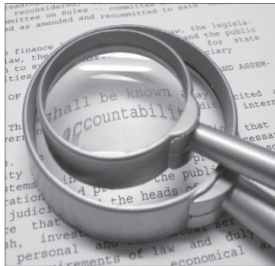


Accountability & Transparency



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Delhi Public Grievances Commission: A Critical Analysis

1. Introduction

Under the Government of the National Capital Territory of Delhi, there are a number of provisions for redressal of public grievances against 'official apathy'. These include, among others, the grievance cell in each of the departments, Directorate of Grievances at the CM's office, grievances and anti-corruption cell and the Public Grievances Commission (PGC).

PGC also referred to as 'the last resort', was established *vide* a Resolution in 1997, as a platform for face-to-face complaint resolution without the help of a legal practitioner. It was envisaged that PGC will act as the last resort for the hapless public that have exhausted all the existing channels of grievance redressal in the concerned departments/bodies/autonomous organizations of the state government. In addition, the Commission has been notified as the 'Appellate Authority' under Section 7 of the Delhi Right to Information Act, (DRTI) 2001.

Since its inception, the number of complaints brought before the Commission has shown an upward trend with as many as 2045 cases in 2005-06 and 3936 in 2008-09 (up till December) and an impressive case disposal rate of more than 85% across the years. These cases pertain to acts of commission, omission, inaction or abuse of authority by concerned department/officers, such as encroachment or unauthorized construction by Municipal Corporation of Delhi (MCD) or non-registration of FIR by Delhi Police etc. Under DRTI, over 2100 appeals (up to 31 March 2007) have been filed in PGC with 90% having successfully disposed off.

Despite these figures and the success stories highlighted in its annual report, primary research shows that there are significant areas of improvement in the working of the Commission. These areas become distinctly visible when one questions how easy and accessible, time-bound and satisfactory is the mechanism for appeals and grievance redressal.

Owing to administrative lacunae and absence of statutory powers, media persons and complainants have nicknamed it as a 'moribund unit', a 'toothless tiger' or rather a 'rehabilitation centre' for retired government officers.

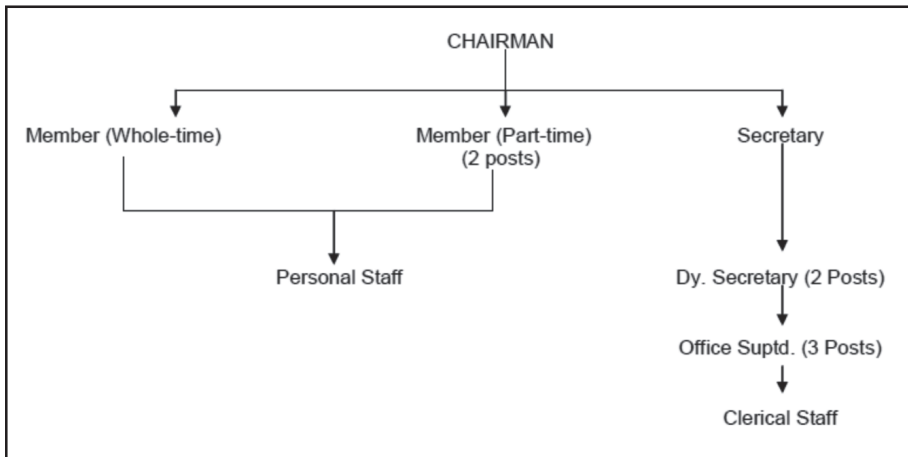
The aim of this chapter is to look objectively at the PGC Resolution and the mechanism for redressal of public grievances, constituted under the Government of NCT, Delhi and to suggest policy and systemic reforms. The chapter analyzes the efficacy of the grievance redressal mechanism in place under the PGC. The problems plaguing the Commission were identified through personal interaction with complainants, PGC and Administrative Reforms Department officers, Government of NCT, Delhi. Although, over the years, the Commission has managed to dispose of more than 80% of the cases, it was found that in the absence of statutory powers, combined with the lack of follow-up action, left most complainants dissatisfied. The chapter suggests measures for bringing about greater accountability, transparency and efficiency in the system. In addition, it looks at comparative models, structured on best practices like the one under the Central Information Commission (CIC), Government of India.

2. Structure of the PGC

PGC is headed by a Chairman and has 3 members appointed by the Lieutenant Governor of NCT Delhi, including two part-time members and one full-time member.

The Resolution stipulates that the Chairman of the Commission should have held a post in the rank of Secretary to the Government of India prior to his appointment as the Chairman. In addition, the whole time Member shall be a person who has been a Director General of Police of a State or has held an office of comparative status and responsibility. The two part-time members shall be persons of public eminence having special knowledge or practical experience in the field of education, science, law, literature, social service or human rights. Of these two part-time members, at least, one shall be a lady. In addition, there is a Secretary who is in charge of the functioning of the Commission and is assisted by a Deputy Secretary, office superintendents and clerks.

a. Organization Chart



Organization chart¹

b. Main Functions

The Commission is responsible for performing the following activities:

- i. To redress the grievances of the public against the departments of Government of Delhi/Local Bodies and Delhi Police.
- ii. Take *suo moto* action on issues of public importance coming to its knowledge through print and electronic media and those specifically referred to it by the Lieutenant Governor, the Chief Minister and the Chief Secretary of the Delhi government.
- iii. Conduct research into systemic problems and suggest ways to improve the delivery of services in a transparent and responsive manner.
- iv. To act as the Appellate Authority under the Delhi Right to Information Act, 2001.

S. No	Designation of Post	Powers				Duties attached
		Administrative	Financial	Statutory	Others	
1.	Chairman	Head of Deptt.	Full financial powers enjoyed by the Head of the Deptt.			Overall control and supervision of the Department as HOD.
2.	Member (Full-time)					Hear complaints related to the departments allotted to him viz. Delhi Police, Delhi Jal Board, Land & Building, PWD, DTC, etc.
3.	Member (Part-time) (two)					Hear complaints related to departments allotted to them viz. MCD, NDMC, Education, RCS, etc.
4.	Secretary/ First Appellate Authority	Head of Office	Enjoys the powers of Head of Office as per powers delegated under the rules	First Appellate Authority under RTI Act, 2005		The Secretary (PGC) is incharge of the administrative side of this office and also functions as the Head of Office under the powers delegated to him by the HOD.
5.	Dy. Secretary (Admn./Grievances/Vig./Care taking) Link Officer to SPIO					All matters related to complaints, administration, vigilance, caretaking are routed through the DS (Admn.)
6.	Dy. Secretary (Grievances/ DRI), SPIO			Notified as SPIO under RTI Act, 2005		All the matters relating to Delhi Right to Information Act, 2001, Right to Information Act, 2005 are routed through him.
7.	OS (Grievances) Link Officer to 8 & 9					He is incharge of the grievances section.
8.	OS (Admn./Care-taking/DDO)					He is incharge of the Admn./Caretaking Branch.
9.	OS (Grievances/ DRI), SPIO Link officer to 7			Notified as SPIO under RTI Act, 2005		He is incharge of the DRI Branch

Table 1: Powers and duties of officers and employees²

c. Types of Cases Entertained by the Commission

The Commission examines complaints made by members of public against acts of:

- i. omission or commission
- ii. inaction
- iii. harassment
- iv. extortion
- v. corruption
- vi. abuse of power and authority by officials

d. Cases not taken up by the Commission:

The Commission does not take up cases if:

- i. complaint is anonymous or contains vague and superfluous

allegations.

- ii. matter is sub-judice in any court of Law, tribunal or judicial or a quasi-judicial Authority.
- iii. complainant has not exhausted the channels available to him within the concerned department/ organization.
- iv. complaints are by the serving Government officials against their department.
- v. complaint pertains to service matters (however, complaints relating to the grant of terminal benefits like pension/GPF/gratuity to retired government employees are being accepted).

e. Mechanism

- i. Grievances and appeals received and eligible for registration in the Commission are forwarded to the concerned Head of Department, Nodal Officer and relevant field unit (of Government of NCT Delhi/Local Body/Autonomous Organization) within 24 hours of receipt seeking an Action Taken Report (ATR).
- ii. The aforesaid communication from the PGC will:
 - specify a period of period of three weeks (21 days) only, within which the concerned body must furnish an ATR.
 - state that at the conclusion of these 21 days, a first hearing is scheduled and the date and time of that hearing will be indicated.
 - request the nodal officer of the concerned department to be present at this first hearing fully briefed about the case in order to convey if the subject of the grievance/appeal has been addressed or why it has remained unaddressed.
- iii. Within the PGC, the Deputy Secretary (Dy. Sec) is responsible for ensuring that appropriate approvals are obtained from the respective Members and Chairman PGC about scheduling the first hearing.
- iv. Dy. Sec monitors the issue of all communications to complainants and appellants (on a daily and weekly basis) to ensure that they continually receive due acknowledgement as well notices for hearing well in time. The notice for hearing is to be followed up with SMS messaging.
- v. For grievances that require immediate attention such as non-registration of FIR in heinous offenses, non-availability of

drinking water etc, Dy. Sec must provide a photocopy of the said grievance/appeal to the Nodal Officer of the Department. This too is required to be followed up with SMS messaging.

- vi. Dy. Sec (w.e.f. 15 February 2009) is required to ensure that two cause lists are prepared for the Offices of the Chairman and Members PGC.
 - One cause list for each day of the week per office (Chairman and each Member).
 - The other for the entire week to obtain, at a glance, an overall perspective of the hearings in any given week, and over the month as well.
- vii. Dy. Sec must ensure that with approval of Chairman, letters are issued once every month to the Principal Secretaries, Government of Delhi/ Heads of Local Bodies etc. about the specific hearings (grievances and appeals) where they were wholly unrepresented or inadequately represented.
- viii. Dy. Sec is responsible for taking stock of the final orders being issued and therefore the disposal of:
 - Grievances/appeals carried over from the previous year
 - Grievances/appeals instituted during the current year
- viii. Dy. Sec will issue a statement by the 10th of every month indicating the reasons for continued pendency.

3. Performance Evaluation of the Commission

In order to ascertain whether the Commission has delivered its objectives of efficient grievance redressal, its performance is evaluated on the basis of the following parameters:

- Easy and accessible: how easy is it for the public to lodge complaints?
- Time-bound: how speedy is the process of inquiry, hearing and decision-making?
- Effective/satisfactory: is justice actually delivered to the complainant?

a. Easy & Accessible

Any aggrieved person can file a complaint in writing addressed to the Secretary PGC, along with the supporting documents. There is no prescribed format and no fee charged for the same. In addition, the Commission claims to have online provisions for filing complaints/

DRTI appeals and status check. *PGC Handbook*, published in February 2009 talks about a mechanism called 'Aap Ki Sunwai', wherein the public can make their complaint over the telephone.

However, these are not fully functional and no database of grievances/appeals is maintained on the website. Most of these schemes are however still in their infancy even after a year. Although computerization was approved in 2004, with as much as Rs. 14 million (up till December 2007) spent for the purpose, PGC is still not fully computerized. The most significant reason for this is the lackadaisical approach of the Information Technology Department of the Government of NCT, Delhi that handles the task. Moreover, the Commission is of the opinion that "placing all the orders passed by PGC on the website will require diverting huge amount of manpower, which will adversely affect the working of the Commission".

b. Time-bound

The RTI Manual (manual 3 on the website, flow process point no. 6) states that issue of final order must be within 3 months. However, the PGC Resolution merely states that the Commission is committed to speedy disposal of complaints received, but does not mention a time frame. Therefore, PGC cannot be held accountable for prompt grievance redressal. The Commission also avers that in case of grievances requiring immediate attention like for instance a molestation/dacoity, it asks the concerned department to submit an Action Taken Report (ATR) within 24 to 48 hours. Despite these provisions, at times complainants have to go through the long and arduous process of repeated hearings and appeals. In the absence of statutory powers, the Commission's capacity for expeditious grievance redressal is seriously limited.

c. Effective/Satisfactory

As can be inferred from the following Table 2 that over the years the number of complaints/grievances, particularly since 2005 have been increasing constantly with a disposal rate of more than 85%. Despite the impressive track record a number of serious limitations can be identified within the mechanism such as in the absence of statutory powers, the PGC faces constraints for effective compliance and enforcements against erring officials for inaction, delays, corrupt practices etc. PGC does not take follow-up action to check whether or not its recommendations are implemented³ (unless otherwise a specific issue is brought before it by a complainant). Once the final order is

passed after the hearings, the Commission makes no effort to receive feedback from complainants to ascertain whether or not they are satisfied with the recommendations. In 92 cases (up till December 2007) recommendations for penalty/departmental action have been made. In 21 cases the PGC as the Appellate Authority under the Delhi RTI Act, 2001 had suggested systemic reforms. However the Commission by itself has not taken any action against any officers. These are but some of the gaps in the functioning of the PGC which it must look into for a more effective disposal of cases.

Table 2: Receipt and disposal of complaints in the Commission⁴

S. No	Year	No. of complaints carried forward	No. of complaints received	Total no. of cases	No. of complaints disposed off	% of cases disposed	No. of complaints pending (as on 31 March)
1	2003-04	397	1359	1756	1432	82%	324
2	2004-05	324	1264	1588	1276	80%	312
3	2005-06	312	1733	2045	1729	85%	316
4	2006-07	316	3699	4015	3521	88%	494
5	2007-08	494	4032	4526	4168	92%	358
6	2008-2009 (up till Dec 2008)	358	3578	3936	3433	87%	503

The following Table 3 shows the major issues brought before the Commission by complainants.

No	Name of the Department	Major issues
1	Delhi Police	Inaction by police, harassment, corruption or impartial investigation
2	Municipal Corporation of Delhi	Unauthorized construction, encroachment on public land, corruption charges against the employees, civic problems like water logging, insanitation, non-payment of terminal benefits to employees
3	Delhi Jal Board	Shortage of water, sewer problems, incorrect bills
4	Food and Supplies Department	Non-supply of ration items by FPS/SKO dealers, corruption, non-issuance of ration cards
5	Public Works Department	Encroachment of government land
6	Delhi Transport Corporation	Regarding change of routes or for providing bus service
7	Land & Building	Allotment of alternate plot
8	Delhi Pollution Control Committee	Pollution cause by slaughtering and roasting of animals/birds and sealing of factories. Noise and particle pollution.
9	Education Department	Retirement benefits, revision of pension, shortage of staff in schools
10	Revenue Department	Encroachment of Gaon Sabha land, correction of revenue records, non-demarkation of plots, composition, mutation of land, allotment of plots
11	Registrar of Cooperative Societies	Mismanagement of affairs of cooperative societies by the managing committees, harassment to the members of the cooperative societies by the managing committees, delayed action by the Registrar office on complaints made by members
12	New Delhi Municipal Corporation	Encroachment on public land, harassment
13	SC/ST Finance Corporation.	Regarding loan

Table 3: Department wise major issues involved in public grievances/complaints received by the Commission⁵

4. Recommendations for Policy and Systematic Reforms

a. Granting of Statutory Status

The Commission should be modeled on the lines of the Central Information Commission (CIC), Government of India, which has the powers to:⁶

- i. Summon and enforce attendance of persons, compelling them to give oral or written evidence on oath and to produce documents or things
- ii. Require the inspection of documents
- iii. Receive evidence on affidavit
- iv. Requisition public records or copies from any office
- v. Issue summons for examination of witnesses or documents

A draft of the 'Delhi Public Grievances Commission Bill' has been finalized by the Commission in consultation with the Administrative Reforms Department, Government of Delhi and the same has been sent to the government for consideration. However no action has been taken since then.

b. Ensuring Administrative Transparency and Accountability

Under the PGC Resolution, the PGC officials are not accountable for delay and inaction with respect to grievances/complaints filed in the Commission. Since the Administrative Reforms Department acts as the administrative agency of the Commission, it should ensure that the Commission implements the following measures effectively, including:⁷

- i. Providing access to information in a particular form
- ii. Directing the public authority to appoint a Nodal Officer/ Information Officer where none exists
- iii. Publishing information or categories of information
- iv. Making necessary changes to the practices relating to management, maintenance and destruction of records
- v. Enhancing training provision for officials on RTI
- vi. Seeking an annual report from the public authority on compliance with this law
- vii. Require it to compensate for any loss or other detriment suffered by the complainant

Since the Chairman and the Members are quite burdened with the numerous grievances and appeals that come for hearing, they do not have optimum time for review and follow-up action. Therefore, it is advisable that PGC Chairman and Members should be supported by a consultative committee (consisting of two to three members) that will look into different aspects of a case before and after the hearings. This design, unlike the one wherein in which the Deputy Secretary is singularly responsible for all the correspondence between the complainants and the concerned department(s), is likely to be more fair and efficient. In addition, organizational hierarchy could be reformed facilitating greater flexibility and interaction among the officials.

c. Outsourcing Routine Activities

It is expected that the Commission can outsource routine activities, including record maintenance, updating and computerization to private players to ensure the following:

- i. PGC employees get more time to focus on their core functions
- ii. Accessibility of updated information to the public
- iii. Wider dissemination of information on cases, appeals and other matters
- iv. Maintenance of segregated data on a case-to-case basis for research and analysis pertaining to trends

d. Publicity, Public Participation and Proactive *suo moto* Cognizance

Based on first-person observation it was inferred that a majority of the complainants that approach the Commission have practically very little or no information about how to lodge complaints, the supporting documents required and the process of hearings. Therefore it is recommended that the Commission should organize publicity drives and campaigns for dissemination of vital information. Also, some of the complainants feel that PGC officials behave in an 'apathetic' manner, so attempts should be made to sensitize officials through relevant training and greater public interaction. As illustrated in the list below, up till December 2007, merely eight cases have been pursued by the Commission under *suo moto* cognizance. Consequently, there is tremendous scope for taking cognizance of a wide range of issues of general concern and social relevance.

List of *suo moto* cognizance cases taken (up till 28 December 2007):⁸

- i. Construction of 'pulla' at Chand Bagh - Irrigation & Flood Control Department
- ii. Selling of sub-standard drugs in Delhi - Drug Control Department
- iii. Heavy vehicles playing with emergency brakes -Transport Department
- iv. Problems in A&U Tibbia College - Pr. Secretary (Health)
- v. Water scarcity in Delhi - Delhi Jal board
- vi. Corruption in various RTOs – Transport Department
- vii. Non-plying of DTC busses in Dwarka – Delhi Transport Corporation
- viii. Queuing up for ration cards - Food & Supply

Looking at the inadequate effort taken in this field, there is tremendous scope for proactive action for much needed systemic changes.

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Endnotes

1. RTI Manual, updated 16 July 2008.
2. RTI Manual, updated 16 July 2008.
3. RTI response dated 28 December 2007, PGC letter No 22202.
4. PGC, booklet, Published February 2009.
5. PGC, booklet, Published February 2009.
6. CIC website <http://cic.gov.in/>.
7. CIC website <http://cic.gov.in/>.
8. RTI reply dated 28 December 2007, PGC letter 22202.

References

- Administrative Reforms Department. *Citizen Charter*. Accessed on 1 June 2009 at http://www.delhi.gov.in/DoIT/DoIT_AR/citizen.pdf.
- Central Information Commission. *Annual Report*. 2006-07. Accessed on 1 June 2009 at <http://cic.gov.in/>.
- Mehdudia, Sujay. *Grievance Commission Fails to Achieve Its Aims*. Accessed on 10 June 2009 at <http://www.hinduonnet.com/2004/06/25/stories/2004062509360400.htm>.
- Public Grievances Commission. *Annual Report* 2002-03, 2006-07. Accessed on 10 June 2009 at <http://www.delhi.gov.in/wps/wcm/connect/pgc>.
- Public Grievances Commission. *Citizen Charter*. Accessed on 1 June 2009 at http://ar.delhigovt.nic.in/citizen_charter.doc.
- Public Grievances Commission. 2008. *RTI Manual*. Accessed on 20 May 2009 at <http://www.delhi.gov.in/wps/wcm/connect/pgc1/Public+Grievances+Commission/Home/Downloads/>.