

## Chapter 5: Quest for justice: Grievance redressal at the jan sunwai

“We had worked so hard, but we weren’t paid  
Don’t we need food?”

(Geeta Devi and Daali Devi, 24 April 2017)

### 5.1 Introduction

This chapter examines the efficacy of the jan sunwai in redressing the grievances of the citizens. The chapter also demonstrates that several measures for redressing grievances have been inspired by the jan sunwai, particularly within the Rajasthan Right to Hearing Act 2012. This chapter is relevant because there is a paucity of studies examining the grievance redressal function of the jan sunwai. Opportunity for airing their grievances and demanding the redressal of those grievances was one of the primary reasons for the people to participate at the jan sunwai. People’s grievances were related to the welfare programmes that aimed at securing their livelihood and promoting social and economic justice. Delay in redressal further deprived them of their livelihood and violated their socio-economic rights. It is in this sense that demand for information and redressal was a quest for justice.

Timely redressal of citizen’s grievances was one of the goals of the movement for transparency. Subsequently, the Rajasthan Right to Hearing Act 2012 was enacted that entitled the citizens for a timely resolution of complaints related to public services. Select components of the RTH Act could be traced to the jan sunwai, for instance, redressal at the point nearest to the citizens and an open public hearing before the community and the public officers. Thus, certain principles and practices of the jan sunwai were institutionalised for redressing grievances of the citizens.

The chapter is divided into five sections. The first section describes the nature of people’s grievances related to accessing development programmes, the channels of redress available to them and the associated challenges and the suitability of the jan sunwai in resolving the problems at the point of origin. The second section examines the State initiatives towards institutionalising a public grievance resolution mechanism at the level of the union and the states. An understanding of these

initiatives would help in appraising the efficacy of the jan sunwai mode of redressing grievances. The third section describes the movement towards Right to Public Service in India, which emphasised the right of citizens to time-bound delivery of public services. The public services in this respect included all kinds of administrative functions including, but not limited to, implementation of welfare schemes, issue of licenses, passports, public tenders, contracts, postal services and so on. The mechanism for addressing delays and other impediments in the delivery of services was an important part of the right to service framework. The grievances redressal laws recognised the right of citizens to time-bound redressal of grievances, which was also demanded by the people through the jan sunwai. Thus, the people's movement for transparency aligned with the movement for the right to public services.

The fourth section examines the Rajasthan Right to Hearing 2012 and traces the components of the RTH Act that been derived from the jan sunwai. The fifth section examines the efficacy of integrating public hearings within the grievance redressal frameworks, including digital modes of redressing grievances. It argues that digital modes follow a linear process and lack the dialogical and deliberative elements fostered by the jan sunwai. Digital modes promote the creation of a transactional State rather than a participatory polity. The chapter concludes by highlighting the Jan Soochna initiative of the Rajasthan government. Jan Soochna is a public information portal that was developed in collaboration with the civil society that incorporated elements inspired from the jan sunwai for making the portal citizen-centric in nature.

## **5.2 Addressing people's grievances at the jan sunwai**

This section examines the suitability of the jan sunwai as a forum for redressing the people's grievances related to the delivery of welfare programmes. The welfare programmes were administered either through the panchayat or through the autonomous committees set up by the respective ministries. The people were dependent for redressal of grievances on the same set of people for redressal, who

were responsible for implementation. The people had no recourse to an independent redressal mechanism:

There was no one to listen to people's grievances. If you go to the elected representatives or the public officers, they do not care as well. That is when we felt decided must put our grievances and share information amidst our people.<sup>1</sup>

The jan sunwai provided a platform to the citizens for airing their grievances and for demanding redressal of their grievances.

### **5.2.1 Nature of people's grievances**

The people's grievances ranged from non-payment of wages to delay in receiving wages and payment of less than minimum wages. People also complained about public services such as healthcare and nutrition. During the first series of five jan sunwai between 1994 and 1995, the problems of only those who had shared their grievances were put before the administration for redressal. However, during the second series of the jan sunwais, many grievances surfaced after the access to panchayat information enabled a systematic verification of development details and expenditure through social audit.

The social audit highlighted several cases, where funds had not reached the targeted households, despite allocation and sanction. Lists and documents of several such cases were accessed at the archives, where – for instance, 11 labourers on a worksite in Kookarkheda panchayat, were not paid their complete wages. Their problems were uncovered during the public audit at the jan sunwai. Similarly, the women workers from Udamana Kot were paid Rs. 8 and 9 per day. They narrated their plight a few years later at the Bhim jan sunwai in 2000. Asked why they spoke up at the jan sunwai, Geeta Devi and Daali Devi retorted – “Don't we need food? We had worked so hard, but we weren't paid.”<sup>2</sup> Dhapu Devi and Laxmi Devi added that:

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<sup>1</sup> Interview with Shankar Singh, 29 April 2017, Devdungari, Bhim, Rajsamand

<sup>2</sup> Interview with Geeta Devi, Daali Devi and others, 24 April 2017, Bhim, Rajsamand.

The officers would say that only so much money has come from Jaipur. We went and protested outside the Bhim tehsil, we also went for dharna to Jaipur with other labourers in big buses (probably as part of MKSS campaigns) and shouted slogans, but no one listened. Who is going to listen to the poor?<sup>3</sup>

Later, individual complaints surfaced in almost every development scheme such as the Jawahar Roazgar Yojana, Indira Awaas Yojana, Public Distribution System, accompanied by details of corruption in the form of embezzlement of funds. The people's problems were compounded by the absence of a proper grievance redressal machinery and inadequate communication between the people and government bodies. As Nortri Bai explained:

The officers are always in their office. If someone goes to meet them, the peon does not even let the poor person get in. At the jan sunwai, the public officials were present. Whoever has anything to say speaks up according to his turn in 4–5 minutes on the microphone.<sup>4</sup>

While the jan sunwai provided the opportunity of speaking with the public officers, the grievances of the people were still not resolved. People complained that their grievances were ignored or not resolved on a priority basis, which led to indefinite delays. Thus, while the incidence of corruption was discovered and the accountability was fixed publicly at the jan sunwai, the problem remained – how do people get their wages, food supplies, medical provisions and other social welfare services proclaimed for them? The other channels of redress available with the citizens, too, were either inaccessible or not effective in resolving individual grievances completely. The nature of these channels and the efficacy of grievance redressal by these channels is discussed in the section below.

### **5.2.2 Channels of redress available to citizens**

In addition to the service guarantee and grievance legislations of the 21<sup>st</sup> century, three different channels of redress were available with the people. These have been classified as judicial, administrative and political channels of redress. Compared to

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<sup>3</sup> Interview with Dhapu Devi and Laxmi Devi 24, April 2017, Bhim Rajsamand

<sup>4</sup> Interview with Nortri Bai, 15 December 2015, Abu Road.

the jan sunwai, these channels have focused on ensuring effective implementation of the welfare programmes and on enforcing accountability of the administration, rather than redressing the individual grievances of the citizens.

#### **5.2.2.1 Judicial channels of redress**

The law courts looked into civil and criminal suits and were not suited for redressal of grievances related to the welfare goods and services. Redressal through the law courts was not feasible because the judicial procedure was costly, complex, and thus, out of reach of the poor persons (Law Commission of India 2009, 10). The process was dilatory too, because of the quantum of cases already pending with the courts. The number of grievances in case of development programmes would be so high that it would be equally impossible for the courts to look into every single case. The infeasibility of judicial channels of redress notwithstanding, the denial of services under government schemes was an infringement of people's rights. Therefore, judicial interventions were sought by the people as well as civil society organisations on behalf of the people through Public Interest Litigations.

The Public Interest Litigation (PIL) was an instrument for providing justice to those people who due to social and economic backwardness, lack of knowledge and resources “were unable to seek redress for violation of their rights” (Singh 2010, 173). The PIL in India was started at the initiative of certain Supreme Court judges in the late 1970s with the case of under-trials languishing in prisons without an opportunity for a hearing. The PIL sought judicial intervention against “state repression, government lawlessness and administrative deviance,” which were considered as an infringement of the fundamental rights of the citizens, especially Article 21 on the right to life and personal liberty (Baxi 1985, 108). Therefore, most of the cases for review were filed under Article 32 for the enforcement of fundamental rights and invoked Article 21. The Supreme Court has also listed specific categories for filing PILs (Supreme Court of India 2003).

The PILs expanded the scope of the locus standi in judicial suits to enable public-spirited citizens (social activists, journalists, lawyers and others) to file petitions on behalf of the poor and the marginalised. The civil society organisations filed petitions that opposed State repression against the prisoners and the marginalised, environmental transgression and the violation of social and economic rights of the people. The 1983 PIL writ petition related to minimum wages filed by Sanjit Roy, the director of SWRC, on behalf of Nortti Bai and other workers was invoked under Article 23 of the Constitution, for “prohibition of traffic in human beings and forced labour.”<sup>5</sup> The PILs thus provided greater latitude for “judicial review over administrative action and regulatory agencies” and were sometimes the only recourse available against an unresponsive government and bureaucracy (Baxi 1985, 110). The PILs also provided an instrument of democratic control for directing governments at the state and centre into action. For instance, the High Courts and the Supreme Court have issued periodic directives to the government to address implementation deficiencies under the Right to Education Act, MNREGA and National Food Security Act, among others.<sup>6</sup>

The rights-based welfare measures have benefitted from the PIL since the courts were constitutionally obligated to enforce the fundamental rights. These

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<sup>5</sup> *Sanjit Roy vs. State of Rajasthan*, SCR (2) 271 (1983). Accessed 14 October 2018 at <https://www.sci.gov.in/jonew/judis/9840.pdf>

<sup>6</sup> Akriti Gaur examined the litigation cases under RTE Act 2009 2010 and 2015 and reported that 49% of the cases dealt with access to education. Twenty-four percent cases dealt with the absence of mandatory 25% reservation for children from backward and economically disadvantaged groups in private, unaided schools (Gaur 2017). Similarly, in May 2018, the Supreme Court, while hearing a PIL under MNREGA by NGO Swaraj Abhiyan, ruled that the delay in payment of wages was unacceptable and the state and central governments must prepare an “urgent time-bound mandatory programmes” for disbursing wages and compensations. *Swaraj Abhiyan vs Union of India & Ors. Writ Petition (civil) No. 857 of 2015 (2018)*. Accessed 21 October 2018 at [https://www.sci.gov.in/supremecourt/2015/41648/41648\\_2015\\_Judgement\\_18-May-2018.pdf](https://www.sci.gov.in/supremecourt/2015/41648/41648_2015_Judgement_18-May-2018.pdf)

The National Food Security Act was an outcome of the SC judgement in the *PUCL vs Union of India and Others, writ petition 196 (2001)* related to starvation deaths and inefficiency of public distribution system in the drought hit areas. The judgement “recognised the right to food as a fundamental right within the meaning of the right to life; spelled out in detail and made enforceable the entitlements that make up the right to food; and created a mechanism for continuous monitoring and reporting of the implementation of the Court’s decisions” (Chitalkar and Gauri 2017, 296–97).

rights were either incorporated into the constitution through the constitutional amendments (for instance, the Right to Education Act 2009) or were derived from the Directive Principles of State Policy and linked with the fundamental rights. The option of petitioning the judiciary through the PILs could explain the reason for the civil society's demand for a statutory or constitutional right to information, work, education and food, rather than policy directives and executive orders for providing the welfare goods. However, in their analysis of PIL statistics on health and education in the Indian courts, Shankar and Mehta reported that a large number of PIL cases in India have been “judge-led rather than NGO-led” (Shankar and Mehta 2008, 149–50).<sup>7</sup> PILs were costly, time-consuming and suffered from poor enforcement. This also made PILs an unfeasible option for the poor, and thus, an inaccessible and ineffective mechanism for redressal of individual grievances.

#### **5.2.2.2 Administrative channels of redress**

People reported their grievances to the block and district level officers who could direct their subordinates (who were responsible for the implementation) to redress the grievances by supplying the public services. Under Article 310 of the Constitution, the officers appointed under union and state public services cannot be removed by “an authority subordinate to that by which he was appointed.”<sup>8</sup> This implied that the officers, who were superior in the hierarchy could hold the officers at the lower level accountable for their actions. People understood the bureaucratic hierarchy and approached the corresponding officers with their grievances. During the land and wage struggles in the 1980s, the people and the MKSS approached the officials in the forest and labour departments, the sub-divisional magistrate and secretaries of rural development departments for addressing people's grievances.

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<sup>7</sup> Shankar and Mehta also reported that “the more literate, urban and well-off sections” were most likely to come to court with PILs.

<sup>8</sup> Moreover, the officer cannot be dismissed or reduced in rank without an “inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.”

Muster rolls and the list of below poverty-line households were accessed with the help of sympathetic officers. However, this strategy was not always successful, and people were dependent on the whims of the officer. Handling grievances also added to the workload of the officers, especially when they were not the designated authority for resolving the grievances. Lastly, the officers were not easily accessible as they would be stationed far from the village in block or district offices.

To address the challenges related to accessibility, the block and district officials organised grievance camps, such as *prashashan gaamv ki ore* (taking the administration to the villages) in the panchayat or tehsil headquarters for addressing people's grievances and providing speedy justice to the people at their doorstep. Administrative officers from health, revenue, police, electricity board, public works department, irrigation, rural development departments were present to respond to people's problems. These camps were presided over by the revenue officer (or any gazetted officer) and supervised by the district collector and the sub-divisional magistrate. The grievance camps were initially successful. However, the absence of complete details of the grievances at the camps delayed the redressal. Verbal orders by officers did not factor the procedural flaws and delays. Thus, the people were often left waiting or had to travel to the block headquarters for following up on their complaints. Public hearing camps have, nonetheless, become a regular feature of governance activities, because they provided an interface between the people and the officers.

In addition to the grievance camps, complaints cells with a public grievance officer were also set up in districts by state administrative departments. Though the complaint cells provided a streamlined procedure for resolving grievances, they were located too far from the people. This system was prone to "a shortage of staff, spiralling of complaints and lack of consummate skills and involvement in mitigating complaints," which often resulted in discourteous behaviour of the office staff towards the people (Pani 1989, 86).



### 5.2.2.3 Political channels of redress

According to Sharma, mechanisms for addressing people's grievances have been a uniform feature of all forms of government, including the democratic form. The governments have always put in place mechanisms of "internal checks for the redressal of the grievances of citizens against administrative errors. The open-door policy of the autocratic and paternalistic regimes, *darbars* in the military and 'incognito' visits of the kings are all such cases" (Sharma 1972 cited in Dubey 1990, 208). In contemporary India as well, the citizens regularly approached their elected representatives at all the levels (village, block, district, municipal corporation, state legislature and the parliament) with their problems.<sup>9</sup>

The sarpanch and the ward panch were the first points of contact for the people, since many schemes were administered through the panchayats. Besides, people approached the Member of Legislative Assembly or the Member of Parliament from their constituency for development programmes and infrastructural requirements in their wards or villages. In his interview, Motaram had mentioned approaching the local congress MLA for setting-up a powerhouse in the village: "we spoke to the MLA. After the election, he went to speak to the panchayat and administration. No one listened to him."<sup>10</sup> Kalu, a resident of Bhim also narrated how his community had approached the local MLA for installation of a hand-pump in his village, as the panchayat had wrongfully marked the pump as installed in the official registers.<sup>11</sup>

Similarly, the people in cities approached the local corporators for problems related to roads, water, hygiene and sanitation. Nick Robinson referred to this as the method of "political redress," where people looked forward to meeting the local

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<sup>9</sup> The panchayati raj was a revolutionary step that tilted the power equations where the officials implemented the decisions of the elected representatives. This was meant to facilitate people's participation in development planning, including quick resolution of their problems by the panchayat.

<sup>10</sup> Interview with Motaram, 26 April 2017, Vijayapura, Deogarh, Rajsamand.

<sup>11</sup> The researchers had met Kalu in April 2017 during the field study in Rajasthan.

leaders, who could then represent their problems before the administration. Even though the MPs or MLAs did not have executive powers, they could guide the decisions of the officials depending on “a number of variables related to their political standing” (Robinson 2014, 338). The elected representatives were easier to approach than the public officers because they were known to the community and were more responsive because they depended on people for votes in electoral democracy. The chief ministers in Chhattisgarh, Andhra Pradesh and other states have used a combination of outreach and grievance redressal as a successful electoral strategy.

The elected representatives, especially the MLAs, MPs and the Chief Ministers, conducted outreach programmes in rural and semi-urban areas. These programmes and campaigns focused on addressing people’s problems. The members of the opposition in the legislature and civil society organisations carried out public protests and held press conferences for highlighting the problems of the people and for pressurising the government and administration to act. However, in these cases too, the redressal was not guaranteed, and people had to follow-up multiple times on the status of their complaints through informal networks.

Lastly, there were legislative channels of redressal, such as the state legislative assembly and the parliament. The state assembly and the parliament discussed the status of public grievances and the steps taken for redressing those, holding the government of the day accountable for the quantum of unresolved grievances. However, these methods were not “technically fit for dealing with grievances cases,” and dealt with subjects “relating to the public at large and individual ones” (Pani 1989, 86).

### **5.2.3 Challenges in redressing grievances**

In addition to the challenges arising out of cost and accessibility, people also faced other challenges while trying to resolve their grievances. These challenges were related to structural complexities that led to shifting the blame and procedural delays

in correcting the public wrongs. Several actors and administrative departments were involved in the design and implementation of a public scheme. However, they worked in silos, which hindered the resolution of grievances in time. A person would be confused about where s/he should file the complaint. The panchayat would direct them to the block offices because the scheme was implemented directly by the state department. Difficulties in ascertaining the point of lacunae in implementation and the department responsible for handling the grievance caused a person's grievance to meander within the system. The government machinery for redressing the grievances did not prioritise the problem – people's access to the public goods. Instead, it aimed at combating corruption as a means of systematically addressing the complaints.

For these reasons, the time-bound redressal of grievances had become a challenge. A major consequence of this was that people were being conditioned to accepting an unjust system. The respondents' testimonies underscored their helplessness when they were forced to accept less than minimum wages, "we took whatever was offered, rest was usurped by the corrupt – *Diya jo Liya, Aur Khaya jo Khaya.*"<sup>12</sup>

In some cases, people were even ignorant about their rights as citizens and their rights as workers on public programmes. Those who approached the officers or the panchayats were often left shuttling between departments and offices, at the cost of day's work, wages, commuting expenses and ensuing despair. People thus became apathetic to exercising their rights, since seeking redressal too was a source of hardship. This sense of despair did not, however, affect their motivation for claiming their welfare rights. People used every opportunity for airing their grievances in public forums, especially those where a representative or officer was

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<sup>12</sup> Interview with Dhapu Devi and Laxmi Devi, 24 April 2017, Bhim, Rajsamand.

expected to be present.<sup>13</sup> Redressal of grievances too was a key reason for participation by the marginalised sections at the jan sunwai. The next section examines the redressal of grievances at the jan sunwai.

#### **5.2.4 Redressing grievances at the jan sunwai**

The jan sunwai provided a platform to the citizens for airing their grievances. The pamphlets distributed among the people for enlisting their participation, the objective of jan sunwai was to expose the fraud in the local development programmes and to resolve the challenges in removing poverty. The pamphlets stated that programme officers, elected representatives, police persons, lawyers and journalists would attend the jan sunwai and the people must come to the jan sunwai to know how much money has been sanctioned in their name.

At the jan sunwai, people verified the information that was read out by the activists and asserted that they were not paid, or were paid less than the approved amount. This arrangement facilitated two things. First, the people learnt that grievances could be expressed at the jan sunwai and taken note of by the public officials. Second, the immediate verifiability of information at the jan sunwai made it possible to address grievances. As Motaram explained:

At a jan sunwai, the officers from all the departments sat together. The people came there and told everyone present about the problems they had been facing for a long time. Someone said, ‘why my ration card has not been made till now?’ So, the BDO and the panchayat samiti officer present at the jan sunwai were asked to respond – why hasn’t the ration card been made?

We would ask in front of everyone, and the officers would also respond in front of everyone that the card had not been made because his name was registered in two places or that his name was spelt wrong, or such and such was the problem. The idea is that it gets resolved there itself. Similarly, another person would say I had filled the electricity form, but why is there no electricity supply? What is the reason, and the solution?<sup>14</sup>

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<sup>13</sup> During the field-study, respondents in villages would ask if this researcher could assist them in resolving their complaints. They would enquire about the procedure and the women at public worksites would say: “Can you help me? I have not been paid for last seven months.” Interview with Raji Bai, 03 May 2017, Shakkargarh, Rajsamand.

<sup>14</sup> Interview with Motaram, 26 April 2017, Vijayapura, Deogarh, Rajsamand.

During the first series of the jan sunwai, when the method of the jan sunwai was still evolving, there were cases of indirect restitution by the panchayat officials. Sometimes, the people were paid covertly before the hearing, and incomplete structures were finished in less than a week. In the later jan sunwais, the sarpanch and other panchayat members had publicly restituted the pilfered money, thus owning up to the irregularities in panchayat affairs. These instances added to the efficacy and appeal of the jan sunwai, both of which peaked with systematic investigation and exposure of irregularities in the Janawad panchayat in 2001.

In many cases, people's grievances surfaced after the door-to-door verification of information was carried out as part of social auditing via the jan sunwai. As mentioned earlier, the people had been conditioned into oppression. They accepted less than minimum wages and did not complain when sub-par services were delivered to them. People did not consider it a violation of their rights. The jan sunwai illustrated clearly that people were paid low wages, not because only "so much money had come from Jaipur (the state capital)," but because the figures had been misappropriated by the work supervisors, local contractors and panchayat members.

At the jan sunwai, the people demanded their wages and other welfare goods. They provided all the details related to their grievances such as the name of the programmes, the number of days worked, the rate at which wages were paid, the name of the sarpanch and the work supervisor and so on. The jan sunwai enabled them to assert their right to redressal and speak up against injustice. Thus, the jan sunwai created a consciousness of rights among the people, urging them to participate in matters of governance.

At the jan sunwai, the collective expression of grievances by the people compelled the public officials to act. Similarly, the sarpanch responded to people's grievances, since the electoral costs involved were high. The higher number of complaints and civic action also generated considerable public interest, which

attracted the administration's attention towards the mismanagement of funds. Shankar Singh elucidated it thus:

People knew they had no power over governance matters when they were alone. Even the ration dealer scolded them when they objected or asked questions. Similarly, in the panchayat, they were at the mercy of the elected members. However, when they were in a group and raised their voice as a collective, then a robust platform was created. A number of people came forward and shared their grievances and opinions. And the government was also forced to respond.<sup>15</sup>

Thus, the jan sunwai focused on resolving individual grievances of the citizens as well as monitoring the implementation of welfare programmes through social audits. Redressal of grievances and social auditing at the jan sunwai was achieved through the participation of the people. Such participation was contingent upon transparency and dialogue that was facilitated by civil society. The jan sunwai thus linked grievance redressal with transparency (right to know) and dialogue (right to expression) and asserted the citizen's right to a hearing.

### **5.3 Measures introduced by the State for redressing grievances of the citizens**

This section examines the steps taken by the State for redressing those grievances of the citizens that arose out of administrative inefficiencies. The need for a grievance mechanism was emphasised by parliamentary and reports of committees that were constituted post-independence for reforming the administration. The Santhanam Committee (1962) and First Administrative Reforms Commissions (1966) recognised the problem of citizen grievances and recommended measures for addressing those. However, these measures were focused more on combating corruption than solving individual complaints. Until the mid-1990s, the channels of redress were linked with mechanisms for investigating large-scale corruption. Similarly, the discussions and developments on transparency too were focused on preventing corruption and holding the State accountable.

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<sup>15</sup> Interview with Shankar Singh, 29 April 2017, Devdungari, Bhim, Rajsamand.

### **5.3.1 Government commissions and committees**

A series of administrative reforms, beginning with the recommendations of the Santhanam Committee 1962, was aimed at addressing the issues of corruption and maladministration in the public administration system. However, as mentioned earlier, the recourse against corruption always resulted in the constitution of yet another administrative body that was prone to similar malaises. Instead, an independent mechanism for grievance redressal was needed that was easily accessible and that looked into individual complaints, rather than merely formulating policies and investigating large-scale cases of corruption.

### **5.3.2 Santhanam Committee (1962)**

The Santhanam Committee (1962), headed by K. Santhanam, recommended that the government must put in place a mechanism for redressing a citizen's grievances and complaints against public services and officers. It noted that the "absence of machinery for appeal and redress of grievances contributed to the growth of an impression of arbitrariness on the part of the executive." It also differentiated between grievances arising out of negligence and omissions from the grievances that arose due to corruption and argued that both these categories disadvantaged the citizens (Santhanam 1963, 132).

Its most important recommendation included setting up a Central Vigilance Commission (CVC) for ensuring "prevention of corruption and maintenance of integrity" in public services. It suggested setting-up a Directorate of General Complaints and Redress as a part of the CVC that dealt with people's complaints. However, the government argued for a separate grievance redressal machinery, so that the CVC could focus on the problem of corruption. The responsibility for designing a separate grievance redressal machinery was delegated to the newly established Department of Administrative Reforms.

### **5.3.3 First Administrative Reforms Commission (1966)**

The first Administrative Reforms Commission was set up in 1966. The commission submitted an interim report on redressing citizen grievances that emphasised the establishment of a democratic system of resolving people's grievances. Such a system inspired trust among people and functioned with utmost fairness (First Administrative Reforms Commission 1966).

The first ARC recommended setting up ombudsman like structures, called the Lokpal, for dealing with complaints alleging corruption or maladministration by the ministers and the secretaries to the union government. Similarly, one or more Lokayuktas were set up at the level of the states for investigating into complaints against "administrative acts of other officials," who were outside the purview of the Lokpal (First Administrative Reforms Commission 1966, 19).

The office of the ombudsman was a Scandinavian institution, which was established as an instrument of the parliament for the supervision and control of the administration. The ombudsman was an independent authority that arbitrated between the public service provider and the aggrieved citizen. Though the ombudsman functioned independently from the government, the rules of appointment and guidelines for its functioning were laid down by the parliament (Niranjan 1989, 122). The ombudsman was entrusted with supervising the administration and upholding the rights of the individual by undertaking an unbiased review of the citizen's grievances. The office of the ombudsman was quasi-judicial, and the nature of its investigation focused on the flaws in the administrative procedures and recommended corrective actions. An ombudsman had the authority to access public records and also seek clarification from government officers related to the people's grievances. The investigation by the ombudsman was conducted informally, and the details were required to be made public. One of the advantages of a continuous review by the ombudsman and subsequent publicity was that the administration was regularly informed of the impediments in governance and service delivery and suggestions for improvement (Chaturvedi 1966, 640–45).



A jan sunwai too functioned like an ombudsman for redressing the grievances of the citizens. It required access to public records and held the representatives of the State accountable for the delays in delivering public services. The proceedings of the jan sunwai, too were public, and its findings were shared with the people and the administration in the form of a social audit report.

The parliamentary debates and discussion on setting up institutions similar to the ombudsman have recommended the institution of Lokpal at the centre and Lokayukta at the state level. The Lokpal and Lokayukta were envisaged as the protector of people's interests and well-being, with power extendable to even holding the office of the Prime Minister accountable.<sup>16</sup> Despite repeated attempts in 1968, 1971, 1977, 1985, 1989, 1996, 1998 and 2001, the Parliament failed to pass the legislation for setting up Lokpal in India. Eventually, the Lokpal and Lokayuktas Act 2013 was passed. However, it is yet to be operationalised (Jha 2018, 513–14).

Alternatively, many states have passed their respective Lokayuktas Acts. Rajasthan Lokayukta Act 1973 set up the office of Lokayukta in the state. Other states that have appointed Lokayukta are Uttar Pradesh, Maharashtra, Himachal Pradesh, Haryana and Goa, to name a few. The state legislations vary in the extent of power and jurisdictions of the Lokayuktas. In Rajasthan, the Lokayukta is appointed by the Governor in consultation with the Chief Justice of the High Court and the leader of the opposition in the state assembly. The term of office is five years. The Lokayukta in Rajasthan has been criticised as weak, with only limited powers and all major designations, including that of the Chief Minister and village sarpanch outside its purview (*The Hindu* 2013; *The Times of India* 2015). Moreover, the office of the Lokayukta focused more on complaints of corruption and maladministration, rather than resolving grievances in service delivery. Lately, the secretaries in the office of the Lokayukta have started organising public hearing

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<sup>16</sup> The major debates around setting up of Lokpal in India since 1966 has been around the extent of its powers, which could include holding the highest offices in government accountable for their actions. For further information on these debates, see (Chaturvedi 1966; Jha 2018).

camps in blocks and districts, where people can register their complaints. This has become a regular practice in most of the states.

#### **5.3.4 Second Administrative Reforms Commission (2005)**

The Second Administrative Reforms Commission (2005) reiterated the importance of redressing the grievances of the citizens. The 12<sup>th</sup> Report of the ARC, titled *Citizen-Centric Administration – the Heart of Governance* emphasised time-bound redress of citizen’s grievances as the cornerstone of responsive and efficient governance. It also identified decentralisation, people’s participation, transparency, citizen’s charter and responsive administration as the key to achieving citizen-centric governance.

According to the ARC report, “public grievances covered a wide range of issues and problems ranging from simple complaints regarding red-tapism, corruption and delays to major demands for the provision of physical and social infrastructure” (Second administrative reforms commission 2009, 89). It characterised grievances under three broad categories as grievances arising out of:

- a. Abuse of office and corruption on part of the functionaries
- b. Systemic deficiencies within an organisation
- c. Non-fulfilment of needs/demands

The report mentioned the recommendation of the Standing Committee of Parliament for creating a robust public grievance redress mechanism that was “backed by a law similar to the Right to Information (RTI) Act, 2005 which would ensure that public grievances were given the attention that they deserve.” Such a legislation should provide for a time-bound redress of public grievances, require the departments to designate a public grievance officer on the lines of a public information officer, provide procedural clarity and an independent appellate mechanism to resolve complaints and sanction fines for non-compliance of the rules (Second administrative reforms commission 2009, 90–92).

The ARC report on citizen-centric administration also emphasised greater transparency in the use of resources, strengthening of internal accountability, and

carrying out reforms within the departments under administration. It also upheld the efficacy of the different constitutional and statutory bodies that investigated the complaints of citizens, especially those complaints that require planned internal enquiries and process reforms. These include the Central Vigilance Commission, state Lokayuktas, statutory commissions set up for redressing grievances of minorities and special interest groups, and the local body ombudsman set up under different departments.

### **5.3.5 Special Interest Commissions**

Many constitutional or statutory commissions have been constituted for safeguarding the rights of the women, children, minorities and other special interest groups. These quasi-autonomous bodies include National Human Rights Commission (NHRC), National Commission for Women (NCW), National Commission for Scheduled Castes (NCSC), National Commission for Scheduled Tribes (NCST), and so on. In addition to discharging other functions, these commissions also look into specific complaints that violate the rights of the women, minorities or human rights of a person, as the case may be. They can also take *suo motu* cognisance of cases where the rights of the women, children or minorities have been breached upon, or the policy norms for upholding their interests have been violated. However, these commissions had only recommendatory powers for redressing individual grievances. They focused on suggesting policy guidelines to the government for better implementation of constitutional safeguards for upholding the rights of the people, which would ultimately reduce the occasions for grievances. Besides, the commissions suffered from regular administrative malaises, such as under-staffing and procedural complexities, that affected their working. Prolonged delays due to procedural requirements put the complainant at a disadvantage. Lastly, there is an overlap among powers, functions and jurisdiction of several commissions, making it difficult to ascertain the specific functions or cases for which a particular commission must be approached (Second administrative reforms commission 2009, 103–20).

The second ARC recommended that electronic databases must be created and linked with each other for facilitating greater information exchange and coordination among the commissions. Better coordination would help in expediting the recognition of a particular type of grievances and their quick assignation to the agency most suitable for resolving these. These were, however, solutions on paper and only some have been implemented.

### **5.3.6 Directorate of Public Grievances**

The Department of Administrative Reforms and Public Grievances, and Directorate of Public Grievances in the Cabinet Secretariat serve as the nodal agencies for grievance redressal. The DARPG was set up in 1985 as part of the Ministry of Personnel, Public Grievances & Pensions. It undertakes policy initiatives and reforms that enable the ministries and departments to deliver the public services in a smooth and hassle-free manner (Department of Administrative Reforms and Public Grievances 2017). The DARPG accepts citizen's grievances and transfers them to the concerned departments, ministries, public sector undertaking, autonomous bodies and other public organisations that were responsible for implementing the service. Each of these ministries and departments has also set up internal redressal mechanisms. The nodal agencies for every public service also issue guidelines on the best practices to be followed for resolving citizen's grievances.

Every year, the DARPG reviews approximately 1000 grievances registered with different ministries and monitors their resolution till the end. It also reviews the redressal procedures and suggests steps for improvement to the respective ministry (Second administrative reforms commission 2009, 80).

The Directorate of Public Grievances was set-up in 1988 as an appellate body for looking into those cases where grievances of the citizens were not redressed satisfactorily by the internal grievance redressal machinery. The Directorate had the authority to call for files, registers and other documents from the concerned ministries for determining that the grievance was handled in a fair and just manner.

The Directorate made recommendations to the ministries and organisations on their grievance handling procedure, which they were required to implement within a month.

Both the DARPG and DPG adhered to the principle that grievances would not arise in the first instance if the services were discharged responsibly and in a timely manner. As a corollary to that, they also believed that if the ensuing grievances were handled in a just, responsive and time-bound manner, the applicants would not need to approach the nodal agencies or appellate bodies for a review of their grievances.

The nodal agencies and the Directorate of Public Grievances also reviewed the performance of the internal grievance machinery of different public departments. The nodal agencies have raised concerns over the “high systemic tolerance for delay, poor work quality and non-accountability in everyday functioning” of the public departments (Department of Administrative Reforms and Public Grievances 2018). They termed these systemic inefficiencies as *delay-breeders* that caused a delay in the delivery of services as well as resolving the grievances. Departments, the review noted, were unwilling to review the decisions taken by the down-the-line functionaries. They resorted to justifying the reasons for delay rather than taking corrective and preventive measures by delivering quality services.

In addition to public service departments, central and state-level ministries, public sector undertakings and universities were also required to constitute internal grievance redressal units with a designated Grievance Redress Officer. These developments have taken place over the last 2–3 decades as a part of the movement towards the right to service in India, which recognises a citizen’s right to transparent and time-bound delivery of public services.

### **5.3.7 Sector-specific ombudsman**

Sector-specific ombudsmen have been appointed by the government for regulating the activities of the sector. For instance, the Reserve Bank of India set up the

Banking Ombudsman and the Insurance Ombudsman in 1998. Plans for setting-up the ombudsman for telecom, aviation, automotive and other sectors are also underway because of the rapid expansion of the consumer market for these sectors (Second Administrative Reforms Commission 2009, 88–89). Similarly, public sector ombudsmen have been set up through government statutes for resolving user complaints and regulating the actions of the officers. Grievance redressal cells have been established in central and state commissions as well as universities and public organisations. The grievance cells provide the first point of contact for resolving the grievances internally, while the ombudsmen look into complaints against the government bodies. Besides, grievance redressal procedures have been built into the delivery mechanism for different welfare programmes. These have been discussed in the section below.

### **5.3.8 Grievance redressal in public services delivery**

The government in India adopted the principles of good governance for achieving a transparent, accountable and responsive administration. It introduced measures for redressing public grievances by making the administration transparent, responsive and accountable to the citizens. This shift towards citizen-centric governance in was accompanied by the recognition of socio-economic guarantees as “legal entitlements, as opposed to discretionary benefits” (Drèze and Khera 2017, 3). The rights-based strategy was also used for ensuring transparency and accountability in governance as well as securing the right of citizens to time-bound delivery of public services and redressal of grievances.

The movement for the right to service and greater recognition of citizen’s social and economic rights resulted in a two-pronged approach for resolving grievances. First, grievance cells were established at the point nearest to the citizens, usually with the supplier itself. Second, appellate bodies and ombudsman were set up at the district and block levels for registering appeals for the delay in redressing grievances or dissatisfaction with the relief granted.

For instance, the Electricity Act 2003, section 42 (5), directed the licensed distributors of electricity under the Act to establish a grievance redressal forum “within six months from the appointed date or date of grant of license.” The consumers could register their complaints with the licensee itself. Under Section 42 (6-8) of the Electricity Act 2003, respective State Electricity Regulatory Commissions were authorised for framing the guidelines for grievance procedures and appointing an ombudsman for redressing citizen’s grievances related to the distribution of electricity (Ministry of Law and Justice - Government of India 2003).

Similarly, the RTI Act 2005 set up the Central Information Commission and the State Information Commissions as appellate bodies for accepting appeals against delay or denial of information under the Act. The RTI Act, like MNREGA and the National Food Security Act (NFSA), was a positive right, which required the state to provide access to information, work and food to citizens. Enforcing a positive right necessitates the creation of appropriate mechanisms for delivery, redressal and appeal (Acharyulu 2014, 19–20). The grievance mechanism under the RTI Act, which has been shaped by the jan sunwai experiences of the people, has been adopted into other rights-based welfare legislation as well.

For instance, under section (14) of the National Food Security Act 2013, the state government was required to set up internal redressal mechanisms through call-centres and helplines and designate nodal officers for reviewing the complaints. Section 15 (1) of the NFSA stated that for every district, the state government would appoint a District Grievance Redressal Officer for “expeditious and effective redressal of grievances” and “to enforce the entitlements” under the Act. The State Food Commission would act as the appellate authority for submitting appeals against the order of the DGRO, either by the complainant or the officer. The NFSA also provided for regular social audits for monitoring the implementation of the act by Vigilance Committees at block and district levels (Ministry of Law and Justice - Government of India 2013).

This well-defined internal grievance mechanism, provision for an appellate authority and platform for collective monitoring by the community were driven partly by the people's movement for transparency and partly by the movement for the right to public services, which is discussed in the section below.

### **5.3.9 Right to service and grievance redressal**

From 2010 onwards, several governments at the level of states in India have enacted a statutory law granting the citizens the right to time-bound delivery of public services. The fundamental features of the right to public service included a Citizen's Charter that provided procedural clarity and information about the services. The right to public services also defined a simple, accessible and effective grievance redressal mechanism and required the departments to publish all the details related to the service or the department in the public domain. These details included the contact of officers responsible for carrying out different administrative tasks. It also required the contact information of public information officers for submitting RTI applications, grievance officers and respective appellate authorities to be available in the public domain. The next section discusses the timeline and dynamics of the movement for the right to service in India.

## **5.4 Movement for the Right to Services in India**

The concept of a right to service has its origin in the late 20<sup>th</sup>-century development discourse in the developed nations that equated administrative functions with consumer services provided by business organisations. This analogy posited citizens as consumers of government services. Accordingly, the principles of efficiency, effectiveness and economy were incorporated from the private sector into the public administration, leading to what came to be known as New Public Management. The British government headed by Prime Minister John Major introduced the Citizen's Charter as an instrument for ensuring delivery of quality services to the people. The Charter initiative considered the timely provision of quality public services as a value for money for the taxpayers (tax being an investment in the administration). The



scope of the Charter extended to a variety of government functions and services, as can be surmised from the minister's speech, "People who depend on public services – patients, passengers, parents, pupils, benefit claimants – all must know where they stand and what service they have a right to expect" (Thulaseedharan 2013). Every public entity was required to publicise a Charter, which specified the minimum expected quality of services and the procedure for redressal of grievances that the people could pursue in case the services were not per the standards specified.

In India, the resolution for adopting the Citizen's Charter was passed at the Chief Ministers' Conference in 1997. The Conference also emphasised the need for legislation that provided citizens with greater transparency in governance and acknowledged the need for responsive administration. This can be regarded as the beginning of a movement towards recognising the citizen's right to public services in India.

#### **5.4.1 Chief Ministers' Conference in 1997**

The 1980s and 1990s witnessed people's despair and dissatisfaction with the administration at all levels. Governance, especially the implementation of welfare programmes, was afflicted by complex procedures and inveterate apathy of the public officials. Reforming the administration was thus seen as a way of re-establishing people's faith in the governance, "which could rebuild the credibility of the government." There was a growing recognition of the duties of the government and the administration towards the citizens, which emphasised that the public goods and services were delivered to the citizens most efficiently.

Subsequently, the government adopted an Action Plan for Effective and Responsive Administration at the Conference of Chief Ministers held on 24 May 1997, presided over by then Prime Minister I.K. Gujaral. The Conference recommended that administration must be made "responsive, accountable, transparent and people-friendly" at each level (Rao 2003, 7–9). Towards this end, it issued guidelines for implementing the Citizen's Charter, evaluating the existing

redressal mechanisms as well as establishing new channels of redress, reviewing the laws and procedures for addressing complexity and judicial delays and taking measures to curb corruption at all levels. The conference acknowledged the significance of openness in government transactions and assured government-action towards a legislation for ensuring people's access to information. The right to information was thus coupled with the Citizen's Charter for making the administration responsive, transparent and accountable to the people (Mathur and Mathur 2017, 48–50). However, the measures for creating a transparent, responsive, and accountable administration did not touch upon ensuring the accountability of the elected representatives.

#### **5.4.2 Adoption of the Citizen's Charter in India**

A Citizens' Charter is a "public statement that defined the entitlements of citizens to a specific service, the standards of the service, the conditions to be met by users, and the remedies available to the latter in case of non-compliance of standards" (Second administrative reforms commission 2009, 34). It informed and entitled the citizens to demand a basic standard of public services. It also specified the remedial recourses available to them in case the services are not up to the standard specified in the charter.

The task of coordinating, formulating and implementing the Citizen's Charter in India was entrusted to the DARPG. Every public authority and department were required to formulate its charter according to the guidelines issued by the DARPG. Regional seminars were organised for facilitating stakeholder consultations and collecting user feedback regarding charter effectiveness. Capacity-building workshops were organised for training the personnel from different central and state departments for formulating and implementing the charter. Information and Facilitation Centres (IFCs) were also set up by different departments at block and district levels for providing programme-related information to the citizens. It also served as the nodal point for registering grievances. By adopting the Citizen's Charter, the central and state governments "have been taking small steps towards

effective delivery of public services and inclusion of grievance redressal mechanisms” (Charter Initiative - Government of India 2010).

State governments have also introduced e-governance mechanisms for streamlining the management of public services and enhancing their accessibility and ease of use. The DARPG launched the Centralised Public Grievance Redress and Monitoring System (CPGRMS) in 2007 for online complaint registration and update. The Sevottam model of efficient service delivery for the public sector was also developed in consultation with the central and state departments. Meanwhile, the idea of Public Service Guarantees gained momentum globally, which made it obligatory upon the public authorities to provide time-bound delivery of services and specify channels of grievance redressal (Thulaseedharan 2013, 62–65).

The Public Service Guarantees specified citizen’s entitlements and a mechanism through which they could enforce these entitlements. Making the public service guarantees “legally binding on the government displayed a political will to make citizens active agents within the administrative processes, rather than the mere recipient of services” (Thulasidharan, 67). In a similar sense, greater transparency and accountability in governance too was proposed to be realised through the greater involvement of people and their preferences.

#### **5.4.3 Right to services legislation**

In India, the provision of public service guarantees took the form of statutory rights that were enacted by the respective state governments. Madhya Pradesh was the first state to pass the right to service legislation – the Madhya Pradesh Lok Seva ke Pradan ki Adhiniyam, 2010. Bihar enacted the legislation in 2011. The same year, the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill 2011 was tabled in the parliament. The bill provided a comprehensive overarching framework for the procedure to be followed for the timely delivery of the services (Ministry of Personnel Grievances and Pension - GoI 2011). The bill required every public authority to publish a citizen’s charter, provide

services within a stipulated-time and designate a grievance redressal officer for accepting, investigating the complaints and resolve them in thirty days.

The bill implemented the recommendations of the Second ARC Report on Citizen-Centric Administration that a grievance redressal mechanism could follow a structure like the RTI Act 2005 (time-bound delivery and redressal, designated Grievance Redressal Officer (GRO), and independent appellate mechanism). Every state was required to set up a State Public Grievance Redressal Commission as an appellate authority for appeals against the decision of the (GRO). Similarly, the Central Public Grievance Redressal Commission would hear appeals against the decision of the GROs of public authorities that fall under the jurisdiction of the central government. Appeals against the decisions of the state and central grievance commission were made before the Lokayukta and Lokpal, respectively (Ministry of Personnel Grievances and Pension - GoI 2011).

The bill integrated the components of transparency and accountability inspired by the RTI, such as suo motu disclosure of information and specifying the mechanism for enforcing the accountability of the public authorities involved at every step. However, the bill lapsed in the Parliament on the grounds of insufficient clarity and conflict in the responsibilities of different authorities. A debate ensued too over linking Lokpal with grievance redressal in service delivery (Kalra and Bedi 2012, 3–4).

Meanwhile, at the time of redaction, twenty-four states and two union territories in India had enacted a right to service legislations that entitle the citizens to time-bound delivery of goods and services and specify a grievance procedure for reporting grievances. The legislations differ “in the number of notified services, in the provisions for compensation, monitoring mechanism and the use of technological tools” in implementation. They also vary with respect to the authority of officers at different levels in redressing the grievances and hearing the appeals, though the time-limit and penalties remained similar (Sircar 2012, 25).

The Rajasthan Guaranteed Delivery of Public Services Act 2011 assured the time-bound delivery of public services to the citizens. Every public service provider covered under the Act was required to designate an officer for receiving applications and providing the service. The departments were also required to designate first appellate officer and second appellate officers for addressing appeals against delay in service or dissatisfaction with the services provided. As of 2017, “153 services covering 18 departments, including 11 services of Local Self Government Department were covered under the Act” (Indian Audits and Accounts Department 2017, 87).

The RGDPS Amendment Act 2013 provided for setting-up a Commission for Guaranteed Delivery of Public Services, which would have revisionary powers. Any aggrieved person not satisfied with the decision of the second appellate authority under the Act can approach the Commission within sixty days from the date of the order. The CAG report in 2017 on the compliance audit of the Medical & Health Department and Administrative Reforms & Coordination Department reported gaps in the implementation of the RGDPS Act 2011. The test audits revealed discrepancies in the percentage of delay reported by department, lack of public awareness about the mechanism for appeal in case of delay, laxity in the maintenance of records by the departments and absence of a mechanism for monitoring the delivery of notified services. The report of the CAG also observed that no stipulated time-period has been notified for disposing of the second appeal and directed the state government to fix a time limit for the same (Indian Audits and Accounts Department 2017, 87–90).

One of the limitations of the RGDPS Act 2011 was that it did not provide a single-window system for redressing grievances. Usually, a citizen availed many public services. Thus, delay or complaints related to every service had to be reported and followed up separately with a distinct authority. Moreover, the officers designated as first and second appellate authorities were often stationed in the districts, thereby not easily accessible to the rural people. To address this lacuna, the

Rajasthan government enacted the Right to Hearing Act 2012 that provided a single-window mechanism for reporting grievances for the services notified by the government (*The Times of India* 2012b). It established the citizen's right to redressal promptly and specified the provision of a public hearing for resolving the individual as well as collective grievances of the citizens. The next section examines the Rajasthan Right to Hearing Act and links it with the jan sunwai mode of resolving grievances.

#### **5.4.4 Right to redressal**

The right to grievance redressal empowered the citizens against an unresponsive and corruption-prone administration, while claiming the public goods and services. While the public service guarantees provided timely access to the services, the right to redressal provided them with a recourse against the delay in the delivery of those services. It also made it obligatory upon the State to hear and respond to the grievances of the citizens.

The Rajasthan Right to Hearing Act 2012 provided a single-window mechanism for resolving the complaints of the citizens that were related to the delivery of public services. The RTH Act outlined the procedure for registration as well as the redressal of grievances. Persons aggrieved due to the delay or denial in the provision of public services or dissatisfied with the quality of services could register a grievance at the Information and Facilitation Centre nearest to them. Upon registering a complaint, the applicants were issued a receipt that specified the date of the application. Under section 4(v) of the RTH Act, every applicant was entitled to a hearing by the Public Hearing Officer within 15 days from the date of application. The hearing would be held at a point close to the applicant, without burdening them with long distance travel to the sub-division or district level. The decision on redressal was communicated to the applicant within 21 days from the date of hearing (Law Department - Rajasthan 2012).

The office of the public hearing officer was created on the lines of the public information officer under the RTI Act 2005. Moreover, a two-level appellate mechanism was also designed for accepting appeals related to delay in the redressal of grievances (section 6 of the RTH Act). The appeals against the decision of the Public Hearing Officer were made to the first appellate authority. Similarly, appeals on the decision of the first appellate authority were made to the second appellate authority, which could penalise the public hearing officers with a penalty up to Rs.5000, if the wilful negligence of the hearing officer was established. The hearing officer was provided with a “reasonable opportunity of being heard” in the matters of penalty. The PHO and first appellate authority could seek a review of the decision of the second appellate authority before a revision officer appointed by the state government. However, unlike the RTI Act that had independent first and second appellate authorities, the corresponding appellate authorities under the RTH Act were from the same department. The people’s struggle for redressal at the jan sunwai had proved the ineffectiveness of internal accountability systems in the administrative departments.

A unique aspect of the Right to Hearing Act was that a person or group of persons could also apply “regarding any matter arising out of a failure in the functioning of, or violation of any law, policy, service, programme or scheme in force in the State by a public authority” [Section 2(a)]. This implies that the applicant need not be a person aggrieved because of delay or denial of service. Public-spirited citizens, as in the case of public interest litigations discussed above, can also register a grievance against violation of norms by a public authority. This strengthens the scope for holding the public officers accountable for their actions.

### **5.5 Jan sunwai and grievance redressal**

As discussed in the first section of this chapter, public hearing campaigns were routinely organised by the representatives of the State for surveying the grievances of the citizens and for ensuring their satisfaction with the governance. However, these campaigns did not focus on resolving the grievances of every individual

because the number of grievances was too high. In contrast, the principles and practices of the jan sunwai focused on redressing the grievances of every individual in a time-bound manner. Besides, these principles have enriched the scope of public hearings as a forum for redressing grievances by enabling the citizens to hold their public representatives accountable. According to Nikhil Dey, “The jan sunwai can be linked to grievance redressal, since grievances could also arise because of issues like inefficiency, arbitrary use of power and corruption that need to be addressed dialogically.”<sup>17</sup>

The RTH Act 2012 also emphasised the resolution of citizen grievances through a mandatory public hearing at the panchayat or block-level. Public hearing camps on the lines of a jan sunwai were organised by the MKSS for generating awareness about the RTH Act and mobilising the people to register their grievances. These camps too demonstrated the efficacy of the jan sunwai in resolving the grievances of the citizens. This section describes the operationalisation of RTH public hearing camps using the principles and practices of the jan sunwai and the benefits thereof.

### **5.5.1 Jan Sunwai and RTH camps in Rajasthan**

The Rajasthan Right to Hearing Act 2012 was enacted in consultation with the civil society groups in Rajasthan, including the MKSS and Sookna Evum Rozgar Abhiyan. Nikhil Dey recollected that:

We had asked the Rajasthan government for a grievance redressal law. The Rajasthan government enacted the Right to Hearing at that time as a grievance redressal mechanism. We pointed out the discrepancies in the Right to Hearing provisions. Its definition of the term ‘grievance’ was limited in scope. We contended that a person’s grievance was not connected to the service guarantee law. My grievance is mine and independent of anything. If you do not acknowledge it, it will keep meandering within the system. At that time, the government said okay. The amended definition resembles the one we had proposed in the draft grievance redressal law. Many parts were taken from the draft law.<sup>18</sup>

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<sup>17</sup> Interview with Nikhil Dey, 30 April 2017, Devdungari, Bhim, Rajsamand

<sup>18</sup> Interview with Nikhil Dey, 30 April 2017, Devdungari, Bhim, Rajsamand.



Later, the MKSS members also worked with the government on operationalising the RTH Act. The jan sunwai camps were organised in select block panchayats of Rajsamand, Bharatpur, Pali and other districts (Dey 2013). Information about the camps was widely circulated through newspapers and panchayats, along with the hearing schedules. People were informed about the purpose of the camp and encouraged for registering their grievances under the RTH Act. The modus operandi for public hearings at RTH camps demonstrated that the jan sunwai as a mechanism for resolving people's grievances had been institutionalised. The integration of public hearings enhanced the efficacy of the process and made it citizen-centric in approach. It fostered dialogue between the citizens and the State. The emphasis on dialogue can be understood from Dey's explanation:

We understood that even though we have achieved transparency, it was very important to achieve accountability to the people. That includes grievances, corruption, planning, accountability of the political representatives, and so on. That is a much better conception, rather than only grievance redressal. And that is a Dialogical process.<sup>19</sup>

The implications of dialogue-based redressal through the RTH-jan sunwai camps are explained in the sections below.

### **5.5.2 Dialogue between the citizens and the administration**

The RTH public hearings provided a space for dialogue between the people and the administration. People explained their grievances before the officers. Their complaints were heard and registered at the camps. The people were assured of timely redressal and were provided receipts for following up on their applications. In some cases, the officer from the relevant department explained the reason for the delay, for example, an incorrect bank account number on the application form. Computerisation of official records and access to the department databases made verification of information easier. Local verification of information and inspection of infrastructure, in some cases, also sped up the redressal. It also helped in enforcing

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<sup>19</sup> Interview with Nikhil Dey, 30 April 2017, Devdungari, Bhim, Rajsamand.

the accountability of the public officers. Opportunity for a hearing by a representative of the State also inspired trust among the citizens. The citizens perceived the administration favourably, while the administration could consider them as partners in governance.

### **5.5.3 Participation of the community in governance**

Grievance redressal is a part of the governance. The Right to Hearing Act and the jan sunwai promoted the participation of citizens in grievance redressal in two ways. A person or a group of persons could submit a grievance application under the RTH Act. People can either submit a grievance regarding a public service denied to them or complain against violation, by a public authority, of any law, policy, order or programme that was applicable in the state. Such a process encouraged the collective monitoring of public services by the members of the community. Collective monitoring empowered the weaker sections of the society to claim their welfare rights, as it enabled them to air their grievances before the community. Collective action by the people also compelled the administration to respond. The Right to Hearing Act 2012 thus incorporated components derived from the jan sunwai and ensured that the voices of the poor and the marginalised were heard.

Community engagement helped in the identification of local problems and panchayat-specific issues in the implementation of programmes. Cases of defaults in delivery, misappropriation of resources and misrepresentation of information either by panchayat members or by private contractors were reported at several RTH-jan sunwai camps that were organised by the Rajasthan government in collaboration with the MKSS and Soochna evum Rozgar Abhiyan (*The Times of India* 2012a).

### **5.5.4 Enforcing public accountability of the officers**

The jan sunwai employed dialogue for establishing truth and monitoring administrative decisions. At the RTH jan sunwai, the grievances of the people were examined against the information provided by the panchayat, autonomous committees, public officials and private service providers. It facilitated the cross-

examination of grievances with the information supplied by the public officers and representatives. The officers and the elected representatives were asked to justify their decisions related to the delivery and implementation of public programmes.

People also reported paying bribes or additional charges to the elected representatives and other panchayat members for claiming their welfare rights and services. In such scenarios, the nodal officers or the collector clarified that only the service charges prescribed by the public authority were required to be paid. No additional fee or rent was required. Public examination of grievances instilled a sense of realisation among the representatives and officers realised that they too could be held accountable for inaction and corruption.

### **5.5.5 Grievance redressal and social audit**

The jan sunwai served as a common platform for redressing grievances and conducting social audits. The people and the officers verified the implementation of welfare programmes. The administration was then asked to redress the grievances that were highlighted during the social audit. Nikhil Dey elaborated upon the connection as follows:

Grievance redressal and social audit have a lot to do with each other. The audit is to hear. An audit is also a dialogical process, especially the social audit. In Andhra and Telangana, where social audits have done very well, the number of grievances that have been raised through the social audit is about 3.5–4 lakhs. A big part of social audit is the entitlement audit, like in the MNREGA. Did I get work within 15 days or not? Did I get a receipt or not? I got a new job card, was I asked to pay again? Almost 100 such questions are there in NREGA. Similarly, in food security, aanganwaadi, education, health, and so on. Not providing a receipt may not be corruption, but without it, I may not get employment or claim compensation.<sup>20</sup>

Grievance redressal can thus be carried out as part of social audit, which would increase the awareness as well as the accessibility of the redressal process. This, however, does not do away with the need for a dedicated apparatus for time-bound redressal of grievances. Several states have introduced digital modes of

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<sup>20</sup> Interview with Nikhil Dey, 30 April 2017, Devdungari, Bhim, Rajsamand.

redressing grievances. Citizens can register their grievances on online portals and mobile-based applications. The dynamics of online redressal system are examined in the next section.

## **5.6 Digital modes of redressing grievances: The case of Rajasthan Sampark**

Many public departments and service providers have introduced online grievance resolution techniques. Web portals and mobile applications enable people to register their grievances online. People can provide details such as their name and contact information, name of the scheme, user identification number under the welfare programmes, a government-authorised identity number (for instance, voter identity) and other details as may be required. People could describe their complaints, highlight the important details and specify the expected redressal or compensation.

The Department of Administrative Reforms and Public Grievances had introduced the Centralised Public Grievance Redress and Monitoring System (CPGRAMS) in 2007. In 2012, state-level online grievance management portals were announced. Rajasthan Sampark, the complaint portal of Rajasthan state government, was launched in the year 2015. It provided a single-window mechanism for registering grievances related to several public services.

The use of digital technology has made the system accessible to people throughout the state, in the rural as well as urban areas. The proliferation of mobile internet and smartphone technology in the cities, towns and villages, along with the Digital India drive, has facilitated the adoption of digital modes of redressing grievances. Information and Facilitation Centres were set up at panchayat, block and district levels. These centres were equipped to handle information technology-based requests and transactions. They assisted the citizens with information about the procedure for availing goods and services under different programmes. They also assisted the citizens in registering their grievances on Rajasthan Sampark through web portals or customer helpline numbers. Digitisation of the grievance procedure,

as part of e-governance, was expected to help the government in understanding the ground reality and take corrective measures for improving service delivery (Rajasthan Sampark 2014).

### **5.6.1 Challenges of digital redressal: Contrasting the jan sunwai with Rajasthan Sampark**

The integration of technology has facilitated the accessibility of the redressal mechanism and provided easy tracking and follow-up options. However, there is insufficient evidence to prove its efficacy in resolving grievances, especially in Rajasthan (Sharma 2018). Structural challenges have undermined the people's access to the web-based grievance mechanism. The technocratic solutions for redressing grievances have abandoned the orality of the jan sunwai that had empowered people to express their grievances and to demand relief. A large part of rural India, especially the population dependent on welfare goods and services, was non-literate and lacked the knowledge of the procedure for registering the complaint online. The IFCs facilitated the registration of grievances. However, poor internet connections in some places or server downtime issues impeded the process. People were also dependent on private facilitation centres called the *e-Mitra* (electronic aide) that were licensed by the government for assisting the citizens with e-governance procedures. These centres functioned opaquely and charged arbitrary service-fee from the citizens as opposed to the fee prescribed by the government (*The Times of India* 2019).

In contrast to the dialogical process of redressal at the jan sunwai, the linear process of digital redressal had made it easier for the local bodies and service providers to evade public accountability. The service providers were no more accountable to the people. Orders from the higher levels of the administration were required for correcting the delays in delivery. These wrongs were caused in the first place by the inefficiency of the local bodies. People were thus caught in the cycle of systemic inefficiencies and remained at the mercy of the panchayat members and block officers.

While the proceedings of the jan sunwai were transparent and public, the Rajasthan Sampark functioned in a non-transparent manner. The grievances registered on Rajasthan Sampark were communicated only to the concerned agency or department. A grievance officer marked a complaint as rejected, disposed or closed, depending on how the grievance was resolved. The monitoring system required the officer to report the action that was taken or the reason for rejection, which was then communicated to the applicant. The applicant could re-open the complaint for appeal. After the second review, the complaint was closed or marked as pending. Complaints were added to the pendency-list based on the applicant's feedback or response from the departments. The department-wise list of pending cases with the name of the grievance officer was maintained on the dashboard. The list, however, was not shared publicly and was available only to the relevant departments and the chief minister of the state. Administrative accountability was thus limited to the members of the political executive and the state legislature. As opposed to this, all the grievances at the jan sunwai were shared publicly before the community, and the people were aware of the resolution that was offered. This ensured impartiality and accountability of the procedure of redress.

In 2016, Rajasthan Sampark was linked with the Rajasthan Right to Hearing Act 2012 for providing a common integrated mechanism for handling grievances ("Rajasthan Sampark - An e-Initiative of Government of Rajasthan" 2016). The applications under the RTH were directly registered on the Rajasthan Sampark, and the provision of mandatory public hearings in the panchayats was gradually discontinued. Instead, public hearings were directed to be held periodically by the block and district officials. At these hearings, the live orality of the jan sunwai was replaced by long queues of people waiting for their grievances to be submitted online. Many of them had to travel over ten kilometres, incurring commuting expenses and foregoing a day's labour. The people would travel in anticipation of a hearing and timely resolution of their grievances. However, the officers were often unapproachable at these hearings. Those citizens who tried to explain their problems

were directed towards the registration counters. Their complaints were merely ‘collected’ and not heard.

Absence of open public hearings has weakened the level of citizen engagement and horizontal accountability, which were facilitated by the *jan sunwai* (Agrawal and Nair 2018, 12–13). Digital databases and memory registers, though efficient, were prone to manipulation and errors in entering information. Notwithstanding, the digital databases enjoyed greater credibility in comparison to the individual and collective testimony of the people. This has resulted in a decline in the opportunity for collective monitoring as well as on-ground verification of welfare services. The state and its institutions were yet again made impersonal – this time behind the electronic consoles and virtual databases. Gatekeeping by the government allowed the citizens to access only select information. Access to information was regulated by ‘admin’ controls that were delegated to the officers only. Practices such as these might potentially undermine the foundation of a participatory polity and instead contribute to the creation of a transactional State whose digital moorings tended to “decouple citizenship from rights and justice” (Gurumurthy *et al.* 2017, 3).

Emphasising the importance of public hearing and dialogue for empowering people, Nikhil Dey explained that:

A public hearing is important for resolving grievances. The hearing should not be one-to-one. It will take place when all the officers are there. It will take place openly in the public sphere so that I will know more about the water issues even though my grievance is related to electricity. I will listen, I will learn, and there will be an expression and realisation of collective strength. Presently, we are at a stage, where the government is resistant, and it is a technocratic phrase, and the government wants to do everything electronically. This aids centralisation. They say yes, we have understood, we have all the information, and we will set everything right. They deter us from coming to them and encourage us to call so that there is no face-to-face interaction. And do not come as a group, not under any circumstances.<sup>21</sup>

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<sup>21</sup> Interview with Nikhil Dey, 30 April 2017, Devdungari, Bhim, Rajsamand.

Dey's comments resonated with Gurumurthy *et al.*, who have argued that the rights-based citizenship functions were being subverted by the total data-based solutions, which were awarded greater importance in comparison to “dialogue, deliberation, audit and answerability” (Gurumurthy *et al.* 2017, 4). They also cited instances, where the grievances of the people were redressed and disposed of through the Rajasthan Sampark, even though, in reality, the grievances remained unresolved. Gaps in redressing grievances as well as in implementing and monitoring the delivery of public services through digital technology alone have aggravated the problems of the citizens. The citizens could neither claim their welfare rights nor get their grievances resolved. Besides, greater consolidation of information in databases, integration of functions and use of algorithmic logic in decision-making have resulted in centralisation of powers, which could lead to inefficiency in governance. The jan sunwai could fix the deadlock by providing a direct interface, alongside digital solutions, for the citizens to express their grievances.

Aiyar *et al.* too emphasised the need for a human interface for facilitating interaction between the citizens and the digital State. Collective face-to-face dialogue would enhance the ability of the people to challenge new power disparities and hold the local officers accountable. According to Gurumurthy *et al.*, “democracy presupposes the ability of the citizen to mobilise, channel, organise and demand action from the State, including the ability to challenge the denial of basic income, food, shelter, and health” (Gurumurthy *et al.* 2017, 5).

Notwithstanding the criticism, the role of technology in governance cannot be ruled out. Certain scholars have highlighted the significance of information and communication technology in improving service delivery, transparency and accountability in governance. They have identified the ICTs as crucial drivers of public engagement and community empowerment (Bhatnagar 2014; Kane and Novelli 2019; Pipersal 2019). Online grievance management too inherited the advantages of e-governance – highly accessible participatory mechanisms, wide capabilities for disseminating information and the potential for promoting



decentralisation. Aiyar *et al.* have recommended three key design principles for ensuring the success of technology-based delivery of the social protection system in India. These include clear identification of problems that digital-solutions were expected to solve, building the capacity of local bureaucracy charged with the implementation of digital solutions and addressing new power disparities that were caused due to opacity in the production of technology (Aiyar *et al.* 2019). Opacity in production implied that only a select group of individuals took decisions related to the design and content of a platform. They decided who could participate and how, leading to exclusions in the use and deployment of technology. Therefore, the participation of citizens in designing online platforms would help in overcoming the limitations of the platforms and the challenges in implementation. The merits of collaboration are described through the case of Jan Sookna portal in the next section.

### **5.6.2 From Jan sunwai to Jan soochna in Rajasthan: A case for citizen-centric digital platforms**

The Jan Sookna portal is a public information system launched by the government of Rajasthan in September 2019. The portal was designed in collaboration with civil society organisations as part of the Digital Dialogue initiative of the state government. The members of MKSS and Sookna Evum Rozgar Abhiyan worked with the state agencies for designing the portal. Jan Sookna was designed for *suo motu* disclosure of information by public authorities under Article 4(b) of the RTI Act 2005 (Mukherjee 2019).

Till December 2019, information of different types related to thirty-two welfare schemes across thirteen public departments had been uploaded to the portal. Thus, the information is provided on a single platform. The citizens can access such information as the status of the delivery of their welfare goods and services, the total amount of food supplies distributed by a licensed distributor across different panchayats of the state, the status of RTI applications and other similar information. People could enter their ration card number or the MNREGA job card number and

access the information they were looking for. They could also scroll through the complete list of beneficiaries and supplies for the panchayat.

Jan Sookhna or the public information system was designed and thus named in contrast to the management information systems (MIS). In the case of MIS, the citizens could only access information related to their entitlements, while the public officers could access the complete details using admin rights. The Jan Sookhna portal did not require admin registration or login. Everyone could access complete details related to the implementation of the welfare programmes in their panchayat as well as in other panchayats across the state. Such disclosure of information was conducive to greater transparency and accountability in governance and facilitated redressal of grievances. For instance, people could now verify the details of the delivery of food supplies or medicines on the portals. In case of discrepancies or irregularities, people could also register a grievance on the Rajasthan Sampark and provide complete details.

The features of the jan sookhna portal were shaped by the experiences of the people in claiming the public services through digital technologies such as e-governance mechanisms, biometric identification systems and e-redressal systems. The portal was also shaped by the efforts of people for disseminating information using different modes such as wall paintings, public announcements and the jan sunwai. Inputs from the civil society actors made the portal transparent and accessible to the people. The members of the MKSS also demonstrated the effectiveness of the portal in empowering people and facilitating the redressal of grievances (Jebaraj 2019).

## **5.7 Conclusion**

This chapter demonstrated the efficacy of the jan sunwai in redressing the grievances of the people. These grievances were related to the delay and challenges faced in claiming their wages, access to work, nutrition, healthcare and other welfare goods that affected their livelihood. Delay in the delivery of welfare violated their socio-

economic rights while the delay in redressal led to the denial of rights as well as justice. The jan sunwai enabled people to air their individual and collective grievances before the community and the representatives of the State. Such an arrangement facilitated on-the-spot verification of the grievances. In some cases, the grievances were redressed by the elected representative, who restituted the pilfered money.

The chapter examined the legal, political and administrative channels of redress available with the citizens. These channels were either costly or not accessible to the citizens. Similarly, the chapter also examined the measures taken by the State for facilitating the redressal of grievances that arose due to administrative inefficiency. Such measures were focused on combating corruption by fixing the accountability of the public authorities, rather than resolving individual grievances of all the citizens. In comparison, the jan sunwai emphasised on resolving the individual grievances of the people, which would facilitate their access to welfare programmes.

The chapter linked the jan sunwai with the movement for the right to public services, which emphasised a time-bound delivery of public goods and services as well as the redress of grievances arising due to delay in delivery. Every state in India enacted its respective right to public service legislation. The Rajasthan Guaranteed Delivery of Public Services Act 2011 entitled the citizens to time-bound delivery of public goods that were covered by the act. The grievances arising due to delay in delivery were expected to be redressed under the Rajasthan Right to Hearing Act 2012. The Right to Hearing Act was among the earliest grievance redressal laws in India that entitled a citizen to time-bound redress of grievances. The redressal mechanism under the RTH Act was adopted from the RTI Act 2005 – grievance hearing officer, first and second appellate authorities, punitive action for delay or unsatisfactory redressal and state grievance commissions.

The Right to Hearing Act included provision for a mandatory public hearing in the panchayat block, where officers from different public departments were required to be present for hearing and resolving the grievances of the citizens. Thus,

the nature of public hearing under the RTH Act was similar to a jan sunwai and facilitated dialogue between the people and the State. The provision for a public hearing was incorporated by the civil society activists, who collaborated with the state government for drafting the RTH Act 2012. The civil society organisations organised the jan sunwai camps for implementing the RTH Act. These camps were organised according to the principles and the practices of the jan sunwai for redressing the grievances. Thus, the chapter provided evidence on how the practices of the jan sunwai for redressing grievances have been institutionalised under the Rajasthan Right to Hearing Act 2012.

The chapter contrasted the jan sunwai with Rajasthan Sampark, a digital mode of redressing grievances. It argued that digital technology has supplanted the element of face to face deliberation that was associated with the jan sunwai. This weakened the potential for transparency and accountability that was achieved through dialogue at the jan sunwai. The State was hidden once again, this time behind digital registers and electronic consoles. In such a scenario, linking the digital modes of redressing grievances with the practices of the jan sunwai could enhance the potential of digital technology for redressing grievances through greater citizen-state engagement. This weakness of Rajasthan Sampark was removed by the Jan Soochna portal, a public information website, launched by the government of Rajasthan in collaboration with civil society. The Jan Soochna portal published 82 different types of information related to 32 different public programmes. The citizens could check the status of their wages as well as verify the implementation of the welfare programmes in their village panchayat. The Jan Soochna thus replicated the potential for social auditing via jan sunwai, which could also address the grievances of the citizens.



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