



सूचना के जन अधिकार का राष्ट्रीय अभियान

NATIONAL CAMPAIGN FOR PEOPLE'S RIGHT TO INFORMATION

278, SFS Apartments, DDA Flats, Hauz Khas, New Delhi 110016

NCPRI position on the Grievance Redress Bill

The National Campaign for Peoples' Right to Information (NCPRI) has been advocating for a series of anti-corruption and grievance redress measures to effectively tackle corruption at all levels and redress grievances of people. The measures include the Grievance Redress Bill, Lokpal Bill, Whistle blowers' Protection Bill and Judicial Accountability Bill.

The NCPRI feels that the Parliament must urgently debate and enact a legislation to provide an accessible, decentralized, and responsive system for time-bound redress of citizens' grievances. An effective grievance redress legislation would be a long awaited response to the millions of complaints of ordinary people over many years, which never get heard or addressed by thousands of offices all over the country.

The introduction of the 'Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011' in the Parliament in December 2011 was a positive step in this direction. However, the bill had several lacunae which needed to be addressed in order to ensure effective and timely redress of grievances. The bill was referred to the Parliamentary Standing Committee in January 2012 and the Committee presented its report in August 2012. The Standing Committee made several useful recommendations to strengthen the Grievance Redress Bill. On March 7, 2013 the cabinet approved the bill. There is no clear indication on the precise provisions approved by the cabinet and the amendments made.

The NCPRI believes that the following salient features must be included in the grievance redressal legislation to ensure that peoples' grievances are redressed in a time-bound and effective manner-

1. Grievance redress mechanism for both the central government and state governments- The bill should provide for setting up a grievance redress mechanism for both the central government and state governments. Many grievances which affect the common person, especially the poor and marginalised, are in state government agencies and departments. Therefore, we feel that it is crucial that the same law provide for setting up Central and State Grievance Redress Commissions with similar powers, structures and functions. It is important that the State Commissions should, as in the RTI Act, be appointed at the State level and not be subordinate to the Central Commission. Appeals against the orders of the State Commissions could go to the High Courts.

2. Development of citizens' charter- Each public authority must develop a citizens' charter enumerating all the services, goods and obligations of the public authority along with relevant timelines, norms and standards. All the obligations of the public authority under any law, policy, programme, order or scheme etc. should be comprehensively stated in the citizens' charter. This charter must be developed in a participatory and consultative manner and appropriate mechanisms for seeking feedback of the public during the process of formulating the charter should be adopted by public authorities. Further, the citizens' charter must be periodically updated to reflect changes, if any. This has also been recommended by the Standing Committee in its report.

3. Definition of grievance- any violation of the provisions of the citizens' charter would constitute a grievance.

4. Time bound grievance redress- The legislation must provide for specific and mandatory time lines for redress of grievances and appeals. A specific time limit for disposal of grievances by the Grievance Redressal Officer (GRO) and Head of Department (HoD) and specific time limits for disposal of appeals by the designated authority at the district level and the State/Central Grievance Redressal Commissions must be included in the legislation.

5. Information and facilitation centre- In order to facilitate registration, follow-up, and tracking of grievances, the legislation must provide for Information and Facilitation centres at the block/municipal ward level. Grievances could be received in multiple ways, on paper, through emails, SMS, website, telephonically, etc, and for each complaint a dated receipt must be issued. The Information and Facilitation centres should proactively provide information to citizens about the schemes and programs of the government and assist citizens in filing grievances and in tracking their applications and entitlements. These centres should be set up as a single window/common centre at the block/municipal ward level, outside any specific department to ensure ease of filing grievances for people.

6. Decentralised grievance redress mechanism- Every public authority/office should have a designated Grievance Redress Officer (GRO) at the Panchayat/Municipal ward level for receiving and disposing of complaints about any deficiency by an officer/functionary, in a specified timeframe. The GRO should have adequate authority and power to ensure that the deficiency is redressed in a reasonable timeframe and responsibility is fixed for the deficiency occurring in the first place and, where thought necessary, the errant functionary is reprimanded or punished.

In case the GRO does not redress the grievance of a complainant satisfactorily or if an action taken report (ATR) is not received within the stipulated time-frame, the appeal should lie with the Head of the Department (HoD) at the district.

7. Independent Grievance Redress Authority at the District level- We feel that it is essential that the bill provide for an independent authority **at the district level** with powers to penalise HoDs, GROs and other erring officials and also order compensation to the complainant. A clarification was issued by the DoPT that the designated authority is to be located at the District level (enclosed). In case the GRO and Head of the Department (HoD) at the district level do not redress the grievance of a complainant satisfactorily, the designated authority at the district level should initiate the process of inquiry and order where appropriate, redress of grievance, impose penalty and award compensation in a timeframe prescribed by the Act. This has also been recommended by the Standing Committee in its report.

8. Penalty- The bill must empower the designated authority at the district level, State Grievance Redressal Commission and Central Grievance Redressal Commission with powers to penalise HoDs, GROs and other erring officials. There should be mandatory penalty on GROs and other erring officials unless the officer can show beyond reasonable doubt that the officer made all possible efforts to redress the grievance. Mandatory penalty also needs to be specified in relation to some categories of impugned administrative action such as mala fide action of the officials, repeated violations etc.

9. Compensation- The bill must include provisions for compensating complainants in case of non-redress of grievances. The Bill should provide for mandatory compensation for certain classes of grievances and this compensation should be paid for by the public authority and then recovered from the salary of the erring officials. Providing compensation to complainants should not be made conditional on imposition and recovery of penalty.

10. Provision of hearing- The bill must provide for a right to time-bound hearing for individual and collective complaints. The hearing should be held in an open court at a public place on a designated day to ensure transparent and effective grievance redress and to facilitate peoples' participation in the hearing.

11. Territorial jurisdiction of the designated authority, the State and Central Grievance Redressal Commissions- The NCPRI suggests that the designated authority at the district level should have territorial jurisdiction over all public servants/public authorities within the district, irrespective of whether they are offices/employees of the state government, central government, or any other public authority.

The State Public Grievance Redressal Commissions should have jurisdiction over all public servants/public authorities within the state, irrespective of whether they are offices/employees of the state government, central government or belonging to any public authority as defined under this Bill.

Similarly, the Central Public Grievance Redressal Commission should have jurisdiction over all public servants/public authorities falling within the centrally administered areas, irrespective of whether they are offices/employees of the state government, central government, or belonging to a public authority as defined in this Bill.