

CITIZENS RIGHT TO GRIEVANCE REDRESS BILL 2011

AN OVERVIEW

Government of India

November 2nd, 2011

Agenda

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 - Penalty Provisions
- Citizens Charter
- Process of Complaints
- Identifying and Reducing avenues for Corruption

Context

- Common man faces day-to-day hassles with regard to delivery of public services and corruption in service delivery
- Currently inadequate institutionalised mechanism to address these problems
- Lok Pal Bill will not address these day-to-day issues



***Need for a Citizen's Right to
Grievance Redress Bill
as part of a basket of measures***

Key Recommendations

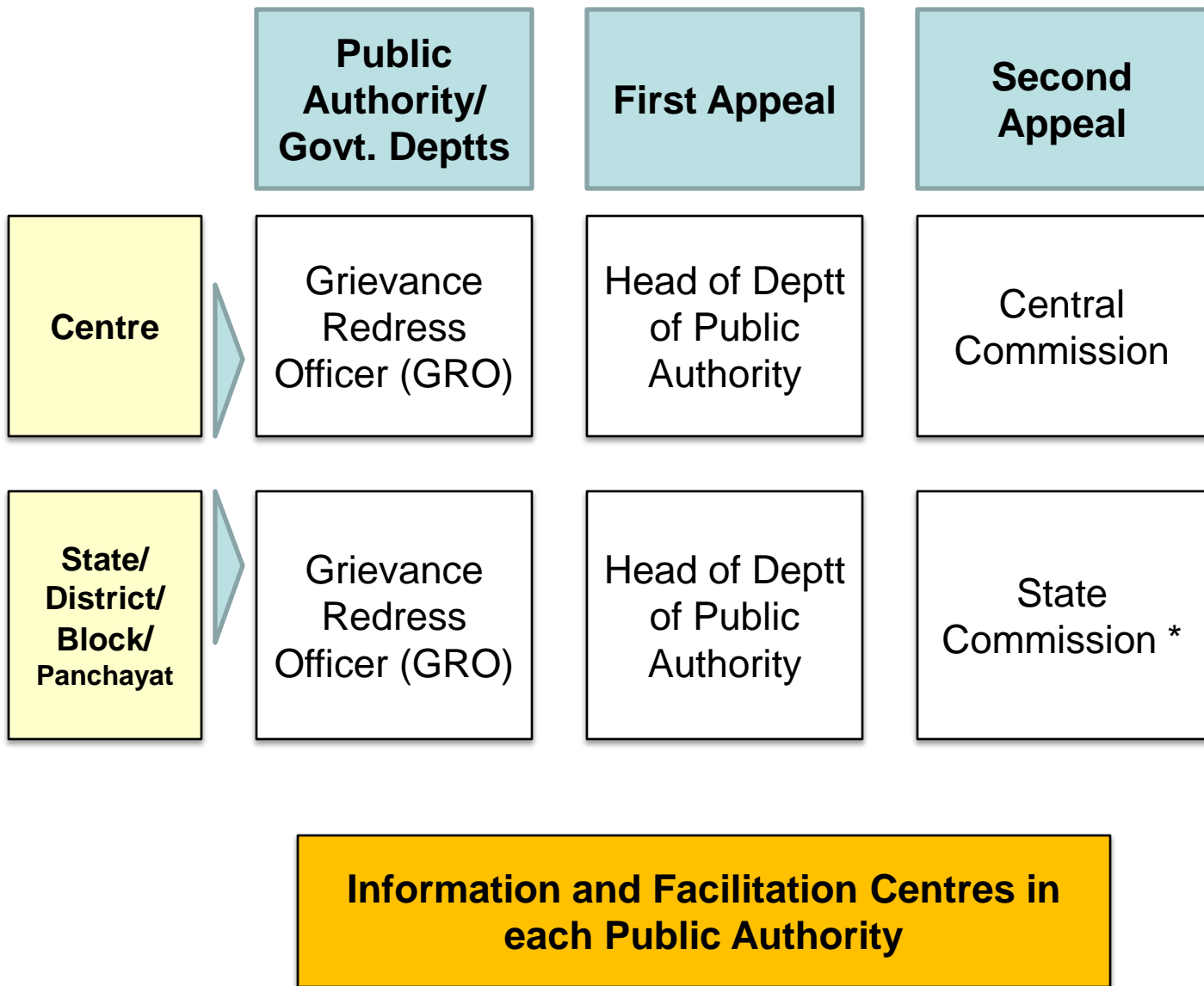
1. There will be a **Citizens Charter**, containing category of goods and services rendered by it, the time within which such goods or services be rendered.
2. Any violation of the Citizens charter will result in time bound grievance redressal and also penalty / disciplinary action.
3. Bill can be enacted as a central legislation under the concurrent list Item 8 (actionable wrongs) and can cover:
 - a. Central Schemes and Central Government Departments
 - b. Provide a Platform to States to make this a Grievance Redressal Mechanism for State Schemes and Departments
4. Bill will incorporate the institution of **Information and Facilitation Centre in all public authorities** to ensure that Citizens can be facilitated and grievances are systematically recorded and tracked using telephone, sms, web etc.
5. First level Redress should be within concerned department as proposed. This should be done through a **Grievance Redress Officer** in each department
6. The second level redress/ appeal will be at the level of Head of the Department of the public authority.
7. **Central / State level Grievance Commissions** should be set up as second level appellate authorities.

Objectives

To get committed standards of public service and redressal of grievances in the stipulated time limit, the Citizens Right to Grievance Redress Bill will seek to enumerate;

1. **Grievances**: Any violation of Citizens Charter and implied obligations of public authority
2. **Liability and Penalty** : To identify liabilities of public servants in case of default and to impose **penalties** for failure to deliver services or redress grievances in a time-bound manner and disciplinary action;
3. **Architecture**: To ensure an appropriate, decentralised and citizen friendly mechanism to redress grievances arising out of the violation of the above.

Institutional Structure



** Appeals against decisions of State Commissions will lie with Central Commission*

Key Features

1. Statement of Obligations in Citizens Charter

A document declaring the obligations, duties, commitments of a public authority for providing services effectively and efficiently with acceptable levels of standards, time limits and designation of public servants for delivery and grievance redress including:

- Goods and services to be provided to the citizens
- Process by which public can access the goods and services that they are entitled
- Conditions under which a person becomes eligible for the goods and services
- Tangible parameters and timelines, applicable to the goods and services
- Time-frame within which the public authority shall dispose complaints
- Individuals responsible for the delivery of each good and service and those responsible for the supervision thereof

Citizens Charter to be verified and updated every year

Key Features

2. Grievance Redress Officers

- Every public authority shall, within six months, designate Grievance Redress Officers (GROs) in all offices at the Central, State, district and sub-district levels under it to receive, enquire into and redress any complaints from citizens
- There shall be GRO(s) in each Public Authority
- GRO shall ensure that:
 - (a) the grievance is remedied within 15 days
 - (b) the reason for grievance is identified and responsibility of the defaulting office is fixed and grievance is redressed satisfactorily
 - (c) where appropriate, action is taken in accordance with conduct rules and departmental procedures, and recommendation made for penalty to be imposed
- GRO to provide all necessary assistance to citizens in filing complaints, including converting oral to written

Key Features

3. Head of Department of Public Authority (First Appeal Level)

- Complaints, if not addressed within 15 days, come automatically to **Head of Department (HOD) of the Public Authority**
- Complainants can also come to Head of Department of the Public authority for appeals
- Appeals before the HOD to be disposed of within 30 days
- Powers of **Head of Department of the Public Authority**
 - Can issue directives to public authorities to grant complainant rights or benefits
 - Can impose penalty and initiate disciplinary action for delays
 - Can order timely creation, updation and wide dissemination of Citizens Charters
- State and Central Commissions for second level of appeal against the decisions of the HOD of the Public Authority

Key Features

4. Central & State Grievance Commissions

- Quasi-judicial Bodies to ensure that grievances are adequately addressed
- At two levels
 - **Central Public Grievance Commission** at Centre
 - **State Public Grievance Commission** at State
- Role of Central and State Commissions
 - Study and recommend relevant policies and implementation processes for the development of grievance redress mechanisms,
 - Receive appeal against the decisions of the HOD
 - Receive and enquire into a complaint from any person;
- Appointment of Commissioners through inclusive non-partisan search committees and bipartisan selection committees

Key Features

5. Action Taken Report (ATR)

A mandatory report provided to the complainant by the GROs or the HOD of the Public Authority or the State Commission or Central Commission in response to a complaint or appeal

- GRO shall ensure that the complainant is informed in writing the manner in which the grievance is redressed in the form of an Action Taken Report (ATR)
- Any individual aggrieved by a decision of the concerned GRO or who has not received an Action Taken Report (ATR) can appeal to the HOD of the Public Authority
- Any person aggrieved by the decision of the HOD of the public authority may appeal to the State/ Central Commission

6. Information and Facilitation Centres (IFCs)

Every Public Authority shall establish IFCs for efficient and effective delivery of services and redressal of grievances, which may include:

- Customer Care Centre
- Help Desk
- Call Centre
- People's Support Centre

Role

- IFCs to assist citizens in filing/ tracking complaints:
 - Assist citizens in filing complaints
 - Give an acknowledgement receipt
 - Forward the complaint to the appropriate Grievance Redress Officer
 - Proactively track of the applications filed and the actions taken

Key Features

7. Penalty Provisions

- If Grievance remains unaddressed in the stipulated time, designated officers / GRO will be penalised
- Disciplinary Action may also be taken against the defaulting public servants

8. Citizens Charter

- Every Authority will adequately publicise the Citizens Charter
- There will be a clear and simple mechanism to access services as per the relevant Citizens Charter which is being spelt out in the Bill
- Violation of the Citizens Charter will constitute a Grievance and Citizen will have recourse to immediate redress

9. Process of Complaints

- Citizen makes complaint in writing or orally (through phone, texts or other means) to relevant GRO or to the local Information and Facilitation Centre
- All complaints shall, within one day, be acknowledged by a receipt
- GRO shall take steps to remedy the grievance within a period of 15 working days provide an Action Taken Report
- Where GRO feels that complaint does not have merit, he shall communicate to the person making the complaint along with reason for such closure and procedure for appeal
- Citizen may appeal against the action (or lack of action) to the HOD of the Public Authority, and further to the State Commission and Central Commissions respectively

10. Information Technology Framework

- Every HOD of the Public Authority shall use electronic mode including internet and shall be responsible for the modernization and reform in service delivery and grievance redress system

11. Tackling Corruption

- Where the **Grievance Redressal Officer** believes that the public servant responsible has willfully neglected to deliver the good or service or there exist prima facie grounds for a case of corruption under the Prevention of Corruption Act 1988, he shall make an observation to that effect refer the same to appropriate authorities;
- Where it appears to the **HOD of the Public Authority or State Commission or Central Commission** that the grievance complained of is prima facie indicative or representative of a corrupt act in terms of the Prevention of Corruption Act 1988, then it shall record such evidence and he shall make an observation to that effect refer the same to appropriate authorities