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36

PUBLIC GRIEVANCES AND REDRESSAL MACHINERY

In a democracy, the citizens make the government and hold it accountable. Government is operated by bureaucracy for whom the rules and regulations are more important than helping the citizens. Also, it tends to keep things secret and department like electricity and water-supply, railways and telephones etc. exercise their own power. Citizens register many complaints against government machinery. The grievances of citizens against government machinery need to be heard and redressed otherwise, citizens will tend to withdraw their loyalty towards it. Hence, democracy sets up appropriate machineries for the redressal of citizen's grievances.



Objectives

After studying this lesson, you will able to

- recognise the importance of redressal of public grievances in a democracy;
- identify and explain various instruments of redressal of public grievances;
- explain the role of Lokpal and Lokayukta;
- understand the role and working of Central Vigilance Commission.

36.1 Importance of Redressal of Grievances in a Democracy

In a developing country like ours, Government has to perform many functions. The citizens depend on the services provided by various government agencies. To levy rice, wheat and sugar from a ration shop, a citizen has to have a ration card issued by the Government. To obtain a ration card is not very difficult, but the quality of services is far from satisfactory. For most things in life, citizens depend on the services and facilities provided by government agencies.

It is a common experience that the citizens often face difficulties in dealing with government agencies. Too many rules and regulations are there, resulting in unnecessary delay. Trains or buses may not run on time. The banks, the hospitals, the police are often not co-operative.



Delay or harassment and unhelpful attitude of government departments and agencies create a bad image of government. At the same time, it has to be accepted that government has to undertake many functions in the interest of the public. The difficulties that the members of the public face in getting services, make the people unhappy and dissatisfied. The poor people suffer most. They badly need government support and services, but they are the ones who are often harassed and turned down. This is obviously bad for the healthy democracy. The average citizen wants sympathetic, courteous and helpful public administration. If there are too many public grievances against the government agencies, corrective measures have to be taken to redress those grievances.

The Administrative Reforms Commission was set up by the Government of India in 1966. On the “Problems of Redress of Citizens’ Grievances”, the commission said the following:

“When the citizen can establish the genuineness of his case, it is plainly the duty of the state to set right the wrong done to him. An institution for redress of grievances must be provided within the democratic system of government. It has to be an institution in which the average citizen will have faith and confidence and through which he will be able to secure quick and inexpensive justice”.

36.2 Instruments of Redressal of Grievances

To deal with administrative-corruption and to redress citizens’ grievances, simplification of rules and procedures has been suggested and carried on in practice. Besides these, new institutions have also been recommended and actually set up in many countries.

Created for the redressal of public grievances, the institution of “Ombudsman” is typically Scandinavian. The office of Ombudsman has been in existence in Sweden since 1809 and in Finland since 1919. Denmark introduced the system in 1955. Norway and New Zealand adopted it in 1962, and the United Kingdom appointed the Parliamentary Commissioner for Administration in 1967. Several countries in the world have since adopted the Ombudsman-like institution.

Ombudsman, a Swedish word, stands for an officer appointed by the legislature to handle complaints against administrative and judicial action. As an impartial investigator, the ombudsman makes investigations, gets at the facts objectively, and reports back to the legislature. The complainant has simply to write to the ombudsman appealing against an administrative decision. The ombudsman system has been popular because of its simple and speedy nature. It is a cheap method of handling appeals against administrative decisions.

When a citizen or consumer finds good and service defective he/she can take the shelter of Consumer Protection Act enacted in 1986. The Right to Information Act (RTI) has also been passed by the Parliament of our country to know what has happened in regard to his/her complaint.

Indian Instrumentation

In India, it has been observed by many committees and commissions that special machinery should be set up to deal with public complaints against the administration. Various institutions

Administrative System
in India

Notes

exist to redress public grievances. For instance, a citizen can move the court to seek remedy against any wrong done to him by a public servant or a public agency in the course of discharge of public duty: This is called Judicial remedy. Many kinds of administrative tribunals have been set up to provide cheap and speedy justice to the complainant. The Income Tax Appellate Tribunal, Labour Tribunals etc. are instances of this type of institution.

Secondly, **Parliamentary procedure** provides for opportunities to raise questions in Parliament by the elected representatives concerning their constituencies. Also, there is a Parliamentary Committee called the Committee on Petitions. A citizen may submit petitions to secure redress against an act of injustice. So, even though a distant body, Parliament or State Legislature can take up the cause of an aggrieved citizen.

Thirdly, under the provisions of the Public Servants (Enquiries) Act, **departmental as well as public agencies** can be instituted against a public servant for his misconduct. Not day-to-day dealing but more serious matter of maladministration come under the purview of this Act.

Fourthly, complaint forums have been set up at different levels to deal with public complaints. For example, in a public bus or in a railway station, there are complaint boxes to receive complaints from public. Consumers' Fora are now available to deal with complaints against any supplier of goods and services such as telephone services. Within large public organization such as Railways and Telecommunication etc., there are complaint cells to deal with public complaints.

The government has also created Department of Administrative Reforms and Public Grievances. This is the nodal agency of the government for Administrative Reforms as well as redressal of public grievances.

The enactment of Administrative Tribunal Act 1985 opened a new chapter in the sphere of administering justice to the aggrieved government servant and in some cases public members.

**Intext Questions 36.1****1. Fill in the blanks :**

- (a) The grievances of citizens against government machinery needs to be heard and _____. (redressed/investigated).
- (b) Every _____ sets up appropriate machinery for the redressal of citizen's grievances. (dictatorship/democracy)
- (c) The institution of _____ is typically Scandinavian. (Lokpal/ Ombudsman)
- (d) A citizen in India can move to the _____ to seek remedy against any wrong done to him by a public servant or a public agency. (President/Court)
- (e) Questions can be raised in _____ by the elected representatives concerning their Constituencies. (Court/Parliament)

- (f) To deal with public complaints, complaint _____ (forums/booth) have been set up.

**Notes**

36.3 Lokpal and Lokayukta

The machineries and procedures for handling public grievances, as mentioned above, have been found to be too distant or expensive and time-consuming. They have not been very successful to provide effective redressal of an individual citizens' grievance against government agencies and political leadership. Against this background, the Administrative Reforms Commission (ARC, 1966) made the following observation:

“We are of the view that the special circumstances relating to our country can be fully met, by providing for two special institutions for the redressal of citizens' grievances. There should be one authority for dealing with complaints against the administrative acts of ministers or secretaries to government both at the centre and in the states. There should be another authority in each state and the centre for dealing with complaints against the administrative acts of other officials. All these authorities should be independent of the executive as well as the legislature and judiciary”. The ARC called the first authority the Lokpal and the second authority the Lokayukta.

In spite of several attempts the Lokpal Bill has again and again fallen through in Parliament. It appears that both the Congress; and non-Congress Governments have not been sincere and serious enough about the enactment of the Lokpal Bill despite their public pronouncements to that effect and promise to give to the people a clean administration. There are two fundamental issues involved. Firstly, there is clearly the hidden unwillingness of political leadership to submit themselves for enquiry by an independent authority other than Parliament to which they are already responsible in a parliamentary democracy. Secondly, the functional jurisdiction of the proposed Lokpal is also debatable. Should the Lokpal take up the cases of corruption only or it should also be entrusted with the task of redressing citizens' grievances in respect of injustice caused by maladministration of officials. The citizen is interested in redressal of his little problems and individual grievances but the existing avenues do not provide him easy, speedy and cheap redressal. Hence, what is needed is an agency, independent of government control, to redress the common grievances of people.

The Lokayukta

Although no institution of Lokpal has yet been established at the Centre, there are states like Maharashtra, Madhya Pradesh, Rajasthan, Karnataka, Bihar, Orissa, Himachal Pradesh and National Capital Territory of Delhi which have appointed Lokayukta for dealing with the public grievances on the lines suggested by the ARC. Maharashtra was the first state to enact such legislation in 1971. The other state legislations were based more or less on the Maharashtra lines which provide the Lokayukta with exclusive powers to look into complaints against state ministers, secretaries and other senior officers. Section 12 of the Himachal Pradesh Lokayukta Act, 1983, provides, “If, after enquiry in respect of a complaint, the Lokayukta is satisfied that all or any of the allegations made in the complaint have or have been substantiated either wholly or partly, he shall, by report in writing,



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communicate his bindings and recommendations to the competent authority and intimate the complainant and the public servant concerned about his having made the report". The competent authority examines the report and has to communicate to the Lokayukta within a period of three months of the receipt of such report, the action taken thereon. It may be noted that the Lokayukta is only a recommending authority. Its recommendations have no legal sanctity, nor are these binding. The final judgement in respect of the offence lies with the competent government authority.

36.4 The Central Vigilance Commission

Being alarmed at increasing rate of corruption; a high-power committee was set up by Government of India in 1962 under the Chairmanship of K. Santhanam. The Santhanam Committee recommended, setting up of Vigilance Commissions at the Centre and in the various States. Vigilance Cells have since been created in several government departments and public sector undertakings. At the highest level there is a Central Vigilance Commission (CVC).

The CVC is headed by the Central Vigilance Commissioner, appointed by the President of India, for a period of six years or until he attains the age of 65 years, whichever is earlier. The Commission's office is located in the Ministry of Home Affairs having an autonomous status. In addition to the Commissioner, it consists of a Secretary, one Officer on Special Duty, one Chief Technical Commissioner, 3 Commissioners for departmental enquiries, 2 Under Secretaries and 6 Technical Commissioners. Its jurisdiction extends to all employees of the central government and the employees in public undertakings, corporate bodies and other organisations dealing with matters falling within the executive powers of the central government. However, it cannot probe cases of corruption against **ministers and members of parliament**.

The CVC receives complaints directly from the aggrieved party. It also gathers information about corruption and malpractices or misconduct from other sources such as press reports, audit objections, information through parliamentary debates and other forms etc. The complaints about Central Government employees received by the State Vigilance Commissions are forwarded by them to the CVC. On receiving complaints, the Commission may ask:

- (i) the concerned ministry/department to inquire into them;
- (ii) the Central Bureau of Investigation (CBI) to make an inquiry; and
- (iii) the CBI direction to register a case and conduct an investigation. Prosecution, however, depends on the approval by the appropriate sanctioning authority.

The CVC has laid down procedures to be followed by the administrative ministries/departments in the case of complaints received by them. These complaints are to be dealt with by the ministries/departments concerned. The CVC may advise the ministries/departments in respect of all matters relating to integrity in administration. It may also call for reports, returns or statements from all ministries/departments so as to enable it, to exercise a general check and supervision over vigilance and anti-corruption work in the



ministries/departments. It can also take over under its direct control any complaint or case for further action.

Besides these, the CVC has a role to play in the case of the appointment of Chief Vigilance Officer of each ministry/department. The CVC is to be consulted before giving such an appointment. Moreover, the CVC has been empowered to assess the work of the Chief Vigilance Officer. This assessment is recorded in the character rolls of the officers. Finally, all proposals for re-organising or strengthening the Vigilance Organisation by the Chief Vigilance Officers are to be referred to the CVC for scrutiny.

The role of CVC is, however, limited because it is not a statutory commission and has only advisory role. Further, the procedure of investigation is so vexatious that people do not desire to be involved in long and unpleasant proceedings. Thus it has been commented that the Central Vigilance Commission is not at all a substitute for an Ombudsman. As it is constituted, the Commission is virtually an extension of the bureaucratic apparatus of the Central Government and its operations are very much hedged in by the overpowering ministries/departments and the political forces at the Centre.



Intext Questions 36.2

1. *Fill in the blanks :*

- (a) The Administrative Reforms Commission recommended the setting up _____ and _____ to deal with complaints against administrative acts of ministers or secretaries to government. (Lokpal/Ombudsman, Lokayukta Parliamentary Committees)
- (b) In _____ a Lokayukta has been appointed. (Maharashtra/Tamil Nadu)
- (c) The _____ Committee recommended setting up of Central Vigilance Commission. (Santhanam/Radhakrishnan)
- (d) The role of CVC is _____. (extensive/limited)



What You Have Learnt

The grievances of citizens against government machinery needs to be heard and redressed. Otherwise, citizens will withdraw their loyalty to the government. Hence, every democracy sets up appropriate machinery for the redressal of citizens' grievances. In India, a citizen can move the court to seek remedy for any wrong done against him by a public servant or a public agency in the course of discharge of public duty. This is called judicial remedy. Secondly, there are Parliamentary procedures to raise questions in Parliament, also there is a Parliamentary Committee called the Committee on Petitions. Thirdly, departmental as well as public enquiries can be instituted against public servants for their misconduct. Again complaint forums have been set up at different levels to deal with public complaints. The Administrative Reforms Commission (1966) recommended the setting up of Lokpal



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and Lokayukta for dealing with complaints against the administrative acts of ministers or secretaries to government, both at the Centre and in the States. Although, no institution of Lokpal and Lokayukta has yet been established at the Centre, some States have appointed Lokayukta. There is a Central Vigilance Commission for several government departments and public sector undertakings to deal with increasing corruption. Thus, there are varied institutional devices to deal with redressal of public grievances.



Terminal Exercises

1. Why is redressal of public grievances very important for a democracy?
2. What are the various instruments of redressal of public grievances?
3. What is the role of Lokpal and Lokayukta?
4. What is the role of Central Vigilance Commission?



Answers to Intext Questions

36.1

(a) redressal, (b) democracy, (c) Lokpal, (d) Court, (e) Parliament, (f) Forums.

36.2

(a) Lokpal, Lokayukta. (b) Maharashtra. (c) Santhanam, (d) limited.

Hints for Terminal Exercises

1. Refer to Section 36.3
2. Refer to Section 36.4
3. Refer to Section 36.5
4. Refer to Section 36.6

Extended Learning

- 1) Mohit Bhattacharyya – Public Administration: Structures, Process and Behaviour, Calcutta, World Press, 1987.
- 2) Vidya Bhushan, Vishnoo Bhagawan – Indian Administration : New Delhi, S Chand & Co., 1974.
- 3) Avasthi & Maheswari – Public Administration: Agra, L.N. Agarwal, 1980.
- 4) Runki Basu – Public Administration; Concepts & Theories: New Delhi, Sterling Publishers, 1986.

Question Paper Design

Subject Pol.Sc.
Paper Marks 100

Class: Senior Secondary
Duration : 3Hrs.

1. Weightage by objectives

Objective	Marks	% of the Total Marks
Knowledge	28	28%
Understanding	40	40%
Application	32	32%
Total	100	100%

2. Weightage by types of question

Long Answers	5 × 8	40
Short Answers	8 × 5	40
Very Short Answers	10 × 2	20

3. Weightage as per the Content

Unit/Subunit	Marks
1. Individual and the State	14
2. Aspects of the Constitution of India	15
3. Structure of Government	17
4. Democracy at Work	12
5. Major Contemporary Issues	15
6. India And the World	12

Optional Module

1. World Order and the United Nations	15
OR	OR
2. Administrative System of India	15
Total	<u>100</u>

SAMPLE QUESTION PAPER - 1

POLITICAL SCIENCE

Maximum Marks: 100

Time : 3 Hours

GENERAL INSTRUCTION

- (i) The paper consists of section A & B
- (ii) All questions in core module (i.e., section A) are compulsory.
- (ii) Candidates are given choice in Section 'B'. They are required to attempt questions from either Option I or Option II.
- (iv) Maximum marks of each question and each part thereof have been indicated against it.

SECTION A

- | | |
|--|-----------|
| 1. Define Political Science. | 2 |
| 2. What is the meaning of liberalism ? | 2 |
| 3. Mention any two essential elements of the state. | 1 + 1 = 2 |
| 4. What is the relevance of the Preamble of the Indian Constitution ? | 2 |
| 5. Define Republic. | 2 |
| 6. Mention any two qualifications of the judges of the Supreme Court. | 1 + 1 = 2 |
| 7. What is the meaning of communalism ? | 2 |
| 8. What is the meaning of pressure groups ? | 2 |
| 9. Identify any two areas of co-operation between India and Russia. | 1 + 1 = 2 |
| 10. Describe briefly any five salient features of the Constitution of India. | 5 |
| 11. Explain any five executive functions of the President of India. | 5 |
| 12. Explain any five function of the Election Commission of India. | 5 |
| 13. Describe any five features of the Indian Party System. | 5 |
| 14. Define governance. Mention any three hindrances in the way of good governance. | 2 + 3 = 5 |
| 15. Explain any five basic principles of India's foreign policy. | 5 |
| 16. Describe the India-Pakistan relationship during the last decade. | 5 |
| 17. Define nation. Mention the essential elements of nationality. | 2 + 6 = 8 |

OR

- | | |
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| Describe any four tenets of Gandhism. | 4 × 2 = 8 |
| 18. Explain that the Indian Constitution is federal in form but unitary in spirit. | 8 |

OR

- | | |
|---|-----------|
| Describe the legislative relation between the Union and the States. | 8 |
| 19. How is the Prime Minister of India appointed ? Analyse his powers, position and role. | 2 + 4 = 8 |

OR

- Examine the organisation, jurisdiction and position of the High Court. 2+4+2=8
20. Examine the role of Caste in the Indian politics. 8
- OR
- Make out a case either for or against reservation policy in India. 8

SECTION B

Module 1

Optional I : World Order and the United Nations

21. What is the meaning of unipolarity ? 2
22. Explain any five principles of the United Nations. 5
23. Analyse the policies of the United Nations with regard to the maintainance of peace. 8
- OR
- Evaluate the role of the UN agencies concerned with socio-economic development. 8

Module 2

Optional II : Administrative System of India

21. What is the meaning of the Buraucracy ? 2
22. Explain the reforms suggested for the redressal of the public grievances. 5
23. Assess the composition, powers and position of the Union Public Service Commission. 2 + 2 + 4 = 8
- OR
- Examine the main functions of the Cabinet Secretariat. 8

MARKING SCHEME

SECTION - A

1. Political Science deals with the state and government as it was, it is and it should be
2. Liberalism is an idea committed to freedom as a method of policy in government and as a way of life for the individual and community.
3. The essential elements of the state are : (i) Population (ii) Definite territory, (iii) Government and (iv) Sovereignty (any two).
4. The Preamble of the Indian Constitution is relevant in so far as it states the objectives of the Constitution (justice, liberty, equality and fraternity) and explains the governmental structure in India, to be democratic sovereign, republic, based on the sovereignty of the people.
5. Republic refers to a system of government headed by the official elected directly or indirectly by the people.
6. The two qualifications of the judges of the supreme court are : (1) A person has to be a citizen of India, and (2) He/she should have been a judge of the High Court(s) for at least a period of 5 years or is an eminent jurist.
7. Communalism is the use of religion for political gains.
8. Pressure groups are interests' groups which influence decisions of the government so as to favour the groups seeking the fulfillment of their respective interests.
9. The two areas of co-operation between India and Russia are : (a) Russia's help in India's economic projects. (b) Mutual trade relations between the two countries.
10. The five basic features of the Constitution of India are : (i) It is the most lengthy constitution in the world; the original constitution had 395 articles; (ii) It is partly flexible and partly rigid; (iii) It is federal in nature and unitary in spirit; (iv) It provides for a parliamentary form of government; (v) There is a provision for singular judiciary.
11. The five executive functions of the President of India are : (a) The President appoints the Prime Minister and on his/her advice, other ministers; (b) He appoints the Governors of the states; (c) He is the Supreme Commander of the armed forces; (d) He appoints ambassadors and accept credentials from ambassadors and (e) High Commissioners coming from various states.
12. The five functions of the Elections Commission are : (i) Preparation of the electoral rolls for all types of elections in India; (ii) Supervision of the election machinery with regard to all elections; (iii) Determination of the dates relating to election schedules; (iv) Granting election symbols to the political parties; (v) Recognising national and regional parties.
13. The five features of the Indian party system are : (i) Dominant party system with emphasis on leadership (ii) Multiparty system (iii) Politics of defection (iv) Increasing role of the opposition (v) Increasing role of regional political parties.
14. Governance is concerned with powers, strategies, policies, plans and projects to improve the substance or quality of life.
Hindrances : (a) Growth of population (b) corruption (c) increasing culture of violence.
15. (i) Faith in United Nations, (ii) Faith in Non-alignment Movement, (3) Advocacy of the Panch sheets, (4) Friendly and peaceful relations with all the countries, in particular with neighbouring countries; (5) Settlement of disputes through negotiations.

16. With the friendly stance in the relationship, during the last decade inspite of Kargil, terrorism and Kashmir. The exchange of visits by the heads of the state and government, signing of treaties relating to trade and commerce; starting of trains and bus services for the exchange of visits by the general public.
17. A nation is a body of people who feel themselves to be naturally linked together by strong affinities Elements of Nationality. Common geography, common religion, common political aspirations, common culture. These elements are to be briefly explained.

OR

Gandhism : (a) Non-violence/Ahimsa, (b) satya and Satyagraha, (c) Ramrajya, (d) close relationship between politics and religion, (d) faith in the policy of trusteeship (any four). The above tenets are to be briefly explained.

18. The Indian Constitution is partly federal and partly unitary, as it contains the features of both the form of government. The candidates are expected to explain briefly their features and conclude that India is normally federal and can become unitary during emergencies.

OR

The candidates are expected to high-light the division of powers between the union and the states through the Union, the State and the Concurrent lists as provided in the constitution, as well as to show that the Union Government is more powerful than the states governments.

19. India has adopted the parlimentary system in which the Prime Minister is appointed by the President of India wherein the leader of the majority party or that of the coalition of parties is invited to be Prime Minister.

All the powers of the President as mentioned in the Constitution are exercised by the Prime Minister. The students should briefly explain them.

The Prime Minister is the real head of the executive as well as the head of the government.

OR

The chief justice and the judges of the High Court are appointed by the President of India as per the provision of the Constitution of India.

The High Court enjoys, the following jurisdictions : (a) Original Jurisdiction, (b) cases relating to the substantial question of law, (c) superintendence of the subordinate courts, (d) the Court of Record. These points may be briefly explained.

The High Court is subordinate to the Supreme Court but is one that supervises the lower/subordinate courts.

20. India's social structure is based on caste and jati. Verna Vyvastha provides more the theory than the actuality of the caste.

Caste is a collection of families or group of families having a common name, claiming a common descent and form a single homogeneous community. In independent india - a democratic caste system has started playing a nefarious role. Be it choice of candidates at the time of election, or filling governmental jobs preference is given to the caste. Even people cast their votes keeping in mind the candidate's caste.

OR

Reservation policy is based on protective discrimination. Equality of opportunity in the absence of equality of conditions results in the deepening of inequalities instead of promoting equalities.

In india, reservations have been provided for the people belonging to the Schedule Caste, the Scheduled Tribes, the Other Backword Classes, as well as have been provided in order to fulfil the promises of women empowerment.

The candidates are supposed to make the case for or against the policy of reservation.

Optional Module I : World order and the United Nation

21. Unipolarity refers to only one polar world such a situation arose following the disintegration of the USSR. The unipolar world is headed by the United States of America.
22. Principles of the United Nations
 - (a) Maintenance of world peace and security.
 - (b) Avoiding war between/among the nations.
 - (c) Disarmament.
 - (d) Mutual Co-operation : economic, cultural etc.
 - (e) Settlements of disputes through arbitration and mediation.
 - (f) Sending peacekeeping forces wherever necessary. **(Any five to be explained)**
23. The candidates are supposed to first highlight the aims and policies of the United Nations and then show as to what extent it has succeeded in maintaining world peace.

OR

The candidates should have explained the various agencies of the UN such as ILO, UNICEF, UNESCO, WHO, IMF, UNCTAD.

OR

Module II : Administrative System of India

21. Bureaucracy is one of the important organs of the government of India. It plays an important role in the administrative set up of the country. It is also called the permanent executive, i.e. public servants advise the political executive i.e. the ministers while formulating policies and programmes of welfare.
22. Reforms for the redressal of the Public Grievances are : (a) prevention of corruption in public offices to be checked; (b) appointment of the Central Vigilance Commission (c) introduction of the institution of the OMBUDSMAN, (d) appointment of the Lok Adalat and the Lok Pal.

The candidates are supposed to briefly explain the above reforms.

23. The Chairman and the members of the Union Public Service Commission are appointed by the President. The UPSC conducts competitive examinations for the administrative and such other high posts. The selected candidates undergo strenuous training. It also recommends cases of promotion of the officers suspension, transfers etc.

The UPSC is playing a very laudable role in providing the country a team of most efficient administrators.

OR

The main functions of the Cabinet Secretariat are : (a) preparation of the proposals for sending delegation abroad (b) prepares proposals for appointing public committees for enquiries (c) prepares proposal, for reversing any decision made earlier, (d) considers the cases arising out of the administrative departments, consideration of the cases which the President and the Prime Minister may put before the Cabinet, (e) or any other relevant function.

The candidates are supposed to explain the above functions.