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## Effective Jan Lokpal Bill will take care of Right to Time Bound Delivery of Public Services Bill

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It is a great merit of Jan Lokpal Bill 2011 version 2.3 that its wide definition of 'Act of Corruption' includes inter alia 'repeated violation of citizens' charter by any public servant' (Section 2-e-iv), whereas the Govt Lokpal Bill 2011 targets only those public servants who are Group 'A' Officers and above (Section 17-1-e).

Thus, if a public servant fails to ensure time-bound delivery of a service covered under citizens' charter for reasons other than gratification or bribery such as negligence, he can't be prosecuted by the Lokpal conceived under the Government Bill, but can, just like the corrupt public servants, be tried and sentenced by the Lokpal of Anna's Bill. In fact, Section 6 (d) authorizes the Jan Lokpal "to ensure that the public grievances covered by this Act are redressed in a time bound manner". In fact, there is an exclusive treatment of this matter in Jan Lokpal Bill under the Chapter- XIII titled 'Grievance Redressal System' (Section-25).

It is worthwhile to recount the major provisions of the 'grievance redressal system' as conceived under Jan Lokpal Bill. To start with, "Each public authority shall prepare a specific charter within a reasonable time not exceeding one year from the coming into force of this Act" and "Every citizens' charter shall enumerate the public authority's commitments to the citizens which are capable of being met within a specific time limit and shall designate the officer whose duty would be to fulfill the commitment of the public authority".

Further, "Each public authority shall designate an official called Public Grievance Redressal Officer in each station where the public authority has an office, to whom a complaint could be made for any violation of the citizens' charter" and "It shall be the duty of the Grievance Redressal Officer to get the grievance redressed within a period of 30 days from the receipt of the complaint". Where the Grievance Redressal Officer fails to get the grievance redressed within the specific period of 30 days a complaint could be made to the Lokpal.

Then, "the Lokpal after hearing the Grievance Redressal Officer would impose suitable penalty not exceeding Rs. 500/- for each day's delay but not exceeding Rs. 50,000/- to be recovered from the salaries of the Grievance Redressal Officer". It is further provided that "apart from levying the penalty on the Grievance Redressal Officer, the Lokpal may also in suitable cases recommend to the appropriate authority to have departmental punishment imposed on the Grievance Redressal Officer".

Moreover, "the Lokpal will also issue a direction to an appropriate authority to get such grievances redressed within the time to be fixed by the Lokpal". In addition to Public Grievances Redressal Officers, "there shall be at least one officer of the Lokpal in each district to receive grievances who shall be called an Appellate Grievance Officer.

However, in such places where there is more concentration of central government offices, there shall be more Appellate Grievance Officers as may be required". As for the check on possible negligence by the Appellate Grievance Officers, it is provided that "a social audit of each Appellate Grievance Officer shall take place every

six months, in which he shall present himself before the public, present the data related to his functioning, respond to public queries and incorporate suggestions from public in his functioning. The public hearing shall be attended by a senior officer from Lokpal” and “no case can be closed by Appellate Grievance Officer till the citizen’s grievance is redressed or the case is rejected by the Appellate Grievance Officer”.

As regards the punishment to the public servants convicted of corruption, it “shall not be less than six months of rigorous imprisonment and may extend up to imprisonment for life” (Section 23-1). Besides, “The Special Court may take into consideration the higher rank of an accused person to inflict a more severe punishment” (Section 23-2). Further, “If a public servant is convicted under the Prevention of Corruption Act, such public servant shall stand removed from his office (Section 23-5).

In order to ensure the realization of the penalty imposed on any officer under the Act, the Section 24 obligates the Drawing and Disbursing Officer of the concerned Department to ensure its “recovery from his salary”, failing which the “Drawing and Disbursing Officer shall make himself liable for similar penalty”.

In addition to the pecuniary fine and rigorous imprisonment against the corrupt public servants, the Jan Lokpal Bill also contains strong provisions for ensuring recovery from them of illicit wealth for compensating the loss caused to the public exchequer or any person. As per Section 27(2), “The Special Court will pass an order for the confiscation of all the assets and properties which it has found to have been acquired by the corrupt acts of the convicted public servants as well as the subsequent accruals on these assets”. Next, “the Special Court would also determine whether apart from the above the accused person by his corrupt acts has also caused any loss to the exchequer or any other person and determine the amount of loss so caused. The Court shall make an order levying a fine on the accused persons so convicted for the recovery of the entire loss which his corrupt acts have caused and shall also apportion this amount among the various convicted accused persons to be recovered from them as fines” (Section 27-3).

Moreover, if the Investigating Officer finds during the course of investigation any property or asset which appears to have been acquired by the corrupt acts of an accused person who is being investigated, “it shall make an order of attachment of those assets so that they are available for confiscation at the time of the conviction of such accused persons. In case the accused person is ultimately acquitted, these attached assets and properties will be restored to him” (Section 27-4).

Thus, there are strong provisions at one go in Jan Lokpal Bill for penalty against corrupt officers who fail to provide timely services to the public, recovery from them of illicit wealth accumulated by corruptible means and compensation for the loss caused by them to the State exchequer and individual persons, whereas the few State level laws on time bound public services, as these exist today (MP, Bihar and Delhi) are hemmed in by several limitations in ensuring justice to the members of public in the event of non-delivery of time-bound services to them.

Firstly, the maximum fine awarded to a guilty public servant is only Rs.5,000/- in case of both MP and Bihar and a miniscule Rs.500/- in case of Delhi, while Jan Lokpal Bill caps it at Rs.50,000/-. In the State laws, there are no such penal provisions as rigorous imprisonment, removal from job, and confiscation, attachment and recovery of illicit wealth, which are however the hallmarks of Jan Lokpal Bill.

This is not to say that Jan Lokpal Bill is a foolproof law having no shortcomings on the front of redressal of

citizen grievances. Firstly, there is no time limit within which the Lokpal shall dispose of a complaint against the Public Grievance Redressal Officer who failed to dispose the citizen's complaint against the concerned officer within 30 days.

Secondly, there is no time limit within which a citizen aggrieved owing to non-delivery of time bound service would ultimately have it following the intervention by Lokpal. Thirdly, there is no provision of penalty against Appellate Grievance Officers to be operating at district level. Moreover, the Bill lacks in a mechanism for time bound delivery of the compensation to the aggrieved citizen too.

But comparing the Jan Lokpal Bill with the few state laws on citizen services, it is first of all noticed that the former is far stronger in its pro-citizen orientation and anti-corruption nuances than the latter. As the footnote to the Jan Lokpal Bill (version 2.3) says, the necessary provisions along the similar lines shall be incorporated into the comprehensive Bill to make it relevant for both Centre and States. That being so, the existing few State laws on citizen services shall be withdrawn as soon as comprehensive Central law along the lines of present Jan Lokpal Bill is enacted and made applicable for the whole country including States.

It is worthwhile to recollect a similar development whereby state laws on RTI in seven states were automatically withdrawn following the enactment of RTI Act 2005 by Parliament under the Central List. Under the circumstances, it is essential that those who wish their respective states to enact some sort of laws on citizens' right to time-bound public services, would do well to focus all their time and energy on debating around the need for a foolproof and comprehensive anti-graft law in the shape of Jan Lokpal Bill, which has a strong component for such citizens' right.

Wide differences between and among the States in respect of provisions on right to public services are never desirable from administrative point of view nor fruitful from a citizens' perspective. The people of the State having a weak law would ever suffer some sort of self-pity comparing themselves with their counterparts in States which have stronger laws on the same front.

Thus, there is no plausible ground at all as to why the people of a state should ever fritter away their precious time and energy after debating around the need for a State law on right to public services. It is better to build up one strong and uniform, foolproof and inclusive anti-corruption federal law for the entire nation than go for a plethora of piecemeal, deficient and dissimilar state laws out of sync with each other.

**The author writes on the legal and political issues.**