

Critical Evaluation of Time-bound Public Services In Punjab

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ABSTRACT

Right to Services Act represents the commitment of the particular state towards standard, quality and time frame of service delivery, grievance redressal mechanism, transparency and accountability. The Right to Service Act would ensure time-bound delivery of public services to the people as a matter of right came into force in Punjab from Oct., 2011. Under the Punjab Right to Service Act-2011 RTS, time-bound delivery of 67 citizen-centric services to the public as a matter of right will be ensured. Besides, a provision for punishing civil servants in case they fail to comply with the prescribed time frame has been incorporated. The Act covers services of the departments of local government, transport, housing and urban development, revenue, health, home, social security, food and civil supplies and rural water supply besides the police department. A person eligible to obtain any service under the provisions of this Act shall make an application to the Designated Officer in this regard. If Designated Officer or other Officer failed to provide service without any reasonable cause, it may impose a fine of minimum Rs. 500 subject to a maximum of Rs. 5,000. Under this Act, the First & Second Appellate Authorities have the power of a Civil Court in order to summon to Designated Officer and Applicant, production and Inspection of documents and other matters

KEY WORDS: ACT, SERVICE, RIGHT, PUBLIC, TIME

Introduction

Every Citizen is entitled to hassle-free public services and redressal of his grievances. Accordingly, the Right to Services Act represents the commitment of the particular state towards standard, quality and time frame of service delivery, grievance redressal mechanism, transparency and accountability. Based on the anticipated expectations and aspirations of public, standard, quality and time frame are to be drawn-up with care and concern for the concerned service users. For this, there should be clear, precise and enforceable statements of people's entitlements to public services.

The guarantees should specify the minimum standard of service provision that service users can expect, and set out the arrangements for redress that apply should service providers fail to meet the standard promised." These are expected to indicate 'WHERE TO GO' and 'HOW TO PROCEED'. On the other hand, it makes the service providers aware of their duties to attend to the problems of the concerned citizens within a reasonable time-frame.

What is Right to Public Services ?

Right to Public Services legislation in India comprises statutory laws which guarantee time-bound delivery of various public services rendered to citizens and provides mechanism for punishing the errant public servant if they are deficient in providing the stipulated services. Hence, Right to

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Service legislation ensures delivery of time bound services to the public. If the concerned officer fails to provide the service in time, he will have to pay a fine. Thus, it is aimed to reduce corruption among the government officials and to increase transparency and public accountability.

How it works?

The common framework of the state legislations includes, granting of "right to public services", which are to be provided to the public by the designated official within the stipulated time frame.

The public services which are granted as a right are generally notified through Gazette notification.

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

On failure to provide the service by the designated officer, the aggrieved person can approach the First Appellate Authority.

The First Appellate Authority, after making a hearing, can accept or reject the appeal by a written order stating the reasons and intimate the same to the applicant.

An appeal can be made against the order of the First Appellate Authority to the Second Appellate Authority, who can either accept or reject the application, by stating the reasons for the order and intimate the same to the applicant. It can order the public servant to provide the needed service to the applicant and/or can impose penalty on the designated officer for deficiency of service without any reasonable cause. Penalty rates vary from state to state. Besides, it may recommend disciplinary proceedings.

The applicant may be compensated out of the penalty imposed on the officer.

PUNJAB RIGHT TO SERVICE ACT

Introduction

The government of Punjab with a view to provide delivery of service to the people of the state within certain time limits, notified Punjab Right to Service ordinance on 14th of July 2011.

The Ordinance came into force w.e.f, 28th July, 2011 when 67 services were notified under its provisions. Soon after, Punjab Right to Service Act-2011 (PRTS Act-2011) was passed by the State Assembly and thus, came into effect on 20th October, 2011. As per the section 12 of the PRTS Act-2011, there is a provision to constitute Punjab Right to service Commission (PRTSC) consisting of 1 chief Commissioner and 4 commissioners who would look after the task of effective implementation of the Act. PRTSC has been entrusted with the task of making suggestions to the state government for ensuring better delivery of services. The commission will also hear revision applications against the orders of 2nd Appellate Authority. The commission has been constituted since 23 Nov, 2011.

Background/ Objective

The PRTS Act -2011 was enacted with the sole objective of providing an effective framework for time bound delivery of services being provided by various government departments

in order to promote transparency and accountability with the expansion of economy, there has been awareness all around and public at large felt that though they are entitled to services under various enactments, yet there was no time limit fixed for delivery of the services.

The PRTS Act -2011 has empowered people to seek services in a hassle free, corruption free, transparent and time bound delivery mechanism .The act will ensure that people take maximum advantage of time bound service delivery system. As on date, 149 services have been notified under the Act. There is a provision in the Act according to which more services can be notified later if indeed.

Punjab is the first state in the country to form Punjab Right to Service (PRTS) Commission for effective implementation of PRTS Act and the commission will prove its mettle nationwide by ensuring the best implementation of the act. The Act, designed to empower the common man and to tame the wayward amongst the babus, will be implemented in letter and spirit. Commission will work on twin pronged strategy namely regular assessment of performance of various departments on the basis of disposal of applications within stipulated time frame and at the same time dissemination of information about PRTS Act via vigorous publicity through print and electronic media besides distributing pamphlets and setting up kiosks and hoardings. Prominent implementations practiced under this act presently are:

SUVIDHA CENTER: A SINGLE WINDOW FOR MULTIPLE SERVICES.

SANJH KENDRA: A SINGLE WINDOW FOR POLICE SERVICES.

FARD KENDRA: A SINGLE WINDOW FOR REVENUE SERVICES.

The citizens would be able to get:

Copies of birth or death certificates within 2 days,

Post-mortem reports within 3 days;

Certified copies of record within 7 days;

Demarcation of land within 21 days;

Attestation of uncontested mutations within 15 days;

Sanction of building plans within 30 days;

Occupation certificate within 15 days;

NOC within 21 days;

Conveyance deed within 15 days;

No Due Certificates within 7 days;

Retransfer of property within 15 days;

Retransfer of property in case of death within 45 days;

Permission to mortgage within 7 days;

Completion certificate within 15 days;

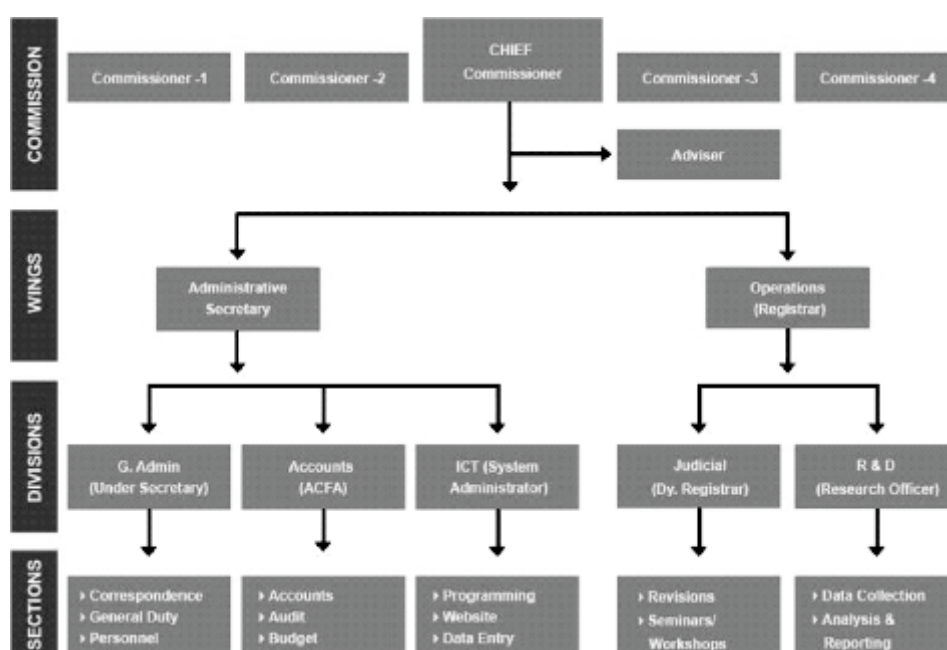
Sanction of water connection and sewage connection in 7 days.

Later, two more services were added in May 2012, taking the number to 69.

RIGHT TO SERVICE COMMISSION: The Appeal to the orders of Second Appellate Authority shall be made to the RTS Commission or within a maximum of 60 days. The Commission may entertain the Application after 60 days in case of a reasonable cause for delay. The commission shall consist of Chief Commissioner and 4 Commissioners appointed

by State Govt. in consultation with the Leader of Opposition in Vidhan Sabha. SC Agarwal is the incumbent Chief Commissioner of Right to Service Commission. Recently the Commission recommended that 41 new citizen-centric services shall be included under the purview of the RTS Act.

ORGANIZATIONAL STRUCTURE OF THE PUNJAB RIGHT TO SERVICE COMMISSION



Some Obvious Deficiencies in the existing system of Punjab:

Lack of awareness and knowledge and adequate publicity, hence loss of trust among service seekers

No training to the operative and supervisory staff

Lack of infrastructure and initiative

Hierarchy gap between the Officers and the Operative Staff- Need of team effort

Different mind-sets of officers and the Staff- Insensitiveness on the part of the Supervisors and the Staff because they are yet to be sensitized

Staff is not prepared to shoulder the responsibility due to lack of motivation and accountability

Non-revision, complicated and restrictive rules & procedures.

Recommendations

Change of Mind-set: There is a need for the officers and staff dealing with the public to realign the mindset from the present Raja-Praja syndrome so that harmonious relations prevail between the service providers and the service users/consumers. The services promised by a Department should be rendered without any discourtesy or harassment.

Awareness and Consultation: A large number of the intended beneficiaries are not aware of the existence of the RTS provisions at all. How can then they ever demand its implementation? It is recommended that Public service standard should be prepared in consultation with the employees of the department dealing with the public, in addition to its officers and the service users, by publishing the charter and inviting suggestions from all concerned.

The service standard shall be displayed (in English, Hindi and the local language) prominently at the entrance of the department concerned, These should be printed and made available with the Receptionist or the Public Relations Officer (PRO), so that any citizen going to the Department can have it free of charge.

Introduction of e-Governance: Maximum advantage should be taken of the progress in Information Technology. Citizens' Charter should form a part of the Government's website. All incoming letters, applications and complaints should be computerised, and the current status is reflected on the internet.

Compensation: It is essential to provide in every service standard a clause stating the compensation payable if the promised service is not delivered in time. This alone will make the officer concerned with the delivery of the specific service fully accountable for any delay or denial of that service. We recommend that the compensation should be paid by the Department to the aggrieved citizen without his going to a Court.

Review: Every service standard should be reviewed periodically by the Head of the Department concerned, in consultation with the service users and the Citizens' Ombudsman. The date of issue of every service standard shall be mentioned on it. Where a bribe has been demanded from the citizen, he shall report the matter to the Citizens' Ombudsman. If satisfied that the complaint is genuine, the Citizens' Ombudsman will request the Vigilance Department to take action against the erring officer.

Orientation of Officers and Staff : There is an urgent need to impart information and training to officers and staff regarding the necessity for service standard, their active role in the formulation and whole-hearted cooperation in their implementation.

T I India's Suggested Guidelines for Hassel-free Public Services which should also implemented in Punjab:

1) It should be drafted in consultation with the concerned service seekers, service-provider and the NGOs. It should be reviewed periodically and revised whenever there is any change in the information mentioned therein.

2) There should be a separate Citizens' Charter (i.e., Local Citizens' Charters) for each office covering the services they provide. For example, there should be a separate Charter of the Directorate, its subordinate offices, hospitals, schools, etc. according to the particular services they provide.

3) Mention Service Standards - Step-by-step-Procedure based on 'Where to go; how to proceed', simple and easy to fill-in forms in local language/s, specimen of duly-filled in forms, documents, fees, etc. required, reasonable time schedule, Do's & Don'ts, etc.,

- 4) List all offices according to services they provide, indicating area-wise office location, public services they render, names, addresses, Tele. Nos. of concerned officials, and detailing their alternatives, etc.
- 5) Reasonable time schedule keeping in view the application of Information Technology. For example, Delhi Government is providing Birth/Death Certificates and Driving Licenses on the same day.
- 6) Visit of any of the service providers (like Police, Rationing Office) to any of the service seeker for verification should be with prior appointment only (particularly in view of working nuclear families). In case if the concerned service seeker is not available, the visiting service provider should leave his contact number, his next meeting time, place and other details.
- 7) Minimum documentation, self-attestation and self-declaration : According to Ministry of Personnel, Public Grievances & Pensions' circular No. K-11022/67/2012-R dtd. May 10, 2013 some Ministries / State Governments have adopted the provision of self-certification of documents like marks-sheet, birth certificate etc. instead of asking for an attested copy of the documents by a Gazetted Officer or filing of affidavits. Under the self attestation method, the original documents are required to be produced at the final stage.
- 8) No duplication - In case desired information and document submitted earlier like proof of residence (if there is no change), birth certificate, etc., it should not be asked again.
- 9) Regular monitoring of delivery of services to make service providers accountable. One of the means to monitor is through electronic-Service Level Agreements (e-SLA).
- 10) If promised services are not provided as per specified time schedule, an effective grievance redress mechanism (including the provision of compensation to the concerned citizen in order to introduce accountability) should be introduced by creating a unified independent appellate authority at the district, block levels and other lower levels.
- 11) Provision of "TATKAL" (immediate) Services if somebody is in urgent need (as in the case of Passport, Railways, etc.) to avoid touts and bribery.
- 12) Minimize the number of forms. Such Forms in local languages should be publicized through newspapers and the concerned website to enable service seekers to get them copied use it.
- 13) Proactive disclosure of all information frequently required like ownership of property, vehicle, tax and dues paid or pending, etc. through regular up-dating of database.
- 14) Application of Information Technology (IT) to provide urban facilities in rural areas (PURA) by computerization of all records and putting them on the respective websites.
- 15) If possible, the services and their related information may be presented in a tabular form.

CONCLUSION: The suggestions given above may prove useful if these are adopted by both the policy makers and the programme implementers. The public services will be provided quickly, if the community at large is fully involved with the desired changes. Maximum advantage should be taken of the progress in Information Technology.

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