

WORKING OF PUNJAB RIGHT TO SERVICE COMMISSION: AN APPRAISAL

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1.1 Introduction

Right to Public Services legislation in India comprises statutory laws which guarantee time bound delivery of services for various public services rendered by the Government to citizen and provides mechanism for punishing the errant public servant who is deficient in providing the service stipulated under the statute.¹ Right to Service legislation are meant to reduce corruption among the government officials and to increase transparency and public accountability. Madhya Pradesh became the first state in India to enact Right to Service Act on 18 August 2010 and Bihar was the second to enact this bill on 25 July 2011. Several other states like Bihar, Delhi, Punjab, Rajasthan, Himachal Pradesh, Kerala, Uttarakhand, Haryana, Uttar Pradesh, and Jharkhand have introduced similar legislation for effectuating the right to service to the citizen.

Punjab Government, with a view to provide delivery of services to the people of the state within time limits, notified *Punjab Right to Service Ordinance* on 14/7/2011. The Ordinance came into force w.e.f. 28th July, 2011 when 67 services were notified under its provisions. Soon after, *Punjab Right to Service Act-2011 (PRTS Act-2011)* was passed by the State Assembly and thus, came into effect on 20th October, 2011.

As per Section 12 of the *PRTS Act-2011*, there is a provision to constitute Punjab Right to Service Commission (PRTSC) consisting of 1 Chief Commissioner and 4 Commissioners who would look after the task of effective implementation of the Act.² PRTSC has been entrusted with the task of making suggestions to the state government for ensuring better delivery of services. The Commission will also hear revision applications against the orders of 2nd Appellate Authority. The Commission has been constituted since 23 November, 2011.³

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¹ Available at <http://thehindu.com/archive/2011/06/08> accessed on 26th March 2015.

² Available at <http://www.rtspunjab.gov.in> accessed on 27th March 2015.

³ *Ibid.*

2.1 Background

The *PRTS* Act-2011 was enacted with the sole objective of providing an effective frame work for time bound delivery of services being provided by various government departments in order to promote transparency and accountability.

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

The *PRTS* Act-2011 has empowered people to seek services in a hassle free, corruption free, transparent and time-bound manner through different service delivery mechanism. This will ensure that people take maximum advantage of time bound service delivery system. It is our firm belief that services delivered within the prescribed time limits and without any hassle will enhance credibility of the government functioning.⁴

Vision is to create an environment of “service beyond duty through the vehicle of good governance.

Mission is empowering citizen of Punjab to claim service as a right and ensuring:

- Timely delivery of services
- Reposing trust in citizen

3.1 Framework

The common framework of the legislations in various states includes, granting of "right to public services", which are to be provided to the public by the designated official within the stipulated time frame. The public services which are to be granted as a right under the legislations are generally notified separately through Gazette notification. Some of the common public services which are to be provided within the fixed time frame as a right under the Acts, includes issuing caste, birth, marriage and domicile certificates, electric connections, voter's card, ration cards, copies of land records, etc.

On failure to provide the service by the designated officer within the given time or rejected to provide the service, the aggrieved person can approach the First Appellate Authority. The First Appellate Authority, after making a hearing, can accept or reject

⁴*Ibid.*

the appeal by making a written order stating the reasons for the order and intimate the same to the applicant, and can order the public servant to provide the service to the applicant.⁵

An appeal can be made from the order of the First Appellate Authority to the Second Appellate Authority, who can either accept or reject the application, by making a written order stating the reasons for the order and intimate the same to the applicant, and can order the public servant to provide the service to the applicant or can impose penalty on the designated officer for deficiency of service without any reasonable cause, which can range from Rs. 500 to Rs. 5000 or may recommend disciplinary proceedings. The applicant may be compensated out of the penalty imposed on the officer. The appellate authorities has been granted certain powers of a Civil Court while trying a suit under Code of Civil Procedure, 1908, like production of documents and issuance of summon to the Designated officers and appellants.⁶

4.1 Implementing states

The following chart shows the list of States, which implemented and some, which are in the process of implementing the *RTSA*.

State	Act title	Status
Punjab	Right to Public Service Act, 2011.	Notified
Uttarakhand	The Uttarakhand Right to Service Act, 2011.	Notified
Madhya Pradesh	Madhya Pradesh Lok Sewaon Ke Pradan Ki Guarantee Adhiniyam, 2010.	Notified
Bihar	Bihar Right to Public Services Act, 2011.	Notified
Delhi	Delhi (Right of Citizen to Time Bound Delivery of Services) Act, 2011	Notified
Jharkhand	Right to Service Act, 2011	Notified
Himachal Pradesh	Himachal Pradesh Public Services Guarantee Act, 2011	Notified
Rajasthan	Rajasthan Public Service Guarantee Act,	Notified

⁵*Ibid.*

⁶*Ibid.*

	2011	
Uttar Pradesh	Right to Service Act, 2011	Notified
Kerala	The Kerala State Right to Service Act, 2012	Enacted
Karnataka	The Karnataka (Right Of Citizens to Time Bound Delivery Of Services) Bill, 2011	Notified
Chhattisgarh	Chhattisgarh Lok Seva Guarantee Bill, 2011	Notified
Jammu and Kashmir	The Jammu and Kashmir Public Services Guarantee Act, 2011	Notified
Odisha	Odisha Right to Public Services Act, 2012	Notified
Assam	Assam Right to Public Services Act, 2012	Notified
Central Government	Citizen's Charter and Grievance Redressal Bill 2011.	Proposed
Gujarat	Gujarat (Right of Citizens to Public Services) Bill, 2013.	Enacted
West Bengal	West Bengal Right to Public Services Bill, 2013.	Notified
Goa	The Goa (Right to Time-Bound Delivery of Public Services) Act, 2013.	Notified
Haryana	The Haryana Right to Service Act, 2014.	Notified

6.1 Punjab includes 80 more services under Right to Service Act:⁷

As on 9th September 2013, Punjab government included 80 more services under the ambit of *Right to Service Act 2011*, taking the total number of services to 149.

Chief commissioner of Punjab Right to Service Commission, S.C Aggarwal told that, earlier 69 services of 11 departments were covered under this Act.

⁷ Available at <http://www.hindustantimes.com/chandigarh/Punjab> accessed on 27th March 2015.

Now, 80 more services have been included on the recommendation of Department of Governance Reforms to assist people, he added.

Punjab Right to Service Act was enacted with an aim to provide hassle free service to people in a stipulated time, Aggarwal said, adding that Punjab was the first state in the country to constitute the Punjab Right to Service Commission after implementing the Punjab Right to Service Act, 2011.

Mr. S.C Aggarwal was addressing the media persons on the side line of a two day Training programme organised by the Commission to train the nominated Master Trainers which would further make the people aware about this Act at district levels. Mr. S M Sharma, Commissioner, Dr. Dalbir Singh Verka, Commissioner, Mr. Iqbal Singh Sidhu, Commissioner and Mr. H S Dhillon, Commissioner and Mr. Jaspal Mittal, Secretary were also present in the press conference.⁸

Earlier, in the first session of training programme, Dr. Dalbir Singh Verka addressed the master trainers on the *Right To Service Act, 2011* & its provisions, Duties & responsibilities and powers of the Master Trainers. These master trainers were directed to organize training camp in their respective district fortnightly under the guidance of ADC(G) and DC to educate the DO's, 1st Appellate Authorities and General Public.

Mr. S M Sharma emphasized on the monitoring of delivery of services through Information Technology. He also explained the monitoring system for the services under *Punjab Right To Service Act, 2011* and delivery of services on stipulated time.

The Commission has organised many training programmes to highlight the initiatives taken by the state Government and to ensure the effective compliance of this Act in the field of e-Governance. This two-day training programme was also the part of the efforts of the Commission, under which training Programme for Master Trainer's nominated by the Deputy Commissioners and Home Department has been scheduled. Commission is also monitoring the monthly MIS Reports of service delivered under RTS, uploaded by the Deputy Commissioners and Departments of Home Affairs on the Google drive. The appeals under *Punjab Right to Service Act, 2011* at the level of

⁸ Available at [http://: www.yespunjab.com/Punjab/item/29672](http://www.yespunjab.com/Punjab/item/29672) accessed on 29th March 2015.

1st Appellate Authority and 2nd Appellate Authority are also being monitored. In case of delay and pendency, the concerned officers are directed to explain the reasons and to deliver the services as soon as possible.⁹

Moreover, 90 *Suo-Moto* action cases have been initiated besides, 157 complaints those were not covered under *Punjab Right to Service Act*, 2011 have also been disposed off. As many as 718 appeals were filed First Appellate Authority and 678 were disposed off whereas, 9 appeals were filed before the Second Appellate Authority and 7 has been disposed off and all 11 Revision petitions received have also been disposed off.¹⁰

The Act covers services of the departments of local government, transport, housing and urban development, revenue, health, home, social security, food and civil supplies and rural water supply besides the police department. The citizens would be able to get:¹¹

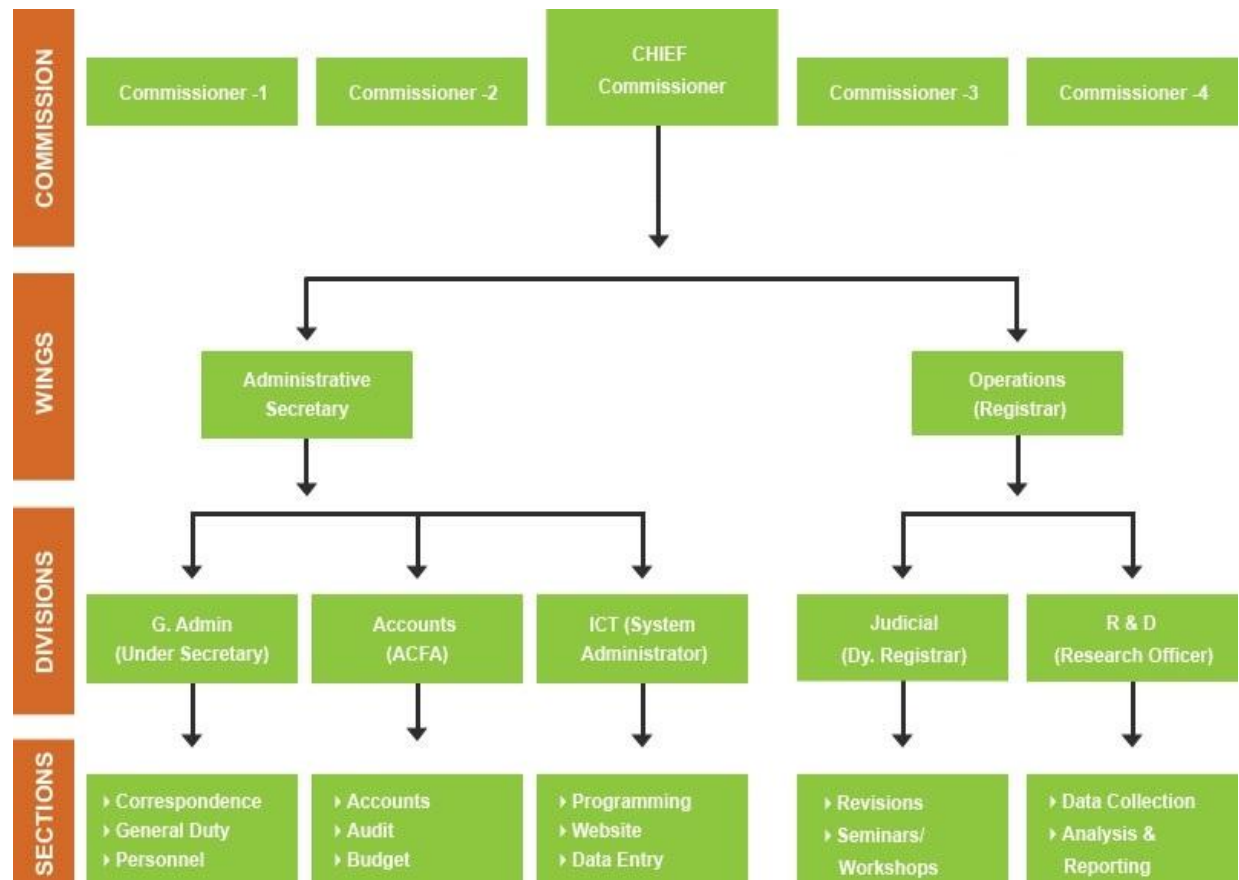
- Copies of birth or death certificates within 2 days,
- Post-mortem reports within 3 days;
- Certified copies of record within 7 days;
- Demarcation of land within 21 days;
- Attestation of uncontested mutations within 15 days;
- Sanction of building plans within 30 days;
- Occupation certificate within 15 days;
- NOC within 21 days;
- Conveyance deed within 15 days;
- No Due Certificates within 7 days;
- Retransfer of property within 15 days;
- Retransfer of property in case of death within 45 days;
- Permission to mortgage within 7 days;
- Completion certificate within 15 days;
- Sanction of water connection and sewage connection in 7 days.

⁹*Ibid.*

¹⁰*Ibid.*

¹¹Shaina Parmar, "Right to Service Act in Punjab: Implementation and Prospects. Right to Service and Good Governance," IJR, Vol: 4, Issue: 3, March 2015 available at <http://www.theglobaljournals.com> accessed on 1st April 2015.

5.1 Organization structure



Source: www.rtspunjab.gov.in

6.1 Authorities Under The Act

6.1.1 Designated Officer: Under this Act, the govt. shall appoint a Designated Officer in each department, which is subject to RTS. A person eligible to obtain any service under the provisions of this Act shall make an application to the Designated Officer in this regard. The Designated Officer shall accept or reject the application within the specified time period. In case of rejection he/she must duly record the reasons for the rejection and intimate them to the applicant.¹²

6.1.2 First Appellate Authority: In case of rejection or expiration of time limit, a person can appeal to the First Appellate Authority within 30 days. If the authority finds the grievance genuine, it may ask the Designated Officer to appear before it and give reasons for denial of service. The applicant is also given due hearing.

¹²*Ibid.*

Consequently it may pass an order, accepting or rejecting the application within a maximum period of 30 days. In case of rejection the reasons shall be recorded and communicated to the applicant.¹³

6.1.3 Second Appellate Authority: In case of rejection by First Appellate Authority or expiration of the maximum limit of 30 days, the appeal shall lie with the Second Appellate Authority within 30 days. Second Appellate Authority may either reject the appeal after giving due reasons or direct the Designated Officer to provide the service within the specified period. Opportunity of hearing shall be granted to the applicant and the order shall be communicated to him. The appeal shall be disposed within a maximum of 60 days.¹⁴

If the Second Appellate Authority is convinced: that Designated Officer or other Officer failed to provide service with- out any reasonable cause, it may impose a fine of minimum Rs. 500 subject to a maximum of Rs. 5,000. that Designated Officer or other Officer has caused undue delay in the deliv- ery of Service, it may impose a fine of Rs. 250 per day sub- ject to a maximum of Rs. 5,000. that Designated Officer or other Officer has failed to discharge their duty under this Act, may recommend disciplinary proceedings against them.¹⁵

It may also give an amount of compensation to the applicant out of the amount of fine, subject to a maximum of the amount of fine imposed. Under this Act, the First & Second Appellate Authorities have the power of a Civil Court in order to summon to Designated Officer and Applicant, production and Inspection of documents and other matters.¹⁶

6.1 Right to Service Commission

The Appeal to the orders of Second Appellate Authority shall be made to the RTS Commission or within a maximum of 60 days. The Commission may entertain the Application after 60 days in case of a reasonable cause for delay. The commission shall consist of Chief Commissioner and 4 Commissioners ap- pointed by State Govt.

¹³*Ibid.*

¹⁴*Ibid.*

¹⁵*Ibid.*

¹⁶*Ibid.*

in consultation with the Leader of Opposition in Vidhan Sabha. Mr. SC Agarwal is the incumbent Chief Commissioner of Right to Service Commission. Recently the Commission recommended that 41 new citizen-centric services shall be included under the purview of the *RTS Act*.¹⁷

7.1 Concept Of Good Governance:

Good governance is an indeterminate term used in international development literature to describe how public institutions conduct public affairs and manage public resources. Governance is “the process of decision-making and the process by which decisions are implemented (or not implemented)”. The term governance can apply to corporate, international, national, local governance or to the interactions between other sectors of society.¹⁸

The concept of “good governance” often emerges as a model to compare ineffective economies or political bodies with viable economies and political bodies. The concept centers on the responsibility of governments and governing bodies to meet the needs of the masses as opposed to select groups in society. Because the governments treated in the contemporary world as most “successful” are often liberal democratic states concentrated in Europe and the Americas, those countries’ institutions often set the standards by which to compare other states’ institutions when talking about governance.¹⁹

8.1 Steps Taken By The Government For Good Governance:

The Department of Governance Reforms has been created to improve the internal governance by bringing/introducing reforms in the present system of governance and to achieve good governance through the use of Information Technology (IT) tools.²⁰

To assist the department in the process of governance reforms, three key commissions namely Punjab Governance Reforms Commission (PGRC), *Punjab Right to Service Commission*(PRTSC) and Punjab Right to Information Commission (PRTIC) have

¹⁷*Ibid.*

¹⁸*Ibid.*

¹⁹*Ibid.*

²⁰*Ibid.*

been brought under one umbrella, aiming towards inclusive growth and development in the state.²¹

The Department of Governance Reforms is the nodal agency of the State Government for e-Governance initiatives in different departments. Through its Implementing Agency- Punjab State e-Governance Society (PSEGS), the Department of Governance Reforms is executing various e-Governance projects under National e-Governance Programme (NEGP) and State e-Governance programme to improve service delivery to the general public.²²

Punjab government has initiated workshop and training camp on good governance. Emphasis is put on to reduce the paper work and all the information to be uploaded on the official websites of the respective departments. All the Commissioners of the Commission were also present in the training programme.²³

Conclusions:

The setting up of PRTSC is a positive step taken by the Government of Punjab. This has certainly brought a positive approach in the governance. The most highlighted features are:

- Makes the delivery of services time-bound to the people as a matter of right.
- The Act strikes at the root cause of corruption by taking away discretions of the government officials, besides binding them to deliver time-bound services.
- To disseminate information to the public is objective of the RTS Act, coupled with governance reforms and IT-enabled services, besides e-governance, makes it a successful model of governance.
- Elimination of affidavits, doing away with discretionary powers of tehsildars, allowing citizens for self-certification of certificates rather than by gazetted officers, self-certification of building plans are certain measures aimed at empowering the citizens.
- Statutory provisions providing timely delivery of services back the Act and this has definite scope for improvement.

²¹*Ibid.*

²²*Ibid.*

²³*Ibid.*

- The computerisation of land records, smart card-based driving licence and RCs, e-tendering in all departments, e-gram centres and e-barriers for toll collection were certain citizen-centric steps that would make the life of citizens a lot more easier.
- The Act shows the commitment of the government to weed out corruption and provide efficient governance.

Suggestions:

- Better and effective implementation is required on part of the Government and its agencies.
- The Government Services need to be more citizens centric. E-governance needs to be more people friendly.
- In the struggle to implement laws, policymakers have come across one tool (of imposing penalty) that they perceived to be successful in one context and are now using it another context.
- Despite borrowing from one context to another, it's unclear whether the triggered monetary penalty is the right tool for the job. There needs to be much more focus on grievance redress for public services, and citizens should have and should demand much stronger procedural safeguards.
- Too often there is a sense of impunity amongst bureaucrats, especially when they deal with the poor concerning public services.
- One fails to find another country that has a similar triggered monetary penalty used to ensure that the bureaucrats perform their jobs correctly. They reprimand/ demote/ fir officials for not following the law or not performing at a certain standard, but this triggered monetary penalty seems different.
- The law should focus on the reforms, which are required for effective delivery of services.
- The lawmakers should identify the areas where reforms are required.