

PUBLIC GRIEVANCES AND REDRESSAL MACHINERY

23.1 INTRODUCTION

In a democracy, the citizens make the government and hold it accountable. Government is operated by salaried officials. For the officials, rules and regulations are more important than helping the citizens. Also, bureaucracy tends to keep things secret and exercise its own power. Citizens have many complaints against government machinery — electricity or water supply not being done. Building plan not being sanctioned and so on and so forth. The grievances of citizens against government machinery need to be heard and redressed. Otherwise, citizens will withdraw their loyalty to the government. Hence, democracy sets up appropriate machineries for the redressal of citizen's grievances.

23.2 OBJECTIVES

After studying this lesson, you will be able to:

- recognise the importance of redressal of public grievances in a democracy;
- identify and explain various instruments of redressal of public grievances;
- explain the role of Lokpal and Lokayukta;
- understand the role and working of Central Vigilance Commission.

23.3 IMPORTANCE OF REDRESSAL OF GRIEVANCES IN A DEMOCRACY

In a developing country like ours, Government has to do many functions. The citizens depend on the services provided by various government agencies. To levy rice, wheat and sugar from a ration shop, a citizen has to have a ration card issued by the Government. To obtain a ration card is, however, not so easy. But the quality of their services is far from satisfactory. For most things in life, citizens depend on the services and facilities provided by government agencies.

It is a common experience that the citizens often face difficulties in dealing with government agencies. The rules and regulation are too many, and these cause delay. Trains or buses

may not run on time. The banks, the hospitals, the police are often unhelpful, and even corrupt. Delay or harassment and unhelpful attitude of government departments and agencies create a bad image of government itself. At the same time, it has to be accepted that government has to undertake many functions in the interest of the public. The difficulties that the members of the public face in getting services, make the people unhappy and dissatisfied. The poor people suffer most. They badly need government support and services, but they are the ones who are often harassed and turned down. This is obviously bad for the health of a democracy. The average citizen wants sympathetic, courteous and helpful public administration. If there are too many public grievances against the government agencies, corrective measures has to be taken to redress those grievances.

The Administrative Reforms Commission was set up by the Government of India in 1966. On the "Problems of Redress of Citizens' Grievances", the commission said the following:

"When the citizen can establish the genuineness of his case, it is plainly the duty of the state to set right the wrong done to him..... an institution for redress of grievances must be provided within the democratic system of government. It has to be an institution in which the average citizen will have faith and confidence and through which he will be able to secure quick and inexpensive justice".

23.4 INSTRUMENTS OF REDRESSAL OF GRIEVANCES

To deal with administrative-corruption and to redress citizens' grievances, simplification of rules and procedures has been suggested and carried on in practice. Besides these, new institutions have also been recommended and actually set up in many countries.

Created for the redressal of public grievances, the institution of "Ombudsman" is typically Scandinavian. The office of Ombudsman has been in existence in Sweden since 1809 and in Finland since 1919. Denmark introduced the system in 1955. Norway and New Zealand adopted it in 1962, and the United Kingdom appointed the Parliamentary Commissioner for Administration in 1967. Several countries in the world have since adopted the Ombudsman-like institution.

Ombudsman, a Swedish word, stands for an officer appointed by the legislature to handle complaints against administrative and judicial action. As an impartial investigator, the ombudsman makes investigations, gets at the facts objectively, and reports back to the legislature. The complainant has simply to write to the ombudsman appealing against an administrative decision. The ombudsman system has been popular because of its simple and speedy nature. It is a cheap method of handling appeals against administrative decisions.

Indian Instrumentation

In India, it has been observed by many committees and commissions that special machinery should be set up to deal with public complaints against the administration. Various institutions exist to redress public grievances. For instance, a citizen can move the court to seek remedy against any wrong done to him by a public servant or a public agency in the course of discharge of public duty. This is called **Judicial remedy**. Many kinds of administrative tribunals have been set up to provide cheap and speedy justice to the complainant. The Income Tax Appellate Tribunal, Labour Tribunals etc. are instances of this type of institution.

Secondly, **Parliamentary procedure** provides for opportunities to raise questions in Parliament by the elected representatives concerning their constituencies. Also, there is a Parliamentary Committee called the Committee on Petitions. A citizen may submit petitions to secure redress against an act of injustice. So, even though a distant body, Parliament or State Legislature can take up the cause of an aggrieved citizen.

Thirdly, under the provisions of the Public Servants (Enquiries) Act, departmental as well as public agencies can be instituted against a public servant for his misconduct. Not day-to-day dealing but more serious matter of maladministration come under the purview of this Act.

Fourthly, complaint forums have been set up at different levels to deal with public complaints. For example, in a public bus or in a railway station, there are complaint boxes to receive complaints from public. Consumers' Forums are now available to deal with complaints against any supplier of goods and services such as telephone services. Within large public organization such as Railways and Telecommunication etc., there are complaint cells to deal with public complaints.

INTEXT QUESTIONS 23.1

1. Fill in the blanks with appropriate words given in the brackets :

- (a) The grievances of citizens against government machinery needs to be heard and _____ (redressed/investigated)
- (b) Every _____ sets up appropriate machinery for the redressal of citizen's grievances. (dictatorship/democracy)
- (c) The institution of _____ is typically Scandinavian. (Lokpal/Ombudsman)
- (d) A citizen in India can move to the _____ to seek remedy against any wrong done to him by a public servant or a public agency. (President/Court)
- (e) Questions can be raised in _____ by the elected representatives concerning their Constituencies. (Court/Parliament)
- (f) To deal with public complaints, complaint _____ have been set up. (forums/booth)

23.5 LOKPAL AND LOKAYUKTA

The machineries and procedures for handling public grievances, as mentioned above, have been found to be too distant or expensive and time-consuming. They have not been very successful to provide effective redress of an individual citizens' grievance against government agencies and political leadership. Against this background, the Administrative Reforms Commission (ARC, 1966) made the following observation :

"..... We are of the view that the special circumstances relating to our country can be fully met, by providing for two special institutions for the redressal of citizens' grievances. There should be one authority for dealing with complaints against the administrative acts of ministers or secretaries to government both at the centre and in the states. There should be another authority in each state and the centre for dealing with complaints against the administrative acts of other officials. All these authorities should be independent of the executive as well as the legislature and judiciary". The ARC called the first authority the *Lokpal* and the second authority the *Lokayukta*.

In spite of several attempts the Lokpal Bill has again and again fallen through in Parliament. It appears that both the Congress and non-Congress Governments have not been sincere and serious enough about the enactment of the Lokpal Bill despite their public pronouncements to that effect and promise to give to the people a clean administration. There are two fundamental issues involved. Firstly, there is clearly the hidden unwillingness of political leadership to submit themselves for enquiry by an independent authority other

than Parliament to which they are already responsible in a parliamentary democracy. Secondly, the functional jurisdiction of the proposed Lokpal is also debatable. Should the Lokpal take up the cases of corruption only or it should also be entrusted with the task of redressing citizens' grievances in respect of injustice caused by maladministration of officials. The citizen is interested in redressal of his little problems and individual grievances and the existing avenues do not provide him easy, speedy and cheap redressal. Hence, what is needed is an agency independent of government control to redress the common grievances of people.

The Lokayukta

Although no institution of Lokpal has yet been established at the Centre, there are states like Maharashtra, Madhya Pradesh, Rajasthan, Karnataka, Bihar, Orissa, Himachal Pradesh and National Capital Territory of Delhi which have appointed Lokayukta for dealing with the public grievances on the lines suggested by the ARC. Maharashtra was the first state to enact such legislation in 1971. The other state legislation were based more or less on the Maharashtra line which provides the Lokayukta with exclusive power to look into complaints against state ministers, secretaries and other senior officers. Section 12 of the Himachal Pradesh Lokayukta Act, 1983, provides, "If, after enquiry in respect of a complaint, the Lokayukta is satisfied that all or any of the allegations made in the complaint have or have been substantiated either wholly or partly, he shall, by report in writing, communicate his findings and recommendations to the competent authority and intimate the complainant and the public servant concerned about his having made the report". The competent authority examines the report and has to communicate to the lokayukta within a period of three months of the receipt of such report, the action taken thereon. It may be noted that the Lokayukta is only a recommending authority. Its recommendations have no legal sanctity, nor are these binding. The final judgement in respect of the offence lies with the competent government authority.

23.6 THE CENTRAL VIGILANCE COMMISSION

Being alarmed at increasing corruption, a high-power committee was set up by Government of India in 1962 under the Chairmanship of K. Santhanam. The Santhanam Committee recommended setting up of Vigilance Commissions at the Centre and in the various States. Vigilance Cells have since been created in several government departments and public sector undertakings. At the highest level is the Central Vigilance Commission (CVC).

The CVC is headed by the Central Vigilance Commissioner, appointed by the President of India, for a period of six years or until he attains the age of 65 years, whichever is earlier. The Commission is located in the Ministry of Home Affairs having an autonomous status. In addition to the Commissioner, it consists of a Secretary, one Officer on Special Duty, one Chief Technical Commissioner, 3 Commissioners for departmental enquiries, 2 Under-Secretaries and 6 Technical Commissioners. Its jurisdiction extends to all employees of the central government and the employees in the public undertakings, corporate bodies and other organisations dealing with matters falling within the executive powers of the central government. However, it cannot probe cases of corruption against ministers and members of parliament.

The CVC receives complaints directly from the aggrieved persons. It also gathers information about corruption and malpractices or misconduct from other sources such as press reports, audit objections, information through parliamentary debates and other forms etc. The complaints about Central Government employees received by the State Vigilance Commissions are forwarded by them to the CVC. On receiving complaints, the Commission may ask :

- (i) the concerned ministry/department to inquire into them;
- (ii) the Central Bureau of Investigation (CBI) to make an inquiry; and
- (iii) the CBI direction to register a case and conduct an investigation. Prosecution, however, depends on the approval by the appropriate sanctioning authority.

The CVC has laid down procedures to be followed by the administrative ministries/ departments in the case of complaints received by them. These complaints are to be dealt with by the ministries/departments concerned. The CVC may advise the ministries/ departments in respect of all matters relating to integrity in administration. It may also call for reports, returns or statements from all ministries/departments so as to enable it to exercise a general check and supervision over vigilance and anti-corruption work in the ministries/departments. It can also take over under its direct control any complaint or case for further action.

Besides these, the CVC has the role to play in the case of the appointment of Chief Vigilance Officer of each ministry/department. The CVC is to be consulted before giving such an appointment. Moreover, the CVC has been empowered to assess the work of the Chief Vigilance Officer. This assessment is recorded in the character rolls of the officers. Finally, all proposals for re-organising or strengthening the Vigilance Organisation by the Chief Vigilance Officers are to be referred to the CVC for scrutiny.

The role of CVC is, however, limited because it is not a statutory commission and has only advisory role. Further, the procedure of investigation is so vexatious that people do not desire to be involved in long and unpleasant proceedings. Thus it has been commented that the Central Vigilance Commission is not at all a substitute for an Ombudsman. As it is constituted, the Commission is virtually an extension of the bureaucratic apparatus of the Central Government and its operations are very much hedged in by the overpowering ministries/departments and the political forces at the Centre.

INTEXT QUESTIONS 23.2

1. Fill in the blanks with appropriate words given in the brackets :

- (a) The Administration Commission recommended, the setting up _____ and _____ to deal with complaints against administrative acts of ministers or secretaries to government. (Lokpal/Ombudsman, (Lokayukta/ Parliamentary Committees).
- (b) In _____ a Lokayukta has been appointed. (Maharashtra/Tamil Nadu).
- (c) The _____ Committee recommended setting up of Central Vigilance Commission. (Santhanam/Radhakrishnan).
- (d) The role of CVC is _____ (extensive/limited).

WHAT YOU HAVE LEARNT

The grievances of citizens against government machinery needs to be heard and redressed. Otherwise, citizens will withdraw their loyalty to the government. Hence, every democracy sets up appropriate machinery for the redressal of citizens grievances. In India, a citizen can move to the court to seek remedy against any wrong done against him by a public servant or a public agency in the course of discharge of public duty. This is called judicial remedy. Secondly, there are Parliamentary procedures to raise questions in Parliament, also there is a Parliamentary Committee called the Committee on Petitions. Thirdly, departmental as well as public enquiries can be instituted against public servants for their

misconduct. Again complaint forums have been set up at different levels to deal with public complaints. The Administrative Reforms Commission (1966) recommended for setting up Lokpal and Lokayukta, for dealing with complaints against the administrative acts of ministers or secretaries to government, both at the Centre and in the States. Although, no institution of Lokpal and Lokayukta has yet been established at the Centre, some States have appointed Lokayukta. There is a Central Vigilance Commission in several government departments and public sector undertakings to deal with increasing corruption. Thus, there are varied institutional devices to deal with redressal of public grievances.

TERMINAL EXERCISES

1. Why is redressal of public grievances very important for a democracy?
2. What are the various instruments of redressal of public grievances?
3. What is the role of Lokpal and Lokayukta?
4. What is the role of Central Vigilance Commission?

KEY TO INTEXT QUESTIONS

- 23.1. 1. (a) redressal, (b) democracy, (c) Lokpal, (d) Court,
(e) Parliament, (f) Forums.
- 23.5. 1. (a) Lokpal, Lokayukta, (b) Maharashtra, (c) Santhanam,
(d) limited.

HINTS TO TERMINAL EXERCISES

1. Please refer to Section 23.3
2. Please refer to Section 23.4
3. Please refer to Section 23.5
4. Please refer to Section 23.6

EXTENDED LEARNING

- 1) Mohit Bhattacharyya — Public Administration : Structures, Process and Behaviour. Calcutta, World Press, 1987.
- 2) Vidya Bhushan, Vishnoo Bhagawan — Indian Administration : New Delhi, S Chand & Co., 1974.
- 3) Avasthi & Maheswari — Public Administration : Agra, L.N. Agarwal, 1980.
- 4) Runki Basu — Public Administration; Concepts & Theories : New Delhi, Sterling Publishers, 1986.