

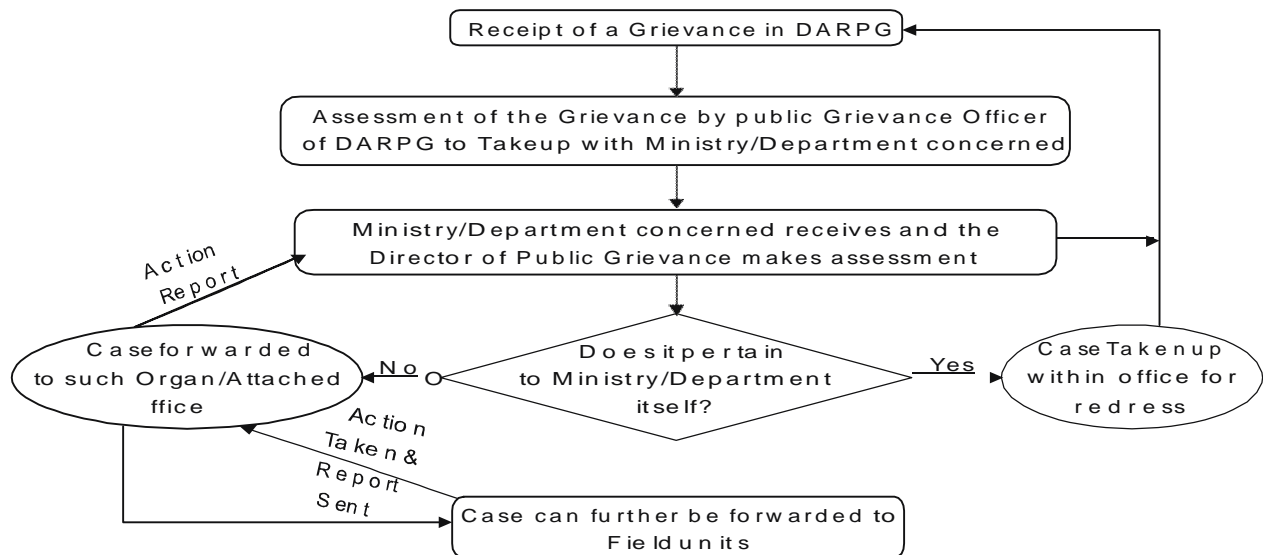


EFFECTIVE GRIEVANCE REDRESSAL: HEART OF GOOD GOVERNANCE

- The grievance redressal mechanism of an organisation is its instrument to measure efficient and effectiveness as it provides important feedback on the working of that organisation. The Government of India has established an internet based Centralised Public Grievances Redress and Monitoring System (CPGRAMS) to facilitate all citizens to lodge grievances for redressal.
- The system also enables Ministries/Departments to take appropriate action and upload the Action Taken Report on it.

Public Grievance Mechanism in India

- The Public Grievance Mechanism of the Prime Minister's Office (PMO), the President's Secretariat, the Directorate of Public Grievances (Cabinet Secretariat), Department of Administrative Reforms & Public Grievances (DARPG) as well as the Pensioners' portal have been integrated through the CPGRAMS.



- The DARPG is the policy making, monitoring and coordinating department for public grievances. Its mandate arises from the Allocation of Business Rules 1961.
- Further, grievances are required to be redressed in a decentralized Ministry/Department.
- Each Ministry/Department/Organization should also have a Director of Public citizen can approach for redressal. Every Wednesday of the week has been earmarked for the purpose.
- It is also important to note that the Prime Minister also monitors/reviews the pending grievances of one or more Ministry/Department every month under the Pro-Active Governance and Timely Implementation (PRAGATI) platform.



Disposal Rate

- During the last three years, while the total number of grievances has increased, it is as important to note that the disposal rate has also improved.
- In order to have a single pan India Public Grievance Redressal System, and to ensure that the citizen's experience is satisfactorily uniform, it is necessary that the State Public Grievance Redressal Systems also need to be integrated with CPGRAMS.
- The State Government related grievances received in CPGRAMS are only forwarded to the concerned State Government for redressal, but are not monitored by the Centres.

New Developments

- A person can lodge a grievance on the PG portal through the Common Service Centre located in his area by paying a nominal fee. A toll free facility for receiving reminders regarding pending grievances is also being introduced. A mobile App which allows lodging and tracking of public grievances on android based mobiles was launched on October 2015.
- This has been integrated with United Mobile Application for New-age Governance (UMANG).

Grievance Analysis

- For effective public grievance redressal, an important tool is regular analysis of public grievances received in order to help identification of the problems areas in which modification of policies and procedures could be undertaken.

Award Scheme

- The DARPG has also launched an Award Scheme as an incentive for recognising outstanding performance in redressal of public grievances through issue of Certificate of Appreciation on a quarterly basis.
- In addition, a Public Grievance Call Centre has been made operational with effect from February 2016 for reminding concerned officials of the top 40 Ministries/Departments/Organizations receiving bulk of the grievances, for expeditious disposal of grievances pending for more than two months.
- Frequent review meetings are being held in the DARPG for monitoring pendency/disposal for public grievances.

Citizen's Charter

- The Citizen's/Client's Charter, is another tool for good governance. This is a written declaration by a Government department that highlights the standards of service delivery that it subscribes to, the availability of choice for consumers, avenues for grievances redressal and other related information.
- Though it is not enforceable in a Court of Law, the Citizen's/Client's Charter is intended to empower citizens and clients so that they can demand committed standards of service and avail remedies in case of non-compliance by service provider organisations. The basic thrust of the Citizen's/Client's Charter is to render public services citizen centric by making them demand driven rather than supply driven.



Conclusion:

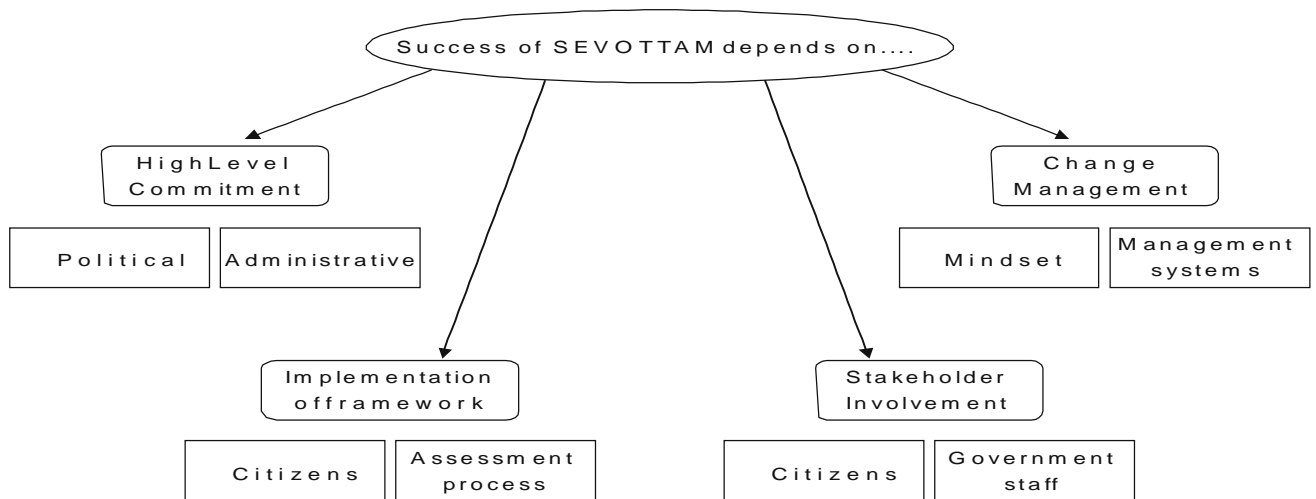
- The effort to usher in an era of Sushasan has begun on a very promising note. However, it is also important to understand that governance is an area where the citizen too has a specific role to play at every given point.

e-Governance: Grievance Redress for a New India 2022

- Public redress of grievances as a cornerstone of 'Minimum Governance' is a key aspect of New India 2022. Closely related to this is the growth of e-Governance through unique and cutting edge initiatives in India especially in the last few years.

Sevottam and CPGRAMS

- The DARPG has developed a framework called 'Sevottam', which essentially means Excellence in Public Service. Under this scheme, every Government Department must have a Citizens' Charter outlining the main services with service standards and timelines, a Public Grievance Redress Mechanism, and a system with assessment and improvement of public service delivery standards.
- DARPG has put in place a Centralized Public Grievance Redress and Monitoring System (CPGRAMS) since 2007. It is a flagship initiative by the Government of India to address public grievances in a centralized, transparent, accountable and efficiency manner.



- Experiences shows that while CPGRAMS has made a good beginning, it needs to be substantially upscaled to emerge as a major avenue for posting and redress of public grievance. Likewise, data available in CPGRAMS needs to be more effectively used to identify the root causes and focus areas for reforms in top grievance receiving department.
- The DARPG is also doing its part at being innovative by launching schemes such as the Public Grievances Call Centre, Twitter Seva and even a new version of CPGRAMS with additional features is slated for launched shortly.



Public Service Delivery Act

- The Government of India had proposed the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill 2011 in the Lok Sabha.
- The Bill provided for right to time bound delivery of goods and services to every citizen's charger, grievance redressal mechanism for non-compliance of Citizen's Charter and penalty on defaulting officer and compensation upto the same amount to the applicant. However, the Bill lapsed with the dissolution of the 15th Lok Sabha.

UMANG

- The government has recently launched a Unified Mobile Application for New-age Governance (UMANG).
- UMANG provides a single platform for all Indian Citizens to access pan India e-Gov services ranging from Central to Local Government bodies and other citizen centric services.

MyGov

- MyGov.in is a unique and cutting edge participatory governance initiative involving the common citizen at large, initiated by the Prime Minister in 2014. The platform is now an integral component in dissemination of information and seeking public opinion.

Other Citizen Centric Services

- It is heartening to note that several State Governments have used online platforms for citizens to register complaints. A few such initiatives include the Lokvani project in Uttar Pradesh. Also initiated is the Jansunwai or e-Samvad Portal fully dedicated for grievance redress through e-Governance.
- The Andhra Pradesh online portal 'aponline.com' is one of the most comprehensive State Government set-ups for an e-interface between the Government and citizens with an integrated grievance redress channel as part of its real-time governance initiative.
- Also e-Pariharan has been launched in Kerala to facilitate online lodging of complaints.

Public Grievances beyond G2C

- Citizens may have far more number of grievances when they purchase some goods or avail some service, which comes within the ambit of consumer protection. The integrated Grievance Redressal Mechanism (INGRAM) is a portal launched by the Department of Consumer Affairs to create a platform to allow consumers to lodge complaints regarding consumer dissatisfaction.

Future Outlook

- There are a few fundamental principles which may need to be pursued. These include making services available to public in faceless, paperless and cashless mode; providing connectivity and digital identity to all; targeting benefits through Aadhaar enabled, Direct Benefits Transfer; simplifying forms and processes and providing e-platforms.
- The Group of Secretaries in its report on Good Governance had observed that there is a need for capacity building of service delivery officers, knowledge updation, streamlining process, proper monitoring and attitudinal shift amongst Government staff towards more



transparent and accountable governance. Awareness is also required among the public about their rights under the Right to Service Act.

- Adoption of ICT has made significant strides at various levels in Government. Under e-Taal which is a web portal disseminating electronic transactions of e-governance projects, over 30 billion transaction covering more than 3500 services have been undertaken in the calendar year 2017.
- India must move to a regime where service standards are at par with the best in the world. All G2C services must move online, eliminating the need for the public to visit any office or interact with a Government functionary for service requirements. The Public services Delivery Act has already been enacted in 20 States and more States may need to follow suit.
- In order to realize the vision of widespread dissemination and public citizens' awareness of their rights and opportunities for redress, initiatives such as Jaago Grahak Jaago must become mainstays. Further, under the CONFONET scheme, all consumer for a should be computerized and net worked to enable online dissemination of information and ensuring quicker disposal of cases.

Public Grievance Redressal: Governance Challenge

- Efficient and effective public institutions provide the foundation on which the story of public trust can be developed, building on public satisfaction with administration and service delivery.
- Public grievances, therefore, present the most domineering challenge before any government. But this challenge is complex and its resolution requires multi-dimensional focus and multilayered interventions necessitating (a) timely capture of grievances by creating spaces for their expression; (b) effective redressal of existing grievances by creating robust redress mechanisms; and (c) accomplishing grievance free governance by addressing the root cause and working on alternate policies or institutional reforms, where necessary.
- As the responsibilities for service delivery shift away from the state towards service providers in the private sector and civil society institutions in many sectors, grievances related to these have grown too.
- In each sector, some grievance issues are of similar nature, but there are many grievances specific to the nature of particular responsibilities entrusted with administrators and entitlements of citizens in the sector. Hence, public grievances emerge around varied situations.
- These may be individual centred or may involve groups or a category of people, bundled together for reasons of identity or circumstances. Grievances around discrimination based on gender, caste or tribal identity or violation of specific rights or entitlements of involving women, SCs and STs have grown over the years. Grievances of groups formed by association based on shared circumstances are often quite diverse.
- Group grievances are also visible around scheme beneficiaries or specific target groups, like poor, unemployed, widows, etc.
- Such groups also articulate individual grievances, which are sometimes location or time specific. However, these often offer the possibility of collective redressal or prevention by attempting correctives at policy or administration level.



Evolution of Mechanisms

- The drive to set up public grievance redressal mechanisms gained momentum following the Chief Ministers' Conference in 1987 and the adoption of Action Plan for responsive and citizen-centric administration. What followed was a concerted effort to put in place three key mechanisms-citizen charters, information and facilitation counters and public grievance redressal machines.
- Public grievance redressal mechanism was also central to the Sevottam model that was adopted later; and it was a significant variable in the Results Framework documents which were to become an important performance measure.
- Two significant milestones in the evolution of grievance redressal mechanisms in India were the constitution of public grievance cells in the Ministries/Departments/Organisations, with the formal responsibilities of grievance redressal being assigned to a designated officer, setting up of DPG to monitor the redressal of public grievances in select organisations with large public interface and higher level of grievances.
- A review of the grievance redressal mechanisms in government of India Ministries, Department and Organisations undertaken in 2008.
- It found that these remained largely ineffective in the absence of adequate authority, human resource support or poor commitment of officers, some of whom were found ignorant of their own citizen's charter. Public grievance mechanism also faced the pressure of staff grievances more than public grievances.
- The mechanism of CPGRAMS remained underutilised for lack of awareness, lack of access to technology and low level of public trust.

The emerging Scenario

- There has been a seven-fold increase in the number of grievances received since 2014.
- The overall disposal rate has been quite high with 97 per cent grievances having been disposed.
- The Ministries/Departments should expeditiously examine the grievances received by them and return back the grievances which did not pertain to them within a period of maximum five working days.

Redressal versus Disposal

- In their eagerness to comply with these instructions, grievances are increasingly being disposed by some departments or organisations simply with the suggestion to approach another agency, sometimes a subordinate office.
- In some cases, the grievance is being re-sent to the agency against which the complaint is made and in some others, the online grievances is being disposed with the advice to take the grievance to the portal of the agency or some complaint committee.
- DARPG too expressed concern that in many cases, grievances were being closed without the complainant knowing the reasons for that – it also issued instructions to give valid reasons for closure. However, in many cases, this is still not being done.



The Federal Dynamics

- Many grievances received on CPGRAMS are related to State governments.
- Some grievances received on CPGRAMS revealed that in several of these cases, the petitioner was asked to approach the State government and the grievance was disposed rather than forwarded. There was no redressal.
- It is important to ensure that CPGRAMS plays the facilitator role for the public without impinging on the nature of federalism. The performance of States on the portal can be left to them but the facilitation responsibility of the Centre cannot be shed when a public grievance is registered, and there is a jurisdictional conflict involved.

Private Provision of Public Service

- Where service delivery has moved to the private providers on account of changing perspective on governance, accountability mechanisms need to be put in place to ensure that rights of service users are not at stake and grievances can be addressed at appropriate level to offer effective redressal to the aggrieved.

Accountability Issues

- Many of the grievances also involve complex issues and overlapping jurisdictions, necessitating disentanglement and clarity over rules, regulations, processes, jurisdictions and appropriate mechanisms for redress. Furthermore, there is the issue of coordination across multiple authorities in case of many grievances.
- Hence it is important that mechanisms for grievance redressal are created at appropriate levels so that access and effectiveness issues are addressed appropriately. Ease of access may increase with decentralisation of the mechanism, but it may bring in issues of local prejudice and the accused deciding the complaint unless some autonomous structures are available and there is scope for appeal. The centralised online mechanism can address this challenge.
- Its effectiveness, however, is still conditioned on (a) how the issues of access to technology and ability to read and write are addressed; (b) how accountability mechanisms can be built in to ensure that disposal of public grievance is not simply presumed to imply redressal. There is need, therefore, to simultaneously utilize other mechanisms like *lok adalata*, *jan sunwais*, social audit, Mobile apps etc. to ensure inclusion of those who may not have access to CPGRAMS.

Public Grievances as Opportunity

- Timely capture and appropriate analysis of public grievances offers an opportunity to public institutions to address performance appropriately. It is important to realize that a patriarchal approach to grievance redressal may sometimes prove to be less effective than a participatory approach, where suggestions to improve the functioning of institutions or policy, or to prevent the grievances are invited from the public and considered with an open mind.

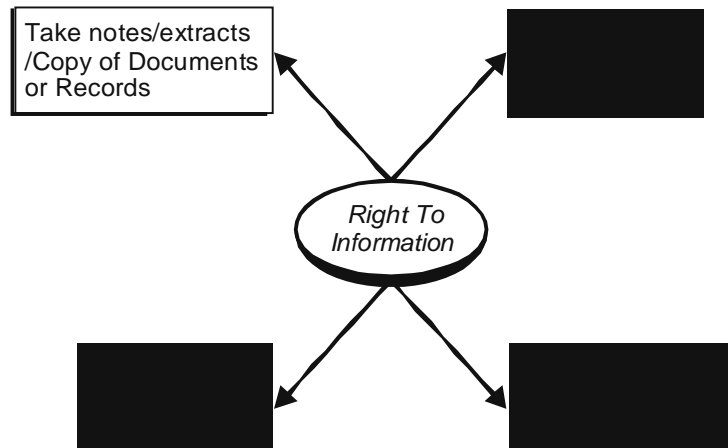
Reading the Absence of Grievances



- One should not read too much into the absence of grievances, as this may be on account of poverty or mechanisms for expression, fear of reprisals or simply lack of public faith in the ability to get redress.
- Even as the ultimate challenge is to work towards a state of governance, which does not deliver grievances. It is important to ensure the institution of multiple mechanisms for the timely capture and effective redressal of the grievances that may emerge and the course correction that may result after careful analysis of their reasons and possible remedies or prevention strategies.

BRINGING INFORMATION TO THE CITIZENS

- Right to Information is a part of fundamental rights under Article 19(1) of the Constitution.
- As early as in 1976, the Supreme Court said in the case of Raj Narain vs State of UP, that people cannot speak or express themselves unless they know. Therefore, right to information is embedded in article 19.
- Right to Information Act 2005 mandates timely response to citizen requests for government information. The basis object of the Right to Information Act is to empower the citizens, promote transparency and accountability in the working of the Government, contain corruption, and make our democracy work for the people in real sense.
- Further, every public authority is obligated to maintain computerized versions of all records in such a way that it can be accessed over a network anywhere in the country and issued to the person who has requested for information.
- Every public authority should provide essential information to the public through various channels of information (including internet) at frequent intervals so that the use of the RTI Act to obtain information can be kept to a bare minimum.
- No applicant will be required to give any reason for application for request or to provide any personal information except for contact details where it is necessary for the authorities to contact the applicant.
- Right to Information Act 2005 empowers every citizen to
 1. Ask any questions from the Government or seek any information
 2. Take copies of any government documents
 3. Inspect any government document
 4. Inspect any Government works
 5. Take samples of material of any Government work.



Latest initiatives

- The Central Information Commission (CIC) announced that citizens who file appeal/Cases filed under the RTI (Right to Information) Act will now receive real time updates about the status of their cases. The updates about the status of their cases. The updates will be delivered via emails and SMSs.
- A citizen's duty does not end with voting and the RTI Act is a great tool for citizens to come together and be more involved. The government is taking steps to make sure that citizens are not denied the right to information by making the application and follow up process easy.

Private Service Providers: Redressal Mechanism

- There exists a gap in an effective regulatory mechanism for grievances against private service providers, due to the absence of ombudsman in many sectors, such as telecom, etc. This highlights the need and role of the respective sectorial regulatory bodies such as Telecom Regulatory Authority of India (TRAI) etc. in being empowered to become an individual public grievance redressal platform.
- An Indian consumer faces a threefold challenge to lodge a grievance for redressal.
 - Complainants are unaware about the available platforms for resolving their grievances.
 - Even if they do know the appropriate redressal platform, access to the same becomes a major impediment in fitting their grievance.
 - Even if an aggrieved person is able to lodge a grievance with an appropriate government platform, they risk high chances of it remaining unresolved. Without prejudice to these, Indian consumers have generally lacked a complaint filling culture, which is another major obstacle requiring a solution from the government.
- To overcome these challenges, and to empower all citizens with a convenient grievance redressal mechanism, the government led by the vision of implementing 'ART for Governance', i.e. Accountability, Responsibility and Transparency.
- It has not only digitized the existing public grievance mechanisms operational in the country, but has also launched several new platforms, such as the Railway Ministry's *Nivaran*, Ministry of Petroleum, Oil and Natural Gas's e-Seva, Pro-Active Governance and Timely Implementation (PRAGATI) a multi-purpose grievance redressal platform,



etc. which allow citizens to lodge their grievances against government services, as well as private service providers in certain instances through online means.

- The use of Information and Communication Technology (ICT) have managed to overcome the first two challenges to a certain extent. However, the third challenge, i.e. action on grievances still remains largely unaddressed. One of the pending legislations capable to address this is 'The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill'.
- Further, though the various online redressal platforms are a welcome step, owing to the weak infrastructure and knowledge required to access these online platforms, a vast population remains excluded from availing such grievance redressal mechanisms. Therefore, there is a need for setting up ombudsman, to redress consumer grievances.
- Another alternate for efficient consumer grievance redressal, would be to further empower the Sectorial regulators to act as tools for public grievance redressal platforms against private service providers.
- Apart from empowering them to entertain individual consumer grievances, they also need to be made accountable to the people.
- TRAI had advocated for establishing a three-stage grievance redressal mechanism for telecom sector – resolution by Telecom Service Providers, resolution by Consumer Grievance Redressal Forum (CGRF) – and determination by Telecom Ombudsman.
- However, there has been no follow up progress on this need due to which an aggrieved person has to escalate the complaint either to Telecom Disputes Settlement and Appellate Tribunal (TDSAT), and further to the Department of Telecommunications (DoT), Centralized Public Grievance Redress And Monitoring System (PGRAMS), or else approach the court.
- Considering the vast geographical spread of the country, forming an ombudsman may need to be complimented with various central and state initiatives, such as the Department of Consumer Affairs' (DoCA), suspended initiative of establishing *Grahak Suvidha Kendras* (GSKs) or Consumer Care Centres. Which worked as a one stop centre, by catering to a spectrum of services for consumer welfare.
- It is not just the centre-state tussle which is problem, another notable challenge is the multi-departmental or multi-ministerial redressal mechanisms operating in a single sector. E-Commerce is one such industry which has seen a sleep rise in the number of complaints being registered on the National Consumer Helpline.
- Still the government is not considering appointing a dedicated regular for addressing consumer grievances against e-Commerce companies.
- The absence of a single regulator has encouraged consumers to leverage the foremost asset of e-Commerce players, i.e. digital technology, against them, through complaints and negative reviews on Twitter, Facebook and other social media platforms, which arguably offer a good chance for grievance redressal.



Grievance Redressal Mechanism for Women

- The Government has gone a long way in bringing out many initiatives to redress the grievances of women both at work and at home. In alignment with Convention of Elimination of all forms of Discrimination Against Women (CEDAW), Millennium Development Goals (MDG), National Policy for Empowerment of Women and Sustainable Development Goals (SDGs) for a gender inclusive society, many schemes have been initiated by the Government resulting in a positive impact while addressing gender needs.
- The Department of Women and Child development and Ministry of Social Justice and Empowerment have contributed substantially in improving gender equality and child sex ratio and eradicating the evils of female infanticide.
- The Department also implements Social Legislations like Domestic Violence Act, 2005, Dowry Prohibition Act, 1961, Child Marriage Prohibition Act, 2006, Protection of Women from Sexual Harassment at Work Place Act, 2013 and Maintenance and Welfare of Parents and Senior Citizen's Act, 2007 to ensure the safety and rights of women, children and senior citizens as guaranteed under the Indian Constitution.
- Government in 2012 had created an exclusive fund, "Nirbhaya Fund" to oversee the implementation of special projects intended for ensuring women safety.
- To provide safety and security of women and establish the rights of women the National Commission for Women and has been set up at the Centre. Following this, various State Governments have set up State Commission of Women to take up issues related to violation of rights of women.
- Similarly, there are other forums like the independent Human Rights Commissions and the State Child Rights Commissions which provide effective grievance redressal for other categories like the general public and children in particular.

Women in Work Places: Grievance Redressal

- Handbook on the Social Legislation have been developed and training is being imparted to all stakeholders working in various departments.
- The Government has developed an exclusive online complaint system called the SHE-Box through Ministry of Women and Child Development (www.mwcdshebox.nic.in).
- This Sexual Harassment electronic Box (She-Box) is an effort of the government to provide a single window access to every woman, irrespective of her work status, whether working in organized or unorganized, to facilitate the registration of complaints related to sexual harassment.
- The Government has proposed Special Scheme named "**SAKHI**", which is a One Stop Centre (OSC), intended to support women affected by violence, in private and public spaces, within the family community and the workplace. The objective of the Scheme is to provide integrated support (Medical, Legal and Police help) and assist women affected by violence, both in private and public spaces under one roof.
- The Scheme of Universalisation of Women Helpline is intended to provide 24 hours immediate and emergency response to women affected by violence through referral (linking with appropriate authority such as police, One Stop Centre, hospital) and information about women related government schemes programs across the country through a single uniform number.



Other Means of Grievance Redressal

- “**Right to Information Act**”
- “**Citizens Charter**”
- **Grama Sabha** are conducted at village levels to redress grievance of village community members.
- Through **Juvenile Justice Act** children’s homes are being monitored, child tracking system is in place and all kinds of abuses against children and trafficking are controlled and monitored.
- The **Hostels Act** provides relief for the working women whose safety and security in the working women hostels are ensured and basic amenities for their stay, food and safety are ensured.
- Under the **Senior Citizen Act** Revenue Division level tribunals are formed to redress the grievances of parents and senior citizens to get maintenance from their children when they are left unattended.

Citizen's Charter in India

- There is an information asymmetry that exists between the government department and the applicant or the consumer. Also, there is lack of a grievance redress mechanism and the consumer may have no other option but to turn to a middleman to get the work done, invariably at a higher cost.
- Citizen’s Charters were introduced in India in the 1990s as an attempt to address this very lacuna in the system. However, concerns have been expressed time and again regarding the effectiveness of this reform measure both as an information-sharing mechanisms as well as a grievance redress solution.
- Though the last two decades have seen the introduction of the Right to Information Act and the Right to Public Services Act that make information sharing a legal requisite, the importance of Citizen’s Charters cannot be undermined.

Citizen’s Charter Initiative

- The United Kingdom pioneered the Citizen’s Charter initiative in 1991 as a measure to refocus public services towards the needs and expectations of their users. This included adopting certain operating principles by those public service providers who planned to implement a Citizen’s Charter; they included-
 - Set standards of service
 - Be open and transparent
 - Consult and involve end-users.
 - Encourage access and the promotion of choice
 - Treat all fairly
 - Put things right when they go wrong
 - Use resources effectively
 - Innovate and improve
 - Work with other providers.



- In India, the concept of Citizen's Charters was first introduced in 1994 when consumer rights activists drafted a charter for health service providers at a meeting of the Central Consumer Protection Council in Delhi.
- It saw fruition as an initiative, when, in a state level **conference of Chief Ministers** held in May 1997, the "Action Plan for Effective and responsive Government at the Centre and the State Levels" was adopted, paving the way for the formulation of charters among ministries, departments and agencies that have significant public interaction.
- The Department of Administrative Reforms and Public Grievances (DARPG) of the Government of India took on the task of coordinating, formulating and operationalising Citizen's Charters.
- The DARPG outlined the following six components for inclusion in charters drafted by public agencies.
 - Vision and mission statements
 - Details of business transacted by the organization
 - Details of clients
 - Details of services provided to each client group
 - Details of grievance redress mechanisms and how to access them.
 - Expectations from clients
- The Citizen's Charter Handbook created by DPARG outlines the processes which clearly indicates a bottom-up approach involving all the staff of the department especially those who deal with citizen interfaces.

Evaluation of Citizen's Charters and Way Forward

- Various studies threw up some consistent facets, the most important being that many of the Citizen's Charters were incomplete – details regarding services provided, procedures to be followed for applying for a service, process of grievance redress, names of key officials and their contact details- some aspect or the other was either not or only partially provided.

Way forward:

- There needs to be a two-pronged approach to ensure that every department of the government has a Citizen's Charter –
 - Firstly, revision of existing Citizen's Charters to ensure that they meet with all the critical parameters, and
 - Secondly, a systematic consensus-based formulation of every Citizen's Charter that is practical and whose commitments are achievable as endorsed by those staff members who are at the cutting edge of citizen interface.
- A well-defined Citizen's Charter backed by a committed department will not need any other crutch, such as new service delivery or grievance redress Bills and Acts, if a final and sincere effort can be made to ensure their formulation and implementation in the next two years. Otherwise, this programme should be laid to rest forever.



Addressing Grievances in Health Care

- Although right to health as an integral facet of the right to life under Article 21 of the Constitution of India, enforcement machineries for this right are virtually non-existent.
- Contours of the right to health and the corresponding duties that it imposes have not yet found legislative expression. Redressal of complaints and grievances is an important part of health service delivery and quality of service standards.
- Unfortunately, there is not one singular agency, policy or organisation that is comprehensively available to the public or the patient to take their grievance and complaints to and find fast solutions. In addition, the process and procedure for filling and following up the complaints and grievances is also not very simple or is taken up with necessary speed and support.
- National Health Policy 2017 does clearly mention about the regulation of clinical establishment. It observes that a few states have adopted the Clinical Establishments Act 2010.
- According to it, grading of clinical establishments and active promotion and adoption of standard treatment guidelines would be one starting point. Protection of patient rights in clinical establishments (such as right to information, access to medical records and reports, informed consent, second opinion, confidentiality and privacy) as key process standards would be an important step. The policy recommends the setting up of a separate, empowered medical tribunal for speedy resolution to address disputes/complaints regarding standards of care, prices of services, negligence and unfair practices.
- The Clinical Establishment Act (CEA) 2010 is a Central law for registration and regulation of all clinical establishments in the country (public or private).
- The CEA has not taken effect in all the states of the country, and this remains its biggest weakness i.e., that there are no minimum uniform standards for all clinical establishments across the country.
- Also, the minimum standards prescribed under it as well as the related rules for various categories of clinical establishment do not contain provisions on grievance redressal.
- There is no requirement for a clinical establishment to have a grievance cell in place as a pre-requisite for obtaining either provisional or permanent registration under the Act. Neither does the application for registration require an undertaking or disclosure to this effect. The closest that the CEA comes is by requiring certain categories of hospitals to have a patient citizen charter in place; however, even this charter does not require the creation of a grievance redressal mechanism.
- The consumer can also lodge a complaint under the Consumer Protection Act (CPA) 1986 as amended recently. But the applicability of CPA to Public Health Establishments (PHEs) has been debatable due to differences in the interpretation of the term "consumer" and "service" by various courts in India.
- As the terms appear in the CPA, a consumer is someone who buys goods or avails services means a variety of services including health care services, but which do not include rendering services free of charge. Therefore, it would appear to exclude the applicability of CPA to PHEs, where generally services are provided free of charge. However, this assumption has been challenged and interpreted by some judgments by the Supreme Court as well as National Consumer Disputes Redressal Commission.
- The National Health Mission through its National Health Portal launched the *Mera Aasptala* app in 2017. My Hospital is Ministry of Health, Government of India's initiative to capture patient feedback for the services received at the hospital through user-friendly multiple channels.



- My Hospital helps the government to take appropriate decisions for enhancing the quality of healthcare delivery across public facilities which will improve the patient's experience.
- The National Accreditation Board for Hospitals and health care providers (NABH) is another mechanism under Quality Council of India that addresses grievances and appeals.
- Under the Indian Medical Council Act, 1956, the Medical Council of India (MCI) has issued the Code of Ethics Regulations, 2002 (CoER) which lays down standards for the professional conduct, etiquette and ethics for registered medical practitioners. Complaints may be registered before the appropriate Medical Council – state or the MCI.
- Indian Medical Association (IMA) is the only representative, national voluntary organisation of Doctors of Modern Scientific System of Medicine, which looks after the interest of doctors as well as the well-being of the community at large. IMA also has an IMA mediation and grievances cell which receives complaints and meets once a month and takes up the complaints lodged and addresses them.
- National Consumer helpline can also be approached and a complaint can be lodged for medical negligence.
- With the recent high profile cases of some private hospitals in Delhi and Gurgaon as well as public health care hospitals in various parts of the country it is clear that there is an urgent need to devise and implement a clear and practical swift grievance and compliant redressal mechanism that is patient and public friendly and improves access availability and quality.

Innovative Financing for Health System

- Improving health care and increasing the number of people who are healthy is the development goal of any country. In case of fast developing economies like India, there is a little capacity to increase per capita spending on health as these economies have limited capacity to raise tax revenue.
- Progress towards the MGDs, on the whole has been remarkable especially on the front of poverty reduction, education improvements and increased access to safe drinking water. The progress on health goals and targets has also been considerable.
- In case of India, IMR reduced from 88 in 1990 to 35 in 2015 and MMR reduced from 556 in 1990 to 167 in 2015 but failed to achieve the target of reducing IMR by 2/3rd and MMR by 3/4th in 1990.
- Health care spending in India including public and the private sector was 4.7 per cent of the country's GDP in 2014 which translates to about 75 USD per capita and three fourths of this is from the private sector. The National Health Account for 2013-14 reports that Government health expenditure in India is 3.8 percent of the total Government Expenditure (TGE) including State and Central government.
- National Health Policy 2017 has committed increasing health expenditure to 2.5 per cent of the GDP by 2024-25.
- In India, health is not solely in the hands of Ministry of Health and Family Welfare and parallel systems in States and local Governments but also on counter sectors like water and sanitation; women and child development; agriculture; industry; environment; rural development and transport etc. Therefore, health outcomes are much beyond the allocation towards health sector.



- In India, to generate more resources for health, there is need to consider review of taxes and subsidies which play a preventive role in controlling communicable diseases. For example, commodities that harm health needs to be declared sin and heavily taxed and taxes to be earmarked for preventive and promotive health care whereas those beneficial need to be subsidized.
- Raising taxes on harmful commodities may not only improve health but can generate more fiscal space for health. In case of India, taxes on alcohol, tobacco, salt and sugar will not only generate additional resources but would be preventing communicable and non-communicable diseases and contribute to easing burden on health systems.
- At present, communicable and non-communicable disease cause more than 65 per cent deaths, the fiscal deficit created due to raised taxes would be impacting socio-economic and cultural factors in a low and middle class society.
- Subsidies on commodities such as sugar, diesel, kerosene and coal need to be reviewed and savings to be diverted to nutritious food and clean renewable energy sources. Government need to subsidise LPG heavily instead of diesel, kerosene and coal for cooking.
- Turning point in the era of taxation would be when these taxes, labelled sin tax, are levied to move towards assuring healthy behaviour which act as preventive health providers, save society from Non-Communicable Disease, protect human resources from disability at a juncture when India is at an advantage of demographic surplus which in a way would get converted into demographic dividend.
- In a country like India, inflation suppresses small increases; hence inflation needs to be adjusted to avoid tax ineffectiveness.
- Formulation of a policy on raised taxes may not achieve defined results unless its implementation and enforcement is monitored effectively.
- For the productive utilization of tax resources, part of tax collection could be earmarked to preventive and promotive health care, improvement for air and water quality, nutrition and treatment of diabetes, Cardiovascular Diseases, Cancer and Chronic Obstructive Pulmonary Disease (COPD).
- In a similar way, another front of resources mobilisation is review of subsidise which is a burden on growing economies and may provide some fiscal space. Food substances that contribute to obesity including refined grains such as white flour and white rice are highly subsidised and these subsidies need to be reviewed and reoriented towards improving the nutritional content of subsidised food.
- India subsidises coal, gasoline and their fossil fuels which are the leading products of particulate matter which causes lower respiratory tract infections, COPDs, cancers, heart diseases and exacerbates the risk of tuberculosis.
- According to a 2015 IMF report, government spent 6.5 percent of the world's GDP to subsidise energy and energy subsidies exceeded public spending on health and education. Re-allocating fuel subsidies towards clean fuels and eliminating subsidies on those items which have direct harmful effect on health is necessary to improve health and save scarce resources.
- Farmers of tobacco and sugarcane do well as these crops are cash crops in India but they should be assisted to switch over to such crops that are not harmful to human health and



just a substitute of their livelihood by allocating part of earmarked revenue collected through taxes for the orientation of these farmers for smooth transition.

- Policy makers need to document explicitly pros and cons of these reforms of reorienting tax revenue and subsidies and explain provision on how the losers from these changes would be compensated to ensure that their livelihoods are not compromised.