

**The Right of Citizens for
Time Bound Delivery of
Goods and Services and
Redressal of their Grievances
Bill, 2011:
Origin, Need, and Analysis**

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1. Abstract

Delivering public services in a time bound, decentralised and citizen friendly manner has been one of the major challenges facing the administration wing of the government. This paper focuses on assessing the diligent delivery of what is known as G2C (government to citizen) services on the basis of accessibility, availability, efficiency and regularity. It further explores the existing system of public grievance redressal and examines how current models have failed due to incidents of absenteeism, corruption and outreach resulting in a need to formulate **The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011**. A comparative analysis of the Act which is now in place in 19 states of India is then taken up. The paper ends with providing the rationale behind modernising the whole process by making it more user-friendly by bringing in e-mechanisms and alternate delivery suggestions. Recommendations to provide more choice in terms of public accountability tools are then outlined, to ensure a Simple, Moral, Accountable, Responsive and Transparent i.e a SMART government.

2. Introduction

The conceptual framework of directive principles of state policy as laid down in Part IV of the Indian Constitution asserts that India is a welfare state. This simply means that it is a model where the state plays a major role in protecting and promoting the interest of citizens as well as looks after their well-being and spends a substantial proportion of the budget in social provision and in implementing policies. The socio-economic principles that constitute a welfare state make it a government responsibility to provide for its citizens, equally and fairly. Provision of basic services such as health facilities, educational requirements, sustenance, basic amenities like water, electricity, roads, transport etc is the responsibility of a well functioning, responsive and accountable public sector. The Government, through its various tiers—central, state and local—aims to provide equitable standards of living by opening up schools and hospitals, running an efficient public delivery system, and improving standard of living for the people.

The scope and nature of key services the paper intends to talk about are:

Basic Amenities	Certification	Facilities
Electricity, power connection to households and businesses Water/sewage connection Transport and trade licenses.	Ration cards for PDS Registration and renewal of vehicles (drivers' license, passports, police FIRs etc.) Issuing caste, birth, death, marriage, income and domicile certificates, voter cards, copies of land records.	Banking services Sanction of building plans Public transport passes <i>Kisan</i> credit cards

A consolidated list of services under the ambit of this bill and number of days for service delivery after receipt of application and the department to be approached (in Delhi) is attached as Appendix 1 for reference.

These services have time frames and agencies that differ from service-to-service and state-to-state looking after their delivery. However, in spite of all the efforts, our development as a nation is plagued by low literacy levels, poor health, high population, extreme poverty and corruption. In 2014 India ranked 85th out of 175 countries in Transparency International's Corruption Perceptions Index¹¹ indicating there is a long way to go.

The World Bank Report of 2004², titled "Making Services Work for the Poor" recognised how services failed this demographic of the populace in terms of both quantity and quality. The United Nations Public Administration Network (UNPAN) has repeatedly, in its various reports, considered good governance to be an essential component of the Millennium Development Goals as it entails establishing a framework for fighting poverty and inequality. Equitable provision of Public Services becomes, then, one of the central tenets of bridging the tangible as well as what UNPAN calls the 'digital divide' between economically disparate sections of the society. Ten years on, we are yet to see it work in a manner it was intended to.

Indicators are a complex way of evaluating the public sector as it no longer stands homogenous, especially in a participatory democracy like India. The difficulty of assessing the production and distribution mechanism lies not just in allocation of resources and budget constraints, (input-to-output-to-outcome methods) but also on user satisfaction.

However, in very generic terms, the three defining indicators that have emerged as main components of good governance, effectively reinforcing democratic principles are:

- 1. Transparency and Accessibility:** Transparency is described as the "characteristic of governments, companies, organisations and individuals of being open in the clear disclosure of information rules, plans, processes and actions". Transparency comes with availability of substantial procedural information, in a way which is understandable to the local people, groups, and stakeholders in the society. Openness through clear processes—be it legal, administrative, or related to decision making—has an

¹ Transparency International, *Corruption Perception Index 2014*, Germany : Transparency International, 2014.

http://files.transparency.org/content/download/1856/12434/file/2014_CPIBrochure_EN.pdf

² World Bank. 2003. *World Development Report 2004 : Making Services Work for Poor People*. World Bank. © World Bank. <https://openknowledge.worldbank.org/handle/10986/5986> License: CC BY 3.0 IGO.

instrumental value that increases effectiveness as it produces more informed policy design (World Bank 2004). However, the same information, when not accessible to stakeholders, not only causes dissatisfaction but also defeats the purpose of its very existence. Ensuring that people have access also ensures their increased participation. A lack of these tools creates what can be called 'leaky pipes' or crevices, creating opportunities for corruption and inefficiency.

2. **Accountability and Timelines:** Administrative transparency is a means to ensure accountability, reason the lack of it, and also highlight areas susceptible to corrupt practices, further ensuring that they are not overlooked. Accountability strategies which include checks and balances range from checking resource use, controlling expenditure, internal and external auditing processes, to monitoring mechanisms. Set organisational structures provide a methodological approach as well as cognizance of who it is that the structure includes or excludes and who is to be held accountable for state obligations. It also, by default, prescribes a timeline, in the form of an institutional design, to which both the providers and the citizens adhere.
3. **Impact and Responsiveness of the Administration:** The impact of the efficiency of the system can be gauged by people's faith and confidence in the same. Citizens have become more articulate and aware and expect the administration to respond not merely to their demands but also anticipate them beforehand. The effectiveness and efficiency of an administration at any level, centre, state or local depends on fully responsive and representational people and institutions, as well as on prioritising service and legal mechanisms to correspond with needs of citizens. Capacity development can be ensured by making sure citizen's enjoy their rights and exercise their duties fully, participate and follow up in local decision making, and are included in the policy environment.

3. Policy Background and Context

Origin of Need for Time-bound Delivery of Public Services

3.1 The Citizen's Charter

It was with the motto of 'Putting People First' that the Citizen's Charter initiative came up as a written declaration by government departments enlisting a set of commitments, standards of service delivery and redressal and remedial actions in case of non-compliance with the same. Articulated by and implemented for the very first time in the United Kingdom by John Major's Government in the year 1991, its basic aim was to strive for a sustained improvement in the quality of public services provided to the citizens.

Pioneered as an extension of the New Public Management reforms initiated by the Thatcher government as a measure to reinforce democratic principles, it was a paradigm shift in public service provisioning, as well as a testament to the growing international consensus for the fact that public bodies needed to become more efficient. This influenced several countries such as Belgium, France, Canada, Australia, Malaysia, Spain, Portugal, India etc. to adopt similar measures.

Mooted by Prime Minister I K Gujral as part of the 'Action Plan for Effective and Responsive Government', the first push for public service reforms in India was provided in 1997. It was then that a consensus evolved, and a decision was made to formulate the Citizen's Charter for sectors with big public networks (eg. Railways, Telecom, Posts, Public Distribution Systems). The principles it charted out originally emphasised improving the quality of services, valuing taxpayer's money, setting out standards for delivery and a redressal mechanism if they weren't met, holding individuals and organisations accountable for the same and making rules/procedures and schemes more transparent for the citizens. In addition to this, it included 'expectations from the clients' and/or 'obligations of the users'.

The rationale behind Citizen's Charter, as mapped out in the handbook³ itself, elucidates what one may call the Preamble of governmental responsibility:

"As public services are funded by citizens, either directly or indirectly through taxes, they have the right to expect a particular quality of service that is responsive to their needs and is provided efficiently at a reasonable cost. The Citizen's Charter is a written, voluntary declaration by service providers about service standards, choice, accessibility, non-discrimination, transparency and accountability. It should be in accordance with the expectations of citizens. Therefore, it is a useful way of defining for the customers the nature of service provision and explicit standards of service delivery. A further rationale for the Charters is to help change the mindset of the public official from someone with power over the public to someone with the right sense of duty in spending the public money collected through taxes and in providing citizens with necessary services."

111 Citizen's Charters by the Central Government Ministries/ Departments/ Organisations and 668 Charters by various agencies of State Governments and Administrations of Union Territories were formulated by April 2006 and are posted and published bilingually on their website as well as in national gazettes. These are open to public scrutiny. Internal and external

³ Department of Administrative Reforms and Public Grievances, "Rationale of a citizen's charter" in Citizen's Charter - A Handbook, Government of India, Page no.9

monitoring, updating and reviewing of the Charters such that departments perform in congruence with the set standards, is of utmost importance.

3.2 Establishment of Organisations

3.2.1 Directorate of Public Grievances: In its stride to develop and reorient policy goals ensuring citizen-centric services, The Directorate of Public Grievances came up on 1 April 1988. Set up with the goal of looking into individual complaints lodged with four Central Government Departments, today the Directorate functions have expanded and now include grievances pertaining to 16 Central Government Organisations.

It is the appellate body investigating grievances where the complainant failed to get redressed by the internal hierarchy of the organisation. It also has the power to call for files and officers to evaluate if justice is being delivered in a timely manner. Wherever not satisfied with the performance, it can make recommendations which are required to be adopted and implemented by the organisation within one month's period.

Between 1999 and 2014, 74 percent of the cases taken up by the Directorate were decided in favour of the complainant, with only 18 percent not found legible or valid enough to be acted upon, thereby deemed unsustainable⁴. While these statistics present an overwhelmingly positive performance from the point of view of the citizen, the status of recommendations to various government departments to effect a more sustainable change in their overall functioning remains to be seen.

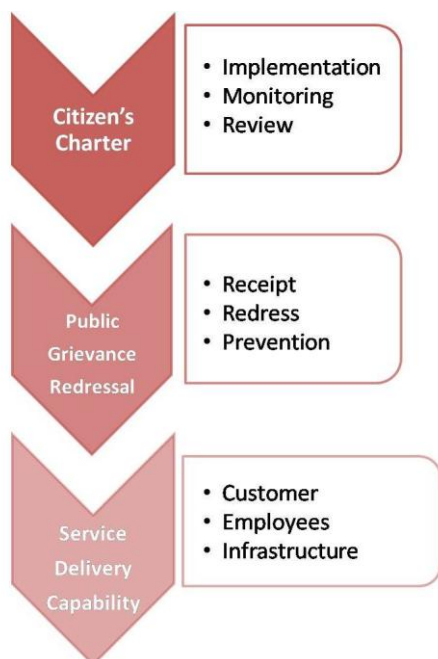
3.2.2 Department of Administrative Reforms and Public Grievances (DARPG): As the nodal agency that formulates and implements policies, Department of Administrative Reforms and Public Grievances has taken within its ambit the responsibility of establishing integrity and quality in public service, along with modernising it by reengineering and bringing out improvements in already existing processes. Its eight divisions have equipped the government machinery with a number of initiatives such as the Citizen's Charter initiative, Public Grievance Policy, Quality Management in Government, e-Governance, Review of Administrative Laws etc. Documentation and Dissemination of Best Practices, Organisation & Methods, Information & Facilitation Counters, and Civil Services Reforms are some of the areas under the ambit of the DARPG.

It has a two-fold role as the formulator of policies and the watchdog of existing practices, monitoring and ensuring norms are being adhered to by all ministries and departments in terms of regulation and service delivery.

⁴ Performance at a Glance, 1st April 1999 to 31st March 2014, Directorate of Public Grievances, 2014, <http://dpg.gov.in/AuthPages/PastPerform.aspx>

3.3 The Sevottam Model

Designed as an assessment tool by DARPG in 2006, SEVOTTAM is the “Nine Criteria Model for Citizen Centricity”, meaning Uttam Seva or excellence in service delivery. It is a three-module assessment tool that sets a benchmark which is to be complied with, while enhancing customer satisfaction, monitoring performance or assessing efficient and continual improvements in service delivery. Department of Posts, Gol Dakhana, New Delhi was awarded the first Sevottam Certification in March 2008.



Certified as an Indian standard IS 15700:2005 by the Bureau of Indian Standards in December 2005, it integrated the citizen-centric initiatives into one model.

The model synthesises the nine compliance criteria into the following three modules:

a) Charter Effectiveness: As a document that lays down a government's commitments, it is very important to conceive and carry out a charter which is in sync with the best practices from over the world. Its design and formulation, identification, and specification of use for various stakeholders should have clarity so that it is easier for administrations to tune themselves to the

quality levels while implementing the charter. *Implementation* also includes clearly defining identifiable services, providers, recipients and standards. However, once implemented, regular feedback, continuous improvements, periodic reports and inspections are to be carried out to *monitor* and eliminate any differences between current and ideal practices. *Review* and revisions to comply with the dynamic environment to ensure a charter does not get outdated is a prescribed reflective measure as per Sevottam guidelines.

b) Public Grievance Redressal: Any feedback in form of complaints calls for remedial action. Therefore, it is important for organisations to provide for a machinery to *receive*, *resolve* and *prevent* complaints. Information about a convenient grievance lodging process that is in place for receipt of complaints should be disseminated. The nature and priority of complaints from all sources—helplines, electronic or manual should be looked into and citizens should be intimated with a written acknowledgment of the same. Redressal mechanisms adhering to pre-determined time-norms should enable the decision-making process. Furthermore, if there are instances of repetitive

complaints regarding a particular service or function, such a grievance prone area should be identified and worked upon.

- c) **Service Delivery Capability:** Sevottam guidelines make it as a necessity to enhance delivery capability by specifying satisfaction indicators for stakeholders. These can be assessed by conducting surveys or consultations with the citizens who are the main *customers* and by establishing new schemes for the same. *Employee* punctuality, promptness and behavior is an essential condition for carrying out operations in an organisation. The performance excellence depends on willingness of motivated staff to accept responsibility and progressively improve. Capability enhancement also depends on the *infrastructure* inputs that go into better service delivery—not just tangible facilities and equipments but also strategic planning and human resources.

The Second Administrative Reforms Commission (ARC), “Citizen Centric Administration: The Heart of Governance” in paragraph 4.9 endorsed the Sevottam framework and recommended its full implementation in Union and State Governments. Later in 2007, the Second Administrative Reforms Commission recommended that Citizen’s Charters should stipulate penalties for non-compliance followed by The Standing Committee on Personnel, Public Grievances, Law and Justice recommending giving statutory status to Grievance Redressal mechanisms, in 2008.

4. Hypothesis

The evolution and very existence of multiple methods of grievance redressal questions the effectiveness of fair and accessible provision of services in the first place and settling public grievances in an expeditious manner, in the second. The fact that the already existent mechanisms are failing to reduce systematic deficiencies and dissatisfaction amongst the citizens makes us question what is going wrong. Has it not been up to the mark?

5. Research Question

What manner of deficiencies in the current grievance redressal mechanism has elicited the need for a stricter Act?

6. Methodology

The methodology employed is largely a review of secondary data and literature on the subject. The RTPS Acts and Rules in various states have been studied. The reports that have been consulted are those published by organisations such as the DARPG, the Second Administrative

Reform Commission and the World Bank Annual report titled “Making Services Work for the Poor.”

6.1 Defining Terms:

6.1.1 Public Service

A commodity or service which is non-rivalrous and non-excludable in nature, and is supplied in public interest regardless of income, jurisdiction by the government to its people who have by a social consensus, democratically elected the government and vested it with the power to do so. The service could be publicly funded, contracted, commissioned or procured.

6.1.2 Grievances

Grievances are expressions of resentment against specific acts of omission or commission that are wrong or perceived as wrong, and requiring corrective action to be taken. In other words, if a grievance is received, it needs to be redressed. (Chapter 7, 12th Report of Second Administrative Reforms Commission)

6.1.3 Grievance Redressal Mechanisms (GRMs)

The process of receiving, recording, investigating, redressing and further preventing a complaint in an organisation comprises of its grievance redressal model. It exists to provide feedback on the working of the organisation and consists of complaints from both the clients/service recipients and the staff of the organisation.

6.1.4 Public Authorities

Any authority which is constituted by or under the constitution, by any other law made by Parliament or State Legislature, all Public-Private Partnerships, all companies and/or non government organisations funded by the government and organisations providing services under a license or statutory obligation.

6.2 Study of the Central Act

Tabled by V Narayanasamy, Minister of State for Personnel, Public Grievances and Pensions, in Lok Sabha in December 2011 **The Right of Citizens for Time Bound Delivery of Goods**

and Services and Redressal of their Grievances Bill, 2011⁵ was a proposed Indian central legislation which lapsed due to dissolution of the 15th Lok Sabha. This paper will enumerate the provisions of the Bill, its obligations and its organisational structure and further enlist areas of dichotomy or possible loopholes after a systematic review of the bill.

6.3 Existing Models

The paper studies models, initiatives and legislations which are already in place for delivery or for redressal, such as The Sevottam Model, helpline facilities, *lok adalats*, consumer courts and online facilities like Centralized Public Grievance Redress and Monitoring System (CPGRAMS).

6.4 Comparative Analysis of State-passed Acts

The paper looks at provisions of RTPS as enacted in various states after a careful study of these acts, highlighting similarities and differences and outlining the best models and the impact the legislation has brought in the state. It thereby traces its success from the date of implementation up till now.

6.5 Speculative Analysis

The next step is anticipating the impact on and perceptions of the citizens and government officers to the service guarantee Act, the level of awareness about the same and an account of kinds of problems people face without an Act which makes it legally binding for officers to carry out their duties. Further, it takes forward the upcoming e-governance solution to provide recommended measures to sync our governance process with international best practices.

7. Existing Model of Public Grievances

The Second Administrative Reforms Commission, in its 12th Report, entitled "Citizen Centric Administration: The Heart of Governance," in Chapter 7, Paragraph 7.2.2 has stated as follows:

"The basic principle of a grievance redressal system is that if the promised level of service delivery is not achieved or if a right of a citizen is not honoured then the citizen should be able to take recourse to a mechanism to have the grievance redressed. This mechanism should be well publicized, easy to use, prompt and above all, citizens must have faith that they will get justice from it."

⁵ Narayanasamy V., The right of Citizens for Time Bound Deliver of Goods and Services and Rederessal of their Grievances Bill, Lok Sabha No. 131, 2011

http://darp.gov.in/darpgwebsite_cms/document/file/Citizens_Bill131.pdf

This, for the purposes of this paper, can be considered a valid summation of the government's mandate for the redressal of grievances available to citizens. The paragraph which follows goes on to further observe, "...our country needs a public service, which is capable, innovative and forward looking" thereby forming a directive not only for the current, but the future development of these services as well.

7.1 Internal Mechanisms

The following provisions came into being as per Office Memorandum 1/PLCY/PG-88(7) dated March 1, 1988⁶.

7.1.1 Appointed Officers

The grievance redressal mechanism, being a decentralised one, has a governing structure which consists of The Central Government Ministries, their subordinate offices and autonomous functionary bodies. Within each Ministry/Department, each autonomous body and each public sector undertaking, an officer of the rank of not less than a Director/Deputy Secretary (or equivalent) is appointed as the Director of Public Grievances. The job chart for the Director of Public Grievance clearly lays down his functions, which include taking decisions on grievance cases pending for more than three months, setting up a Management Information System (MIS) to monitor the procedures, and identifying areas with a higher rate of recurring grievances which might call for a more intensive review of policy. His name, designation, room number, as well as phone number are on display at convenient places.

7.1.2 Meeting-less Wednesdays and Single Window System

As per the memorandum, each Wednesday is proposed to be observed as a meeting-less day when between 10am and 1pm, all the officers above a specified level are to hear and redress public grievances and should be available at their desks for the same, in the Central Secretariat Offices. At various ministries with large public interface, a single window disposal system is also used which ensures no long queues and direct interaction with the authority-in-charge.

7.1.3 Helpline for Grievances

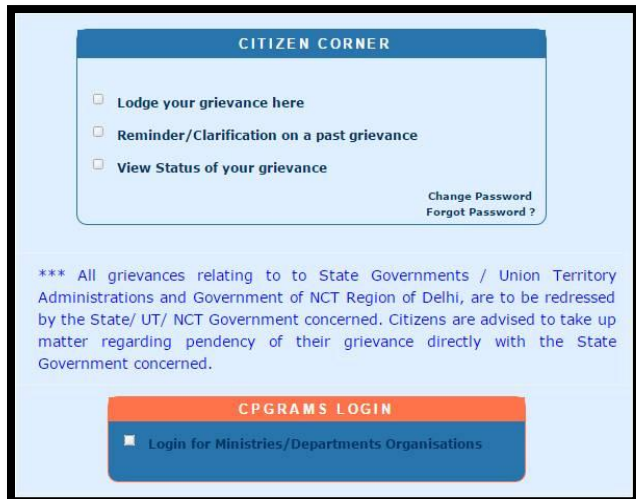
Toll free numbers, complaint boxes and registers exist for lodging complaints in each ministry and department. Grievances appearing in newspaper columns, as well as those culled from

⁶ Government of India, Department of Administrative Reforms and Public Grievances, Office Memorandum, No. 1/PLCY/PG-88(7), New Delhi, march 1, 1988, <http://pgportal.gov.in/PDF/Grivance3-88.pdf>

electronic sources are also, according to the regulations of these departments, given due attention.

7.1.4 Centralised Public Grievance Redress and Monitoring System (CPGRAMS)

In June 2007, the DARPG put in place a 24x7 online portal that links 89



ministries/departments/organisations as of now. This web-enabled solution called the CPGRAMS, sought to streamline and integrate the whole process. The CPGRAMS helps in filing, transferring, tracking and monitoring of complaints from both sides—the citizen, and the department-in-charge—from any place and at any time. Not only does it help standardise and classify complaints, but also is prompt and flexible as it is capable of generating automated acknowledgements/receipt-cum-registration number and checking

status of application. The complaints are monitored by the nodal officer of the Ministry/Department and also by the Additional Secretary of the DARPG. All grievances sent by post or submitted manually are also integrated into the system, thus creating an easy-to-operate single database

7.2 External Mechanisms:

7.2.1. Legislations

In its effort to facilitate citizen-centric, responsive administration, the Government of India introduced various administrative reforms through legislations such as the Right to Information Act 2005, and the Consumer Protection Act 1986, to protect, inform, as well as assure the consumers of their interests and empower them to speak against unfair trade practices.

7.2.2 Nodal Agencies

The following, besides the Department of Administrative Reforms and Public Grievances, have been designated as the nodal agencies for receiving grievances from the citizens:

- a) The Public Wing in Rashtrapati Bhawan Secretariat and its website
- b) The Public Wing in the Prime Minister's Office

- c) The Directorate of Public Grievances in Cabinet Secretariat
- d) The Department of Pensions and Pensioners' Welfare

All the above nodal agencies receive the online as well as postal grievances from the public and forward them to the Central Ministries/Departments/Organisations concerned. The nodal agencies forward and monitor the grievances but these can be redressed only by the Ministries/Departments to which the grievance related function has been allocated.

7.2.3 Lok Adalat/Jan Sunwai Model

The advent of Legal Services Authorities Act 1987 gave a statutory status to *Lok Adalats*. Started initially in Gujarat in March 1982 as a parallel to the already existent model of Public Grievance, *Lok Adalats* were constituted for quicker disposal of public and staff grievances. The *Lok Adalats* (Peoples' Court) strategised to relieve the 'pending' cases burden on courts and provide justice faster. Mainly an Alternative Dispute Resolution Method, the *Jan Sunwais*, are models of local settlement that arbitrate, mediate and try to reconcile conflicts in communities in a voluntary, friendly and accommodative way, yet deliver decisions which have legal merit.

7.2.4 Ombudsman System

Mainly present in banking, insurance and the telecom sector, the Ombudsman Scheme is a quasi-judicial functioning mechanism enabling resolution of complaints about certain services rendered by these sectors.

7.2.5 Consumer Organisations, Citizen Groups & Consumer Courts

A number of national organisations, citizen or advocacy groups and NGOs, registered or voluntary, dedicate themselves to providing yeomen services to the society by protesting, campaigning or lobbying on behalf of the consumers. They also focus on creating awareness among the consumers, disseminating information by printing regular periodicals and filing Public Interest Litigations (PILs), thus helping the consumers become conscious of their rights and modes of redressal of their grievances.

Some such famous organisations working towards this cause in the country are: All India Consumer Protection Organisation; The Consumers Eye India; Consumer Awareness, Protection and Education Council (CAPE Council); Praja; and CERC (Consumer Education and Research Centre).

7.3 e-Mechanisms

The 11th report of the Second Administrative Reforms Commission, entitled "Promoting e-Governance: The Smart Way Forward", recommended the government's position that an expansion in e-Government is necessary in India. The National e-Governance Plan (NeGP)⁷, was approved in May 2006 and at the moment comprises of 31 Mission Mode Projects (MMPs) at Central, State and Local Levels. This flagship project formulated by Department of Electronics and Information Technology (DeitY) and Department of Administrative Reforms and Public Grievances (DARPG) aims at capitalising on the Information and Communication Technology (ICT) infrastructure to make services available via electronic media, hence creating a leaner and more cost-effective governance model.

The preambulatory objective of the NeGP is to "make all Public Services accessible to the common man in his locality, through common service delivery outlets and ensure efficiency, transparency and reliability of such services at affordable costs to realise the basic needs of the common man."

The 3 Core components of the NeGP framework are:

State Wide Area Networks (SWANs): A SWAN is an IT scheme approved by the Government of India (March 2005) which is implemented across each of the 29 states and union territories as a high bandwidth network of voice, video and data communication (total outlay of INR 3,334 crore of expenditure). The SWANs are an intra-network with minimum 2 mbps and maximum 34 mbps connectivity across states, blocks and districts in a vertical hierarchy. It helps data convergence through electronic connectivity at each level as it connects 7500 points of presence (PoPs), each horizontally connected within each district and block, and vertically connected to the state administration. To ensure service quality by the network operator, SWAN networks are subject to Third Party Audits. They are implemented either through the Public-Private Partnership (PPP) Model or through National Informatics Centre (NIC) which is the prime agency for its operation and maintenance. (Back End).

- o **State Data Centres (SDCs):** An SDC is a data repository that securely hosts consolidated data. This scheme was approved in January 2008 and INR 1,077 crore has been sanctioned for the implementation of the same in 23 states. It is a storehouse of data of various government functions like online delivery of services, information portals etc. It consists of server infrastructure, both web and application and each SDC after consolidating all the data, delivers it to the WAN through ISO certified vendors. (Delivery Channel)

⁷ "National e-Governance Plan", <https://negp.gov.in/index.php>

- o **Common Services Centres (CSCs):** The CSC has been approved as a part of the ambitious scheme, for establishment of 10,000 internet kiosks extending to remotest of areas. It has been called the bottom-up model where e-governance reaches a citizen's doorstep, thus providing last mile connectivity through a single point and location for various services— education, health, agricultural, banking, utility etc. Its implementation is also through the PPP model where the State government calls for bids. The bids for selection of service centres are already over about 92,560 CSCs in 19 states and out of these, already awarded in 11 states (61,491 CSCs). This model further consists of a three-tier structure with a village level entrepreneur, a service centre agency and the state. (Front End)

Revamping the public administration system in the manner that this model intends to is a highly complex re-engineering process. It involves setting up of IT infrastructure, providing technical support, policy outlines, building capacity, skill development, research and development, as well as providing unique identification codes (UIDs) for citizens, businesses and property. In one of its reports on the subject, for instance, titled "The e-Office Framework: A Way Forward for the Government," the *"demographic, socio-economic and technological challenges"* which hinder the path towards the equitable distribution of, and access to, these systems are recognised. However, since these challenges are to be understood as inherent in any transformation which takes place in the social, and simultaneously in the administrative sphere, neither are they insurmountable, nor do they come close to the benefits which will accrue from the efficacy of this system.⁸

8. Need for an Act

In spite of the above mentioned government machinery, the efforts to reduce malpractices have been more or less futile, resulting in a gap between the administration and the citizens which needs to be bridged. This is to say that while there have been several administrative mandates towards the increased efficacy and proliferation of the grievance redressal machinery, as taken up in the aforementioned sections of this paper, they have not had the desired effect because of reasons ranging from budget allocation, lack of incentives and procedural complexities, to demand for bribes, and discourteous officials. It is important to qualify the term 'desired effect' here as not only the short-term result of efficacy in resolution of public grievances. The actual realisation of any grievance redressal is the reduction of grievances themselves in a long-term, sustainable fashion.

⁸ "The e-Office Framework: A Way Forward for the Government." (Workshop on e-office Mission Mode Project, New Delhi, December 2, 2011), http://darp.gov.in/darpgwebsite/cms/Document/file/The_e-Office_Framework.PDF

The World Bank Report 2004, broadly outlined the ways services are failing the poor into four categories:

1. **Budgeting:** At a macro level, the lack of a rational framework for public expenditure, both planned and non-planned, *ex ante* and *ex post*, a period of time may establish a weak relationship with the outcome. A shift from an input-based budgeting to an output-based budgeting where there is better alignment between central and local government planning and funding would bring in more accountability. The soundness of budget allocations is questioned when, on paper there is public spending towards health and education, however indicators like Infant Mortality Rate and school dropout ratios are at an all time high.
2. **Money not reaching the frontline service providers:** At a micro level, the outlined investment by the government while trickling through the levels of bureaucracy, leaks out, and what reaches the frontline providers is actually a fraction of the amount of money allotted in the first place. There is an unexplained gap between allocation and distribution of grants to frontline provision of services.
3. **Weak incentives for effective service:** Provision of services is not just a redistribution mechanism but also has political patronage. This at times provides lack of incentive to inform the beneficiaries about their entitlements. Such imperfect information could create moral hazard problems where the providers are risk-protected even after failing to provide a service, thus impairing incentives to do the same. Weak financial and non-financial incentives result in reduced performance, abusive behaviour and absenteeism.
4. **Lack of demand:** Unlike the above mentioned supply side factors, the households, which are the demand side users of these services may fail to take advantage, or may not have access to the same, generating a low level of public services and development outcomes among the poor. Insufficient citizen demand may constraint supply side factors even more as it would result in a failure to express the needs the citizens want the government to respond to.

The Citizen's Charter initiative faced some major roadblocks in implementation as it was 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 Administration⁹ 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 organisational clarity and information and the mechanism for processing of suggestions and systematic review was missing from 98 percent of the charters. It further pointed out that charter-making got

⁹ Bannerji, A., and Jaya Chaturvedi, "*Citizen's Charters in India; Formulation, Implementation and Evaluation*", India Institute of Public Administration, October, 2008. http://darp.gov.in/darpgwebsite_cms

frozen in time as a one-time exercise since there was no monitoring, reviewing or upgradation after its formulation. Needless to say, such neglect, that too in dealing with something as primary as the generation of information about a governmental department, is indicative of the general lack of commitment towards public service that translates into procedural work as well. Thus, the citizen's liaison with its administration is witness to a variety of detainments, from chronic delays due to cumbersome procedures to standing in lines in expectation of a file to 'move' in the department, to lack of awareness and ultimately, illegitimate methods which the citizens would want to resort to, in order to avoid all the inconvenience.

OM No. 394739/PLCY/PG-88(7)-Vol. III¹⁰ as brought out by the government acknowledged the incidence of the below mentioned concomitant factors plaguing the current system:

Corruption: The pervasiveness of rampant corruption in form of red tape, bribes, favouritism, nepotism and discrimination while providing services eats away equality, leads to generalised perception of all government employees and mechanisms as being opaque and lacking ethical work culture and channels out the nation's wealth. It makes it very costly for the ordinary person to seek justice or service from public officers. Corruption has a cause and effect relationship with service delivery as lengthy procedures and complex administrative structures cause people to look for alternate ways to get the work done quicker and the cost of paying a bribe seems more bearable than the delay to them. The failure to penalise the corrupt, especially when those who are corrupt are the ones in power is a looming problem interfering with all spheres of honest working culture.

Lack of awareness: Information about existence of the charter and what it entitles people to, does not percolate down the line. Acknowledgements are not given for complaints filed. When people are not aware about their own rights, there is very little that can be done if they are discontent. At times, while rejecting a petition, no justifiable reason is provided and there is no display of relevant information regarding who is to be approached and how. An analysis of the RTI act taken up in 2010 showed only 12 percent of the rural population and 30 percent of the urban population were aware of their Right to Information.

Non-revision of Rules: Prepared at most times without involvement of citizens and stakeholders, the rules and guidelines, when available, are poorly defined and with dynamic environment, are hardly updated, renewed or revised.

Absenteeism: Government servants instead of serving the public, assume their role is authoritative in nature. Incidents of lack of motivation and accountability, officials not adhering

¹⁰ Government of India, Department of Administrative Reforms and Public Grievances, "Office Memorandum", New Delhi, 1988. <http://pgportal.gov.in/PDF/Grivance3-88.pdf>

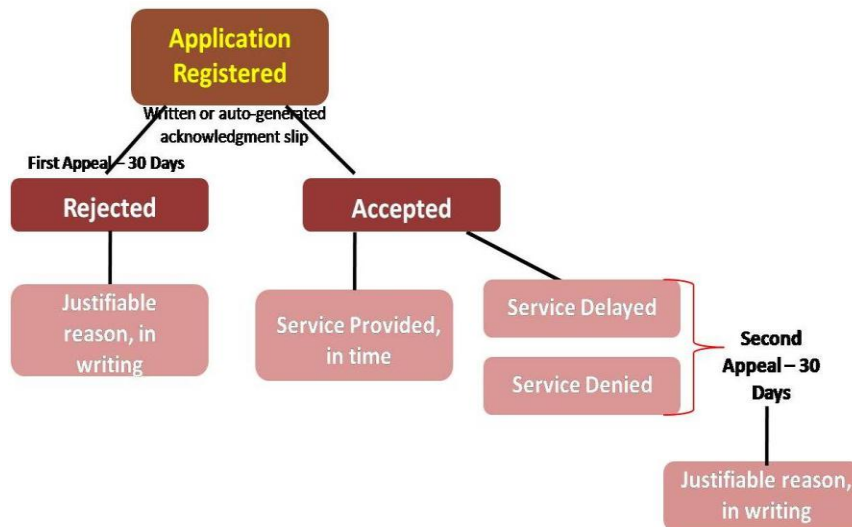
to their prescribed schedules, not being available for appointments, being busy, having personal conversations on the phone for hours, being absent during work hours, or going on indefinite lunch breaks are a regular cause of inconvenience to the citizens and go unreported and unchecked.

9. Provisions of the Central Bill

Introduced as Bill No. 131 of 2011 in the Lok Sabha for the purpose of empowering citizens, changing their perception of government functioning, and to tackle charges of employees being insensitive and corrupt, bringing in transparency and accountability and removing the feeling of impunity among the officials in a more tangible way, the Bill laid down the following provisions:

- I. Mandatory to Publish the Citizen's Charter:** Earlier, formulating a charter was an activity which was voluntary. The Bill now makes it mandatory for every public authority to publish a Citizen's Charter within six months of commencement of the Bill and specify details and time limits with regards to goods and services it renders as well as the names and designations of individuals who are in charge of delivering the same. It further states that it is the obligation of the Head of Authority to ensure that the Charter is regularly updated and reviewed and is available online and in print, free of cost.
- II. Information and Facilitation Centre:** All public authorities from the Centre and the state to the district and sub-district levels, municipalities, and panchayats will have to establish information and facilitation centres. They could be in the form of customer care centres, call centres, help desks, people's support centres, or online portals, whichever means they take employ to make the information available at the citizen's doorstep. For example, every public authority is required to publish on its website, by the 15th of every month or, in certain cases, at even shorter intervals, the number of complaints received, pending and disposed off in the concerned time period.
- III. Organisational Structure:**
 - a) Grievance Redress Officer (GRO): Every public authority is required to designate Grievance Redress Officers to look into and redress any complaints from citizens. The timeframe for doing the same is 30 days (from the date of receipt of the complaint).
The GRO:
 - o Shall be at least one level above the officer designated to deliver the service.
 - o Must provide all necessary assistance to citizens in filing complaints.
 - o Must issue in writing, an acknowledgement specifying date, time, place and unique complaint number to the aggrieved citizen within two days of receiving the complaint.

- o Must notify a stipulated time frame in which the service will be delivered and complaint will be addressed as per Charter norms.



- o Is expected to remedy the complaint in a time frame not exceeding 30 days from the date of receipt of complaint.
 - o May make a recommendation for the penalty, including compensation to the complainant, to be imposed, to the designated authority.
 - o Must report every complaint which has not been redressed along with the details of the complainant, nature of complaint, and reasons for non-redressal of complaints to the designated authority, after the expiry of 30 days.
- b) Designated Authority (DA): Any individual aggrieved by a decision or inaction of the concerned GRO may, within 30 days, appeal to the Designated Authority. The Designated Authority shall be from outside the concerned public authority.
- The DA:
- o Shall dispose of such appeal within 30 days from the date of receipt of such appeal.
 - o Shall exercise the same powers as are vested in a civil court under the Code of Civil Procedure, 1908.
 - o May impose penalty, including compensation to the complainant, in deciding an appeal against concerned officer for acting in a mala fide manner or having failed to discharge their duties without any sufficient and reasonable cause.

Additionally, the Right to be Heard provides any accused officers of the concerned public authority with a reasonable opportunity of being heard before any penalty is imposed upon

them, thereby ensuring fair and just representation of both sides of any case.

- c) State and Central Public Grievance Redressal Commission: Any individual aggrieved by a decision or inaction of the concerned DA may file an appeal to the State/Centre Public Grievance Redressal Commission respectively.

IV. Penalty and Compensation: The Designated Authority, the State Public Grievance Redressal Commission and the Central Public Grievance Redressal Commission have the power to impose a lump-sum penalty, on the errant officer which may extend up to fifty thousand rupees and shall be recovered from his salary. The compensation amount awarded to the appellant shall not exceed the amount of penalty imposed.

V. Disciplinary action: It provides that if any public servant is found guilty, he/she would be subject to disciplinary proceedings.

VI. Appeal to Lokpal/Lokayukta: It provides that any person aggrieved by the decision of the Central Public Grievance Redressal Commission or the State Public Grievance Redressal Commission, which contains the findings relating to corruption under Prevention of Corruption Act, 1988, may file an appeal to the Lok Pal or Lokayukta, constituted under the Lokpal and Lokayukta Act, 2011.

10. Limitations of the Central Act

1. Multiplicity of Legislations

The bill adds to the multiplicity of already existent mechanisms and legislations established by the Centre and the states as it is another parallel to the same. The possibility of a jurisdictional conflict because of an already existent scheme or legislation providing its own grievance redressal mechanism could lead to overlaps. For example, the MNREGA Act, 2005 or the Food Security Bill, 2011 have their own relief measures while the Bill's coexistence would extend along similar lines.

2. Conflict with State Acts

Since the states have legislated their own bills, it is not clear if the central bill will supersede or just exist alongside the state specific models. Not only does this create duality in approachability of jurisdiction, but funds could also be a disputable aspect between the state and the centre. Citizen welfare services differ from those that are provided state-to-state and

those which are provided centrally, hence the central Bill laying down guidelines and defining norms for services that fall within the state's autonomy could be an area of conflict (may disrupt federal structure of legislature of states).

3. Speedier Relief

The Bill, in Chapter VI states that 'Every appeal filed under this section or complaint deemed to be by way of an appeal shall be disposed of by the designated authority within thirty days from the date of receipt of such appeal'. However, it further states "Provided that an appeal of an urgent or immediate nature shall be disposed of within the same day of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than thirty days from the date of receipt of the appeal". This gives a lot of power to the Designated Authority's judgement of a complaint as urgent or not, since there are no said norms that define an urgent complaint. If speedier methods are available on the DA's discretion, it may leave room for people resorting to malpractices to get their work done sooner.

4. Missing Lokayuktas

As per the Bill, a person aggrieved by the decision of the commission may prefer an appeal before the Lokpal at the Centre (in case of decision by the Centre's public grievances redressal commission) and the Lokayuktas in the states, in other cases. The Lokpals and the Lokayuktas are yet to be established in majority states.

5. Exclusion of NRIs

The bill does not provide for non residents or foreign nationals to get access to basic services such as water connection or electricity connection, as covered in the bill. Only citizens can demand a service, file a complaint or get compensated. The NRIs are kept outside the purview of the whole mechanism.

6. Inconsonance between powers of DA and Commissions

Chapter VI of the Bill states that if there is a *prima facie* case of corruption, the DA, in writing, may refer the matter to the appropriate authority competent to take cognizance of such corrupt practice, or initiate proceedings. However, if there is a *prima facie* indication of corruption, the Commission can only record evidence and refer the matter to the appropriate authority. The Commission does not hold the power to initiate proceedings.

11. Comparative Case Study

Since its inception, 19 states have so far enacted the RTPS even when the Central bill lapsed. Madhya Pradesh became the first state to have implemented the Right to Public Service Act on 18 August 2010 to ensure services were being delivered within a stipulated time frame and cracking down on officials who fail to do so. The first of its kind in the country, the Madhya Pradesh Act went on to win the UNPSA Award for 2012 from among 483 nominations from 73 countries under the category 'improving the delivery of Public Services'. Bihar followed suit by being the second one to introduce the legislation and since then states like Delhi, Punjab, Rajasthan, Himachal Pradesh, Kerala, Haryana etc. have made efforts to make this act an active effective instrument of public accountability.

A close reading of the State Acts reflected that the basic legal provisions adapted individually by each state are more or less common, notifying the following:

- o Services covered under the Act
- o Time-frame for each service
- o Clear penalty for non-compliance
- o The governing structure and rounds of appeal to appellate authorities
- o The Nodal Agency responsible
- o Provision to appeal against penalty

Despite the uniformity, each Act individually varies from the other given as outlined in a tabular analysis in Appendix 2.

12. Findings

- o Most of the acts include the Designated Officers (from within or outside the authority), the First Appellate Authority and the Second Appellate Authority. In Chattisgarh, Karnataka and Punjab, a competent officer or a Commission is also appointed. Power of revision upon final verdict of the Second Appellate Authority lies with an officer nominated by the government. Disciplinary action against erring officer is recommended in all acts.
- o The timelines and hierarchal structure in the State Acts are more or less the same. Provisions for appeal, revision, penalty and compensation, protection of action taken in good faith, bar of jurisdiction of courts, power to make rules and power to remove difficulties are mostly uniform across the state acts.
- o Who is the D.O or the I App or the II App: In each state, for each department and service there are separate D.Os and I Appellates and II Appellates. For Example, in J&K, for the Consumer Affairs, Food and Public Distribution(CAPD) Department the

Tehsil supply officer is the D.O; Deputy Director (Food), CAPD is the I Appellate; and Director (Food) is the II Appellate. Similarly, for the Power Department, Assistant Engineer (Electrical) is the D.O; the Executive Engineer is the I Appellate and Superintending Engineer is the II Appellate. It is the same way in all the states. The nomenclatures for D.O differ, for example in Bihar, the DO is called Designated Public Servant, however, the role is the same.

- o There are significant differences in provisions of amount of penalty fixed and compensation given, use of ICT, number of services covered etc. For example, states like Rajasthan and Karnataka have a huge number of services covered under the state Act (108 and 334 respectively), however, Uttar Pradesh has the least (17). In states like Uttarakhand, Punjab, Haryana, above the 2 Appellate levels, there is a commission. Punjab has five commissioners in the commission whereas Uttarakhand has three.
- o In most states, the penalty amount for default ranges between INR 500 to INR 5,000 and for delay, between INR 250 to INR 5,000 upon the Designated Officer (DO) and INR 500 to INR 5,000 on I Appellate Officer. Penalties charged in different states for different cases— delay or default, are outlined in the table. For instance, in J&K, for delay, the range is between INR 250 per day or INR 5,000, whichever is lesser. In case of deficiency in service, the penalty would be INR 2,000, lump sum. In some states, for example, in Goa and Haryana, the compensation amount is fixed, no matter the amount of penalty, i.e. upto 60 percent of the amount of penalty or upto INR 1,000 only to the aggrieved person. In the Goa Act, there is also a clause for penalty on non-disposal of official business. In Chhattisgarh, the amount is INR 100 per day up to a maximum of INR 1,000. In Karnataka, it is imposed on the competent officer at INR 20 per day upto INR 500 per application. These costs are all recoverable from the erring officer's salary.
- o In Delhi, Karnataka and Chhattisgarh, the decision of the Appellate authority is final and binding and no appeal can be made for revision. However, the competent officer is given a chance to show why the compensation amount should not be recovered from his salary before the appellate's decision is made. In J&K, a special tribunal is entrusted with the revision power.
- o The State of Delhi came out with e-State Level Agreement-Software (e SLA) for effective implementation of the Act, while in Karnataka, the e-governance scheme "Sakala" has been in full force. Online tracking systems are up in other states too but optimum use of ICT is yet to be made.

Thus, two model approaches come into being—a **motivation centred approach** and a **penalty centred approach**. The former is being adopted in the Delhi model where penalty amount is less, compensation amount is not fixed and there are more incentive-based actions

for the officials. The latter is being adopted by states like Madhya Pradesh and Rajasthan where there is huge emphasis on penalties.

Madhya Pradesh: Lok Seva Kendras

The first of its kind in the country, the Madhya Pradesh *Lok Sewaon Ke Pradan Ki Guarantee Adhiniyam*, as the act is called, was a landmark legislation implemented on 18 August 2010 and saw path-breaking success not just because other states followed suit by emulating similar initiatives, but also as it got recognised in the international arena when it received the UNPSA award in the year 2012.

The Act presently covers 52 services over 16 departments and incorporates strict provisions:

- o It makes it legally binding for the designated officers to provide the notified services to entitled citizen within a prescribed time frame.
- o It provides for a two-tier grievance redressal mechanism—first appeal and second appeal in case of delay or denial of a notified service.
- o It imposes a penalty on the officials who have denied or delayed the service, and further compensates the aggrieved citizen. The compensation amount comes from the salaries of the erring officials.

The fine as defined by the Act is imposed at INR 250 per day for the number of days service is delayed, upto a maximum of INR 5,000.

Having a decentralised structure with a kiosk model, there was huge focus on establishment of *Lok Seva Kendras* (LSK)—block level hubs and as many as 336 LSKs were started in the very first leg reaching out to each block and district. These *kendras* could be operated in NGOs or privately, charging INR 30, out of which INR 25 is for the PPP setups and INR 5 is donated to the e-governance society. The *Lok Seva Kendras* provide a single stop close-to-door facility of registering applications, creating a state-wide seamless system.

Department	Applications received so far	Applications disposed of within time-limit			Number of plications disposed of after expiry of time-limit		
		Service provided	Service rejected	Total	Service provided	Service rejected	Total
Food & Civil Supplies	3623	406	72	479	0	0	0
General Administration	42610	37367	496	37890	2006	30	2037
Panchayat & Rural Development	7701	184	320	504	0	0	0
Revenue	50302	37208	484	37709	2146	41	2187
Social Justice	1806	30	4	36	0	0	0
Urban Administration & Development	18155	190	1240	1430	0	0	0
Women & Child Development	193	65	1	66	0	0	0
Total	124390	75450	2617	78114	4152	71	4224

The data upto 2012¹¹ shows the efficiency rate as under the Public Service Delivery Guarantee Act, a total of 124,390 applications were received till September 2012 against which public services were provided on 75,450 applications within prescribed time-limit while 2,617 applications were rejected due to being incomplete, ineligible or due to having false information.

Delhi: e-Service Level Agreement model

Called the Delhi (Right of Citizens to Time Bound Delivery of Services) Act 2011, this Act covers



116 services across 22 departments. The Delhi Act focuses on delivering the service or compensating the citizen within time, before even starting the appeal process. The penalty is minor, INR 10 per day, and there is administrative action against officers with

repeated defaults, thus making the approach more disciplinary.

Various government departments sign a Service Level Agreement and are required to appoint a competent officer who is to be approached for filing complaints. The competent officer is the first appeal and a Second Appellate Authority decides whether to penalise or repeal the complaint, thereby removing multiple levels of authorities in between. What demarcates this act from those in other states is its online monitoring system and the electronic Service Level Agreement (e-SLA) that records and tracks applications. A Service Level Agreement (SLA) is a contract between the customer and network service provider used in the implementation of this act for better outreach through a web-based interface, thus providing citizens with a facility to track their applications. The SLA accepts and disposes applications and acknowledgment slips automatically. The electronic disposal works in an integrated and central manner, just like CPGRAMs. In a way it is playing the role of monitoring infrastructure, in place of the state. Thus, the e-SLA also helps identify and keep a check on the non-performing departments and staff.

¹¹ Redressal or Complaints under Public Service Delivery Guarantee Act, Department of Public Relation, Madhya Pradesh, last modified, 5th November, 2012
<http://mpinfo.org/MPinfoStatic/English/articles/2012/051112lekh36.asp>

With a pendency rate of just 1.5 percent, which is to say by January 2012, out of 703,383 applications, 692,974 applications were disposed and only 10,409 applications were pending, the e-SLA system covers 70 services of 22 departments and eventually plans to take a 100 services under its wing. The departments under its purview also include private licensees like BSES Rajdhani Power Ltd. alongwith Delhi Police, Municipal corporation, etc.¹²

Karnataka: Sakala Model

“**Sakala**” in Kannada means “in time”. The Government of Karnataka launched the **Sakala** model on 2 April 2012 to implement the Karnataka Guarantee of Services to Citizens Act, 2011. The project boasts of 50 lakh citizens who have availed its effective functioning and timely delivery within months of its state-wide launch. Within this short span of time, this ISO 9001 certified initiative has already received recognition in the form of a Google Innovator Award, a National e-Governance Award, and the D L Shah Award from the Quality Council of India. It also boasts of delivering 96 percent of services ahead of time, thus reducing average time taken to deliver services, and 98 percent reliability standards with full transparency about working and relevant information.

The provisions of this model besides guaranteeing time bound services and compensating at INR 20 per day upto INR 500 per application, a mandatory display of whom to contact and procedure to follow on display boards, a computerised acknowledgement number, availability of online application status and SMS alerts for the same. The initiative has also come up with an Android App, the link to download which is easily available on the website’s homepage, thus making good governance more accessible.

All information is available bilingually and reports are made available on public portals, the default/delay rate of this model is a mere 2 percent which also they attribute to ‘technical hiccups’ due to connectivity problems. There are online debate forums in place, as are help desks and feedback mechanisms.

With an objective of making procedures less cumbersome, the state has done away with affidavits in general and domicile certificates for housing, and accepts self-declarations. It has made provisions to obtain *suo moto* birth certificates at government hospitals and reduced passport verification time from 90 to 20 days, thus making efforts in the best interest and convenience of the citizens. The *Sakala* software, designed by expert IT professionals, auto

¹² Deepak Virmani, AS, Dept. of Information Technology, 18th January, 2012, "Delhi to bring in more services under time-bound delivery law", Governance Now, <http://www.governancenow.com/news/regular-story/delhi-bring-more-services-under-time-bound-delivery-law>

generates a GSC (Guarantee of Service Citizen) acknowledgement number. This is a unique 15 digit number which is used to prioritise requests as Appeal 1 and Appeal 2, and is also used by the citizen to track status of his request. Presence of a mobile interface and SMS facility along with a call centre number enables the model to be functional in each corner of the state quite efficiently.

13. International Experiences

As per the 11th report of the Second Administrative Reforms Commission, entitled "Promoting e-Governance – The Smart Way Forward", India strives to emulate and learn from the Singapore Master Plan which is considered to be one of the best in the world. Our current processes are based on the UK model.

The '**Singapore One**' model as it is called tracks a person's existence from birth till death on a database through school, college, employment, marriage records, loans and passports; basically supporting a citizen throughout important events in a lifecycle—540 'one-stop, non-stop' government services and 1,060 business services all of them managed electronically. The model reaches far and wide as it is a broadband infrastructure reaching out to people through 7,000 public access points, across income, languages, age and ability, creating an e-inclusive society where there is ubiquitous access to services. It is thus, an e-lifestyle that people from all socio-economic backgrounds and households experience. The first wave spread in 1981 with the launch of Civil Service Computerisation Programme (CSCP) that aimed at automating service delivery and reducing paperwork. The last two decades have seen it transform from a "Government-to-You" approach to a "Government-with-You" approach, where the thrust on re-inventing the government is based on creating knowledge-based workplaces, electronic service delivery and a robust info-comm structure.

Other advanced economies like the UK, Australia, Canada and New Zealand, follow what is known as 'New Public Management' or 'Managerialism'—a market based approach funded by the government, while keeping the administrative reforms decentralised. The recent Open Public Services 2014 framework of the UK government is a reform that crosses through public-private setups and voluntary organisations in order to provide tailor-made services to people. Similarly, the *Batho Pele* administrative initiative in South Africa is an eight principle leading delivery model which aims at dissolving corruption and aims to enhance efficiency.

The various models adopted across countries with different political and government structures range across four basic categories based on the coordination of various ministries and departments with respect to the set up of the e-government cell/department of a country. The first model as adopted by nations like China, Finland, US among others emphasises how the Ministry responsible for implementing e-governance gets a direct funding to channel funds and invest in other ministries and has direct control over funds to implement e-government. The second model of implementation calls for a reformation and upgradation of service delivery by means of e-government by the Ministry of Public Administration by undertaking

Table 6.1 Models for E-Government Institutions in Various Countries

Model	Countries	Benefits	Drawbacks
<i>Policy and investment coordination</i> (cross-cutting ministry such as finance, treasury, economy, budget, or planning)	Australia, Brazil, Canada, Chile, China, Finland, France, Ireland, Israel, Japan, Rwanda, Sri Lanka, United Kingdom, United States	Has direct control over funds required by other ministries to implement e-government. Helps integrate e-government with overall economic management.	May lack the focus and technical expertise needed to coordinate e-government and facilitate implementation.
<i>Administrative coordination</i> (ministry of public administration, services, affairs, interior, state, or administrative reform)	Bulgaria, Arab Republic of Egypt, Germany, Republic of Korea, Mexico, Slovenia, South Africa	Facilitates integration of administrative simplification and reforms into e-government.	May lack the technical expertise required to coordinate e-government or the financial and economic knowledge to set priorities.
<i>Technical coordination</i> (ministry of ICT, science and technology, or industry)	Ghana, India, Jordan, Kenya, Pakistan, Romania, Singapore, Thailand, Vietnam	Ensures that technical staff is available; eases access to nongovernmental stakeholders (firms, NGOs, and academia).	May be too focused on technology or industry and disconnected from administrative reform.
<i>Shared or no coordination</i>	Russian Federation, Sweden, Tunisia	Least demanding and with little political sensitivity (does not challenge the existing institutional framework and responsibilities of ministries).	May lead to rivalries among ministries. No cross-cutting perspective. Fails to exploit shared services and infrastructure and economies of scale.

Source: Hanna and Qiang 2009 (chapter 6 in this volume).

administrative reforms, simplification and decentralisation. The third model necessitates the creation of a Technical Ministry with the objective of implementation of e-government across various ministries, with the help of specialised staff and private stakeholders. Countries that have adopted such a mechanism include countries like India, Singapore, Thailand etc. The fourth and the last model leaves out any formation of an institution for coordinating e-government and leaves the implementation of the advanced service delivery mechanism to each and individual ministry on its own. Countries like Sweden and the Russian Federation have been known to adopt such a mechanism. Each model has its own drawbacks and benefits.¹³

¹³ Table source: National E-Government Institutions: Functions, Models, and Trends. http://siteresources.worldbank.org/EXTIC4D/Resources/5870635-1242066347456/IC4D_2009_Chapter6.pdf

14. Challenges Faced by the e-Governance Model

In Dr A P J Abdul Kalam's words:

"e-Governance, has to be citizen-friendly. Delivery of services to citizens is considered a primary function of the government. In a democratic nation of over one billion people like India, e-Governance should enable seamless access to information and seamless flow of information across the state and central government in the federal set up. No country has so far implemented an e-Governance system for one billion people. It is a big challenge before us".¹⁴

The successful implementation of e-governance, a challenge as a whole in a country like India, comprises of four kinds of services:

- 1. Government-to-Citizen (G2C):** The services that the citizens have elected the government to provide for and which the latter is liable to provide once in power. These are the basic public services like telecom, transportation, post, medical facilities, electricity, education, and other civic utilities like certificates and registrations etc. Provided through a consumer driven, user-centric approach.
 - o *E-Citizenship and registration:* These electronic services include getting copies of land records, filing of tax returns, getting birth and death certificates issued and modified, issue of ration cards, voter ID cards, registration and transfer of property, payment of taxes online, all done by making a citizen database. This is a huge task, but once achieved, would reduce a lot of paperwork.
 - o *E-Transportation:* This includes registration of motor vehicles, issuance of driving licenses, booking and cancelling tickets be it road, rail, water or air done all through a single point delivery system.
 - o *E-Health and Education:* Creating an interconnected network between all hospitals, making a database of pharmacies, imparting education through ICT technology to and enabling students to take online exams.

- 2. Citizen-to-Government (C2G):** As a reverse relation to the above mentioned services, this constitutes of e-participation from the side of the citizens, them having a say in the policy formation of the government and getting involved at all levels, central, state or local or even community levels. It involves governments reaching out to the people for whom the policies are designed and letting them engage and give inputs in designing

¹⁴ A. P. J. Abdul Kalam, "A Vision of Citizen-centric e-Governance for India, Compendium of e-Governance, University Press (India) Private Limited, 2008, Page. no 3-8

the same. *E-democracy* consists of having virtual spaces like online portals/debates with elected members on the internet where people can be consulted and/or can speak to their representatives directly. Such knowledge communities help give *e-feedback* on the current policy structures if given a chance through the right mechanism. This enables not just e-votes and taxation as duties of being good citizens but also allows citizens to be proactive in a system which seeks their views and opinions.

3. Government-to-Government (G2G): These services are set up to manage performance strategically and keep the consumers' confidence and trust maintained in the system. These involve three aspects of the E-administration:

- o *E-Secretariat*: Involving cross linking various departments of the government so that there is free information availability and exchange. Such a synergy would make communicating with the officials seamlessly easy.
- o ***E-Police***: Creating a database for the policemen and criminals and making it accessible to all police stations.
- o *E-Courts*: To bring down backlog or pending court cases, IT could be used to record proceedings, identify frauds, and electronically create reports.

4. Government-to-Business (G2B): These services comprise of:

- o *E-Taxation*: Online filing of corporate taxes by firms and business houses, procuring licenses, sending online alerts, all done through electronic transactions with secure mechanisms for payment.
- o *E-Commerce*: Trading of goods and services on a web-based marketplace, promoting, purchasing and transacting online through the internet or mobile device, thereby reaching beyond geographical borders.
- o *E-Society*: Forming e-communities so as to be able to interact and voice opinions as interest groups, civil society members, and other non-government organisations.

E-governance in states: Maharashtra has often been ranked as the leader of the e-readiness index by the ICT dept. Other states like Andhra Pradesh and Karnataka have embarked on similar successful journeys while Chattisgarh won the National e-governance award 2014-15 for its 'Geographic Information System' project. Some pioneering projects in various states are:

- o Karnataka's Project Bhoomi: Project Bhoomi deals with the maintenance and digitisation of land records about land ownership, loans and tenancy, land use, cropping pattern etc. The project boasts of having computerised 20 million records of land ownership of 6.7 million farmers from 177 kiosks at block level offices in the state along with bio-metric authentication so that the system is fool proof. The kiosks which are available at a nominal fee of INR 15 help recording land

procurements as well as provide an easy mechanism to make changes, which was earlier a tedious and long process, done manually and hence was also subject to manipulation. The onset of this initiative has consequently empowered the farmers as land records, which were earlier either not made or not available in public or were illegally transferred were not online and therefore, helped farmers procure loans from banks and justice from courts by producing these records as collateral or evidence.

- o Madhya Pradesh's Project Gyandoot: An initiative in the Dhar district, started in year 2000, the project provides for an intranet service delivery network as it links the government and rural areas through internet kiosks called 'soochanalayas' owned by a 'soochak' in each village. The key element is inclusion of people from remote areas and giving them access to relevant information. The services include getting to know rates of commodities in the market, registration and certification of income, domicile, caste, birth and death, filing complaints, rural email facilities etc.
- o Andhra Pradesh's e-Seva: With the motive of looking at services from citizens' point of view, this project was launched in the TWIN cities of Hyderabad and Secunderabad to facilitate services like online transactions, payment of electricity and telephone bills, booking of tickets, certifications, filing tax returns etc. at a one-stop-shop. The intranet network works in three tiers; the first tier being a client-end seva centre, second being web servers and the third being departmental servers.

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With more and more state governments implementing e-governance projects in their own states, there is no doubt that opportunities in the IT sector have doubled and so has the demand for e-governance practices and setting up of statewide Wide Area Networks (WAN) so as to reach to the districts and villages for uniformity of records, citizen databases, connectivity, computerisation, speed transactions and verifiability. However, no technology can estimate people's expectations and all these goals are achievable only when the following obstacles are overcome:

- o e-Readiness: The e-government Readiness Index (EGDI) has been defined as a measure of willingness and capability of countries to tread on the path towards e-governance. As per the 2014 UNPAN e-government survey, India ranks 118 on 193

¹⁵ Other projects – include, Karnataka – Bhoomi, MP – Gyandoot, Kerala – FRIENDS, Andhra Pradesh – Smart Gov, CARD, VOICE, E-cops. E-seva, Gujarat - computerized interstate checkposts, CVC website, Haryana - e-Disha (District Level Integrated Services), Chandigarh - e-Sampark)

countries with an index value of 0.3834 while it is in the top 50 countries in terms of e-participation.¹⁶

- o Digital Divide: Given the country's huge and diverse population, the digital divide is a term used for the virtual to real gap between technology haves and have-nots. Success of e-governance depends on the socio economic indicators of a population, the majority of which lives either in rural areas or is below poverty line and hence deprived of affordable access to internet, technology, skills, information or opportunities.
- o Infrastructure Constraints: For such integrated ICT technology to seep into the development of an information based economy, a lot of physical infrastructure is needed. This is not just in form of computer hardware and software and high bandwidth, but also includes trained people and sufficient manpower, R & D growth and innovation, legal environment for regulations, and mobilisation of resources to build capacity to operate, manage and upgrade the technology regularly. Infrastructure bottlenecks are the biggest problem in success of such models, given that villages don't have electricity and power supply let alone internet facilities in the country. Similarly, towns have irregular connectivity making all efforts either sporadic or worthless altogether.
- o Lack of awareness and Low Literacy Levels: Low literacy and lack of awareness among the population make them resist change. There seems to be an oppositional attitude and lack of will to change when people are not aware of the benefits the technology could bring to them and the community. Increase in the literacy levels and attainment of basic minimum educational level among the population of the country are imperative conditions for individuals to accommodate and welcome this cultural change with least resistance.
- o Lack of Skill Development and Training: Not only is it difficult to give up on old habits while internalising change, but lacking skills to learn new techniques and absence of appropriate training programmes only broadens the digital divide. Analysis of needs of the services people need, forming business processes to cater to the same and developing skills so that they are up-to-date with technology trends are areas where investment needs to be made so that the benefits are equally distributed.

¹⁶ Aquaro, Vincenzo, and John-Mary kauzya, "E-Government Survey 2014", Pg. 201, New York: United Nations, Economic & Social Affairs, 2014. http://unpan3.un.org/egovkb/Portals/egovkb/Documents/un/2014-Survey/E-Gov_Complete_Survey-2014.pdf

- o Political and Legal Challenges: A lot of e-governance efforts have failed due to lack of political support. Progress cannot be made with outdated laws, or absence of necessary laws and administration. A committed legal and political environment is a must for the success of any project. The costs and maintainability of such financial investments are high and heavy capital investments need backing and enough support from the government.
- o Privacy and Security: Absence of data protection laws and existence of draconian ones poses a great threat. The status of cyber security in India is low, vulnerable to data theft and cyber attacks. Inadequate data backup mechanisms and proneness to disasters like fire, floods etc. without a recovery plan can lead to permanent loss of database, leading to the collapse of whole system. Further, not having proper channels to manage e-waste so generated is a major threat for sustaining development.

15. Recommendations for Policy/Systematic Reforms

The *modus operandi* of delivering efficient services can be divided into four major categories: keeping people informed; provision of timely quality service; redressing any problem faced by a citizen during the process; and providing aftercare for the same. Major efforts have been taken in re-inventing and revolutionising the whole domain so as to restore public's confidence and trust in the existing system. If we look at improving each of these processes individually, we can see a paradigm shift in the regime from what is known as a directive principle of the government to a rights-based approach.

15.1 Informing:

Given the country's low literacy rates and high population, more often than not, the knowledge about existence of a mechanism governing their welfare does not reach them, or when it does, is not comprehensible or complete. Information outreach is the primary motive of all departments and organisations as it is the very rationale behind formulation of the charter. But awareness generation in a society is also a task and responsibility taken up by NGOs, social activists, civil society, voluntary organisations and media agencies to sensitise people and authorities, alike. The fact that each person can use his Right to Information as a tool, if unknown to him, renders the whole process useless.

Hence, a bottom-up perspective of information dissemination i.e. starting from the remote, unreachable areas, would be an effective design plan since it is the villagers, the poor or disadvantaged of the most rural areas or the working middle class who do not know what to

do to get a land record signed, or whom to complain to when there is a suspicion of being cheated. For this, a number of steps could be taken:

- o Innovative awareness generation and educational programmes which involve communities, for eg. Street plays, distribution of pamphlets in local languages, publications in regional languages, organisation of workshops/seminars etc. and appropriate budget allocations at national and state levels for these campaigns.
- o Display of information, availability of help desks in all departments of various organisations because even after all this, people may face challenges in filling and filing requests, complaints or applications. The Charter makes it mandatory for all Front Line Service Delivery Institutions to list notified services, documents required with application form, the timelines for the same, Designated Public Servants accountable for the services, and Appellate and Reviewing Authorities Designations on the notice board.
- o Usage of ICT tools to their optimum advantage, i.e., geographically networking till the remote areas with online and offline facilities, giving the people access and simplifying the process of reaching out to the government. This can be done through an online web portal or software solutions that either comply with their local languages or transliterate from English for their better understanding.

15.2 Providing:

The Act and e-governance are in themselves two major tools to ensure time bound provision of services to citizen. A general suggestion, which is being followed by most states as and when their capacity to provide increases, is increasing the coverage of services. More and more services are falling under the purview of state acts over time (for example, Orissa added 26 new services to its list this December).

India's system of public service delivery is mostly decentralised. However, alternate service delivery models are coming up in various spheres which include Public-Private Partnerships and outsourcing or contracting out processes to another entity. These alternate service delivery mechanisms are easy long term solutions which could turn-around the performance and also be cost efficient. As it is hypothesised in the New Public Management reforms 1991 which came out as a result of globalisation, market-oriented management could provide more efficient elements if we turned to the private sector, autonomous agencies and let market mechanisms decide performance and output.

Public-Private Partnerships follow the neo liberal school of thought, and seek to be more accountable and efficient than state delivered programs because of elements of cost effectiveness and competitive selection. Where there are complaints of bureaucracy and people

perceive government officials to be corrupt, complete outsourcing to private providers or part public, part private setups can be established. For instance, in the last couple years, the reason why PPP setups have become so popular is because they have performed with the efficiency of private sectors in school setups, infrastructural projects, special economic zones and other basic facilities while being assisted by the government. It is a symbiotic relationship, so to speak, where the governments benefit as the private sector keeps the cost down and in turn, gets the freedom to design, innovate and perform operations in its own way, but the final beneficiary is the citizen. A very successful example of these setups would be the "Aadhaar Card" initiative which aims to provide every citizen with a UID—Unique Identification Number, using biometrics.

Yet another suggestion would be further decentralisation of administration so that it reaches out to the unreached—increasing the number of front line providers and *Lok Seva Kendras*. These are Common Service Centres, online kiosks set up in districts to be a front-end channel of public delivery, operated by trained people. Thus, more such *kendras* would also open up employment opportunities.

The service delivery provision domain can also be revolutionised by taking a coupon based approach, which has been followed in Bihar to an extent for PDS, where individual households are allowed to choose which ration shops they will frequent. FPS shops receive their entitlements for the next month only on producing these coupons to the procuring authority, thus the hope was that this would reduce incentives to pilfer grains. However, this approach is subject to cartel formation and barriers to entry. Besides this, Bihar's Coupon Tracking System (CSM) tracks the entire cycle from the dispatch of food grains till it is collected by the PDS collector and/or shifted to go-downs. Data on this cycle is available publicly for the beneficiary's perusal and once he avails the coupon's services, the coupon goes back into the scanner of the administration to confirm delivery. This cycle, also known as e-PDS, is an IT based solution that uses inventory management software, the MIS and GPS facilities for tracking and ensuring there is no scope for manipulation or corruption.

Besides these, internal transformation in performance of government officials and organisations, courteous behaviour, a shift in organisational culture, adherence to minimum quality standards of services and their provision in a fair manner would come only with reward incentives. Hence, incentivising rather than penalising officials could help create a fairer society.

15.3 Redressing:

To facilitate the ease of action, e-governance measures have been brought to the doorstep of the citizens. Information Technology tools have made access easier and it could be suggested

that other states take cue from the e-SLA monitoring system of the Delhi Act where status of application can be tracked, thus removing layers of officials in between and their scope of resorting to corrupt practices.

Tapping into the country's IT boom, a recent initiative launched by the government to move towards a 'Digital India' has been *mygov.in*, a website which provides a platform where citizens can participate and engage in the decision making system. It has multiple, theme-based discussions and citizens can 'Discuss' and 'Do' a lot by putting across new ideas and feedback on already existing policies. They can volunteer and submit proposals and entries that would be reviewed by the experts and if feasible, incorporated into current practices.

E-governance practices are already in order in a lot of states, but a transition now, from electronic media to M-Governance (Mobile-Governance) is coming up, as seen in Karnataka's *Sakala* model where Android Apps for mobile devices have been designed, so that facilities are just a click away. This could be both, an online and offline facility, where offline channels would have auto-generated SMS alerts and the online facility would include logging in, filing and tracking an application. The guidelines to integrate the mobile applications with the common e-Governance infrastructure have already been established and lay down path for informational, interactional and transactional services. The DeitY, and C-DAC (the research wing) assist government departments and agencies to develop mobile based applications. They outline provisions for having an application software not just for delivery and redressal but also for GPS tracking location based services and m-banking and payment, in form of either a pre-installed app or one that can be downloaded.

Guidelines have also been laid down to host IVRs (Interactive Voice Response). Digital booths could be set up for every district just like we have EVMs and poll booths for voting and their deployment could be through equipments installed in the PSTN (Public Switched Telephone Network). This is already in place in Bihar, where there are 'May I Help You' Booths in every district and '*Jigyasa*' helpline/enquiry facility through an IVR based system.

Alternative Dispute Resolution techniques such as arbitration, negotiation and mediation can help both the parties to come to an agreement short of litigation. Such a method is less costly and less time consuming as it increases the parties' chance of solving the dispute without intervention of formal administrative procedures and litigation.

Since technology excludes as many people as it includes, allowing local decision-making and decentralising power to the lowest appropriate level would empower neighbourhoods and communities. A single approachable point of contact, apart from the designated officer, in form of an ombudsman, or an elected representative can be appointed in each district and locality to redress customer complaints against certain deficiencies. A lot of cases go unreported because

people are not aware of where to go and whom to consult. This can be solved by having an ombudsman to go to, knowing he has prescribed powers to resolve a dispute. This development has already taken place in the banking sector in 2006 for grievance redressal and is slowly expanding to electricity and water agencies.

An institutionalised grievance redressal process would involve monthly public hearings and social audits to figure out what is causing disillusionment amongst the masses. A problem raised by one person could be relatable with a group of people and it could be addressed for all in that public hearing. Social audits could keep a track of the deficiency and could monitor the development after it has been corrected and give required feedback on the same. These audits can also examine areas where essential changes in procedures are needed or where rules have become redundant or incongruent with the dynamic atmosphere and need to be changed. Review of official records to figure out whether state's reported expenditure is reaching where it is intended to is a big leap as public scrutiny will bring in transparency.

In essence, to have an accessible, fair and efficient grievance handling mechanism, to facilitate the 'Right to be Heard' for every citizen, it is important that people are aware of the fact that a system exists and further have access to it in a manner that does not lead to waste of time and money, repeated visits or bribes in lieu of services.

15.4 Aftercare:

It is one story to perform well, and another to build citizens' confidence and have a goodwill supremely satisfying the people. This can only be done if, after a service is provided or a grievance is redressed, efforts are made to monitor the record of the same and to ensure it does not recur. For this, besides online and offline feedback mechanisms, various other measures can be taken:

- o Citizen Surveys: Conducting surveys at regular intervals is an important evaluative tool that helps to measure performance and gather feedback to make new decisions and modify policies. Public opinion polls, online surveys, community samples, email questionnaires, telephone and in-person records are strong performance evaluators to administer the current situation as well as to gather future resource allocation needs in the future. Surveys could be a costly process, but the cost of not getting feedback is a much greater risk as it is first hand data from the people who utilise the services and face troubles. Also with the advent of ICT tools, the method is slowly becoming more and more cost efficient.
- o Citizen Report Cards: A very prominent method of collecting citizen response in Bangalore is Citizen Report Cards (CRC) that quantitatively and qualitatively assesses service provision by questioning organisations who fail to fulfil their

promise and rating them on a seven point scale on various dimensions such as service delivery, corruption, behaviour of staff etc. It is famously called a 'diagnostic tool' and the evidence of it from Bangalore (the first CRC in year 1993) brought to fore many a revelation, for example, dissatisfaction levels as high as 65 percent with development authorities. It is a model which, if replicated in other states, could bring about a major reform in public accountability.

- o Protect Whistle-blowers: A whistle-blower is someone who exposes misconduct or a dishonest activity, law violation or an act of corruption or any other illegal activity happening in an organisation. People are usually scared to speak up and there is a fear of victimisation that governs a person and hinders him to report such an activity. Thus it is important to protect such whistle-blowers, so that wrongdoings can be reported. The Whistle-blowers Protection Act, 2011 is one such mechanism that investigates and provides safeguards against bullying or victimisation, thus instilling confidence in people to speak out without any fear while simultaneously laying down strict actions against false and frivolous complaints.

This provision is not entirely dissimilar to the concerns of the Central Vigilance Commission, which has been designated as the agency to act on complaints from whistle-blowers till the time a law is passed on the subject. The commission, according to the GOI 'Public Interest Disclosure and Protection of Informer', 2004 Resolution, has also been entrusted with the responsibility of keeping the identity of the complainant secret, thus making anonymous complains hugely effective in battling corruption and other like offences.

- o Capacity Building and Training Workshops: Intensive trainings and workshop programs for skill development in both the officials as well as the citizens is necessary to bring about an attitudinal change from both sides and ensure that benefits are percolating to the grassroot level. Building new capability and capacity, i.e. human and capital resources, is a necessity for e-governance to become common. Reform sustainability depends largely on human resources creating a welcoming organisational culture, one in which a citizen is not apprehensive to consult. A change in the mindset is also needed regarding acceptance of use of technology, so that it is not perceived to be intrusive but facilitative. This change can only come through more training and educational workshops. Budget allocations for training people in specialised skills required to provide technical support to the e-governance model and for other implementation skills, business developing skills, change management are essential. Therefore, capacity building has been included in the 'implementation approach and methodology' of NeGP.

16. Conclusion

It is clear from the origin as well as the analysis of The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011, that it has been a massive step forward from the earlier, scattered provisions, both internal—related to government machinery—as well as externally distributed. At the same time, however, while the earlier systems failed to bridge the gap between the individual government employee and the individual citizen, be it due to the lack of incentives or the lack of sensitivity training and awareness, the Act too falls short in various vital areas. By piling up on the pre-existing systems, the bill strengthens the paradox of central power being pitted against state power, and also misses out on a concrete blueprint for its implementation as well as for its thorough coverage of all the sections of the citizenry. Also, while the statistics of solved complaints as opposed to unsolved or rejected ones may seem encouraging at face value, the power to effect actual, sustained, and permanent change in the functioning of certain departments remains in the dark as any such authority does not stretch beyond recommendations.

Every aspect of the process from information dissemination, provision of services, redressal of grievances and prevention of recurrences can therefore be enhanced by technological and policy reforms. Awareness generation, accessibility and approachability of employees, penalties and protocols followed and continuous maintenance and monitoring of performance standards empowers citizens and increases their confidence in the machinery. This, supported by ICT tools at every step, smoothens planning and implementation on the government's part and ensures citizen involvement on the other hand. The recommendations of this paper, thus, centre around the need to effect decentralisation and transfer more power to the citizens, whether by increasing awareness, proliferating the reach of redressal mechanisms, technological interventions, or by increasing the role of the private player in these functions.

Appendix 1

Consolidated list of services under the ambit of the Delhi Act:

Please find separately

Appendix 2

Tabular Analysis of the RTPS Act as implemented in 19 states:

Please find separately

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