

Scoping Study
Right to Public Service Delivery Acts of 12 States

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I. CONTEXT AND OBJECTIVE OF THE STUDY:

In 2011, India had a lively national debate on anti-corruption measures, centered on two prospective legislations, the 'Lokpal and Lokayukats Bill' and the 'Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of Grievances Bill.' India Against Corruption (IAC) and the National Campaign for People's Right to Information (NCPRI) led these debates going into the minutiae of public administration, as well as raising more philosophical issues on the nature of corruption in Indian society. Even as this became a high voltage media issue behind the glare of primetime cameras, a slew of major State Governments, starting with Madhya Pradesh, Bihar, Jharkhand, Chhattisgarh, Delhi, Rajasthan and Uttar Pradesh passed Right to Public Service Delivery Acts (RTPSDAs). As of today, 24 States have passed such laws. For a detailed analysis of the scope of these laws, please refer to Annexure 1.

All these laws were passed between 2011-2015 at the initiative of the State Governments of varying political dispositions, themselves. There was no sudden push from the Central Government apart from routine Administrative Reform Commission recommendations, or from any visible local constituency. All of them also tend to have a similar statute, implementation architecture and scope. Intended to streamline delivery systems, they set modest goals such as “*ensuring delivery of notified public services to the people of the State within the stipulated time limit*” or “*ensuring delivery of transparent, efficient, and timely public services*”. The RTPSDA of Gujarat is a rare exception that states “*provide for a grievance redressal mechanism to citizens for non-compliance*” as one its intended objectives. The following are some of the broad features of these laws:

- a) Selecting and notifying certain services, which the State Government guarantees timely delivery of
- b) Earmarking of designated authorities whose responsibility it is to deliver these services within the stipulated time frame
- c) Citizens being able to appeal against internal appellate authorities, if the notified services are not provided within a time frame or if they believe their request for a service was wrongly rejected
- d) Citizens being able to appeal to a second appellate authority in case the first appellate authority does not provide relief within a specific time frame, or if the citizen is dissatisfied with the verdict of the first appellate authority
- e) Second appellate authority having the power to impose penalty on individual officials found responsible for causing the delay in delivering notified services and/or award compensation to complainants

Almost eight years after the passage and implementation of these laws, it is worth examining the efficacy of the scope of these laws, and whether their design enables them to achieve the

objective with which they were passed. The past decade has seen change of national and state governments, and acceleration on government policy for digitization and information technology. The State RTPSDAs remain the dominant, if not only, legislative footprint of Governments' intent to facilitate citizens in accessing basic services and hold officials accountable for inefficiencies and delays. Initiatives such as Bihar's Public Grievance Redress Act, 2016 and Meghalaya's Community Participation and Public Services Social Audit Act, 2017 are rare exceptions. Since the launch of the laws, the general self-reporting on progress has been on normative parameters such as number of services covered, number of authorities notified, time frames adhered to, penalties for non-compliance and so on. The discourse is primarily driven by the State Governments themselves and their own reports on performance thus making it difficult to get a true picture.

This scoping study is being conducted with the objective of studying individual State Acts and Rules to:

1. Compare actionable provisions of the Acts, across States and have a closer look at the interstate variation through the lens of accountability and transparency
2. Compare actionable provisions of the Acts, with norms of efficient service delivery and assess how far the design of the Acts are able to meet the very purpose that they were legislated for
3. Identify and elucidate on major gaps from the above analysis and point towards the direction in which more legislative intervention is required

Some of the parameters that we have looked at include the scope of the law; the design of the appellate process; nature of information related to the implementation of the Act that is available in the public domain; forums for citizen participation available in the design of the law.

The scoping study is limiting its remit to understanding and analyzing the design and scope of the RTPSDAs of the States of Andhra Pradesh, Bihar, Chhattisgarh, Delhi, Gujarat, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Odisha, Rajasthan, Telangana, and Uttar Pradesh. The study will not go into assessing the implementation of these Acts on the ground. While this is a fundamental aspect of assessing the efficacy of any law, tracking the implementation of the law on the ground and supplementing it with testimonies from citizens, activists, elected representatives, bureaucrats, journalists etc. was a difficult feat to pursue during the pandemic and the subsequent lockdown.

II. METHOD OF STUDY:

The scoping study relied on first hand perusal of the State Acts, State Rules and analysis conducted by independent researchers/organizations¹.

III. SCOPE OF THE ACT:

State	Name of the Act	Total notified services	Number of Departments covered	Are essential services related to (a) Disbursal of PM scholarships (b) Rehabilitation of Manual Scavengers (c) Functioning of Anganwadis included within the scope
Andhra Pradesh	Andhra Pradesh Public Services Delivery Guarantee Act, 2017	73	24	Not related to the services mentioned above.
Bihar	Bihar Right to Public Services Act, 2011	89	13	Distribution of scholarship at the college level is one of the notified service. (Though it is not mentioned as PM Scholarship)

¹ Transparency International India (Right to Public Services – A Guide), Center for Organization Development (Right to Public Services – A comprehensive perspective of implementation of Guarantee of Public Services in Select States of India by Tina Mathur), Economic and Political Weekly (The Right to Public Services Laws by Ashok Kumar Meena), and Center for Budget and Governance Accountability – CBGA (Have the Public Service Delivery Laws actually delivered by Inayat Sabhikhi)

Chhattisgarh	Chhattisgarh Lok Sewa Guarantee Act, 2011			
Delhi	The Delhi (Rights of Citizens to time bound delivery of services) Act, 2011	361	37	Scholarships/Merit scholarship to OBC/Minority students studying in colleges, professional colleges and technical institutions. Various talent search scholarship schemes.
Gujarat	Gujarat (Right to Citizens to Public Services) Act, 2013			
Karnataka	The Karnataka Guarantee of Services to Citizens Act, 2011 Karnataka Sakala Services Act, 2011 and (amendment) Act, 2014		102	Scholarships Pre-matric and post-matric scholarships. 'Prabhuddha' overseas scholarship, Prize money to meritorius students. Anganwadis Enrolment of 0-3, and 3-6 years children in Anganwadi centres.

				<p>Enrolment of pregnant and lactating mothers in Anganwadi centres.</p> <p>Pradhan mantri Mathru vandana Yojane</p>
Kerala	The Kerala State Right to Service Act, 2012		52	Not related to the services mentioned above.
Madhya Pradesh	The Madhya Pradesh Lok Sewaon Ke Pradan Ki Guarantee Adhiniyam , 2010	302	37	
Maharashtra	The Maharashtra Right to Public Services Act, 2015		31	<p>Scholarships</p> <p>GoI post-matric scholarship to the ST students</p> <p>Golden Jubilee pre-matric scholarship to the ST students</p> <p>Anganwadis</p> <p>Enrolment of pregnant women at Anganwadis.</p> <p>Enrolment of children between 6</p>

				months to 3 years, and 3 years to 6 years at Anganwadis
Odisha	The Odisha Right to Public Services Act, 2012	370	30	Not related to the services mentioned above.
Rajasthan	The Rajasthan Guaranteed Delivery of Public Services Act, 2011	108	15	
Uttar Pradesh	The Uttar Pradesh Janhit Guarantee Adhiniyam, 2011	13	4	
Jharkhand	Jharkhand Guaranteed Delivery of Public Services Act, 2011	151	16	Not related to the services mentioned above.

(Table 1: Coverage of services and Departments in State RTPSDAs)

- A. As indicated in Table 1, the RTPSDAs coverage of schemes and Departments is wide, in terms of sheer numbers. The bulk of the services that are guaranteed to be delivered in fixed time frames are within the following main categories:
- Approvals, licenses, renewals, NOCs and permissions for industrial/commercial operations
 - Certificates for citizens (birth, death, caste, income, character, domicile certificates)
 - Driving license issuance and renewal
 - Passport verification
 - Registration of vehicles
 - Change of land use and mutation of land records
- B. Some states have taken the initiative to include pro-poor and essential individual entitlements as notified services under the Act. For instance:

- i. Delhi guarantees sanction and disbursal of loans from Delhi Finance Corporation issuance of bus passes and scholarships under its Act
 - ii. Karnataka guarantees issuances of ration cards, registration of an FIR, permission for holding protests and peaceful assembly, issuance of disability certificate, registration of construction workers under the Building and other Construction Workers (BoCW) Act, registration of migrant workers under Inter-State Migrants Act under its Act
 - iii. Odisha guarantees permission for holding protests and peaceful assembly, issuance of soil health card and requests for repair of public hand pumps/tube wells under its Act
 - iv. Maharashtra guarantees provision of hostel facilities for tribal boys and girls, issuance of BPL certificate, getting a job card to work under MGNREGA and issuance of ration card under its Act
 - v. Kerala guarantees availing of assistance from Distress Relief Fund of Department of ST Development under its Act
- C. However, the above services are a tiny minority in the total number of services guaranteed under the law. Analysis of the list of notified services across these 12 States indicate that certain essential services are not included in the purview of the RTPSDAs. For instance:
- i. Sanction of a house under Pradhan Mantri Awas Yojana (PMAY)
 - ii. Individual and Community Forest Rights
 - iii. Compensation under SC/ST Prevention of Atrocities Act
 - iv. Compensation and rehabilitation under ‘Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013’
 - v. Scholarship assistance under Post/Pre Matric Scholarships, Minority Development, Tribal Development, Sports etc
 - vi. Financial support under Pradhan Mantri Matri Vandana Yojana (PMMVY)
 - vii. Hostel admissions
 - viii. Construction of individual and community toilets/sanitation facilities
 - ix. Placement on completing skills training under multiple schemes
 - x. Availing benefits under ‘Building and other Construction Workers Act’
 - xi. Pensions under National Social Assistance Programme and other State schemes
Timely payment of wages under MGNREGA
 - xii. Timely payment of Minimum Support Price for agricultural produce
 - xiii. Timely action on complaints filed under existing grievance redress avenues
 - xiv. Access to piped water
 - xv. Access to electricity
- D. Moreover, the RTPSDAs look at citizens getting a service upon the submission of an application/request. They do not include within its purview, the degree of access that the

citizen has to the service and the quality of the service provided. For instance, citizens do not have the right to file complaints related to 'public services' such as the following, even though they have a bearing on the day to day lives of ordinary citizens

- i. Children, pregnant and lactating women receiving good quality and nutritious cooked meals and take-home ration through Anganwadis
- ii. Fair distribution of quality foodgrains through the Public Distribution System
Timely immunization of infants and mothers
- iii. Children receiving quality education in schools that satisfy minimum infrastructure conditions
Deployment of adequate number of teachers, medical professionals and front line functionaries in local public institutions
- iv. Equal access to mandis
- v. Resolution of complaints dealing with corruption, demand for bribes, discrimination, exclusion and injustice in decision making
- vi. Gram/Ward Sabhas taking place regularly with adequate representation and participation
- vii. Ration shops, anganwadis, panchayat/ward offices, public health institutions, schools, agricultural offices etc. being open to the public everyday
- viii. Timely and regular repair works for maintenance of public assets

E. A majority of the Acts bring only Government Departments within the ambit of the Law. There is no explicit mention of including Non-Government Organizations substantially financed by Government; private parties that are supplying goods and services to the citizens on the basis of an agreement with Government; private parties that are rendering services of public utility; Public Private Partnerships in the Acts. There is an increasing trend of outsourcing key services to third parties or entering into agreements with third parties to provide essential services such as building of roads, maintenance of public assets, procurement of material from private vendors, distribution of cooked food under the Integrated Child Development Scheme (ICDS) and Mid Day Meal Scheme (MDM), running of Fair Price Shops (FPS), deployment of Business Correspondents for payment disbursals, running of citizen service centres amongst others. The inability of RTPSDAs to bring them under the legal framework of accountability and ensuring timely delivery of services is a glaring omission. Delhi's RTPSDA makes an exception. It brings within its scope public services related to departments that are in a public-private Joint Venture (like BSES Rajdhani Power Ltd and BSES Yamuna Power Limited). In addition, Chhattisgarh's Act includes within its scope "Local Bodies and Agencies", albeit in a mild manner of articulation.

F. Nearly all RTPSDAs are meant only for residents of the State. There are no pro-active provisions spelt out for persons such as the homeless, migrant workers, nomadic communities who do not necessarily have domicile proof to access the provisions of the

Act. In Kerala however, there is a separate department to redress the grievances of Non-resident Keralites. NORKA (Non resident Keralites Affairs) provides services to over 50 lakh emigrants (40 lakh outside the country and 13 lak outside the state) from the state. Services include attestations of HRD, Embassy, and Apostille, dedicated call centres, repatriation of mortal remains. Such services are absent in other states.

- G. None of the RTPSDAs define standards in terms of services that ought to be minimally included within its purview, and minimum time periods within which the list of notified services should be revised. Moreover, only Government has the prerogative to decide which services to notify and when. There are no institutionalized mechanisms for citizens to participate and present their inputs in defining the priority in which services should be notified.

IV. NATURE OF THE APPELLATE MECHANISM

The first in-built mechanism of accountability within the RTPSDAs is the appellate structure. Some of the common features of the structure across the 12 States include:

- A. A Government functionary being appointed to play the role of a first appellate authority to adjudicate on appeals filed by citizens for notified services not being delivered within stated time lines and/or for alleged incorrect rejection of requests for services. First appellate authorities are required to take a decision within 30 days of the appeal being filed.
- B. An officer being appointed to serve as the second appellate authority to adjudicate on appeals filed by citizens when the first appellate authority does not provide relief within stated time frames and/or for dissatisfaction with the relief provided by the first appellate authority. Second appellate authorities are required to take a decision within 30 days of the appeal being filed.
- C. There are timelines within which the citizen can appeal to either the first or the second appellate authority. They range from 30-60 days within the lapse of the timeline within which the notified service ought to be delivered and/or decision of the designated authority was communicated to the applicant.
- D. Both appellate structures have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) regarding production and inspection of documents, issuing summons to designated officer and the appellant, and any other prescribed matters.
- E. Usually, the first appellate authority has the power to direct the concerned Government officer to provide the service demanded by the citizen within a stated time frame or reject

the appeal filed by the citizen. It is only the second appellate authority that has the power to impose penalty and/or take necessary disciplinary actions against the concerned Government officer; first appellate authority if found guilty. Bihar's RTPSDA is the only exception where the first appellate authority can direct imposition of penalty as well.

- F. Only the second appellate authority can recommend disciplinary action against officers. This too is not an order. It can only be recommendatory in nature.

In a first glance, the appellate structure in the Acts seem to be spelt out cogently. The broad framework mandated is akin to most appellate mechanisms in administrative law. But a finer reading of the provisions betrays significant weaknesses in the design of the appellate mechanism.

- a) None of the Acts specifically state that the appellate authorities have to be independent from the implementing agency. At most, some Acts empower the State government to assign someone from outside the department provided the appellant authority(s) is of an administrative rank higher than the responsible officer. An appellate mechanism that is not independent from the very Department that is tasked with the responsibility of delivering services, is counterintuitive to the principles of a fair hearing. This remains the biggest limitation to appeals ensuring accountability of the provisions of the Law.
- b) Only non-provision of services and/or rejection of a request for a service remain grounds for a citizen filing the first appeal. If citizens are unhappy with the quality of the service provided or had to pay a bribe for availing the service, they do not have the powers to file an appeal. This limits the rights of a citizen considerably.
- c) No state has explicit legal provisions for automating appeals when services are not delivered within the stipulated time frames, including orders of the first appellate authority. While the grounds for an appeal being filed in such cases is obvious, the system still waits for citizens to file appeals instead of escalating the matter pro-actively.
- d) The first appellate authority is significantly weaker in terms of powers devolved, as compared to the second appellate authority. Given that the former cannot impose penalty, award compensation, order disciplinary action against errant officials it tends to be a largely irrelevant tier in the appeal process. Much of the appeals have a chance of being fairly heard only at the second stage. This can result in unnecessary clogging of appeals at the level of the second appellate structure which in turn can cause delays in relief provided.
- e) In a peculiar instance, under the Delhi (Rights of Citizens to time bound delivery of services) Act, 2011 the provision to appeal is available to the government servant rather

than the aggrieved citizen. As per section 11 (1) of the Act, the government servant aggrieved by the order passed by the Competent Officer can appeal to the Appellate Authority within a period not exceeding 30 days from the receipt of the impugned order.

V. PROVISIONS FOR PENALTY AND COMPENSATION

All the RTPSDAs studied include provisions for penalty on officials found responsible for causing delay in service delivery. The penalty clause pins accountability on an individual officer and recovers the penalty amount from the said officer personally. This is a progressive provision clearly inspired by Section 20 of the Right to Information Act which was one of the first legislations to legislate such a concept.

The penalty is highest in Gujarat where the designated officer has to pay Rs.1000 per day for each day beyond the stipulated time as per the notified services. The maximum penalty is Rs.10,000. Delhi has the lowest penalty of Rs.10 per day of delay and cannot exceed Rs.200 per application. In the remaining States, the penalty amount ranges from Rs.100 to Rs.500 per day.

Provisions for compensating individual citizens for denial of timely services is not present in all Acts. It is provided for only in the State Acts of Andhra Pradesh, Delhi, Gujarat (but payable out of penalty), Jharkhand, Karnataka, Rajasthan and Uttar Pradesh (but payable out of penalty). However, the State Acts of Gujarat and Uttar Pradesh make the payment of compensation conditional on penalty. This means that a citizen's entitled compensation is sourced from the sum of penalty imposed on the individual. This constraints the citizen's rightful claim to compensation.

A citizen of Delhi who applies for a service is eligible for a compensation from the State Government if the designated officer is unable to provide the service within the stipulated time. But like other states, there are no provisions under the law for the citizen to appeal to a higher authority. This is because the law automatically entitles the citizen for a compensation if he/she doesn't get services within the stipulated time. At the same time the law also fixes the blame on the designated officer. The onus is then on the designated officer to prove his/her innocence in front of the appellate authority [Section 11 of the Act]. In other states the penalty on the designated officer is fixed after the applicant appeals his/her case with the appellate authority.

VI. ACCESS TO INFORMATION

One of the striking gaps in almost all Right to Public Service Delivery laws across states are the lack of strong provisions for proactive disclosure of notified services in the public domain.

1. Eight out of twenty-two State Acts explicitly mandate "display" of services/timelines/designated authorities. These States are Chhattisgarh, Goa, Karnataka, Maharashtra, Odisha, Punjab, Uttarakhand, and West Bengal. The best definition is of

Maharashtra which states that *“The Public Authority shall display or cause to be displayed on the notice board of the office and also on its website or portal, if any, the list of the public services rendered by it along with the details of the stipulated time limit, form or fee, if any, Designated Officers, First Appellate Authorities and Second Appellate Authorities.”*

2. Eight out of twenty-two State Acts mention some kind of monitoring or online system or maintaining and updating of status of applications. These States are Arunachal Pradesh, Delhi, Goa, Gujarat, Karnataka, Maharashtra, Punjab and Uttarakhand. The most expansive definition is of Goa which states that *“Every Authority which is required, under this Act to provide the public services, shall maintain the status of all the applications received by its designated officer/s and it shall be also duty bound to update the status of the same as per the prescribed procedure.”*

3. The updated list of notified services is available on dedicated websites only for states like Delhi, Karnataka, Odisha, and Maharashtra out of the States studied for this report. Other states like Jharkhand, Rajasthan, Uttar Pradesh, and Gujarat etc. have either not updated the list or not uploaded the notified services list at all.

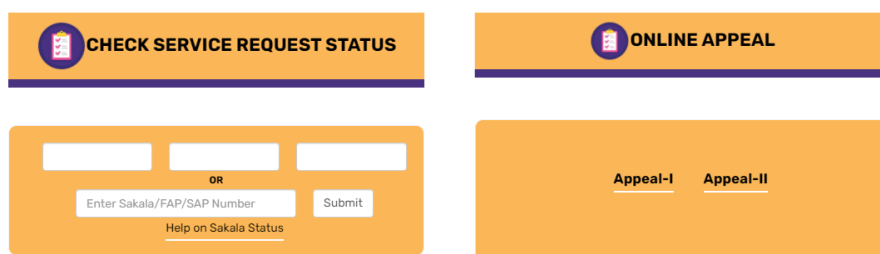
4. There are no explicit provisions for citizens to receive a dated acknowledgment receipt when they file applications under the Act.

5. In the last few years, many of these states have built a website dedicated to online delivery of services as one of the e-governance initiatives. While these websites do provide a single platform for the citizens to access notified services, most still do not work as a comprehensive real-time, transaction-based and public Management Information Systems. Common features across web platforms designed by the states are provisions to file applications for services and tracking the status of individual applications and general information about the act and notified services. However, in our analysis, we also found that some websites like Maharashtra’s and Gujarat’s for example restrict the access to online applications through a register-only option where citizens are required to create a personalized login in order to apply or track their service requests.



(Screenshot of Aaple Sarkar - Maharashtra Government's Portal for Online Service Delivery)

In contrast to this, states like Odisha, Haryana, and Karnataka do not have an online application mechanism but have simpler and unrestrictive ways to track application status where the citizens can enter their tracking number/application number/acknowledgement number without requiring to login. Both Odisha and Karnataka also have an option to file an appeal in case a citizen does not receive a service in the promised timeline from the state.



(Screenshot of Sakala - Karnataka Government's Portal for Online Service Delivery)

Check Application Status

Check Status

Print Acknowledgement

Print

Central Monitoring System

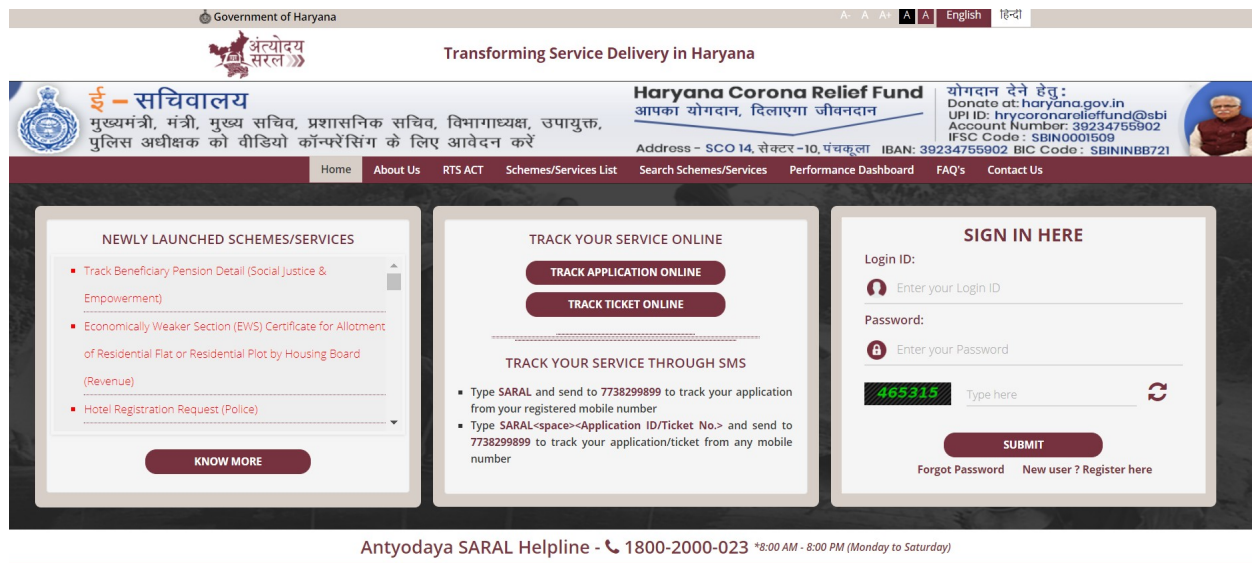
e-Appeal

e-Revision

Print Appeal Acknowledgement

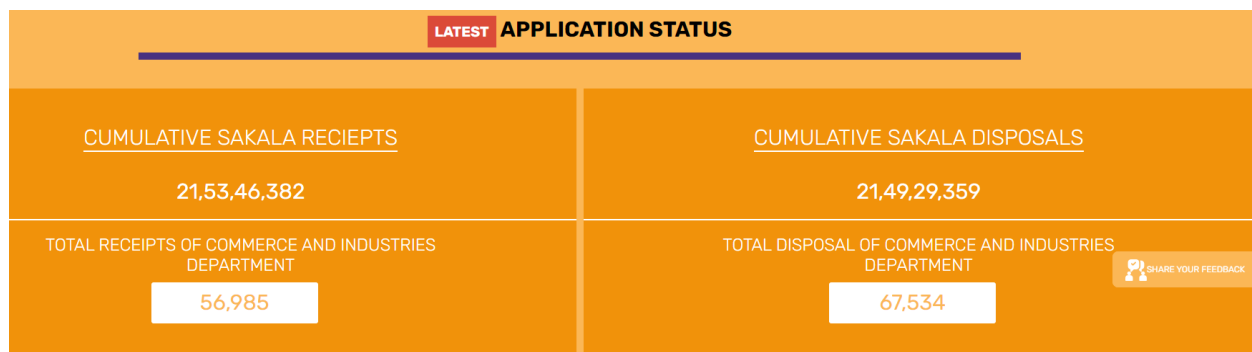
(Screenshot of Odisha Government's Portal for Online Service Delivery)

While Haryana's public service delivery portal "SARAL" does not allow a citizen to file an appeal, it does provide a helpline number for citizens to reach out to a call center in case there is a delay in the delivery of service or if there is any other issue with an application.



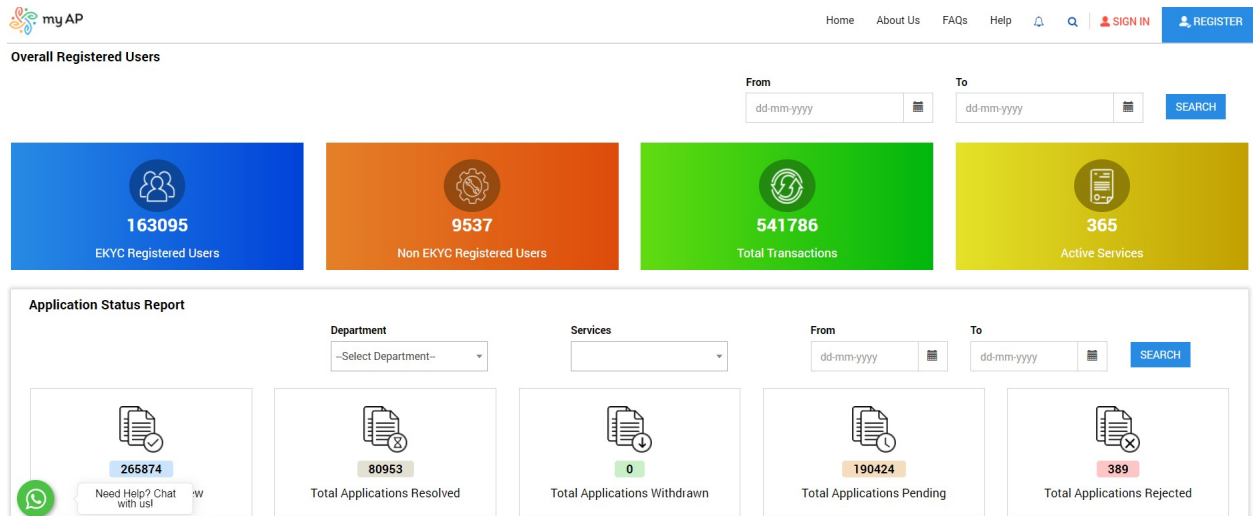
(Screenshot of SARAL - Haryana Government's Portal for Online Service Delivery)

In addition to these features, there are a few states like Karnataka, Haryana, and Andhra Pradesh, who also have a public facing dashboard that provides insights into the efficiency of RTPSD law in each of these states. Having said that, these dashboards provide a parochial view of the functioning of RTPSD law as they only mention total number of services delivered versus total number of receipts. It is also important to note that none of these dashboards show real-time transactions but are updated on a daily basis.

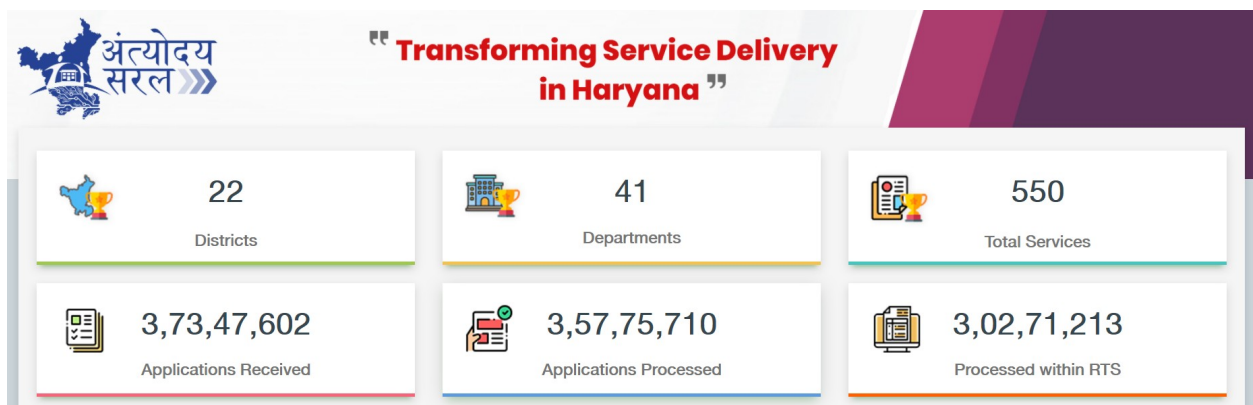


(Screenshot of Sakala - Karnataka Government's Portal for Online Service Delivery)

Andhra Pradesh's public dashboard provides a customizable report:



Haryana's SARAL dashboard provides insight into applications processed under the RTS timelines too:



Maharashtra government's public dashboard not only provides an overview but also provides department specific insights in the implementation of the RTPSD law of the state:



It is also important to highlight portals like Odisha's, which restricts citizens to view or download any of their MIS reports by creating a bureaucracy-only login option. Restrictive designs such as the Odisha's RTPS portal as well as an absence of public dashboard for RTPSD law, which is the case in most states, violate RTI's section 4 that demands suo-moto disclosure of public information by a public authority.

6. Out of the web portals and sites perused it is evident that only applicants can track the status of their service. There is no open access to list of applications and status of individual applications organized across region and

Odisha Right to Public Services Act
Government of Odisha

CENTRAL MONITORING SYSTEM
କେନ୍ଦ୍ରୀୟ ପରିଚାଳନା ପଦ୍ଧତି

Welcome to Central Monitoring System

Scope & Objectives

- It is a Web Application.
- The application will be available both online and offline
- Creating a database of all applications received under ORTPS Act.
- Auto generated Acknowledgement on receipt of application.
- Computerized register for DO, AA & RA.
- Different Types of MIS Reports generation.
- User Friendly Application for all Offices
- Tracking the status of the application by the citizen
- SMS Alert service

MIS Reports

Central Monitoring System will generate different types of MIS Reports.

- State MIS Report with Graphs
- District wise MIS Report with Graphs
- Department Wise MIS Report with Graphs
- Office Wise MIS Report with Graphs
- Comparison Report

Office Wise Login

Please enter your User Name and Password, then hit "Login" button to enter into the Control Panel

User Type:

Select Type

Select Type

Chief Secretary

Designated Officer

Appellate Authority

Revisional Authority

District Administrator

Department Nodal Officer

Services Under ORTPSA

Acknowledgement Number Details

Check Application Status

Home

department like it is provided for on the NREGA website, PMAY website, Jan Soochna Portal, Mahiti Kanaja.²

7. None of the websites and portals disclose orders issued by appellate structures which could help throw some light on the efficacy of these structures. List of cases where penalties were ordered including the extent of penalty imposed, list of cases where compensation was rewarded including the extent of compensation rewarded and the list of cases where disciplinary action was recommended against officials and the status of compliance of each are not in the public domain. This thereby severely constrains public oversight on the implementation of key accountability provisions of the RTPSDAs.

VII. Conclusion and Recommendations:

While the RTPSDAs are a good starting point for the states to acknowledge their responsibility to time-bound delivery of public services, the Acts fall dramatically short in terms of enforcing an accountability ecosystem that can enable it to meet its mandate. There are three key issues that most of the current RTPSD laws vis-a-vis an ideal framework of accountability:

1. Limited scope

The RTPSDAs have chosen to focus on a limited spectrum of citizens' engagement with the State, in spite of the sheer number of services covered indicating otherwise. Critical services necessary for ensuring social justice and dignity of citizens, particularly those for the benefit of the poor and the marginalized are kept outside the purview of the Act.

2. Absence of autonomous and empowered appellate mechanisms in case of violation of the law:

One of the core foundations of public accountability is a grievance redress mechanism in case the State fails to deliver its promise to the citizen. Nearly all the Acts analysed do not have an independent (not directly appointed by the government but selected by an independent non-partisan selection committee and approved by the state assembly) and empowered appellate authority. In addition to this, none of the states have an automatic appeal mechanism in case a

² NREGA - <http://mnregaweb4.nic.in/netnrega/workers/wrkinfo.aspx>
PMAY - https://pmaymis.gov.in/Track_Application_Status.aspx
Jan Soochna Portal - <https://jansoochna.rajasthan.gov.in>
Mahiti Kanaja - <https://karnataka.gov.in/g2c/kn>

service request goes overboard its defined time-period. In some states, as mentioned above, compensation to a citizen is contingent upon the recovery of a penalty, which is constraints a citizen's right to be compensation.

3. Absence of proactive disclosure of public records related to the RTPSD law:

Citizen's access to public records is another foundational element of public accountability, which also is very weak in case of the RTPSD laws drafted and implemented by the state governments. None of the states have mandated the proactive disclosure of notified services on a single platform for the citizens. In spite of some states building websites for citizens to access and track service requests online and also building public dashboards for citizens to view the implementation of RTPS law in the state, most states currently leave substantive information out of these portals such as status of appeals, citizen grievances, reason for the violation of RTS timelines, recovery of penalty, and status of compensation to name a few.

4. Absence of mechanisms for citizen facilitation:

Another key element of an ideal accountability mechanism is multiple points of engagement for a citizen to apply, track, follow-up, and appeal a service request. Currently, it seems that most states have offline systems for citizens to apply for any service, which are through a range of different centers or through department walk-ins. Some states run a central helpline on which citizens can call in case of queries. And citizens are also able to file applications through a web portal in most States. However, there is a uniform absence of any independent physical facilitation provided to citizens to assist them in filing applications/appeals, tracking their status, accessing information regarding various parameters of the Act and information about other schemes and services the citizen may be eligible for. Citizens are left to engage with physical offices, websites and telephone helplines by themselves in their individual capacity. There are no conscious efforts taken to offer facilitation and outreach services at physical locations close to the citizens in Gram Panchayats/Wards. Some states like Delhi have taken the initiative to ensure 'door step delivery' of services, which is definitely step towards enhancing ease for the citizens. However whether these services are able to help the citizens instead of disempowering them, is a function of how robust the transparency and accountability provisions within its implementation framework are.

A governance framework designed to deliver public services in time needs to, in and unto itself be transparent and accountable. This is essential for empowering the citizen in its relationship with the State. Even if it is something as small as knowing that the RTPS counter operator that you are approaching has thirty pending applications and will only get to yours after those have been processed. Or for example, if you have got an unsatisfactory response and know that ten

others are in the same situation as you, this provides confidence to appeal to higher authorities. The more information there is in the public domain, the more citizens will get invested in monitoring the system for themselves. If indeed these laws give politicians and higher bureaucracy greater control over lower bureaucracies, then it surely falls short of extending the same legibility to citizens. If the RTPSDAs in most states were passed to diffuse the growing demands for better governance and anti-corruption measures, then it is clear that this is just a toe in the water. The RTPSAs are not able to offer concrete ways for changing the power imbalance between the citizens and the State. Real questions of power sharing, participatory policy making, better administration of programs related to enhancing human capabilities and higher financial allocations are all beyond the purview of these legislations. There is a dire need to begin a conception for an overarching accountability law which will not only lay out a minimum set of provisions essential for State's accountability towards its citizens, but also provide an inclusive, all-encompassing framework for ensuring the protection and promotion of social, economic and political rights of citizens.

ANNEXURE 1: STATE/UT-WISE STATUS OF RTPS LAW

Sr No	State	Right to Public Service Law
1	Andhra Pradesh	Y
2	Arunachal Pradesh	Y
3	Assam	Y
4	Bihar	Y
5	Chhattisgarh	Y
6	Delhi	Y
7	Goa	Y
8	Gujarat	Y
9	Haryana	Y
10	Himachal Pradesh	Y
11	Jammu and Kashmir	Y (UT now so this will change)
12	Jharkhand	Y
13	Karnataka	Y
14	Kerala	Y
15	Madhya Pradesh	Y
16	Maharashtra	Y
17	Manipur	N
18	Meghalaya	Y
19	Mizoram	Y
20	Nagaland	N
21	Odisha	Y
22	Punjab	Y
23	Rajasthan	Y
24	Sikkim	N
25	Tamil Nadu	N
26	Telangana	N
27	Tripura	N
28	Uttar Pradesh	Y
29	Uttarakhand	Y
30	West Bengal	Y