Right to service act: A modern approach curbing the bureaucratic red-tapism

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Abstract
The research paper examines how the Right to Service provides a statutory backing for ensuring timely delivery of services. It also discusses its main thrust which aims at providing the service first and then starting the proceedings against erring officials. The paper initially will examine the origin and definition of Punjab Right to Service Act, 2011 which has dynamically provided sufficient scopes to include new services, amend timelines, and adopt new technology and innovations without long administrative procedures.

Further, the paper will focus on quality and time frame service delivery, grievance redressal mechanism and accountability. Analysis will be made on how awareness and auto mobility with sense of responsibility can be rendered, and how the service seekers can avail the service of government department with minimum inconvenience and maximum speed. Followed by presenting the reformation by increasing the number of departments and increasing the number of services.

The paper throws light on, how government should be able to analyze market conditions, set policy frame works enable community self-provisions and provide consumers with their options and remedies. It also pinches out the role of the state in the context of a privatization process by ensuring order of compliance.

The most important aspect of the paper is dealt under the topic 'Better hypothesis for firming The Right to Service Act' explains to establish uniform legislation and to stop bureaucracy and introduce e-machines and data should which be kept in the computer/e-data, provide more funds to the departments so that the data is not misplaced, manipulated or leaked, to diminish corruption by setting up a basic amount of wherewithal so that revenue is also generated, manual work is reduced and service is easily accessible starting it from the grass root level. In addition public grievance redressal and complain mechanism must be firmly implemented, so that the trust of public is strengthened and the government functions with fidelity.

Keywords: right, service act, government department

Introduction

"Power doesn't corrupt people, people corrupt power" so as the case in our country, ironically majority of the basic services comes under the domain of government departments and it is not easy or sometimes impossible for a common man to get their work done without bribing the officials making the whole system shallow and corrupt. Introduction of Right to Service Act in the states and under ambit of bill, all the basic services' will include like ration card, passport office, municipal committee etc. and sadly but yes people face harassment in the government departments. Therefore the legislature to curb this major problem implemented Right to Service Acts in various states and now government's forty six services' are entitle to give public time bound services' otherwise concerned department will be entitle for monetary fine.

Indian [1] Railway Construction Co. Ltd. V. Ajay Kumar Rule of Law requires that government operate within the confines of the law; and that aggrieved citizens, whose interests have been adversely affected, be entitled to approach an independent court.

Historical Background

The recent spate ofRight to Public Service Acts can trace their genealogy to the Citizen's Charter movement of the late 1990's and early 2000's, which saw hundreds of charters promulgated by government departments at the national and state level. These charters detailed what citizens could expect from the government. However, many felt these charters lacked the precision necessary to be effective. As a 2008 Administrative Reforms Commission sponsored survey of these charters found, "Almost 41% of the Charters under consideration did not indicate any timeframe for redress of public grievances, 61% of them did not indicate any timeframe for acknowledging the receipt of public grievances and nearly 43% of them did not have the timeframe for responding to the petitioners. None of the Charters reviewed specified whether a petitioner would be conveyed the reasons for rejection of his grievance." Nor did these charters mandate any penalties against the government or its officials if they were violated. To address these perceived failures, the Right to Public Service Acts mandate that covered services are clearly stated and must either be completed or denied (with explanation) within a specific timeframe.

Right to Public Service Acts in the states has largely been promoted by politicians, especially Chief Ministers, and some top bureaucrats. Civil society, except for at the centre, has largely played a minor role in proposing or pushing for these

acts. This pattern is striking. It may be that state Chief Ministers are simply trying to score quick political points. However, this trend may also provide further evidence that many of these acts are best understood not so much as an empowerment of citizens over lower officials, but rather as a tool by which top level officials and politicians can regain control over the lower tiers of the bureaucracy. Hierarchical government control in many Indian states has broken down and these acts are seen as one

Method to attempt to regain it. M. Rengaramanujam v. State Represented [2].

What is Right to Services?

Right to Public Services Legislationin 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 ensures 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.

How it works?

- The common frame work of the state legislations includes, granting of "right to public services", which are to be provided to the public by the designated official withinthe stipulated time frame.
- The public services which are granted as a right are generally notified through Gazette notification.
- 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., within the fixed time frame.
- On failure to provide the service by the designated officer, the aggrieved person can approach the First Appellate Authority. The First Appellate Authority, after making a hearing, can accept or reject the appeal by a written order stating the reasons and intimate the same to the applicant. It can order the public servant to provide the service to the applicant.
- An appeal can be made against the order of the First Appellate Authority to the Second Appellate Authority, who can either accept or reject the application, by stating the reasons for the order and intimate the same to the applicant. It can order the public servant to provide the needed service to the applicant and/or can impose penalty on the designated officer for deficiency of service without any reasonable cause. Penalty rates vary from state to state. Besides, it may recommend disciplinary proceedings.
- The applicant may be compensated out of the penalty imposed on the officer.
- The appellate authorities has been granted certain Civil Court powers while trying a suit under Code of Civil Procedure, 1908, like production of documents and issuance of summon to the Designated officers and appellants. State of M.P. v. Rameshand ANR [3].

Punjab Right to Service Act: To enhance accountability, transparency and reduce inconsistency in service mechanism

An Overview of the Acts Implementation in Punjab

PUNJAB With a view to provide delivery of public services within time limits, Punjab enforced its Right to Services Act (PRTS Act-2011) on Oct. 10, 2011 for delivery of citizen centric 67 services, including certified copies of all documents at Village-level-record of land rights (Jamabandi), girdawri, mutation, demarcation of land, sanction of water supply/ sewerage connection, certified copies of Birth/Death Certificates, registration certificate of vehicles, fitness certificate for commercial vehicle, issue of driving license and renewal of arms license, all kinds of police verifications including passport verification, issue of various certificates such as caste, OBC, income, residence, registration of all kinds of documents, sanction of all social security benefits for old age/ handicapped/ widow, among others, would also come under its purview. The PRTS Act-2011 has empowered people to seek services in a hassle free, corruption free, transparent and time-bound manner through different service delivery mechanism. This will ensure that people take maximum advantage of time bound service delivery system. It is our firm belief that services delivered within the prescribed time limits and without any hassle will enhance credibility of the government functioning. Services included: Details of 149 notified services under the act for time bound delivery and along with the designated officers, First Appellate Authority, Second Appellate Authority Penalty: Officers failing to provide the services within the requisite time frame (varying from one day to 60 days) will face penalty ranging from Rs 500 to Rs 5,000, besides departmental action. It was expected to set up a commission to act as the final appellate authority. As per Section 12 of the PRTS Act-2011, a Punjab Right to Service Commission (PRTSC) consisting of 1 Chief Commissioner and 4 Commissioners has been constituted on Nov 23, 2011 to look after the effective implementation of the Act as the final appellate authority to hear revision applications against the orders of 2nd Appellate Authority.

The state government has issued amended notification in this regard and appointed designated officers to deliver services within stipulated time limit for the purpose of RTS Act. Besides fixing time frame for delivery of all services, the state government has also nominated first appellate authorities and second appellate authorities to decide appeals against the delays in provisioning of service. The endeavor of State government was to push reforms and accountability in its internal governance by bringing or introducing reforms in the present administrative system. As per new notification out of 206 services listed under the preview of RTS act includes 32 services related to home department, 30 services of health, 28 of local government, 14 of power and electricity, 12 of revenue, 14 of agricultural and mandi board, 9 each of social security and transport, 8 of technical education, 7 related to welfare of SCs and BCs. Other services include 5 of town and country planning, 3 of industry, 2 of rural development and panchayats and 1 each belongs to personal, food, civil supply and consumer affairs, rural water supply and sanitation, dairy development and grievances and pensions departments.

E-Governance in Punjab

E-Governance is the realization of good governance through the effective use of information and communication technology. The World Bank also defines e-Governance as the "use of information and communication technologies by government agencies to transform relation between citizen, business, and other arms of the government. It involves information technology enabled initiatives that are used for improving-

(i) The interaction between government and citizens or government and business i.e. e-Services. (ii) The internal governmental operations i.e. e-Administration. (iii) External interactions, i.e. e-Society."

More often the two terms e-Government and e-Governance are taken synonymous, but there is subtle difference between the two. E-Government is the structural aspect of government operations, whereas e-Governance is the outcomes of the government operations as experienced by those which are governed. The internet has ushered enormous possibilities that have had a fundamental impact on human society. The advent of internet technology has made it possible for the government to become e-enabled and transform itself into a government online. It offers an outstanding opportunity to react to demands of the citizens and business by offering new methods of services delivery to meet their demands. There is healthy competition among many states including Tamil Nadu, Kerala, Maharashtra, Gujarat, Madhya Pradesh, Rajasthan, Delhi, Punjab and Himachal Pradesh to initiate many e-Governance projects. The National e-Governance Plan (NeGP) has been formulated by the Department of Information Technology (DIT) and Department of Administrative Reforms & Public Grievances (DAR&PG). The Union Government approved the National e-Governance Plan (NeGP), comprising of 27 Mission Mode Projects (MMPs) and 10 components on May 18, 2006 Out of these 27 Mission Mode Projects, 10 Mission Mode Projects are specifically categorized as state government projects.

Further Punjab state has established Punjab State E-Governance Society (PSEGS) with the primary objective to administer the implementation of e-Governance projects for the overall benefit of the citizens and public by setting up the necessary administrative, financial, legal and technical framework, implementation mechanism and resources in the State of Punjab. It will facilitate establishment of service center through the district level Societies or through other methods as an innovative way of providing public facilitation and citizen services where citizens can get various desired information and services. The main e-governance initiatives of Punjab State are as followings:

i) Punjab State Wide Area Network (PAWAN)

This project is launched to establish the basic structure of e-Governance services and is responsible for providing communication link of data, Audio and Video. This network would connect the state headquarters with three vertical layers for data, voice and video transmission- District, Sub-division and Block with 2 mbps minimum bandwidth. All Horizontal offices at each vertical layer would be connected to this network through nearest Point of Presence. PAWAN will be based on open standards, scalable with high capacity network to carry data, video and voice traffic between different offices of the Government of Punjab. PAWAN is also expected to help in the rollout of central applications covered under NeGP through interconnection with the national backbone as envisaged by Government of India as part of its PAWAN initiative. It provides the reliable and secure connectivity within the state administration to make the Government more productive at reduced communication cost. It also Provide secure backbone for encouraging electronic transaction and ensure that every citizen in the state has access to government services and information whenever and wherever they need it. Make services available in a cost efficient manner, offering public constituencies' equivalent access at an equivalent price, regardless of their location in the state of Punjab

ii) Property Registration Information System Module (PRISM)

This initiative is providing services related to Land (Purchase, Sale, Mortgage etc.) with computerized automatic manner. PLRS (Punjab Land Records Society) is responsible for this service. Punjab Land Records Society is a society established (under Registration of Societies Act, 1860) by the Government of Punjab to formulate strategies, polices, plans and to assist the State Government and Government of India in the effort to provide efficient and prompt services in the public matters relating to land and revenue, through the use of Information Technology and its related fields. The primary objective of the Punjab Land Records Society (PLRS) is to oversee, monitor the implementation of computerization and digitization of land records and related documents in Punjab for the overall benefit of the citizens and to provide land records related services through multiple common access infrastructures like Sukhmani Centers to the public. This project automats all major activities of Sub-Registrar office through single window system. Land record data is presently being digitized in all districts. 153 Common service centers at tehsils/sub tehsils level are being opened for delivery of services relating to land records and registration of properties in an integrated manner across the State.

iii) Integrated Treasuries Information System of Punjab (ITISP)

In order to bring more transparency in the treasuries and account department, this project aims at implementing the payment module, receipt module, pension module, bank module etc. online. The district treasuries are proposed to be equipped with interactive voice response system (IVRS) through which DDO's would be able to know the status of the bills. District Treasury offices are linked with the Treasury Website to check online account head wise reports for various purposes. This would enable to monitor the working of Treasuries and exchange data online from the State Headquarters and vice versa. It will also facilitate effective control over the expenditure by allocating DDO-wise allocation of budget to the Treasuries, whereby, it will not be possible for DTO to pass bills beyond the authorized appropriation. This has not only bring efficiency in system but has also the operation and management of state fund better way.

iv) Transport System (VAHAN), SARTHI

Computerization of Regional Transport Offices (RTO) and District Transport Offices (DTO) had been initiated by a number of state governments, notably Delhi, Maharashtra, Bihar, Goa, West Bengal and Punjab. However, the approach was different for each state keeping in view only the local requirements. The shape of documents was also non-uniform. Some states introduced plastic cards, some smart cards and others continued with paper based documents. Punjab Transport Department is pioneer in using Information Technology for providing citizen centric services. Computerization of department started 10 years ago with the implementation of VAHAN and SARATHI along with computerization of all the managerial functions of the Transport Department. Sarathi application is used for Issuance of Driving Licenses and Vahan application is used for Issuance of Registration of Vehicles. With the implementation of this project the District Transport Office is able to deliver Driving licenses and Vehicle Registration Certificates in 45 minutes which earlier use to take 10-15 days.

v) Agriculture Produce Marketing Information Network (AGMARKNET)

The Directorate of Marketing and Inspection (DMI) has sponsored AGMARKNET project which is being executed by the National Informatics Centre (NIC) on turnkey basis. Punjab State Centre of National Informatics Centre (NIC-Punjab) has Implemented AGMARKNET project which facilitates market fees collection, database of dealers, Issuance of Licenses for dealers etc. The State Agricultural Marketing Boards/Departments/Markets are collecting the desired market information and passing on the same to their respective authorities and Head office of DMI for onward dissemination. For easy interface with farmers and other beneficiaries a portal for Agmarknet has been developed to serve as a single window for accessing websites of various organizations concerned with agricultural marketing.

vi) Common Service Centre

The main features of the CSC Scheme are to roll out over 1,00,000 CSCs across the country, primarily in rural areas, with an equitable geographical spread that would cover at least 40% of the Gram Panchayat locations in every district of a State. It allows for rural entrepreneurship for the base at the front end & market mechanisms to determine the contents, along with Government services, to be piped through this delivery platform.

vii) E-District

This Project has been initiated by the government of Punjab to provide Integrated and seamless delivery of high volume, citizen-centric services at the District level such as issue of birth/death certificate, income and caste certificate, old age and widow pension etc. It target high volume delivered at the District level and to undertake back-end computerization to enable the delivery of citizen services and to integrate multiple applications, faster processing of public cases/appeals/grievances, dissemination of information as per public requirement and redesign the processes for the core services to be delivered. More than 4000 Certificates have been delivered to citizens through e-District. 5 services (Pensions & Caste Certificates) to go live shortly.

Policy Recommendations

- Do not expand covered services in Right to Public Service Acts beyond those that can be easily quantified and designated.
- Use Right to Public Service Acts as part of a broader strategy of public service reform. Such reforms for certificate-based public services could include providing single window counters for multiple similar services or requiring the giving of receipts with a timeline for the completion of a service.
- Properly staff public service centres, if possible separating those who accept the applications from those who process them.
- Truly independent appeal bodies designated solely for right to public service acts will likely prove too expensive to be cost-effective, especially if the number of appeals under these acts continues to be minimal. Instead, the government should consider creating independent administrative courts or tribunals that can take appeals concerning compliance not only with right to service acts, but a wider range of government programs from the implementation of the National Rural Employment Guarantee Act to the Integrated Child Development System. These tribunals should have the power to both grant awards to claimants, as well as levy penalties against officials.
- Invest in other grievance redress and accountability mechanisms such as public hearings by top level officials, grievance redress officers, auditors, and anti-corruption prosecutors. The credible threat of sanction by a combination of these actors is likely to be the most effective tool to improve implementation.
- Encourage politicians and top-level officials to make regular site visits and train them about how to spot-check whether a program is operating correctly or not.
- All proposed rules and regulations should have a public comment period. When proposing a new rule, the concerned department should write a memo a short cost-benefit analysis of adopting the rule.
- To promote right to service in rural areas legal aid camp, nukkarnatak (street plays), students workshop and other camp should be carried out so that people become aware of the facilities they provided with.

Right to Service and Good Governance

Right to Service is a revolutionary step and a cutting edge strategy for the achievement of good governance. It focuses annexing the gains made through earlier programs of the government and achieving sustainability by supporting the partner institutions to deliver services according to their mandates and ensuring good governance. The nexus of Right to Service and good governance is justified as follows:

a. The country context i.e. the challenges faced by India in terms of capacity of good governance, human rights and provisions of services to citizens

b. It's high degree of alignment and harmonization with national policies and constitution. The choice of

intervention areas and quality constitutions based on 5 quality criteria: relevance, effectiveness, sustainability, impact and efficiency.

Well the Right to Service program would target the following key issues for achieving good governance.

▪ Promote the right to participate in own development by empowering people of the society to plan and take decision in service delivery.
▪ Human rights protection, promotion and preservation would be observed to this mechanism.
▪ It would target poverty in India by enhancing a justified distribution of financial resources available and meeting to the particular needs identified in specific communities instead of a centrally driven service delivery.
▪ It would provide an affordable access to justice even at lower levels through empowering the court system to increase the use of alternative dispute resolution and mediation.

This Right to Service program would enhance the incentives of the local government to enhance their administration and provide fast effective appropriate and bias less service delivery to cater the needs of local people and ensure better governance. It would support to human rights and access to justice to the poor and marginalized and ensure better good governance. It would support capacity to provide quality local services through increased discretionary funding for harmonize transparent and targeted capacity building activities at local government level. It would support civil society in participation of citizens in public decision making, influence agendas on human rights, justice and access to social services resulting to strengthen accountability and good governance. With the introduction of Right to Services there would be an efficient control on bureaucracy. The system would be transparent, bias less, efficient, fast and productive and that would surely settle downs bureaucratic barriers in service availability and service provider. Also in extra placatory sense Right to Service is an advanced step to reduce corruption in the service machinery through its transparent mechanism. There would be less cases bribing an exploitation of poor and depressed classes as the system would stand accountable and above all a vigilant authority would be taking care of all the functions and work of government. Though above all the provisions you can clearly say that Right of Service would leave no stones unturned in providing good governance.

Information and communication technology for better implementation of right to service

Although e-governance is a burning topic in the recent days but it has not specified definition and is defined according to the varied aims and objectives of numerous organizations as a whole it can be defined as use of information technology to transform, analyze, comprehend and meet different ends of services and improve interactions in further course by the government.

Information and communication technology can be a revolutionary tool for ensuring better implementation for Right to Service Act as it can ensure the increased transparency, greater convenience a revenue growth, less corruption and cost reductions. It can enhance the access to and delivery of government information and services to the public and other agencies. Dr. APJ Abdul Kalam rightly visualized e-governance as "A transparent smart e-governance with seamless access secure and authentic flow of information crossing the interdepartmental barriers and providing a fair and unbiased service to the citizen. ICT can be used in the following ways and stages for better implementation of Right to Service.

a. Computerization – There should be an ample availability of personal computers in the government officers and also the proper peripherals concerned with it. This computerization would ensure data retention and storage in a safer context and easy transferring capabilities.

b. Networking – The government organization should properly be connected through a hub that would result to sharing of information inflow of data among different government entities and easy transfer of related data.

c. Online presence– Mere networking won't fully cater to the needs of better implementation of RTS online presence is also necessary and for that a proper website, web pages containing the information about RTS structure contact details reports publications objectives and vision statements should be made. ICT could help in providing an interface to interact with the government agencies foe enhancing redressal of grievance and implementation. It would also help the business community in cutting red-tapism, time saving reduced operational cost and more transparent business involvement. It would also help in direct interaction with the employees of the agencies. So as a whole ICT would ensure bringing of government machinery to the door steps of citizens in an efficient manner and this spatial and demographic enhances reach of the government would enable better participation of citizen in process of governance. Application of ICT would also ensure simplification of complicated processes increasing the productivity and efficiency in proving better services.

Redressal mechanism of dispute under Right to Service Act

Right to Service stands tall and firm in providing good governance to the citizens in respective levels of government. The efficiency of service providing is not measured on the quantum's of how much features a system provides to you. It equally depends upon the features provide by it to settle down the inconsistency of its working and grievance redressal. Right to Service is great success and an exemplary mechanism for the whole country for same cause. It has a firm, specified and extensive grievance redressal mechanism that aims at cooking after the grievances dissatisfaction of the aggrieved parties in an efficient manner. The machinery includes grievance redressal officer, head of the department, information and facilitation center. The complaint is received and acknowledged by grievance redressal officer to which he tries to find out the reason for the occurrence of the grievance and the responsibility of defaulting office and in case the default is proved proper penalties are imposed. In case of non redressal within 15 days the complaint is forwarded to the head of the department to which a specific time frame is allotted. There are concrete and specific composition of commission,

appointment mechanisms qualifications, terms, tenures and allowances for the authorities concerned. There is a proper defined hierarchy for the introduction and movement of the complaints and that to in a limited time frame this ensures fast redressal and a bar on arbitrary hours of officials concerned. Failure in providing proper redressal is counted as a corrupt practice and for which penalties can be imposed upon the authority who had the responsibility of matter redressal. The main characteristic feature of the redressal mechanism of Right to Service is appeal there are proper authorities defined where one can easily approach and file an appeal or grievance redressal. this enhances the effectiveness of the Right to Service and it tends to seem more providing to the people.

Conclusion

The Right to Public Service Acts being passed and implemented in different Indian states deserves attention. Their existence points to a crisis in the implementation of laws and policies by the bureaucracy in India. These acts can be part of a combination of measures to overcome such implementation failures. Their shock value and high-profile nature might make them an effective mechanism for jolting the bureaucracy out of the status quo or focusing public attention on service delivery reform. However, these acts are likely neither a necessary measure to improve neither public service implementation, nor that effective in the long-term. Possible adverse consequences, such as demoralization of officials and overemphasizing some government tasks over others, need to be weighed when reflecting upon whether to adopt such an act.

Attention largely needs to be focused elsewhere. This may be a narrower focus on improving certificate based services through providing receipts and making clear and efficient interfaces with the public – increasing legibility and control over these systems. More broadly, serious reform is needed within the bureaucracy to improve incentive structures, control, and resourcing. Political reform also needs to be considered so that local politicians have mechanisms whereby they can help hold local officials accountable, and in turn be held accountable by citizens.

Finally, lawmakers and officials should consider how policy design affects public service delivery. For example, the poor design of the Below Poverty Line system means many people who should be on the BPL list are denied placement because of arbitrary quotas imposed from above. This is the source of many complaints at local administrative offices taking away time and energy from service delivery.

Our constitution provides fundamental rights that there should be equality among all citizens but due to this bad practice of corruption a common man can't avail his basic right. We all are aware that democracy stands for "Of The People, By The People And For The People but in India without effective implementation of this legislation it would be like Off The People, From The People And Buy The People i.e. bribing an govt. servant to get their work done in the quickest possible form and taking away rights of honest and socially or economically backwards which is indeed a matter of great concern.

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