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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

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W.P.(C)No.4782/2016

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Date of decision : 19th July, 2017

ASHWINI KUMAR UPADHYAY
Through : None.

..... Petitioner

versus

UNION OF INDIA & ANR
Through : Mr. Akshay Makhija, CGSC for
UOI with Ms. Seerat Singh and
Mr. Shivi Sanyam, Advs.

..... Respondents

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. None appears on behalf of the petitioner when the matter is called out. There has been no appearance on behalf of the petitioner on the last date as well.
2. By way of this writ petition, the petitioner prays for a direction to the respondents to provide a citizens' charter in every department to ensure time bound delivery of goods and services and redressal of citizens' grievances in a time bound manner. Additionally, the petitioner seeks implementation of the United Nations Convention Against Corruption dated 31st October, 2003 and the Sense of House Resolution dated 27th August, 2011. The respondents have filed their

counter affidavit wherein it is stated as follows :

“2. That it is submitted that after the formation of the new Government in 2014, re-introduction of the Bill re-named as Right to Services and Grievances Redress Bill, 2014 was proposed. A draft Cabinet note was duly circulated to all the Ministries/Departments for stakeholders consultation on 16.07.2014. However, with the approval of the competent authority it was decided that initially the Bill may be implemented through a non-statutory scheme in view of the fact that 19 of the States had till then already enacted the Right to Services Act. Since the Scheme does not have the trapping of an Act of Parliament, there would be greater flexibility where amendments needed to be carried out based on the experience of implementing the Scheme.

It is submitted that the Government is already trying to implement the Citizens Charter through executive instructions and the process is going on. It is contemplated that based on the experience of the Scheme, the Right to Services Bill could be formulated.”

3. Additionally, so far as the United Nations Convention Against Corruption and other reforms on the subject are concerned, the counter affidavit discloses as follows :

“1. That the United Nations Convention against Corruption was adopted on 31.10.2003, which was signed by 178 countries including India. The Convention came into effect from 14.12.2005 and was ratified by the Government of India on 12.05.2011.

2. That on 27.08.2011 the Parliament of India adopted the Sense of the House Resolution wherein the House inter-alia unanimously agreed in principle to the demand for the Citizens' Charter.

3. That as per the Allocation of Business Rules, 1961, D/o Administrative Reforms and Public Grievances is the nodal agency on all grievance related issues. This Department has since 1997 issued a number of circulars to the

Ministries/Departments of the Govt. of India as well as to the organisation under their administrative control for formulation of Citizens' Charter containing information on the services being offered by them, designated authority and timelines for delivery of services.

4. That in view of demands of the Civil Society for bringing about improvements in the public service delivery through statutory measures and the already existing recommendations in the 12th Report of 2nd Administrative Reforms Commission, the Right of Citizens' for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011 was introduced in Lok Sabha on 20.12.2011 after wide consultations with various stakeholders.

5. That the Bill was referred to the Department related Parliamentary Standing Committee of Ministry of Personnel, Public Grievances, Law and Justice on 12.01.2012, the Committee submitted its recommendations in its 53rd Report on 28.08.2012.

6. That the Government accepted 24 out of 39 recommendations. Based on these recommendations the official amendments to the Bill were listed for consideration and passing by the Lok Sabha on several occasions in the Winter and extended Winter Session of Parliament in the year 2013 and 2014. However, the Bill could not be passed due to frequent adjournments of the Lok Sabha and it lapsed with the dissolution of the 15th Lok Sabha.

7. That a proposal for re-introduction of the said Bill re-named as Right to Services and Grievance Redress Bill, 2014 was prepared and circulated to all the Central Ministries/Departments on 16.07.2014 for their comments in reply to which comments were received from most of the Departments. However, it was felt that since 19 States have already implemented such an Act, it may be more appropriate if initially instead of a Bill, a Scheme is implemented as being a pan-India Bill its implementation could be difficult due to already existing legislations in States which could raise several issues including the need for frequent amendments for

smooth execution. Thus, the Right to Services could be implemented through a Scheme and once the loose ends gets tightened a Bill could be considered thereafter.

8. Therefore, a draft Delivery of Services and Grievance Redress Scheme has been prepared and circulated to all the Ministries/Departments. The Scheme has been improved and modified based on the comments and submitted to the Cabinet Secretariat for obtaining views of the Committee of Secretaries before it is re-submitted to the competent authority.”

4. Additionally, the respondents have issued a departmental order captioned Administrative Reforms and Public Grievances setting out guidelines for redressal of public grievances which *inter alia* include the following :

“11. That it is submitted that besides the guidelines issued for implementation of Citizens’ Charter the D/o Administrative Reforms and Public Grievance has issued detailed guidelines for timely redress of public grievances. Some of the major guidelines issued for redress of public grievances are as under :-

i. A grievance may be redressed within a period of 60 days. In case not possible, an interim reply with reasons for delay to be provided. Copy(s) of the reply may also be uploaded on the system.

ii. Grievances should not be closed abruptly. Well reasoned orders may be given while closing a grievance.

iii. A grievance may be closed by an officer not below the rank of Deputy Secretary/Director.

iv. Action on grievance may be reviewed on sample basis by the officers of the rank of Secretary/Additional Secretary/Joint Secretary in every Ministry/Department.

v. Each Ministry/Department/Organisation to nominate a Director of Public Grievances preferably not below the rank of Joint Secretary.

vi. Director of Public Grievance to remain available to the

public on each Wednesday for receiving their grievances.”

5. These guidelines stand circulated to all the Ministries under cover of the letter dated 12th March, 2015.

6. In view of the above, it would appear that substantive steps have been taken by the respondents on the issue raised by the petitioner and nothing survives for adjudication.

This writ petition is accordingly disposed of.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 19, 2017

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