

Report on Citizens' Charters of the Government of NCT (National Capital Territory), Delhi and the Government of India.

Evaluation report for Partnership for Transparency Fund - July 2004.

This is an account of the discussion and of the subsequent correspondence with Mr SD Sharma of **the Lok Sevak Sangh/Transparency International India** (the LSS/TII) about the progress made with the project on Citizens' Charters initiated with the help of PTF (Partnership for Transparency Fund).

Present at the meeting were Mr SD Sharma, Working Chairman Emeritus, who was the main spokesperson, and his colleagues Dr.SK. Agarwal, Vice Chairman, and A.C.Talwani, Honorary Secretary; and myself, Jenny Carter. Mr Sharma was very much in control. He expressed his gratitude to PTF for the support and funding he had received.

First, Mr Sharma spoke about the **Citizens' Charters** that had been introduced and developed since 1997, when the DPAR and PG (Union Department of Administrative Reforms and Public Grievance) had started promoting the use of citizens' charters in those offices with the most interaction with the public. (An undated document states that "till about a year ago, 68 Central government organizations and 333 State-level organizations claim to have issued their citizens' charters".) These include offices like the public sector banks, the Department of Excise, the Delhi Development Agency (DDA) and the Post Office.

Overall, public awareness and attitudes are improving but, said Mr Sharma, it is slow. He felt that although the agencies had accepted and in most cases acted on the concept of citizens' charters, the charters themselves were in many cases still defective and needed to be revised. Many of the agencies had the charters posted on notice boards or ready to hand out as pamphlets, and awareness had greatly increased, but the quality of the documents was variable, and carried only a moral not a legal commitment to citizens' rights. The services offered were listed, and the time-frames for action were stated, but there was no commitment to redress the complaints, nor, above all, any system of penalties on the officials for failing to fulfil the promises in the charter. So a start had been made, and awareness improved, but in practice the aggrieved citizen was still not getting his complaint redressed or compensation paid, and the offending officials were still getting away with giving unsatisfactory service. The improvement in mind-set, that the citizen is there to be served, and not to be treated as a nuisance or a source of extra funds, has not yet become a reality. While the administration has been willing to sign up to citizens' charters, it has not taken the step of agreeing to effective penalties written into the charters, which would make the agencies and the officials accountable and give the charters real bite.

There have, however, been useful and promising contacts with the Delhi administration, under Sheila Dikshit, Chief Minister, who is sympathetic to the aims of the project. (Mr Sharma had decided that it would make sense to concentrate on Delhi, since it is right here, and is the seat of government.) The Public Grievance Commission of Delhi (PGC), the statutory body set up some three years ago, has her support, but "still needs prodding". Now with the new administration, there may be a better chance of progress. Meetings are being planned to discuss the implementation of measures to enforce the citizens' rights.

The post of head of the PGC is usually filled by selecting the retiring Chief Secretary of Delhi. The current head of the PGC is Shailja Chandra, said to be a good appointment (MFC). PGC has now written to LSS/TII to suggest a conference to discuss these issues. "If the citizens' charter is violated, what is the Public Grievance Commission for if it can't take it up and give relief?" After the meeting, LSS/TII hopes for action towards implementation of the charters, and towards an agreement to include in them a clause providing for recompense and speedy corrective action for the complainant (enforceable without recourse to law), and a penalty for the officer responsible, making him/her personally accountable. This should have a deterrent effect – "prevention is better than cure."

Mr Sharma gave an example to show why public awareness needs to be improved: a woman who had paid into a Employees Provident Fund had not received her dues. The office had recommended the payment in May, but she was still not getting satisfaction. She “happened to hear of” the LSS/TII, and they took up her case. But “happening to hear is not good enough.” Agencies must take a proactive role in creating public awareness.” The use of public announcements would increase awareness, but the agencies fear that they would then be flooded with requests, and feel they must still make arrangements to handle the enquiries (e.g. computers installed). Meanwhile the Chief Minister wants LSS/TII in the picture because complaints would quickly overwhelm their own capacity to deal with them.

The Lok Sevak Sangh is therefore proposing to establish a computer-based “on-line” grievance point, with a computer operator to run it, where citizens can register the complaints that they have failed to have redressed by the agency concerned, and undertakes to vet the complaint and forward the deserving cases to the PGC for further action. LSS would press the PGC to look into the case and to take the public servant to task for any failure. Thus the LSS agent would help the PGC by sorting out the genuine cases from the unworthy, and would give the complainant much stronger backing for the case, which any individual would be unable to press so effectively on her/his own.

I asked whether the ultimate aim would be for the PGC to manage the whole process on its own without the intervention of the LSS/TII, but this was not decisively answered.

For further information on the **functioning of the Citizens’ Charters**, I asked my South Indian driver, Mr Jaya Kumar, as a more typical user of the Delhi agencies, to pay a visit to some of them and enquire about their Citizens’ Charters, to see what response he met with. Here are some of his findings:

The agencies he visited were the Income Tax Department, the Public Works Department, the Labour and Immigration Ministry, Food and Supplies, the Department of Excise, Entertainment and Luxury Tax, the DDA, Electricity, a clinic, a post office and a public bank.

The Income Tax Department had a clear and simple document on the notice board. It gave a list of its commitments to the public, and of the citizens’ own duties. There were no copies to take away, but there was a public relations officer, who sent him upstairs to see the Assistant Commissioner of Coordination – a helpful person, who asked Mr Jaya Kumar who had sent him. Mr Jaya Kumar, who for the validity of the enquiry had been told only to tell if asked, then mentioned the Lok/Sevak Sangh and Transparency International India. The Assistant Commissioner then gave instructions for the Charter to be taken from the wall and a photocopy made. They were “quite pleasant and polite”, and they claimed that they were printing more to give out to the public, but that people were not demanding to see the charter. (Attached.)

The Public Works Department told Mr Jaya Kumar that they were busy and to come back at 3.30. At that time he met an official who also asked where he came from, and made a copy of the LLS/TII letter heading. He then printed out a copy of their charter statement from the PWD/Delhi government website. This seems still to be in embryonic form (attached).

Labour and Immigration Office. The official said that they didn’t have any charter, and suggested trying their e-mail address, but didn’t know what it was. There was nothing visible on the walls.

Food and Supplies/Ration cards. There was a framed copy of the Charter on the wall, but no copies to hand out. Mr Jaya Kumar arrived at 2.00pm, but up to 3.00 there was no-one at reception, and no information. A sign said that the lunch hour was from 1.30 to 2.00. The watchman said that the official had gone somewhere, and to wait. The second security guard suggested he should go upstairs. There he found a more senior official who with some reluctance told him that copies would be available after a month. This official also asked where Mr Jaya Kumar had come from.

