

Public Grievances Commission

The Public Grievances Commission (PGC) was set up vide a resolution dated 25 September 1997 as a functionally independent body responsible for speedy redressal of public complaints, and to take action against acts of omission or commission on the part of public officials working in Delhi Government. The Commission is a body, which crosscuts sectors, departments and agencies of Delhi Government and provides a simple, virtually paperless mechanism where people can personally speak their mind pointing out the difficulties they have faced. Complaints are lodged with the PGC when problems faced by citizens, despite having approached the concerned agency, department or local body, remains unresolved. The Commission also acts as the Appellate Authority under the Delhi Right to Information (RTI) Act, 2001

Composition and Organisational Set Up

The Commission is headed by a Chairman and has 3 members appointed by the Lieutenant Governor of Delhi. The three members include 2 part-time members and one whole-time member. The Chairman of the Commission has to be a person who was holding the post in the rank of Secretary to the Government of India prior to his appointment as the Chairman. The whole-time member has to be a person who has been a Director General of Police of a state or has held an office of comparative status and responsibilities. The two part-time members should be persons of public eminence having special knowledge or practical experience in the field of education or science or law or literature or social service or human rights. Also there is a secretary who is in charge of the functioning of the Commission assisted by Deputy Secretary, superintendents and clerks.

There were problems in procuring information regarding the number of employees in the Commission. The Commission employs more staff than what is sanctioned for it. The sanctioned posts in the Commission is 30, however there are 35-36 employees working in the Commission. These extra employees are officials who are working in

diverted capacities from various other departments.

Procedures and Functioning of the Commission

Any applicant dissatisfied with the information provided can go for further appeal to the PGC within 30 days of rejection. The PGC has to settle any cases registered with it within 30 days from the date of appeal. The complaint can be made to the Commission by either personally submitting the complaint at the office or through post. The Superintendent collects all these complaints. PGC sends a notice to the aggrieved applicant and to the concerned authority to come on the stipulated date and time. On the day specified the Chairman, the aggrieved applicant and concerned officer discuss the problem. The hearing also facilitates the examination of generic issues that come to the Commission's notice, while preparing to pass orders. The help of a legal practitioner is not permitted. The process takes place only between the concerned official of the department and the complainants in front of the Commission.

All the departments of the Delhi Government, Municipal Corporation of Delhi, New Delhi Municipal Corporation and Delhi Police are divided under the jurisdiction of the three members of the Commission. These members supervise all the hearings and give the final decision. The Chairman takes up all the Right to Information requests/ complaints. The documents required for filing a complaint are:

- Supporting documents like the copies of the application made by the complainant to the departments/ public body or the organization specified above and the inaction or the wrong actions taken by the concerned official/ office on the same.
- Copy of order passed by any of the officials of these departments/ bodies giving cause for grievance to the complainant.
- A duly sworn affidavit on plain paper filed by the complainant confirming the correctness of facts/ allegations made by him/ her in the application and also containing a declaration that the subject matter of the complaint is not sub-judice before any court of law or judicial or quasi-judicial authority.

The hearing process is quite impartial as it gives an opportunity to the complainants and the officials of the departments to explain their views

and the reasons for not furnishing any particular information. The Commission lays emphasis on the speedy disposal of complaints. Under the resolution of the government, it is incumbent on the officers of the Delhi Government as well as the Commissioner of Delhi Police to ensure that the documents called for by the Commission for deciding the case are furnished to it within the time frame specified. The Commission passes speaking orders and in cases where it is held that the allegations made against the officials concerned are prima facie established, the Commission recommends action to be taken against the erring officials.

Cases not taken up by the Commission

There are exceptions to the cases that are attended by the Commission. It does not take up cases of following types:

- Where the complaint made is anonymous and contains vague and superfluous allegations
- Where the matter is already sub-judice in any Court of Law, Tribunal or a judicial or a quasi-judicial authority
- Where the complainant has not exhausted the channels available to him within the concerned department/ organization
- Where the complaints are by the serving government officials against their department
- Where the complaint pertains to service matters

There are some exceptions to the information that the PGC can allow to be given to the aggrieved party. Any information mentioned in the Section 6 of Delhi RTI Act and which is not covered in the Section 2(I) definition of the Act as well as those that are considered irrelevant, unnecessary information is denied by the PGC. For example, asking information of promotion, for defamation, security installations and war books.

Evaluation of the Commission

Efficiency of any organisation is evaluated by the output that is generated by it. Any government body is no exception. Thus, to assess the competence of the Commission, it is necessary to see the number of complaints received and disposed off by the Commission. Table 1 gives the number of complaints received by PGC.

Table 1: Information on Complaints Received by PGC for Five Years

<i>Year</i>	<i>Total No. of complaints received</i>	<i>Number of complaints disposed off</i>	<i>Number of Pending Cases as on 31st Mar</i>
1999-00	1,085	788	297
2000-01	1,060	677	383
2001-02	1,195	871	324
2002-03	1,583	1,186	397
2003-04	1,756	1,432	324
2004-05	1,350	1,032	318

(Up to Jan.05)

Source: Public Grievances Commission Information booklet, March 2005

The total numbers of complaints received, disposed and pending have shown a fluctuating trend over the years especially the pending complaints. The trend is also affected by the nature of complaints filed and the departments or government bodies against which the complaint has been filed. Table 2 details the departments that get most number of complaints and the kinds of issues that are raised against these departments.

Table 2: Public Grievances/ Complaints received by the Commission

<i>Name of the Department</i>	<i>Nature of the Complaints Received</i>
Delhi Police corruption or	Inaction by police, Harassment, impartial Investigation.
M.C.D	Unauthorized construction, encroachment on public land, corruption charges against the employees, civic problems like water logging, insanitation, non-payment of terminal benefits to employees.
Delhi Jal Board	Shortage of water, sewer problem, incorrect bills
Food & Supplies Department	Non-supply of ration items by FPS/KOD dealers, corruption, Non-issuance of ration cards
P.W.D.	Encroachment on Government land
D.T.C.	Regarding change of routes of for providing bus services
Land & Building	Allotment of alternate plots.
Delhi Pollution Control	Committee Pollution caused by slaughtering and cooking animals/birds, sealing of factories/ noise and pollution
Education Department	Retirement benefits, revision of pension, shortage of staff in Schools
Revenue Department	Encroachment on Gaon Sabha Land, correction of revenue Records, non- demarcation of mutation of

Register Cooperative Societies	land, allotment of Plots. Mismanagement of cooperative Societies by the managing Committees, harassment to the Members, delayed action by the Registrar's office on complaints made by members.
N.D.M.C.	Encroachment on public land, harassment, pick and choose decisions
SC/ST Finance Corp.	Regarding disbursement of loans.

Source: Public Grievances Commission Information Booklet, March 2005.

Although the Commission does not entertain complaints on service matters, it regularly receives grievances related to post retirement benefits of ex-employees, including non-payment of GPF (majority of cases pertain to Education Department). Such grievances also get resolved during the course of the proceedings. There are various cases that are rejected by the PGC for different reasons. Table 3 enumerates the number of appeals rejected by the Commission and different kinds of justification orders for rejection.

Table 3: Number of cases Rejected and Justification for the Rejection

<i>Justification given for Rejections</i>	<i>Number of Appeal</i>
Information sought had been furnished as far as available with the Department	33
The matter falls squarely within Section 6 (g) of the Act	1
Applicant did not attend, spite of the notice having been sent to Applicant	19
Section 6 lays down that "Any other information protected by Law" need not to be disclosed	1
Information had been denied to the Applicant as the matter related to entry 18 of 17 Schedule of the Constitution of the India and was not covered by Delhi RTI Act	1
It is covered under Section 6 (b) of the Delhi RTI Act	4
The subject matter of the information sought is not covered by the Definition of information and therefore the Right to that information is apparently not conferred by the Delhi RTI Act	1
Information asked fell within the restriction contained in Section 6 (g)	4
Information asked fell within the restriction contained in Section 6 (d) and 6 (g)	4
Applicant could file a fresh application asking for specific Information	1
Roving and inspection of files was not covered under the RTI Act	1
Deployment of the security personnel within the jail is a issue	

which falls clearly under Section 6 (f)	1
It is difficult to find out what exactly Applicant has asked for I find no substance in the appeal	1
The request of the applicant can not be granted as the information sought is just not available at present	1
Since Delhi Development Authority is not covered by Section 2 (g) of the Act	1
Total number of Appeals rejected by PGC till 6 June 2003	74

Source: P S Bhatnagar, Chairman, PGC, 2003

Public Grievances Commission has been instrumental in implementing the Right to Information effectively and efficiently. The experience with implementing the Delhi Right to Information Act, 2001 can be first seen through the number of applications and Appeals filed. Table 4 enumerates the number of appeals received by the Commission and the disposal thereof as well as the reasons for the rejection of appeals under the Act.

Table 4: Disposal of Appeals under the DRTI Act, 2001

No. of applications received by the departments	9,347
No. of applications disposed off	8,878
No. of Appeals filed	1,634
No. of Appeals Allowed	1,139
No. of Appeals disallowed/rejected	389
No. of Appeals pending	106

Broad reasons for rejection of appeals under the DRTI Act, 2001

Voluminous information sought which is not maintained as sought	10
Not an RTI matter. Effort was to solve a grievance through the mechanism of RTI	37
Use of Restriction clause under Section (6) of the Act upheld	19
Material sought did not constitute "information"	53
Information as provided by the department found to be adequate	68
Others (Presumptive questions/information asked for unclear/ non-availability of information with the department/ information not pertaining to public authority/absence of the applicant at the hearing)	25

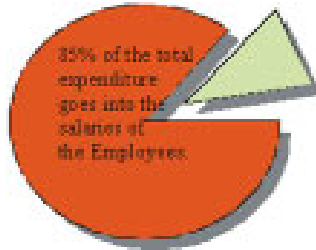
Source: Shailaja Chandra, Chairman, PGC, 2006

Financial Profile

It is surprising that the Commission does not furnish financial reports for any year. The Annual Report of the Commission does not contain any information on the financial allocation and expenditure of the organisation. The reasons are manifold as justified by the officials of

PGC. First, it is argued that the demanded amount is so small that it does not really necessitate furnishing the information. Second, whatever is demanded is allocated to the Commission, thus there was no need felt for compiling the proposed and allocated amount. The approved outlay has ranged over the years from Rs 60 lac in 2002-03 to Rs 70 lac in 2005-06. Most of the money allocated to the Commission is spent on salaries. The pie chart given below projects a better picture of the expenditure.

Figure 1: Expenditure of the Commission



Problems Faced by the Commission

The Commission has met its greatest success in acting as an arbitrator in outstanding disputes existing over two decades involving the complainants and specific state departments. Many disputes have financial ramifications. Public Grievances Commission at present does not enjoy the same measure of independence and autonomy as the Union Public Service Commission as provided in the resolution. Every proposal involving financial expenditure has to be sent to Finance Department for clearance. There is no financial autonomy, which leads to problems in the day-to-day functioning of the Commission. A proposal has been moved to declare Public Grievances Commission a statutory body on the pattern of the Delhi Electric Regulatory Commission. This will provide total autonomy to the Commission on the lines of the Union Public Service Commission. The Commission is still waiting to receive a decision on this proposal from the Government.

The State Government has not reviewed the terms and conditions of appointment of the Chairman and full time members. The Commission requires a fresh service review. For instance, the Commission is to be assisted by at least two consultants to investigate complaints. However, no qualified person seems to be attracted to these

assignments as the service terms and perks kept for the consultants do not make the job attractive. An official review of the perks may help provide the needed assistance to Commission, which is presently lacking.

One of the main drawbacks of the PGC is that it has no power to impose penalty on the officers who deny information. Another problem is that the chairman is over burdened with numerous RTI and other pending complaints. Also one person deciding all cases, which have been filed under RTI is unfair, against the natural law as well as defeats the very purpose of the Act.⁴ According to the Commission, under the resolution of PGC, the Commission can work in benches. From July 2004, the RTI bench comprises the chairman and one member (subject to availability). However more information on the number of cases decided by the chairman and those decided by the benches would further decide the veracity of the claim.

Reforms

The PGC should be strengthened and made more competent to facilitate speedy justice and grievance redressal. More functional and financial autonomy should be given to the Commission. According to Accounts Section, they get as much money as demanded, however every proposal involving financial expenditure require clearance from the Finance Department. Thus, the Commission has access to financial resources but needs clearance for its expenses from the Finance Department, obstructing functional autonomy.

PGC should be given the power to penalise the officers who deny information even after order is passed by PGC. This would not only make the system better but also create considerable accountability in the officials.

The PGC has to settle any case registered with it within 30 days from the date of appeal. The chairman of the PGC is the deciding agent. Most of the times the Chairman is burdened by innumerable RTI requests and appeals, and one person giving decisions on all cases is unfair. This concern can be addressed by making a provision that the complaints are heard and decided by all the members of the Commission. When a clause does exist in the resolution that the cases can be decided by benches, it should be practised to increase efficiency and accountability. Also, all the decisions of the Commission should be made

public, this will ensure accountable services by the PGC as well as set precedents for future cases where the complainant will have an access to the database of whether he will get the information or not . This will also reduce the burden of the Chairman and increase fairness in the system. Online complaint registration should be made more effective and efficient to ease the process for both public and Commission's officials.

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