

SIMPLIFYING THE ENFORCING OF RIGHT TO PUBLIC SERVICES: REDUCING CONTROL AND UPGRADING STANDARDS

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ABSTRACT

This paper, titled 'Simplifying the Enforcing of Right to Public Services: Reducing Control and Upgrading Standards' is themed on improvising the entire channel of public service delivery – from the point of receiving of demand for service to its conclusion, when the customer is satiated with the service so rendered.

The paper, streamlining this entire process into three simple stages of pre-delivery, midst of delivery and post delivery and overall general principles of observance, suggests a mix of international good practices borrowed from nations like the UK, Canada, New Zealand and Scotland that can assist in this intended improvisation. Automation to the maximum extent thereby reducing probable bureaucratic manhandling and resorting to less-fault and quicker processing techniques remains the core strategy of attaining the objective of better public service delivery.

Integrating empirical research that involves the interviewing of a senior official of the Government of India who offers insight into governmental action that makes public services more accessible and systematically lining up the practices through each stage to ease-out the entire delivery process, the paper equates this intention to a social investment which is characteristic of a duty-bound State and its ability to cater to the demands of its citizenry.

INTRODUCTION

‘[A] Government has to fit to the rhythm of life of the people.’

- Jean-François Copé, former French Minister

Sustained service in-flows are a necessity for public upkeep and satisfaction. Utility conduits and reception systems, headed by designated in-charges is the means to ensure proper channelization of public services, based on the meeting of an identifiable social need. Amongst several responsibilities of a State, one of them is to ensure that its citizens receive time-bound, change-sensitive, query-based information or data from government records, issuance of licenses, certifications, governmental permissions and sanctioning of service connections.

One of the parameters for testing a Government's worthiness is reviewing its policy impact on social upliftment and its outreach in this regard. The approach adopted by New Zealand is an ideal one when the question that surrounds is regarding the nature and manner of public service delivery. This is the Social Investment approach.¹ Understanding the social sphere in its entirety and thereafter assessing targets and assigning funding is the core strategy of this approach. Its rationale is grounded in the firm understanding that current-day well-planned investments in the social sector will generate long-term returns, will eliminate social retardation and create an independent citizenry.

The 'dominium' of the State, as against its 'imperium'² allows it, by utilizing its revenue and wealth, to make suitable channels and arrangements for service delivery to its citizens. This beneficial service reaching 'customer' citizens is rooted in the idea of the State being a welfarist one; providing for such services and making them available in the market offers no direct incentive to the State.³ In general, the provisions made available through such a system may be viewed as 'public goods'.⁴ By their nature, these goods are non-rival and non-excludable. This is to indicate that one, these goods do not economically compete with other available goods in the market and two, the enjoyment of these goods by a person or class of persons would not have the effect of disadvantaging or excluding another person or class of persons. Hence, the providing for public services has full social coverage and is beneficial to every strata of society.

Earlier it was thought that, especially for organizations or bodies which have a high public interface and function to maintain absolutely essential public services, such as railways, posts, public distribution systems, etc., such entities are required to have reporting systems to the public. However, with mechanized globalization of service inflows and outflows, digitalization and doorstep delivery of almost all human requirements, more services can be rightfully demanded through such delivery channels.⁵

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¹ Deloitte, 'The Challenges to Successful Social Investment' <<https://www2.deloitte.com/content/dam/Deloitte/nz/Documents/public-sector/Challenges-to-adoptsocial-invnz.pdf>> accessed 24 June 2017

² A Government may pursue its objectives either by using the law which would be the command of the sovereign ('imperium') or by using its wealth to disburse benefits ('dominium').

³ Jonathan Anomaly, 'Public Goods and Government Action' (2015) 14 (2) Philosophy, Politics and Economy (Forthcoming) <<https://philpapers.org/archive/ANOPGA.pdf>> accessed 28 June 2017

⁴ Victor A. Pestoff, *A Democratic Architecture for the Welfare State* (1st edn, Routledge, 2009)

⁵ Accenture, 'Digital Government: Pathways to Delivering Public Services for the Future' (Accenture, 1 January 2014)

The study undertaken is to derive the best practices that may so be adopted in the process of service delivery. This paper adopts a phased lineup strategy in addressing the issue of delivery of services, from the initial stage of creating channels for service delivery, to entertaining and processing of requests for demands for service, followed by the checks that must be installed in the course of delivery of service and finally regarding feedback, compensatory and grievance redressal systems, which is the last leg in the process, with the overall aim of reducing effective governmental control in the middle stage and installing automated processing of service delivery to the best extent possible.

Compartmentalized into four sections, this paper attempts at providing an ideal mechanism ideologically grounded in the best practices which must in general, as well as during specific stages of public service delivery, be followed.

GENERAL PRINCIPLES

In-Principle Compliance

The concept of Batho Pele (meaning *People First*), as initiated by Nelson Mandela in 1997, as a part of the South African constitutional framework relates to principles of service delivery involving governmental officials and agencies.⁶ Its foundational principles comprise consultation, access, service standards, courtesy, information, openness and transparency, redressal mechanism and economic satisfaction from the service so rendered.⁷ Access to decent public services is now part of the doctrine of legitimate citizens' expectations, hence no more seen as a privilege for only certain social classes or persons.

Sectoral Prioritizing

Certain sectors where public service delivery must be effective must be targeted to build operational efficiencies on a priority-basis⁸, such as social sectors, like healthcare and education, if their general status is underdeveloped. Focus may also lie on areas which are less understood by the general

<https://www.accenture.com/in-en/~/_media/Accenture/Conversion-Assets/DotCom/Documents/Global/PDF/Industries_7/Accenture-Digital-Government-Pathways-to-Delivering-Public-Services-for-the-Future.pdf> accessed 3 June 2017

⁶ Public Service Coordinating Bargaining Council Resolution 1 *Service Charter of Republic of South Africa* (2013)

⁷ The *White Paper on Transforming Public Service Delivery* (published by Department of Public Service and Administration in 1997)

⁸ H.K Wong and Hon S. Chan, *Handbook of Comparative Public Administration in the Asia- Pacific Basin*, (2nd edn, Marcel Dekker, 1999)

citizenry, such as tax laws and filing of tax returns. Prioritizing sectors on the basis of ‘worst-off’ and ‘most-needed’ must be synchronized to keep the process of developing and up-keeping in line.

Creating Partnerships

Partnerships have always been viewed as an ideal means of combining best assets, improving capabilities, allocating risks and sharing costs, to ensure a strengthened shared output.⁹ It is no news that the expenditure on capital works such as water supply and sewerage, public health and sanitation, waste disposal, roads and street lights is exponentially high.¹⁰ The objective is not for the government to shed-off responsibility when it faces budgetary pressure; it is to rope in private allies who may be better equipped –financially and infrastructure-wise – to help provide public services in a better manner.

The advent of privatization and marketization in this process of service delivery will make it more competitive and effective.¹¹ Several kinds of arrangements, such as service contracts, management contracts, lease contracts, concession BOT (Build Operate Transfer) contracts, etc. may be used in forging such partnerships.

As can be learnt from the practice in UK, voluntary charities can also participate in service delivery, within the framework of their objects and powers.¹² For instance, the Canal and River Trust is a registered charity in England which works to protect inland waterways, they maintain these water systems by constructing networks of bridges, embankments, towpaths and docks.

Citizen Primacy and Awareness

The goal of every service delivery system is to ensure that the end-user or the consumer of the service stands satisfied and is not exposed to unfair practices or wrongdoings in the market, if such a consumer is a market participant. Organizations which may deal with issues of pricing and retailer-ship possess time-sensitive data which must be necessarily made available to citizens. Data collation and dissemination is therefore the thrust of public service delivery operations of such agencies.

⁹ Erick F. Oechler Solana, ‘Public Private Not-for-Profit Partnerships: Delivering Public Services to Developing Countries’ (2014) 78 *Procedia Engineering* <http://ac.els-cdn.com/S1877705814010522/1-s2.0-S1877705814010522-main.pdf?_tid=c1efd80e-5d08-11e7-a44d-00000aacb35e&acdnat=1498767965_df0f860f7d012f450dde56cc5ce00adc> accessed 31 May 2017

¹⁰ Ramakrishna Nallathiga, ‘Public Private Partnerships in the Delivery of Urban Services: Need, Potential, Process and Principles’ (International Conference on Public Private Partnerships in the Water Sector, Nagpur, November 2006) <<http://unpan1.un.org/intradoc/groups/public/documents/cgg/unpan043990.pdf>> accessed 29 June 2017

¹¹ Karen Johnston Miller and Duncan McTavish, *Making and Managing Public Policy* (1st edn, Routledge, 2013)

¹² Kerry O’ Halloran, *The Profits of Charity: International Perspectives on the Law Governing the Involvement of Charities in Commerce* (1st edn, Oxford University Press, 2012)

A citizen is entitled to information and accountability to the public is a part of governance.¹³ Apart from sensitive information which is not subject to disclosure as per statutory exceptions¹⁴, all other information is subject to disclosure on demand¹⁵, by the relevant authority in a time-bound manner. Disclosure of such information, as elucidated above, shields the consumer from corrupt market practices such as inflated pricing, by keeping the customer abreast with current price information.

One such technical arm of the Indian Government's Petroleum and Natural Gas Ministry is an organization known as the 'Petroleum Planning and Analysis Cell', headed by the Director General Ms. Atreyee Das.¹⁶ With the advent of daily pricing¹⁷ of certain petroleum products from the 16th of June, 2017, Ms. Das is of the opinion that her organization has been striving to ensure that consumers are kept aware of daily fluctuation in product prices and retailers sell only at such costs.¹⁸ Her organization is assisting the Ministry with information dissemination through various channels, such as mobile applications, digitally-controlled price-bearing masts at each petrol pump station and the website of the organization which constantly is reporting price changes.

The organization's current Citizen Charter¹⁹, about which Ms. Das commented that her organization has geared up to provide timely information on the computation of prices and their daily notification, as per the new daily pricing policy by publishing data for across thirty three locations in India since 16th June, 2017 and showing the corresponding price build-up alongside, is an instance of latent public service in the form of information.

Ushering-in such techniques of service delivery to citizens is a must to ensuring widest reach of information and keeping the consumer knowledgeable and hence, relevant in the market scenario.

¹³ Y.K. Sabharwal, 'Keynote Address' (Judicial Colloquium on Right to Information, Bhopal, 2005) <www.supremecourtindia.nic.in/speeches/speeches_2005/rti.doc> accessed 10 May 2017

¹⁴ Exemption from information disclosure is prescribed under § 8 of the Right to Information Act, 2005

¹⁵ Request for relevant information may be made under § 6 of the Right to Information Act, 2005

¹⁶ Ms. Atreyee Das is an Indian Audit and Accounts Service officer of the 1989 batch of Civil Servants and is currently on deputation in the Ministry of Petroleum and Natural Gas, since 2014. She heads the Petroleum Planning and Analysis Cell and the information provided above is from intercepts of her interview with the author, on 19th June, 2017

¹⁷ Daily pricing, as against the system of fortnightly pricing of petroleum products, is a pricing mechanism followed in most advanced markets of the world and reflects everyday change in the price of petroleum products based on fluctuations in the international crude oil market

¹⁸ Interview with Atreyee Das, Director General, PPAC, Ministry of Petroleum and Natural Gas, Government of India (New Delhi, India, 19th June 2017)

¹⁹ Petroleum Planning and Analysis Cell, 'Citizen's/Client's Charter: Main Services/Transactions' <<http://ppac.org.in/WriteReadData/userfiles/file/Citizens%27-Clients%27%20Charter%2004%2008%202016.pdf>> accessed 23rd June 2017

PRE-DELIVERY ARRANGEMENTS

Contracts or framework agreements

Making suitable arrangements for the flow of public services may require engaging of third parties, such as independent contractors, intermediaries, contract labourers and hiring of other kinds of 'workforce'. Their engagement must be done through legally enforceable contracts and agreements, stating and setting out the scope of work required to be carried out, the consideration payable based on fair pricing which must not disregard norms of public expenditure and necessarily stating that time is of essence in such contractual arrangements.²⁰

New Public Management (NPM) Model

Under the NPM Model, the Government by itself is no longer the primary provider of services. Similar to how the arrangement works on a hire basis, the Government allocates contracts for service delivery to appropriate bodies and private corporations; in the process its role becomes limited to that of a primary supervisor – a visible shift from the traditional 'command and control' approach. The thrust of the NPM model lies in competition and private sector management.²¹ This model restricts the role of the bureaucracy to need articulation and aggregation.²²

In UK, the Public Services (Social Value) Act, 2012²³ was enacted to provide for public services. As per the scheme of the legislation, it is imperative that relevant due diligence in terms of assessment of third party competency and socio-environmental feasibility be carried out. In this backdrop, the following practices are encouraged,

- *advertisement for inviting expression of interests*

Public announcement by the relevant agency or department for engaging of personnel to provide necessary channels for flow of public services and formal expression of keenness by an interested party, to be engaged for the same, is vital. Such is usually done by publication of notification in the gazette and in local newspapers in a language that may be widely understood.

²⁰ *M/s Construction and Design Services v. Delhi Development Authority* 2015 (14) SCC 263

²¹ Mark Robinson, 'From Old Public Administration to New Public Service: Implications for Public Sector Reform in Developing Countries' (2015) UNDP Global Centre for Public Service Excellence <file:///C:/Users/croma/Downloads/PS-Reform_Paper%20.pdf> accessed 2nd June 2017

²² Text to n 41

²³ Public Services (Social Value) Act 2012

- *tendering or bidding process*

Parties which are shortlisted for engagement are required to participate in the bidding process by submitting their tenders – which outline manner of delivery of work, underlying costs and relevant timelines. Procurement through such contracts based on public expenditure benchmarks must be done after requisite assessment and competitive price comparison.²⁴ Based on such commitments, the agency or department so hiring, after making all relevant considerations, may offer the project to such party who is deemed as most suitable.

- *assessment of economic, social and environmental well-being in the course of project implementation*

The project being undertaken must be evaluated in terms of its social impact, probable hindrances that may accrue from the environment and economic viability. Negative externalities must be at a minimum, which would lead to the project scoring positively on the impact assessment scale.²⁵ For instance, in a study conducted to review construction projects in the Delta region of Nigeria, which had essentially government clientele, it was seen that the environment poses certain extraordinary challenges which may already presuppose extensive costs and time overrun.²⁶ Technological availability, political stability and infrastructure are components of the larger ‘environment’ factor. Further, as an example, the safety of commuters using a bus transit system may be an assessment required along the lines of social concern. Equipping of public buses with GPS and Automatic Vehicle Tracking System would be a means to achieve the goal of commitment to safety by an organization having a wide public interface.²⁷

Efficient Distribution Channels

Conduits and flow mechanisms created to facilitate flow of public services must be designed, developed and maintained to serve maximum public utility, with minimum cost and easy accessibility. Proportionate circumstantial evaluation and recognition of special needs²⁸ are important indices to be considered in planning distribution channels. Maintenance of online portals and e-

²⁴ G. Ashok Kumar, ‘Ethics in Public Procurement’ (Workshop on Enforcement of Contract Clauses and Timely Recovery, Jaipur, February 2012)

²⁵ Richard Batley and Claire McLoughlin, ‘The Politics of Public Services: A Service Characteristics Approach’ (2015) 74 World Development < <http://www.sciencedirect.com/science/article/pii/S0305750X15001278>> accessed 13 May 2017

²⁶ P.O. Akanni, ‘Impact of Environmental Factors on Building Project Performance in Delta State, Nigeria’ (2015) 11 (1) HBRC Journal < <http://www.sciencedirect.com/science/article/pii/S1687404814000200>> accessed 4 June 2017

²⁷ Delhi Transport Corporation, ‘Citizen’s Charter’ <<http://dtc.nic.in/ccharter.htm>> accessed 2 May 2017

²⁸ Special facilities for people with disabilities, for indigent persons, improvement in telephone enquiry service and comprehensive customer-care training are recognized for efficient service distribution

management of requests for service, tracking of flow, disbursement of information, procurement and forwarding systems may assist in proving to be an efficient distribution channel.²⁹

Smart Path: Digitalization

The system of ‘digital governments’ allows governmental service delivery operations to be run *via* electronic channels.³⁰ Such online operation, apart from being speedier, may reap several other benefits. All support systems, including front-office operations and back-office infrastructural nodes are run digitally. A citizen-centric approach, based on adequate investments in information and technology up-gradation and requisite personnel training, adopted may make services more accessible through such a medium. Computerization of government records and use of e-information handling systems such as cloud computing reduce operation costs and render higher efficiencies in service delivery.

India’s performance in this regard has been much like Brazil’s, with both having similar structural type of developing economy.³¹ For instance, health services are an important public good. The electronization of health records (EHR) requires provision for vital preconditions, such as electronic medicine prescriptions, paperless information processing and interoperability-cum-exchange of patient information. Though the long-term vision is of perfect and wholesome digitalization, poor core infrastructure and issues of corruption and red-tapism hinder this process.

*Charter-based Enunciation*³²

Enlisting satisfies consumer knowledge and time-bound responsiveness. Further, ‘chartering’ of the same symbolizes the existence of a pseudo-contract between a citizen (as a taxpayer and a consumer of goods and services) and the provider and facilitator of such services.³³ The obligation for providing, maintaining, expanding, strengthening and improvising such channels of service rests upon the latter.

²⁹ For instance, the India Post service (under the Ministry of Communications) has specific assistance tabs for consignment tracking, locating nearby post offices, feedback submission and complaint registration

³⁰ Information Technology (Electronic Service Rules) 2011, s 2(i)

³¹ Meenakshi Sharma and Himanshu Aggarwal, ‘EHR Adoption in India: Potential and the Challenges’ (2016) 9 (34) Indian Journal of Science and Technology < www.indjst.org/index.php/indjst/article/view/100211 > accessed 14 May 2017

³² Department of Administrative Reforms and Public Grievances, ‘Citizen’s Charter – A Handbook’ < <http://goicharters.nic.in/cchandbook.htm> > accessed 3 June 2017

³³ David Clarke, ‘Public Service Charter’, *Encyclopedic Dictionary of Public Administration* (J.F. Savard edn, 2012) <http://www.dictionnaire.enap.ca/dictionnaire/docs/definitions/definitions_anglais/public_charter.pdf> accessed 22 May 2017

Essentially adopted by borrowing from the UK model, a public document referred to as the ‘Citizen’s Charter’ enlists the various goods and services, being offered as public services by the relevant corporation/organization, is created by senior experts and persons who have the experiences of end-user interactions and placing services in motion. It has a preambular introduction in the form of a ‘Vision and Mission Statement’³⁴ – this is the stating of what services are intended on being provided for, standards of service and the outreach the program intends on achieving, created after due public interest assessment³⁵. Further it details out the various businesses transacted by the organization, its existing clientele, details of nature of services provided to each client group and details of grievance redress mechanism and how it may be accessed. Further, the Indian model also intends on making an assessment of what clients expect from the service, which may include features such as timeliness, feedback systems and scope for improvement.

Charters are essential in ensuring that flow of services is demand-based, as against being dependant on supply.³⁶

‘IN THE COURSE OF DELIVERY’ OPERATIONS

Inter-Agency Coordination and Delivery Flexibility

Cross-agency work and developing a collaborative work structure can go a long way in ensuring good public service delivery. Focus on independent organizational culture is often a detriment in securing joined-up services.³⁷ Common larger purpose and sharing of resources and information could form the basis for such a collaborative arrangement which may be cemented through a formal relationship to share risks and responsibilities. For example, both a fire service authority and an organization for environment protection may choose to have a common pool for fire dousing and emergency response teams for tackling issues such as fire gutting residences as well as forest fires alike.

Such an arrangement not only builds operational efficiency but can also allow for flexibility in delivery of services, based on the degree of preoccupation of each of the collaborating units.

³⁴ Report of *Administrative Reforms Commission* II, 4, 34

³⁵ Guido Bertucci, ‘Promoting Ethics in Public Service’ (2000) United Nations Division for Public Economics and Public Administration Series E/8 <<https://publicadministration.un.org/publications/content/PDFs/E-Library%20Archives/2000%20Promoting%20Ethics%20in%20the%20Public%20Service.pdf>> accessed 6 June 2017

³⁶ Public Sector Research Centre, ‘The Road Ahead for Public Service Delivery: Delivering on the Customer Promise’ (PricewaterhouseCoopers, April 2015) <https://www.pwc.com/gx/en/psrc/pdf/the_road_ahead_for_public_service_delivery.pdf> accessed 27 June 2017

³⁷ *Public Services: Inter-Agency Risk* p. 5 (November 2013)

Public Service Professionalism³⁸ and Governance Reforms

Poto Williams, a member of the New Zealand Parliament, had reflected her concerns once, about the lack of 'right skills' for those engaged in public service delivery. One of the reasons she cited was that of low wages acting as an impediment to attract staff with up-to-date capabilities.³⁹ However, she did not dismiss the possibility of the motivation for staff to join the social sector to be altruistic, but this can hardly be stated as a generalization. As a blanket understanding, traditional financial incentives alone might not be successful.

A 'public servant'⁴⁰, includes such person who by virtue of holding such public office has a duty to expend any property, or make a survey, execute any process or investigate or report any matter of law or fact, produce any information or perform any such obligation which pertains to the ascertainment of rights and obligations. Under the modern approach to public administration, the role of such officials is limited to interest aggregation and articulation of shared goals.⁴¹

It is obligatory on the part of the Government to ensure appropriate channels and conduits are created and maintained for flow of public services. Acting through its agents, the Government whilst being the principal has the power to regulate the conduct of the various officers appointed under its pleasure. In doing so, it must ensure that its officers act in a manner that is consistent with the speedy and efficient rendering of the demanded public service.

Managerial reforms are the core concern in building professionalism in public service delivery, one of which is the need for depoliticizing of bureaucracies.⁴² Measures to ensure that political pressure does not latently force officials to act in a partisan manner or with poor judgment must be put in place. Agency behaviour, it must be ensured is guided by rational discretion and not by blind commitment to institutional diktats.⁴³

Avoidance of such public duty or deficiency in service so rendered, this responsibility is viewed as a statutory duty under certain legislations⁴⁴, failure of which may expose the person-in-default to penalties and sometimes, even litigation. For instance, a residential health care provider which

³⁸ Public service professionalism in general is the overall value that encompasses all other values that guide public service such as neutrality, loyalty, diligence, punctuality, impartiality and effectiveness

³⁹ Deloitte (n 1)

⁴⁰ Indian Penal Code 1890, s. 21(9)

⁴¹ Janet V. Denhardt and Robert B. Denhardt, *The New Public Service: Serving, Not Steering* (3rd edn, M.E. Sharpe, 2007)

⁴² Guido Bertucci, 'Professionalism and Ethics in Public Service: Issues and Practices in Selected Regions' (2000) United Nations Department of Economic and Social Affairs Series E/5 <<http://www.pogar.org/publications/finances/anticor/publicserviceethics.pdf>> accessed 14 May 2017

⁴³ Walter L. Balk, *Managerial Reform and Professional Empowerment in Public Service* (1st edn, Quorum Books, 1996)

⁴⁴ Michael Mandelstam, *Equipment for Older or Disabled People and the Law* (1st edn, Jessica Kingsley Publishers, 1997)

provides healthcare facilities for old and disabled person may face civil litigation if a patient, under their care, dies due to negligence or failure to take adequate care.

Value-Infusion and Shared Ethics Infrastructure

The 1996 Canadian Tait Report⁴⁵ embodied the idea of integrating ethics and morals in the process of carrying out public duty by officials, by formulation of a binding Code of Conduct. It envisaged the space for creating a ‘moral contract’⁴⁶, wherein service providers and receivers would be bound to one another and moral obligations would subsist between the two. Embracing a notional “nationality integrity system”⁴⁷ based on a common ethos foundation and shared ethics can be helpful in binding everyone to a common belief system, thereby avoiding discrepancies in moral standings.

Exemplary standards of oversight and accountability have been set by the office of the Commissioner of Public Sector Integrity⁴⁸, in Canada. This body investigates and acts upon claims of misconduct and mismanagement by public servants in the course of official duty. Such wrongdoings driven by the motive for self-gratification, once affirmed, may attract penalties such as suspension from duty.

Disclosure Protection Legislations

In the course of ensuring the smooth and efficient flow of services to its intended beneficiaries, the process of doing so and the passage of the requirement must be agent-to-agent under supervision⁴⁹, and free from hindrances. Any lag involved and acting as an impediment must be tapped and removed at the first instance, and the process of service delivery immediately resumed. In this regard, public officers who deliberately evade duty⁵⁰, fabricate records⁵¹, create barriers in service

⁴⁵ John C.Tait, *Report of the Deputy Ministers Task Force on Charter of Public Service Values and Ethics* 1996-2000 (C99-980348-4E)

⁴⁶ Kenneth Kernagan, ‘Encouraging “Rightdoing” and Discouraging Wrongdoing: A Public Service Charter and Disclosure Legislation’ (2006) 2 (3) *The Public Service and Transparency* <http://publications.gc.ca/collections/Collection/GomeryII/ResearchStudies2/CISPAA_Vol2_3.pdf> accessed 28 June 2017

⁴⁷ Petter Langseth and Rick Jeremy, ‘The Role of a National Integrity System in Fighting Corruption’ (1997) *Economic Development Institute of the World Bank Working Paper* 18868 <<http://documents.worldbank.org/curated/en/165851468762295346/pdf/multi-page.pdf>> accessed 10 June 2017

⁴⁸ Office of the Public Sector Integrity Commissioner of Canada <<http://www.psic-ispcc.gc.ca/eng>> accessed 17 May 2017

⁴⁹ Dr. C.S. Rangachari, ‘Organization Design for Service Delivery in Public Sector’ (2003) *Centre for Good Governance Collected Working Papers* 2/2003 <<https://www.cgg.gov.in/workingpapers/WP-38-61.pdf>> accessed 26 May 2017

⁵⁰ *Police and Ors. v. Battenapatka Vemkata Ratnam and Ors* 2015 (5) SCALE 253

⁵¹ *Shambhoo Nath Misra v. State of Uttar Pradesh and Ors* (1997) 5 SCC 326

transmissions, indulge in corrupt practices and otherwise act in impropriety must be identified and removed from the course of service delivery.

More importantly, protection must be offered to such individuals who report the wrongdoings of such officers and act as whistleblowers of sorts. They must be made immune from any wrongful action that may be taken against them, such as frivolous proceedings and reprisals; to the best extent possible, such persons' identity must be protected by anonymity, failing which the person making such disclosure and suffering a loss may take appropriate action, such as in Irish law.⁵²

Procedural Propriety and Abidance

Many a times, targeted beneficiaries of public services complain of hardship due to failure to receive the requested service(s). In this regard, officials have often escaped with the defense of abidance when they have successfully demonstrated that they acted with procedural propriety and with due regard to the demands of the customer.⁵³ Lack of resources or absence of channels for service are no excuse but it has been widely held that if such situations of constraint persist and unreasonableness in public duty cannot be asserted against an official or service provider, they are required to implement the reduced service for those in extreme or radical need, on priority basis.

As a minimum threshold, commitment to the express policy and procedure for procurement and delivery of public services would ensure less chaos by reducing the scope for bureaucratic manhandling and indiscretion.

Accountability and Candour in Service Flow Process

Unlike an understanding of a dichotomous sense of accountability where 'user-choice' is seen as conflicting with 'social justice', a perfect sense of accountability can juxtapose competitive/consumer-driven performance management (user-choice) as a sub-set of collaborative/citizen-centric inclusive management (social justice)⁵⁴ – the latter reflecting a general attitude of governance.

Transparency is the means to ensure a responsive and participatory citizen-consumer and is the essential tool for accountability. Advocates of extreme transparency espouse even unprocessed data

⁵² Protected Disclosures Act, 2014, s. 16

⁵³ R v. Gloucestershire CC ex parte Mahfood (1997) 1 CCLR 7, R (Savva) v. Royal Borough of Kensington and Chelsea [2010] EWCA Civ 1209

⁵⁴ *Accountability in Public Service Delivery: A Multidisciplinary Review of the Concept* (July 2011)

to be made available on demand⁵⁵, to fully rope in the citizen in the governance process. In the light of public services, transparency would be equivalent to a consumer being able to monitor the status of an application which request for a service. Organizations must also ensure that acknowledgment of receipt of request is instantly delivered back, stating rectifications in request if any are needed and that once cognizance of the service demand is made, the processing cogwheels are immediately set in motion and service delivery is ensured in a time-bound manner.

Oversight of a Quasi-Judicial Body

An important practice that must be incorporated in ensuring good and just public service delivery is by the constant onlook and supervision of the same by a public advocate or as more commonly known as an ombudsman. The Scottish Public Service Ombudsman (SPSO) provides an important lesson demonstrating the necessity of having such a public body.⁵⁶ Its objective remains not to only resolve individual complaints and grievances of specific persons, but to carry the change forward which can be seen from their decisions carrying follow-up recommendations.⁵⁷ In the wake of the 2013 Robert Francis Inquiry Report⁵⁸, the SPSO more vehemently pursued its recognition of valuing complaints to ensure active improvement of services, such as evolution of the statutory duty of candour. On earlier occasions as well, such as the in the Scottish Government Learning Directorate case⁵⁹, on a private complaint made alleging poor investigation into a sexual assault attempt in a public school, the SPSO concluded that the investigation had been carried out in an loose manner, leading to inconclusive findings and factually incorrect information; further the non-consultation with other concerned and interested bodies, such as the Scottish Work Department was inappropriate.

The review of executive action by a quasi-judicial body, like an ombudsman, can ensure that arbitrariness and non-responsiveness in delivery of public services is avoided by instituting a mode for checks and balances.

⁵⁵ Organization for Economic Cooperation and Development, *Towards Recovery and Partnership with Citizens: The Call for Innovative and Open Government*, Conclusions of a Meeting of the Public Governance Committee at Ministerial Level 2010

⁵⁶ The Scottish Parliament, 'Scottish Public Services Ombudsman' <<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/69751.aspx>> accessed 17 June 2017

⁵⁷ Scottish Public Services Ombudsman, *Annual Report 2012-13* (July 2013)

⁵⁸ The 2013 Francis Report brought to light the failings in providing care of the Mid-Staffordshire NHS Foundation Trust by its nurses and midwives along with poor conduct in several tiers of its management, causing a poor healthcare delivery system

⁵⁹ Scottish Public Services Ombudsman, *Scottish Learning Government Directorate, Report No. 201103092* (2012)

POST-SERVICE OPERATIONS

Feedback and Grievance Addressability

To have a mechanism of feedback on service received and reporting of grievances when there is delay or failure in receiving of a service is positive means to strengthen public service delivery. For instance, the Municipal Administration of the state of Tamil Nadu in India controls the various urban local bodies and corporations that work under its aegis to perform service delivery operations.⁶⁰ Citizens are provided with appropriate routes, such as contact numbers, to directly engage with officials and executives, record their grievance and expect time-bound redressal, failing which they make issue notice of action against concerned authorities.

Standard data structuring and centrally-controlled database management, with features such as automatic communication to and from officials, auto-escalation of grievance in accordance with line of seniority in a time-bound manner and Management Information System (MIS) reporting are good practices⁶¹ to ensure efficient processing of complaints and making them a basis for learning, training purpose and carving improvisation.

Compensation/Refund in the event of failure to provide services or charging in excess

Keeping open the avenue of acknowledging failure to render service is also a means of showing commitment to efficient service delivery for citizens. Compensatory relief may be awarded to affected individuals in the event of such failure. An agency which follows this ideal practice is the Hyderabad Metropolitan Water Supply and Sewerage Board, in India.⁶² Its Charter states that if new demands for water supply and sewerage channels are not sanctioned or rejected within thirty working days, a token amount of twenty rupees, along with a fresh date for demand not exceeding fifteen days hence shall be provided to the aggrieved customer on a no-question asked basis. Correspondence with the customer by the technical official is also encouraged to explain reasons for delay and denial.

⁶⁰ The relevant Citizen's Charter provides for a fine of Rs. 50 per day to be collected from the concerned staff of the corporation which fails to redress grievances in a time-bound manner

⁶¹ Planning Commission of India and UNDP India, *Social Sector Service Delivery: Good Practices Resource Book* (2009)

⁶² Hyderabad Metropolitan Water Supply and Sewerage Board, 'Services' <<https://www.hyderabadwater.gov.in/en/>> accessed 29 June 2017

Having a system of refunds is equally important, in case an already-paid for service fails to be delivered or where excess may have been charged, such as in the case of payment of tax returns.⁶³

CONCLUSION

Empowering human resource and institutional capacity-building is the essence of developing a good and efficient means of public service delivery.⁶⁴ Public service delivery projects require monitoring and supervision under a loop-evaluation system to remain streamlined with the extent of demand. Pre-delivery planning and affixing demand targets, installing check-points in the interim while service delivery is pending and *ex post facto* review and assessment of target-fulfillment – this implementing mechanism backed with home-styled reforms can form the ideal basis for linking services to the citizens. Simultaneously, international practices such as manner of contract-assigning and capacity-allocation to private bodies, incorporating Information and Communication Technology (ICT) and e-governance features in service media, rewarding the performance of efficient and honest officials albeit keeping their direct involvement in the process to a minimum, and innovating means to ‘self-help’ in the enforcing of the right to public services must be architected and incorporated to suit the national framework.

⁶³ Central Board of Excise and Customs, ‘Citizen’s Charter and Vision Document < <http://www.cbec.gov.in/htdocs-cbec/whoweare/citz-charter>> accessed 28 June 2017

⁶⁴ ‘Public Sector Reform: Improving Public Service Delivery, Enhancing Citizen’s Voice and Good Governance’ (2013) The World Bank <<http://www.worldbank.org/en/results/2013/02/08/public-sector-reform--improving-public-service-delivery-enhancing-citizens-voice-and-good-governance>> accessed 25 June 2017