

## **The Madhya Pradesh Loksavon Ke Pradaya Ki Guarantee Adhiniyam 2010 (The Madhya Pradesh Delivery of Public Services Guarantee Act 2010)**

▪ ***Dr. M. N. Buch***

Under the Article 53 and 154 of the Constitution the executive power of the Union and the States is vested in the President or Governor respectively, but such power is to be exercised through officers subordinate to them. Because the Preamble mandates justice, liberty, equality and fraternity and because under Article 38 the state is directed to secure a social order for the promotion of welfare of the people, the executive authority has to be exercised to further these constitutional requirements. In other words, the Constitution itself guarantees the delivery of public services to the citizens.

The Government is hierarchical. Over every official who is required to act there is a superior or supervisor. Thus, every Station Officer of Police has a Sub Divisional Officer of Police to oversee his work, just as every Tahsildar has a Sub Divisional Officer(Civil). Even the Cabinet Secretary has the Prime Minister to whom he is accountable. The exercise of executive power requires that all matters calling for a decision have to be decided within either a prescribed or a reasonable time frame. Any delay would automatically be a cause of concern and suspicion. One of the methods of harassing citizens and extracting bribes is to deliberately delay a matter. It is the responsibility of the superior officer to see that delay does not take place. During my period of service I have never had any problem in ensuring that not only I but all my subordinates performed a given task without delay and with the citizen concerned being taken into confidence. I shall quote an order I passed when I was the head of Delhi Development Authority, which read, "Files, unlike beds, are not meant to be slept on". Action against a couple of officers sent the message across loud and clear and the applications of citizens were dealt with expeditiously. This is the job of the executive government.

What does the Act relating to delivery of public services say? If a designated public service is not delivered within the stipulated time limit then the affected person may file an appeal within thirty days of rejection of an application or expiry of the time limit. If the applicant is dissatisfied with the appellate order he may file a second appeal within sixty days of the order. This means that if a citizen is entitled to a service and he does not get it, then through a process of appeals he may have to wait for may be from four to six months to get redressal. Meanwhile, he remains without the service. If government is really serious about delivery of services then it must build a system of interlocking accountability in which not only is the role of each official defined, but his immediate superior is held liable for actions or the failure of his subordinate. There has to be a system of swift punishment for non performance. This has to be an executive action and not a quasi-judicial one. This also means that the hierarchal discipline must be restored, with no lateral intervention by politicians, other officials, etc. and the superior officers should be empowered to take action against erring subordinate. If there is a review of procedures in matters where people come in contact with government and if the points of contact are reduced to a minimum and procedures are simplified the delivery of services would improve dramatically.

The Act in question reads well and suggests that government is serious. Actually it only adds to the plethora of cosmetic legislation, absolves officers from supervising their subordinates and transfers the burden of delivering services to a quasi-judicial process. Incidentally, looking at the services notified by government under section 3 of the Act the real objective of the Act to pull wool over the eyes of the gullible public becomes clear. Very few services are actually covered by this notification, which convinces me that the Act is pure hogwash because it leaves the very wide spectrum of government activity untouched.