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A CRITICAL ANALYSIS OF PUBLIC SERVICE DELIVERY IN INDIA WITH REFERENCE TO PUBLIC SERVICE GUARANTEE LAWS

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ABSTRACT

We all know that good governance and quality of public service can advance the growth of any country. But what exactly is public service, how it is delivered, what is the objective behind providing public service and the laws governing the same are the questions which needs to be addressed through the research article. Public service delivery in India, is very unsatisfactory when compared with other countries. Public service delivery is guaranteed by administrative bodies to the citizens and the functioning in delivery of public services shapes people's sense of trust and hopes from the government. Despite the best efforts, challenges faced in its implementation are many due to various factors such as identity politics, with citizens preferring to vote for politicians belonging to their caste, community, or religion, high rates of corruptions, elected politicians with criminal backgrounds etc. It is to be understood that without a proper delivery mechanism in line, the government cannot effectively and efficiently deliver public services to citizens therefore, the *Public Service Guarantee Act* provides for legislation and statutory laws that guarantees time bound delivery of services by the government to its citizens and states the mechanism for punishing the errant public servant or officers who fails to provide services stated in the Statute with the time frame as prescribed therein since, the public service are to be granted as a matter of right so that the goal of social protection to the poor and vulnerable and to alleviate the poverty can be achieved.

Keywords: *Good Governance, Public Service, Public Service Delivery, Challenges, Public Service Delivery Guarantee Act*

I. INTRODUCTION

For the administration, welfare of the citizen is the paramount concern and this can only be achieved by providing them the public services such as health, education, water, sanitation etc., which leads to their better-quality life as also, indispensable for sustainable and economic growth of the country.

In India, the public services which is being provided are: water supply in both rural and urban areas, power, education, sanitation, policing, defense, health, transportation, road constructions, implementation of poverty alleviation programs. In a dispute between, State and private actors' capacity to provide services more effectively and efficiently, it is been argued that the core public services should be left to the State.¹

It is always said that the ability of existing administration in delivering public services is deteriorating since India's has a reasonable performance in assets building but, public spending in the area of quality services is comparably less.

It becomes challenging to deliver the services with limited resources in a time bound manner therefore, the resources should be so allocated that there is justice and equity in the outcome of all public services.

It is to be understood that without proper delivery system in place, the administration cannot deliver public services to the citizens of the country. Delivery of public service has been plagued with shortcomings in the bureaucratic system as also the existing political malpractices. Therefore, the delivery of public service was bound to suffer and the worst victims of this were the marginalised people living in the rural areas.

Citizens have long struggled to get access to the government- provided services, few reasons are

¹PUBLIC SERVICE GUARANTEE ACT, CITIZEN'S CHARTER, RIGHT TO INFORMATION, CORPORATE SOCIAL RESPONSIBILITY, available at: <https://egyankosh.ac.in/bitstream/123456789/67146/1/Unit-15.pdf> (visited on May 28, 2023)

low access to information, a very long bureaucratic processes which thus, created an opportunity for public officials to demand bribes and intermediaries to take advantage of citizens, specifically, the poor and less educated class.²

The Government has formulated public services legislation consists of statutory laws that guarantee the timely delivery of a variety of public services provided to citizens as well as mechanisms for punishing errant public employees who fail to provide the required level of service. This Act is also known by the name as “**Right to Public Services Act**” and considered to be one of the most effective ways to reduce the existing corruption, enhances transparency in public sector operations and provide for public accountability.

II. PUBLIC SERVICE DELIVERY IN INDIA

India is a welfare state in theory and in practise, hence it is the government’s responsibility to provide its residents with goods and services that meet the necessary quality standards and deadlines.

The very aim of the public service delivery in India is to provide social protection to poor and vulnerable section of people. Delivery of services to the poor and vulnerable class of citizens needs special attention as they are dependent on public services for their survival and in fact for coming out of the vicious cycle, they are stuck in.³

Public service delivery basically acts as a medium of interaction between the government and the citizens. Thus, it becomes crucial to strengthen the existing service delivery mechanism in order to enhance the communication between the two. It is imperative to adopt innovative practices that can ensure a healthy interaction between them.

Madhya Pradesh is the first State to introduce the legislation for guaranteeing public service to the citizens. After which the other States such as Punjab, Delhi, Bihar, Rajasthan, and Karnataka are inspired by the same and have introduced their version of legislation.

² Governance and Public Service Delivery in India, available at: <https://www.insightsonindia.com/wp-content/uploads/2017/08/Governance-and-public-service-delivery-in-India.pdf> (Visited on May 29, 2023)

³ Afeez Kolawole Shittu, “Public Service and Service Delivery” (2020).

In fact, the National capital “Delhi” has introduced the idea of delivering services at the doorstep of citizens as a result brokers are ousted in the process of delivery of services. In the State of Bihar, which made the first innovative attempt by introducing two legislations, one for guaranteed public services and another for grievance redressal mechanism. Punjab has introduced the system of ranking the districts based on time-bound delivery of services and disposal of the grievances and this has created a competitive spirit among the districts. Rajasthan has a glorifying history of making attempts at ensuring citizens participation in administration examples include setting-up of first Panchayati Raj Institution in India, legalising local bodies, service guarantee legislation, encompassing the provision of a large number of services within a stipulated time and grievance redressal. ⁴

If services are delivered well in time, it automatically raises the level of satisfaction among the citizens, which in turn adds to their trust in the government.

III. FEATURES OF PUBLIC SERVICE DELIVERY ACT

The Right to service Act incorporates substantive and procedure that ensures the citizens of India receive timely public service. It also establishes legal framework for punishing delinquent public service who fail to provide requested services within the stipulated time frame. It can now be said that one of the most successful ways of decreasing corruption in India is through the “*Right of service Act*” which will ultimately enhance the *transparency* in public sector operations and providing *public accountability*. Every state has a power to enact its own State law on Right to Public Service Delivery along with the power of limiting the scope of the Act. ⁵

IV. CHALLENGES IN IMPLEMENTATION OF PUBLIC SERVICE DELIVERY SYSTEM

With respect to state of public service delivery in India it is highly unsatisfactory when it is compared with other countries. Also, there is a weak monitoring and leakage in public services and programmes.

⁴ Swagata Raha, “State Legislation on Right to Time-Bound Delivery of Service: An Overview” (2012).

⁵ Manish Garg, “Right to Service Acts in India— Fundamental Governance Reforms or an Exercise in Political Rhetoric?: A Case Study of Delhi Administration” 63 *Indian Journal of Public Administration* (2017).

Administration on its own cannot provide effective goods and services to its citizen as it is a single body which supervises and manages services, highly overburdened with duties and responsibilities. This body works under severe resource constraints and with large number of incompetent staff to deal with poorly organized citizenry and weak civil society. The administrative body enjoys a high level of protection which gives them freedom to make their own rules such as of expansion and expenditure without having a parallel increase in the quality of services that they provide.⁶ When it comes to core basic services there is an ample amount of subsidy which is offered to make it more affordable to the poorer sections of society. However, measures which are aimed at expanding the outreach and universality of services has been prone to corrupt practice.

Even the common citizens face problems since there exist a bureaucratic apathy or delay in obtaining services. In fact, corruption has become a major hindrance in providing services. This is further compounded by the rapid growth of population which puts an added pressure on the demand and delivery of services.

Other challenges such as, “*identity politics*” in which citizens preferring to vote for politicians belonging to their community, caste, or religion as them. Moreover, the politicians elected are also, from the criminal backgrounds.

In order to overcome the challenges, certain things could be done such as bringing in non-state actors in the provision of public services is that proper and regulatory mechanism are also in place to ensure that the service providers are able to meet the goals which have been set out for them. It is to be also seen that NGOs have been increasingly involved in the provision of relief and welfare, social services, and various development projects, therefore, NGO are able to perform better than for profit firms and government agencies. A government that is buffeted around by electoral concerns may result in some public servants having to carry out policies which they do not believe in and this undermines public service motivation. It can also be done that competition can be created between the various service providers is an effective mechanism of reforming public service delivery.⁷

⁶ See Supra note 1

⁷ Improving Delivery of Public, available at: https://atiwb.gov.in/index_htm_files/delivery%20of%20public%20services.pdf (Visited on June 5, 2023)

V. PUBLIC SERVICE DELIVERY LAWS

Public service delivery laws gave people a powerful weapon in the hands of citizen in India and ensures that citizens receive timely services.

The public service delivery laws are also known as “*Right to Service Act, 2011*” has empowered people to seek hassle free, corruption free and time bound service delivery mechanism in the government offices. The term “*service*” has been defined to mean a service notified by the State Government under the respective laws. Some examples of services are - *new electricity connection (domestic); sanction of water supply; registration of eating houses; issuance of ration cards, birth certificates, death certificates, income certificates, and driving licenses; passport verification; and booking of parks and community halls.*

As said earlier, Madhya Pradesh is the first state to pass the “*Public Service Guarantee Act*” or “*Lok Sewaon Ke Pradan Ki Guarantee Adhiniyam*” on August 18, 2010. After which eight more States enacted similar legislation guaranteeing citizens the right to public services within a stipulated time frame. But there are variations in the Public Service Acts of the States with regard to the services they provide and the penalty mechanism for the failure to provide the public services.

In every State Acts, the key provisions relate to providing services within the stipulated time frame. There will be two level appeal mechanism to seek relief for denial to seek relief to seek relief for denial of or failure to provide service.

Ideally, “*the officer is supposed to render the preferred service within the stipulated time from the date of the acknowledgement. As per the prescribed rules of government offices, Acts, and provisions as applicable on any respective government office, every service should be provided to the applicant within the fixed time frame unless there exists some genuine reason.*” Penalty has been imposed on those officers who fails to render the services within the given time-frame, the applicant is empowered by the Act to approach the *First and Second Appellate Officers*. Infact, even the *Appellate Officer* can be penalised under this Act if he or she fails to perform his or her service or fails to give the substantial reason for non-performance or delivery of his or her service. The citizens are entitled to apply through an application for the services to the designated officers, after which the officers will acknowledge the receipt of an application. It is the responsibility

officers to provide that service in time frame. And if the officer rejects the application within stipulated time-frame then it must provide applicant with suitable reasons for rejection.

The Citizens are entitled to appeal against the government official who delayed or denied the provision of the public service.

*“This appeal must be filed with the First Appellate Authority **within thirty days of rejection** or the **expiry of the time-limit**. After making a hearing, first Appellate authority can accept or reject the appeal by making a written order stating the reasons for the order and intimate the same to the applicant. And can also order the public servant to provide the service to the applicant. 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.”⁸*

VI. IMPACT OF THE PUBLIC SERVICE DELIVERY LAWS

How well the “**Right to Public Service Act**” has changed the current system, nevertheless, is the question that now needs to be answered following its passage.

The impact of the success of the “**Right to Service Act**” totally depends upon on every State’s implementation order. If the implementation order is very strong, then the legislation can play an instrumental role in curbing corruption and tracking the workflow in each government department. By adopting the Act by the States, it depicts that efforts are seriously made to curb corruption and has foster the transparency in the government department, which will help citizens to avail public services in an effective and efficient manner.

⁸ Urvashi Pareek and Nagendra Ambedkar Sole, “A Comparative Study of Various States Public Service Guarantee Acts in India” (2019).

VII. GOVERNMENT INITIATIVES IN PUBLIC SERVICE DELIVERY

To quote some examples of the initiatives taken from the side of our government are: - “*Sevottam model*” developed with the objective of improving the quality of public service delivery in the country. “*Direct Cash transfer*” to facilitate disbursements of Government entitlements. “*Digital India programme*” to ensure that Government services are available to citizens electronically. “*MyGov*” citizen portal to engage citizens in the task of “*good governance*” and “*E-Kranti scheme*” to broaden the reach of internet services to the rural areas.⁹

VIII. LIMITATIONS OF PUBLIC SERVICE DELIVERY GUARANTEE ACT

The limitations of the Act are as follows –

Firstly, it has a very narrow scope and covers only the citizens, attempts can be made at widening its scope.

Secondly, lack of a holistic definition of grievance, as different state acts differ in defining grievance.

Thirdly, there is lack of uniformity in mechanism by which redressal of grievances can be making the act function in a better way.

IX. CONCLUSION & SUGGESTIONS

Delivery of public services has been one of most important responsibility of the State as also an imperative in country like India. It serves mostly the marginalised people of the society. The poor class in India are dependent on essential public services for their survival and for breaking the vicious cycle of poverty. But, unfortunately the benefits of public service delivery could not reach the poor as most of them lacked awareness about of these services, apart from this even there is inability from the side of government in order to articulate their grievances. Citizen’s expectations from the government departments were diminishing, but the passage of legislation such as

⁹ CITIZEN AND ADMINISTRATION INTERFACE-I-PUBLIC SERVICE DELIVERY AND REDRESSAL OF PUBLIC GRIEVANCES, available at: <https://egyankosh.ac.in/bitstream/123456789/76666/1/Unit-7.pdf> (Visited on June 9, 2023)

the “**Right to Information Act**, the **Right to Service Act**,” and the “**Lokpal and Lokyukta Act**,” among others, *restored their faith in governance*. To state one of the positive changes done through the *Right of service Act* is services to be delivered within the stipulated time frame and if there is no compliance of the same, penalties shall be strictly imposed upon those officers who makes a default.

Some of the thoughtful suggestions stated herein below: -

“In order to improve the public service delivery system, one needs to build a very strong accountability structure. The media house and academician should also join hands in order to communicate in a language that people understand and been aware of the public service facilities. Also, raise the efforts of frontline providers of health and education as their services cannot entirely be mechanised. There should be public-private partnership to fill in the gaps in service delivery for optimal utilization of resources. A lot of research is required in the area of bureaucratic reforms. Infact, all these public services are essentially implemented at the State level hence, cohesion and consensus among states should be promoted and laggard states need to be incentivised to undertake reforms. Technology can be leveraged to monitor and improve accountability in service delivery. It is very important to strengthen the capacity of local governments through regular training of public officials. All these would help to provide social protection to the poor and vulnerable section of people. If properly provided would reduce inequitable distribution of the resources and would change the historical inequalities prevalent in the country. For this, the Indian Government needs to allocate its budget effectively in the public service delivery so that the disparity between poor and rich class can be eliminated to some extent.”