



Madhya Pradesh Public Service Guarantees Act 2010 and Transparency of Administration

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Abstract:

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. Right to Service legislation is meant to reduce corruption among the government officials and to increase transparency and public accountability. Here I am going to indicate that the daily happening in political system of India likewise corruption, steps have been adopted to made political system a transparent. To overcome the need of transparency in political/governmental system in India the public service guarantee act has been adopted. In the adoption of the act Madhya Pradesh is among one of the states. Madhya Pradesh implemented this act to make accountable the officials about delay in delivery and make system transparent.

Keywords: Public Services Guarantee Act provides, procedure, objectives, challenges, service improvement, and transparency of administration.

INTRODUCTION

Public Service Guarantee Act also known as Right To Service Act (RTS), enacted by some Indian States aims to create a transparent and accountable public service as a matter of citizens' right. The Act entitles the citizens a time bound service delivery making it legally binding, entailing imposition of a fine against the erring official concerned. So far, 14 Indian States have enacted RTS Act, Madhya Pradesh, Bihar, and Delhi leading the way. Madhya Pradesh is leading the way as an initiator and pioneer. The Assembly passed the law on 30-7-2010. In M.P, 52 services of 16 government departments have been placed under the ambit of the Act. The remaining states and Union Government are also contemplating to follow the suit¹. 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 citizen².

The Madhya Pradesh government had introduced the Public Service Guarantee Act 2010 to bring about transparency in government functioning and make officials accountable for

delay in delivery. However, the Act, instead of empowering people has turned out a tool to mobilize revenue for the state coffers. M P Public Service Guarantee Act was introduced in 2010 to make the government officials accountable and since September 2012, the Lok Seva Kendra (Public Service Centre) opened by a private contractor across the state is charging a fee of Rs 30 is for every query³.

The official website of Madhya Pradesh Public Service Guarantee Act states that till date around 20, 21,957 applications have been registered from 50 district of state and government has collected Rs 6,06,58,710 from these application by charging Rs 30 each application. This fee is apart from the judicial stamp.

Madhya Pradesh Public Services Guarantee Act/Lok Sewa Adhinyam, 2010 is first of its kind in India! No other state has come up with such a groundbreaking legislation to uproot corruption and facilitate Public services to common man. The Act will be instrumental in curbing corruption on the lower levels bureaucracy. Public Service Guarantee Act, 2010 shall make Madhya Pradesh a model state in terms of rendition of public services. A Management Information System has been designed and developed by NIC,

Mantralaya Informatics Division, and Bhopal. The salient features of the act are:

1. Enable registration of requests for all services covered under the act and the subsequent work flow management of the request.
2. Enable online tracking of the request by the applicant.
3. Allow senior officials to monitor the performance of an officer dispensing a service.
4. A "Notice Board" which details the list of services offered by a designated officer along with the documents required to avail the service and the senior officials who could be approached to file appeals in case the service is not delivered in the time limit specified under the act. District Informatics Centre, Dhar organized a training session to educate the District Officials on the Management Information System. The training session involved.

1. Dry run of several requests being logged to demonstrate the work flow and the salient features of the MIS.

2. Suggestion on the best practices involved with using a MIS

i- Secrecy involved with the user accounts being assigned to the users.

ii- Importance of having a structured Office Procedure to monitor/register progress on the MIS.

3. A hands-on exercise for a select group of participants to demonstrate the proficiency acquired after the session.

4. Brain Storming session to resolve network connectivity issues with remote offices. Training session was a success due to the sincere interactive participation of the Officers in the exercise. The session was attended by around sixty people on both days. The participants included District Magistrate B M Sharma, City Magistrate Sandeep Soni along with officials from Department of Food and Civil Supplies, Public Health Engineering, MP Electricity Board, CEO Janpad Panchayats, Chief Municipal Officers, Sub Divisional Magistrates and Tehsildars⁴.

The recently implemented Madhya Pradesh Public Services Guarantee Act/Lok Seva Adhinyam, 2010 is first of its kind in India! No other state has come up with such a groundbreaking legislation to uproot corruption and facilitate Public services to common man. Shivraj Singh Chauhan led BJP government in M.P indeed deserves extolme⁵.

The Public Service Guarantee Act provides:

The Act ensures delivery of time bound services to the public. If the officer responsible for the service fails to provide the service in time he will have to pay a fine. The following are the services guaranteed under the Act:

- Birth Certificate
- Caste Certificate
- Domicile Certificate
- Tap water supply connection
- Khasra copies

- Death Certificate

The Procedure under the Public Service Guarantee Act:

- The applicant shall receive a receipt when he or she submits an application to the officer for desired service. The time begins from the date of submission which is mentioned in the receipt.

- There is a fixed time for every officer to keep a file with him. If the officer in charge fails to provide the service in time the applicant can approach the first and second appellate officers. They would instruct the officer concerned to provide the service.

- In case of delay, the officer in charge will have to pay a fine to the tune of Rs. 250 per day, maximum of Rs. 5,000.

- The Appellate officer can also be penalized if he fails to ensure the delivery of service. He shall be fined to the tune of Rs. 500 per day, maximum of Rs. 5,000 if he is unable to give any valid reason for non delivery of services.

The Act will be instrumental in curbing corruption on the lower levels bureaucracy. If implemented in good order the Public Service Guarantee Act, 2010 shall make Madhya Pradesh a model state in terms of rendition of public services⁶.

Objective

- To bring about transparency and accountability and time-bound delivery of services to the citizen from the Government as a matter of right Facilitate efficient, transparent and citizen-centric governance.

Process:

- If the intended service is not delivered in a stipulated time by a government department; an appeal can be made to the First Appellate Authority. If not redressed, another appeal can further be made to the Second Appellate Authority. They based on the merit, can either reject or accept the application by serving a written order to the official or department concerned asking for the reasons for the non delivery duly intimating the same to the applicant. Or else , they can order the concerned public servant to render the service to the applicant immediately or can impose a penalty at the rate of Rs 250 per day for causing delay which can range from Rs. 250 to Rs. 5000.Or based on the severity may recommend Proceedings against the official as well. The applicant may be compensated for delay out of the penalty imposed on the erring officer. Common Service Centers are leveraged to make the Act wide open for public use.

All the citizens of the State of Madhya Pradesh are the beneficiaries of this.

Situation Before its Implementation

- There was no transparency in administration without accountability on Government employees.

- Service delivery depended on their whims and fancies without any time-bound action.
- Service rendered also mired with bias and inefficiency.

Cost Reduction

- An online tracking of the status of the application by the applicant and mechanism of its knowledge to the higher officials increased the chances of disposal not requiring to make rounds physically.

Corruption Reduction

- Time bound delivery of service and online tracking of grievance resulted in transparent administration.
- It led to elimination of malpractices and corruption as the officials are duty bound to deliver the service in a time frame
- Till July 2012 in the state of M.P, as many as 1.25 crore applications were received under this Act, out of which 99 per cent were disposed. Since availability of online mode of application receiving from August 7, 2011 in M.P, as many as 24 lakh applications were received, out of which 99 per cent were disposed off⁷.

Service Improvement

- Speedy and time-bound delivery of service resulted in ease of monitoring by the Heads of Department.
- Provision of appealing to the first and second appellant authorities infused fear among erring officials, compelling them do deliver service speedily.
- As many as 346 Public Service Centers (PSCs), which facilitate on line filing and tracking of application have been opened across the state for smooth implementation of the Act
- Till date, the state has received 1.11 crore complaints from citizens for non-delivery of essential services. Of these, 1.10 crore complaints have been addressed. The state has compensated 113 citizens for delay or non delivery from the salaries of erring official's .The state has taken punitive action against 49 officials under the Act⁸.

Difficulties/Challenges and Lessons learnt

Attitude of the people to switch over to e-mode and demand the service from Government as a matter of right is a challenge

- Sensitize citizens about their entitlements under RTS Act
- Capacity building of Government Departments to cope with the time boundedness in delivery of services. Those Departments not computerized and personnel not computer savvy are advised to develop suitable localized software so that their data can be integrated to the central software for monitoring⁹.

The Public Service Guarantee Act in nutshell is step towards better development. It has not only reduced people's troubles but has also developed the transparent administrative system.

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