CHAPTER III

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The institution of Ombudsman is intended to redress citizens' grievances. A citizen's grievance is the public dissatisfaction with the functioning of governmental process. In the welfare state like India, which is engaged in nation building and socio-economic planning, public dissatisfaction is proliferating owing to the gap between rising expectations of the people and malfunctioning of the administrative machinery. Public Grievances are aroused by administration of rural and urban areas and are multifarious and multi-dimensional.

Grievances in Rural Areas

Over the past two decades rural population has increased by 21% (from 298.5 million in 1951 to 438.8 million in 1981). Along with this the administration in rural areas has been intimately connected with the developmental fields of consolidation of land holding, agriculture, Pisciculture, sericulture, animal husbandry supply of water, power, sanitation and preventive health facilities, medical care, credits for rural poor, for agriculture, artisans handicrafts and small scale industry and provisions to provide land to landless, educational facilities, transport service, post and telegraph services and provision for supply of essential commodities. Citizens' grievances in rural may be areas of following types.
(a) **Non-availability of intermittent supply**

Rural administration is responsible for supplying essential commodities, such as kerosene, oil, medicine, fertilizers, seeds, pesticides, electricity. Further, rural administration provides credits of long term or short term loans for purposes of agriculture and small scale industries. The complaint of beneficiaries is that either the supplies are not available to the villagers or available to them on payment of some illegal gratification. Further, the supplies are sold to black marketers.

(b) **Delay in Supplies and Services**:

In the villages of India, delay in supplies and services is well marked. The problem is quite acute in the supply of electricity to household and to irrigation points. Supplies to ameliorate agricultural production is much neglected. Particularly, supply of seeds, pesticides, agricultural credit, are delayed. To add to it agricultural seeds supplied are sometimes of low quality\(^1\). For example, Oil Seeds Corporation supplied low quality of ground nut seeds named 'Kissan'. Farmers in Orissa

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1. It has been reported in *Samaj, Oriya Daily*, Dated 27th May 1988.
alleged that in earlier years they were accustomed to use A.K - 1224 seed and got yield of 6 to 8 quintals per acre. But by using the new high-yielding varieties - Kissan - they got only 2 to 3 quintals per acre. Moreover their dissatisfaction with Civil Supplies and distribution system of rural administration touches dizzy heights when they are compelled to purchase kerosene, sugar, cement, cycle tyres and tubes from black market.

(c) Harassment :

Citizens in rural areas faced harassment of varied intensity when they approached the authority for securing medical service, administrative service, agricultural service etc. In this regard issues of controlled permits and quota are noteworthy. It gives ample scope for corrupt practices and generates insurmountable difficulties for the citizens. Moreover, politicisation in every sphere of rural administration adds complexity to the emerging grievance pattern.

Grievances in Urban Areas.

Urban India has now in all 3,245 cities and towns. Urban population was 230 million in 1987, a four
fold increase from 56 million in 1951. The spiralling urban population now account for a fourth of the country's people. One third of the urban population lives in huts or one-room tenements. In Calcutta, Bombay, Delhi, Madras, Bangalore, Ahmedabad roughly one third of the population lives in darkness. Quite a sizeable population i.e., 66.9% in Calcutta, 68.6% in Madras, 56.5% in Bangalore, 48.6% in Delhi, 33.1% in Ahmedabad and 41.7% in Bombay has no tap water facilities. Further, 50% people in Calcutta, 43.7% in Bangalore, 31.8% in Delhi, 31.3% in Madras, 26.6% in Bombay and 26.1% in Ahmedabad have no toilet facilities. In fact urban India is facing "explosion of the civic services" which necessarily incur
grievances. Problems of housing sanitation and health care of migrants and slum dwellers are also adding momentum to the existing pattern of grievances in urban areas.

Grievances arising out of Government Programmes

A good number of developmental programmes like (an Integrated Rural Development Programme, Integrated Child Development Schemes, National Rural Employment Programme and Rural Labour Employment Guarantee Programme) are launched by Government for the uplift of the underdogs. But owing to corrupt practices and mal-administration grievances of the beneficiaries are gathering momentum. To take an example, an adhoc sum of ₹55 crore has been released by the centre for augmenting drinking water supply in the nine worst affected states in 1987. An additional ₹14 crore has been sanctioned for the purchase of drilling rigs and accessories for 13 states. Also government released second instalment of National Rural Employment Programme and Rural Labour Employment Guarantee Programme for generating employment opportunities. But the implementation of these programmes suffer from inefficiency and corruption and consequently grievances mount up. A case study in Ajmer district of Rajasthan shows that the state has been notoriously slow in making payments for relief works undertaken one or two years ago. Even ₹4 crore money for previous project was not released until Rajiv Gandhi, Prime Minister paid

4. Relevant data are quoted from *India Today*, October 15, 1987, p.150-152.
a visit to the area in autumn of 1987. Moreover, the people there were paid Rs.2 to Rs.5 and no more than 3 Kg. of wheat. But sanctioned payment to people in affected area is cash of Rs.11 or 7 Kg. of wheat a day for eight hours of work. And the rest is extracted by officials there. To add to it another study conducted by India Today, a national periodical in Gujurat in interviewing 60 people in about 18 relief works of Porbandar, Ranavar and Kutiyana talukas of Junagarh district, revealed that no labourer is paid Rs.11 for a day's work. Most of them got under Rs.7 for the whole week.

_Treasuries and Citizens' Grievances_

Another area of the citizens' grievances arise from the procedural and intentional lacuna in the treasuries spread all over India. The grievances relate to deposit of money in the treasury and receiving payments in the nature of pensions, pay bills, grants-in-aid, advances from provident fund and so on. As such in course of deposit of taxes and funds for services rendered by the government and receiving payments the network of treasuries cause untold hardship to citizens. In this connection the Administrative Reforms Commission has observed:

"The satisfaction which an administration may bring to a citizen is not so immediate by what is proposed or done at the higher levels with whom the citizen directly
comes into contact. The treasuries which are pivot of our financial system affect almost every citizen of the country. The present systems and procedures of the Treasuries, in matters of payments and receipts, are irksome and dilatory and they cause considerable inconvenience, even harassment. In the light of the magnitude of citizens' difficulties R.K. Dhawan carried out studies of six treasuries and M.J.K. Thavaraj and K.L. Handa surveyed 12 treasuries. All the studies revealed that the procedures for depositing and disbursing money were cumbersome and were causing great harassment, botherations and inconveniences to the citizens. Difficulties of the citizens are of the following nature.

(a) Citizens have to wait for a long time with no public conveniences and have to find it difficult to meet the required formalities.

(b) At times, they feel embarrassed in meeting the objections from the department concerned time and again.


6. R.K. Dhawan, Public Grievances and the Lokpal, Allied Publishers, 1981, p.46. The six treasuries are in the district of Rohtak (Haryana State) Ahmedabad (Gujurat), Hazur Treasury (Bangalore) and Ramanagaram district Treasury (Karnatak) and the treasuries of Delhi and New Delhi (a Union Territory).

Careless entries are frequent, which require the citizens to go to the pavillion again.

As treasury organisation involves three agencies, namely, the department, the treasury and State Bank of India, Chances of error, and delay are likely to occur. And citizens have to pay for departmental delay and neglect of governmental officials.

If the trio of treasury organisation are kilometers distance apart, plight of the citizens are insurmountable.

Harrassment and inconvenience of citizens touches the height in getting a refund voucher passed by a sub-treasury. Citizens have to encounter the complicated procedures and formalities irrespective of the quantum of deposit and refund involved. 8

Indian Penal System and Grievances.

The State of Indian Penal System and its relation with grievances is quite precarious. The penal system and penal institutions are crippled with unfair treatments to unprivileged under trials with conviction, the physical abuse and corruption. Also the overcrowding, the appalling unsanitary conditions, lack of amenities and medical

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8. R.K. Dhawan pointed out a case of a poor citizen, who travelled four to five times from Sohepat to Rohtak, 40 kms. distance for disbursement of Rs.126/-. See Ibid., pp.46-47.
facilities are endemic feature of our penal system as a whole. This unbelievable sub-human conditions are exposed in a case study of penal system in Bihar by Illustrated Weekly of India. As such the gloomy picture of Indian Jail system and callousness on the part of the authorities breeds grievances of the under trial prisoners. But to mitigate their grievances so well defined institution is there. In event of their need for an Ombudsman institution, with provision for seeking assistance from Jail is of urgent necessity.

Administration & Citizen's Grievances at District Level.

Very often public grievances emmerge out of the gap between peoples' aspirations and the extent of fulfilment of those aspirations by the administrative machinery. The dissatisfaction of the aggrieved public gives rise to public grievances and the ameliorative factors are traced in decision-making and policy implementation level. This set of grievance is called structural grievance and is further divided into (i) procedural grievance (ii) grievances because of lack of co-ordination and (iii) grievances out of workload. The first category relates to inordinate procedural delay in providing service to the public. The


second category amounts to lack of co-ordination which may be of intra-department or inter-departmental. For the implementation of an agricultural loan scheme involves the co-ordination of Directorate of Agriculture and Nationalised Banks or Co-operative Banks. Finally, grievances emanate from the excessive workload upon the concerned departments. In short, this group of grievances can be fairly avoided which largely amounts to (1) discourteous behaviour to public in handling public demands; (2) intentional delays in implementing institutional work; (3) corrupt practice, partiality and favouritism committed for non-material gains and; (4) graft in cash or in kind for illegal transaction or preferential treatment.

CHANNELS OF REDRESS OF GRIEVANCES

In the Indian Political System, the available remedies for redress of complaints of corruption can be grouped under following channels.

(A) Administrative.
(B) Legislative.
(C) Judicial & Quasi-judicial.
(D) Supra Departmental.
(E) Others.

A. Administrative Channels

For the speedy disposal of citizen's grievances administrative redress machinery is available both at the State level as well as at the Centre.
State level Redress Machinery.

State level redress machinery can be further divided into (a) Departmental channels of redress; (b) special public complaints machinery at the district level and (c) Redress machinery at the State Headquarters.

(a) Departmental Channels of Redress:

It means filing of a complaint with the higher departmental authorities. For speedy redress of citizens' complaints following arrangements are made in the States of India with little variations.

Complaint Cell and Complaint Officer.

In several states a special complaint cell is established in major executive and Secretariat departments. The Secretary of a department is designated as Public grievance Officer. This trend of establishing complaint cell and complaint officer is unusual in field i.e., at district levels. But, in several States the Collector acts as grievance officer at district level and a cell is

11. In post-1964 period steps are taken for the creation of departmental grievance cell. Union Ministry of Home Department in 1964 issued guide lines for other departments for the establishment of grievance counters and accordingly States introduced the pattern for redressing grievances.
established to that effect. This provision had been recommended by the Study Team of Administrative Reforms Commission on State Administration. But the suggestion was unacceptable to Administrative Reforms Commission on the ground of magnitude of citizens' grievances at district levels.

Despite advantages, the system suffers from shortage of staff, spiralling of complaints, lack of consummate skills and involvement in mitigating complaints. At times receipt of complaints and despatch of the same for inquiry ends the responsibility of redressal of grievances. In reality, the grievance officer in the department gets overburdened with his administrative work. All these account for the deterioriation of the departmental channel of redressal of citizens' grievances.

Procedural Simplification & Increasing Efficiency.

To avoid delay in mitigating grievances the procedure is being streamlined. Categorical stipulation is imposed on the manner of receiving and disposing

12. Variations are found particularly in Punjab & Haryana, Tamil Nadu, Karnataka and Jamu & Kashmir. A senior Magistrate is designated as Grievance Officer in Punjab and Haryana. Officer of Class I i.e. rank of Tahasil Dar looks after grievance in Karnataka. In Jammu & Kashmir the next higher officer in the District Headquarters is designated as Complaint Cell Officer. Tamil Nadu provides Officers for each districts to look after grievances. Data are quoted from R.K. Dhawan, Ibid, p.58.
complaints. Besides grievance day in a week, specific time during office hours every day is allotted by the higher authority in the departments to meet the public. Generally, the process is of some help in disposing grievances of lesser degree. Even, the public has to wait for long time for getting an interview with the administrator, an opportunity which is allowed at the convenience of the latter not the former. This procedure has, therefore, not proved to be as effective as it was expected to be.

On-the-spot redressal

Higher officials from headquarters visit fields to inspect subordinate officials. At times, during such visit, they hear complaints. In practice, redress of public grievance by this method is meagre. Another manner of redress is by the Ministers at time of district tours. This practice is very common in States of Punjab, Haryana, Maharashtra and Gujarat. However, the scope of on the spot disposal by ministers is limited. This process can not

13. See R.K. Dhawan, ibid., pp.60-61. Here the author provides two examples of Karnataka and Punjab. In former, Karnataka Government acknowledges petitions within 24 hours and action to the petitioner is intimated by the competent authority at its own level without waiting for reports from the lower level. In later, the competent Authority should get reports on complaint within 21 days. Further, in Jhabua district of Madhya Pradesh public grievances are received and disposed in weekly Hat; see M.L. Malhotra, 'Redress of Public Grievances', IUPA, Vol.XXIV, No.4, October-December, 1988.
entertain cases subjudice, criminal cases and all formerly decided cases. This method has proved a success in Gujurat. But jurisdictional ambiguities are prevalent in this process. In Punjab, Haryana and Maharastra, a Minister is allotted certain district for hearing complaints pertaining to any department. But in Gujarat a Minister can hear complaints of his department only. To add to it, on the spot disposal of cases by verbal orders does not conform to official and administrative Rules and involves procedural flaws. Evidently, the scheme was not favoured by Punjab Administrative Reforms Commission (1964-65) and Central Administrative Reforms Commission.

**Complaint Box and Reception-Cum-Enquiry Counters.**

Another device of helping citizens in putting forth their grievances to the appropriate authority is installing Complaint Box and reception-cum-enquiry counters in the departments. But the use of the device is ignored by the public because they attach less credibility to it.

**Grievance Committees.**

Three types of District Grievance Committees function in States to deal with public complaints. The first category exists in Haryana, Madhya Pradesh and Punjab and it consists of officials and peoples'
representatives of the districts. Its function is only to ensure that grievances of the people are properly attended. The second category relates to co-ordination committees that looks into inter-departmental grievances.

It consists of official and non-official members of M.L.As, M.Ps of the district and the president of Zilla Parishad etc. This type of Committees are in vogue in the States of Assam, Madhya Pradesh and Punjab. The third category pertains to public relations and grievances committees. It acts as a liaison institution between citizens grievances and the administrative machinery for redress of grievances.

This channel is quite inadequate for articulation of grievances. The non-official members, represented in the Committees are motivated by personal and party interest instead of providing justice to the aggrieved citizen. Moreover, entrusting of mitigating grievances to a Committee calls for delayed justice. As such this idea is not supported by the Administrative Reforms Commission.

Inadequacies of Administrative Channels of Redress.

As noted above the grievance machinery at the State level is not up to the mark in redressing citizens' grievances. A Study\(^\text{14}\) by R.K. Dhawan in eight villages of

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Barabanki district highlighted the point that generally half of the aggrieved persons lodged complaints and others are disinclined because of inherent lacuna, i.e., prevalent illegal gratification and delay. This is also true of citizens who hail from urban areas. At times attempts have been made to improve the efficiency of grievance machinery. For example, "at the conference of the Chief Secretaries of various States held in June 1976, it was decided that States should take concrete steps including simplification of procedures and direct involvement of officers and ministers to ensure quick redress of citizen's grievances".15

Administrative Channels for Redress at the Centre.

Citizens come in contact with the central administration in its regulation of imports, exports, industrial licensing, control of essential commodities prevention and detention of persons, drugs control and collection of income tax, corporation tax, customs and excise. The contact points between citizens and central administration are diversified. Evidently, it incurs citizens' grievances pertaining to inadequate facilities and services, inordinate protracted delays, favouritism in decision making, intentional harassment, use of speed

money and political influence. To cater to the need of redressing citizens' grievances, the government of India, Ministry of Home Department, issued a circular to all the Central Ministries and Departments to ameliorate and streamline departmental machinery and procedures for handling complaints.

Complaint Cell

The aforesaid circular in 1964, provided the establishment of complaint cells in each department under the supervision of an Officer of the rank of a Joint Secretary. Following the instruction, complaint cells were set up in several ministries, departments and attached organisations in 1968. Besides as to role function of complaint cell it is to be marked that in addition to its departmental work it was quite burdensome and impracticable on the part of a Joint Secretary to discharge the function as Grievance Officer. Further, report of the ARC Study Team on Economic Administration states that "There is a feeling, never explicitly mentioned but frequently implied that officers at high levels have a tendency to support the actions of their subordinates". A follow up instruction was circulated by the Government to all ministries and department in

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July 1968 to make inspection of the complaint cells. In reality "till to date no review has been made of the action taken by the various departments on the instructions of July, 1968"17.

Over and above to the arrangements the Prime Minister, Mr. Rajiv Gandhi on January 1985 announced a package of measures to tackle grievances and to give a service touch to the public administration. And the package programme took an institutional turn when a separate department of Administrative Reforms and Public Grievances was established in March 1985 to look into public grievances in addition to identify systemic deficiencies. This arrangement is unlikely to the office of Ombudsman in so far as it is created by an executive order and an dependent extention wing of Government. However, to review its performance, it received 11,647 grievances in 1987 as revealed in Table No.3.18


TABLE NO.3.1
GRIEVANCES HANDLED BY ARPG DEPTT. IN 1987.

<table>
<thead>
<tr>
<th>Area of Grievances</th>
<th>Number</th>
<th>Departments</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delay</td>
<td>706</td>
<td>Railways</td>
<td>1,090</td>
</tr>
<tr>
<td>Service matters.</td>
<td>3,628</td>
<td>Defence</td>
<td>910</td>
</tr>
<tr>
<td>Appointment on compassionate Grounds</td>
<td>245</td>
<td>Labour</td>
<td>529</td>
</tr>
<tr>
<td>Financial assistance.</td>
<td>234</td>
<td>Posts</td>
<td>384</td>
</tr>
<tr>
<td>Corruption.</td>
<td>798</td>
<td>Telecom.</td>
<td>363</td>
</tr>
<tr>
<td>Harrasment.</td>
<td>638</td>
<td>Banking.</td>
<td>610</td>
</tr>
<tr>
<td>Civil amenities.</td>
<td>77</td>
<td>Urban Development.</td>
<td>246</td>
</tr>
<tr>
<td>Claim Complaints.</td>
<td>277</td>
<td>State Government.</td>
<td>3,521</td>
</tr>
<tr>
<td>SC/ST Welfare</td>
<td>60</td>
<td>Others.</td>
<td>3,994</td>
</tr>
<tr>
<td>State Government.</td>
<td>2,823</td>
<td>matters.</td>
<td></td>
</tr>
<tr>
<td>Others.</td>
<td>2,161</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total: 11,647

But the implementation of the scheme is haphazard and sporadic in nature. Achievement in one area is mingled with failures in other direction. The administrative channel is yet to develop a systemic culture for grievance redressal with responsive orientation to the common man. In the departments, the Officer-in-charge of grievance redressal possesses no adequate authority. At best, he ensures the aggrieved party that his complaint was disposed
of or steps were taken for. The department of Administrative Reforms and Public Grievances only functioned as a post-office in sending the complaints to the appropriate departments and ministries and informing the action to the complainant. As such the central agency is denied of redressing grievances satisfactorily and promptly. To meet the inadequacies, the Central Government has approved the establishment of Directorate of Public Grievances in the Cabinet Secretariat.

Whatsoever may be the case the game of grievance redressal is that at the outset internal agencies - Department/Ministries are responsible for mitigating grievances on the spot promptly and satisfactorily. External agency will come into picture in case of failure of internal mechanism in providing relief within a reasonable period. Eventually, perplexity and confusion arises as to which agencies - Directorate of Public Grievances or Department of Administrative Reforms and Public Grievances, aggrieved complainants will contact or approach for redressal. For general citizens the official jargon is not intelligible. Further, the diarchical system will neither satisfy the complainants nor those complained against, as former experience in late 1960s suggested. Justice, in these cases, will be perverted as complained against one to sit for judgements for complainants. And from the point of administrative
convenience they are disinclined to pass adverse judgement over their subordinates.

B. Legislative Channels.

It is a fact that the legislature performs the functions of formulating government policy. In doing so, it also mitigates citizens' grievances through various parliamentary devices. As such the legislative remedies in ventilating the grievances of citizens include the following parliamentary methods: asking questions, raising debates and special discussions; moving motions and resolutions; and using committees.

Putting Questions is a quite effective technique. To some extent it functions well in evoking information. But generally the method is quite inadequate in securing objects. Reasons for it are: (a) Evasive and elusive reply are given by the Government; (b) limited time is allowed for the purpose in the floor of parliament; (c) Our parliamentary system lacks strong and credible opposition.

19. During fourteen years period (1952 to 1966) 101503 notices for questions were received and 57490 were admitted. Source: Souvenirs of Lok Sabha and Administrative Reports of Lok Sabha and Rajya Sabha Secretariats as quoted in Udai Narain, Parliamentary control of Public Administration in India, Chugh Publications, Allahabad, 1981, p.384.
As to other methods, special discussions, adjournment motions are also limited by time and other technicalities. Further, the Committee on petitions entertain petitions on public grievances. The Committee of Lok Sabha considered 106 petitions on matters of general public interest and 4697 representations. Only it secures complete or partial redress in case of 1205 representations. The corresponding Committee in Rajya Sabha considered only two petitions a year. However, the success of the Committee in redressing public grievance is not up to the mark. Even in handling grievances it is not free from bias.

To sum up the discussion, legislative procedures are not technically fit for dealing with grievances cases. Moreover, it mainly deals with grievance matters relating to public at large and not individual ones. Again instrumentalities of parliament fortified with politicisation and patronage are very much ineffective in exercising control over administration. Eventually, there is a demand for an independent and impartial institution to deal with public grievances and allegations.

C. Judicial Channels

In a democracy under constitutional government an independent judiciary is provided to safeguard rights and liberties of the citizens. In India the constitution provides for an integrated judiciary system. During the past forty years of independence due to planning, development and welfare activities vast powers have accrued to government. Any accretion of power by government is usually a pernicious development. To put a check upon arbitrariness and discretionary powers of the administrative authority the constitution itself provides judicial channels for redress of grievances. Besides Administrative Tribunals function to deliver speedy inexpensive justice to agrieved government servants. In this regard mention is to be made also of Lok Adalat or People's Court, another innovative, informal and simple procedure for providing justice.

Courts as Channels of Redress.

Under provisions of the constitution integrated judicial system acts as a 'balance-wheel' in Indian Parliamentary political system so far as public grievances are concerned. However, the scope of courts as a channel of redressing grievances is very much limited by the certain factors. First, judicial proceedings are dilatory, formal and expensive. Further, it is handicapped
by backlog of cases. Secondly, the executive imposes its will in matters of appointment and transfer of judges of High Courts. Even for continuance in office, a Chief Justice of a High Court is forced to develop a political outlook which becomes detrimental to the administration of justice. Third, erosion of public confidence in judiciary also makes the channel ineffective for redressing grievances.

To conclude, judiciary once enjoying immense public confidence, now on the declining trend.

21. According to Ministry of Law Sources as reported in local daily Samaj, 18 October 1988 p.1, 1,62,077 cases are pending only in Supreme Court and 3,74,990 cases are pending in 18 High Courts.


23. A Survey conducted by the Operation Research Group pointed out the popular dissatisfaction with the administration of justice. The reasons are (a) Judiciary has failed to attract the best talent from the bar; (b) judgements of the courts are shaped more often by political beliefs and class-background of judges; (c) Sitting Supreme Court Judges are appointed for inquiry involving politicians and political issues; (d) Judiciary is not within the reach of common man today; (e) It is more subservient to Government and; (f) legislature and bureaucrats are a great threat to the judicial system. See Indian Express December 16, 1987 and B.R. Sharma, "Public Confidence in the judiciary: Some questions", Cochin Univ.Law Review.
Administrative Reforms Commission, considering the problem of grievances of government servants as to service matters recommended setting up of Administrative Tribunal on its report on "Personnel Administration". Reason for such recommendation is pertinent on the ground that existing machinery for redressal of public grievances do not entertain grievances of government servants relating service matters. And incidence of such complaints is legion. Accordingly provisions for Administrative Tribunal were made in the constitution by inserting Article 323A by 42nd Amendment Act 1976. Thereafter Administrative Tribunals Act, 1985 was passed under this Article. As follow up action central Administrative Tribunal (CAT) was set up in November 1985 with the purpose of mitigating grievances of government employees speedly and inexpensively. Till March 1988, 14 CATs were instituted. These benches received 17,204 cases from various High Courts and subordinate courts on transfer. Also it accepted 7212 fresh cases. Of the total the institution disposed 8,191 cases.

To review its role function in a nutshell it can be said that in early two years of its inception it functioned well. Gradually with the passage of time CAT is overburdened with pendency of cases. Further, there

is likely that in this system the same authority which rejects the appeal of a government servant sit for judgement when a complaint is filed. Obviously, the necessity of an outside agency - Ombudsman - arises.

Lok Adalat

To deformalise and simplify the search for justice and lessen the overload of Indian Court system there exist Lok Adalats (or Peoples' Court). It was organised by sitting judges of Supreme Court or State High Courts and also presided over by a retired judge and a couple of local leaders. It usually deals with compensation claims in motor accidents, claims against the railways, personal disputes and minor criminal cases. Most disputes here were generally settled by compromise. The Lok Adalat experiment is still recent. It is difficult to predict whether it will supplement or supplant judicial process. Moreover, the success of the system rests on the conciliation between parties and if no consent arises, the institution fails.

D. Supra Departmental Channels

Besides administrative, legislative and judicial machineries supra-departmental institutions exist so as to function as channels of redress of public grievances. Right from 1963 concrete efforts have been taken to ensure that public complaints receive an impartial treatment. The Committee on Preyention of corruption, 1963 (Santhanam
Committee) recommended for setting up of Central Directorate of Complaints and Redress with the avowed purpose of looking into all complaints which may be transmitted by the following agencies:

(a) those forwarded by the public vigilance committee;
(b) those recommended by Members of Parliament;
(c) those sent by the Committee on Petitions of both Houses of Parliament; and
(d) those which the Directorate considers fit for investigation.

Originally, the Committee recommended the creation of a Central Vigilance Commission, headed by a single Commissioner and composed of three directorates of: (a) general complaints and redress; (b) vigilance and; (c) Central Police. The functions and powers, it recommended, would be somewhat like those of New Zealand's Ombudsman with one, exception. The exception was that he would also inspect for corruption and could initiate a prosecution against an official if he was not satisfied with the action taken by the Government of his recommendation. The government, however, accepted the recommendations only partially. It rejected the proposal for a directorate of general complaints and redress. Instead, it appointed
a Commissioner for Public Grievance\textsuperscript{25} (of the rank of Additional Secretary) in January 1966 in the Ministry of Home Affairs to supervise the handling of grievances and the work of new complaints officers in the ministries and departments and also to receive and review grievances himself.

Upto the end of March 1967 Commissioner for Public Grievances received about 1400 complaints and took remedial action on many of them. But it is to be noted that the incumbents - the Commissioner and the departmental officers - however, were part and parcel of the administration itself. Therefore, Administrative Reforms Commission in October 1966, in its special interim report, proposed a new scheme for independent Ombudsman-like grievance officers. In consequence, the office of Commissioner for Public grievances was abolished in July 1967\textsuperscript{26}.


Thereafter in 1968, Lokpal and Lokayukta Bill was brought forward in Parliament. Pending actions on the Bill, as an interim measure the Secretary in the Department of Personnel was asked to function as the Commissioner. But no decision was taken thereafter. As a result, the arrangement of the Secretary of Personnel functioning as Commissioner became defunct. This doubtful situation was overcome when a separate Department of Administrative Reforms and Public Grievances was set up in March 1985. As already noted the arrangement has suffered certain inherent defects. Again to rectify the defects a proposal was initiated and approved by Cabinet to set up of an external agency, Directorate of Public grievances in the Cabinet Secretariat headed by an officer of the rank of a Secretary to the Government of India with the following features and role function:

First, The Directorate of Public Grievance (DPG) shall have plenary power to call for relevant files and documents.

Second, It will entertain selected complaints after exhaustion of departmental and ministries channels concerned within a stipulated period of time.

Third, Its jurisdiction will be limited to four Ministries/Departments such as Posts, Railways, Tele-communication & Banking division of the Department of Economic Affairs.
Further, to combat the evils of corruption that encompassed administration intermittent attempts have been made since 1941. The main agencies of anti-corruption action are:

I. Special Police Establishment (SPE):

Government of India established the Special Police Establishment in 1941 to investigate cases of bribery and corruption. An additional Enforcement Wing was added to the main Unit in 1953 with the purpose of looking into violated cases of import and export regulations.

II. Central Bureau of Investigation (CBI):

The Central Bureau of Investigation was created in April 1963 and the Special Police Establishment became one of its Divisions. The overt function of the C.B.I. is to investigate cases of corruption, bribery and misappropriation of public servants. The whole wing - C.B.I. and S.P.E. - can investigate corruption cases of public officials suo moto and also on anonymous or pseudonymous complaints if it feels that they are not frivolous.  

III. Central Vigilance Commission:

On the recommendations of Santhanam Committee the (CVC) Central Vigilance Commission, the apex body, that looks into cases of corruption involving public servants was established in the year 1964 with the equal status of independence and autonomy equivalent to that of Union Public Service Commission. As such the wing is not free from executive influence.

So far as its role-function is concerned it dealt with 426 cases in 1964-65, the first year of its existence. Roughly, after eleven years the figure became 713 (1975-1976). In last years Commission is dealing with number of cases, for example 2056 cases in 1980, 2044 cases in 1983, 2600 in 1984, 2956 in 1985 and 3146 in 1986. In its latest annual report, the CVC suggests that "this could be a pointer to the fact that the Commission is being increasingly perceived as an independent and effective institution which would

28. As to organisation, the Central Vigilance Commissioner is appointed by the President, for a term of six years and is removable as the same as Chairman or Member of Union Public Service Commission were removed. Its staff comprises of eight Commissioners for Departmental Enquiries. Besides, there also exists Vigilance Organisation comprising Vigilance Cell in each Ministry and major departments of the Central Govt. An Officer of the Deputy Secretary rank is designated as Chief Vigilance Officer in each ministry or department. So far, as its role function is concerned, it is an advisory body.

follow up allegations and ensure punishment to defaulters. But the figures are actually a pointer to rising corruption and not to viable anti-corruption machinery. Essentially, it indicates corruption in the "corridors of power-in key government departments in major public sector undertakings, in insurance companies and in nationalized banks". True, major penalties were imposed on 94 officer following the Commission's advice during the year 1986. But the Commission admitted that the figures are a "fraction of the total quantum of malpractices in the government".

Further, the report reveals that inordinate or considerable delay occurs in investigation of complaints by government departments. Normally six months time is fixed for completion of inquiry. But in 587 cases of complaints of misconduct and corruption as to public servants investigation remained incomplete within the stipulated period. "And investigation reports on 116 complaints were

30. Few examples of top officials who are penalised for misconduct and corruption are as follows:

1. An Ambassador whose pension was reduced.

2. A Joint Director of the Oil & Natural Gas Commission (ONGC) who was dismissed from service.

3. A deputy Chief Engineer of Hindustan Fertilizer Corporation who was removed from service.

4. A former Chairman and Managing Director against whom prosecution was launched.

pending for more than three years. Reports on 205 complaints were pending for periods ranging between one to three years. Delay in enquiry necessarily helps the corrupts. Moreover, it is handicapped so far as its jurisdiction touches only allegations and not grievances. The performance of much publicised and dreaded vigilance commissioners and vigilance officers in various departments, despite official pronouncements to the contrary, have remained far from satisfactory and has failed to inculcate a sense of confidence among the citizens that their grievances would be justly and duly remedied.

31. An illustrative case of delay on the part of the authorities in processing a Vigilance matter was reported in Sunday, 10-15, January 1988. On the basis of a complaint received by the C.V.C. against certain senior officers of Bharat Heavy Electricals Limited (BHEL), a report was sought by the Commission from the Chief Vigilance Officer, BHEL on 18, March 1985. After the lapse of 14 months, the report was available to the Commission and on examination it was wanting in many respects. The Commission wrote back to BHEL on 4 September, 1986 seeking a fuller and more comprehensive report on the changes levelled. BHEL's response is still awaited as to the date of it was published.

Existing Ombudsman type like Machinerys

To add to this above channels, there exist other Ombudsman type machinery for the redress of grievances of particular sections of citizens' against administration. The machinery consists of the following:

(a) Commissioner for Scheduled Castes and Scheduled Tribes.
(b) Commissioner for Linguistic Minorities.
(c) Minorities Commission.

(a) Commissioner for Scheduled Castes & Scheduled Tribes: The office of the Commissioner for Scheduled Castes and Scheduled Tribes was created in 1951 under Article 338 of the Constitution of India. And according to the provisions of the Constitution it shall be the duty of the Commission to investigate all matters related to the safeguards provided for the Scheduled Castes and Scheduled Tribes. Procedurally, the Commission is four-square;

33. Constitutional safe guards for scheduled castes and Scheduled Tribes have been provided for and Articles 15, 16, 17, 29, 330, 332, 334, 335 and 164, 244 i.e. V and VI Schedules to the constitution of India, Art 15 : Prohibition of discrimination on the grounds of religion, race, caste, sex or place of birth; Art 16: Equality of opportunity in matters of public employment; Art 17: Abolition of untouchability; Art 29: Protection of interests of minorities; Art 330 : Reservation of Seats for S.Cs & S.Ts in the House of People; Art 332 : Reservation of Seats for S.C. & S.T. in the Legislative Assemblies of the State; Art 334 : Reservation of Seats and special representation shall cases to have effect on the expiry of a period of forty years (Fortyfifth Amendment Act,1980) from the commencement of the constitution; Art:335 : Claims of S.C. & S.T. to services and posts; Art 164: Provision for a Minister in charge of Tribal Welfare in addition to S.C. & Backward Classes. Art 244: Administration of Scheduled areas and tribal areas.
but as to function and role it is ineffective. This ineffectiveness as an investigating machinery can be accounted for Commission's function, legal Status and abolition of regional field establishments.

The Commissioner was assigned developmental functions of: (1) serving as a nominee of the central Government or Managing Committees of the non-official organisations receiving grants directly from the centre. (2) Examination of accounts of the non-official organisations receiving grants directly from the centre and (3) giving advice on any new schemes received from State Government.

As such it functions as an extension of administrative machinery. For inculcating the impartiality and independence the functions are to be deleted from the ambit of its jurisdiction. Furthermore, an independence legal status was not conferred on the commission as was accorded to Union Public Service Commission or Election Commission. Essentially, it is handicapped to impart justice in evaluating the welfare schemes of scheduled castes and scheduled tribes independently and unbiasedly. Lastly, the abolition of regional offices affects the Commissioner's impecable role as a grievance redressing machinery in receiving and disposing complaints from aggrieved untouchables on the spot throughout the country.

(b) Commissioner for linguistic Minorities and Minorities Commission.

On the recommendations of States Reorganisation Commission (SRC) to institute a suitable constitutional machinery for the enforcement of constitutional safeguards for linguistic minorities Seventh Constitutional Amendment, 1956 became imperative. Hence clauses 350(A) and 350(B) were inserted into the constitution. And a Commissioner for Linguistic Minorities was appointed on 30th July 1957
to look into constitutional safeguards35 for them (linguistic minorities). But the functions and accomplishments are not satisfactory as revealed by the annual reports36.

Again Janata Government under Moraji Desai, appointed Minorities Commission in 1978 to "look into specific complaints regarding deprivation of rights and safeguards of the minorities"37 to serve as a national clearing house for information in respect of the conditions of the minorities". The special officer in terms of Article 350(b) was to function as the Secretary of the Commission.

35. Constitutional Provisions are (a) Art. 29(1) provides any section of the citizens having a distinct language, script or culture shall have the right to conserve the same; (b) 29(2) provides no citizen shall be denied admission into any educational institution on the ground of religion, race, caste or language; (c) Art. 30 confers on the minorities a right to establish and administer educational institutions; (d) Art. 347 provides procedure for making a language to be State language; (e) Art. 350 relates to use of any official language in putting forth grievances to Authorities of State or Union and; (f) Art. 350 (A) is concerned with the provisions for providing facilities as to mother tongues in States.


Coming to the role function aspect of the Commission, it is to be noted that, it lacks constitutional or statutory status, as it was created by an executive order. Further, it is ineffective because of unequipped staff and scant regard was paid to commission's recommendations. Again it leads to confusion with the existence of a number of machineries to deal with grievances of minorities.

See


39. The multiplicity character of the machinery relating to minorities was dealt by the Statesman, August 15, 1979, p. 7.


Also for detail analysis see, J. R. Siwach; Dynamics of Indian Government and Politics, Sterling Publishers, New Delhi, 1985, p. 431-438.
Inquiry Commissions

Inquiry Commissions, appointed under the Commissions of Inquiry Act, 1952, provide somewhat a procedure for redressing public grievances. These serve the purpose of investigating into the allegations of corruption, misuse of power, misappropriation of funds and impropriety against the ruling political elites such as Chief Ministers and Ministers of the Indian political system.

1. Chagla Commission: M.C. Chagla enquired into actions of T.T. Krishnamachari in Mundra Affairs and found him guilty.


3. Das Commission (1963): S.R. Das looked into the allegations against Pratap Singh Kairon in "allowing his son and relatives to influence his power and influence during the Chief Ministership of Punjab and he was held guilty of.

5. Aiyar Commission (1967): The Commission in its report held Mahesh Prasad Singh, K.B. Shay and others responsible for "favouritism and abuse of power in substantial benefits to their relatives and friends."

6. Khanna Commission (1967): H.R. Khanna was appointed on October 26, 1967, to enquiry into "70 charges of corruption and administrative improprieties" against three former Chief Ministers of Orissa: Biju Patnaik, Biren Mitra and Sadasiv Tripathy. In its report on 15th January 1969 the Chief Ministers and Nilamani Routray, the former Deputy Chief Ministers were found guilty of corruption.

7. Mudholkar Commission (1968): Madholkar Commission found that Mahamaya Prasad Singh, Chief Minister in United Front Government (1967-68) of Bihar was guilty of sacrificing "public interest on the altar of political expediency".

8. Sarkaria Commission: R.S. Sarkaria was appointed in the case of M. Karunanidhi, former Chief Minister of Tamil Nadu. It found that he took Rs. 13,21,296/- in 16 instalments from Sugar Mills and squandered Rupees six crores of public money on contract for Veernam Water Supply Project.


11. Grover Commission : It found that the allegations of corruption and misuse of money made against Devraj Urs, Chief Minister of Karnataka were true.

12. C.A. Vaidialingam Commission (1980) : The Commission indicated the son and daughter in law of Moraji Desai for having functioned as an extra-constitutional authority and pressurized governmental machinery for self aggrandizement". It also held Gayatri Devi wife of Charan Singh for interference in functioning of government and accepting money from educated unemployed youth to provide them service.

Moreover, Vimal Dalal Commission in Vengal Rao case, Jagmohan Reddy commission in Nagarwala case and Baweja Commission in "Lathi charge in Tihar Jail during emergency" case, Mishra Commission on Delhi riot case 1984-85 and Thakkar-Natarajan Commission on Fairfax (1987) were appointed. But the procedure fails to solve the purpose of mitigating grievances because of certain inherent defects.

First, certain Inquiry Commissions were set up in the past and now being set up are mainly motivated by
party affiliation and not by the spirit of lessening corruption. For example, during Mrs. Gandhi's regime (1965-1977) charges of corruption were levelled against (a) L.N. Mishra in Pondicherry Licence Scandal (b) Devaraj Urs, Chief Minister of Karnataka; (c) Vengal Rao, Chief Minister of Andhra Pradesh; (d) D.P. Mishra, Chief Minister of Madhya Pradesh; (e) Prakash Singh Badal, Chief Minister of Punjab; (f) M. Karunanidhi, Chief Minister of Tamil Nadu. But all, except Badal and Karunanidhi, belong to Congress, so she refused to appoint any commissions of enquiry against the alleged Chief Ministers save Badal and Karunanidhi. Likewise, Janta Government in 1977 was quick to appoint Shah Commission (on emergency excesses); Gupta Commission (on Maruti Car Project) Grover Commission (on Devraj Urs case) Vimal Dalal Commission (on Vengal Rao case) and Baweja Commission (Lathi charge case in Tihar Jail during emergency); but was reluctant to appoint commission on Kanti Desai, Padma Desai and Gayatri Devi (wife of Charan Singh). Even if the Commissions submitted reports convicting the alleged political elites, sometimes they are rejected outright. For example, the reports of Shah Commission and Gupta Commission were rejected by the P.M's cabinet as 'politically motivated'. Moreover, the report of C.A. Vaidialingam Commission which found prima facie case exist for proper investigation into corruption of Kanti Desai, Padma Desai and Gayatri Devi, was described

by Moraji Desai as a 'Cock and bull story'. Second, Ministers of the Union or Chief Ministers who are found quality by different commissions again appointed as Ministers. For example: T. T. Krishnamachari, K. D. Malaviya, Biju Patnaik, Prakash Singh Badal, Dev Raj Urs, Nilamani Routray, Chenna Reddy against whom charges were proved were re-elected by the electorate and were appointed as Ministers.

Third, patronage from Prime Minister, at times, makes the force of the report ineffective. In Nehru era, it was found that he was quite reluctant to appoint commissions on some plea or other. As he was exemplary honest he tried to save his fellow mates from guilty of corruption. To take an example, in the Malaviya's case though he was convicted by Das Commission Nehru said, 'I am not personally convinced that Sri Malaviya has done anything which casts a reflection on his impartiality and integrity. And he also refused to make the Das Commission report to public.'


44. A. G. Noorani, Ministers' Conduct, 2nd ed., 1975 p. 31 Here the author also pointed out that the attitude of Lal Bahadur Shastri towards political corruption was same as that of Nehru. In the corruption case of Biren Mitra, Shastri referred the matter to a Sub-committee of the Union Cabinet (Consisting of G. L. Nanda (Home) Y. B. Chavan (Defence), T. T. Krishnamachari, (Finance), Swaran Singh (Foreign), A. K. Sen (Law) and M. C. Chagla (Education) (Ibid, p. 83) instead of appointing a regular commission. However, the matter was closed on the resignation of Mr. Mitra on February 20, 1965. But Lok Sabha was not prepared to accept the logic and a vote of no confidence was moved in the Government which was rejected because congress had a majority in the Lok Sabha see Ibid p. 86.
Over and above, the financial cost of commissions have become sky high and an unnecessary burden on the public exchequer. As they have been unsuccessful in checking corruptions in political elites it is better to search for an alternative in order to put an end to draining out of public funds. For example, commissions during Janta regime were nothing but an exercise in draining out public funds of ₹109.63 lakh.  

2. Panchayati Raj Institutions

The three-tier panchayati raj institutions are mainly responsible for implementation of developmental and welfare programmes such as Integrated Rural Development Programme, Integrated Child Development Schemes, National Rural Employment Programme and Rural Labour Employment Generation Programmes in rural areas, particularly in

45. The expenditure on Commissions of Inquiry during Janta Government period are the following.

1. Shah Commission (Emergency Excess) ₹68.84 lakh.
2. Jagmohan Reddy Commission (Nagarwala Case) ₹9.32 lakh;
3. Grover Commission (Dev Raj Urs Case) ₹9.94 lakh;
4. Vimal Dalal Commission (Vengal Rao case) ₹5.13 lakh;
5. Gupta Commission (Maruti Car Project case) ₹16.34 lakh;
6. Baweja Commission (Lathi Charge Case in October 2, 1979) ₹6,000 by (October 31, 1978) Total expenditure on them was ₹109.63 lakhs. See Times of India, November 24, 1978, p.5.
village, block and district levels. Of the three units, 'Zilla Parishads' - the apex body function only in few states and are charged with co-ordinating and supervising activities in district levels. The 'Panchayat Samitis', the second in the ladder, look into different socio-economic programmes at block levels. And 'Gram Panchayats' function include all round development of villages including administration of justice.


47. Zilla Parishads in Maharashtra and Gujarat in addition to co-ordinating and supervising activities are responsible for the comprehensive socio-economic development in the district. Haryana, Jamu & Kashmir, Kerala and few others States do not have Zilla Parishads. Tamil Nadu and Karnataka have District Development Councils and Assam has Mahakuma Parishad. In Orissa Zilla Parishad worked for some time and latter abolished and now DDC is functioning. See also, D.N. Pathak, State Control of Panchayat Raj Institutions in Gujarat: An Area Report, Department of Political Science, Rajasthan University, 1967. In it he commended the setting up of 'Panchayat-Pal or Panchayati Raj Ombudsman as envisaged by the ARC, to deal with complaints and grievances, (P. 30) (Pattern suggested by Ashok Mehta Committee, 1978).

Apart from the above function, all the three institutions take up citizens' grievances. In reality, they are not redressed with impartiality. The reasons for this trend can be accounted to internal strife, competition for sharing economic gains, politicization at grass-root levels, casteism and factional politics. Moreover, the institution, though democratised and modernized rural India, provides for no streamlined procedures for receiving and disposing of public complaints. As such to check the breeding of malpractices and corruptions at rural areas and to create an congenial atmosphere for administration citizen relationship, the need for Ombudsman institution is urgent.

3. Voluntary Organisations - Citizens association with Voluntary Organisations to some extent lessens the degree of their grievances and give a lift to standards of integrity in administration. R.K. Dhawan gave a detailed analysis of the Organisation.

49. N.R. Inamdar conducted a study on functioning of village Panchayats. In it he pointed out that villagers so far as their grievance are concerned, lost faith in the members of Panchayats as they professed partiality to kith and kin and caste-people and institutions are ridden with personal rivalry, groupism and selfishness. See N.R. Inamdar, Functioning of Village Panchayats, Bombay, Popular Prakashan, 1970, p.171.

1. Sanyukta Sadachar Samiti, constituted on 30 April, 1964, to entertain complaints against Officials of the central administration, Corporations institutions administered or controlled by it, in matters relating to corruption, delay and maladministration. It functioned till 1966 and closed down due to mismanagement.

2. Voluntary organisations such as All India Citizens' Welfare Council, Bharat Dalit Sewak Sangh, All India Harijan Sevak Sangh, Depressed Classes League, Indian Red Cross Society, Ramkrishna Mission, Indian Council for child Welfare, Bharatiya Adamjati Sevak Sangh and All India Backward Classes Federation help the citizens in redressing their grievances by imparting necessary information.

3. Consumer Council, sponsored by Central Planning Commission looks into grievances of people so far as inflation, adulteration and deception of weights and measures, etc.

4. Advisory Committees: A good number of advisory committees have been set up for advising the government in formulation and implementation of policies. These are: the Users Committees in the Railways and Post and Telegraph Departments, Development Council for individual industries, Export Promotion Advisory Council, Central Industries Advisory Council, Regional Port Advisory Committees,
Tripartite Labour Machinery, Tribe Advisory Councils, Scheduled Tribes Advisory Bodies in several states, Export and Import Advisory Council on Trade and Board of Trade composed of representatives of different interest groups. These committees play an important role in associating citizens with administration. They not only look into citizens' grievances and complaints, but mainly also take part in programme formulation and implementation. As a matter of fact their role in articulation and redressal of public grievance is limited in character, because the idea of mitigating individual grievances by the advisory bodies was not favoured by Administrative Reforms Commission.

**Political Parties**

Political parties are the vital intermediate and intermediary structures between society and government. In Indian Political System, they are quite active in ventilating socio-economic grievances of citizens. The parties through their Election Manifesto tried to find out avenues for citizens' grievance. But when they came to


Ramashray Roy in *The Uncertain Verdict: A Study of the 1969 Elections in Four Indian States*, Delhi, Orient Longman, 1973, p. 5 described the linkage between nature of social cleavages and nature of party system in India.
power, due to internal strife, non-cooperative oppositional politics and corruptions at high echelons, the promises remained as lip services. To take an example Janta Party in their "Election Manifesto 1977" promised to root out corruption and implement Lokpal Bill 1977, but it was in vain. Further, parties in India, are confronted by factionalism, self interest and they failed to perform the 'identification role' with the nation as a whole. Eventually, they provide an ineffective machinery for redressal of citizens' grievances.