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Right to Public Services provided by the State Government – Comparative Study of State
Laws and need for a Parliamentary Enactment.

-By PSM

Words- 4,501

"At the time of elections people are the most important. After that the government ignores them. The Chief Minister, Ministers, and bureaucrats, all think that they are perfect and wisdom cannot reside outside this group.

When we listened to the people, we found that nobody looked at the Citizens Charters and nobody bothered about the details. We wanted, then, to introduce a Citizens Charter Act. There were a number of doubting Thomases. But the question we asked was if we are giving rights through the Charters why are we scared of fixing responsibility?"

This was born the MP Lok Sevaan Ke Prdhan Ki Guarantee Adhiniyan."

This speech by Madhya Pradesh's Chief Minister clearly summarizes the thought behind right to public service. Public administration in India is generally perceived to be unresponsive, insensitive and corrupt. To change this image Union and State governments took various steps like Citizens Charter, RTI etc. But among all these mechanisms Right to Public service is a path breaking approach, making citizens entitled to quality service delivery.

Most of the thoughts about development focus on need to run new plans and programs, creating massive infrastructure, economic investment etc. In this rhetoric crucial aspect of development that is delivering efficient and quality public services is neglected. Right to Public Service is the step towards addressing this problem of inefficient and poor quality service delivery.

What is Right to Public Service (RTPS)?

RTPS is a rights-based approach for a more accountable, transparent and responsive delivery of public services. The Act guarantees time-bound delivery of notified services for a citizen eligible for the service, failing which the government servant is liable to be monetarily penalized under the law.¹ In short it operationalises citizen's charter by making citizens entitled to service delivery legally. It is shift from dependency based *Mai Bap Sarkar* Approach to Empowerment oriented right based approach.



It changes the relationship between Citizens and government from ruler and subjects to service agent and client or consumer. This was focal point of movements like New Rights Philosophy, New Public Management approach etc. Unspoken hassles, corruption, delayed services with lack of transparency by some errant public servants with a sense of impunity in their Government Departments is the reality of the most government offices. Right to public service is aimed to transform this culture of delay into culture of quality public service delivery as it makes citizens entitled to service delivery. They enable the service seekers to avail the services of the government departments with minimum inconvenience and maximum speed.² These are expected to indicate 'WHERE TO GO' and 'HOW TO PROCEED'. On the other hand, it makes the service providers aware of their duties to attend to the problems of the concerned citizens within a reasonable time-frame.

Why to make it a right?

New rights philosophy was first to advocate right based approach for public service delivery and new public management provided the tools for the same. Focal point of these reforms was creation of Citizens charter and grievance redressal mechanisms. But with traditional status quo bureaucracy, these measures failed to deliver economic, efficient and effective services. Indian states hence adopted this right based approach with Madhya Pradesh and subsequently 19 states till date enacting right to service delivery. By making service delivery a legal right, it empowers the citizens as they can get their right legally enforced to avail service delivery within stipulated time limit. Through this citizens can hold administration accountable for their performance. Appeal and grievance redressal mechanisms within the RTPS ensure that problems of citizens are properly addressed. Hence citizens are no longer at the mercy of bureaucracy, RTPS is ensuring citizen centric and demand driven service delivery. Before looking at the experience of state let's have a look at previous mechanisms dealing with delivery of public services.

What were the previous initiatives to improve service delivery?

Sevottam model aptly summarizes the mechanisms to improve service delivery which has following components-

- **Citizens Charter-** In simple terms it is set of commitments made by organizations to its clients. Its Main aim was to make administration accountable by spelling out standards of service delivery in the charter.
- **Grievance Redress Mechanisms-** Apart from the grievance redress mechanisms of individual departments, The Centralized Public Grievance Redress and Monitoring System (CPGRAMS), a web based portal was launched for lodging complaints by the public in 2007. However pendency of cases is still high.
- **Developing service delivery capabilities-** By proper training and monitoring.



Why Citizens Charter And Grievance Redressal Mechanisms Failed?

Since all these existing mechanisms didn't have legal backing, it leads to following problems-

1. Lack of administrative will since citizens charters are voluntary in nature:

Though effective in theory, The Citizen's Charter initiative is facing some major roadblocks in implementation as it is not legally binding but voluntary in nature. A review done by a 2008 study of the Citizen's Charters conducted by Indian Institute of Public Administration found out that many charters were nonexistent or outdated lacked precision on standards, commitments and mechanisms. The study, after careful assessment of the charters concluded there was lack of organizational clarity.

and information and the mechanism for processing of suggestions and systematic review was missing from 98 percent of the charters⁵

2. Complex rules and procedures hampering service delivery

Procedures, Rules etc. for availing service delivery were complex instead of being citizen friendly. Naturally it paves way for corruption. Due to high information asymmetry, officers were indulged into corrupt activities and exploited citizens with impunity.

3. Corruption due to lack of transparency and accountability:

Since there was no responsibility on specific officials for service delivery, accountability and transparency was absent. Long queues outside public offices, people running around collecting hundreds of documents was the common scene in every government office

4. No citizens participation as they were viewed only as a subjects-

Citizens were viewed as mere passive subjects. Sovereignty of citizens was present only in theory. Errant government officials, Corrupt middle men and complex rules and procedures exploited citizens financially as well as mentally.

5. Reactive administration apathetic to citizens needs-

Elitist bureaucracy was apathetic to citizen's needs and demands. Since they had security of tenure and enormous powers without corresponding responsibilities for performance they enjoyed the game of passing buck in which the citizen whose interest are supposed to be of paramount importance suffered.

What Was The Experience Of States Enacting RTPS?

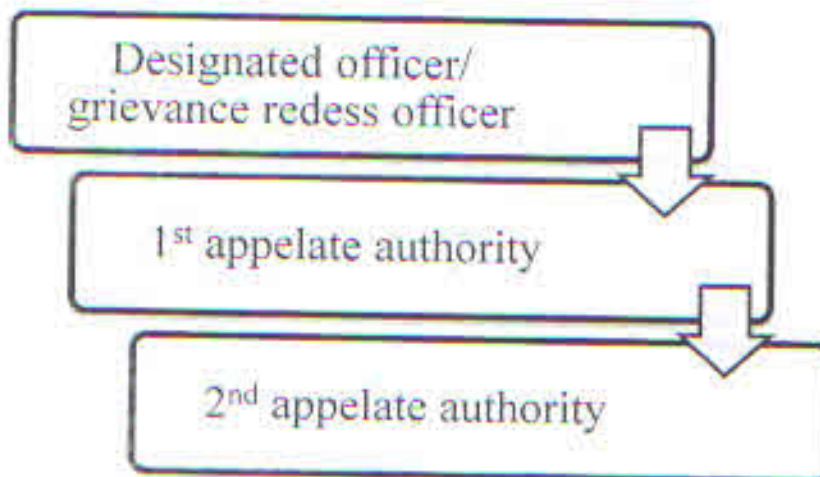
Till date 20 states have adopted right to public service legislation with general provisions as follows:

I. Machinery:

A. Nodal Departments:

Only Madhya Pradesh has the exclusive *Department of Public Service Management* for providing impetus to the implementation of RTPS. Other states have Revenue department, General Administration Department, Administrative Reforms departments etc. as a nodal departments for RTPS

B. Officials involved:



Most of the states follow hierarchy stated above. Some states like Maharashtra, Haryana, west Bengal etc. have constituted Right to public service commissions as a supervisory body. It can take Suo Moto notice of failure to deliver services in accordance with this Act

C. Implementation process:

ICT is used as a tool for service delivery which makes the process transparent and citizens friendly. To increase the reach of RTPS, some states have established dedicated service centers. For example, Madhya Pradesh has established Lok Seva Kendras (LSK) at Block level for single window delivery of services. In Bihar, RTPS Counters have been set up at all Block Offices, District Collectorates and other offices delivering services notified under the Act. IT managers have been placed on contractual basis in all 38 districts and key departments to support the IT initiatives under RTPS. IT and Executive Assistants have been contracted for all 534 blocks for manning computerized application receiving counters. Technology has been effectively used for implementation of the Act so as to simplify service delivery processes and ensure transparency. These include the Adhikar software, the Jigyasa call centre and interactive voice response system- Samadhan

2. Services Included:

These variations in services and departments notified in the states and are in part due to the local realities related to -

- a) Levels of simplicity in definition of service and delivery of the same;
- b) Strength of existing processes of service delivery; and
- c) The local demand from citizens for particular services.
- d) Willingness of various departments to include some of their services under the guarantee legislations.

Some of the commonly provided public services, including issuing caste, birth, marriage and domicile certificates, electric connections, voter's card, ration cards, copies of land records, etc.

3. Monitoring:

Only Madhya Pradesh has exclusive department of public service management while in other states departments like revenue, general administration undertake the monitoring. States like Madhya Pradesh, Jharkhand, Maharashtra have 'online dashboards' which gives Service wise and Department wise statistics of applications for service, pendency etc.

4. Penalty and compensation:

All State Acts prescribe penalties for delay in providing services. Penalty amount varies from State to State. Most of the States have provision of minimum penalty of Rs 250 and maximum Rs 5000. There is no rational scheme of penalty and compensation.

5. Timeline:

Wide variation in the timeline¹ for delivery of services can be seen across various states. Here competitive federalism can be game changing by ranking states according to performance in service delivery.

6. Incentives:

Almost all acts are punishment centric. West Bengal is the only state to have a reward for designated officer for timely services. The reward is upto Rs 1000 in one financial year along with appreciation certificate.

7. Stakeholders:

The act is applicable to all State Government Departments, Local self-government like three-tier Panchayats, Municipalities, Municipal Corporation and to anybody owned, controlled or substantially financed by the State Government and non-government organization substantially financed by funds provided by the State Government.

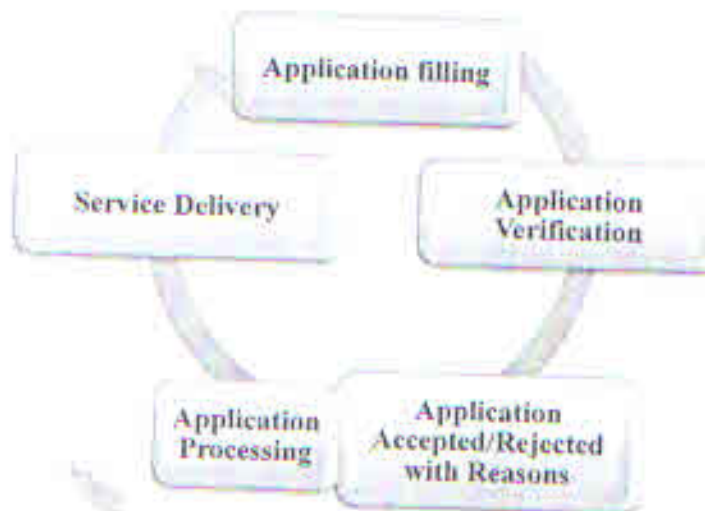
What lessons we get from the experience of states?

1. RTPS Ensures access to public services:

In the neo liberal era government still remains the main service provider. Due to right to public service citizens become entitled to service delivery without being at the mercy of government. Since it is legal right they can get their right enforced and grievance redressed through appropriate authority. Need to visit government offices frequently, standing in queue etc. time consuming processes are no longer needed. Further many states are delivering services at doorstep. RTPS is making service delivery Available and accessible.

2. Citizen friendly service delivery:

Most of the states have created online portals from which citizens can apply for services, track status of their request, appeal to designated authorities against delivering officer etc. With the usage of digital technology as a tool to service delivery it is making service delivery mechanisms simple and citizens friendly.



3. Speedy and hustle free delivery:

Timeline for the delivery of services is notified through the act violation of which invites penalty. Hence it ensures service delivery on time which is the main aim of this legislation. In Uttar Pradesh in almost 87% of the cases services were delivered on time, while in Maharashtra in 62% cases service delivery was on time. Hence it has started a shift from bureaucratic red tapism to speedy and hustle free service delivery.

4. Increases Transparency:

By clearly mentioning standards of service delivery, time required, concerned officials, the right to public service enhances transparency in the process of service delivery. Further most of the states use ICT based mechanisms as a medium to deliver services which ensures transparency.

5. Fixes Accountability and responsibility:

Under right to public service act, designated officer is responsible to deliver service in time bound manner. In case of rejection of application, he has to give valid reason for the same to the applicant. If not satisfied, applicant can appeal to first appellate authority which examines the case and have power to penalize responsible officials for default. Further applicant can appeal to 2nd appellate authority and third appellate authorities like Public Service Commission (e.g. in Maharashtra). Hence officials are accountable to citizens as well as superiors.

In Madhya Pradesh, SMS is used for sending reminders to designated officials about pending applications and the number of days they have remaining with them to ensure compliance with the RTPS Act time stipulations. Further Officer Wise and department wise statistics of applications received, pending and disposed is published on the RTPS website which is the most innovative and effective way of ensuring responsibility for performance.

6. Reduces corruption:

Secrecy, Red tapism, delays, power asymmetry, faulty attitude etc. lead to corruption. Common citizens face corruption in day to day life mainly in Service delivery which costs them financially as well as mentally. But due to right based approach, Corruption in service delivery has reduced drastically. Study in district of Bihar through field visits and citizens feedback shows that pre RTPS there was 52% dependence on intermediaries while post RTPS it reduced to 21%⁵.

7. Sense of duty and motivation to perform better in officials:

Right to public service reminds the official the main goal of administration that is efficient and effective service delivery to citizens. As observed by Goal setting Theory of Edwin Locke, "Specific and difficult goals with provisions for feedback lead to high performance." By providing target timelines, right to public service creates sense of duty in officials and sets goals for the performance.

West Bengal gives monetary incentives for better performance; Madhya Pradesh has adopted unique method of ranking officials based on their service delivery performance. Further it displays names of five best performing officials on the website which acts as motivation and example for others.

8. Empowers citizens:

Under RTPS, administration treats citizens as consumers or clients, entitled to quality service. Hence citizens can demand service and get their grievances redressed. Citizens are not mere passive spectators in the RTPS paradigm but active agents in governance and play crucial role in ensuring performance, accountability and transparency. It has reinvented the Public aspect of the Public Administration which was lost due to overemphasize on bureaucratic self aggrandizing administration.

Given the enormous benefits of RTPS let's have a look at draft central law on RTPS.

What were the provisions of central RTPS legislation?

The Citizen's Charter and Grievance Redressal Bill 2011 also known as The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011 or Citizens Charter Bill was proposed in Lok Sabha in December 2011. The bill lapsed due to dissolution of the 15th Lok Sabha. The Bill, as part of the concurrent list like the Right to Information Act, sought to confer on every citizen the right to time-bound delivery of specified goods and services and to provide a mechanism for grievance redressal. The Bill proposed to make it mandatory for every public authority to publish a Citizen's Charter within six months of the commencement of the Act. The Bill proposed to make incumbent on government officials to address citizens' complaints within a specified time, failing which the official concerned would face action, including a fine of up to Rs. 50,000 from his salary and disciplinary proceedings. It was expected to give people right to compensation if they do not receive their entitlements, promised under the law within a specified time. Thus, it was expected to address graft and lack of delivery on entitled goods and services at the grassroots level. Since the proposed Bill was part of the concurrent list, it was to be applicable on the states also.⁵

In brief-

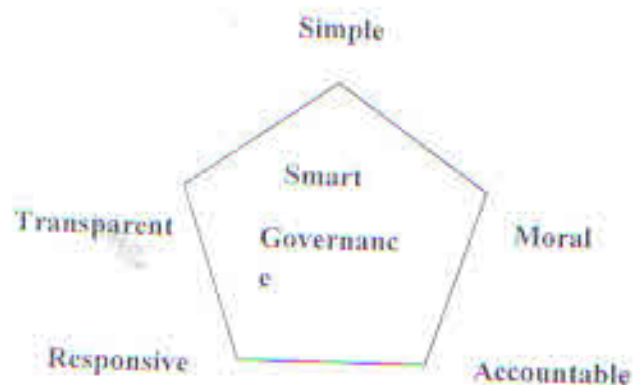
1. Each public authority shall be responsible for ensuring the preparation and implementation of Citizens Charter, within a reasonable time, and not exceeding one year from the coming into force of this Act.
2. Every Citizens Charter shall enumerate the commitments of the respective public authority to the citizens, officer responsible for meeting each such commitment and the time limit with in which the commitment shall be met.

3. Each public authority shall designate an official called Public Grievance Redressal Officer, whom a complainant should approach for any violation of the Citizens Charter.
4. Every public authority shall review and revise its Citizens Charter at least once every year through a process of public consultation.
5. Lokpal may direct any public authority to make such changes in their citizens' charter as are mentioned in that order.
6. The Bill deals with government departments that deal directly with citizens which includes:
 - Constitutional bodies,
 - Statutory authorities,
 - Public-private partnerships,
 - NGOs substantially funded by the government and companies that provide services under a statutory obligation²

Why do we need RTPS at central level?

1. Benefits as noticed in the states RTPS experiment

Making service delivery a legal right is a way towards 'SMART' governance.



Since all the processes involved in service delivery are stated online, citizens can easily apply for services. By making service delivery 'A right' it imposes a moral obligation on administration to deliver on promises made. Accountability in RTPS is both to superiors and to citizens. By delivering services proactively administration becomes responsive to the needs of citizens. And at last, all these simplified ICT based processes ensure transparency.

2. Scope of act:

Scope of central act will be wider covering all Constitutional bodies, statutory authorities, Public-private partnerships, NGOs substantially funded by the government etc. In the era of good governance, government is operating through networks. Hence private players, civil societies are also involved in service delivery. Only strong central RTPS law can ensure accountability of these various players involved in service delivery.

3. Focus on quality:

Main thrust of Central law on RTPS was operationalisation of citizen's charters. By operationalizing citizen's charter, it would have ensured 'QUALITY' service delivery which is missing in the state RTPS legislations.

4. Uniformity:

Though 20 states have enacted RTPS act, only few are delivering on the promises made. By enacting RTPS act at central level it will ensure that every state follows RTPS in letter and spirit.

5. Cooperative federalism:

By bringing all stakeholders under umbrella law, states can learn from the experience of each other fostering cooperative and collaborative federalism.

6. Competitive federalism:

By developing proper performance indicators it can harness the spirit of competitive federalism to ensure quality service delivery.

Hence enacting RTPS legislation at central level will be crucial step towards good governance. In federal polity, service delivery happens at central, state and local governments level. Further involvement of private agencies and civil societies in service delivery necessitates a robust central RTPS framework. But before moving forward following challenges need to be considered before enacting it at central level as they provide a chance to improve and innovate.

Challenges:

1. Defining the scope of the act

It is crucial step since many government agencies lack capacity to deliver quality services. Hence comprehensive activity and capacity mapping will be needed to identify services and set timeframe for their delivery. Kerala has identified these activities using 'Life event model' which identifies services required to every human being in different stages of life. For example services required at birth then as a student after that as a worker or household etc.

2. Stakeholder mapping :

It will be needed to ensure participation of all stakeholders. Public service standard should be prepared in consultation with the employees of the department dealing with the public, in addition to its officers and the service users, by publishing the charter and inviting suggestions from all concerned.⁵

3. Demand side sensitization:

In the implementation of RTPS, it is not enough that citizens are made aware and given information about their right and services notified under the Act. For RTPS to be effective, citizens must know a) Content of the service, b) eligibility, c) process and cost of accessing the service, d) process of approval, delivery and maintenance of service. In most cases the service announcements declare eligibility in broad terms. Thousands of eligible citizens cannot access a service, not because they are not eligible but because they cannot produce evidence to that effect, as asked. There must be clear eligibility statements.

Madhya Pradesh government undertook a large Campaign to sensitize citizens on the RTPS. Special Gram Sabhas were also organized where teams made presentations regarding the provisions and processes of the Act. Another initiative of the GoMP was the Lokseva Week and Lokseva Day for generating awareness.

4. Supply side sensitization:

Awareness and training of service providers is sine qua non since quality service delivery is not possible without right attitude and right skill set. Citizens serving rather than self serving bureaucracy is the prerequisite of RTPS. In long terms serious reforms in the civil services will be needed.

5. Capacity building:

Many services are provided at the decentralized levels where there is shortage of funds and staff. This challenge is mainly faced by rural and urban local governments which are service delivery agents for basic services. Hence adequate devolution of Funds, Functions and Functionaries is crucial.

6. Efficient management information system (MIS) :

MIS with ready access to government records and data for monitoring and tracking of applications increases the effectiveness of service delivery. Real time online dashboard like that of Maharashtra, Madhya Pradesh is needed for the monitoring of the RTPS. Further given the federal structure of Indian polity, management information system need to link every tier of government right from local to central level.

7. Simplicity:

Reduction of complexity, in procedures and clarification on identification and documentation requirements for a particular service for the purpose of eliminating subjectivity will need process reengineering. RTPS portal too need to be citizens friendly, guiding them properly throughout the service delivery process. Interactive systems like 'Samadhan' in Bihar will be helpful.

8. Incentives and disincentives:

Motivational thinkers like Frederick Herzberg, Douglas McGregor have stressed the importance of motivators in the administration. To make RTPS sustainable and proactive, management of the economy of incentives is must. Hence incentives and disincentives for government officials including, but not limited to penalties, impact on performance assessment, promotions, and rewards are crucial to ensure proactive service delivery.

9. Grievance redressal mechanisms /appeal mechanisms:

They are not uniform creating confusion. Overlapping between various mechanisms need to be avoided to ensure speedy redressal.

10. Delivery/ Tracking/ Monitoring of service requests:

Are need like that of 'Sakala' model of Karnataka.

11. Illiterate and remote population:

The Acts would eventually need to address the needs of remote and marginalized populations. At present the focus of implementation is on assumed permanent residence of citizens. There will be illiterate and remote populations to whom the service guarantee is not able to reach. The challenge is also to create awareness amongst such citizens about the Act, sensitize service delivery officials and ensure services reach this population.

12. Need to shift from process centric to Quality Centric:

Every act defines Right to Public Service as a right to avail service delivery in stipulated time limit. However crucial aspect of Quality and Standards of service delivery are neglected. This problem can be addressed by operationalizing citizen's charters as envisaged by central RTPS act.

13. Lack of administrative and political will:

In many states, website for RTPS is not properly designed and updated denoting lack of administrative as well as political will. Lessons need to be learned from Madhya Pradesh and Maharashtra which have excellent RTPS websites with updated information. Further many states have not increased the number of services provided under RTPS which is the sign of reactive and status quoist administration.

Conclusion:

Given the multiple benefits, right to public service is win-win situation for both government and citizens. On the one hand it provides Quality service delivery to citizens and also provides impetus to improvement in governance. By adopting it at central level it will ensure Citizen Centric Governance.

Way forward:

From the experience of states the right to public service should be motivation oriented rather than punishment centric. Penalty provisions of most states Acts were harsh and could affect the motivation of service providers, which need to be reviewed². Given the multi dimensional nature of motivation, innovative mechanisms will be needed to sustain improvements in performance.

Further every state defines right to public services as right to time bound services which needs to be expanded as right to quality public services. Here citizen charter can be helpful for setting standards of service delivery. Setting standards and targets will help administration to develop and improve continuously.

While enacting central legislation, adequate flexibility should be provided to states as their capacity to deliver varies. Here competitive federalism can be a game changer. By ranking states based on service delivery performance it can ensure that Right to Public service is followed in letter and spirit. For this Performance Indicators need to be developed which can be done by the agencies like NITI Aayog.

Strong political will is needed to adapt right to public service at centre which is crucial to ensure ease of living and ease of business. There is a need for the officers and staff dealing with the public to realign the mindset from the present Raja-Praja syndrome so that harmonious relations prevail between the service providers and the service users/consumers. The services promised by a Department should be rendered without any discourtesy or harassment. In this connection the oft-quoted statement of Mahatma Gandhi, Father of our Nation, bears reiteration⁵.

"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 to our business; he is part of it.

We are not doing him a favor by serving him, he is doing us a

Favor by giving us an opportunity to do so".

Right to Public Services realizes this vision by making public service delivery citizen centric and demand driven. However only enacting the RTPS is not going to lead towards good governance. Ultimately success of RTPS will be determined by the proactiveness of administration in ensuring quality public service delivery. For this following principle of service delivery as given by 2nd ARC must be followed to ensure that RTPS is enforced in letter and spirit.

- Set standards of service
- Be open and provide information
- Consult and innovate
- Encourage access and promote choice
- Treat all fairly
- Put things right when they go wrong
- Use resources effectively
- Innovate and improve other providers

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