes that Clause 17 of the Bill provides a retirement age for the State Chief Public Grievance Commissioner and the State Public Grievance Commissioners. However, no retirement age has been provided for the Central Chief Public Grievance Commissioner or the Central Public Grievance Commissioners.

18.2 The Ministry, in its written comments furnished to the Committee, has stated that they are open to the suggestion, as in Clause 34(1) for Central Commissions the language “or until they attain the age of sixty-five years whichever is earlier,” has been omitted by mistake, although for State Commissioners, the above language exists in the Bill.

18.3 The Committee, accordingly, recommends that clause 34 of the Bill which provides the terms of Office of Central Grievance Redressal Commissioners may be amended on the lines of clause 17 of the Bill.

## 19. **Imposition of penalty, granting compensation**

19.1 Chapter IX of the Bill deals with penalties and compensation.

19.2 One of the proposals put forth was to impose a mandatory obligation on the Designated Authority to impose penalty on the guilty officer and that if no penalty is imposed, a reasoned order will be passed.

19.3 Dr. Jayaprakash Narayan, while voicing his opinion on this point, said:

*“...Unless the compensation is payable from the pocket of the person who has delayed the service, there is a danger of collusion between the service providing individual at the cost of the Government... Therefore, for all fee paying services, there will have to be a provision for automatic compensation for non-delivery. There should be recovery of penalty from the agency or the individual...”*

19.4 The Secretary, DAR&PG was of the following view in this regard:

*“...The penalty level is up to the GRO because beyond that it will not be possible to impose penalty on an outside authority, which will hear the first appeal in respect of a petitioner...”*

19.5 **The Committee notes that the Bill provides for a maximum penalty up to Rs.50,000/- to be imposed by the Designated Authority on the official responsible for delivery of goods/services. The Committee feels that while deciding the quantum of penalty, the Appellate Authorities should have due regard to the hardships faced by the complainant in pursuing the complaint. The Committee recommends that suitable provision may be added in the Bill to this effect.**

19.6 **The Committee takes note of the proviso to Clause 45(2) of the Bill which says that the amount of compensation awarded shall not exceed amount of penalty imposed under Clause 45(1) of the Bill. Clause 45(2) of the Bill already provides that the Appellate Authority may direct only a portion of the penalty imposed, as deemed fit, to be awarded by way of compensation to the appellant. In view of the provisions of Clause 45(2), the proviso thereto seems redundant. The Committee, accordingly, recommends that the proviso to Clause 45(2) may be deleted.**

19.7 **The Committee also takes note of the provisions of Clause 45(3) whereunder a public servant found guilty under Clause 45(1) is liable for disciplinary proceedings in case he is proved guilty of a *mala fide* action in respect of any provision of the Act. The Committee feels that the public official once having been found guilty under Clause 45(1) should not be required to be proved guilty of *mala fide* action again in terms of Clause 45(3) before being made liable for imposition of punishment/penalty by the disciplinary authority. Element of *mala fide* is not easy to establish and prove, and further, once a public servant is proved to have violated the law which requires him to provide a service or goods in question, in time, whether the action of the public servant was *mala fide* or not is not material. The Committee, therefore, recommends that Clause 45(3) be amended suitably to give effect to these observations.**



## 20. Quantum of penalty, compensation

20.1 In one of the memoranda received by the Committee, it has been suggested that penalty should be as per financial/social/economical impact of denial/delay in services.

20.2 Some Members of the Committee were of the view that the maximum limit prescribed as Rs. 50,000/- in the Bill as penalty is on the higher side.

20.3 **The Committee notes that Rs. 50,000 is the upper limit of the penalty that can be imposed on the erring public servant. The Committee has already recommended in para 10.5 above, the parameters for deciding the quantum of penalty. Further, this being the maximum limit of the penalty and the actual penalty being based upon the facts and circumstances of the case, the Committee is not inclined to interfere in the quantum of penalty prescribed in the Bill.**

## 21. Appeal to Lokpal

21.1 Some of the Members of the Committee raised doubts about the provision in the Bill regarding preferring appeals to Lokpal/Lokayukta.

21.2 The Ministry, in its written reply, has clarified that Clause 47 of the Bill provides for appeal against the decision of Central Commission or State Commission to *Lokpal/Lokayukta*, only in cases which contain the findings relating to corruption under the 'Prevention of Corruption Act, 1988' and that it has been provided in view of clause 49 of 'The Lokpal and Lokayuktas Bill, 2011'.

21.3 Shri Nripendra Misra, while placing his views before the Committee, said :

*"...Where is the need for creating an organic link with Lokpal and Lokayukta? They are independent institutions. They will look into performing their activities the manner in which this is passed..."*

21.4 **The Committee takes note of the provisions of Clause 47 of the Bill which provides for appeal to the Lokpal/Lokayukta against the decisions of the Central/State Grievance Redressal Commission, respectively. The Committee does not find much justification in providing for appeal with the Lokpal/Lokayukta against the decision of the Central/State Commission. Such a linkage, in Committee's view, is unfounded as the institution of Lokpal has been set up under a different legislation aiming to put in place an anti corruption institution while the objective of the present Bill is to ensure timely delivery of goods/services and grievance redressal. Besides, the Bill in hand, already provides for three levels of appeal up to the level of the Commission and adding another level of appeal above the Commission level does not seem to be called for. The Committee, accordingly, recommends that the provisions of the Bill which provide for preference of appeal to the Lokpal/Lokayukta against the decision of the Central/State Commissions may be deleted.**

## 22. Monitoring the implementation of the Act

22.1 Some of the stakeholders were of the view that the implementation of Citizens Charter should be monitored and emphasis should be on pro-active action to prevent grievances.

22.2 Dr. Jayaprakash Narayan, while stressing upon this point, stated thus:

*"...Our appeal is, under section 26(1) and 43(1), please ensure that the power to monitor the implementation of this law and power to give guidelines and directives to the agencies of the Government in furtherance of this law must be inherent in the Commission. Otherwise now directives such as they may be issued are only upon adjudication. If a case comes before them*

*in appeal, on adjudication they may give the directive. That the law provides for. It does not provide for general directives and guidelines to monitor the implementation of the grievance redressal Act...”*

22.3 Dr. Sanjeevan Bajaj, FICCI Quality Forum also emphasized this issue, as under :

*“...Right now what it says is that a citizen has a right to complain if he is not getting service within the time. But if a citizen does not complain, then it means nobody is going to check the monitoring of the Citizens’ Charter. We would say that if this kind of a measure has to be brought in, then monitoring should be a part of it. Just as financial audit happens, management audit should also happen. Wherever an organisation has a Citizens’ Charter and measurable time norms are given, that should be monitored...”*

22.4 The Ministry, in its written comments furnished to the Committee, has stated that it is open to the suggestion and that while implementing the Citizens Charter, the relevant Rules and Guidelines can include these.

**22.5 The Committee appreciates the concerns expressed by the witnesses over the need for monitoring the implementation of the Bill. The Committee is convinced that an effective monitoring of the implementation of the Bill would definitely yield better results. The Committee, in this context, takes note of the provisions contained in Clauses 26(3), 43(3) and 46 of the Bill which vest the State Public Grievance Redressal Commission and the Central Public Grievance Redressal Commission with the powers to *suo motu* take notice of failure to deliver goods and services in accordance with the provisions of the Act and refer such cases for disposal to the Head of Department of the concerned public authority. The Head of the Department in turn is required to submit an Action Taken Report to the Commission within 30 days. Further, under Clause 46, every public authority is required to ensure that each Grievance Redress Officer keeps a record of the complaints made to it or appeals preferred and the decisions on such complaints and appeals and publish on its website by the 15th day of every month or at such intervals as may be prescribed, a report mentioning the number of complaints received, the number of complaints pending and the number of complaints disposed of. The Committee feels that the Bill carries adequate provisions to ensure its effective monitoring and implementation. The need is to ensure strict compliance of these provisions of the Bill. The appropriate Government may keep these aspects in view while framing rules in this respect so that the law is complied with strictly, without any laxity.**

## **23. Title of the Bill**

23.1 The Secretary, DAR&PG while tendering oral evidence before the Committee, said:

*“...So far as the name of the Act is concerned, definitely other options were available there. But, we thought of making it a comprehensive name, which will cover not only the delivery of public services but also grievance redressal. So, it is a comprehensive title. I am not saying that it is a very catchy title, but it is a comprehensive title...”*

23.2 One of the witnesses was of the following opinion:

*“...First point is that the title of the Bill itself needs a re-look. According to us ‘delivery of goods’ should not form part of the title of the Bill. Redressal of grievances should come within the body of the Bill...”*

23.3 The Ministry, in its written comments furnished to the Committee, has stated that the title has been approved by the Cabinet to reflect the element of “time bound delivery” of goods and services.

23.4 The Committee takes note of the various suggestions that have come before it suggesting a short and crisp title for the Bill. The Bill primarily seeks to put in place a mechanism to ensure time bound delivery of goods and services and a grievance redressal mechanism in case there is a failure in the time bound delivery of goods and services. The Bill envisages a Citizens Charter which brings out in public domain the obligations, duties, commitments of the Public Authority in the matter of providing goods and services within specified time limits together with designation of the public servant responsible for delivery of such goods and services. The Committee feels that the Citizens Charter finds a key position in the Bill and is fairly at the root in achieving the objective of the Bill. Accordingly, the Committee recommends that the title of the Bill may be shortened suitably but, it may essentially carry the words 'Citizens Charter'. The Committee would prefer "Citizens Charter Bill, 2012" as the title of the Bill.

#### 24. Scope of the Bill

24.1 In one of the memorandum submitted to the Committee, it has been stated that there are a number of organizations, namely non-governmental organizations, companies, and even Government organizations that would require goods and services from other service providers in the Government or organizations authorized by the government. Therefore, it was suggested that the scope of this Bill be enlarged.

24.2 The Committee takes note that the Punjab Right to Service Act, 2011 and the Rajasthan Guaranteed Delivery of Public Services Act, 2011 have stipulated that access to the redressal mechanism would be provided to all eligible persons. These Acts define eligible persons as 'any person who is eligible for the notified services'.

24.3 Shri M.R. Madhavan, PRS Legislative Research while placing his views before the Committee, stated:

*"...The definition of complaint is available only to a citizen. A State provides several services, which are available as well as required, in some cases, by a foreign national as well. For example, if a foreign national is a resident in India, he needs a driving licence and if he is working here, he will require PAN of income tax. Does that person not require access to grievance redressal mechanism? Why are we saying 'citizens' here? Why are we making that distinction?..."*

24.4 The Ministry, in its written comments furnished to the Committee, has stated that the Government is open to suggestion.

24.5 The Committee takes note of the suggestion that the Bill should be extended to provide coverage to the non-citizens also. The Committee in this regard takes note of the fact that the Punjab Right to Service Act, 2011 and the Rajasthan Guaranteed Delivery of Public Services Act, 2011 stipulate access to the redress mechanism to all eligible persons. These Acts define eligible persons as 'Any person who is eligible for notified services'.

24.6 In the given situation, the Committee would like the Ministry to review whether the coverage of the Bill can be extended to the non-citizens also. The Committee notes the written comments of the Ministry wherein they have said that they are open to suggestion in this regard. Government can consider notifying a few limited services and goods as regards non-citizens rather than totally excluding them. This may also help in establishing goodwill among the international community.

## CHAPTER-III

### OTHER RELATED ISSUES

#### 25. Need for the Bill

25.1 The Committee notes that the Service Delivery legislations enacted by 12 States are noteworthy. However, they are limited to a few public services only. A broader canvas is needed to improve the existing public service delivery being provided by Public Authorities. The State Acts do not have the overarching structure being envisaged by this Bill.

25.2 One of the witnesses, while appearing before the Committee, said that:

*“...I am speaking from my experience in dealing with tracking another important set of legislations, that is, the 73rd and 74th Amendments of the Constitution, under which, Citizen’s Charter and Redressal of Public Grievances are important items. Already, 22 States have passed community participation and public disclosure laws and many of these laws include specific Citizen’s Charters. In some cases, they are provided for under the rules, and in some cases, they are also provided for by the respective public authorities. For instance, Maharashtra has an Act. But, the Bombay Municipal Corporation has a fairly extensive Citizen’s Charter, and there is also a fairly elaborate procedure about how grievances and several daily services should be dealt with. Tamil Nadu has it. Haryana has it. A number of States have it. Now, it is still not very clear that what has been the outcome of all these disclosure laws...”*

25.3 The Committee is of the view that the Bill seeks to put in place a service delivery mechanism both at the Central and the State level. This is a milestone step in the opinion of the Committee. The decision to enact a Central legislation, as is apparent from the statement of objects and reasons appended to the Bill, has emanated from the experience of the Government of not being successful in extending Citizens Charter over a vast majority of the people in the country. The Committee notes that the Government introduced in the year 1997 the Citizens Charter which was voluntary in character and subsequently initiated service excellence model called “Sevottam” in 2005 to give a new thrust to the implementation of the Citizens Charter. Many States have also enacted Right to Public Service Delivery Legislation in which a few important public services have been selected for service delivery. No doubt these efforts are noteworthy but in the absence of an overarching structure, their impact was diffused and limited. Therefore, the rationale and objective of bringing a comprehensive legislation is to provide rights based approach and make the Citizens Charter statutory and endow the public with the right to get delivery of services within the stipulated timelines.

25.4 The Committee is of the view that the provisions of the Bill are salutary and will have great impact on the service delivery system when operationalised by the Public Authorities under the Central and the State Governments.

#### 26. Integration with Electronic Services Delivery Bill

26.1 Dr. Jayaprakash Narayan, was of the following opinion on this issue:

*“...We must have convergence of various laws, for instance, Electronic Service Delivery law*

*and other laws. But ideally our submission is that, create a district ombudsman whose jurisdiction also applies to Employment Guarantee Act and such other entitlement Acts and it will come automatically to the grievance redressal authority and therefore, he can be drawn from the Government for a period. He must be a senior officer who has a special rank, etc., of District Collector at least, so that he carries the conviction as the stature and power but is outside the public agency and he can deal with all the issues related to all departments within the State Government..."*

26.2 He further stated that:

*"...Every law is creating a National Commission, a State Commission, too many high powered bodies acting parallel. It is not very wise. We are creating a large bureaucracy and post retirement havens and enormous expenditure, without convergence. Sometimes actually there is parallel jurisdiction and conflict of jurisdiction, all kinds of problems. Our appeal is and a very humble appeal we make, the Electronic Service Delivery Act should actually be integrated with this law, though of a separate Ministry, Ministry of Information and the Ministry of Electronics have to pilot that, it must be integrated with this law..."*

26.3 The Ministry, in its written comments furnished to the Committee, has stated that Government is open to the suggestion that the two Bills may be harmoniously integrated.

**26.4 The Committee takes note of the views expressed by the experts that various laws, particularly, the Electronic Service Delivery Law should be integrated with the Citizens Charter Bill. The Committee feels that such an integration would facilitate the rationalization of the resources and better achieving of the objective of the Bill. The Committee notes the comments of the Government in this regard that it is open to the suggestion that the two Bills may be harmoniously integrated.**

## **27. Reward Mechanism**

27.1 The Committee takes note of the proposition made that the Bill may have provisions which will make it mandatory for the respective Governments to design a reward scheme for best performing public authorities and the personnel within. The resources for the financial incentives shall come from the penalties in a particular geographic unit as well as a specified percentage of the fee collected by the public authorities in that geographic unit. The respective Governments shall frame the rules, by which the financial incentives shall be offered.

27.2 In this regard, Dr. Jayaprakash Narayan was of the following view:

*"...we should also institutionalize the reward mechanism. Otherwise, it will not be a balanced one, if you want to achieve the desired goal..."*

**27.3 The Committee sees merit in the propositions made before it that the Bill should have mandatory provisions for a reward scheme for best performing public authorities and the personnel within. In Committee's view, such a reward scheme would prove to be a source of encouragement and motivation for those public servants who were able to render the services within the time targets specified in the Citizens Charter. The Committee notes that the Bill already provides under Clause 45(3) to punish and impose penalty on those public servants who falter in compliance of the Citizens Charter. The Committee feels that in this kind of system being generated through the legislation, an element of motivation to encourage the officials for performing efficiently will have far reaching effects on the success of the Bill. The Committee, therefore, impresses upon the Government to consider providing a suitable reward scheme for the officers working at various levels who have shown their impeccable performance in delivery of services to the people.**

## 28. Constitutionality of the Bill

28.1 The Ministry, in its written reply furnished to the Committee, has stated that the Bill has been introduced under Item 8, 'Actionable wrongs' of the Concurrent List of the Constitution of India.

28.2 Dr. Jayaprakash Narayan, while placing his views before the Committee, stated thus:

*"...On matters of fundamental rights, every Government, including the local authority, has the power to make laws and regulations. And, if there are simultaneous laws in existence made by the Union Parliament and the State Legislature, we already have a Constitutional scheme in which the Union law will be prevailing, wherever there is a conflict, unless the State law has obtained the assent of the President of India. Now, on that principle, that law was enacted..."*

28.3 The representative of NCPRI, while speaking on this issue, said:

*"...In terms of the federalism issue, there is a precedent in the form of the Consumer Protection Act. I can take the local postal office for poor delivery of service to the District Consumer Forum as much as I can take any other State-run enterprises for poor quality of commodity or service that they deliver. So, we could think of developing the principles based on that particular Act which is already in existence..."*

28.4 However, Shri M.R. Madhavan, PRS Legislative Research stated that :

*"...It is not clear to us whether Parliament has jurisdiction over defining such procedures for States. Item 41 of the Seventh Schedule mentions State Public Services Parliament definitely has jurisdiction over enacting this Bill to the extent it applies to public authorities at the Union level. I am not clear and I think that needs a close examination whether its jurisdiction extends to enacting similar provisions for State public authorities..."*

28.5 The representative of Government of Madhya Pradesh, while touching upon this issue, stated as follows:

*"...I just want to express what the State Government feels only in one sentence. Do we really need a Central law to determine the processes of delivering Khasra copies and water connections in the State? That's what my State Government very strongly feels about it..."*

28.6 Similar views were expressed by the representative of the Government of Punjab as stated below:

*"...Sir, firstly, if the Centre wants to enact a law about services provided by the Central Government, we have no opinion on it. As far as that is concerned, the Centre is perfectly within its jurisdiction. When it comes to the States, the fact is that various States have already gone in for it and each State has found a model that is suitable to it..."*

28.7 The Committee takes note of the fact that the Bill has been enacted by the Central Government in pursuance to Entry 8 of List III in the Seventh Schedule of the Constitution of India which enumerates the subject matters falling under the Concurrent List. The said Entry 8 mentions 'actionable wrongs'. The Committee further takes note of the provisions of Article 246 of the Constitution which deals with subject matters on which laws can be made by the Parliament and the legislatures of the States. As per Article 246(2), both the Parliament and the State Legislatures have the powers to legislate on matters enumerated in List III. The Committee also takes note of the fact that the layout and the scheme of the Bill ensure that the Public Authorities under the Central and the State Government, while implementing the Bill, are independent of each other. The Committee feels that both the Central Government and the State Governments would be in a position to implement the Bill independently and

without each others' interference. Central legislation on subjects mentioned in the Concurrent List, has always triggered the activities of the State Governments in that regard and, have always been seen as bringing in greater awareness in the States about the subjects in question.

## 29. Capacity building

29.1 The Secretary, DAR&PG while making a presentation on the Bill before the Committee, said that:

*"...The capacity-building is a must for the Government officers. It is about developing their skills and also telling them how to have Government process in engineering because Government process is very important to render the services within timeline. And 'sewottam' is one such thing where we have done a lot of work for capacity building, in some of the domains, not in all..."*

29.2 The Committee is aware of the fact that the Bill is a novel legislation of paramount importance, whereby services are to be delivered to the citizens within the stipulated time. The obligation to deliver goods/services in time would certainly need efficient work force of officials. The Committee is of the view that enhancing individual efficiency lies at the core for the successful implementation of the provisions of the Bill. The Committee, therefore, impresses upon the Government to undertake capacity building measures such as training, adopting efficiency improving techniques etc.

## 30. Financial assistance to States

30.1 Many State Governments which furnished their comments to the Committee, have opined that Central funds should be granted for setting up infrastructure, enhancing manpower, giving publicity to the statute, etc.

30.2 Shri Nripendra Misra, while tendering oral evidence before the Committee, stated thus:

*"...There is one Act called the Construction Workers' Welfare Act, 1996. Sir, this Act envisages that for construction workers, a cess will be created. It is a Central Act but the entire responsibility has been given to the States. The cess will be collected by the States, the rules will be formed by the States and the welfare activities for the labourers or the workers connected with the construction activities will be done..."*

30.3 The Committee takes note of the concerns raised by some of the representatives who deposed before the Committee regarding the provision of finance for meeting the obligations provided for in the Bill. The Committee further notes that the Financial Memorandum appended to the Bill refers to the likely additional expenditure to be incurred by the Central Government in the implementation of the Bill. The Committee is of the view that timely provision of goods and services is the responsibility of the Public Authority and the Central Government and State Governments are distinct Public Authorities under the Bill. Therefore, the issue of meeting the financial requirements for the implementation of the Bill in respect of services in the States have to be addressed by the Central Government and the State Governments themselves. Services and goods are to be provided on time by the State Government in their respective departments. But in case we are enacting a loaded legislation for them, it is the duty of the Central Government to share some financial burden in this regards lest, the law remains unenforceable, partly or otherwise.

## RECOMMENDATIONS/OBSERVATIONS OF THE COMMITTEE — AT A GLANCE

### Definitions

#### Citizens Charter

1. The Committee takes note of the fact that the Citizens Charter contemplated under the Bill envisages enumeration of all the goods supplied and services rendered by a Public Authority. A strong view has come before the Committee that the Bill should provide for notification of services by the appropriate Government for the purpose of inclusion in the Citizens Charter. In fact, this is the position in several States including Madhya Pradesh, Delhi, etc. where only notified services have been brought under the Citizens Charter. [Para 6.4]
2. The Committee does not find any merit in the above proposition as this would only lead to lowering the pace of implementation of the Bill. The Committee feels that there should be no difficulty in incorporating all goods and services in the Citizens Charter at the initial stage itself particularly when this has to be done by the Public Authority and the said Public Authority has the option to determine the time period within which the goods/services being dealt with by it shall be rendered. The Committee, accordingly, endorses the provisions of the Bill that oblige the Public Authorities to incorporate all categories of goods supplied and services rendered in the Citizens Charter. [Para 6.5]

#### Complaint

3. A view has come before the Committee that the definition of the term ‘Complaint’ in the Bill is too wide as it includes violation of any law, policy, programme, order or scheme by the Public Authority and an apprehension has been expressed whether the Public Authority or the appropriate Government would be in a position to settle complaints on such wide spectrum issues within the limited period provided for in the Bill to the Grievance Redressal Officer, Designated Authority, etc. The Committee also takes note of the difficulty pointed out by the witnesses arising out of certain grievance redressal mechanisms already being in place and the likely conflict with the procedure sought to be put in place through the proposed legislation. [Para 7.11]
4. In the Committee’s view, the definition of the term ‘Complaint’ is comprehensive enough so as to cover not only the cases of failure to deliver goods or render services in accordance with the Citizens Charter but also cases where the Public Authority has violated any law, policy, scheme, order, etc. and it should be possible for the Public Authority to handle the same within the given parameters. The Committee is of the firm opinion that issues related to violation of law, policy, scheme, policy, etc. are vital and the same cannot be kept outside the purview of the grievance redress mechanism. However, in case it is felt that such matters require some different time schedule for adjudication, the Ministry may examine the issue and provide appropriately in the Bill. [Para 7.12]
5. As regards the specific suggestion that the definition of the term ‘Complaint’ should also cover undue delay in the delivery of goods and services, the Committee is of the view that cause of action for a complaint arises as soon as there is failure to deliver



goods/services within the time specified in the Citizens Charter and hence there is no need to specifically add undue delay as a basis for the complaint. However, the Committee being deeply concerned about preventing undue delay in the delivery of goods/services, recommends that Government may suitably incorporate in the rules to be framed under the legislation, provisions specifying the shortest possible time for delivery of goods and services of common nature. [Para 7.13]

#### **Designated Authority**

6. The Committee notes the novel concept of Designated Authority that has been incorporated in the Bill. Designated Authority means an officer or authority outside the public authority that has been authorized to hear appeals against the orders of the Grievance Redressal Officer. The Designated Authority has also been empowered to impose penalty and award compensation to the complainant. [Para 8.7]
7. An apprehension has been expressed about the feasibility of having a Designated Authority from outside the Public Authority. The Committee finds merit in having Designated Authority from outside the Public Authority and hopes that it would discharge its functions more independently and objectively compared to the situation where the Designated Authority had been from within the Public Authority. The Committee hopes that substantial percentage of complaints would be settled at the level of Designated Authority keeping in view the fact that it has been bestowed with the power of imposing penalty on the defaulting public servant and award compensation to the complainant. The Committee is also in agreement with the viewpoint which has come before it that the Designated Authority should be available at the district/sub-district level so that the general public has an easy and convenient access to it. [Para 8.8]
8. The Committee finds that the Bill does not provide anything regarding who all could be appointed as a Designated Authority. Further, in terms of Clause 2(h) which defines this term, relevant details about the Designated Authority have been left to be provided for in the Rules. The Designated Authority being an important level in the grievance redress mechanism, it is important that the Bill gives an outline of the form, shape and the content of this level in the grievance redress machinery. [Para 8.9]
9. The Committee also has some observations to make with regard to certain provisions of Clause 11 of the Bill which relates to appeal before the Designated Authority. As per Proviso to Clause 11(7) of the Bill, an appeal of urgent or immediate nature shall be disposed off before the date in which the cause of action may cease to exist. The Committee recommends that this Proviso may be amended so as to provide for disposal of appeal 'well' before the date on which the subject matter of cause of action may cease to exist. Secondly, Clause 11(3) provides for acknowledgement of receipt of appeal by the Designated Authority but it does not prescribe a time period for such acknowledgement. The Committee notes that in terms of Clause 8, the Grievance Redress Officer is required to acknowledge receipt of complaint within two days. The Committee recommends that a time period for acknowledging complaints may be prescribed in case of Designated Authority also. The Committee further recommends that in matters of personal delivery of complaints, acknowledgement must be on the spot. Further, intimation regarding acknowledgement should reach the complainant within a specific time period. [Para 8.10]

#### **Grievance Redress Officer**

10. The Committee notes the provisions of Clause 10 of the Bill which provide that the

Grievance Redress Officer shall, after the expiry of 30 days period, report every complaint that has not been redressed, along with relevant details, to the Designated Authority and it shall be treated as an appeal with the Designated Authority. The Committee appreciates this mechanism which is people friendly. The Committee, however, recommends a slight modification in Clause 10 so as to provide therein that the GRO, while forwarding complaints to the Designated Authority, should also inform the complainant by adding words ‘under intimation to the complainant’ at the end of Clause 10 of the Bill. [Para 9.3]

#### **Public Authority**

11. The Committee notes that the term ‘Public Authority’ appearing in the Bill has a wide coverage extending to Bodies/Institutions set up under the Constitution of India, the laws made by the Parliament/State Legislatures. The Bill also authorizes the appropriate Government to cover, by issue of notification Bodies/Institutions substantially financed by the appropriate Government, Government companies under the Companies Act, 1956 as well as private entities engaged in the supply of goods/services on private-public partnership model or otherwise. The Committee is happy to note that this wider definition of the term Public Authority would uphold citizens’ rights for prompt service not only with reference to Government institutions/bodies but also with reference to the private entities which are working for Government under some memorandum/contract. This is a welcome step particularly keeping in view the increasing participation of private sector in the service sector in partnership with Government. [Para 10.4]
12. The Committee, however, is also concerned over the use of the word ‘Substantially financed’ in Clauses 4(n)(iv)(A) & (B) of the Bill. The Committee finds this expression to be vague and recommends that it should be suitably qualified so that there is no ambiguity with regard to the Institutions/Organisations receiving funds from appropriate Government which could be brought within the scope of the Bill. [Para 10.5]

#### **Publication and reviewing of Citizens Charter**

13. The Committee fully appreciates the viewpoint presented before it regarding the people’s participation in the finalization of the Citizens Charter and its review from time to time. In this context, the Committee notes the provisions of Clause 5 of the Bill which provides for wide and extensive publicity of the Citizens Charter through all available means and its updating every year. The Committee also takes note of the provisions of Clause 4(3) of the Bill which authorizes the appropriate Government to make and notify rules in relation to the Citizens Charter. The Committee is convinced that people’s participation in the finalization and review of the Citizens Charter would be a useful step and the Charter finalized in this manner would have better acceptability and compliance. The Committee, accordingly, recommends consultation with the concerned stakeholders in the process of finalization/review of the Citizens Charter through suitable provisions in the rules under Clause 4(3). [Para 11.4.]

#### **Information and Facilitation Centres**

14. The Committee appreciates the concept of Information and Facilitation Centers envisaged in Chapter IV of the Bill. The Committee feels that the setting up of such Facilitation Centers would considerably ease the problems being faced by the common man today in participating/availing benefit under so many schemes/projects announced by Government from time to time for the benefit of the common man. The Committee is

in full agreement with the suggestions received by it regarding the location of these Facilitation Centers. These Centers should be so located that they are easily accessible. The Committee, accordingly, recommends that the Facilitation Centers should be located at the point where the service is being provided or goods are being supplied by the Public Authority so that people approach the Public Authority with proper information/guidance. This, in the opinion of the Committee, would save the common man from much of the harassment and trouble which he faces at present due to absence of guidance/help. In this context, the Committee also recommends that the persons manning such Facilitation Centres should be selected/trained suitably so that they are polite, courteous and cooperative while dealing with the public. [Para 12.5]

15. The Committee further recommends that these Facilitation Centres should be properly equipped with facilities for communication, etc so that they are able to discharge their responsibility properly and satisfactorily covering all matters/areas falling within their jurisdiction. The Committee, in this context, would also recommend to Government to consider adopting private-public partnership model in the case of these facilitation centers whereby some value added services could be added on nominal/moderate payment basis. Such an arrangement, in Committee's view, would on the one hand, resolve the constraint of manpower which is generally seen with the Public Authorities and, on the other hand, improve the quality of services, generate employment in the private sector and also partially neutralize operational cost of the facilitation centers. [Para 12.6]

#### Acknowledgement of complaint, appeal

16. The Committee notes that Clause 11(3) provides for acknowledgement of receipt of appeal by the Designated Authority but it does not prescribe a time period for such acknowledgement. The Committee notes that in terms of Clause 8, the Grievance Redress Officer is required to acknowledge receipt of complaint within two days. The Committee recommends that a time period for acknowledging complaints may be prescribed in case of Designated Authority also. [Para 13.5]

#### Time frame for redressal of grievance

17. The Committee takes note of the provisions of Clause 9(1)(a) of the Bill which provides that the Grievance Redress Officer shall remedy the grievance in a time frame not exceeding 30 days. The Committee finds merit in the suggestions made by the witnesses that such a standard prescription of 30 days time period might create an adverse effect in certain cases where an urgent relief is required. The Committee, accordingly, recommends that the provisions of Clause 9 may be modified suitably so as to provide for disposal of matters by the GRO in a shorter period in urgent cases. In case of complaints that have a bearing on the application of law, scheme, etc. the Committee recommends Government to consider a wider time schedule at the level of the GRO and the Designated Authority. [Para 14.4]

#### Time limit for appeal

18. The Committee takes note of the fact that the Bill provides for a 30 days time period for preferring an appeal with the Designated Authority and with the Public Grievance Redressal Commission. The Committee does not feel the necessity of increasing this time period beyond 30 days as both these Appellate Authorities have been vested with discretionary powers to admit appeals received after the expiry of the prescribed period of 30 days under Clauses 11, 12 and 29 of the Bill. [Para 15.3]

#### Lesser number of tier of appeals

19. The Committee is conscious of the fact that the Bill provides for appeal at four stages going up to the level of the Lokpal/Lokayukta. The Committee has already recommended in para 21 'Appeal to the Lokpal' that follows in the report that the provision in the Bill for appeal to the Lokpal/Lokayukta is undesirable and unnecessary. The remaining three levels of appeal are desirable and appropriate in the Committee's view. [Para 16.2]

#### Search Committee

20. The Committee takes note of the provisions of Clauses 15(2) and 32(2) of the Bill which provide for Selection Committee in the process of the appointment of Central and State Grievance Redress Commissioners. These provisions also refer to Search Committees consisting of such Members as may be prescribed. [Para 17.3]
21. The Committee takes note of the proposals that these Search Committees should consist of persons of standing having special knowledge and expertise in matters relating to handling of grievances, public administration, policy making and management. [Para 17.4]
22. The Committee is agreeable to the view that the Search Committees play an important role in the selection process. Accordingly, the Committee finds merit in the suggestion to have specialized persons in the relevant field as Members of the Search Committee. The Committee, accordingly, recommends that these aspects may be taken care of adequately by making suitable provisions in the rules. [Para 17.5]

#### Retirement age for the Central Commissioners

23. The Committee, accordingly, recommends that clause 34 of the Bill which provides the terms of Office of Central Grievance Redressal Commissioners may be amended on the lines of clause 17 of the Bill. [Para 18.3]

#### Imposition of penalty, Granting compensation

24. The Committee notes that the Bill provides for a maximum penalty of up to Rs.50,000/- to be imposed by the Designated Authority on the official responsible for delivery of goods/services. The Committee feels that while deciding the quantum of penalty, the Appellate Authorities should have due regard to the hardships faced by the complainant in pursuing the complaint. The Committee recommends that suitable provision may be added in the Bill to this effect. [Para 19.5]
25. The Committee takes note of the Proviso to Clause 45(2) of the Bill which says that the amount of compensation awarded shall not exceed amount of penalty imposed under Clause 45(1) of the Bill. Clause 45(2) of the Bill already provides that the Appellate Authority may direct only a portion of the penalty imposed, as deemed fit, to be awarded by way of compensation to the appellant. In view of the provisions of Clause 45(2), the Proviso thereto seems redundant. The Committee, accordingly, recommends that the Proviso to Clause 45(2) may be deleted. [Para 19.6]
26. The Committee also takes note of the provisions of Clause 45(3) where under a public servant found guilty under Clause 45(1) is liable for disciplinary proceedings in case he is proved guilty of a *mala fide* action in respect of any provision of the Act. The Committee feels that the public official once having been found guilty under Clause 45(1) should not be required to be proved guilty of *mala fide* action again in terms of

Clause 45(3) before being made liable for imposition of punishment/penalty by the disciplinary authority. Element of *mala fide* is not easy to establish and prove, and further, once a public servant is proved to have violated the law which requires him to provide a service or goods in question, in time, whether the action of the public servant was *mala fide* or not is not material. The Committee, therefore, recommends that Clause 45(3) be amended suitably to give effect to these observations. [Para 19.7]

#### Quantum of penalty, compensation

27. The Committee notes that Rs 50,000 is the upper limit of the penalty that can be imposed on the erring public servant. The Committee has already recommended in para 10.5 above, the parameters for deciding the quantum of penalty. Further, this being the maximum limit of the penalty and the actual penalty being based upon the facts and circumstances of the case, the Committee is not inclined to interfere in the quantum of penalty prescribed in the Bill. [Para 20.3]

#### Appeal to Lokpal

28. The Committee takes note of the provisions of Clause 47 of the Bill which provides for appeal to the Lokpal/Lokayukta against the decisions of the Central/ State Grievance Redressal Commission, respectively. The Committee does not find much justification in providing for appeal with the Lokpal/Lokayukta against the decision of the Central/ State Commission. Such a linkage, in Committee's view, is unfounded as the institution of Lokpal has been set up under a different legislation aiming to put in place an anti corruption institution while the objective of the present Bill is to ensure timely delivery of goods/services and grievance redressal. Besides, the Bill in hand, already provides for three levels of appeal up to the level of the Commission and adding another level of appeal above the Commission level does not seem to be called for. The Committee, accordingly, recommends that the provisions of the Bill which provide for preference of appeal to the Lokpal/Lokayukta against the decision of the Central/State Commissions may be deleted. [Para 21.4]

#### Monitoring the implementation of the Act

29. The Committee appreciates the concerns expressed by the witnesses over the need for monitoring the implementation of the Bill. The Committee is convinced that an effective monitoring of the implementation of the Bill would definitely yield better results. The Committee, in this context, takes note of the provisions contained in Clauses 26(3), 43(3) and 46 of the Bill which vest the State Public Grievance Redressal Commission and the Central Public Grievance Redressal Commission with the powers to *suo motu* take notice of failure to deliver goods and services in accordance with the provisions of the Act and refer such cases for disposal to the Head of Department of the concerned public authority. The Head of the Department in turn is required to submit an Action Taken Report to the Commission within 30 days. Further, under Clause 46, every public authority is required to ensure that each Grievance Redressal officer keeps a record of the complaints made to it or appeals preferred and the decisions on such complaints and appeals and publish on its website by the 15th day of every month or at such intervals as may be prescribed a report mentioning the number of complaints received, the number of complaints pending and the number of complaints disposed of. The Committee feels that the Bill carries adequate provisions to ensure its effective monitoring and implementation. The need is to ensure strict compliance of these provisions of the Bill. The appropriate Government may keep these aspects in view while framing rules in this respect so that the law is complied strictly, without any laxity. [Para 22.5]

### **Title of the Bill**

30. The Committee takes note of the various suggestions that have come before it suggesting a short and crisp title for the Bill. The Bill primarily seeks to put in place a mechanism to ensure time bound delivery of goods and services and a grievance redressal mechanism in case there is a failure in the time bound delivery of goods and services. The Bill envisages a Citizens Charter which brings out in public domain the obligations, duties, commitments of the Public Authority in the matter of providing goods and services within specified time limits together with designation of the public servant responsible for delivery of such goods and services. The Committee feels that the Citizens Charter finds a key position in the Bill and is fairly at the root in achieving the objective of the Bill. Accordingly, the Committee recommends that the title of the Bill may be shortened suitably but, it may essentially carry the words 'Citizens Charter'. The Committee would prefer "Citizen Charter Bill, 2012" as the title of the Bill. [Para 23.4]

### **Scope of the Bill**

31. The Committee takes note of the suggestion that the Bill should be extended to provide coverage to the non-citizens also. The Committee in this regard takes note of the fact that the Punjab Right to Service Act, 2011 and the Rajasthan Guaranteed Delivery of Public Services Act, 2011 stipulate access to the redress mechanism to all eligible persons. These Acts define eligible persons as 'Any person who is eligible for notified services'. [Para 24.5]
32. In the given situation, the Committee would like the Ministry to review whether the coverage of the Bill can be extended to the non-citizens also. The Committee notes the written comments of the Ministry wherein they have said that they are open to suggestion in this regard. Government can consider notifying a few limited services and goods as regards non-citizens rather than totally excluding them. This may also help in establishing goodwill among the international community. [Para 24.6]

### **OTHER RELATED ISSUES**

#### **Need for the Bill**

33. The Committee is of the view that the Bill seeks to put in place a service delivery mechanism both at the Central and the State level. This is a milestone step in the opinion of the Committee. The decision to enact a Central legislation, as is apparent from the statement of objects and reasons appended to the Bill, has emanated from the experience of the Government of not being successful in extending Citizens Charter over a vast majority of the people in the country. The Committee notes that the Government introduced in the year 1997 the Citizens Charter which was voluntary in character and subsequently initiated service excellence model called "Sevottam" in 2005 to give a new thrust to the implementation of the Citizens Charter. Many States have also enacted Right to Public Service Delivery Legislation in which a few important public services have been selected for service delivery. No doubt these efforts are noteworthy but in the absence of an overarching structure, their impact was diffused and limited. Therefore, the rationale and objective of bringing a comprehensive legislation is to provide rights based approach and make the Citizens Charter statutory and endow the public with the right to get delivery of services within the stipulated timelines. [Para 25.3]

34. The Committee is of the view that the provisions of the Bill are salutary and will have great impact on the service delivery system when operationalised by the Public Authorities under the Central and the State Governments. [Para 25.4]

#### **Integration with Electronic Services Delivery Bill**

35. The Committee takes note of the views expressed by the experts that various laws, particularly, the Electronic Service Delivery Law should be integrated with the Citizens Charter Bill. The Committee feels that such an integration would facilitate the rationalization of the resources and better achieving of the objective of the Bill. The Committee notes the comments of the Government in this regard that it is open to the suggestion that the two Bills may be harmoniously integrated. [Para 26.4]

#### **Reward Mechanism**

36. The Committee sees merit in the propositions made before it that the Bill should have mandatory provisions for a reward scheme for best performing public authorities and the personnel within. In Committee's view, such a reward scheme would prove to be a source of encouragement and motivation for those public servants who were able to render the services within the time targets specified in the Citizens Charter. The Committee notes that the Bill already provides under Clause 45(3) to punish and impose penalty on those public servants who falter in compliance of the Citizens Charter. The Committee feels that in this kind of system being generated through the legislation, an element of motivation to encourage the officials for performing efficiently will have far reaching effects on the success of the Bill. The Committee, therefore, impresses upon the Government to consider providing a suitable reward scheme for the officers working at various levels who have shown their impeccable performance in delivery of services to the people. [Para 27.3]

#### **Constitutionality of the Bill**

37. The Committee takes note of the fact that the Bill has been enacted by the Central Government in pursuance to Entry 8 of List III in the Seventh Schedule of the Constitution of India which enumerates the subject matters falling under the Concurrent List. The said Entry 8 mentions 'actionable wrongs'. The Committee further takes note of the provisions of Article 246 of the Constitution which deals with subject matters on which laws can be made by the Parliament and the legislatures of the States. As per Article 246(2), both the Parliament and the State Legislatures have the powers to legislate on matters enumerated in List III. The Committee also takes note of the fact that the layout and the scheme of the Bill ensure that the Public Authorities under the Central and the State Government, while implementing the Bill are independent of each other. The Committee feels that both the Central Government and the State Governments would be in a position to implement the Bill independently and without each others' interference. Central legislation on subjects mentioned in the Concurrent List, has always triggered the activities of the State Governments in that regard and have always been seen as bringing in greater awareness in the States about the subjects in question. [Para 28.7]

#### **Capacity building**

38. The Committee is aware of the fact that the Bill is a novel legislation of paramount importance, whereby services are to be delivered to the citizens within the stipulated

time. The obligation to deliver goods/services in time would certainly need efficient work force of officials. The Committee is of the view that enhancing individual efficiency lies at the core for the successful implementation of the provisions of the Bill. The Committee, therefore, impresses upon the Government to undertake capacity building measures such as training, adopting efficiency improving techniques etc. [Para 29.2]

#### **Financial assistance to States**

39. The Committee takes note of the concerns raised by some of the representatives who deposed before the Committee regarding the provision of finance for meeting the obligations provided for in the Bill. The Committee further notes that the Financial Memorandum appended to the Bill refers to the likely additional expenditure to be incurred by the Central Government in the implementation of the Bill. The Committee is of the view that timely provision of goods and services is the responsibility of the Public Authority and the Central Government and State Governments are distinct Public Authorities under the Bill. Therefore, the issue of meeting the financial requirements for the implementation of the Bill in respect of services in the States have to be addressed by the Central Government and the State Governments themselves. Services and goods are to be provided on time by the State Government in their respective departments. But in case we are enacting a loaded legislation for them, it is the duty of the Central Government to share some financial burden in this regards lest, the law remains unenforceable, partly or otherwise. [Para 30.3]



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# **MINUTES OF DISSENT**

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### **Minutes of Dissent Submitted by Shri Sukhendu Sekhar Roy:**

I submit below a few points for consideration of the Committee before adopting the draft report in the above subject:

1. Redressal of Grievances and Delivery of Services in the States are covered by list-II of seventh schedule of the Constitution of India. As such, the proposed Central Act should be limited to public authorities under the Union Government only. In so far as the rendering of time bound delivery of goods and services to the people and/or redressal of their grievances in the States are concerned, those should be left to the domain of State legislatures for enactment of an appropriate legislation to meet the objects of the present Bill.
2. If the Central Act is thrust upon the States as the present one, this will not only offend the federal character of the Constitution of India, but also make way for the Centre to transgress into the powers of the States and may tend to jeopardise and/or jettison our constitutional arrangements in vogue.
3. Chapter VII of the present bill which deals with establishment of State Public Grievances Redressal Commission and all other provisions relating to time bound delivery of the duties and responsibilities of the Public Authorities in the States be deleted and kept out of the ambit of the present bill.
4. At best, the present Bill may be circulated to States which have not yet framed any legislation in this regard to enable them to bring State law with such modifications/ additions/ alterations as the State legislatures may deem fit and proper.
5. This may please be treated as dissenting note to the extent the Bill relates to the States and as discussed above.

Sd/-  
(Sukhendu Sekhar Roy)



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# MINUTES

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**RELEVANT MINUTES OF THE MEETINGS OF THE DEPARTMENT  
RELATED PARLIAMENTARY STANDING COMMITTEE ON PERSONNEL,  
PUBLIC GRIEVANCES, LAW AND JUSTICE**

**XVII  
SEVENTEENTH MEETING**

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 4.15 P.M. on Wednesday, the 8<sup>th</sup> February, 2012 in Main Committee Room, Ground Floor, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT**

1. Dr. Abhishek Manu Singhvi — *Chairman*

**RAJYA SABHA**

2. Dr. Balchandra Mungekar
3. Shri Balavant *alias* Bal Apte
4. Shri Ram Jethmalani
5. Shri Sukhendu Sekhar Roy
6. Shri O.T. Lepcha

**LOK SABHA**

7. Shri Kirti Azad
8. Shri N.S.V. Chitthan
9. Shrimati Deepa Dasmunsi
10. Shri D.B. Chandre Gowda
11. Shrimati Chandresh Kumari
12. Shri Prasanta Kumar Majumdar
13. Shri Arjun Ram Meghwal
14. Shri Harin Pathak
15. Shri Lalu Prasad
16. Shri S. Semmalai
17. Shri Vijay Bahadur Singh
18. Adv. P.T. Thomas (Idukki)

**SECRETARIAT**

Shri Deepak Goyal, *Joint Secretary*

Shri K.N. Earendra Kumar, *Joint Director*

Shrimati Niangkhanem Guite, *Assistant Director*

Shrimati Catherine John L., *Committee Officer*

**NON-OFFICIAL WITNESSES**

1. Dr. Jayaprakash Narayan, President, Lok Satta Party, Hyderabad;
2. Shri Ashwani Mahesh
3. Shri Surendra Srivastava
4. Shri Sandeep Verma
5. Shri Milan Gupta

**OFFICIAL - WITNESSES****A. Representatives of the Department of Administrative Reforms and Public Grievances**

1. Shri Shashi Shekhar, Joint Secretary
2. Shri Satish Kumar, Director.

**B. Representative of Legislative Department**

1. Dr. G. Narayana Raju, Joint Secretary and Legislative Counsel

2. \* \* \*

3. Thereafter, the Chairman of the Committee welcomed Dr. Jayaprakash Narayan who was invited to appear before the Committee for tendering oral evidence on the “Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011.” He started his presentation by thanking the Committee for giving him the opportunity to place his views before it.

4. The witness termed the Bill as a citizen centric and a sound legislative proposal as it provides for a long-awaited system to ensure accountability of the public delivery of goods and services, at the grass root level. Though he was in agreement with the general principles of the Bill, he expressed concerns over some specifics and also the scope of the Bill. He, *inter-alia*, raised seven key issues, which in his view, needed to be earnestly considered to enhance the efficacy of the Bill. These seven issues were:- rational delineation of the coverage of some definitions, harmonious convergence of the provisions of the present Bill with other Bills/Acts dealing with similar subjects, particularly, the RTI Act, 2005 and the Electronic Delivery of Goods and Services Bill etc., ensuring real access to the citizens, an inbuilt compensation, mechanism for non-delivery of goods and services in line with the Citizen’s Charter of U.K., institutionalizing a reward mechanism, categorization of required time-frames keeping in view the complexity or the simplicity of the tasks and the jurisdictional reach of the Bill.

5. Having elaborated upon the abovesaid issues, the witness highlighted the likely roadblocks, which need to be overcome in order to make the provisions of the Bill, more enforceable and effective. He also suggested necessary amendments in some provisions of the Bill, keeping in view the workability quotient. While elaborating upon such suggestions, he was of the earnest view that instead of an all inclusive omnibus approach to cover everything under the Bill, a rational distinction among various types of complaints/grievances needs to be considered. The other specific issues touched upon in his presentation were:- clause 4(2) and clause 45(1) dealing with the nature of Citizens’ Charter, clause 2 (h) (k) providing for the definition of Designated Authority, Clauses 6(1) and 6(2) for the common information and facilitation centre, etc.

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\*\*\* Relates to some other matter.



6. The Chairman and Members of the Committee sought clarifications on some issues, which were responded to in detail by the witnesses.

*(The witnesses then withdrew)*

7. A verbatim record of the proceedings of the meeting was kept.

8. The Committee adjourned at 5.59 P.M.

XVIII  
EIGHTEENTH MEETING

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 3.00 p.m. on Friday, the 17<sup>th</sup> February, 2012 in Main Committee Room, Ground Floor, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT**

1. Dr. Abhishek Manu Singhvi — *Chairman*

**RAJYA SABHA**

2. Dr. Balchandra Mungekar
3. Shri Sukhendu Sekhar Roy
4. Shri O.T. Lepcha
5. Shri Parimal Nathwani

**LOK SABHA**

6. Shri Kirti Azad
7. Shri N.S.V. Chitthan
8. Shri Prasanta Kumar Majumdar
9. Shri Arjun Ram Meghwal
10. Kumari Meenakshi Natarajan
11. Adv. A. Sampath
12. Shri S. Semmalai
13. Shri Vijay Bahadur Singh
14. Dr. Prabha Kishor Taviad

**SECRETARIAT**

Shri Deepak Goyal, *Joint Secretary*

Shri K.N. Earendra Kumar, *Joint Director*

Shrimati Niangkhanem Guite, *Assistant Director*

Shrimati Catherine John L., *Committee Officer*

**THE RIGHT OF CITIZENS FOR TIME BOUND DELIVERY OF GOODS AND SERVICES  
AND REDRESSAL OF THEIR GRIEVANCES BILL, 2011**

**OFFICIAL WITNESSES**

**A. Representatives of the Department of Administrative Reforms and Public Grievances**

1. Shri Ramesh C. Misra, Secretary
2. Shri P.K. Jha, Joint Secretary

**B. Representatives of the Legislative Department**

1. Dr. G. Narayana Raju, Joint Secretary
2. Shri N.R. Battu, Additional Legislative Counsel
3. Shri Diwakar Singh, Deputy Legislative Counsel

**NON - OFFICIAL WITNESSES:****I. CII**

1. Shri Salil Singhal, Chairman
2. Shri S.Sen, Principal Adviser
3. Shri Bharat Wakhlu, Resident Director
4. Shri Shreeram Lakshman, Deputy Director

**II. National Campaign for People's Right to Information**

1. Ms. Aruna Roy
2. Shri Shekhar Singh
3. Shri Harsh Mander
4. Shri Nikhil Dey
5. Shri Venkatesh Nayak
6. Ms. Anjali Bharadwaj

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2. The Chairman greeted the Members of the Committee and welcomed the Secretary, Department of Administrative Reforms and Public Grievances who had been invited to appear before the Committee to make a presentation on the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011. The Secretary made a power point presentation, highlighting the salient features of the Bill and its objectives. Responding to queries, the Secretary apprised the Committee that the Information and Facilitation Centres are to be set up at the Gram Panchayat level and that the penalty is imposable on the designated official responsible for delivery of goods/services or the Grievance Redressal Officer in case of failure to deliver the goods/services.

3. While appreciating the provisions of the Bill, the Members were circumspect about its implementation in the States and whether the existing manpower in various Departments would be sufficient to handle the anticipated workload. The Secretary responded to the queries raised by the Members. Members expressed concern about the convenience of public in availing remedies available under the Bill from the angle of logistics.

*(The witnesses then withdrew).*

*(Dr. Abhishek Manu Singhvi arrived and assumed the Chair in the meeting)*

4. The Chairman requested the representatives of CII to tender their views on the Bill. While voicing their appreciation for the objective of the Bill, they were of the view that timely delivery of services needs proper administration and that to achieve this end, there is a need for a change in the rules of business, processes and systems by which decisions are taken. They emphasized on the need for an in-built system of reprimand and punishment for non-performance. They felt that if the responsibility is fixed at the top level, there would be little need for such a legislation. They clarified on the points put forth by the Members.

*(The witnesses then withdrew).*

5. Next, the Chairman welcomed the representatives of NCPRI to the meeting and requested them to place their views on the Bill, before the Committee. The representatives of NCPRI opined that the provision in the Bill which mandates that the Designated Authority shall be outside the Public Authority is appreciable. They suggested that the Designated Authority may be empowered to protect the interests of whistleblowers also and that non-citizens may also be permitted to file a complaint for services rendered to them during their presence in India. They also put forth the concept of having consolidated bodies at the District/State level for dealing with matters under various legislations such as the Consumer Protection Act, RTI Act and this Bill. They opined 1% of the budget of the Centrally Sponsored Schemes would be sufficient for meeting the expenses of such a set up. The representatives felt that this would avoid duplication, lead to optimum utilization of resources, would be logistically convenient to the people and to a large extent resolve the federal issue also as the establishments would be functioning on a territorial basis and not on the basis whether the Public Authority belongs to the Central or the State Governments. They replied to the queries put forward by the Chairman and Members of the Committee.

*(The witnesses then withdrew).*

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| 6.   | * | * | * |
| 7. A verbatim record of the proceedings of the meeting was kept. |   |   |   |
| 8. The Committee adjourned at 6.32 P.M.                          |   |   |   |

XIX  
NINETEENTH MEETING

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 3.00 P.M. on Friday, the 29<sup>th</sup> February, 2012 in Committee Room, G-074, Parliament Library Building, New Delhi.

**MEMBERS PRESENT**

1. Shri Harin Pathak — *In the Chair*

**RAJYA SABHA**

2. Dr. Bhalchandra Mungekar
3. Shri Balavant *alias* Bal Apte
4. Shri Sukhendu Sekhar Roy

**LOK SABHA**

5. Shri Kirti Azad
6. Shrimati Deepa Dasmunsi
7. Shri Shailendra Kumar
8. Shri Prasanta Kumar Majumdar
9. Shri Arjun Ram Meghwal
10. Shri Pinaki Misra
11. Shri Lalu Prasad
12. Adv. A. Sampath
13. Shri S. Semmalai
14. Dr. Prabha Kishor Taviad
15. Adv. P.T. Thomas (Idukki)
16. Shri Arun Subhash Chandra Yadav

**SECRETARIAT**

Shri Deepak Goyal, *Joint Secretary*

Shri K.N. Earendra Kumar, *Joint Director*

Shrimati Catherine John L., *Committee Officer*

**THE RIGHT OF CITIZENS FOR TIME BOUND DELIVERY OF GOODS AND SERVICES  
AND REDRESSAL OF THEIR GRIEVANCES BILL, 2011.**

**A. NON - OFFICIAL WITNESSES:**

**I. Public Interest Foundation**

Shri Nripendra Misra, IAS (Retd.) Director.

**II. FICCI Quality Forum**

Dr. Sanjeevan Bajaj, CEO

**III. Centre for Policy Research**

1. Shri K.C. Sivaramakrishnan, Chairman
2. Ms. Yamini Aiyar, Senior Fellow

**IV. PRS Legislative Research**

1. Shri M.R. Madhavan
2. Ms. Harsimran Kalra
3. Ms. Pallavi Bedi

**V. Centre for Governance**

1. Shri B.K. Taimni, Core Group Member
2. Shri Mahesh Kapoor, Core Group Member

**VI. Pardarshita**

1. Ms. Ritu Mehra, Chairperson
2. Shri Rajiv Kumar

**B. OFFICIAL WITNESSES:**

**Ministry of Law and Justice**

• **Legislative Department**

1. Dr. S.D. Singh, Joint Secretary and Legislative Counsel
2. Shri N.R. Battu, Additional Legislative Counsel

**Ministry of Personnel, Public Grievances and Pensions**

• **Department of Administrative Reforms and Public Grievances**

1. Shri Shashi Shekhar, Joint Secretary
2. Shri Satish Kumar, Director

2. At the outset, Shri Harin Pathak, a Member of the Committee was voted to the Chair. He welcomed the Members of the Committee and also the witnesses who had been invited for tendering oral evidence on The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011. He then requested the witnesses to place their views on the Bill, before the Committee.

3. On the basis of his experience of dealing with the 73<sup>rd</sup> and 74<sup>th</sup> Amendments of the Constitution, and the experience of functioning of Citizens' Charters in various States, Shri Shivaramakrishnan of Centre for Policy Research highlighted some structural issues which according to him need to be considered while legislating a Central law on the subject. He pointed out

that several States already have such laws and efforts should be made to learn from their experience, *i.e.* both the positive points as well as the shortcomings. Accordingly to him, putting in place an overarching structure alone may not lead to the desired results. It was further pointed out that such legislations like the Right to Education already have an inbuilt grievances redressal mechanism and, therefore, the issue of multiplicity of agencies need to be kept in view. He also referred to the need to have a single Window System as the fleet of GROs was too large. Ms. Yamini Aiyar, colleague of Shri Sivaramakrishnan expressed her apprehension over the consequences of the likely overlapping between the existing State Acts on the subject of Citizens' Charters and proposed Central Bill providing for an overarching structure in this regard.

4. Shri Nripendra Mishra of Public Interest Foundation raised some critical issues in his presentation *vis-a-vis* the subject- matter of the present Bill. Without going into the question of legality/constitutionality, he explained that the Bill in its present form may pave the way for likely jurisdictional conflict between the Centre and States, which in turn, might affect the efficiency and performance of the Bill. In support of his argument, he cited the example of Construction Workers' Welfare Act, 1996, which is a Central Act but the responsibility for its implementation has been assigned to the States. On the basis of some empirical evidence, he tried to indicate that the functioning of the said Act has not been effective due to the reluctance on the part of the States. He was apprehensive that the present Bill having similar jurisdictional framework may meet the same end. Going into the details in this regard, he also interpreted clause 51 of the present Bill and drew the conclusion that due to this clause, the present Bill will co-exist with the prevailing States Acts on the subject. In such a situation, he opined that harmonious synchronization between the Centre and State Acts would be an uphill task, which ultimately might weaken the effectiveness of the Bill in practice. Other main issues that figured in his presentation were definition of the term 'complaint' and linkage of the present Bill with the institutions of Lokayuktas and Lokpal, which according to him was superfluous. According to him, the legislation was needed only for the Central sphere.

5. Dr. Sanjeevan Bajaj, the representative of FICCI, in her presentation, primarily commented upon the service delivery aspect of the Bill. She supported the Bill, provided that there was an inbuilt mechanism to have time norm attached to various services so as to ensure measurable standards in their delivery. For ensuring the implementability aspect of the Bill, she was of the view that the monitoring part needs to be strengthened through a system of management audit in the lines of financial audit.

6. Shri Madhavan of PRS, Legislative Research, while voicing his opinion on the Bill, raised mainly five issues. Firstly, referring to Item 41 of the Seventh Schedule of the Constitution *viz.*; the 'State Public Services', he was apprehensive whether Parliament had jurisdiction over defining some procedures for States under the Bill such as, publication of Citizens' Charters, structure for grievance redressal, penalties for public officials, etc. Secondly, he highlighted the likely complications, which may arise due to the multiplicity of redressal mechanisms. The other three issues raised by him were: accessibility of grievance redressal mechanism to foreign nationals in certain cases, removal procedure for Commissioners, both at the Central level and at the State level; and appeals in case of corrupt practices to the Lokpal and the Lokayuktas.

7. Shri B.K. Taimni of IC Centre for Governance, while supporting the Bill in his presentation, was of the view that its implementation and execution should be in line with the existing structure of three level hierarchy as provided in the Consumer Protection Act so as to ensure the execution of the objectives of this Bill in a shorter span and to save public expenditure. Other points suggested by him were: need to shorten the title, inclusion of words 'empowerment', 'Governance' or 'good Governance' in the Statement of Objects and Reasons and the need for further elaboration in the definition of the term 'Head of the Department', performance appraisal of the Centre and the States and provisions of incentives to recognize good performance, etc.

8. Ms. Ritu Mehra of Pardarshita, drew the attention of the Committee over various terms mentioned in the Bill, which in her view, require further elaboration so as to enhance the functional efficacy of the Bill. In this context, she suggested that the terms like “substantially financed”, “urgency” and “social sector” etc. in the Bill need to be comprehensively defined. She also suggested that the quality and measures of the services, should be mentioned specifically in the clauses dealing with delivery of services and the Facilitation Centres should be at the Block level in rural areas and in the Municipal Ward level in urban areas.

9. The Members of the Committee then sought clarifications on some issues, which were responded to in detail by the witnesses.

*(The witnesses then withdrew)*

10. A verbatim record of the proceedings of the meeting was kept.

11. The Committee adjourned at 4.29 P.M.



XX  
TWENTIETH MEETING

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 3.30 P.M. on Monday, the 12<sup>th</sup> March, 2012 in Committee Room, 'E', Parliament House Annexe, Ground Floor, New Delhi.

**MEMBERS PRESENT**

1. Dr. Abhishek Manu Singhvi — *Chairman*

**RAJYA SABHA**

2. Shri Ram Jethmalani
3. Shri Sukhendu Sekhar Roy
4. Shri Ram Vilas Paswan

**LOK SABHA**

5. Shri Shailendra Kumar
6. Shrimati Chandresh Kumari
7. Kumari Meenakshi Natarajan
8. Shri Harin Pathak
9. Shri Vijay Bahadur Singh
10. Dr. Prabha Kishor Taviad
11. Adv. P.T. Thomas (Idukki)
12. Shri Arun Subhash Chandra Yadav

**SECRETARIAT**

Shri K.P. Singh, *Director*

Shri K.N. Earendra Kumar, *Joint Director*

Shrimati Catherine John L., *Committee Officer*

**A. NON-OFFICIAL WITNESSES**

**I. Delhi Public Grievances Commission**

1. Shri R. Naryanaswami, Chairman
2. Shri S.K. Jain, Member
3. Shri S.A. Awaradi, Secretary

**II. 1. Shri Manjit Singh, IAS (Retd.)**

2. Shri Gurvinder Singh

**III. National Alliance for Maternal Health and Human Rights**

Ms. Jashodhara Dasgupta

**IV. Transparency International India**

1. Admiral (Retd.) R.H. Tahiliani, Mentor
2. Shri S.K. Agarwal, Vice-Chairman

**V. 1. Shri P.S. Krishnan, IAS (Retd.)**

2. Dr. Christopher Lakra
3. Prof. Sushma Yadav
4. Dr. Idreez Qureshi

**VI. Society for Justice**

1. Shri Amar Singh, President
2. Prof. P.C. Sachdeva, Member

**B. OFFICIAL WITNESSES****MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**

- **Department of Administrative Reforms and Public Grievances**

1. Shri P.K. Jha, Joint Secretary
2. Shri Satish Kumar, Director

**MINISTRY OF LAW AND JUSTICE**

- **Legislative Department**

Shrimati Sharda Jain; Joint Secretary and Legislative Counsel

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**

- **Department of Personnel and Training**

1. Shri P.K. Mishra, Secretary (P)
2. Dr. S.K. Sarkar, Additional Secretary
3. Shri Alok Kumar, Joint Secretary

**MINISTRY OF LAW AND JUSTICE**

- **Department of Legal Affairs**

1. Shri M.K. Sharma; Joint Secretary and Legislative Counsel
2. Shri R.J.R. Kasibhatla, Deputy Legislative Assistant

2. Shri Ram Vilas Paswan was voted to the Chair as the Chairman of the Committee was scheduled to join the Committee later. Thereafter, he welcomed the Members of the Committee and also the witnesses who had been invited for tendering oral evidence on The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011. He then requested the witnesses to place their views on the Bill, before the Committee.

3. While lauding the introduction of the Bill, Admiral (Retd.) R.H. Tahiliani of Transparency International emphasized on the need for implementing the scheme of the Bill with greater transparency and honesty so as to ensure the time bound delivery of goods and services to the people. He was also joined by his colleague, who suggested some measures to improve the effectiveness of the Bill.

4. Smt. Jasodhara Dasgupta of the National Alliance for Maternal Health and Human Rights, on the basis of her experience in the field of maternal health services, made detailed presentation on the

subject matter of the Bill and suggested some measures to overcome the likely problems, which may arise during the implementation of the Bill. The main suggestions floated by her were establishment of a Jan Sahayata Kendra at Block level, appointment of an Ombudsperson at district level, effective use of Information Technology for registering complaints, ensuring confidentiality of the complainant, inclusion of academia in State level Grievance Redressal Officers.

5. In his presentation before the Committee, Shri P.S. Krisnan *inter alia* emphasized on the need of recognizing the special needs of the SCs/STs/BCs, minorities, women, children and persons with disabilities while formulating a Bill on the Citizens Charter.

6. Shri Amar Singh of Society for Justice in his presentation, mainly developed on the clauses 4, 8, 16, 33 and 45 of the proposed Bill. On clause 4, he suggested that a sub-clause may be included to make provision for issuing of a proper receipt on behalf of the Public Authority while receive a complaint/grievance. As for clause 8, he was of the view that this clause needs to be amended to ensure the acknowledgement of the complaints received by a Designated Officer by him only. He also suggested that retired defence officers may be considered for appointment as Grievance Redressal Commissioner. Over the issue of punishment, he offered an innovative suggestion. He proposed that a Public Authority who fails to provide time bound delivery of goods and services may be made liable for penalty at the first time. If the authority does it second time then increment of the responsible person may be stopped, and the third time, concerned person may be given compulsory retirement.

7. Shri R. Narayanaswami, Chairman, Delhi Public Grievance Commissioner made an elaborate presentation on the Bill. He expressed his concern over a provision of the Bill, which makes it mandatory for concerned authorities for providing goods and services effectively and efficiently with acceptable levels of standards.” He argued that it would not be possible for a Grievance Redressal Officer or a Designated Authority to look into the issues of standards within the 30 days available to him for grievance redressal. On the penalties, he preferred imposition of penalty on per day basis rather than a lump sum penalty. Apart from offering comments on various provisions of the Bill, he also touched upon the federal issue associated with the jurisdictional coverage of the Bill. He highlighted the need of examining the feasibility of legislating a model law in this regard.

8. Shri Manjeet Singh while deposing before the Committee offered some suggestions to strengthen the provisions of the Bill. In his presentation he suggested that the bill should also accommodate the need of the disabled persons through specific provisions.

Prevention of Bribery of Foreign Public Officials and Officials of Public International Organizations Bill, 2011.

9. \* \* \*

10. \* \* \*

*(The witnesses then withdrew)*

11. A verbatim record of the proceedings of the meeting was kept.

12. The Committee adjourned at 5.30 P.M.

XXVIII  
TWENTY-EIGHTH MEETING

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 3.00 P.M. on Wednesday, the 18<sup>th</sup> July, 2012, in Main Committee Room, Ground Floor, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT**

1. Shri Shantaram Naik — *Chairman*

**RAJYA SABHA**

2. Shri Parimal Nathwani
3. Shri Sukhendu Sekhar Roy
4. Shri Ram Vilas Paswan

**LOK SABHA**

5. Shri Arun Yadav
6. Shri Shailendra Kumar
7. Adv. A. Sampath
8. Shri Lalu Prasad
9. Shri Prasanta Kumar Majumdar
10. Shri N.S.V. Chitthan
11. Dr. Prabha Kishore Taviad
12. Shri P.T. Thomas (Idukki)
13. Shri Kirti Azad
14. Shri D.B. Chandre Gowda
15. Shri Pinaki Misra
16. Shri Harin Pathak
17. Shrimati Chandresh Kumari

**SECRETARIAT**

Shri Deepak Goyal, *Joint Secretary*

Shri K.P. Singh, *Director*

Shri K.N. Earendra Kumar, *Joint Director*

Shri B.M.S. Rana, *Deputy Director*

Shrimati Catherine John L., *Committee Officer*

2. The Chairman of the Committee, at the outset welcomed Members of the Committee to the meeting and briefly recapitulated the progress made by the Committee in the examination of the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of Their Grievances Bill, 2011. Referring to the issues identified in the light of the suggestions received from public and

comments of the Government thereon, he requested the Members to express their views and suggestions on the provisions of the Bill.

3. Members appreciated the intention of the Government in bringing forward a legislation for time bound delivery of goods and services to citizens. However, some Members expressed their concern about developing adequate infrastructure and meeting the expenditure likely to be incurred on establishing an effective service delivery system. Some Members also felt that the penalty for failure in delivery of goods and services by the designated official as proposed in the Bill, was too high and may be amended.

4. After some discussion, it was decided to have benefit of the experience of some of the States which have enacted similar law and which are being implemented. For this purpose, the Committee directed the Secretariat to write to the Chief Secretaries of the States of Uttar Pradesh, Punjab, Madhya Pradesh and Karnataka inviting them to appear before the Committee in its next meeting to share experience in their respective States in implementing their law.

5. Members also desired that a comprehensive statement showing business transacted so far, the suggestions received on the provisions of the Bill from individuals/organizations and the Comments of the Government thereon may be prepared and circulated to the Committee for consideration.

6. A verbatim record of the proceedings of the meeting was kept.

7. The Committee decided to meet next on the 1<sup>st</sup> August, 2012.

8. The meeting adjourned at 4.15 P.M.

XXIX  
TWENTY-NINTH MEETING

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 2.30 P.M. on Wednesday, the 1<sup>st</sup> August, 2012, in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT**

1. Shri Shantaram Naik — *Chairman*

**RAJYA SABHA**

2. Dr. Bhalchandra Munekar
3. Shri Sukhendu Sekhar Roy
4. Shri Ram Vilas Paswan
5. Shri Bhupender Yadav

**LOK SABHA**

6. Shri Shailendra Kumar
7. Shri S. Semmalai
8. Adv. A. Sampath
9. Shri Prasanta Kumar Majumdar
10. Shri N.S.V. Chitthan
11. Dr. Prabha Kishore Taviad
12. Shri P.T. Thomas (Idukki)
13. Shri Kirti Azad
14. Shri D.B. Chandre Gowda
15. Shri Pinaki Misra
16. Shri Harin Pathak
17. Shri Arjun Ram Meghwal

**SECRETARIAT**

Shri Deepak Goyal, *Joint Secretary*  
Shri K.P. Singh, *Director*  
Shri K.N. Earendra Kumar, *Joint Director*  
Shri B.M.S. Rana, *Deputy Director*  
Shrimati Catherine John L., *Committee Officer*

**WITNESSES**

**I. REPRESENTATIVES FROM THE GOVERNMENT OF MADHYA PRADESH**

1. Shri Iqbal Singh Bains, Principal Secretary; Department of Public Service Management;  
and
2. Shri Manohar Dubey, Deputy Secretary

## **II. REPRESENTATIVES FROM THE GOVERNMENT OF UTTAR PRADESH**

Shri Prabhat Kumar Sarangi, Principal Secretary, Department of Personnel and Administrative Reforms

## **III. REPRESENTATIVES FROM THE GOVERNMENT OF PUNJAB**

1. Shri Rakesh Singh, Chief Secretary;
2. Shri S.C. Agrawal, Chief Commissioner; and
3. Shri K. Siva Prasad, Resident Commissioner.

## **IV. REPRESENTATIVES FROM THE GOVERNMENT OF KARNATAKA**

Dr. Shalini Rajneesh, Principal Secretary, Department of Personnel and Administrative Reforms.

## **V. REPRESENTATIVES FROM THE MINISTRY OF PPG AND PENSIONS, DEPARTMENT OF ADMINISTRATIVE REFORMS AND PUBLIC GRIEVANCES**

1. Shri Rajesh Kumar Sharma, Deputy Secretary; and
2. Shrimati Shailja Joshi, Under Secretary.

## **VI. REPRESENTATIVES FROM THE MINISTRY OF LAW AND JUSTICE LEGISLATIVE DEPARTMENT**

1. Dr. G. Narayana Raju, Joint Secretary and Legislative Counsel;
2. Shri N.R. Battu, Additional Legislative Counsel; and
3. Shri Diwakar Singh, Deputy Legislative Counsel.

2. The Chairman welcomed the representatives of the Government of Madhya Pradesh to the meeting and requested them to present their views on the various provisions of the Rights of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011.

3. The Principal Secretary, Government of Madhya Pradesh made a power point presentation highlighting the important features of the legislation being enforced in his State. He shared the experience of the enforcement of the said law in the State with Members of the Committee. The Witness opined that delivery of services and general grievance redressal cannot be addressed on the same platform. He, while submitting the views of the State on the proposed legislation expressed an apprehension as to whether a Central legislation was really needed to tackle the day-to-day State matters. He responded to the queries raised by the Members of the Committee. The Chairman requested him to send the replies in writing to questions raised which could not be replied to, during the meeting.

*(The witnesses then withdrew)*

4. The Committee then heard the Principal Secretary, Government of Uttar Pradesh. The Principal Secretary apprised the Committee on the various provisions of the Uttar Pradesh Janhit Guarantee Adhiniyan, 2011 and informed that seventeen services have been identified in that legislation. As regards the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011, he opined that the system as proposed in the legislation would burden the States financially. He highlighted how the State Government of Uttar Pradesh has been implementing the law in force in their State. The Members sought certain clarifications which were responded to. The Chairman requested him to send the replies in writing to questions which could not be replied to, in the meeting.

*(The witnesses then withdrew)*

5. The Committee next heard the Chief Secretary and other representatives of the State Government of Punjab. The Chief Secretary, in his presentation apprised the Committee of their Governments'

initiative and experiences in evolving the architecture for delivery of Citizen-Centric Services to the people of Punjab by bringing about the Punjab Right to Services Act, 2011. Thereafter, the head of the Punjab Right to Services Commission made a presentation on the conceptual frame work and the provisions of the State Act. He informed that the State Government has no comments/ opinion, if the Centre proposed to enact a law on services provided by the Central Government. However, with regard to the States, since many of them have already found a model suitable to them, a Central legislation for the States may not be required. Members raised queries on some issues arising out of the presentation which were responded to by the witnesses.

6. Thereafter, the Committee heard the Principal Secretary, Department of Personnel and Administrative Reforms, Government of Karnataka. The Principal Secretary, in her presentation apprised the Committee of the need for all services of the Departments to come under the Lokayuktas so that there may be uniformity. She also expressed the need for convergence of various options available to the citizen. She mentioned about the system of reward/ punishment prevalent in the State which had instilled efficiency into their Government's functioning in the area of delivery of goods/ services. Members sought certain clarifications arising out of the presentation, which were responded to by her.

*(The witnesses then withdrew)*

6. A verbatim record of the proceedings of the meeting was kept.
7. The meeting adjourned at 4.50 P.M.



XXX  
THIRTIETH MEETING

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 3.00 P.M. on Thursday, the 23<sup>rd</sup> August, 2012, in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT**

- 1 Shri Shantaram Naik — *Chairman*

**RAJYA SABHA**

2. Shri Amar Singh
3. Shri Parimal Nathwani
4. Dr. Bhalchandra Munekar
5. Shri Sukhendu Sekhar Roy
6. Shri Bhupender Yadav
7. Ms. Anu Aga

**LOK SABHA**

8. Shri Arun Yadav
9. Kumari Meenakshi Natrajan
10. Shri Shailendra Kumar
11. Shri S. Semmalai
12. Adv. A. Sampath
13. Shri N.S.V. Chittan
14. Shrimati Deepa Dasmunsi
15. Dr. Prabha Kishore Taviad
16. Shri P.T. Thomas (Idukki)
17. Shri Arjun Ram Meghwal
18. Shri Vijay Bahadur Singh
19. Shrimati Chandresh Kumari

**SECRETARIAT**

Shri Deepak Goyal, *Joint Secretary*

Shri K.P. Singh, *Director*

Shri Ashok K. Sahoo, *Joint Director*

Shri B.M.S. Rana, *Deputy Director*

Shrimati Niangkhanem Guite, *Assistant Director*

Shrimati Catherine John L., *Committee Officer.*



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# ANNEXURES

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## ANNEXURE-A

AS INTRODUCED IN LOK SABHA

20 DEC., 2011

**Bill No. 131 of 2011**

### THE RIGHT OF CITIZENS FOR TIME BOUND DELIVERY OF GOODS AND SERVICES AND REDRESSAL OF THEIR GRIEVANCES BILL, 2011

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#### ARRANGEMENTS OF CLAUSES

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#### CHAPTER I

##### PRELIMINARY

##### CLAUSES

1. Short title, extent and commencement.
2. Definitions.

#### CHAPTER II

##### RIGHT TO SERVICE

3. Right to service.

#### CHAPTER III

##### PUBLICATION OF CITIZENS CHARTER AND GRIEVANCE REDRESSAL OFFICER BY PUBLIC AUTHORITY

4. Obligation of public authority to publish Citizens Charter.
5. Obligation of Head of Department for updating and verifying the Citizens Charter.

#### CHAPTER IV

##### ESTABLISHMENT OF INFORMATION AND FACILITATION CENTRE

6. Establishment of Information and Facilitation Centre.

#### CHAPTER V

##### APPOINTMENT AND OBLIGATION OF GRIEVANCE REDRESS OFFICERS BY PUBLIC AUTHORITY

7. Appointment and Obligations of Grievance Redress Officers, including for each municipalities and Panchayat.
8. Acknowledgement of complaint by receipt thereof.

CLAUSES

9. Action to be taken by Grievance Redress Officer.
10. Forwarding of details of non-redressal of complaints to the designated authority.

CHAPTER VI

APPEAL THE DESIGNATED AUTHORITY

11. Appeal.

CHAPTER VII

ESTABLISHMENT OF STATE PUBLIC GRIEVANCE REDRESSAL COMMISSION

12. Appeal to State Commission.
13. Constitution of State Public Grievance Redressal Commission.
14. Composition of State Commission.
15. Selection committee for appointment of State Commissioners.
16. Qualifications for appointment of State Commissioners.
17. Terms of office of Chief Commissioner and other Commissioners.
18. Staff, Salary and allowances of State Commission.
19. Filling up of vacancies.
20. Resignation and removal.
21. Powers of Commission and procedure before it.
22. Procedure of adjudication by State Public Grievance Redressal Commission.
23. Proceedings before Commission to be judicial proceedings.
24. Staff and officers to be public servants.
25. Time frame for disposal of appeals.
26. Power to issue directions and exercise original jurisdiction.
27. Burden of proof to be on Grievance Redressal Officer.
28. Where Grievance complained of is a result of Corrupt practices.

CHAPTER VIII

ESTABLISHMENT OF THE CENTRAL PUBLIC GRIEVANCE REDRESSAL COMMISSION

29. Appeal to Central Commission.
30. Constitution of Central Public Grievance Redressal Commission.
31. Composition of Central Commission.
32. Selection committee for appointment of Central Public Grievance Redress Commissioners.
33. Qualifications for appointment of Central Public Grievance Redress Commissioners.
34. Terms of office of Central Grievance Redress Commissioners.
35. Staff, Salary and allowances of Central Commission.

- 36. Filling up of vacancies.
- 37. Resignation and removal.
- 38. Powers of Central Commission and procedure before it.
- 39. Proceedings before Central Commission to be judicial proceedings.
- 40. Burden of proof to be on Grievance Redressal Officer.
- 41. Staff and officers to be public servants.
- 42. Time frame for disposal of Appeals.
- 43. Power to issue directions.
- 44. Where Grievance complained of is a result of Corrupt practices.

## CHAPTER IX

### PENALTIES AND COMPENSATION

- 45. Penalty and compensation for *mala fide* action.

## CHAPTER X

### REPORTING OF REDRESSAL OF GRIEVANCES BY PUBLIC AUTHORITY

- 46. Reporting requirements.

## CHAPTER XI

### MISCELLANEOUS

- 47. Appeal against decision of State Commission or Central Commission.
- 48. Bar of jurisdiction of court.
- 49. Enforcement of orders by State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission.
- 50. Protection for acts done in good faith.
- 51. Provisions to be in addition to existing laws.
- 52. Power to make rules.
- 53. Laying of rules.
- 54. Power to remove difficulties.





AS INTRODUCED IN LOK SABHA

**Bill No. 131 of 2011**

THE RIGHT OF CITIZENS FOR TIME BOUND DELIVERY OF  
GOODS AND SERVICES AND REDRESSAL OF THEIR  
GRIEVANCES BILL, 2011

A

BILL

*to lay down an obligation upon every public authority to publish citizens charter stating therein the time within which specified goods shall be supplied and services be rendered and provide for a grievance redressal mechanism for non-compliance of citizens charter and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Act, 2011.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that the Central Government shall appoint such date within six months from the date on which the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011 receives the assent of the President:

Provided further that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

#### Definitions

**2.** In this Act, unless the context otherwise requires,—

(a) “action taken report” means a report furnished to the complainant by the Grievance Redress Officer or the designated authority or the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission in response to a complaint or appeal, as the case may be;

(b) “appropriate Government” means in relation to a public authority which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly—

(i) by the Central Government or the Union territory administration, the Central Government;

(ii) by the States, the State Government;

(c) “Central Public Grievance Redressal Commission” means the Central Public Grievance Redressal Commission constituted under section 30;

(d) “Chief Commissioner” means the Chief Commissioner of State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission appointed under section 13 or section 32, as the case may be;

(e) “Citizens Charter” means a document declaring the functioning, obligations, duties, commitments of a public authority for providing goods and services effectively and efficiently with acceptable levels of standards, time limits and designation of public servants for delivery and grievance redress as defined in sub-section (1) of section 4;

(f) “complaint” means a complaint filed by a citizen regarding any grievance relating to, or arising out of, any failure in the delivery of goods or rendering of service pursuant to the Citizens Charter, or in the functioning of a public authority, or any violation of any law, policy, programme, order or scheme but does not include grievance relating to the service matters of a public servant whether serving or retired;

(g) “days” means the working days, referred to as the timeline;

(h) “Designated Authority” means such officer or authority outside the concerned public authority as may be prescribed by the appropriate Government:

Provided that in case an officer is designated as the Designated Authority, such officer shall be above the rank of the Grievance Redressal Officer referred to in sub-section (1) of section 7;

(i) “Grievance Redress Officer” means a Grievance Redress Officer appointed under section 7;

(j) “Head of the Department” means an officer designated as such by the appropriate Government, as the head of a Government Department or public authority;

(k) “Information and Facilitation Centre” means an Information and Facilitation Centre, including customer care centre, call centre, help desk, people’s support centre established under section 6;

(l) “notification” means a notification published in the Official Gazette;

(m) “prescribed” means prescribed by the rules made under this Act;

(n) “public authority” means any authority or body or institution of selfgovernment established or constituted,—

(i) by or under the Constitution;

(ii) by any other law made by Parliament;

(iii) by any other law made by State Legislature;

(iv) by notification issued or order made by the appropriate Government, and includes any,—

(a) body owned, controlled or substantially financed;

(b) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;

(c) an organisation or body corporate in its capacity as an instrumentality of “State” as defined under article 12 of the Constitution and rendering services of public utility in India;

(d) a Government company as defined under section 617 of the Companies Act, 1956;

(e) any other company which supply goods or render services in pursuance of an obligation imposed under any Central or State Act or under any licence or authorisation under any law for the time being in force or by the Central or State Government;

(v) by an agreement or memorandum of understanding between the Government and any private entity as Public-Private Partnership or otherwise;

(o) “service” means all the goods and services, including functions, obligations, responsibility or duty, to be provided or rendered by a public authority;

(p) “State Public Grievance Redressal Commission” means the State Public Grievance Redressal Commission constituted under section 13.

## CHAPTER II

### RIGHT TO SERVICE

Right to service.

3. Subject to the provisions of this Act, every individual citizen shall have the right to time bound delivery of goods and provision for services and redressal of grievances.

## CHAPTER III

### PUBLICATION OF CITIZENS CHARTER AND GRIEVANCE REDRESSAL OFFICER BY PUBLIC AUTHORITIES

Obligation of public authority to publish Citizens Charter.

4. (1) Every public authority shall publish, within six months of the commencement of this Act, a Citizens Charter specifying therein all the category of goods supplied and services rendered by it, the time within which such goods shall be supplied or services be rendered.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the Citizens Charter shall provide all or any of the following matters, namely:—

(a) the details of all the goods supplied and services rendered by the public authority and the name of person or agency through which such goods are supplied or services rendered and timings during which such services are supplied or services rendered;

(b) the conditions under which a person becomes entitled for goods or services, and the class of persons who are entitled to receive such goods and avail services;

(c) the quantitative and tangible parameters (including weight, size, frequency) of the goods and services available to the public;

(d) complaint redressal mechanism including the time within which the complaint be disposed of and the officer of the public authority to whom such complaint may be made;

(e) the name and addresses of individuals responsible for the delivery of goods or rendering of services mentioned in (a) above;

(f) any other functions, obligations, responsibility or duty of the public authority is required or reasonably expected to provide;

(g) any other information relevant to delivery of goods or provision of services or such other information as may be prescribed.

(3) The appropriate Government may, by notification, make rules in relation to citizens charter and grievance redressal.

**5. (1)** The Head of the Department in each public authority shall be responsible for updating and verifying the Citizens Charter every year and the accuracy of the contents thereof.

Obligation of Head of the Department for updating and verifying the Citizens Charter.

(2) It shall be the responsibility of the Head of the Department of every public authority to ensure that the Citizens Charter is widely disseminated to the public.

(3) It shall be the responsibility of the Head of the Department of every public authority to take steps in accordance with section 4 of the Right To Information Act, 2005 for providing relevant information to the public enabling them to exercise their rights mandated under this Act.

22 of 2005.

(4) Every Head of the Department shall ensure that all material be disseminated taking into consideration the local language and the most effective method of communication in that local area free of cost.

*Explanation.*—For the purposes of this section the expression “disseminated” means making known and communicating the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority by any citizen.

(5) Every Head of the Department shall to the extent possible, ensure that the Citizens Charter is made available at the website of the public authority and in other electronic forms and shall be available free of cost.

(6) Every Head of the Department shall ensure that a copy of the Citizens Charter of the public authority duly certified by him is submitted to appropriate bodies, including appropriate Central and State Public Grievance Redress Commission, when it is published and subsequently, every time that it is modified, updated or amended.

## CHAPTER IV

### ESTABLISHMENT OF INFORMATION AND FACILITATION CENTRE

**6. (1)** Every public authority shall establish Information and Facilitation Centre for efficient and effective delivery of services and redressal of grievances, which may include establishment of customer care centre, call centre, help desk and people’s support centre.

Establishment of Information and Facilitation Centre.

**(2) Every Head of the Department of the public authority shall be responsible for the development, improvement, modernisation and reform in service delivery and redressal of grievance system. It shall also include adoption of electronic modes, internet, etc.**

(3) The appropriate Government may, by notification, make rules in relation to Information and Facilitation Centre.

## CHAPTER V

### APPOINTMENT AND OBLIGATION OF GRIEVANCE REDRESS OFFICERS BY PUBLIC AUTHORITY

Appointment and obligations of Grievance Redress Officers, including for each municipalities and Panchayat.

**7. (1)** Every public authority shall, within six months from the date of the coming into force of this Act, designate as many officers as may be necessary as Grievance Redress Officers in all administrative units or offices at the Central, State, district and sub-district levels, municipalities, Panchayats whereat supplies of goods or render services to receive, enquire into and redress any complaints from citizens in the manner as may be prescribed:

Provided that the Grievance Redress Officer so appointed shall be at least one level above and be deemed to have administrative control on the individual designated to deliver goods or render services as per the Citizens Charter as defined in section 4.

(2) Every public authority shall, immediately on appointment or designation of a Grievance Redress Officer,—

(a) give, through a public notice in a newspaper published in Hindi or English language and in a newspaper published in an Indian language in circulation in the area in which such service provider is providing services, indicating therein the name of the Grievance Redress Officer, his address and telephone number, e-mail address, facsimile number and other means of contacting him in respect of each area for which the Grievance Redress Officer have been appointed or designated and thereafter give such public notice at least once in twelve months in the same manner:

Provided that in case of change of the name of the Grievance Redress Officer, his address and telephone number, e-mail address, facsimile number and other means of contacting him shall be intimated by public notice, in the same manner specified in this clause;

(b) display, at its each office, Information and Facilitation Centre, call centre, customer care centre, help desk, People's Support Centre and at the sales outlets, website and at the office of the Grievance Redress Officer and the appellate authority, the name of the Grievance Redress Officer, their addresses and telephone numbers, e-mail addresses, facsimile numbers and other means of contacting them, in respect of each area for

which the Grievance Redress Officer have been appointed or designated.

(3) Every public authority shall appoint or designate such number of Grievance Redress Officer under sub-section (1) and for such areas, as may be considered by it necessary, for Grievance Redress Officer being easily accessible and available for redressal of grievance of the public.

(4) The Grievance Redress Officer shall provide all necessary assistance to citizens in filing complaints.

(5) Where a complainant is unable to make a complaint in writing, the Grievance Redress Officer shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

8. All complaints shall, within two days of the making of the complaint, be acknowledged by a receipt, issued in writing or through electronic means or through text message or through telephone or through any other means as may be prescribed, specifying the date, time, place, unique complaint number and particulars of receiver of complaint along with the stipulated time frame in accordance with its Citizens Charter within which the complaint will be redressed.

Acknowledgement of complaint by receipt thereof.

9. (1) Upon receipt of a complaint as defined in clause (f) of section 2, it shall be the duty of the concerned Grievance Redress Officer to ensure that,—

Action to be taken by Grievance Redress Officer.

(a) the grievance is remedied in a time frame not exceeding thirty days from the date of receipt of the complaint;

(b) the reason for the occurrence of the grievance is identified and the responsibility of the defaulting office or individual is fixed and the grievance is redressed satisfactorily within thirty days from the date of receipt of the complaint by the Grievance Redress Officer;

(c) where the grievance has occurred as a result of a deficiency, negligence or malfeasance on the part of an office or individual then the action is taken in accordance with conduct rules and departmental procedures;

(d) where the Grievance Redress Officer is convinced that the individual responsible for the delivery of the goods and services has wilfully neglected to deliver the goods or services or there exist *prima facie* grounds for a case under the Prevention of Corruption Act, 1988, the Grievance Redress Officer can make an observation to that effect along with a recommendation for the penalty, including compensation to the complainant, to be imposed, to the designated authority.

(2) The Grievance Redress Officer may seek the assistance of any other officer required for the proper discharge of his duties or may direct any other officer to take action to redress a complaint.

(3) Any officer, whose assistance has been sought under sub-section (2), shall render all assistance to the Grievance Redress Officer seeking his assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be deemed to be a Grievance Redress Officer for the purposes of this Act.

(4) The Grievance Redress Officer shall ensure that the complainant is informed in writing the manner in which the grievance is redressed and shall give him a report in the form of an action taken report.

Forwarding  
of details of  
non-redressal  
of complaints  
to the  
designated  
Authority.

**10.** The Grievance Redress Officer shall, immediately after the expiry of the period of thirty days, report every complaint which has not been redressed along with the details of the complainant, nature of complaint, and reasons for non-redressal of complaints to the designated authority.

## CHAPTER VI

### APPEAL TO THE DESIGNATED AUTHORITY

Appeal.

**11. (1)** Every complaint forwarded along with the details under section 10 shall be deemed to have been filed by way of an appeal to the designated authority.

(2) Any individual aggrieved by a decision of the concerned Grievance Redress Officer or who has not received an action taken report in respect of a complaint filed by him, may, if he so desires, within thirty days from the expiry of such period or from the receipt of such decision, prefer an appeal to the designated authority:

Provided that the designated authority may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time.

(3) The receipt of the appeal under sub-section (2) shall be acknowledged by the office of the designated authority.

(4) The designated authority shall, for the purposes of its functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of any document or other material object producible as evidence;

(c) receiving evidence on affidavits;

(d) requisitioning of any public record;

(e) issuing commission for the examination of witnesses;

(f) reviewing its decisions, directions and orders;

(g) any other matter which may be prescribed.



(5) The designated authority shall have original jurisdiction to adjudicate upon every application made to it under this section 11.

5 of 1908. (6) The designated authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Authority shall have the power to regulate its own procedure.

(7) Every appeal filed under this section or complaint deemed to be by way of an appeal shall be disposed of by the designated authority within thirty days from the date of receipt of such appeal:

Provided that an appeal of an urgent or immediate nature shall be disposed of within the same day of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than thirty days from the date of receipt of the appeal.

(8) The designated authority shall arrange to deliver copies of the decisions to the parties concerned within a period of five working days from the date of such decisions.

(9) The designated authority may impose penalty, including compensation to the complainant, in deciding an appeal against concerned officer for acting in a *mala fide* manner or having failed to discharge their duties without any sufficient and reasonable cause:

Provided that the concerned officers of the public authority shall be given a reasonable opportunity of being heard before any penalty is imposed on them.

49 of 1988. (10) Where it appears to the designated authority that the grievance complained of is, *prima facie*, indicative or representative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, on the part of the individual officer of the the public authority complained against, then, it shall record in writing such evidence as may be found in support of such conclusion and shall initiate the proceedings or in writing refer the same to the appropriate authorities competent to take cognizance of such corrupt practice.

(11) The designated authority shall upon adjudication of a complaint have the powers to issue directions requiring the concerned officers of the public authority to take such steps as may be necessary to secure compliance with the provisions of Citizens Charter.

## CHAPTER VII

### ESTABLISHMENT OF STATE PUBLIC GRIEVANCE REDRESSAL COMMISSION

**12.** (1) Any person who, does not receive a decision within the time specified in Chapter V, or is aggrieved by a decision of the designated authority, falling within the jurisdiction of the State Government, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to the State Public Grievance Redressal Commission:

Appeal to State Commission.

Provided that the Commission may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time.

(2) The decision of the State Public Grievance Redressal Commission under this section shall be binding.

Constitution  
of State  
Public  
Grievance  
Redressal  
Commission.

**13.** The State Government shall constitute, by notification, a Commission to be known as “the State Public Grievance Redressal Commission” to exercise the jurisdiction, power and authority conferred under this Act.

Composition  
of State  
Commission.

**14.** The State Public Grievance Redressal Commission shall consist of,—

(a) a Chief Commissioner; and

(b) such number of Commissioners, not exceeding ten, as may be prescribed, out of which at least one each shall be from amongst Scheduled Castes, Scheduled Tribes and Women.

Selection  
Committee  
for  
appointment  
of State  
Commissioners.

**15.** (1) The Chief Commissioner and Commissioners shall be appointed by the Governor on the recommendation of a Selection Committee consisting of,—

(a) the Chief Minister, who shall be the Chairperson of the Committee;

(b) the Leader of Opposition in the Legislative Assembly; and

(c) a sitting judge of the High Court to be nominated by the Chief Justice of the State.

(2) The selection committee shall select out of a panel of five eligible candidates for each vacancy which shall be finalised by a search committee consisting of such members as may be prescribed.

(3) Subject to the provisions of sub-sections (1) and (2), the Selection Committee may regulate its own procedure.

Qualifications  
for  
appointment  
of State  
Commissioners.

**16.** A person shall not be qualified for appointment as a Chief Commissioner or a Commissioner of the State Public Grievance Redressal Commission unless,—

(a) he is, or has been an officer of the State Government and has held the post in the rank of Secretary or the Principal Secretary to that Government; or

(b) he is or has been a District Judge for at least ten years; or

(c) he is or has been a Judge of the High Court of the State; or

(d) he is an eminent person recognised for his work towards public service in the area and who has worked for at least fifteen years in the social sector with a postgraduate degree in a relevant subject:

Provided that the State Government may prescribe criteria in addition to the above for the appointment of the Chief Commissioner and Commissioners.

**17. (1)** The Chief Commissioner and the Commissioners shall hold office for a term of five years from the date on which they enter upon office or until they attain the age of sixtyfive years whichever is earlier.

Terms of office of Chief Commissioner and other Commissioners.

(2) The Chief Commissioner and the Commissioners shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment.

**18. (1)** The State Government shall provide the State Public Grievance Redressal Commission with such officers and employees as may be required for the discharge of its functions under this Act.

Staff, Salary and allowances of State Commission.

(2) The officers and employees so appointed under subsection (1) shall discharge their functions under the general superintendence of the Chief Commissioner.

(3) The salary and allowances payable to, and the other terms and conditions of service of,—

(a) the Chief Commissioner shall be the same as that of an Election Commissioner; and

(b) the Commissioners shall be the same as that of the Chief Secretary of the State:

Provided that if the Chief Commissioner or Commissioner, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension in respect of any previous service under the Government of India or the Government of State, his salary in respect of the service as Chief Commissioner or Commissioner shall be reduced by the amount of that pension, including any portion of pension, which was commuted and pension equivalent of other forms of retirement benefits, excluding pension equivalent or retirement gratuity:

Provided further that where the Chief Commissioner or Commissioner, if at the time of his appointment, is in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as a Chief Commissioner or the Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that neither the salary and allowances nor the other terms and conditions of service of the Chief Commissioner or Commissioner shall be varied to their disadvantage after appointment.

Filling up of vacancies.

**19.** If, for any reason other than temporary absence, any vacancy occurs in the office of the State Public Grievance Redressal Commission then the Chief Commissioner shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Commission from the stage at which the vacancy is filled.

Resignation and removal.

**20. (1)** Any member of the State Public Grievance Redressal Commission may, by notice in writing under his hand addressed to the Governor of the State with a copy to the Chief Commissioner, resign his office.

(2) Notwithstanding anything contained in sub-section (1), the Governor may by order remove from office the Chief Commissioner or any Commissioner if the Chief Commissioner or a Commissioner, as the case may be,—

(a) is adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or

(c) engages during his term of office in any paid employment outside the duties of his office; or

(d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Commissioner or as a Commissioner.

(3) The State Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the aforesaid Chief Commissioner or Commissioners.

Power of Commission and procedure before it.

**21. (1)** The State Public Grievance Redressal Commission shall, for the purposes of its functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of any document or other material object producible as evidence;

(c) receiving evidence on affidavits;

(d) requisitioning of any public record;

(e) issuing commission for the examination of witnesses;

(f) reviewing its decisions, directions and orders;

(g) any other matter which may be prescribed.

5 of 1908. (2) The State Public Grievance Redressal Commission shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Commission shall have the power to regulate its own procedure.

**22.** (1) The State Public Grievance Redressal Commission shall have original jurisdiction to decide every appeal made to it under section 12.

Procedure of adjudication by State Public Grievance Redressal Commission.

(2) The State Public Grievance Redressal Commission shall arrange to deliver copies of the decision to the parties concerned within a period of fifteen days from the date of such decision.

45 of 1861. **23.** All proceedings before the State Public Grievance Redressal Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

Proceedings before Commission to be judicial proceedings.

2 of 1974. **24.** The staff and officers of the State Public Grievance Redressal Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Staff and officers to be public servants.

**25.** (1) An appeal under section 12 shall be disposed of within sixty days from the date of filing of the appeal:

Time frame for disposal of appeals.

Provided that an appeal of an urgent or immediate in nature shall be disposed of within the same day of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than fifteen days from the date of receipt of the appeal.

(2) The State Public Grievance Redressal Commission may impose penalty, including compensation to the complainant, while deciding an appeal against designated officer and Grievance Redress Officers for acting in a *mala fide* manner or having failed to discharge his duties without any sufficient and reasonable cause:

Provided that the concerned officers of the public authority shall be given a reasonable opportunity of being heard before any penalty is imposed on them under this section.

**26.** (1) The State Public Grievance Redressal Commission shall, upon adjudication of a complaint, have the power to issue directions,—

Power to issue directions and exercise original jurisdiction.

(a) requiring the public authority to take such steps as may be necessary to secure compliance with the provisions of the Citizens Charter;

(b) requiring the timely creation, updation and wide dissemination of the Citizens Charter of the public authority.

(2) It shall be the duty of the State Public Grievance Redressal Commission to receive and inquire into a complaint from any person,—

(a) who has been unable to submit an appeal to the designated authority;

(b) who has been refused redress of grievance under this Act;

(c) whose complaint has not been disposed of within the time limit specified;

(d) who has been denied access to the Citizens Charter of the public authority either because the Charter was not created by the public authority or is inadequate in any regard or it is not widely disseminated to make people aware of it;

(e) in respect of any other matter relating to registering and redressing of a complaint or appeal under this Act.

(3) The State Public Grievance Redressal Commission may, *suo motu*, take notice of failure to deliver goods and services in accordance with the provisions of this Act and refer such cases for disposal to the Head of the Department of the Public Authority and in such cases, an action taken report shall be sent by the Head of the Department of the Public Authority to the State Commission within thirty days from the date of such reference.

(4) Where the State Public Grievance Redressal Commission, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry *suo motu* in respect thereof.

**27.** In any appeal proceedings, the burden of proof to establish that a non-redressal of complaint by the Grievance Redressal Officer shall be on the Grievance Redress Officer who denied the request.

Burden of proof to be on Grievance Redressal Officer.

Where Grievance complained of is a result of corrupt practices.

**28.** Where it appears to the Commission that the grievance complained of is, *prima facie*, indicative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, on the part of the responsible officer of the public authority complained against, then, it shall record such evidence as may be found in support of such conclusion and shall refer the same to the appropriate authorities.

49 of 1988.

## CHAPTER VIII

### ESTABLISHMENT OF THE CENTRAL PUBLIC GRIEVANCE REDRESSAL COMMISSION

Appeal to Central Commission.

**29.** (1) Any person who, does not receive a decision within the time specified in Chapter V, or is aggrieved by a decision of the designated authority falling within the jurisdiction of the Central Government, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to the Central Public Grievance Redressal Commission:

Provided that the Commission may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time.

(2) The decision of the Central Public Grievance Redressal Commission under this section shall be binding.

**30. The Central Government shall constitute, by notification, a body to be known as “Central Public Grievance Redressal Commission” to exercise the jurisdiction, powers and authority conferred under this Act.**

Constitution of Central Public Grievance Redressal Commission.

**31.** The Central Public Grievance Redressal Commission shall consist of,—

Composition of Central Commission.

(a) **the Chief Public Grievance Redress Commissioner;**  
**and**

(b) such number of Central Public Grievance Redress Commissioners, not exceeding ten, as may be prescribed out of which at least one each shall be from amongst Scheduled Castes, Scheduled Tribes and Women.

**32. (1)** The Chief Public Grievance Redress Commissioner and Central Public Grievance Redress Commissioners shall be appointed by the President on the recommendation of a Committee consisting of,—

Selection committee for appointment of Central Public Grievance Redress Commissioners.

(a) the Prime Minister, who shall be the Chairperson of the committee;

(b) the Leader of Opposition in the Lok Sabha; and

(c) a sitting Judge of the Supreme Court to be nominated by the Chief Justice of India.

(2) The Selection Committee shall select out of a panel of five eligible candidates for each vacancy which shall be finalised by a search committee consisting of such members as may be prescribed.

(3) Subject to the provisions of sub-sections (1) and (2), the Selection Committee may regulate its own procedure.

**33. (1)** A person shall not be qualified for appointment as a Chief Commissioner or Commissioners of Central Public Grievance Redress Commissioner unless,—

Qualifications for appointment of Central Public Grievance Redress Commissioners.

(a) he is, or has been an officer of the Central Government and has held the post in the rank of Secretary to the Government of India; or

(b) he is, or has been, in the rank a Chief Justice of a High Court or a Judge of the Supreme Court;

(c) he is, an eminent person recognised for his work towards public service in the area and who has worked for at least twenty years in the social sector with a postgraduate degree in a relevant subject:

Provided that the Central Government may prescribe criteria in addition to the above for the appointment of the Chief Commissioner and Commissioners.

Terms of office  
of Central  
Grievance  
Redress  
Commissioners.

**34. (1)** The Chief Public Grievance Redress Commissioner and the Central Public Grievance Redress Commissioners shall hold office for a term of five years from the date on which they enter upon the office.

(2) The Chief Grievance Redress Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment.

Staff, Salary  
and allowances  
of Central  
Commission.

**35. (1)** The Central Government shall provide the Central Public Grievance Redressal Commission with such officers and employees as may be required for the discharge of its functions under this Act.

(2) The officers and employees so appointed under subsection (1) shall discharge their functions under the general superintendence of the Chief Public Grievance Redress Commissioner.

(3) The salary and allowances payable to and the other terms and conditions of service of,—

(a) the Chief Public Grievance Redress Commissioner shall be the same as that of the Chief Election Commissioner; and

(b) the Central Public Grievance Redress Commissioner shall be the same as that of an Election Commissioner:

Provided that if the Chief Public Grievance Redress Commissioner or Central Public Grievance Redress Commissioner, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension in respect of any previous service under the Government of India or the Government of State, his salary in respect of the service as Chief Public Grievance Redress Commissioner or Central Public Grievance Redress Commissioner shall be reduced by the amount of that pension, including any portion of pension, which was commuted and pension equivalent of other forms of retirement benefits, excluding pension equivalent or retirement gratuity:

Provided further that where the Chief Public Grievance Redress Commissioner or Central Public Grievance Redress Commissioner, if at the time of his appointment, is in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as a Chief Public Grievance Redress Commissioner or the Central Public Grievance Redress



**Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:**

**Provided also that neither the salary and allowances nor the other terms and conditions of service of the members of the Central Public Grievance Redressal Commission shall be varied to their disadvantage after appointment.**

**36.** If, for any reason other than temporary absence, any vacancy occurs in the office of the Central Public Grievance Redressal Commission then the Chief Public Grievance Redress Commissioner shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Commission from the stage at which the vacancy is filled.

Filling up of vacancies.

**37. (1)** Any member of the Central Public Grievance Redressal Commission may, by notice in writing under his hand addressed to the President with a copy to the Chief Public Grievance Redress Commissioner, resign his office.

Resignation and removal.

(2) Notwithstanding anything contained in sub-section (1), the President may by order remove from office the Chief Public Grievance Redress Commissioner or any Central Public Grievance Redress Commissioner if the Chief Public Grievance Redress Commissioner or the Central Public Grievance Redress Commissioner, as the case may be,—

(a) is adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or

(c) engages during his term of office in any paid employment outside the duties of his office; or

(d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Public Grievance Redress Commissioner or a Central Public Grievance Redress Commissioner.

(3) The Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the aforesaid Chief Public Grievance Redress Commissioner or Central Public Grievance Redress Commissioners.

**38. (1)** The Central Public Grievance Redressal Commission shall, for the purposes of its functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

Powers of Central Commission and procedure before it.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of any document or other material object producible as evidence;

(c) receiving evidence on affidavits;

(d) requisitioning of any public record;

(e) issuing commission for the examination of witnesses;

(f) reviewing its decisions, directions and orders;

(g) any other matter which may be prescribed.

(2) The Central Public Grievance Redressal Commission shall have original jurisdiction to adjudicate upon every application made to it under section 29.

(3) The Central Public Grievance Redressal Commission shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Commission shall have the power to regulate its own procedure.

5 of 1908.

(4) The Central Public Grievance Redressal Commission shall arrange to deliver copies of the decision to the parties concerned within a period of fifteen days from the date of such decision.

Proceedings before Central Commission to be judicial proceedings.

**39.** All proceedings before the Central Public Grievance Redressal Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

45 of 1960.  
2 of 1974.

Burden of proof to be on Grievance Redressal Officer.

**40.** In any appeal proceedings, the burden of proof to establish that a non-redressal of complaint by the Grievance Redressal Officer shall be on the Grievance Redress Officer who denied the request.

Staff and officers to be public servants.

**41.** The staff and officers of the Central Public Grievance Redressal Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1960.

Time frame for disposal of appeals.

**42. (1)** An appeal under section 29 shall be disposed of within sixty days from the date of filing of the appeal:

Provided that an appeal of an urgent or immediate in nature shall be disposed of within the same day of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than fifteen days from the date of receipt of the appeal.

(2) The Central Public Grievance Redressal Commission may impose penalty, including compensation to the complainant, in deciding an appeal against designated officers and Grievance Redress Officers for acting in a *mala fide* manner or having failed to discharge their duties without any sufficient and reasonable cause:

Provided that the concerned officers of the public authority shall be given a reasonable opportunity of being heard before any penalty is imposed on them.

**43.** (1) The Central Public Grievance Redressal Commission shall, upon adjudication of a complaint, have the power to issue directions,—

Power to issue directions and exercise original jurisdiction.

(a) requiring the public authority to take such steps as may be necessary to secure compliance with the provisions of the Citizens Charter;

(b) requiring the timely creation, updation and wide dissemination of the Citizens Charter of the public authority.

(2) It shall be the duty of the Central Public Grievance Redressal Commission to receive and inquire into a complaint from any person,—

(a) who has been unable to submit an appeal to the designated authority;

(b) who has been refused redress of grievance under this Act;

(c) whose complaint has not been disposed of within the time limit specified;

(d) who has been denied access to the Citizens Charter of the public authority either because the Charter was not created by the public authority or is inadequate in any regard or it is not widely disseminated to make people aware of it;

(e) in respect of any other matter relating to registering and redressing of a complaint or appeal under this Act.

(3) The Central Public Grievance Redressal Commission may, *suo motu*, take notice of failure to deliver goods and services in accordance with the provisions of this Act and refer such cases for disposal to the Head of the Department of the Public Authority and in such cases, an action taken report shall be sent by the Head of Department of the Public Authority to the Central Commission within thirty days from the date of such reference.

(4) Where the Central Public Grievance Redressal Commission, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry *suo motu* in respect thereof.

**44.** Where it appears to the Central Public Grievance Redressal Commission that the grievance complained of is *prima facie* indicative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, on the part of the responsible officer of the public authority complained against then it shall record such evidence as may be found in support of such conclusion and shall refer the same to the appropriate authorities.

Where grievance complained of is a result of corrupt practices.

## CHAPTER IX

## PENALTIES AND COMPENSATION

Penalty and compensation for *mala fide* action.

**45.** (1) The designated authority, the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission, as the case may be, may impose a lump sum penalty against designated official responsible for delivery of goods and services or Grievance Redress Officer for their failure to deliver goods or render services to which the applicant is entitled, which may extend up to fifty thousand rupees which shall be recovered from the salary of the official against whom penalty has been imposed.

(2) On imposition of the penalty under sub-section (1), the appellate authority may, by order, direct that such portion of the penalty imposed under the said section shall be awarded to the appellant, as compensation, as it may deem fit:

Provided that the amount of such compensation awarded shall not exceed the amount of penalty imposed under the said section.

(3) If any public servant is found guilty under sub-section (1), the disciplinary authority shall initiate the disciplinary proceedings against such officer of the public authority, who if proved to be guilty of a *mala fide* action in respect of any provision of this Act, shall be liable to such punishment including a penalty as the disciplinary authority may decide.

## CHAPTER X

## REPORTING OF REDRESSAL OF GRIEVANCES BY PUBLIC AUTHORITY

Reporting requirements.

**46.** (1) Every public authority shall ensure that every Grievance Redressal Officer keeps a record of complaints made to it or appeal therein and the decisions on such complaints and appeals.

(2) Every public authority shall publish on its website, by the 15th day of every month or at such shorter intervals, as may be prescribed, a report mentioning therein—

(a) the number of complaints received;

(b) the number of complaints pending;

(c) the number of complaints disposed of; and

(d) such other particulars, as may be prescribed, for discharge of its functions under this Act.

## CHAPTER XI

## Miscellaneous

Appeal against decision of Central Commission or State Commission.

**47.** (1) Any person aggrieved by the decision of the Central Public Grievance Redressal Commission may prefer an appeal to the Lokpal constituted under the Lokpal and Lokayuktas Act, 2011.

(2) Any person aggrieved by the decision of the State Public Grievance Redressal Commission may prefer an appeal to the Lokayukta constituted under the Lokpal and Lokayuktas Act, 2011.

(3) The time within which and the manner in which the appeal may be filed under this section shall be such as may be prescribed by the appropriate Government.

**48.** No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by the Grievance Redressal Officer or the designated authority or the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission.

Bar of jurisdiction of court.

**49.** Every order made by the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission may be enforced by the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission, as the case may be, in the same manner as if it were a decree or order made by a court in a suit pending therein and it shall be lawful for the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission, as the case may be, to send, in the event of its inability to execute it, such order to the court within the local limits of whose jurisdiction,—

Enforcement of orders by State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission.

(a) in the case of a public authority not falling under clauses (b) and (c), the place at which the main office of such public authority is situated; or

(b) in the case of an order against a public authority being a company, the registered office of the company is situated; or

(c) in the case of an order against any other person, the place where the person concerned voluntarily resides or carries on business or personally works for gain is situated; and

thereupon, the court to which the order is so sent, shall execute the orders as if it were a decree or order sent to it for execution.

**50.** No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

Protection for act done in good faith.

**51.** The provisions of this Act shall be in addition to and not in derogation of, any other law for the time being in force.

Provisions to be in addition to existing laws.

**52. (1)** The appropriate Government may, by notification, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the officer or the authority to be designated as Designated Authority under clause (h) of section 2;

(b) other information under clause (g) of sub-section (2) of section 4;

(c) matters in relation to Citizens Charter under sub-section (3) of section 4;

(d) matter in relation to the information and facilitation centre, under sub-section (3) of section 6;

(e) the manner of inquiry into and redressal of grievance of the complaints received from citizens under sub-section (1) of section 7;

(f) the other means by which complaints may be made under section 8;

(g) the other matters for which the designated authority shall have power under clause (g) of sub-section (4) of section 11;

(h) the number of Commissioners of the State Public Grievance Redressal Commission under clause (b) of section 14;

(i) the members of the search committee under sub-section (2) of section 15;

(j) additional criteria in relation to selection of Chief Commissioner and the Commissioners of the State Public Grievance Redressal Commission under proviso to section 16;

(k) the procedure of investigation of misbehaviour or incapacity for removal of the Chief Commissioners and other Commissioners of, the State Public Grievance Redressal Commission under sub-section (3) of section 20;

(l) the other matters for which the State Public Grievance Redressal Commission shall have the powers under clause (g) of sub-section (1) of section 21;

(m) the number of Commissioners of the Central Public Grievance Redressal Commission under clause (b) of section 31;

(n) the members of the search committee under sub-section (2) of section 32;

(o) additional criteria in relation to selection of Chief Commissioner and the Commissioners of the Central Public Grievance Redressal Commission under proviso to section 33;

(p) the procedure of investigation of misbehaviour or incapacity for removal of the Chief Commissioner and other Commissioners of, the Central Public Grievance Redressal Commission under sub-section (3) of section 37;

(q) the other matters for which the Central Public Grievance Redressal Commission shall have the powers under clause (g) of sub-section (1) of section 38;

(r) the time within which the record of complaints to the public authority and the decisions on the complaints and appeals shall be published on the website and other particulars under sub-section (2) of section 46;

(s) the time within which and the manner in which appeal may be filed under sub-section (3) of section 47;

(t) any other matter which is required to be or may be prescribed under this Act.

**53.** (1) Every rule made by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Laying of rules.

(2) Every rule made by the State Government shall be laid, as soon as may be after it is made, before the State Legislature.

**54.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

## STATEMENT OF OBJECTS AND REASONS

Citizen's Charters were introduced in India in 1997, which was voluntary in character. The main elements of the Citizens Charter were to be published containing the details of services and the time period for delivery of such services. These charters gradually spread from Central Ministries and Departments to States and their Organisations. However, a vast majority of them remained ineffective and dormant. In order to improve Public Service Delivery, a service excellence model called "Sevottam" was initiated in 2005 to give a new thrust to the implementation of Citizens Charter, which has been successfully piloted in a few chosen organisations of the Government of India and States and is being upscaled considerably. Centralised Public Grievance Redress and Monitoring System (CPGRAMS) was launched in 2007, which is a web based portal for lodging complaints by the public. It is now operational in all the Ministries and Departments of Government of India along with about 6000 of their subordinate organisations. Many States have also enacted Right to Public Service Delivery Legislation in which a few important Public Services have been selected for service delivery. It was felt that these efforts were noteworthy, but in the absence of an overarching structure, their impact was diffused and limited. In this context, it was felt that Rights based approach be followed in this respect by making the Citizens Charter statutory and endowing public with the right to get delivery of services within stipulated time lines.

2. In view of the aforesaid, it has been felt necessary to enact a comprehensive legislation, namely, the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011. The Bill, *inter alia*,—

(a) confers right on every individual citizen to time bound delivery of goods and provision for services and Redressal of grievances;

(b) require every public authority to publish, within six months of the commencement of the proposed legislation, a Citizens Charter specifying therein the category of goods supplied and services rendered by it, the time within which such goods shall be supplied or services be rendered the name and addresses of individuals responsible for the delivery of goods or rendering of services;

(c) provide for obligation of the Head of the Department for updating and verifying the Citizens Charter;

(d) require every Public Authority to establish information and facilitation centre for efficient and effective delivery of



services and redressal of grievances, which may include establishment of customer care centre, call centre, help desk and people's support centre;

(e) require every public authority to, within six months from the date of the coming into force of the proposed legislation, designate as many officers as may be necessary as Grievance Redress Officers in all administrative units or offices at the Central, State, district and sub-district levels, municipalities, Panchayats whereat supplies of goods or render services to receive, enquire into and redress any complaints from citizens in the prescribed manner;

(f) require the concerned Grievance Redress Officer, upon receipt of a complaint, to ensure that the grievance is remedied in a timeframe not exceeding thirty days from the date of receipt of the complaint;

(g) provides that any individual aggrieved by a decision of the concerned Grievance Redress Officer or who has not received an action taken report in respect of a complaint filed by him, may, if he so desires, within thirty days from the expiry of such period or from the receipt of such decision, prefer an appeal to the Designated Authority who shall disposed of such appeal within thirty days from the date of receipt of such appeal;

(h) provide for constitution of the State Public Grievance Redressal Commission and the Central Public Grievance Redressal Commission consisting of Chief Commissioners and other Commissioners;

(i) any person aggrieved by the decision of the Designated Authority falling under the jurisdiction of the State Government may prefer an appeal to the State Public Grievance Redressal Commission and any person aggrieved by the decision of the Designated Authority falling under the jurisdiction of the Central Government may prefer an appeal to the Central Public Grievance Redressal Commission;

(j) confer power upon the Designated Authority, the State Public Grievance Redressal Commission and the Central Public Grievance Redressal Commission to impose a lump sum penalty, including compensation to the complainant, against designated official responsible for delivery of goods and services or Grievance Redress Officer for their failure to deliver goods or render services to which the applicant is entitled, which may extend up to fifty thousand rupees which shall be recovered from the salary of the official against whom penalty has been imposed;

(k) provides that on the imposition of the penalty, the appellate authority may, by order, direct that such portion of the penalty imposed under the proposed legislation shall be awarded to the appellant, as compensation, not exceeding the amount of penalty imposed, as it may deem fit;

(l) provides that if any public servant is found guilty of offence, the disciplinary authority shall initiate the disciplinary proceedings against such officer of the public authority, who if proved to be guilty of a *mala fide* action in respect of any provision of this Act, shall be liable to such punishment including a penalty as the disciplinary authority may decide;

(m) provides that in any appeal proceedings, the burden of proof to establish that a non-redressal of complaint by the Grievance Redressal Officer shall be on the Grievance Redress Officer who denied the request;

(n) provides that where it appears to the Designated Authority or the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission that the grievance complained of is *prima facie* indicative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, on the part of the responsible officer of the public authority complained against then it shall record such evidence as may be found in support of such conclusion and shall refer the same to the appropriate authorities competent to take cognizance of such corrupt practice;

(o) provides that any person aggrieved by the decision of the Central Public Grievance Redressal Commission may prefer an appeal to the Lokpal, and any person aggrieved by the decision of the State Public Grievance Redressal Commission may prefer an appeal to the Lokayukta, constituted under the Lokpal and Lokayuktas Act, 2011.

3. The notes on clauses explain in detail the various provisions contained in the Bill.

4. The Bill seeks to achieve the above objects.

NEW DELHI;  
The 16th December, 2011.

V. NARAYANASAMY.

## NOTES ON CLAUSES

*Clause 1.*— This clause provides for the short title, extent and commencement of the proposed legislation.

*Clause 2.*— This clause provides for definitions of various expressions used in the proposed legislation, which, *inter alia*, include “action taken report”, “appropriate Government”, “Citizens Charter”, “days”, “Designated Authority”, “Grievance Redress Officer”, “Head of Department”, “Information and Facilitation Centre”, “public authority” and “service”, etc.

*Clause 3.*— This clause provides for right to service. It provides that every individual citizen shall have the right to time bound delivery of goods and provision for services and redressal of grievances.

*Clause 4.*— This clause provides for obligation of public authority to publish Citizens Charter. It provides that every public authority shall publish, within six months of the commencement of the proposed legislation, a Citizens Charter specifying therein all the category of goods supplied and services rendered by it, the time within which such goods shall be supplied or services be rendered.

It further provides that without prejudice to the generality of the provisions contained in sub-section (1), the Citizens Charter shall provide all or any of—(a) all the details of goods supplied and services rendered by the public authority and the name of person or agency through which such goods are supplied or services rendered and timings during which such services are supplied or services rendered; (b) the conditions under which a person becomes entitled for goods or services, and the class of persons who are entitled to receive such goods and avail services; (c) the quantitative and tangible parameters (including weight, size, frequency) of the goods and services available to the public; (d) complaint redressal mechanism including the time within which the complaint be disposed of and the officer of the public authority to whom such complaint may be made; (e) the name and addresses of individuals responsible for the delivery of goods or rendering of services mentioned in (a) above; (f) any other functions, obligations, responsibility or duty of the public authority is required or reasonably expected to provide; (g) any other information relevant to delivery of goods or provision of services or such other information as may be prescribed.

It also provides that the appropriate Government may, by notification, make rules in relation to citizens charter and grievance redressal.

*Clause 5.*— This clause provides that obligation of Head of Department for updating and verifying the Citizens Charter. It provides

that the Head of Department in each public authority shall be responsible for updating and verifying the Citizens Charter every year and the accuracy of the contents thereof and the responsibility of the Head of the Department of every public authority to ensure that the Citizens Charter is widely disseminated to the public.

It further provides that it shall be the responsibility of the Head of Department of every public authority to take steps in accordance with section 4 of the Right to Information Act, 2005 for providing relevant information to the public enabling them to exercise their rights under the proposed legislation.

It also provides that every Head of Department shall ensure that all material be disseminated taking into consideration the local language and the most effective method of communication in that local area free of cost and every Head of Department shall to the extent possible, ensure that the Citizens Charter is made available at the website of the public authority and in other electronic forms and shall be available free of cost.

It also provides that every Head of Department shall ensure that a copy of the Citizens Charter of the public authority duly certified by him is submitted to appropriate bodies, including appropriate Central and State Public Grievance Redress Commission, when it is published and subsequently, every time that it is modified, updated or amended.

*Clause 6.*— This clause provides for establishment of Information and Facilitation Centre. It provides that every Public Authority shall establish information and facilitation centre for efficient and effective delivery of services and redressal of grievances, which may include establishment of customer care centre, call centre, help desk and people's support centre.

It further provides that every Head of Department of the public authority shall be responsible for the development, improvement, modernisation and reform in service delivery and Redressal of grievance system. It shall also include adoption of electronic modes, internet, etc., and the appropriate Government may, by notification, make rules in relation to Information and Facilitation Centre.

*Clause 7.*— This clause provides for appointment and Obligations of Grievance Redress Officers, including for each municipalities and Panchayat. It provides that every public authority shall, within six months from the date of the coming into force of the proposed legislation, designate as many officers as may be necessary as Grievance Redress Officers in all administrative units or offices at the Central, State, district and sub-district levels, municipalities, Panchayats whereat supplies of goods or render services to receive, enquire into and redress any complaints from citizens in the prescribed manner.

It further provides that the Grievance Redress Officer so appointed shall be at least one level above and be deemed to have administrative control on the individual designated to deliver goods or render services as per the Citizens Charter and every public authority

shall, immediately on appointment or designation of a Grievance Redress Officer, give a public notice in a newspaper published in Hindi or English language and in a newspaper published in an Indian language in circulation in the area in which such service provider is providing services, indicating therein the name of the Grievance Redress Officer, his address and telephone number, e-mail address, facsimile number and other means of contacting him in respect of each area for which the Grievance Redress Officer have been appointed or designated and thereafter give such public notice at least once in twelve months in the same manner and in case of change of the name of the Grievance Redress Officer, his address and telephone number, e-mail address, facsimile number and other means of contacting him shall be intimated by public notice, in the same manner specified in this clause and display it at its each office, Information and Facilitation Centre, Call Centre, customer care centre, help desk, People's Support Centre and at the sales outlets, website and at the office of the Grievance Redress Officer and the appellate authority, the name of the Grievance Redress Officer, their addresses and telephone numbers, e-mail addresses, facsimile numbers and other means of contacting them, in respect of each area for which the Grievance Redress Officer have been appointed or designated.

It also provides that every public authority shall appoint or designate such number of Grievance Redress Officer for such areas, as it may be considered by it necessary, for being easily accessible and available for redressal of grievance of the public and the Grievance Redress Officer shall provide all necessary assistance to citizens in filing complaints and where a complainant is unable to make a complaint in writing, the Grievance Redress Officer shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

*Clause 8.*— This clause provides for acknowledgment of complaint by receipt thereof. It provides that all complaints shall, within two days of the making of the complaint, be acknowledged by a receipt, issued in writing or through electronic means or through text message or through telephone or through any other means as may be prescribed, specifying the date, time, place, unique complaint number and particulars of receiver of complaint along with the stipulated time-frame in accordance with its Citizens Charter within which the complaint will be redressed.

*Clause 9.*— This clause provides for action to be taken by Grievance Redress Officer. It provides that on receipt of a complaint, it shall be the duty of the concerned Grievance Redress Officer to ensure,— (a) the grievance is remedied in a time frame not exceeding thirty days from the date of receipt of the complaint; (b) the reason for the occurrence of the grievance is identified and the responsibility of the defaulting office or individual is fixed and the grievance is redressed satisfactorily within thirty days from the date of receipt of the complaint by the Grievance Redress Officer; (c) where the grievance has occurred as a result of a deficiency, negligence or malfeasance on

the part of an office or individual that the action is taken in accordance with conduct rules and departmental procedures; (d) where the Grievance Redress Officer is convinced that the individual responsible for the delivery of the goods and services has wilfully neglected to deliver the good or service or there exist *prima facie* grounds for a case under the Prevention of Corruption Act 1988, the Grievance Redress Officer can make an observation to that effect along with a recommendation for the penalty including compensation to the complainant to be imposed, to the designated authority.

It further provides that the Grievance Redress Officer may seek the assistance of any other officer required for the proper discharge of his duties or may direct any other officer to take action to redress a complaint and any officer, whose assistance has been sought under sub-section (2), shall render all assistance to the Grievance Redress Officer seeking his assistance and for the purposes of any contravention of the provisions of the proposed legislation, such other officer shall be deemed to be a Grievance Redress Officer for the purposes of the proposed legislation and the Grievance Redress Officer shall ensure that the complainant is informed in writing the manner in which the grievance is redressed and shall give him a report in the form of an action taken report.

*Clause 10.*— This clause provides for forwarding of details of non redressal of complaints to the Head of Department of the Public Authority. It provides that the Grievance Redress Officer shall, immediately after the expiry of the period of thirty days, report every complaint which has not been redressed along with the details of the complainant, nature of complaint, and reasons for non redressal of complaints to the designated authority.

*Clause 11.*— This clause provides for appeal. It provides that every complaint forwarded along with the details shall be deemed to have been filed by way of an appeal to designated authority.

It further provides that any individual aggrieved by a decision of the concerned Grievance Redress Officer or who has not received an action taken report in respect of a complaint filed by him, may, if he so desires, within thirty days from the expiry of such period or from the receipt of such decision, prefer an appeal to the designated authority may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time and the receipt of the appeal shall be acknowledged by the office of the designated authority.

It also provides that the designated authority shall, for the purposes of its functions under the proposed legislation, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of—(a) summoning and enforcing the attendance of any person and examining him on oath; (b) discovery and production of any document or other material object producible as evidence; (c) receiving evidence on affidavits; (d) requisitioning of any public record; (e) issuing commission for the examination of witnesses;

(f) reviewing its decisions, directions and orders; (g) any other matter which may be prescribed.

It also provides that the designated authority shall have original jurisdiction to adjudicate upon every application made to it and The Head of Department of the Public Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of the proposed legislation and of any rules made thereunder, the Authority shall have the power to regulate its own procedure.

It also provides that every appeal filed or complaint deemed to be by way of an appeal shall be disposed of by the designated authority within thirty days from the date of receipt of such appeal and an appeal of an urgent or immediate nature shall be disposed of within the same day of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than thirty days from the date of receipt of the appeal and the Head of Department of the Public Authority shall arrange to deliver copies of the decisions to the parties concerned within a period of five working days from the date of such decisions.

It also provides that the designated authority may impose penalty including compensation to the complainant in deciding an appeal against concerned officer for acting in a *mala fide* manner or having failed to discharge their duties without any sufficient and reasonable cause and the concerned officers of the public authority shall be given a reasonable opportunity of being heard before any penalty is imposed on them.

*Clause 12.*— This clause provides for appeal to State Commission. It provides that any person who, does not receive a decision within the time specified in Chapter V, or is aggrieved by a decision of the designated authority, falling within the jurisdiction of the State Government, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to the State Public Grievance Redressal Commission and the Commission may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time and the decision of the State Public Grievance Redressal Commission shall be binding.

*Clause 13.*— This clause provides for Constitution of State Public Grievance Redressal Commission. It provides that the State Government shall constitute, by notification, a Commission to be known as “the State Public Grievance Redressal Commission” to exercise the jurisdiction power, and authority conferred under the proposed legislation.

*Clause 14.*— This clause provides for Composition of State Commission. It provides that the State Public Grievance Redressal Commission shall consist of,—(a) a Chief Commissioner; and (b) such number of Commissioners, not exceeding ten, as may be prescribed,

out of which atleast one each shall be from amongst Scheduled Castes, Scheduled Tribes and Women.

*Clause 15.*— This clause provides for Selection Committee for appointment of State Commissioners. It provides that the Chief Commissioner and Commissioners shall be appointed by the Governor on the recommendation of a Selection Committee consisting of— (a) the Chief Minister, who shall be the Chairperson of the Committee; (b) the Leader of Opposition in the Legislative Assembly; and (c) a sitting judge of the High Court to be nominated by the Chief Justice of the State.

It further provides that the selection committee shall select out of a panel of five eligible candidates for each vacancy which shall be finalised by a search committee consisting of such prescribed members and the selection committee may regulate its own procedure.

*Clause 16.*— This clause provides qualifications for appointment of State Commissioners. It provides that a person shall not be qualified for appointment as a Chief Commissioner or a Commissioner of the State Public Grievance Redressal Commission unless— (a) he is, or has been an officer of the State Government and has held the post in the rank of Secretary or the Principal Secretary to that Government; or (b) he is or has been a District Judge for at least ten years; or (c) he is or has been a judge of the High Court of the State; or (d) he is an eminent person recognised for his work towards public service in the area and who has worked for at least fifteen years in the social sector with a post graduate degree in a relevant subject; and the State Government may prescribe criteria in addition to the above for the appointment of the Chief Commissioner and Commissioners.

*Clause 17.*— This clause provides terms of office of Chief Commissioner and other Commissioners. It provides that the Chief Commissioner and the Commissioners shall hold office for a term of five years from the date on which they enter upon office or until they attain the age of sixty-five years whichever is earlier and the Chief Commissioner and the Commissioners shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment.

*Clause 18.*— This clause provides for staff, salary and allowances of State Commission. It provides that the State Government shall provide the State Public Grievance Redressal Commission with such officers and employees as may be required for the discharge of its functions under the proposed legislation.

It further provides that the officers and employees so appointed shall discharge their functions under the general superintendence of the Chief Commissioner and the salary and allowances payable to, and the other terms and conditions of service of, the Chief Commissioner shall be the same as that of an Election Commissioner; and the Commissioners shall be the same as that of Chief Secretary of the



State and neither the salary and allowances nor the other terms and conditions of service of the Commissioners shall be varied to their disadvantage after appointment.

*Clause 19.*— This clause provides for filling up of vacancies. It provides that if, for any reason other than temporary absence, any vacancy occurs in the office of the State Public Grievance Redressal Commission then the Chief Commissioner shall appoint another person in accordance with the provisions of the proposed legislation to fill the vacancy and the proceedings may be continued before the Commission from the stage at which the vacancy is filled.

*Clause 20.*— This clause provides for resignation and removal. It provides that any member of the State Public Grievance Redressal Commission may, by notice in writing under his hand addressed to the Governor of the State with a copy to the Chief Commissioner, resign his office and the Governor may by order remove from office the Chief Commissioner or any Commissioner if the Chief Commissioner or a Commissioner, as the case may be—(a) is adjudged an insolvent; or (b) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or (c) engages during his term of office in any paid employment outside the duties of his office; or (d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Commissioner or as a Commissioner.

It further provides that the State Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the aforesaid Chief Commissioner or Commissioners.

*Clause 21.*— This clause provides for Powers of Commission and procedure before it. It provides that the State Public Grievance Redressal Commission shall, for the purposes of its functions under the proposed legislation, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of— (a) summoning and enforcing the attendance of any person and examining him on oath; (b) discovery and production of any document or other material object producible as evidence; (c) receiving evidence on affidavits; (d) requisitioning of any public record; (e) issuing commission for the examination of witnesses; (f) reviewing its decisions, directions and orders; (g) any other matter which may be prescribed.

It further provides that the State Public Grievance Redressal Commission shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of the proposed legislation and of any rules made thereunder, the Commission shall have the power to regulate its own procedure.

*Clause 22.*— This clause provides for procedure of adjudication by State Public Grievance Redressal Commission. It provides that the State Public Grievance Redressal Commission shall have original

jurisdiction to decide every appeal made to it and the State Public Grievance Redressal Commission shall arrange to deliver copies of the decision to the parties concerned within a period of fifteen days from the date of such decision.

*Clause 23.*— This clause provides that proceedings before Commission to be judicial proceedings. It provides that all proceedings before the State Public Grievance Redressal Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

*Clause 24.*— This clause provides for Staff and officers to be public servants. It provides that the staff and officers of the State Public Grievance Redressal Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

*Clause 25.*— This clause provides for time frame for disposal of appeals. It provides that an appeal shall be disposed off within sixty days from the date of filing of the appeal and an appeal of an urgent or immediate in nature shall be disposed off within the same day of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than fifteen days from the date of receipt of the appeal and the State Public Grievance Redressal Commission may impose penalty including compensation to the complainant while deciding an appeal against designated officer and Grievance Redress Officers for acting in a mala fide manner or having failed to discharge his duties without any sufficient and reasonable cause and the concerned officers of the public authority shall be given a reasonable opportunity of being heard before any penalty is imposed on them.

*Clause 26.*— This clause provides for power to issue directions and exercise original jurisdiction. It provides that the State Public Grievance Redressal Commission shall, upon adjudication of a complaint, have the power to issue directions—(a) requiring the public authority to take such steps as may be necessary to secure compliance with the provisions of the Citizens Charter; (b) requiring the timely creation, updation and wide dissemination of the Citizens Charter of the public authority.

It further provides that the State Public Grievance Redressal Commission to receive and inquire into a complaint from any person— (a) who has been unable to submit an appeal to the designated authority; (b) who has been refused redress of grievance under the proposed legislation; (c) whose complaint has not been disposed off within the time limit specified; (d) who has been denied access to the Citizens Charter of the public authority either because the Charter was not created by the Public Authority or is inadequate in any regard or it is not widely disseminated to make people aware of it; (e) in respect of any other matter relating to registering and redressing of a complaint or appeal under the proposed legislation.

It also provides that the State Public Grievance Redressal Commission may, *suo motu*, take notice of failure to deliver goods and services in accordance with the provisions of the proposed legislation and refer such cases for disposal to the Head of Department of the Public Authority and in such cases, an action taken report shall be sent by the Head of Department of the Public Authority to the State Commission within thirty days from the date of such reference and the State Public Grievance Redressal Commission, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry *suo motu* in respect thereof.

*Clause 27.*— This clause provides that burden of proof to be on Grievance Redressal Officer. It provides that in any appeal proceedings, the burden of proof to establish that a non redressal of complaint by the Grievance Redressal Officer shall be on the Grievance Redress Officer who denied the request.

*Clause 28.*— This clause provides for where Grievance complained of is a result of Corrupt practices. It provides that if it appears to the Commission that the grievance complained of is, *prima facie*, indicative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, on the part of the responsible officer of the public authority complained against, then, it shall record such evidence as may be found in support of such conclusion and shall refer the same to the appropriate authorities.

*Clause 29.*— This clause provides for appeal to the Central Commission. It provides that any person who, does not receive a decision within the time specified in Chapter V, or is aggrieved by a decision of the designated authority falling within the jurisdiction of Central Government, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to the Central Public Grievance Redressal Commission; and the Commission may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time and the decision of the Central Public Grievance Redressal Commission shall be binding.

*Clause 30.*— This clause provides for constitution of Central Public Grievance Redressal Commission. It provides that the Central Government shall constitute, by notification, a body to be known as “Central Public Grievance Redressal Commission” to exercise the jurisdiction, powers and authority conferred under the proposed legislation.

*Clause 31.*— This clause provides for Composition of the Central Commission. It provides that the Central Public Grievance Redressal Commission shall consist of—(a) the Chief Public Grievance Redress Commissioner; and (b) such number of Central Public Grievance Redress Commissioners, not exceeding ten, as may be prescribed out of which at least one each shall be from amongst Scheduled Castes, Scheduled Tribes and Women.

*Clause 32.*— This clause provides for Selection Committee for appointment of the Central Public Grievance Redress Commissioners. It provides that the Chief Public Grievance Redress Commissioner and Central Public Grievance Redress Commissioners shall be appointed by the President on the recommendation of a committee consisting of— (a) the Prime Minister, who shall be the Chairperson of the committee; (b) the Leader of Opposition in the Lok Sabha; and (c) a sitting judge of the Supreme Court to be nominated by the Chief Justice of India. It also provides that the selection committee shall select out of a panel of five eligible candidates for each vacancy which shall be finalised by a search committee consisting of such prescribed member and the Selection Committee may regulate its own procedure.

*Clause 33.*— This clause provides for qualifications for appointment of Central Public Grievance Redress Commissioners. It provides that a person shall not be qualified for appointment as a Chief Commissioner or Commissioners of Central Public Grievance Redress Commissioner unless—(a) he is, or has been an officer of the Central Government and has held the post in the rank of Secretary to the Government of India; or (b) he is or has been a Chief Justice of a High Court or a Judge of the Supreme Court; (c) he is an eminent person recognised for his work towards public service in the area and who has worked for at least twenty years in the social sector with a post graduate degree in a relevant subject and the Central Government may prescribe criteria in addition to the above for the appointment of the Chief Commissioner and Commissioners.

*Clause 34.*— This clause provides for terms of office of Central Grievance Redress Commissioners. It provides that the Chief Public Grievance Redress Commissioner and the Central Public Grievance Redress Commissioners shall hold office for a term of five years from the date on which they enter upon the office and the Chief Grievance Redress Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment.

*Clause 35.*— This clause provides for staff, salary and allowances of Central Commission. It provides that the Central Government shall provide the Central Public Grievance Redressal Commission with such officers and employees as may be required for the discharge of its functions under the proposed legislation.

It further provides that the officers and employees so appointed shall discharge their functions under the general superintendence of the Chief Public Grievance Redress Commissioner and The salary and allowances payable to and the other terms and conditions of service of the the Chief Public Grievance Redress Commissioner shall be the same as that of the Chief Election Commissioner; and the Central Public Grievance Redress Commissioner shall be the same as that of an Election Commissioner and neither the salary and allowances nor the other terms and conditions of service of the members of the Central Public Grievance Redressal Commission shall be varied to their disadvantage after appointment.

*Clause 36.*— This clause provides for filling up of vacancies . It provides that If, for any reason other than temporary absence, any vacancy occurs in the office of the Central Public Grievance Redressal Commission then the Chief Public Grievance Redress Commissioner shall appoint another person in accordance with the provisions of the proposed legislation to fill the vacancy and the proceedings may be continued before the Commission from the stage at which the vacancy is filled.

*Clause 37.*— This clause provides for Resignation and removal. It provides that any member of the Central Public Grievance Redressal Commission may, by notice in writing under his hand addressed to the President with a copy to the Chief Public Grievance Redress Commissioner, resign his office.

It further provides that the President may by order remove from office the Chief Public Grievance Redress Commissioner or any Central Public Grievance Redress Commissioner if the Chief Public Grievance Redress Commissioner or the Central Public Grievance Redress Commissioner, as the case may be,—(a) is adjudged an insolvent; or (b) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or (c) engages during his term of office in any paid employment outside the duties of his office; or (d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Public Grievance Redress Commissioner or a Central Public Grievance Redress Commissioner.

It also provides that the Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the aforesaid Chief Public Grievance Redress Commissioner or Central Public Grievance Redress Commissioners.

*Clause 38.*— This clause provides for powers of Central Commission and procedure before it. It provides that the Central Public Grievance Redressal Commission shall, for the purposes of its functions under the proposed legislation, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of—(a) summoning and enforcing the attendance of any person and examining him on oath; (b) discovery and production of any document or other material object producible as evidence; (c) receiving evidence on affidavits; (d) requisitioning of any public record; (e) issuing commission for the examination of witnesses; (f) reviewing its decisions, directions and orders; (g) any other matter which may be prescribed.

It further provides that the Central Public Grievance Redressal Commission shall have original jurisdiction to adjudicate upon every application made to it and the Central Public Grievance Redressal Commission shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of the proposed

legislation and of any rules made thereunder, the Commission shall have the power to regulate its own procedure and the Central Public Grievance Redressal Commission shall arrange to deliver copies of the decision to the parties concerned within a period of fifteen days from the date of such decision.

*Clause 39.*— This clause provides for proceedings before Central Commission to be judicial proceedings. It provides that all proceedings before the Central Public Grievance Redressal Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

*Clause 40.*— This clause provides that burden of proof to be on Grievance Redressal Officer. It provides that in any appeal, proceedings, the burden of proof to establish that a non redressal of complaint by the Grievance Redressal Officer shall be on the Grievance Redress Officer who denied the request.

*Clause 41.*— This clause provides that staff and officers to be public servants. It provides that the staff and officers of the Central Public Grievance Redressal Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

*Clause 42.*— This clause provides for time frame for disposal of Appeals. It provides that an appeal shall be disposed of within sixty days from the date of filing of the appeal and an appeal of an urgent or immediate in nature shall be disposed of within the same day of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than fifteen days from the date of receipt of the appeal.

It further provides that the Central Public Grievance Redressal Commission may impose penalty including compensation to the complainant in deciding an appeal against designated officer and Grievance Redress Officers for acting in a *mala-fide* manner or having failed to discharge their duties without any sufficient and reasonable cause and the concerned officers of the public authority shall be given a reasonable opportunity of being heard before any penalty is imposed on them.

*Clause 43.*— This clause provides for power to issue directions and exercise original jurisdiction. It provides that the Central Public Grievance Redressal Commission shall, upon adjudication of a complaint, have the power to issue directions— (a) requiring the public authority to take such steps as may be necessary to secure compliance with the provisions of the Citizens Charter; (b) requiring the timely creation, updation and wide dissemination of the Citizens Charter of the public authority.

It further provides that it shall be the duty of the Central Public Grievance Redressal Commission to receive and inquire into a complaint from any person— (a) who has been unable to submit an appeal to

the designated authority; (b) who has been refused redress of grievance under the proposed legislation (c) whose complaint has not been disposed of within the time limit specified; (d) who has been denied access to the Citizens Charter of the public authority either because the Charter was not created by the Public Authority or is inadequate in any regard or it is not widely disseminated to make people aware of it; (e) in respect of any other matter relating to registering and redressing of a complaint or appeal under the proposed legislation.

It also provides that the Central Public Grievance Redressal Commission may, *suo motu*, take notice of failure to deliver goods and services in accordance with the provisions of the proposed legislation and refer such cases for disposal to the Head of Department of the Public Authority and in such cases, an action taken report shall be sent by the Head of Department of the Public Authority to the Central Commission within thirty days from the date of such reference and if the Central Public Grievance Redressal Commission, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry *suo motu* in respect thereof.

*Clause 44.*— This clause provides for where Grievance complained of is a result of Corrupt practices. It provides that where it appears to the Central Public Grievance Redressal Commission that the grievance complained of is *prima facie* indicative of a corrupt act or practice in terms of the Prevention of Corruption Act 1988, on the part of the responsible officer of the public authority complained against then it shall record such evidence as may be found in support of such conclusion and shall refer the same to the appropriate authorities.

*Clause 45.*— This clause provides for penalty and compensation for *mala-fide* action. It provides that the designated authority, the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission, as the case may be, may impose a lump-sum penalty against designated official responsible for delivery of goods and services or Grievance Redress Officer for their failure to deliver goods or render services to which the applicant is entitled, which may extend up to fifty thousand rupees which shall be recovered from the salary of the official against whom penalty has been imposed.

It further provides that on imposition of the penalty, the appellate authority may, by order, direct that such portion of the penalty imposed under the said section shall be awarded to the appellant, as compensation, as it may deem fit.

It also provides that the amount of such compensation awarded shall not exceed the amount of penalty imposed under the said clause.

It also provides that If any public servant is found guilty under sub-section (1), the disciplinary authority shall initiate the disciplinary proceedings against such officer of the public authority, who if proved to be guilty of a *mala fide* action in respect of any provision of the proposed legislation, shall be liable to such punishment including a penalty as the disciplinary authority may decide.

*Clause 46.*— This clause provides for reporting requirements. It provides that every public authority shall ensure that every Grievance Redress Officer keeps a record of complaints made to it or appeal therein and the decisions on such complaints and appeals.

It further provides that every public authority shall publish on its website, by the 15<sup>th</sup> day of every month or at such shorter intervals, as may be prescribed, a report mentioning therein— (a) the number of complaints received; (b) number of complaints pending; (c) number of complaints disposed of; and (d) such other particulars, as may be prescribed, for discharge of its functions under the proposed legislation.

*Clause 47.*— The clause provides the appeal against decision of State Commission or Central Commission. It provides that any person aggrieved by the decision of Central Public grievance Redressal Commission may file appeal to Lokpal and against the decision of State Public Grievance Redressal Commission may file appeal to Lokayukta within the prescribed time and manner.

*Clause 48.*— This clause provides for bar of jurisdiction of court. It provides that no civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under the proposed legislation required to be settled, decided or dealt with or to be determined by the Grievance Redress Officer or the designated authority or the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission.

*Clause 49.*— This clause provides that enforcement of orders by the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission. It provides that every order made by the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission may be enforced by the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission, as the case may be, in the same manner as if it were a decree or order made by a court in a suit pending therein and it shall be lawful for the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission, as the case may be, to send, in the event of its inability to execute it, such order to the court within the local limits of whose jurisdiction—(a) in the case of a public authority not falling under clauses (b) and (c), the place at which the main office of such public authority is situated; or (b) in the case of an order against a public authority being a company, the registered office of the company is situated; or (c) in the case of an order against any other person, the place where the person concerned voluntarily resides or carries on business or personally works for gain is situated, and thereupon, the court to which the order is so sent, shall execute the orders as if it were a decree or order sent to it for execution.

*Clause 50.*— This clause provides for protection for act done in good faith. It provides that no suit, prosecution or other legal proceeding shall lie against any person for anything which is in good



faith done or intended to be done under the proposed legislation or any rule made thereunder.

*Clause 51.*— This clause provides that provisions to be in addition to existing laws. It provides that the provisions of the proposed legislation shall be in addition to and not in derogation of, any other law for the time being in force.

*Clause 52.*— This clause provides for power to make rules. It provides that the appropriate Government may, by notification, make rules for carrying out the provisions of the proposed legislation. It further specifies the matters in respect of which such rules may be made.

*Clause 53.*— This clause provides for laying of rules. It provides that every rule made by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament and every rule made by the State Government shall be laid, as soon as may be after it is made, before the State Legislature.

*Clause 54.*— This clause provides for power to remove difficulties. It provides that if any difficulty arises in giving effect to the provisions of the proposed legislation, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of the proposed legislation as may appear to be necessary for removing the difficulty and no order shall be made under this section after the expiry of two years from the commencement of the proposed legislation and every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

## FINANCIAL MEMORANDUM

Sub-clause (1) of clause 6 of the Bill requires every Public Authority to establish an Information and Facilitation Centre and sub-clause (2), thereof requires every Head of Department of the Public Authority to develop, improve, modernize and reform the service delivery and grievance redress system, including adoption of electronic modes, internet, etc.

2. Clause 30 of the Bill provides for the establishment of an institution to be called the 'Central Public Grievance Redressal Commission' to exercise the jurisdiction, powers and authority as may be conferred by the Act.

3. Sub-clause (a) of clause 31 provide that the Central Public Grievance Redressal Commission shall consisting of the Chief Public Grievance Redressal Commissioner and such number of Central Public Grievance Redress Commissioners, not exceeding ten, as may be prescribed, Sub-clause (3) of clause 35 of the Bill providing that the salary and allowances payable to and other terms and conditions of service of the Chief Public Grievance Redress Commissioner shall be the same as that of the Chief Election Commissioner, and that of Central Public Grievance Redress Commissioners shall be the same as that of an Election Commissioner.

4. Sub-clause (1) of clause 35 of the said Bill provides for appointment of other officers and employees as required for the discharge of the functions of the Central Public Grievance Redress Commission.

5. At this stage, it is not possible to give precise details or estimates of the expenditure to be incurred either by the Central Public Grievance Redressal Commission. It is however, expected that the Bill, if enacted and brought into operation, would involve a Non-Plan and Plan expenditure of about eleven crore of rupees for 2012-13.

6. The expenses of the Central Public Grievance Redressal Commission including the salaries, allowances, and pensions payable to or in respect of the Chief Public Grievance Commissioner, other Commissioners and other officers or staff of the Central Public Grievance Redressal Commission, shall be borne from the Consolidated Fund of India, and any fees and other moneys taken by the Central Public Grievance Redressal Commission shall form part of the Fund.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Claude 51 of the Bill empowers the appropriate Government to make rules for carrying out the provisions of the proposed legislation. Sub-clause (2) of the said clause specifies the matters in respect of which such rules may be made. These matters, *inter alia*, include— (a) other information under item (g) of sub-clause (2) of clause 4; (b) matters in relation to Citizens Charter under sub-clause (3) of clause 4; (c) matter in relation to the information and facilitation centre, under sub-clause (3) of clause 6; (d) the manner of inquiry into and redressal of grievance of the complaints received from citizens under sub-clause (1) of clause 7; (e) the other means by which complaints may be made under clause 8; (f) the other matters for which the Head of Department of public authority shall have power under item (g) of sub-clause (3) of clause 11; (g) the number of Commissioners of the State Public Grievance Redressal Commission under item (b) of clause 15; (h) the members of the search committee under sub-clause (2) of clause 15; (i) additional critaria in relation to selection of Chief Commissioner and the Commissioners of the State Public Grievance Redressal Commission under proviso to clause 16; (j) the salary and allowances payable to, and the terms and conditions of the services of the Chief Commissioners and other Commissioners of the State Public Grievance Redressal Commission under sub-clause (3) of clause 18; (k) the procedure of investigation of misbehaviour or incapacity for removal of the Chief Commissioners and other Commissioners of, the State Public Grievance Redressal Commission under sub-clause (3) of clause 20; (l) the other matters for which the State Public Grievance Redressal Commission shall have power under item (g) of sub-clause (1) of clause 21; (m) the number of Commissioners of the Central Public Grievance Redressal Commission under item (b) of clause 31; (n) the members of the search committee under sub-clause (2) of clause 32; (o) additional critaria in relation to selection of Chief Commissioner and the Commissioners of the Central Public Grievance Redressal Commission under proviso to clause 33; (p) the salary and allowances payable to, and the terms and conditions of the services of the Chief Commissioners and other Commissioners of the Central Public Grievance Redressal Commission under sub-clause (3) of clause 35; (q) the procedure of investigation of misbehaviour or incapacity for removal of the Chief Commissioners and other Commissioners of, the State Public Grievance Redressal Commission under sub-clause (3) of clause 37; (r) the other matters for which the State Public Grievance Redressal Commission shall have power under item (g) of sub-clause (1) of clause 38; (s) the time within which the record of complaints to the public authority and the decisions on the complaints and appeals shall be published on the website and other particulars under sub-clause (2) of clause 46;

(t) any other matter which is required to be or may be prescribed under the proposed legislation.

2. Clause 52 of the Bill requires that every rule made by the Central Government shall be laid before each House of Parliament and every rule made by the State Government shall be laid before the State Legislature, as soon as may be after it is made.

3. The matters in respect of which rules may be made are matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

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to lay down an obligation upon every public authority to publish citizens charter stating therein the time within which specified goods shall be supplied and services be rendered and provide for a grievance redressal mechanism for non-compliance of citizens charter and for matters connected therewith or incidental thereto.

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*(Shri V. Narayanasamy, Minister for Personnel, Public Grievances and Pensions)*

## ANNEXURE-B

### Part-1: COMMENTS AND SUGGESTIONS ON THE BILL, RIGHT OF CITIZEN'S TO TIME BOUND DELIVERY AND REDRESSAL OF THEIR GRIEVANCES BILL, 2011 (Bill no. 131 of 2011)

Sl. No.	Name of organization/ individual	Comments/suggestions	Response of Government
1	2	3	4
Memo- randum	Dr. Jayaprakash Naryan – Foundation for Democratic Reforms – LOK SATTA	<p>1. The scope of the Bill should not be restricted to citizens only and should be broadened</p> <p>2. Synergy between RTI Act and this Bill be created by merging the framework of the two.</p> <p>3. The integration of Electronic Delivery of Services Bill and this Bill.</p> <p>4. Reward for outstanding service delivery</p>	<p>1. We are open to suggestion to include clients (organizations, bodies etc.) and even non-citizens in the scope of this Bill.</p> <p>2. The two legislations differ in scope, mandate and subject matter, and therefore, the framework cannot be merged.</p> <p>3. We are open to suggestion that EDS Bill may be harmoniously integrated with the present Bill as the subject matter of both the Bills relates to improvement in Public Service Delivery.</p> <p>4. We are open to suggestion that a reward system will act as a catalyst for overall improvement</p>
Memo- randum  No. 2	<b>NCPRI</b>	<p>1. Title of Bill should be shorter</p> <p>2. Page 4, Clause 2 (h) Designated Authority (means a district level tribunal set up by the appropriate government which will have a jurisdiction to hear complaints give directions, compensation and impose penalty in relation to all public authorities located within the district. The appointment, transfer and/or</p>	<p>1. Cabinet has approved the title of the Bill which is comprehensive.</p> <p>2. Designated Authority - The proposed concept of designated authority is too drastic and it calls for creation of a new set-up.</p> <p>The definition approved by the Cabinet regarding designated authority is flexible and decentralized. It has been left to</p>

1	2	3	4
		removal of the designated authority must be with the concurrence of the State/Central Public Grievance Redressal Commission, who would also be the accepting authority for their annual confidential reports)	the discretion of the appropriate Government (State Government or Central Government as the case may be) to appoint designated authorities as they deem appropriate.
		3. Page 5 of the Bill: 'Substantially financed' Means substantially finance in cash or kind, directly or indirectly, by public resources which would require the submission of accounts, the auditing of accounts or restrictions on its use or disposal.	3. The suggestion in this regard is too cumbersome. However, there is need to clarify the quantum involved to be taken as substantially financed.
		4. Page 6 Chapter II [of the prescribed measure and quantity]	4. Section 4 of the Bill elaborates all the details which take care of all these concerns.
		5. Chapter III – Before the finalization of the Citizens Charter and Statement of Obligations for each public authority a draft citizens charter and statement of obligation shall be prepared for public discussion. This discussion will be conducted in a transparent and participatory manner. It must involve at the very least, a process of widely publicising and seeking suggestions and comments from the public of the draft Citizens Charter and Statement of Obligation in conformity with the procedure laid down under Section 4 and the basis on which any of the suggestions of the public are rejected, shall also be put in the public domain. This process will also be followed when the Citizens Charter is reviewed every year as per Section 5 of this Act.	5. These details would be covered under Rules and Guidelines to be issued after the Bill is enacted.  The Guidelines for Implementing Sevottam, September 2011, accessible at <a href="http://www.darpg.gov.in">www.darpg.gov.in</a> already include the requirement of stakeholder consultation and Steps 3, 4 and 5 in Chapter 3 on 'Charter Design and Implementation process' include how stakeholder consultation is to be planned, how input is to be received, and how stakeholder consultation results are to be consolidated for the purpose of finalization of service standards for the Citizens Charter.

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		6. The [designation and contact details] of the persons ...(and the job chart of the staff)	6. While the contact details of the person responsible for service delivery are already a part of the Citizens Charter framework, the Job Card or Job Charts are internal tools for enhancing individual efficiency. These are covered in the Capability Building part and are not required to be included in the Citizens Charter.
		7. Page 7 – [ (d) the qualitative standards of the goods and services available to the public]	7. The quantitative as well as qualitative standards for each and every good and service included in the Citizens Charter, are already a part of the Sevottam Compliant Citizens Charter being implemented in Government of India Ministries/Departments since August, 2010. The concept has been introduced in six social sectors of all States/UTs also through the two Workshops on Capability Building for Sevottam organized in November, 2011.  Earlier in June/July, 2009, through the recommendations of the Second ARC in its 12th Report all State Governments and Union Territory Administration had been requested to consider adoption of Sevottam for bringing improvements in public service delivery.
		8. Page 7 (i) Those matters deemed urgent that shall be redressed immediately upon receipt of the complaint and no later than 24 hours	8. Proviso to Clause 11(7), Clause 25 and Clause 42 already take care of such concerns.
		9. Page 7 (j) Those matters for which mandatory compensation is to be paid	9. The provision for compensation as approved by the Cabinet is appropriate as it would be left to the discretion of competent authorities who will act in a quasi-judicial manner.



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		10. Page 8 Chapter III clause 5 [ at all block and/or ward level offices of the public authority]	10. This is not required as this has been comprehensively dealt with in Clause 5 of the Bill.
		11. Chapter IV Clause 6 (1) after deleting the existing clause on IFC [ The State Public Grievance Redressal Commission shall ensure the establishment of Information and Facilitation Centres at the block level in case of rural areas and municipal wards in case of urban areas]	11. The provision as approved by the Cabinet is providing for an IFC at every level of public authority. The suggestion is to have block/ward level IFCs. This is not needed as the Bill already covers Blocks and Municipalities as well as other public authorities.
		12. [(4) The Information and Facilitation Centre shall register complaints filed by citizens and forward these to the appropriate Grievance Redress Officer]	12. [(4), (5), (6)] The provisions on the Information and Facilitation Centres as approved by the Union Cabinet under Clause 6 is deemed as sufficient.
		[(5) The Information. And Facilitation Centre shall provide all necessary assistance to citizens in filing complaints where necessary and by assisting citizens in tracking their complaints.]	Further elaboration of the functions and responsibilities of the IFC etc., would be covered under rules and guidelines to be issued under the Bill, from time to time.
		[(6) Every Information and Facilitation Centre will have facility for receiving complaints either directly in person or through post or through dedicated phone lines established or electronically through text messages, emails or such other means as may be prescribed.	
		13. [(7) The staff and the Coordinator of the Information and Facilitation Centre shall be appointed by the State Public Grievance Redressal Commission in accordance with rules as may be prescribed.]	13. The suggestion is not agreed to in the light of provisions made under Clause 6 of the Bill.

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		14. [(8) Any complaint regarding non-registration of complaint or any violation of the provisions of the Act by the Information and Facilitation Centre shall be with the Designated Authority]	14. The suggestion not agreed to in view of provision under Clause 8 of the Bill.
		15. Page 10 Chapter V clause 8 [All complaint shall be made in writing or through the electronic means or through text message or through telephone or through any other means that may be prescribed and be acknowledged by a receipt with two days of the making of the complaint.]	15. Clause 8 in the Bill as approved by the Union Cabinet is comprehensive and adequate.
		16. Page 10 Chapter V clause 9 (I) (b) last line last two words of [public authority] deleted.	16. Replacement of GRO by 'public authority' will render it vague and non-specific, therefore, is not agreed to.
		17. Page 10 Chapter V clause 9 (d) add in line 3, after first word 'services' or has delayed such delivery beyond the prescribed time without any good reason, or has delivered goods or services that do not meet the prescribed standards of quality or measure.	17. The provision of the Bill under Clause 9 (d) as approved by the Union Cabinet takes ample care of the concerns expressed in this suggestion and as such it is not agreed to.
		18. Page 11 Chapter V, - clause 9 (4) inserted by the suggestion clause 10 inserted words in line [between immediately and after not later than 24 hours]	18. Clause 9 (2) and 9 (3) of the Bill as approved by the Cabinet is sufficient. The suggestion is not agreed to as it is procedural in nature, and therefore, is not required in the Bill.
		19. Page 11 Chapter VI, Clause 11 (2) line 3 'thirty' days to be deleted and replaced by [ninety] as a time period of 30 days is unduly short for the individual.	19. The provision as approved by Cabinet is sufficient as the proviso enables the designated authority to admit appeals even after thirty days
		20. Page 12 Chapter VI Clause 11 (7) second proviso added as	20. The existing proviso under. clause 25 and 42 providing for

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		[ Provided further that the State/ Central Public Grievance Commission may deem any matter to be of an 'urgent or immediate' nature and issue directions for the grievance to be redressed within 24 hours]	an appeal of urgent or immediate nature to be disposed of within the same day of the receipt of the appeal, as approved by the Cabinet are sufficient.
		21. Page 13 Chapter VI clause 11 (9) – the phrase 'including compensation' to be replaced by [and/or award compensation]	21. The phrase and proviso in clause 11 (9), as approved by the Union Cabinet is sufficient
		In proviso to above, the suggestion adds [Provided further that certain categories of grievances as laid down in the Citizens Charter and Statement of Obligation or prescribed by the State/Central Public Grievance Redressal Commission, will mandatorily result in compensation being made to the complainant, the amount of which will be determined by the designated authority and be appealable by the complainant to the grievance commission]	This suggestion is not agreed to as explained above that compensation would be decided by the Competent Authority on a case to case basis.
		22. Page 13 Chapter VI Clause 11 (12) added on officers and staff to be provided to the Designated Authority	22. The suggestion is contrary to provision of the Bill, regarding Designated Authority as explained in previous paragraph No.2, and as such it is not agreed to.
		23. Page 14 Chapter VII in Clause 14 (b) 'not exceeding ten' [Deleted]	23. The suggestion is not agreed to as it cannot be made open ended.
		24. Page 14 Chapter VII below Clause 15 (2) add [ The Search Committee shall consist of such persons of standing and having special knowledge and expertise in the matters relating to grievances redress policy, public administration, policy making and	24. Clause 15 (2) as approved by the Union Cabinet is sufficient.

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		management, or any other related matter]	
	25. Page 14 at the end of Clause 16 (d) add [ in academia or journalism or other sectors relevant to the prevention or redressal of grievances] : [Provided that not more than half the members of the commission at any time should be from among those coming under category (a), (b) or ( c)	25. Clause 16 (d) as approved by the Union Cabinet is deemed sufficient	
	26. Page 15 Clause 17 (1) the end clause 'or until they attain the age of sixty-five years whichever is earlier' [Delete]	26. Clause 17 (1) as approved by the Cabinet is appropriate	
	27. Page 15 Clause 19 [the temporary charge will be held with the next senior most commissioner till a permanent appointment is made in accordance with the law]	27. Clause 19 as approved by the Cabinet is sufficient	
	28. Page 17 Clause 25 (1) at the end of the Proviso add [Categories of grievances qualifying as 'urgent or immediate' shall be prescribed in the Citizens Charter and Statement of Obligations or by the State/Central Public Grievance Redressal Commission]	28. The suggestion is a repetition and is not agreed to as explained in its earlier reference in paragraphs above.	
	29. Page 17 Clause 25 (2) 'including compensation' to be deleted and [p and/or award compensation] to be added	29. The suggestion is a repetition and is not agreed to as explained in its earlier reference in paragraphs above.	
	30. On page 17 below proviso to Clause 25 (2) add [ Provided further that certain categories of grievances as laid down in the Citizens Charter and Statement of Obligation or prescribed by the State/Central Public Grievances	30. The suggestion is a repetition and is not agreed to as explained in its earlier reference in paragraphs above.	

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		Redressal Commission, will mandatorily result in compensation being made to the complainant	
		31. Page 19 below Clause 32 (2) add - [The Search Committee shall consist of such persons of standing and having special knowledge and expertise in the matters relating to grievance redress policy, public administration, policy making and management, or any other related matter.]	31. The suggestion is a repetition and is not agreed to as explained in its earlier reference in paragraphs above.
		32. Page 19 Clause 33 (1) (c) in second line after 'social sector' add - [in academia or journalism or other sectors relevant to the prevention or redressal of grievances] and delete 'with a postgraduate degree in a al relevant subject.' And after the deleted words add [ provided that not more than half the members of the Commission at any time should be from among those coming under category (a) and (b) ]	32. The suggestion is a repetition and is not agreed to as explained in its earlier reference in paragraphs above.
		33. Page 20 the first line of Clause 34 (1) that reads as 'Provided that the Central Government may prescribe criteria it in addition to the above for the appointment of Chief Commissioner and Commissioners' be deleted for reason that the Commission may not be dominated by retired civil servants and judges.	33. The suggestion is a repetition and is not agreed to as explained in its earlier reference in paragraphs above.
		34. Page 21 at the end of the second line in Clause 36 add [ the temporary charge will be held with the next senior most Commissioner till a permanent	34. The suggestion is a repetition and is not agreed to as explained in its earlier reference in paragraphs above.

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	appointment is made with accordance with the law]		
	<p>35. Page 22 After Proviso to Clause 42 (1) add [ Categories of grievances qualifying as 'urgent or immediate' shall be laid down in the Citizens Charter and Statement of Obligations or prescribed by the State/Central Public Grievance Redressal Commission]</p> <p>36. In Clause 42 (2) delete 'including compensation' and add [and/or award compensation]</p> <p>37. After proviso to Clause 42 (2) add [Provided further that certain categories of grievances as prescribed by the State/Central Public Grievance Redressal Commission will mandatorily result in compensation being made to the complainant.</p> <p>38. Page 24 Chapter IX in Clause 45 delete entire sub-section (2) which reads 'On imposition of penalty under sub-section (1) the appellate authority may by order direct that such portion of the penalty imposed under the said section shall be awarded to the appellant as compensation as it may deem fit. Provided that the amount of such compensation awarded shall not exceed the amount of penalty imposed under the said section' and replace it with [(2) Any compensation awarded under this Act shall be paid by the public authority. The compensation. amount may be recovered from any penalty imposed upon the concerned official, as prescribed in this law]</p>		
			<p>35. The suggestion is a repetition and is not agreed to as explained in its earlier reference in paragraphs above.</p> <p>36. The suggestion is a repetition and is not agreed to as explained in its earlier reference in paragraphs above.</p> <p>37. The suggestion is a repetition and is not agreed to as explained in its earlier reference in paragraphs above.</p> <p>38. It is not agreed to as the provision of the Bill penalizes the guilty officer and compensation is a part of the penalty to be imposed on the guilty officer.</p>

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		39. Page 24 Chapter X in Clause 46 add sub-section 2 as [(2) Every public authority shall ensure that its website contains a system for citizens to track the progress on the complaints filed by them using the unique complaint number awarded to their complaint.]	39. The Clause 46 and its proviso as approved by the Union Cabinet is sufficient
		40. Page 25 Clause 47 (1) in line 2 add [in matters relating to allegations of corruption as per section 44 of law]	40. The Clause 47 (1) as approved by the Union Cabinet sufficient
		41. Page 25 Clause 47 (2) after the word 'Commission' add [in matters relating to allegations of corruption, as per section 28 of the law]	41. The Clause 47 (2) and its proviso as approved by the Union Cabinet is sufficient
		42. And at the end of line 3 after 'Lokpal and Lokayuktas Act', delete '2011'	42. It would be taken care of. at the appropriate time
Memo- randum No. 3	Shri Sanjeevan Bajaj, CEO, FICCI Quality Forum	1. Page 1 to 5 of Bill -  1.1 "an obligation on every public authority to publish and <b>monitor implementation</b> of citizen charter" to be added in the Bill  1.2 There should be <b>"mandatory audit of compliance</b> with the charter and auditors' report should be accessible by the public"  1.2.1 Emphasis should be on prevention of grievances. The additional responsibility on the GRO, for removal of reasons for recurrence of the similar grievance	1. to 3.1 - Open to the suggestion, while implementing the Citizens Charter. The relevant Rules and Guidelines can include these.

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		in future, should also be fixed. A clause of making it obligatory to take corrective and preventive action should be added. There should be a stern action against officers responsible for repetitive grievances of similar nature.	
	2.1	It should be <b>mandatory to display the citizen's charter</b> or a summary of its main provision outside the office premises in an area in which service recipients have free and easy access.	
	3.1	The <b>hours in which the GRO will be available</b> should also be specified, and regularly monitored by the Head of the Department.	
	3.2	Time taken to redress grievance will vary with simple cases taking less time and complicated cases requiring more time. Therefore, fixing a 30 day limit for all types of grievances serves no purpose.	3.2 The relevant Clauses and its proviso as approved by the Union Cabinet is sufficient
	4.1	In clause 8, line 43 says that the time-frame for redress of grievances will be mentioned in the acknowledgement. Here, it may be added "it is obligatory to publish as part of citizen's charter the various types of grievances and the time-frame for redress of each type".	4.1 The Clause and its proviso as approved by the Union Cabinet is sufficient



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		4.2 For frivolous or false complaints in which the applicants may misuse the provision of the Bill to pressurize public authority to deliver services beyond entitlement, some token penalty or a deterrent needs to be inbuilt to prevent frivolous complaints. This will encourage genuine complaints only.	4.2 As per the structure of the Bill, frivolous or false complaints would, generally, be taken care of through various provisions of the Bill, like written complaint, enquiry into complaint by GRO etc.

Part-1: Comments and Suggestions on the Bill, Right of Citizen's to Time Bound Delivery and Redressal of their grievances Bill, 2011 (Bill No. 131 of 2011)

Memo- randum No. 4	Shri Anant Saran	1. <b>Section 2(f) and 2(k) - definition of Complaint and Public Authority</b> – Definition of complaint should be restricted only to any failure in the delivery of goods or rendering of services as per the charter. And the definition of Public Authority to be restricted to the definition of Authority under Right to Information Act, 2005.	1. The definitions as approved in Clause 2 by the Union Cabinet, are appropriate.
		2. <b>Section 3 on Rights to Service</b> – Necessary insertions be made in Section 3 for timely rendering of services by Public Authority.	2. Clause 3 as approved by the Union Cabinet is appropriate, as it gives the Rights of time bound (i) delivery of goods, (ii) and provision for services, (iii) and redressal of their grievances. As such the suggestion is not accepted
		3. <b>Section 4 dealing with “Obligation of Public Authority to publish Citizen Charter”</b> – In Section 4, Sub Section 2 (a) and (c) dealing with “details of goods supplied and services goods” can be clubbed together because details would include quantitative and tangible parameters.	3. Clause 4 (2) (a) and 4 (2) (c), as approved by the Union Cabinet, are appropriate. Clause 4 (2) (a) and (b) cannot be clubbed as (a) asks for various details on goods and services and service agencies while 2(c) requires specifying the parameters, separately, against each good and

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			service listed as per 2(a). As such the suggestion is not accepted.
	<p><b>4. Section 8 dealing with Acknowledgement of complaint by receipt thereof</b> – In Section 8 acknowledgement may be given through telephone also may be deleted as it is difficult to keep all records of acknowledgement through telephone.</p>		<p>4. Clause 8 as approved by the Union Cabinet is appropriate as clear facility for maintaining records, through a Toll Free Telephone number, is available through SMS, and it has a wide use. Therefore, the suggestion is not accepted.</p>
	<p><b>5. Section 8 dealing with “Action to be taken by the Grievance Redress Officer”</b> – In Section 9 the word remedied is not clear. It is observed that wide power has been conferred on the GRO to recommend a penalty therefore, Government should notify the specific nature of penalty to be imposed in a given case and lay down broad guidelines in this regard.</p>		<p>5. Clause 9 as approved by the Union Cabinet is appropriate, as penalty is to be decided on a case to case basis through judicial exercise of quasi powers.</p>
	<p><b>6. Section 11 dealing with “Appeal”</b> – In Section 11 (1) every complaint forwarded under Section 7 shall be deemed to have filed by way of an appeal to the Head of the Department of the Public Authority. This means that even if the individual has not preferred an appeal, it shall be presumed that an appeal has been registered by virtue of Section 11(1).</p>		<p>6. Chapter VI Clause 11 is providing an in-built appeal in cases of grievances that have not been redressed in the time bound manner and are therefore included in the monthly report of the GRO. Therefore, Clause 11 as approved by the Union Cabinet, is appropriate, and the suggestion is not accepted.</p>
	<p><b>7. Section 25 (2) dealing with time-frame for disposal of Bills</b> – As per Section 25 (2) the State Public Grievances Redressal Commission can impose penalty but it is not clear whether it can modify/set aside any penalty of the order imposed in Section 11 (7) of the Bill. This may be suitably amended.</p>		<p>7. The State Public Grievance Redressal Commission has inherent powers to modify/set aside any penalty recommended by the Grievance Redress Officer under Clause 9(1) (d).</p>

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	<p>8. <b>Burden of Proof to be on Grievance Redressal Officer</b> – Section 27 and Section 40 are repetitive in nature and may be considerably modified to avoid duplication.</p>		<p>8. The two clauses are dealing separately, with State Grievance Redressal Commission and Central Grievance Redressal Commission, and are therefore, they are not repetitive.</p>
	<p>9. <b>Section 42 Sub Section 2</b> – It is not clear whether the Central Public Grievances Redressal Commission can modify/set aside any penalty order imposed under Section 11 (7). This may be considerably modified.</p>		<p>9. The Central Public Grievance Redressal Commission has inherent powers to modify/set aside any penalty recommended by the Grievance Redress Officer under Clause 9(1) (d).</p>
	<p>10. Under Section 45 (1) the Commission may impose “lump sum penalty” against designated officials. A term “lump sum” is vague and needs to be specific.</p>		<p>10. Clause 45 of the Bill as approved by the Union Cabinet is adequate and sufficient, as it provides for imposition of penalty 'which may extend up to fifty thousand rupees'. As such the suggestion is not accepted.</p>
	<p>11. <b>Section 45 Sub Section 2 of the proposed draft Bill</b> – Section 45 (2) deals with disciplinary procedure against officer proved guilty of mala fide action. Here it may be inserted that disciplinary authority may impose such penalty as deemed fit under CCS (CCA) Rules 1965. This will result in double jeopardy and is likely to be struck down before Court of Law.</p>		<p>11. Clause 45, as approved by the Union Cabinet is appropriate, as initiation of disciplinary proceedings does not amount to double jeopardy.</p>
	<p>12. <b>Section 47 of the proposed Bill</b> – Section 47 stipulates that no Civil Court shall have jurisdiction in matters pertaining to the Bill here Central Administrative Tribunals may be allowed to review the orders issued by a Head of the Department/Centre State Commission against a public servant.</p>		<p>12 The Bill does not cover grievances relating to service matters of a public servant whether serving or retired. Therefore, the provisions under the Bill as approved by the Union Cabinet is appropriate.</p>

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Memo- randum No. 5	Shri Sumant Parimal	<p>1. There should be provision for time bound delivery of judicial services also.</p> <p>2. A Nodal agency at the Central and the State levels should freeze Service Level Agreements (SLAs) with all Government departments for meeting timelines for service delivery as per citizen charter. This nodal agency will develop and submit nodal detailed framework to the Central Ministries and the State Departments to ensure standardisation and commitment in the implementation of the framework of service deliver.</p> <p>3. Compliance with the various SLAs as per published citizen to be monitored, controlled and reported through a Centralised Information Technology Platform and integrated information and performance management platform is needed for this purpose.</p> <p>4. A stringent performance management and reporting framework needs to be evolved the Bill gives a very generic reporting and performance monitoring guidelines need to be developed and reporting and monitoring parameters should be developed and mandated to the State and Central Departments.</p> <p>5. The generic amount penalty proposed in the Bill is alright as</p>	<p>1. The provisions of the Bill relate to Services offered by Public Authorities and redressal of grievances. All Public Authorities as defined in the Bill would formulate their citizens charters as per the existing rules, laws, and procedures prevailing therein.</p> <p>2. The provision of a mandatory Citizens Charter detailing all Goods and Services including time-limits and standards, in the Bill, as approved by the Union Cabinet is sufficient.</p> <p>3. The provision of a mandatory Citizens Charter, detailing all Goods and Services, including time-limits and Standards, in the Bill, as approved by the Union Cabinet is sufficient.</p> <p>4. The suggested mechanism is procedural in nature and has no bearing upon the Bill.</p> <p>5. The penalty and compensation clause, as approved by</p>

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		a standard penalty, but in certain cases penalty should be as per financial/social/economic impact of denial or delay in services for each could be assessed as the estimated loss suffered.	the Union Cabinet, is sufficient.
		6. The entire process proposed in the Bill would be converted into a series of flow chart and process maps indicating stake holders in various processes at various levels and inputs/outputs at each level.	6. The process given in this suggestion has got no bearing upon the Bill and is therefore, not accepted.
		7. IT road map for implementing the provisions in this Bill at anytime, anywhere basis could be developed to give wide interface to general public.	7. The process given in this suggestion has got no bearing upon the Bill, and is therefore, not accepted
		8. There should be a mechanism in the Bill to allocate responsibilities at various levels of transactions.	8. The suggestion has got no bearing upon the Bill, and is therefore, not accepted
Memo- randum No. 6	Shri Sanjay Kumar Mishra, # 1224, Sector 19, Panchkula 134113	<b>The existing provisions in the Bill as mentioned should be replaced by the following:</b>	
		1. <b>Section 7(4)</b> GRO shall provide all necessary assistance to citizens in filing complaints. It is the liberty of complainant, to submit his complaint by post, by courier, by hand, by e-mail, by fax or any electronic means, and a receipt be n provided on submission by hand.	1. Clauses 7 (4) and 7 (5) and Clauses 6(1) and 6 (2) and (8) as approved by the Union Cabinet is sufficient as it includes the obligation of the Public Authorities to provide all necessary information, guidance and assistance to citizens through the Information Facilitation Centres and the Grievance Redress Officer including acknowledgement of complaint.
		2. Section 11 (9) The designated authority shall impose penalty in every appeal if found any reason, including justified and requested at compensation to the complainant. If no penalty, a reasoned order will be passed.	<b>Suggestions No. 2 to 4 :</b> The Bill provides for imposition of penalty by the competent authority, in exercise of its quasi judicial powers, on a case to case basis, as per gravity of the reasons for the complaint. Therefore, the penalty related

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		<p>3. Section 25(2) The SPGR shall impose penalty in every appeal if found any reason, including justified and requested compensation to the complainant. If no penalty, a reasoned order will be passed.</p> <p>4. Section 42(2) The CPGR shall impose penalty in every appeal if found any reason, including justified and requested compensation to the complainant. If no penalty, a reasoned order will be passed.</p> <p>5. Section 45 (1): The SPGC/CPGC, as the case may be, <u>shall</u> impose a lump sum penalty. If no penalty, a reasoned order will be passed.</p> <p>6. Section 45 (2): The appellate authority <u>shall</u> direct.</p> <p>7. Section 45 (3) and entry in his ACR books as the disciplinary authority may decide.</p>	<p>clauses in the Bill as approved by Union Cabinet are appropriate, and the suggestions are not accepted.</p> <p><b>Suggestions No. 5, 6 and 7 :</b> Clause 45 (1) as approved by the Union Cabinet is appropriate and the suggestions are not accepted in view of their sweeping nature. Imposition of penalty as per Bill is to be on a case to case basis as per gravity of the <i>mala fide</i> intent and in exercise of quasi judicial powers by the appropriate authority.</p>
<p>Memo- randum No. 7</p>	<p>Ms. Jashodhara Dasgupta, on behalf of NAMHHR Secretariat, C-152, Golf View Apartments, Saket, New Delhi-17.</p>	<p>1. Grievance redress and information mechanism is needed at the block level to deal with, confidential complaints and grievances about public and private health services in a particular block.</p> <p>2. Procedures for corrective measures should be clearly enunciated at each level with defined parameters for grievance</p>	<p>1. <b>Clause 6</b> of the Bill provides that every public authority shall establish information and facilitation centre. This will be applicable at the block level also.</p> <p><b>Clause 7</b> of the Bill provides that every public authority shall designate officer as Grievance Redress Officer in all administrative units or offices at Central, State, District and sub-district levels, municipalities, Panchayats.</p> <p>2. The suggestion is a matter of procedure for rules and guidelines. No comments are warranted at this stage.</p>

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		investigation, feedback loop, corrective process, no fault compensation and grievance redress.	
		3. Responsibilities of Health Department officials should be defined in relation to GRO at the district level with an ombudsperson under the aegis of a National Health Regulatory and Development Authority.	3. The provisions of the Bill, as approved by the Cabinet, are comprehensive and applies to Health sector as well. Therefore, suggestion is not acceptable.
		4. Serious grievances and unresolved cases should be referred to the ombudsperson who should initiate joint enquiries involving an officially appointed person/Commissioner plus one representative of a local civil society organization nominated by the aggrieved person. The complainant would be allowed to involve family/community members during this dialogue.	4. The provisions of the Bill, as approved by the Cabinet are comprehensive and adequate As such, suggestion is not acceptable.
		5. It is necessary to set up Jan Sahayata Kendras (People's Facilitation Centres) that should be co-located with GRO for Grievance Redressal and install IT enabled services.	5, 6 and 7: The provision of information and facilitation centre under Clause 6 of the Bill are comprehensive and adequate. As such, the suggestions are not acceptable.
		6. Complaints received by the Jan Sahayata Kendras must be forwarded immediately and in any case within the same day to the appropriate CGRO or SGRO, as the case may be, electronically and details thereof to the complainant.	
		7. The Jan Sahayata Kendras must be managed by local CBOs, women groups, faming groups, trade unions and cooperative societies and to bring the grievance redressal system GRS close to ordinary people.	

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		8. The work of the GRS in the block/ward should be periodically (say once in 6 months) reviewed by the Community monitoring committee.	8. The suggestion is a matter of procedure for rules and guidelines. No comments are warranted at this stage.
		9. All health facilities should write up the citizen's charter detailing the services to be provided.	9. The provision under <b>Clause 4</b> of the Bill for framing and publication of citizens charter are comprehensive and adequate.
		10. Complaints of an urgent and/ immediate nature or where the complaint concerns the life or liberty of a person, shall be disposed of within 5 days of the receipt of the complaint.	10. The Bill provides for that an appeal of urgent or immediate nature shall be disposed of within the same day of the receipt of the appeal.
		11. The time-frame for redressal has been given as 'not more than 30 days'- with regards to health services, many a times it may be a matter of life or death and therefore, needs a very specific clause for health services related denials and grievance.	11. The provisions of the Bill, as approved by the Cabinet, are comprehensive and adequate. As such, suggestion is not acceptable.
Memo- randum No. 8	Shri J.P. Shah, B-12, Amrapali, Junagadh, Gujarat jpshah50@yahoo. co.in Mob.09924106490	1. In section 10 " <b>under advice to complainant</b> " words should be added at the end of section, so that complainant himself may not file appeal with designated authority.	1. We are open to the suggestion.
		2. Section 4(2)(a) needs correction by replacing underlined ' <u>services</u> ' word with 'goods'	2. We are open to the suggestion.
		3. Section 11(4)(a) providing for summoning and enforcing attendance of any person should be made compulsorily applicable only to Government officers connected to processing of complaint and issue raised therein, and not to a complainant as it may put up into a hardship.	3. Clause 11(4)(a) as approved by the Cabinet is appropriate and reasonable. The suggestion is not acceptable.



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		4. There should be minimum number of Commissioners in State/Central Commissions.	4. A reasonable framework in terms of Central/State Public Redress Commission for deciding appeals has been provided in the Bill.
		5. Maximum number of Commissioners in Central Commission should be increased from 10 to 15. [Section 31(b)]	5. A reasonable strength of Commissioners for Central/State Public Redress Commission has been provided in the Bill.
		6. Section 45.1 provides for maximum penalty of Rs.50000/-. Minimum penalty amount of Rs.5000/- [some percentage of basic salary of defaulting officer] per case should also be fixed.	6. The Bill provides for imposition of penalty by the competent authority, in exercise of its quasi judicial powers, on a case to case basis, as per gravity of the reasons for the complaint. Therefore, the penalty related Clauses in the Bill as approved by Union Cabinet are appropriate, and the suggestion is not acceptable.
		7. No format for filing complaint should be stipulated, only minimum requirements should be insisted. Complaints in hard copy or signed scanned soft copy by email should be acceptable.	7. No format is required for filing complaint.
		8. Language of reply from GRO or designated authority and State Commissions should be in the language of complaint/appeal.	8. Appropriate Government may consider the suggestion.
		9. Under Section 46 (2) to be added:- Amount of penalty imposed, amount of penalty recovered, number of officers on whom penalty is imposed and recovered and amount of un-recovered penalty.	9. Clause 46 (2) is comprehensive and sub-clause (2) (d) provides that the report of public authority may mention such other particulars, as may be prescribed, for discharge of his function under this Act.
		10. It should be provided that not supplying on demand citizen charter of his office free of cost	10. Clause 4, 5 and 6 of the Bill relating to publication of citizens charter, its wide dis-

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		to citizens by GRO or IFC or HOD will also attract penalty provisions of this act.	semination to the public and the role of information and facilitation centre are comprehensive and adequate. The suggestion is not acceptable.
		11. Selection of Commissioners and Chief Commissioners should be based on open advertisement, as recently followed by Central Government for Information Commissioners for CIC.	11. This is a procedural matter that may be taken care of while framing rules and guidelines.
		12. There should be time limit of 3 days for complaints lodged at IFC for onward submission to GRO.	12. Clause 6 and 7 of the Bill regarding the role of information and facilitation centre and the Grievance Redress Officer in facilitating filing of complaints are comprehensive and adequate.
		14. There are no provisions in this act as to maximum time limits to be decided while preparing citizen charter.	14. Clause 4 of the Bill provides that that every public authority shall publish a citizens charter within six months of the commencement of this Act.
		15. Citizens charter for each public authority should be approved by a Committee consisting of three senior most officers.	15. Such matter may be an internal process of the concerned public authority.
		16. Any Government office receiving complaint under this Act should forward to appropriate GRO within 3 days of its receipt under advice to complainant. Delay beyond 3 days should attract penalty per day of delay against head of that office.	16. Clause 8 of the Bill regarding acknowledgement of complaint by receipt thereof is comprehensive and adequate. The suggestion is not acceptable.
		17. It should be provided in this law that complainant can be represented at hearings at designated authority, State/Central Public Redress Commission by an agent.	17. This is a procedural matter that may be taken care of while framing rules and guidelines.

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		18. Token filing fee of Rs.5/- be levied by way of court fee stamp or revenue stamp or postal stamp or non-judicial stamp/ franking, cash, money order or net banking for each complaint. Paying filing fee will make complainant a consumer under Consumer Protection Act 1986.	18. Under the Bill, redressal of grievance of a citizen has been taken as a statutory right of the citizen; hence no fee is chargeable for filing complaint.
		19. Section 47 should be presently deleted, which can be inserted by amendment in future when Lokpal and Lokayukta in all States become a reality.	19. The provision of appeal to Lokpal and Lokayukta under Clause 47 of the Bill which contain findings of the Commission relating to corruption, is appropriate. The suggestion is not acceptable.
		20. The name of the Act is too lengthy and can be amended as "RIGHT TO PUBLIC SERVICES ACT 2011".	20. The title of the Bill is comprehensive, as it relates to the Rights of Citizens for Time Bound Delivery of Goods and Services and Redressal of Their Grievances. Suggestion is not acceptable.
Memo- randum No. 9	Shri S.K. Agarwal, Vice Chairman, Transparency International, India, India Secretariat, Lajpat Nagar IV, New Delhi 110 024  e-mail tiindia.newdelhi@ gmail.com	1. Suggestive Guidelines for formulation of Citizens Charters	1. Guidelines of Citizens Charter in Government of India are already available since 1997, and are published in the form of Compilation from time to time. The last Compilation is of August, 2010. A Handbook on Citizens Charter has also been brought out by the Department in 2007. From 2005 onwards Sevottam Compliant Citizens Charter Guidelines of June, 2010, August, 2010, and September, 2011 have been brought out. All the above Compilations and Guidelines are accessible on the Department's website <a href="http://www.darpg.gov.in">www.darpg.gov.in</a> The Guidelines may be reviewed and revised after the enactment of the Bill to include the additional requirements.

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		2. Model Citizens Charters for Police Primary Education, Hospital, Ration Card,	2. The Model Citizens Charters, submitted in the suggestion, do not meet all the requirements of the Government of India Guidelines on Sevottam Complaint Citizens Charter as contained in 'Guidelines for Implementation of Sevottam - September 2011'. Further additions will be required after the enactment of this Bill.
Memo-randum No. 10	Shri Meghashyam Rankireddy, Organization for Nation Empowerment (ONE) Plot No. 18., Flat No.6 Coastal Apartments, Motinagar, Hyderabad-500018 Andhra Pradesh	<p>1. Time frame for acknowledgment of receipt of appeals under 11 (3) has not been defined, and it should also be two days.</p> <p>2. In the Clauses 11(9), 25(2) 42(2) for imposition of penalty, the word 'may' should be replaced by the word 'shall' as in the RTI Act.</p> <p>3. There is an ambiguity in the Section 15/16 and Section 19 as Section 19 indicates that the Chief Commissioner can appoint someone even as a Commissioner against a vacancy. This indication goes contrary to Section 15/16 regarding appointment of Commissioners through a specified process.</p>	<p>1. Clause 11 (3) of the Bill is adequate for acknowledgement of appeal by the office of the designated authority.</p> <p>2. The penalty provision in the Bill as approved by the Union Cabinet is appropriate, because under the Bill, penalty is to be imposed on a case to case basis after assessing the gravity as well as the nature of the complaint, and in exercise of quasi judicial powers by the competent authority. Therefore, it cannot be made mandatory on lines of the RTI Act, which is merely requiring available information to be sent to the citizen. Grievances that are required to be redressed under the Bill are more complex than RTI information. Therefore, the suggestion is not accepted.</p> <p>3. Clause 19 of the Bill as approved by the Union Cabinet is appropriate, because it calls upon the Chief Commissioner to 'appoint another person in accordance with the provisions of this Act to fill the vacancy'. This in no way contradicts any other Clause or provision in the Bill.</p>

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		4. There is no time limit for filling of a vacancy in the State Public Grievance Redressal Commission, A clause setting a time limit for filling of a vacancy, may be included in the Bill.	4. This suggestion relates to a procedural matter that will get covered in the rules and guidelines after the enactment of this Bill.
		5. Proper guidelines to be issued for the Search Committee.	5. After enactment of any Bill by the Parliament, Rules and Guidelines for its implementation are invariably issued by the Ministry/Department concerned.
		6. There is no provision of action required to be taken if appeals are not disposed of in the time limit of 60 days.	6. The framework being created by the Bill is for Time Bound delivery of all activities included therein. As such the suggestion is not accepted.
Memo- randum No. 11	Shri P.S. Krishnan, IAS (Retd.) Former Secretary, Government of India	1. Section 2 Definition - In Section 2(e), add at the end of the definition of "Citizens Charters" the following words: To include Additional Citizens Charter for SCs/STs/OBCs/ Women/Children/Religious Minorities/Citizens-with-Disabilities' in respect of goods and services specifically required for each of these classes/categories in additional to what they are entitled to under common citizens charter.	1. The definition of the Citizens Charter in the Bill as approved by the Union Cabinet, is comprehensive. No further category -wise additions are warranted.
		2. Section 4 – The present sub-section (1) of Section 4 may be numbered as sub-section "4(1) (i)" and the following new provision may be added as sub-section "4(1)(ii)":- "4(1) (ii) (a) Every public authority shall also publish within the aforesaid time-limit Additional Citizen Charters.	2. The provision in the Bill as approved by the Union Cabinet is comprehensive and adequate.
		3. The present sub-section (2) of Section 4 may be numbered as "4 (2) (i)" and the following	3. The suggestions as made cannot be part of the Bill. The rules and guidelines can include

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		new provisions may be added:-	suitable provisions to enable the
		4. (2) (ii) Provision for specific relevance and special significance for SCs Citizen Charters.	concerned Public Authorities to appropriately prepare and publish
		4. (2) (iii) Measures for securing Forest Rights, removing obstacles to the effective functioning of Panchayats in tribal areas according to PESA.	citizens charters, specifically for various categories. The relevant
		4. (2) (iv) Provision for specific relevance and special significance for Other Backward Classes/Socially and Educationally Backward Classes/ and Backward Classes of Religious Minorities Citizen Charters for uplifting them.	Clauses and provisions in the Bill, as approved by the Union Cabinet are appropriate and as such the suggestion is not accepted.
		4. In Section 5: The existing sub-section 5(1) shall be numbered as "5(1)(a)" and the following additions may be made in this sub-section after the words "the citizens charter". Provision for Additional Citizens Charters for SCs/STs/BC/Women and children and persons with disabilities. A new sub-section "5(1)(b)" be introduced as follows:-	4. The suggestion is a matter of procedure for rules and guidelines. The relevant Clauses and provisions in the Bill, as approved by the Union Cabinet are appropriate and as such the suggestion is not accepted.
		5 (1) (b) The Head of Department will invite suggestions for inclusion of goods and services in the Citizens Charters and for additional Citizens Charters consideration thereof.	
		5. Section 14 and Section 31 Sub-Section (b) of Sections 14 and 31 may be amended as follows: Provision for the posts in the appointment of Chief Commissioner and Commissioners from SCs/STs/OBCs/Women categories.	5. The composition of the Commission as approved by the Union Cabinet is adequate.
		6. Sections 15 and 32 Add after (c) of sub-section (1) of Section 15 and of sub-section (1) of Section 32 the following: (d)	6. The provision in the Bill as approved by the Union Cabinet is comprehensive and adequate. As such, the suggestion is not

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		<p>Chairpersons of the National Commission for Scheduled Castes, Scheduled Tribes, Backward Classes and Women”_In sub-section (2) In Sections 15 and 32, after the words “five eligible candidates for each vacancy”, following to be added: Keeping in view the proportion of Schedules Castes/Scheduled Tribes/Socially and Educationally Backward Classes/ including Backward Classes of Religious Minorities and Women candidates. After the above additions in Sections 15 and 32, may be renumbered as sub-section “(2) (b)” may be added as follows: The members of Search Committee shall contain 15 per cent of Scheduled Cases, 7.5 per cent of Scheduled Tribes and 27 per cent of Socially and Educationally Backward Classes (Backward Classes) including Backward Classes of Religious Minorities, rounded off to the nearest integral number and women who may belong to any of these social categories or other category.”</p>	accepted.
		<p>7. Add at the end of (a) of Sections 16 and 33:- “who has shown sympathetic and proactive understanding of the rights of citizens and in particular citizens belonging to Scheduled Castes, Scheduled Tribes, Socially and Educationally Backward Classes (Backward Classes) including Backward Classes of, Religious Minorities, their women, children and persons-with-disabilities; and women, children and persons-with-disabilities not belonging to these three social categories.”</p>	<p>7. The provision in the Bill as approved by the Union Cabinet is comprehensive and adequate. As such, the suggestion is not accepted.</p>
		<p>8. Section 18 and Section 35 - The first two provisos at sub-</p>	<p>8. The provision in the Bill as approved by the Union Cabinet</p>

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		<p>section (3) of Sections 18 and 35 may be substituted by the following:- Provided that Chief Commissioner and Commissioners, who have retired from service under the State and are eligible for pension, shall not be paid any salary or other remuneration but shall have the status of Chief Election Commissioner, Election Commissioner: Chief Secretary, as the case may be, and shall be provided all functional facilities only.”</p>	<p>is comprehensive and adequate. As such, the suggestion is not accepted</p>
		<p>9. Section 20 and Section 37: In Sub-section (2) of Sections 20 and 37, at (b) add at the end after the words “moral turpitude.” ‘or of an offence under the Protection of Civil Rights Act, 1955; Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1986; the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993; the Bonded Labour System (Abolition) Act, 1976; the Dowry Prohibition Act, 1961 and the Protection of Women from Domestic Violence, 2005”.</p>	<p>9. The provision in the Bill as approved by the Union Cabinet is comprehensive and adequate. As such, the suggestion is not accepted.</p>
		<p>10. Section 52 - In (c) at sub-section (2) of Section 52, mention of sub-section (3) of Section 4 seems to be a typographical error. It seems to need to be corrected as sub-section (2) of Section 4, or alternatively, reference to sub-section may be omitted and reference to Section 4 may be enough. In (c) at sub-section (2) of Section 52, after the words “citizens charter”, to be added as under:- “and Additional citizen charters”</p>	<p>10. The provision in the Bill as approved by the Union Cabinet is comprehensive and adequate. As such, the suggestion is not accepted.</p>
		<p>Statement of Objects and Reasons Additions may be made in para 2 to bring out the additional citizen charters.</p>	



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Memo- randum No. 12	Er. Amar Singh, President, Society for Justice (Regd.) Regd. Office: 39, Industrial Area, Under Bridge Road, Rajpura, Distt. Patiala, Punjab.	<p>Recommendation for amendment as under:-</p> <p>(1) Insertion of Clause 4(2)(a) as follows :-</p> <p>Without prejudice to the generality of the provisions contained in sub-section (1), the Citizens Charter shall provide all or any of the following matters, namely,</p> <p><i>The designation of the official competent to receive the complaint/grievance on behalf of the public authority against a proper receipt.</i></p> <p>(2) Clause 8 to be amended to include:-</p> <p><i>Acknowledgment of complaints by Grievance Redress Officer</i></p> <p>(3) Amendment in Clauses 16 and 33 of the Bill as follows :-</p> <p>(i) <i>A provision for the officers retired from Defence services, as a qualification for appointment as Chief Commissioner or Commissioners of State/Central Public Grievance Redressal Commission.</i></p> <p>(ii) <i>Debarring an eminent person affiliated to any political party from appointment as State/Central Commissioners</i></p> <p>(iii) <i>Deletion of proviso to Clause 16 and 33 providing that State Government/</i></p>	<p>(1) Clause 7(1) of the Bill providing for officers being designated as Grievance Redress Officer and Clause 8 providing for acknowledgement of complaint by receipt thereof are adequate.</p> <p>(2) Clause 8 of the Bill providing for acknowledgement of complaint by receipt thereof and particulars of receiver of complaint is adequate.</p> <p><u>(3) (i), (ii) and (iii)</u></p> <p>Section 16 and 33 of the Bill providing for qualification for appointment of State/Central Public Grievance Redressal Commissioners are adequate.</p>

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		<p><i>Central Government may prescribe criteria in addition to those provided under Clause 16 and 33.</i></p>	
		<p>(4) Amendment in Clause 45 of the Bill as follows :-</p> <p><i>Substitution of sub-clause (3) of Clause 45 as follows:</i></p> <p><i>If any public servant is found guilty under sub-section (1) for the second time, one annual increment of the public servant shall be stopped by the disciplinary authority. If the public servant is found guilty for the third time, he shall be compulsorily retired from the service by the disciplinary authority.</i></p>	<p>(4) Section 45 (3) of the Bill providing for disciplinary proceedings against a delinquent official, making him liable to such punishment, including a penalty, as disciplinary authority may decide, is sufficient and a reasonable deterrent.</p> <p>Punishment need to be commensurate with the gravity of offence and no straightjacket provision for punishment could be made in the Bill.</p>
Memo- randum No. 13	Shri G.G. Hegde Kadekodi, President Consumer Protection Council, CP Bazar, SIRSI-581 401, Karnataka.	(1) The title of the Act can be rechristened as Service Guarantee Act and its Redressal.	(1) The title of the Bill is comprehensive, covering Time Bound delivery of goods and Services and Redressal of grievances of citizens
		(2) The phrase <i>substantially financed</i> used under Section 2 (n) (iv)(A) needs to be defined correctly.	(2) There is a need to clarify the quantum involved to be taken as substantially financed.
		(3) The phrase “goods” used in the Bill needs to be defined.	(3) Clause 4(2) of the Bill providing that the Citizens Charter shall provide the details of all the goods supplied by the public authority is sufficient to meet the requirement.
		(4) The role and duties of the public authority responsible for establishment of people’s support	(4) Clause 6 (1) of the Bill clearly defines the role and duties of a public authority in

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		centre under Section 6 (1), need to be clarified.	establishing information and facilitation centre, including establishment of customer care centre, call centre, help desk and people's support centre.
	(5) In Section 7(1), the word Taluka should also be used.		(5) The word sub-district in the Clause 7 (1) has been used in a generic sense which covers Taluka as well.
	(6) A clarification is needed for requirement of fee or any format for filing a complaint.		(6) No such requirement has been laid down in the Bill.
	(7) A time frame for providing an action taken report to the complainant is required.		(7) We are open to the Suggestion.
	(8) Section 11 (9), penalty amount is not mentioned.		(8) Clause 45 provides for penalty and compensation to be imposed or awarded, by the designated authority as well.
	(9) Under Section 15(3), procedure needs to be prescribed for the Selection Committee.		(9) There could be no straightjacket provisions for the Committee in relation to procedural aspects.
	(10) Under Section 16 -		<u>(10) (i), (ii) and (iii)</u>
	(i) serving officers should not be appointed as Commissioners		Clause 16 providing for qualification for appointment of Commissioners is comprehensive and adequate.
	(ii) Factors like integrity need to be taken into account for considering appointment as Commissioners.		
	(iii) two posts should be reserved for persons from social sector.		
	(11) The following clauses should be inserted to the Sec. 20 of the Bill. viz.-		(11) Clause 20 providing for resignation and removal of Commissioners is comprehensive and adequate.

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		(a) if there are a lot of complaints from Civil Society Organizations and the public.	
		(b) fails to protect the rights of the citizens as assured in the Act.	
		(12) In Section 25(1), appeals of urgent nature need to be clarified.	(12) It is the discretion of the Appellate Authority to decide the nature of an appeal, whether an urgent or ordinary.
		(13) Section 26 (2), clarification for the following is needed:-	
		(i) The meaning of any person - is it limited to any citizen or non-citizen?	(i) We are open to the suggestion for inclusion of clients (organizations, bodies etc.) and even non-citizens.
		(ii) Can a person file a complaint directly or should it come as a second appeal?	(ii) A person can approach the Commission directly with a complaint under the given conditions.
Memo-randum No. 14	Shri M.R. Madhavan, Head of Research, PRS Legislative Research, Centre for Police Research, Dharma Marg, Chanakayapuri, New Delhi.	<b>(1) Definition of Complaint {Clause 2(f)}</b>  <b>(A) Issue: Broad Definition</b>  <i>The definition of a complaint in the Bill is too broad by covering grievance arising out of functioning of a public authority; or violation of any law, policy, programme, order or scheme that can lead to a broad range of complaints.</i>	(1) (A) The definition of complaint in the Bill is comprehensive, also relating to the redressal of the grievances of citizens, which goes beyond service delivery.
		<b>(B) Issue: Restricted to citizens</b>  <i>The Bill is confined to the rights of citizens only. Foreign nationals and other persons may also be taken into consideration.</i>	(B) We are open to the suggestion, as clients and non-citizens may also be included.

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		<p><b>(2) Removal of members of the Central and State Grievance Commissions [Clause 20 and 37]</b></p> <p><b>Issue: Removal procedure is different from existing laws</b></p> <p><i>The removal process for the Commissions' members differs from the process provided under some existing laws and proposed legislations.</i></p> <p><i>The Bill does not provide for any inquiry to be conducted prior to the issuance of removal order.</i></p>	<p>(2) Clause 20(3) and 36(3) providing that the State Government/Central Government, by rules, regulate the procedure for the investigation of misbehavior or incapacity of the members State/Central Grievance Commissions.</p>
		<p><b>(3) Appellate Procedure [Clause 47]</b></p> <p><b>Issue: Lokpal and Lokayuktas may not have been instituted.</b></p> <p>The Lokpal and Lokayuktas Bill, 2011 is currently pending in Parliament and, therefore, the Lokpal is yet to be instituted at the Centre. A number of States have also not established Lokayuktas. In the absence of these bodies, it is unclear which body shall adjudicate over these appeals.</p>	<p>(3) As and when, Lokpal and Lokayukta Bill comes into force, appeal may be filed against the decision of State/Central Public Redressal Commission, which contained the findings relating to corruption under PC Act, 1988, before Lokpal/Lokayukta.</p>
		<p><b>(4) Publication of the Citizens Charter [Clause 4(1)]</b></p> <p><b>Issue: Failure to publish the citizens charter</b></p> <p>The Bill requires publication of citizens charter by each public authority within a specified time-frame. However, there is no provision in the Bill to ensure</p>	<p>(4) Clause 26 (2) (d)/43 (2) (d) empowers the State/Central Public Grievance Redressal Commission to receive and enquire into complaint from any person, who has been denied access to the citizens charter of the public authority either because the charter was not created by the public authority or is inadequate in any regard or</p>

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		compliance with this requirement. The Bill does not provide a mechanism to complaint against the failure to publish the citizens charter.	it is not widely disseminated to make people aware of it.
		<b>(5) Multiplicity of Grievance Redressal Forums</b>  Multiplicity of grievance redressal mechanisms may lead to an overlap of jurisdictions of other Acts.	(5) The Bill is comprehensive in enforcing rights of citizens for redressal of their grievances arising out of any violation of any law also.  We are open to a harmonious integration of other related legislation such as “The Electronic Service Delivery Bill”.
		<b>(6) Drafting Issues</b> <b>[Clause 17(1) and 34(1)]:</b>  <i>a. Issue: No retirement age for the Central Commissioners</i>  Clause 17 provides a retirement age for the State Chief Public Grievance Commissioner and the State Commissioners. However, no retirement age has been provided for the Central Chief Public Grievance Commissioner or the Central Commissioners.	(6) We are open to the suggestion, as in Clause 34(1) for Central Commissions the language “or until they attain the age of sixty five years whichever is earlier,” has been omitted by mistake, although for State Commissioners, the above language exists in the Bill.
Memo- randum No. 15	Shri M.V. Ruparelia, A-503 Rashmi Utsav, Near Jangid Estate and Vijay Park, Mira Road (East) Dist. Thane-401101.	<b>(1) Clause 2 (f):</b>  The definition of complaint does not include grievances related to service matters of a public servant.	(1) As the Bill fundamentally relates to the rights of citizens for time bound delivery of goods and services and redressal of their grievances, the grievances arising out of service matters of public servants have been excluded from the purview of the Bill.  Tribunals, such as Central Administrative Tribunal (CAT), have been set up to deal with service matters of public servant.

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		<b>(2) Clause 2 (p):</b>	(2) Clause (2)(c) defines the Central Public Grievance Redressal Commission.
		State Public Grievance Redress Commission is included in definition but not Central Grievance Redress Commission.	
		<b>(3) Clause 4(1):</b>	(3) Clause 26 (2)/Clause 43 (2) empowers the State/Central Public Redressal Commission to receive and enquire into complaint from any person, who has been denied access to the citizens charter of the public authority either because the charter was not created by the public authority or is inadequate in any regard or it is not widely disseminated to make people aware of it.
		Some penalty should be provided for not notifying citizen charter within 6 months.	
		<b>(4) Clause 5(6):</b>	(4) Clause 5 lays down an obligation upon the lead of the Department of every public authority to ensure that the citizens charter is widely disseminated to the public, through notice boards, newspapers, public announcement, media broadcast, the internet or any other means.
		Copy of Citizen Charter should be made available to all Registered NGOs, working for welfare of citizens.	
		<b>(5) Clause 7(1) and (3):</b>	(5) The GROs appointed/designated under Clause 7 of the Bill would be responsible for the respective areas of assignment.
		Where more than one GRO are nominated for one department/office, one coordinating GRO should also be nominated.	
		<b>(6) Clause 8:</b>	(6) No specific mode is required for submission of complaint.
		There is no mention about mode of submission of complaint.	
		<b>(7) Clause 9(1), 9(4) and 46:</b>	(7) This is a procedural matters and an appropriate mechanism may be taken care of while framing rules.
		It would be better and helpful to maintain a Register for all	

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		complaints in which G.R. Officer will record reasons for delay and action taken by which complaint was solved and put up this register to Head of Department to issue necessary instructions to guard against such reasons for delay etc.	
	<b>(8) Clause 11:</b>		(8) This a procedural matter to be prescribed by the appropriate Government.
	No details are given as to how Designated Authority will be appointed.		
	<b>(9) Clause 11(3):</b>		(9) The provision, Clause 11 (3), is adequate for acknowledgement of appeal by the office of the designated authority.
	No time limit is fixed for acknowledgement of Appeal. This may be done.		
	<b>(10) Clause 22(2) and 38(4):</b>		(10) The provision for delivery of copies of decision of the Commission within 15 days to the party concerned is reasonable.
	15 days to deliver decisions by Commissions is on high side. Only 5 days may be allowed.		
	<b>(11) Clause 25 and 42(1):</b>		(11) The provision for disposal of appeal by Commission within 60 days is reasonable.
	60 days for disposal of Appeal to Commissions is on very high side. 30/45 days may be allowed.		
	<b>(12) Clause 45(1) and (3):</b>		(12) The provisions of penalties and compensation under Clause 45 are adequate and reasonable.
	Designated Authority and Commissions are given powers of punishment. Some specific powers for punishment may be given to Grievance Redress Officer also.		
	<b>(13) Clause 52(1):</b>		(13) The provisions of framing rules under Clause 52(1) are adequate and reasonable.
	No time limit is fixed for framing Rules. Please, give time limit and penalty for not complying by that time.		



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Memo- randum No. 16	CII (Confederation of Indian Industry)	<p>Chapter 1- Preliminary</p> <p>1. In clause 2(c), the definition of citizens charter should include <i>required</i> level of standards in place ‘acceptable’ level of standards.</p> <p>2. Definition of complaint should include that a complaint filed by a citizen or <i>any other person on his behalf authorized by him.</i></p> <p><u>Chapter III – Publication of citizens Charter and GRO by Public Authorities</u></p> <p>3. The HoD would ensure that the <i>whole process</i> (comprising the continuous interplay of people, procedures, methods, machines, measurements, funds, responsibilities and information) <i>together guarantee the consistent delivery of the intended output, that satisfies the clients/customers.</i></p> <p>4. The process/system should be such it is fully capable of delivering what the customers/ citizens value. The Head of the Department is fully accountable - the buck stops with him/her.</p> <p>5. The ability of the department, designated to deliver certain public goods or services should be continuously strengthened, so as to ensure total satisfaction of the citizens.</p> <p><u>Chapter V Appointment and obligation of GRO by public authority</u></p> <p>5. If there is a grievance, the Head of the department and his/</p>	<p>1. The definition of citizen charter as contained in the Bill is comprehensive and adequate. The suggestion is not acceptable.</p> <p>2. We are open to the suggestion.</p> <p>3. Clause 5 of the Bill, as approved by the Cabinet, is comprehensive. The suggestion, being superfluous, is not acceptable.</p> <p>4 and 5: Clause 6 (2) of the Bill, laying an obligation upon the HoD for development, improvement, modernisation and reform in service delivery and redressal of grievance system, including adoption of electronic modes, internet, etc. is comprehensive and adequate. The suggestion is not acceptable.</p> <p>5. A dedicated framework in the form of GRO has been envisaged in the Bill to facilitate a time bound redressal of grievances.</p>

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		<p>her team must be the first point of contact and redressal of the dissatisfied citizen. That would ensure two things: first, it would alert the Head of the department of potential process lapses or areas that need improvement, which the Heads and their teams can then address suitably. Second, it also introduces a culture of continuous Improvement that is so essential in ensuring consistent citizen satisfaction.</p>	
		<p>6. Citizen satisfaction surveys need to be done regularly and frequently to measure the citizen satisfaction. Departmental heads would be measured on their ability to lead teams that are effectively servicing the people. In respect of some services that need inter-departmental collaboration, the heads of both departments would be assessed together. All people concerned with a particular service output need to be motivated to perform their duties with professional competence.</p>	<p>6. This is a matter of system and procedure that may be taken care of by the public authority/ Head of the Department while framing rules and guidelines.</p>
		<p><u>Chapter VI – Appeal to the Designated authority.</u></p>	
		<p>7. The services to be provided to the citizens should be within a definite timeframe, already publicized. The head of the department is responsible for providing the service. If there is delay beyond the time fixed, the citizen can go to a higher level officer, already announced with their contact detail. The response should come within two weeks otherwise the matter could be referred to a designated court/ consumer court for redressal.</p>	<p>7. The Bill provides for a statutory time bound framework for disposal of appeal by an authority designated for the purpose which is comprehensive and adequate. The suggestion is not acceptable.</p>

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Memo- randum No. 17	Shri Manjit Singh, IAS (Retd)  Address: 253, Sector 16-A, Chandigarh.  (Tel. No. 0172- 2543253)	<u>Section 1 (3)</u>  1. “Six Months” mentioned in the first proviso should desirably be reduced to “three months”.  <u>Section 2(b)</u>  2. Additional word “appointed” should be incorporated before the word ‘established’ to read the definition of “appropriate Government”.  3. The words “substantially financed” occurring in the definition of “Appropriate Government” needs to be defined.  <u>Section 2 (e)</u>  4. Second line of the definition of the term “goods and services” may be considered to be revised as “goods or services”.  <u>Section 2 (f)</u>  5. In the definition of the term “Complaint”, the term “service” should desirably be defined.	1. The proviso providing that the Central Government shall appoint such date within six months from the date on which the Bill receives the assent of the President is reasonable and sufficient. The suggestion is not acceptable.  2. The definition of the appropriate Government in the Bill is comprehensive and adequate. Suggestion is not acceptable.  3. The suggestion in this regard is too cumbersome. However, there is need to clarify the quantum involved to be taken as substantially financed.  4. The definition of the citizens charter in the Bill is: a document declaring the functioning, obligations, duties, commitments of a public authority for providing goods and services effectively and efficiently with acceptable levels of standards, time limits and designation of public servants for delivery and grievance redress as defined in sub-section (1) of section 4, is comprehensive and adequate. The suggestion is not acceptable.  5. The term ‘service’ has been adequately defined under Section 2 (o) of the Bill.

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<u>Section 4 (1)</u>			
6.	In Section-Section (1), the period of “six months” is suggested to be reduced to “three months”.	6.	The time limit of six months for publication of citizens charter is reasonable and adequate. The suggestion is not acceptable.
<u>Section 5</u>			
7.	In sub-sections (1), (2) and (3), the words “each/every public authority” need to be deleted being superfluous.	7.	The suggestion is not acceptable.
<u>Section 7 (1)</u>			
8.	The period of six months should desirably be reduced to three months.	8.	The time limit of six months for an officer being designated as GRO is reasonable and sufficient. The suggestion is not acceptable.
<u>Section 9 (1) (a)</u>			
9.	The word “at the earliest but” should be incorporated in clause (a) before the words “not exceeding thirty days”.	9.	This is implied in the given provision of the Bill.
<u>In clause (d) of sub-section (1)</u>			
10.	The words “or any other Act” may be added after the words “Prevention of Corruption Act, 1988”.	10.	Sub-clause (1) (d) of clause 9 of the Bill is comprehensive and adequate. Suggestion is not acceptable.
<u>Section 11 (2)</u>			
11.	Period of appeal is suggested to be enhanced from 30 days to 60 days.	11.	The appellate authority is competent to admit an appeal even after expiry of 30 days, under proviso to clause 11 (2) of the Bill.
<u>Section 12</u>			
12.	The period of appeal to State commission is to be enhanced	12.	The appellate authority is competent to admit an appeal

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		from 30 days to 90 days.	even after expiry of 30 days, under proviso to clause 12(1) of the Bill.
		<u>Sections 14 and 32</u>	
		13. It is suggested that one post of commissioner should be reserved for the persons with disabilities who fulfils the laid-down qualifications.	13. The provision contained in clause 14 and 32 are reasonable and adequate. Suggestion is not acceptable.
		<u>Section 20(2) (d)</u>	
		14. This clause appears to be against the letter and spirit of the PWD Act, 1995. Accordingly, this clause needs either to be deleted or revised.	14. The provision contained in clause 20 (2) (d) are reasonable and adequate. Suggestion is not acceptable.
		<u>Section 29</u>	
		15. The period of appeal to Central Commission is to be enhanced from 30 days to 90 days.	15. The appellate authority is competent to admit an appeal even after expiry of 30 days, under proviso to Section 29 (1) of the Bill.
		<u>Section 32</u>	
		16. It should be better if the composition of search Committee is defined and specifically laid down—cabinet secretary can head such a Committee.	16. This is a matter of procedure that may be taken care of while framing rules and guidelines.
<b>Memorandum No. 18</b>			
18	Dr. Jayaprakash Narayan Foundation for Democratic Reforms – Lok Satta	<b>(1) Synergy amongst Information, Grievance Redressal and Electronic Services framework:</b>  The Commission for overseeing the implementation of RTI Act, Grievance Redressal Bill, and the Electronic Delivery of Services Bill, would be the same. For this RTI Act would need to be amended.	(1) Synergy with RTI Act is not a feasible suggestion as the scope, mandate and the framework of the Right to Information Act, 2005 and this Bill, 2011 differ.  However, synergy is possible with Electronic Services Bill as both relate to bringing about improvements in public service delivery and a significant part of

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			capability building of the government agencies to deliver goods and services in a time bound manner is to be based on electronic mode and related infrastructure.
		<b>(2) Scope of Citizen's Charters and (3) Local Ombudsmen</b>	(2) As already stated in response to Memorandum No. 1, we are open to suggestion to include clients (organizations, bodies etc.) and even non-citizens in the scope of the Bill. A reasonable time-limit for disposal of grievances/appeals at various levels, has been provided in the Bill.
		The scope has been defined sharply to ensure that all goods and services which are amenable to timely delivery of services and any violation of order, rule of law pertaining to that department are covered by the enforceable charters. Organizations such as non-governmental organizations, companies etc., are given the same rights as citizens in respect of charters and redressal of grievances. Grievances relating to electronic services or goods and services that do not have supply constraints; those that require physical works; and	The scope of Citizens Charter as provided in the Bill, covers all the goods and services delivered by a public authority and the time limits, delivery standards and details of delivery officers would be notified by the public authorities.
<b>Memorandum No. 19</b>			
19	OPEN SOURCE GEOSPATIAL – INDIA C/o International Institute of Information Technology, Gachibowli, Hyderabad 500 032, Andhra Pradesh	1. <b>Role of HOD in updating of Charter to be specified</b> with mandatory requirement of seeking views of public. A team of not less than 3 persons representing of stakeholders should be involved in the updating of the Charter. (Ref. Chapter III, Clause 5(1), page 4 of the Bill)	1. This is a matter of procedure to be included in Guidelines and Rules under the Bill. In fact, stakeholder consultation in the formulation and review of Citizens/Clients Charters is already a part of Guidelines on Sevottam, June, 2010, and Guidelines on Implementation of Sevottam, September, 2011, brought out by Government of India.
		2. <b>Use of Geographic Information System (GIS) for disseminating information</b> under the Bill: GIS is a free and an open source. It can be used for recording of grievances	2. Adoption of electronic modes, internet etc., for public service delivery, has been made a responsibility of the HOD of Public Authority under Clause 6(2). However, suggestion as given would be considered at

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		<p>digitally, and visualizing the grievance along with additional information as per data base, for a quicker analysis etc.</p> <p>GIS maps and images can be provided in the Charter to give the geographical location of the public authority and the extent of the area in its domain for delivery of goods and services.</p> <p>For example, (a) the location of a police station in a GIS map of the area under its control can be included in the Citizens Charter. (b) Escalation of grievance to the next superior authority for redress, can be facilitated through the use of GIS.</p>	the time of issue of rules and guidelines.

**Memorandum No. 20**

20 Shri Satyananda Mishra, Chief Information Commissioner

**(1) Definition of public authority, citizen's charter and service should be limited:** The definition of Citizens Charter, Service and Public Authority under the Bill is too wide and deep, and covers in its ambit the Executive, the Legislature and the Judiciary. It also brings organizations, bodies, government owned companies, and all contractors, suppliers, etc. under the model, under its ambit. This wide scope of the Bill will generate too many complaints **Service** should be defined as those to be notified in the Schedule, as has been done by many State legislations on the subject.

(1) The definitions as approved by the Union Cabinet are appropriate. The definitions adopted in the Bill are broad and comprehensive with reference to the Service and Citizens Charters, in order to make it a truly rights based Bill, ensuring full accountability. Hence, the suggestion is not accepted.

As per clause 4(1) every public authority is to publish its Citizens Charter within six months,

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		specifying with timelines the goods supplied and services rendered by it. Further the definitions of Citizens Charter, Service and Public Authority in the Bill need to be limited	
	(2) As the decision making process in the government is often dispersed, it would be impossible to identify individual employees responsible for any particular service.	(2) The Bill envisages clear cut delineation of authorities with assigned responsibilities. At the bottom there will be notified officers who will be responsible for delivery of goods and services. At the next level there will be notified Grievance Redress Officers. Hence, the contention that responsibility fixing would not be possible is not correct.	
	(3) The proposed 'designated authority' for hearing appeals to be nominated a from outside the public authority, is impractical.	(3) The definition of designated authority as approved by the Union Cabinet, is flexible and decentralized. It has been left to the discretion of the appropriate government (State Government or Central Government as the case may be) to appoint designated authority as they deem fit.	
	(4) Based on experience in implementing the RTI Act, 2005 for the last six years, the cost of implementing the Bill to service every grievance against all public authorities is likely to be huge.	(4) No additional costs are suggested in the Bill except for the cost of establishing Information and Facilitation Centres and the Central and State Public Grievances Redressal Commissions. Improvements in infrastructure and capability building are already covered under various government initiatives for the application of ICT in governance and service delivery. As such this argument is not accepted.	



## Memorandum No. 21 (Supplementary to Memo No. 3)

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21.	FICCI Quality Forum, New Delhi	<p>1. As per the Title of the Bill, it is applicable to 'citizens' only. As there are 'non-citizens' also who received services from public authorities in India, the term 'citizen' needs to be replaced by a broader term that includes businesses and non-citizens</p> <p>2. (a) <b>Implement and monitor the Charter:</b> Obligation of Public Authorities should also be to implementation and monitor their own Citizens Charter and to identify areas of non-compliance.</p> <p>(b) <b>Penalty for failure to deliver even without receipt of grievance:</b> After identifying non-compliance, the person(s) concerned should be penalized, irrespective of whether public grievance has been received or not.</p> <p>(c) <b>Suo Moto action on failure to deliver:</b> The Bill does provide for the Central and the State Grievance Commissions to take <i>suo moto</i> notice of failure to deliver, but it is not obligatory for any public authority to <i>suo moto</i> take notice of failure to deliver. Audit of compliance with the Charter, by each public authorities, should be mandatory, and the auditor's report should be accessible by the public.</p>	<p>1. We are open to suggestion to include clients (organizations, bodies etc) and even non-citizens in the scope of this Bill.</p> <p>(a) Attention is drawn to Clause 46(1) and 46 (2) of the Bill, in which Public Authorities are directed to publish a detailed fortnightly report on implementation aspects, maintain appropriate records etc. Further details on this aspect would be considered at the stage of issue of rules/guideline, from time to time</p> <p>(b) Under the scope of the Bill, an individual has got the right to demand services as well as lodge grievance in case of failure. This is a sufficient and adequate provision. As such, the contention is not accepted.</p> <p>(c) Under Clause 10, Grievance Redress Officer has to submit a report to the Designated Authority, on every un-redressed complaint. Besides, Clause 46 (2) is also relevant. Therefore, the contention in the suggestion is not accepted.</p>

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		3. (a) <b>Prevention of grievances:</b> Emphasis should be on prevention of grievances, and not just on redress. The Bill is elaborate on redress related aspects only.	3 (a) The positive aspect of the Bill, lies in delivery of services as per stipulations in Citizens Charter. Grievance Redress would be a consequence of failure. Thus, the Bill is balanced in this respect. Therefore, the contention in the suggestion is not accepted.
		(b) <b>Encouragement to corrective action:</b> A new clause should be added to encourage corrective and preventive action to remove common causes of repetitive grievances.	(b) We are open to suggestion to include this as a part of the Award Scheme that will serve as a catalyst in the overall improvement of service delivery. The Award Scheme suggestion has already been accepted earlier in Memorandum No. 1.
		4. <b>Dissemination of Charter:</b> It should be mandatory to display the citizen's charter or a summary of its main provision outside the office premises in an area in which service recipients have free and easy access.	4. There are separate provisions in this regard in Clause 5. Thus, the suggestion has been taken care of.
		5. <b>Contact details of GRO:</b> The hours in which the GRO will be available should also be specified, and regularly monitored by the Head of the Department. The number of telephone line indicated in the contact details should be a functional line.	5. Clause 7 has detailed provisions regarding Grievance Redress Officer. Procedural matters will be taken care of at rules/guidelines making stage.
		6. <b>Timelines for grievance redress:</b>	6. The relevant Clauses and their proviso as approved by the Union Cabinet is sufficient. The suggestion is not accepted.
		(a) Time taken to redress grievance will vary with simple cases taking less time and complicated cases requiring more time. Therefore, fixing a 30 day limit for all types of grievances serves no purpose.	

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		(b) In clause 8, line 43 says that the time-frame for redress of grievances will be mentioned in the acknowledgement. Here, it may be added “it is obligatory to publish as part of citizen’s charter the various types of grievances and the time frame for redress of each type”.	
		7. For frivolous or false complaints: No accountability is included for false complaints against service providers. Such cases should attract a heavy penalty to prevent overloading of the system with frivolous complaints.	7. As per the structure of the Bill, frivolous or false complaints would, generally, be taken care of through various provisions of the Bill, like written complaint, enquiry into complaint by GRO etc. The suggestion is not accepted.
<b>Memorandum No. 22</b>			
22.	UNDP India	1. In the UNDP suggestions document:	1. The Government of India has already taken into consideration, the experience of these countries in the implementation of the Citizens Charters, at the time of drafting the ‘Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011.’ No further action on the suggestion is required.
		(a) Lessons learnt from International Experience of Citizens Charters in the United Kingdom, Australia, Belgium, Canada, France, Jamaica, Malaysia, Portugal, and Spain are listed in the first 6 pages.	
		(b) International Grievance redressal institutions, in the form of (i) Ombudsman Office, (ii) Administrative Courts, (iii) Appeal Boards or Tribunals, have been discussed	
		(c) Good practices examples of grievance redressal bodies, including steps such as–	
		(i) Strengthening of capacity of service providers,	

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		(ii) Civil Service Commissions for ensuring integrity and performance of civil servants,	
		(iii) Awareness campaigns on grievance redress procedures and systems, obtaining of feedback from public,	
		(iv) Standard Operating Procedures and varying time-frames	
		(d) Service Guarantees/Minimum Service Standards from UK, Indonesia, Germany are included.	

## ANNEXURE-C

### **List of Organisations/Stakeholders heard during the study visit of the Committee**

1. Kolkata Port Trust
2. United Bank of India
3. Allahabad Bank
4. UCO Bank
5. Coal India Ltd.
6. North Eastern Electric Power Corporation
7. North Eastern Hill University
8. Bongaigaon Refinery & Petrochemicals Limited
9. Assam Ashok Hotel Corporation Limited
10. Brahmaputra Board
11. Oil India Limited
12. Brahmaputra Valley Fertilizer Corporation Limited
13. North Eastern Handlooms & Handicrafts Development Corporation
14. State Governments of West Bengal, Meghalaya, Assam and Manipur
15. Bar Associations of West Bengal, Meghalaya, Assam and Manipur.



