

PUBLIC GRIEVANCES COMMISSION
Govt. of National Capital Territory of Delhi

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PREFACE

“ Knowledge will forever govern ignorance; and people who mean to be their own governors, must arm themselves with the power which knowledge gives.”

- James Madison

The Delhi Government established the Public Grievances Commission in 1997 to provide a forum to redress problems the public experience in dealing with the departments of the Government of NCT of Delhi. The Commission is an autonomous organisation. Its jurisdiction includes all Government Departments/Organisations/Public Undertakings and other institutions funded partially/fully by the Govt. of NCT of Delhi including MCD, NDMC, Delhi Jal Board and Delhi Police.

The Commission accords a hearing to the complainant, and a representative of the concerned department, side by side, with the objective of finding a quick solution to a genuine problem. It makes recommendations to the Government if warranted, against officials, if acts of omission or commission, including harassment or dereliction of duty are prima facie apparent.

The Commission also acts as the Appellate Authority under the Delhi Right to Information Act, 2001. Within a short span of about three years, over 1200 appeals have been filed by applicants who were dissatisfied with the information given to them by the public authority concerned. The Commission has decided over 1000 appeals, ordering the information to be given in 75% of the cases.

It is hoped that this booklet will be useful in providing basic knowledge about the functioning of the Commission; the procedures adopted by it for redressal of public complaints and Appeals. The booklet is a general guide on how to use the system, how to pursue a grievance or appeal for information under the Delhi Right to Information Act.

The Commission will welcome your suggestions to make the booklet more useful and relevant to public needs.

SANJAY PRATAP SINGH, IAS
SECRETARY
Public Grievances Commission

Part I

PUBLIC GRIEVANCES COMMISSION A forum for redressal of public grievances

1. The Government of NCT of Delhi with the prior approval of the Central Government, Ministry of Home Affairs established a Public Grievances Commission (Commission) to provide a comprehensive mechanism for redressal of grievances of the public against the Departments of the GNCT of Delhi, Delhi Police and Local Bodies, Autonomous Organizations/Undertakings and other institutions owned or substantially financed by the Government of Delhi.
2. The Commission was set up by a Resolution dated 25th September 1997 as a functionally independent body, responsible for the speedy redressal of complaints of the public, to take action against acts of omission or commission on the part of public officials working in the organizations of the Delhi Government and to recommend action for the removal of the grievances.

Powers and Functions of the Commission

3. The Commission examines complaints received from members of public against various types of abuse of power and authority on the part of the government servants of the Delhi State including Delhi Police. The advisory jurisdiction of the Commission however, does not extend to the Delhi Development Authority.

The Commission examines complaints made by members of public against :

Acts of omission or commission, inaction, harassment, extortion, corruption, abuse of power and authority by officials.

Independence of the Commission

4. The Commission is an Advisory Body but works independently. The Department of Administrative Reforms, Government of NCT of Delhi is the nodal department for the Commission. In the exercise of its powers and functions, the Commission has the same measure of independence and autonomy as the Union Public Service Commission.
5. Reports of the Commission pertaining to the departments/organizations of the Government of NCT of Delhi are laid by the Government of Delhi on Public Grievances Commission - A Forum for redressal of public grievances.

the table of the Legislative Assembly.

6. A separate report covering Delhi Police is submitted to the Central Government through the Lieutenant Governor, Delhi for placing it on the table of the Parliament. The Commission prepares an Annual Report and cases pertaining to non-implementation of its recommendations are reflected in the Annual Report.

Composition of the Commission

7. The Commission is headed by a Chairman and has 3 Members (including 2 Part-Time Members) who are appointed by the Lt. Governor of the NCT of Delhi.
8. The Chairman of the Commission is a person in the rank of Secretary to the Government of India prior to his appointment as Chairman of the Commission. 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 shall 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. Of these 2 Part-Time Members, at least one shall be a woman.

Who Can Approach the Commission

9. Any affected person may make a complaint to the Commission after exhausting the normal channel giving specific details of the case supported by relevant documents. The applicant is also required to swear an affidavit on plain paper confirming the correctness of the facts given by him and also that the subject matter of the complaint it is not sub-judice.*
10. On receiving the complaint, the reference is registered and a computer reference is given. Thereafter the comments of the concerned Department are called for. After the comments are received by a given deadline the Commission hears the complainant and the officers together in order to redress the grievances or to find a solution. The hearing also facilitates the examination of generic issues which come before the Commission prior to passing orders. Lawyers are not allowed to appear in the proceedings on behalf of the complainants.

* This does not apply to cases under the Delhi Right to Information Act, 2001.

Types of cases entertained by the Commission

11. Wherever the Commission is satisfied that the grievance has not been attended to by the concerned department or organization in a fair, just and objective manner or a corrupt practice appears to be involved, it takes up such cases for detailed scrutiny. The Commission also takes suo moto cognizance of matters coming to its notice through newspapers/magazines/other media channels or verbal complaints. The Commission also goes into systemic problems and suggests ways to improve the delivery of services in a transparent and responsive manner.

Generic Issues also addressed

The hearing also facilitates the examination of generic issues which come to the Commission's notice, which call for systemic changes to be made.

Cases which are not taken up by the Commission

12. The Commission however, does not take up cases of following types:
- (i) Where the complaint made is anonymous and contains vague and superfluous allegations ;
 - (ii) Where the matter is sub-judice in any court of Law, Tribunal or a judicial or a quasi-judicial Authority ;
 - (iii) Where the complainant has not exhausted the channels available to him within the concerned Department / Organisation ;

* This does not apply to cases under the Delhi Right to Information Act, 2001.

- (iv) Where the complaints are by the serving Government Officials against their Department.
- (v) Where the complaint pertains to service matters.

(However, complaints relating to the grant of terminal benefits like Pension/GPF/Gratuity to retired Government employees are being entertained.)

Procedure for filing complaints/registering a grievance with the Commission

13. Any aggrieved person may make a complaint in writing to the Secretary of the Commission giving specific details of his grievance or as the case may be. The complaint should be duly supported by the following:

- (i) Supporting documents like the application etc. 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.
- (ii) Copy of order passed by any of the officials of these Departments/Bodies (but not being the orders of any civil/criminal Courts, Tribunals judicial or quasi-judicial authorities) giving cause for grievance to the complainant.
- (iii) A duly sworn affidavit on plain paper has to be filed by the complainant confirming the correctness of facts/allegations made by him 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.

Process followed by the Commission in hearing public grievances/complaints

14. The Commission calls for comments on the complaint from the concerned departments who in their response will support their stand with records. The Commission holds open hearing in each case and summons such officials as considered necessary.

15. The Commission lays emphasis on the speedy disposal of complaints. Under the Resolution of the Government, it is incumbent on the Chief Secretary of the Government of NCT of Delhi, Commissioner of Delhi Police and the Head of the Department concerned to ensure that the documents called for by the Commission are furnished to it within the time frame specified by the Commission, and also to ensure that officials, if any, summoned by the Commission appear before it at such time and date as

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fixed for the purpose.

Commission's Orders

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.

16. The Commission gives it considered recommendations in all complaints. Where the allegations made against the officials concerned are prima facie established, the Commission recommends action to the concerned Head of Department to take action against the erring officials.

Disposal of grievances during the last 5 Years and the major issues involved

17. The Commission has recorded very substantial progress in the disposal of complaints during the last five years which may be seen from the table below:

Table 1
Institution and Disposal of Complaints

S.No.	Year	Total No. of Complaints Pending in the Last Financial year	Total No. of Complaints received	Total No. of Complaints(3+4)	No. of Complaints disposed off	Number of Complaints pending (as on 31st March)
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	1998-1999	-	1598	1598	1182	416
2	1999-2000	416	669	1085	788	297
3	2000-2001	297	763	1060	677	383
4	2001-2002	383	812	1195	871	324
5	2002-2003	324	1259	1583	1186	397
6	2003-2004	397	1359	1756	1432	324
7	2004-2005	324	1264	1588	1276	312
8	2005-2006	312	1733	2045	1729	316
9	2006-2007	316	3699	4015	3521	494
10	2007-2008	494	4032	4526	4168	358

18. The grievance cases handled by the Commission involve a variety of Public Grievances Commission - A Forum for redressal of public grievances.

issues. Quite often apparently they may look as minor problems but it affects the common man to a great extent. The major issues involved department-wise are outlined below:

Department-wise major issues involved in public grievances/complaints received by the Commission

S.No.	Name of the Department	Major Issues
1	Delhi Police	Inaction by police, harassment, corruption or impartial investigation.
2	M.C.D.	Unauthorised construction, encroachment on public land, corruption charges against the employees, civic problems like water logging, insanitation, non-payment of terminal benefits to employees.
3	Delhi Jal Board	Shortage of water, sewer problems, incorrect bills
4	Food & Supplies Deptt.	Non-supply of ration items by FPS/SKO dealers, corruption, non-issuance of ration cards
5	P.W.D.	Encroachment on Govt. land
6	D.T.C.	Regarding change of routes or for providing bus service
7	Land & Building	Allotment of alternate plot
8	Delhi Pollution Control Committee	Pollution caused by slaughtering and roasting of animals/birds and sealing of factories. Noise and particle pollution
9	Education Deptt.	Retirement benefits, revision of pension, shortage of staff in schools
10	Revenue Deptt.	Encroachment on Gaon Sabha land, correction of revenue records, non-demarcation of plots, composition, mutation of land, allotment of plots

11	Registrar Societies	Cooperative	Mismanagement of affairs of cooperative societies by the managing committees, harassment to the members of the cooperative societies by the managing committees, delayed action by the Registrar office on complaints made by members
12	N.D.M.C.		Encroachment on public land, harassment
13	SC/ST Finance Corpn.		Regarding loan

19. Although the Commission does not entertain complaints on service matters it regularly receives grievances relating to post retirement benefits of ex-employees, including non-payment of GPF (majority of the cases pertain to the Education Department). Such grievances also get resolved substantially during the course of the proceedings before the Commission.

Part II

DELHI RIGHT TO INFORMATION ACT, 2001 AND THE ROLE OF THE COMMISSION

Main provisions of the Delhi Right to Information Act, 2001 and Responsibilities of the Public Authority

20. The Delhi Right to Information Act 2001 was enacted in the year 2001 to provide every citizen the right to obtain information from government departments through a duly notified Competent Authority. Under the Act, in the first place, a public authority is expected to maintain all its records, duly catalogued and indexed. A " Public Authority" is defined as a body established or constituted by organs of the Constitution or by any law made by the government and includes any other body owned, controlled or substantially financed by funds provided directly or indirectly by the Government of NCT of Delhi.

Right to Information includes

- The inspection of works, documents, records
- Taking notes, extracts; and
- Obtaining certified copies of documents or records
- Taking samples.

21. The Act requires every public authority to publish at regular intervals all particulars of the organization, the powers and duties of officers, the procedure followed by them in the decision making process, the norms set by the public authority for discharging its functions, copies of all laws, bye-laws, Rules, Regulations, details of facilities available to citizens for obtaining information and the name, designation and particulars of the Competent Authority. (A second level officer of each Department is appointed by name as the Competent Authority and he has to supply the information as per the Act.) The Public Authority is also expected to publish all relevant facts concerning important

NOTE: A copy of Delhi Right to Information Act & Rules, 2001 can be purchased for Rs.30/- from M/s. Puja Law House, ITO etc. It can be downloaded from the Website of PGC/RTI also.

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decisions and policies that affect the public, to give reasons for its decisions whether administrative or quasi-judicial to those affected by such decisions. Before initiating any project, the public authority is expected to publish or communicate to the public generally affected by the decision the facts available to it, in the best interests of maintenance of democratic principles.

Disposal of Applications and Appeals

22. A person can make the request in writing or through the electronic form. Where a person cannot, for valid reasons, make a request in writing, the Competent Authority may either accept an oral request which may, subsequently be reduced in writing or render reasonable assistance to such person in making a written request. The Competent Authority has to pass orders on the application within 15 days of receiving a request for information and in any case within 30 working days, supplying the information in English or the official language. If it is rejected, the reasons for such rejection, together with information on how an Appeal may be filed and particulars of the Appellate Authority have to be provided to the applicant under law.

23. The fee structure as prescribed under the Delhi Right to Information Act, 2001 is given below:-

1.	For seeking information from the Competent Authority	Rs. 25/- *
2.	For inspection of documents	Rs. 15/- per 15 minutes (or fraction thereof)
3.	For appeal to the Public Grievances Commission	Rs. 50/- per application

Limitations on furnishing information

24. While there are certain limited restrictions to the provision of information to the public, these can be summarised as those affecting the sovereignty and integrity of India, the security of the National Capital Territory, international relations, information such as would incite violence; which would constitute a clear and unwarranted invasion of personal privacy and

* Can be deposited in cash, by affixing non-judicial stamp on application form-A or postal order or Bank Draft in the name of " Govt. of NCT of Delhi."

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having no relationship with any activity of the government, information which would have a prejudicial effect on the conduct of Centre-State relations; trade and commercial secrets or information protected by law are also debarred.

25. Similarly, information whose release would constitute a breach of privilege of Parliament or the legislative assembly, information which if disclosed would endanger the lives or physical safety of any person or identify the source of information given in confidence to law enforcement or security agencies are also excluded. (The Delhi Act has the least number of restrictions compared to other State Acts.)
26. Minutes or records of advise including legal advise, opinions, recommendations made by an officer or public authority during the decision making process prior to the executive decision or policy formulation can also be withheld.
27. Advise given on file to the Lieutenant Governor, Cabinet minutes including records of discussions of the Council of Ministers, Secretaries and other officers can also be similarly withheld.

All other matters to fall within the purview of the Right to Information Act

28. Other than the maters listed above, under the Right to Information Act, 2001, it is mandatory for almost all other information to be provided. The Rules provide for payment that has to be made on application as well as for inspection of documents or accessing photocopies of documents.

Illustrative cases coming under the Right to Information Act

1. Information about the maintenance of public parks, roads of MCD/NDMC and encroachment on public areas or public property.
2. Details about road construction, quality of material used, measurement books and award of tenders.
3. Unauthorized construction in colonies -action taken on complaints.
4. Work orders issued by agencies like MCD alongwith names of contractors, amount paid to them and names of supervisory officials. Date of completion of the work.
5. Processes followed for registration of documents and issue of certificates by Sub- Registrars.

Contd.....

6. Operation of fair price shops, availability, quality of commodities supplied. Action taken on complaints of diversion of stocks, non supply to genuine card holders.
7. Complaints about the management of Cooperative Societies and action taken by the Registrar of Cooperative Societies on such complaints.
8. Matters relating to issue of driving licences, registration of vehicles, training for obtaining driving licences, refresher training, inspections conducted, observance of the Motor Vehicle Act and Rules, prescription of fees and charges for various services/facilities provided for or administered by the Department of Transport.
9. Criteria followed for acceptance or rejection of applications for admission to institutions/ schools.
10. Deployment of sweepers, sanitary inspectors in a specific area or colony, names of the employees and those engaged on muster roll.
11. Observance of govt. circulars/administrative instructions relating to filling up of posts.

29. Requests for information are sought in respect of several Departments/Government of NCT of Delhi, but mainly the Municipal Corporation of Delhi, the Department of Food and Supplies, the Transport Department, the office of the Registrar of Cooperative Societies and the Education Deptt. Questions either pertain to problems an individual is seeking to solve, but equally the public uses the information to try and pinpoint changes that are necessary in the functioning of various departments, to be able to satisfy a public need to improve the quality and delivery of services.

30. Applicants also seek information on examination results why a candidate was declared " failed" , including marks obtained. Through the Right to Information Act the applicants have been given reasons or details. Similarly persons seek information on the progress on applications for a building plan to be sanctioned, issue of a Completion Certificate, a water meter, allotment of an industrial plot, the costing for a particular facility provided by the Government etc.

Information sought under the Right to Information Act on generic issues

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concerning groups of citizens

31. The Commission looks into the systems followed under the Right to Information Act by combining it with the authority vested in the Public Grievance Commission to look into grievances of the public and find quick solutions. The Commission passes speaking orders, which go to the Head of Department. In some cases, reports are sent to the Lieutenant Governor, the Chief Minister, the Minister concerned or the Chief Secretary bringing the lack of responsiveness to their notice.
32. Journalists also use the Right to Information Act to be able to derive information. Service officials seek information relating to promotions, seniority lists, action taken on decisions etc.

Experience in implementing the Delhi Right to Information Act

33. The positive part about the experience gained so far is the fact that it is possible to see that legitimate information is provided to the public. The negative side is that the officers, who ought to have acted on the complaints in the first place, look upon the delay and past prevarication as needing attention only in future; there is a tendency to gloss over mismanagement, by various functionaries who looked into the matter. On the whole, the fact that such information can be sought, puts the officials of the Department under scrutiny, and improves accountability. This brings about greater responsiveness. Ultimately it leads to an improvement of the system as in giving a reply, the officers are forced to confront the problem and find a solution. This is more so as details relating to systems being followed are sought during the Appeals.

Disposal of Appeals under the Delhi Right to Information Act

34. More than 4,700 persons have so far used the Delhi Right to Information Act to get information from government offices. The Act has become a useful tool for conducting social audit. The Commission has issued orders in more than 1000 Appeals in less than three years. Of late, the number of Applications and Appeals filed is showing an upward trend which signifies that the public is finding the Right to Information Act a useful tool.

Disposal of Appeals under the Delhi Right to Information Act

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Of late, the number of Appeals filed each month is showing an upward trend which signifies that the public is getting satisfaction through the system.

35. During the course of hearing, many systemic problems also come to notice, which call for overhauling of systems and processes which are being followed by the departments. By virtue of the authority vested in the Commission, advice on systemic improvement which ought to be taken are regularly made.

Table 2 :Institution and Disposal of Appeals under DRI Act, 2001

S.No.	Year	Total No. of Appeals Pending in the Last Financial year	Total No. of Appeals received	Total No. of Appeals(3+4)	No. of Appeals disposed off	Number of Appeals pending as on 31st March
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	2002-2003	-	248	248	216	32
2	2003-2004	32	396	428	376	52
3	2004-2005	52	576	628	505	123
4	2005-2006	123	586	709	623	86
5	2006-2007	86	245	331	302	29
6	2007-2008	29	174	203	157	46

Part III

Commission goes on line

36. The Commission's Website can be visited at www.pgc.delhigovt.nic.in

The Commission has also launched a system of filing grievance cases and applications for appeals under the Delhi Right to Information Act, 2001 online. The Commission issues the notices to applicants/appellants on-line wherever the complaints are received through the on-line system.

37. The Commission's endeavour is to bring awareness and effectiveness to use Delhi Right to Information Act, 2001 & Rules made thereunder suggesting systemic improvements, public authorities are made accountable and to bring transparency in the offices of Govt. of NCT of Delhi.

The Commission's office can be contacted at the following address and Telephone numbers:

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