

Right to Public Service Delivery in India : New Governance Paradigm



Chandan Singh
M.A (Public Administration)
Jamia Millia Islamia New Delhi, India.

ABSTRACT

Service delivery is the heart of governance process. An enabling environment, a political will and civil service are prerequisites for attaining optimum level of public service delivery. The RTSD acts check corruption and provide services within stipulated time. It is the proactive step in governance process to redress the grievance of the common citizens. The RTSD acts vary from states to states and it is not mandatory to all the government's department to implement this act. The appellate mechanism of RTSD acts are very complicated and lies with district officers. This limits the ability of the poor to access the First and Second Appellate Authorities. Despite all these limitations, all the state governments are taking proactive steps to digitise parts or the whole of the service delivery system.

The state governments should take measures to give the law real teeth. For this, shortcomings in infrastructure and e-governance must be overcome. Adequate staff will have to be appointed and a computer-literate workforce needs to be created. ICT is vital in the timely delivery of services and hence streamlining e-governance applications across government departments is necessary. Lack of standardised digital workflow will be a stumbling block in the implementation of the proposed law. The RTSD act has tremendous potential for expansion for covering large number of people.

There is a need for restructuring and re-engineering public service organisations to ensure that the administrative machinery is able to adapt itself to changes and current demands. The public service of the future should be able to identify and nurture the people, systems and structures that will provide excellent service to the public in response to rising public and consumer expectations. Reforms in the administration are a continuous process. There is a permanent place for public service reform in public administration.

Keywords : Right, Public Service, Delivery, India, New Governance, e Paradigm.

*A customer is the most important visitor on our premises
He is not dependent on us. We are dependent on him.
He is not an interruption on our work. He is the purpose of it.
He is not an outsider on our business. He is part of it.
We are not doing him a favour by serving him.
He is doing us a favour by giving us an opportunity to do so.*

Mahatma Gandhi

I. INTRODUCTION

In democracy, government has performed various functions such as law and order, defence, regulation, welfare, and public service delivery. Therefore, the provision of a variety of public services to its citizenry has become their basic mandate. Every citizen is entitled to hassle-free public services and redressal of his grievances. In developing countries, the challenges of development and stability of the polity depends on a great deal on the efficient, effective, mobile, accountable public service system and the robustness of its democratic system. Therefore, the relationship between the public service system and democracy must be symbiotic as well as complementary for the overall survival of the polity. In fact, public service contribution is crucial to the very survival, consolidation, stability and development of democracy as well as the society in general.

Public service was the core of all governments from ancient to modern time. The various government had their own model to provide public service to its citizen. But with the increasing demand, need, and aspirations of the citizens, these models had become ineffective. Despite a plethora of delivery mechanisms, most governments are increasingly perceived as unresponsive, with no covert accountability systems and mere lip service to transparency. It is by now an accepted fact that traditional government structures and systems are no longer. The availability of constantly improving technological solutions, innovative managerial tools, emergence of new public management and new public governance model have given rise to scope and options for improved administrative structures, efficient and effective public service delivery systems

and the highest quality of governance. There has been paradigm shift in role of government toward result orientation, flexibility, facilitation and citizen-centric approach.

Right to Public Service

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

According to *the former Prime Minister of UK John Major*, It will work for quality across the whole range of public services. It will give support to those who use services in seeking better standards. People who depend on public services - patients, passengers, parents, pupils, benefit claimants - all must know where they stand and what service they have a right to expect.

Need of Right to Public Service

The introduction of Right to Services Act in India has given a powerful weapon in the hands of citizens of India. The era before its inception witnessed tormenting state of Government Departments where citizens had to go through unspoken hassles, corruption, delayed services with lack of transparency by some errant public servants with a

sense of impunity in their Government Departments. In consideration for growing incidents, complaints and to introduce a statutory mechanism that could control such activities, the Right to Public Services Legislation was enacted.

Besides, the citizens needed to be empowered for availing the services as a matter of right. The Right to Service Acts are part of a broader rights-based approach to social policy that has emerged in India over the past decade and a half. The Supreme Court has, in this context, declared right to food, health, housing, as well as several other social and economic rights

as parts of right to life under Article 21 of Constitution of India.

Evolution of Right to Public Service in India

From the 21st century onward, the government of India has been taken various governance reform measures to improve public delivery system such as implementation of **Citizen Charter** in 1997. In 2005, the service excellence model “**Sevottam**” was initiated to give a new thrust to the implementation of the citizens’ charter, both at the central and state levels. The Centralized Public Grievance Redress and Monitoring System (**CPGRAMS**), a web-based portal was launched for lodging complaints by the public in 2007. With the emergence of right based approach, government was compelled to bring right to public service delivery act.

The evolution of Right to Public Service can be traced, in India from the Citizen's Charter movement of the late 1990s and early 2000s. It witnessed promulgation of hundreds of charters by government departments at the national and state levels. These spelled out as to what the citizens could expect from the government. However, many felt these charters lacked the precision necessary to be effective as most of these did not indicate any time frame for redressal of public grievances and for acknowledging the

receipt of public grievances. Moreover, these neither had the time frame for responding to the petitioners' grievances nor mandated any penalties against the government or its officials for their violation. Madhya Pradesh Lok Sewaon Ke Pradan ki Adhinyam, 2010, is the first in that category, which has been followed by enactments in the States of Bihar Chhattisgarh, Delhi, Himachal Pradesh, Jammu and Kashmir, Jharkhand, Karnataka, Punjab, Rajasthan, Uttar Pradesh and Uttarakhand. The States of Orissa, Kerala and Haryana, are also at the verge of implementing their Acts. The centre has introduced the Right to Redressal of Grievances Bill, 2011, in the Lok Sabha on the 20th December 2011. Till now twenty states have enacted right to public service act with different names having five common features. (a) assurance of the service, (b) service within a stipulated time frame, (c) holding designated officers accountable, (d) a system of grievance redressal by two stage appeal, and (e) a system of penalty and fine for delay/denial in service.

Uttar Pradesh Right to Public Service Delivery (RPSD) Act 2011

The Government of Uttar Pradesh has enacted Uttar Pradesh Janhit Guarantee Adhinyam 2011 on 14th January 2011 to ensure the delivery of service to eligible persons within the prescribed time limits. The main provisions of this act are: - (a) the government of Uttar Pradesh has notified more than 140 plus services delivered by government under section 3. (b) Individual Designated Officer (DO) has been made accountable for delivery of services in the prescribed time limit to eligible person under section 3, (c) It provides for the supply of a receipt for the acknowledgement of application by DO. (d) this act has defined the terms such as designated officer, eligible person, first appeal officer, stipulated time and right to service etc. under section 3 of this act. (e) The State Government may, from time to time, notify the services, designated officers, first appeal officers, second appellate authority and stipulated

time limits therefor. (f) in case of rejection of application, designated officer shall record the reasons in writing and intimate the applicant. (g) It prescribes a two-tier Appellate Forum. An appeal to first appeal officer shall be filed within 30 days of rejection of application and appeal against the order of first appeal officer shall be made within 60 days. (h) The DOs have been made immune from the actions done in good faith by the Act. (i) The appeal officer can impose a penalty of Rs. 250 per day to a maximum upto Rs. 5000 on DO or any other concerned officer for undue delay.

Problem of UP RPSD Act 2011

In democracy, government is entitled to provide basic public services to its citizen because government is elected by the people for the people. The government has been providing public service to citizen since its existence but the way of service providing, and types of service provided to its citizen has changed from time to time. A gradual paradigm shift in the recent years has brought the quality of public service delivery and delivery mechanisms as touchstone of governance. There has been shift towards citizen-centricity of governance because Shalini Rajneesh argued that the services are delayed mainly due to many technical issues such as connectivity problem, staff shortage, citizen unavailability for clarification etc.

He has pointed that careless attitude of the staff; undefined timelines for services delivery, lack of single window solution, rampant corruption at the cutting edge are the basis hurdles. Citizen-centricity has become the agenda for administrative and governance reform. The declaration and adoption of Citizen Charter or Client Charter was a precursor to a better defined and rights-based approach. An acknowledgment of citizens' aspirations and entitlements is the key observable aspect in the present quest for honing the quality of governance by way of upholding citizens' right to express their

choice, right to be heard, to be consulted and to get information about public services and an equal or equitable access to these services. The recognition of the citizens' right to public services through legislation is an important landmark in India's pursuit of governance reforms and optimum utilisation of public resources.

In 21st century due to the emergence of right based approach, right to public service has become the agenda of the government. Till now, twenty state governments have passed the right to public service act in India. Madhya Pradesh was the first state to pass this act and followed by Bihar. The government of Uttar Pradesh has passed Uttar Pradesh Janhit Guarantee Adhiniyam in 2011 and it came into force on 14th January 2011. Since this act has been implemented from last almost 10 years so it became important to researcher to understand the functioning of the act and its lacunas, problem in implementation, impact on citizen and society, and administrative capabilities to provide public service to citizens.

On the basis of a careful perusal of the RTSD laws and scrutiny of the working of RTSD, the following deficiencies have been identified.

Operational and Administrative Problems

- Most of the service users especially in UP appear to be unaware of RTSD Legislation or any notification of any service having time limit for supply due to inadequate publicity.
- The operational and supervisory staff continue to lack the needed capacity because they have not been imparted the needed training.
- Hierarchical gap between the Officers and the Operative Staff has resulted in virtual absence of team spirit and cooperation.

- There is insensitive and unresponsive attitude of public servant towards citizen's grievances.
- Staff is also not prepared to shoulder the responsibility due to lack of motivation and accountability.
- There is a lack of single window system and rampant corruption at cutting edges are the basic hurdles.
- in English, Hindi and the local language at the entrance of the department concerned.
- The government should impart training to the concerned staff with respect to provision of the act as well as in ethical dimension.
- The state act should increase wide coverage in phase manner. All the constitutional bodies, statutory bodies, public private partnership, and NGO financed by the government should come within purview of RTSD act.

Legislative and Infrastructure Problems

- The functioning of RTSD regime has also been adversely affected by the lack of infrastructure and staff. There are a lot of vacancies available and state governments are not very keen to fill these posts. Infrastructure shortage in the departments is always an issue of concern.
- The amount of compensation is very low 250 rupees per day to maximum 5000 rupees as per UP RPSD act 2011.
- Recommendations of the Second Administrative Reforms Commission are yet to be implemented in U.P.
- There is no Right to Service Commission in U.P like Haryana.
- The government should use ICT in service delivery. It will help delivery of government services at the doorstep of citizens anywhere and at any time. It will not only reduce costs but also save time, improve efficiency, raise comfort levels and enhance the confidence of citizens.
- Efforts should firstly be made at departmental level to compensate the aggrieved citizens. Compensation should be deducted from the salaries of concerned officer. This alone will make them deliver the specific service timely and make them accountable for the delay or denial of that service.
- The size and content of the form to be filled for availing any service should be small and its language should be simple. The government should use Single Window System.

Recommendation for effective implementation of RSTD Act

- It should be mandatory to every public authority to prepare and implement Citizen Charter within stipulated time and revise periodically.
- The RTSD Act to be widely publicised among both in rural and urban areas. The service standards should also be displayed prominently
- If somebody is in an urgent need, there should be provision of Tatkal services as being done in Railways. It will reduce the chance of corruption.
- Investment in other grievance redressal and accountability mechanisms such as public hearings by top level officials, grievance redressal officers, auditors, and anti-corruption

prosecutors could also be of great help in effective delivery of services.

- Those who may not be able to use either the SMS mode or the website, a 'Call Centre' may be established to provide assistance. The complaints may be sorted out through e-mail on real time basis by the contacting Nodal Officer of each department, and these should be closed after by confirming delivery from the citizen who had complained.
- Public hearings by top level officials, grievance redressal officers, auditors, and anti-corruption prosecutors could also be of great help in effective delivery of services.
- The doctrine of duty to serve and responsibility to care needs to be the most important virtue for public servants.

II. CONCLUSION

Service delivery is the heart of governance process. An enabling environment, a political will and civil service are prerequisites for attaining optimum level of public service delivery. The RTSD acts check corruption and provide services within stipulated time. It is the proactive step in governance process to redress the grievance of the common citizens. The RTSD acts vary from states to states and it is not mandatory to all the government's department to implement this act. The appellate mechanism of RTSD acts are very complicated and lies with district officers. This limits the ability of the poor to access the First and Second Appellate Authorities. Despite all these limitations, all the state governments are taking proactive steps to digitise parts or the whole of the service delivery system.

The state governments should take measures to give the law real teeth. For this, shortcomings

in infrastructure and e-governance must be overcome. Adequate staff will have to be appointed and a computer-literate workforce needs to be created. ICT is vital in the timely delivery of services and hence streamlining e-governance applications across government departments is necessary. Lack of standardised digital workflow will be a stumbling block in the implementation of the proposed law. The RTSD act has tremendous potential for expansion for covering large number of people.

There is a need for restructuring and re-engineering public service organisations to ensure that the administrative machinery is able to adapt itself to changes and current demands. The public service of the future should be able to identify and nurture the people, systems and structures that will provide excellent service to the public in response to rising public and consumer expectations. Reforms in the administration are a continuous process. There is a permanent place for public service reform in public administration.

III. REFERENCES

Articles and books

- **Jain, Abhishek and Aarushi**, "Improving Public Service Delivery For Growth Oriented Governance: Challenges Before Bureaucracy", *Indian Journal of Public Administration*, Vol. 57, No. 1, January-March, 2011.
- **Narayana, B. V. L.**, "Citizen Charter-Strategies for Successful Implementation in India", *Indian Journal of Public Administration* Vol. 50, No. 2, April-June, 2004.
- **Rajneesh, Shalini**, "Guarantee of Services to Citizens: A Case Study of Karnataka", *Indian Journal of Public Administration*, Vol. 59, No. 1, January-March 2013.
- **Araora, Ramesh, K.**, *People Centred Governance*, Aalekh Publishers, Jaipur, 2001.
- **Saxena, Naresh C.**, "Public Services Reforms-Trends, Challenges and

Opportunities”,HorizonPaper,Public Services Dialogue 1, march 2013

- **Murlidharan, P.** ‘E-Governance- “A Service delivery Mechanism for effective Administrative System”. Indian journal of Development Research and Social Science Action, Vol.VINo-2,Jan-Dec 2010
- **Singla, Sushil Kumar andAggarwal, Himnashu,** “Combating Corruption through e-Governance in Public Service Delivery System”, journal of Global Research in Computer Science, Vol.2, No. 7, July 2011

Report

- 2nd ARC 12th report on citizen centric administration
- UP annual report on Uttar Pradesh Janhit Guarantee Adhiniyam 2011
- 2nd ARC 11th report on e-governance

Websites

- Jstor.org
- Upgov.nic.in
- Darpg.gov.in