

How easy, effective and time-bound is the last resort
of the public under the Government of NCT, Delhi?

**An analysis of the Public Grievances
Commission (PGC)**

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By

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ABSTRACT

The aim of this paper is to look objectively at the resolution and the mechanism for redressal of public grievances, constituted under the Govt. of NCT, Delhi and to suggest policy and systemic reforms. It analyzes the efficacy of the grievance redressal mechanism in place under the Public Grievances Commission (PGC), Govt. of NCT, Delhi. The problems plaguing the commission were identified through personal interaction with complainants, PGC and Administrative Reforms Department officers, Government of NCT, Delhi. Although, over the years, the commission has managed to dispose of more than 80% of the cases, it was found that the absence of statutory powers, combined with the lack of follow-up action, left most complainants dissatisfied. The paper suggests measures for bringing about greater accountability, transparency and efficiency in the system. In addition, this paper looks at comparative models, structured on best practices like the one under the Central information commission (CIC), Government of India.

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1. INTRODUCTION

Under the government of NCT of Delhi, there are a number of provisions for redressal of public grievances against 'official apathy'. These include among others, the grievance cell in each of the departments, directorate of grievances at the CM's office, grievances and anti-corruption cell and the public grievances commission (PGC).

PGC also referred to as 'last resort' was established vide a resolution in 1997, as a platform for face-to-face complaint resolution without the help of a legal practitioner. It was envisaged that PGC will act as the last resort for the hapless public that have exhausted all the existing channels of grievance redressal in the concerned departments/bodies/ autonomous organizations of the state government. In addition, the commission has been notified as the 'appellate authority' under section 7 of the Delhi Right to Information Act, (DRTI) 2001, and the Right to information act, (RTI) 2005, enacted by the Government of India.

Since its inception, the number of complaints brought before the commission has shown an upward trend with as many as 2045 cases in 2005-06 and 3936 in 2008-09 (up till December) and an impressive case disposal rate of more than 85% across the years. These cases pertain to acts of commission, omission, inaction or abuse of authority by concerned department / officers, such as encroachment or unauthorized construction by MCD or non-registration of FIR by Delhi Police etc. Under DRTI, over 2100 appeals (up to 31/03/07) have been filed in PGC with 90% having successfully disposed off.

Despite these figures and the success stories highlighted in its annual report, primary research shows that there are some things grossly wrong with the working of the commission. The loopholes become distinctly visible when one questions how **easy and**

accessible, time-bound and satisfactory is the mechanism for appeals and grievance redressal.

Owing to administrative lacunae and absence of statutory powers, media persons and complainants have nicknamed it as a ‘moribund unit’, a ‘tooth-less tiger’ or rather a ‘rehabilitation centre’ for retired government officers. Infact, an article in the Hindu Online, Sujay Mehdudia in his article entitled ‘Grievance Commission fails to achieve its aims’ says:

“...over the years the Public Grievances Commission has virtually become a rehabilitation centre for retired senior bureaucrats by the Delhi Government. And in the process, the Commission is veering away from the basic aim of resolving the problems of the people in a fair and objective manner.”

1.1. Research Methodology

The paper undertakes policy analysis that is defined as the use of any evaluative research to improve or legitimate the practical implications of a policy-oriented mechanism/program. Evaluation method has been used including survey and qualitative approaches. Inferences have been drawn from statements and figures pertaining to cases, hearings and mechanism from official booklets, manuals, annual reports etc. Attempt has been made to corroborate data through alternative sources like the AR Deptt., and the Central Information Commission (CIC).

1.2. The Resolution

The Commission was set up vide a Resolution dated 25th September 1997 as a functionally independent body, responsible for speedy redressal of public grievances against:

- departments of the Government of Delhi
- Delhi Police, local bodies like MCD, NDMC (* Delhi Police was later brought under its jurisdiction vide Resolution dated 30.7.1998.)
- Autonomous organizations /undertakings and other institutions, which are owned/substantially financed by the Government of NCT of Delhi

1.3. Salient features

- The Commission shall, for the present, be attached to the Department of Administrative Reforms, Government of NCT of Delhi, but in the exercise of its powers and functions it will have the same measure of independence and autonomy as the Union Public Service Commission.
- The functions of the Commission shall be advisory in the same sense as those of the Union Public Service Commission.
- It shall be incumbent on the Chief Secretary of Government of NCT of Delhi, Commissioner of Police, Delhi and the Head of the Department concerned to ensure that the documents called for by the Commission are furnished to it within the time frame specified by the Commission and also to ensure that officials, if any summoned by the Commission appear before the Commission at such time and date as fixed for the purpose by the Commission.
- The recommendations made by the Commission shall be given due consideration by the appropriate administrative authority for its speedy implementation. However, where the appropriate administrative authority on the basis of the merits of the case takes a contrary view, it shall communicate to the Commission, in

writing, specific reasons because of which its recommendations could not be accepted.

- If the Commission is not satisfied with the reasons indicated for non-implementation of its recommendations, it shall be reflected as a case of non-acceptance of Commission's recommendations in its annual report.
- The Commission shall, on conclusion of the hearing of the complaint, pass an appropriate "speaking" order and in cases where it is held that the allegations made against the officials concerned are prima facie established, the Commission shall also recommend action to be taken against the erring officials.
- The resolution states that the Commission shall submit two separate annual reports –
 - a. One covering Delhi Police to be submitted to the Central Government through the Lt. Governor for placing it before the Parliament and
 - b. The other covering the activities pertaining to the remaining departments/organizations of the Government of NCT of Delhi to be submitted to the Government of NCT of Delhi for its being placed before the Legislative Assembly of National Capital Territory of Delhi.
- The annual reports draw attention to any recommendation made by it that had not been accepted or acted upon. The Government of NCT of Delhi then submits the same with a memorandum explaining the reason for non-acceptance of any of the recommendation(s) of the Commission to Delhi Legislative Assembly/Parliament, as the case may be.

2. STRUCTURE

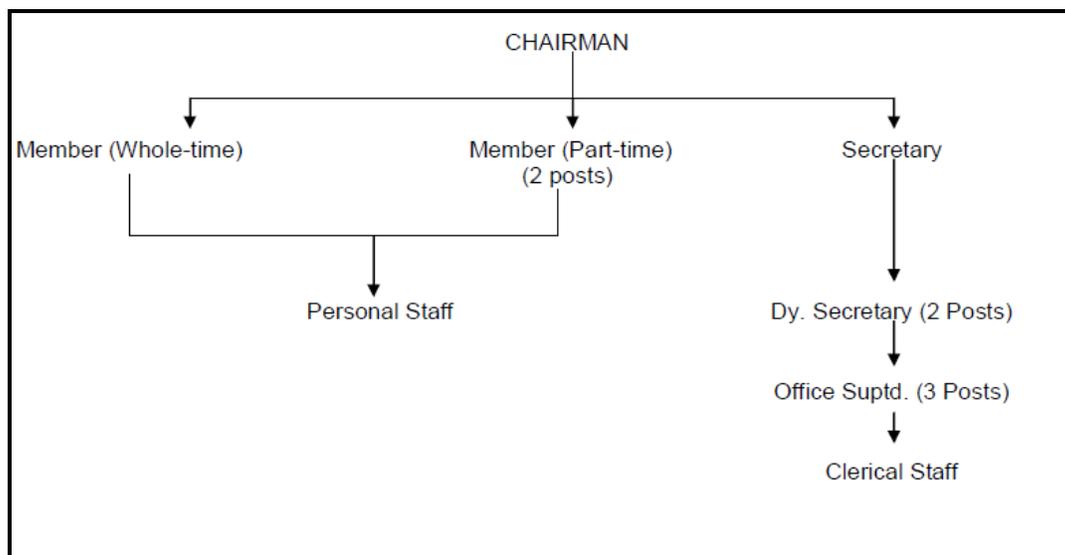
PGC is headed by a Chairman and has 3 members appointed by the Lieutenant Governor of NCT Delhi, including 2 part-time members and one full-time member.

The resolution stipulates that the Chairman of the Commission should have held a post in the rank of Secretary to the Government of India prior to his appointment as the Chairman. In addition, the Whole time member shall be a person who has been a Director General of Police of a State or has held an office of comparative status and responsibility.

The two part-time Members shall be persons of public eminence having special knowledge or practical experience in the field of education or science or law or literature or social service or human rights. Of these two part-time members, at least, one shall be a lady. In addition, there is a secretary who is in charge of the functioning of the commission assisted by Deputy Secretary, superintendents and clerks.

2.1. Organization Chart

Figure 1: Organization chart¹



¹ RTI manual, updated July 16, 2008

2.2. Main functions

The Commission is responsible for performing the following activities:-

- a. To redress the grievances of the public against the departments of Govt. of Delhi/Local Bodies and Delhi Police.
- b. Take *suo-moto* action on issues of public importance coming to its knowledge through print and electronic media and those specifically referred to it by the Lieutenant Governor, the Chief Minister and the chief secretary of the Delhi government
- c. Conduct research into systemic problems and suggest ways to improve the delivery of services in a transparent and responsive manner.
- d. To act as the Appellate Authority under the Delhi Right to Information Act, 2001

Table 1: Powers and duties of officers and employees²

| S. No | Designation of Post | Powers | | | | Duties attached |
|-------|--|----------------|---|---|--------|---|
| | | Administrative | Financial | Statutory | Others | |
| 1. | Chairman | Head of Deptt. | Full financial powers enjoyed by the Head of the Deptt. | | | Overall control and supervision of the Department as HOD. |
| 2. | Member (Full-time) | | | | | Hear complaints related to the departments allotted to him viz. Delhi Police, Delhi Jal Board, Land & Building, PWD, DTC, etc. |
| 3. | Member (Part-time) (two) | | | | | Hear complaints related to departments allotted to them viz. MCD, NDMC, Education, RCS, etc. |
| 4. | Secretary/ First Appellate Authority | Head of Office | Enjoys the powers of Head of Office as per powers delegated under the rules | First Appellate Authority under RTI Act, 2005 | | The Secretary (PGC) is in charge of the administrative side of this office and also functions as the Head of Office under the powers delegated to him by the HOD. |
| 5. | Dy. Secretary (Admn./Grievances/Vig./Care taking) Link Officer to SPIO | | | | | All matters related to complaints, administration, vigilance, caretaking are routed through the DS (Admn.) |
| 6. | Dy. Secretary (Grievances/ DRI), SPIO | | | Notified as SPIO under RTI Act, 2005 | | All the matters relating to Delhi Right to Information Act, 2001, Right to Information Act, 2005 are routed through him. |
| 7. | OS (Grievances) Link Officer to 8 & 9 | | | | | He is in charge of the grievances section. |
| 8. | OS (Admn./Care-taking/DDO) | | | | | He is in charge of the Admn./Caretaking Branch. |
| 9. | OS (Grievances/ DRI), SPIO Link officer to 7 | | | Notified as SPIO under RTI Act, 2005 | | He is in charge of the DRI Branch |

2.3. Types of cases entertained by the commission

The Commission examines complaints made by members of public against acts of:

- omission or commission
- inaction
- harassment
- extortion
- corruption
- abuse of power and authority by officials

2.4. Cases not taken up by the commission

The commission does not take up cases of the following types:

² RTI manual, updated July 16, 2008

- complaint is anonymous and contains vague and superfluous allegations
- matter is sub-judice in any court of Law, Tribunal or Judicial or a Quasi-Judicial Authority
- complainant has not exhausted the channels available to him within the concerned Department/ organization
- complaints are by the serving Government officials against their department
- complaint pertains to service matters(However, complaints relating to the grant of terminal benefits like Pension/ GPF/Gratuity to retired government employees are being accepted)

3. MECHANISM

- I. Grievances and appeals received and eligible for registration in the commission are forwarded to the concerned HoD, Nodal officer, and relevant field unit (of Govt. of NCT Delhi / Local Body/ Autonomous Organization) within 24 hours of receipt, seeking an Action Taken Report (ATR)
- II. The aforesaid communication from the PGC will-
 - a. Specify a period of period of three weeks (21 days) only , within which the concerned body must furnish an ATR
 - b. State that at the conclusion of these 21 days, a first hearing is scheduled and the date and time of that hearing will be indicated
 - c. Request the nodal officer of the concerned department to be present at this first hearing fully briefed about the case in order to convey if the subject of

the grievance/ appeal has been addressed , or why it has remained unaddressed

- III. Within the PGC, the Deputy Secretary(Dy. Sec) is responsible for ensuring that appropriate approvals are obtained from the respective Members and Chairman PGC about scheduling the first hearing
- IV. Dy. Sec monitors the issue of all communications to complainants and appellants (on a daily and weekly basis) to ensure that they continually receive due acknowledgement, as well Notices for hearing well in time. The Notice for Hearing is to be followed up with SMS messaging.
- V. Grievances that require immediate attention, such as non-registration of FIR in heinous offenses, non availability of drinking water, etc. Dy. Sec must Xerox a copy of the said grievance/appeal to the Nodal Officer of the Department. This too is required to be followed up with SMS messaging.
- VI. Dy. Sec (w.e.f. February 15, 2009) is required to ensure that two cause lists are prepared for the Offices of the Chairman and Members PGC.
 - a. One cause list for each day of the week per office (Chairman and each Member)
 - b. The other for the entire week to obtain , at a glance, an overall perspective of the hearings in any given week, and over the month as well
- VII. Dy. Sec must ensure that with approval of chairman , letters are issued once every month to the Principal Secretaries Govt. of Delhi/Heads of Local Bodies etc. about the specific hearings(Grievances and appeals) where they were wholly unrepresented or inadequately represented

VIII. Dy. Sec is responsible for taking stock of the final orders being issued and therefore the disposal of

- a. Grievances/appeals carried over from the previous year
- b. Grievances/appeals instituted during the current year

Dy. Sec will issue a statement by the 10th of every month indicating the reasons for continued tendency

4. SUCCESS STORIES

4.1. Grievance redressal

- Smt. Krishna Kumari Singh R/O Noida(Uttar Pradesh) had submitted a complaint that her increased UP Government Freedom fighter pension have not been revised by the Principal Accounts Office(PAO). The grievance was forwarded to the PAO for comments that in turn replied that documents had been sent to the concerned State Bank branch (on 25/01/2006) for doing the needful. On 9/03/2006 information was received that for the period of June, 1998 to February, 2006 the arrears of RIP/TA amounting to 1, 27,850/- had been credited in the account of the pensioner.
- Sh. M.G.Chopra R/O Shankti Nagar, Delhi had submitted a complaint against SDM Office (Civil Lines) for non refund of Rs. 31,500. The case was registered in the commission and comments were called from the office of Dy. Commissioner (North) Revenue. Thereafter, the department informed PGC that the refund voucher had been issued to the complainant.

Note: Prior to PGC, the complainant had submitted his claim for refund in SDM office in December, 2006 and the even after a gap of three months no action was taken. Thereafter the case was registered in the commission and was closed on 15/03/2007.

4.2. Delhi Right to Information Act, 2001

- *Recommendations made to the Department of Social Welfare regarding urgent requirements of Homes/ Institutions for Mentally Retarded Children and Adults:*
In an appeal No.1891 under DRI Act, 2001 filed by MS. Pooja Narain against Department of Social Welfare, the Commission noted, from the information provided that there had been several deaths in the Asha Kiran Complex at Avantika, Rohinin which houses the mentally challenged persons. So it took the case for looking into systemic problems that were besetting the institutions entrusted with the care of mentally challenged individuals and a number of recommendations were made on issues needing urgent attention.

These success stories definitely throw light on the achievements of the commission in its said objective of grievance redressal of the public. However, they present an incomplete and one-sided picture. The experiences and the opinion of the complaints that have interacted with the body, also speak a lot about ground realities. Through a combination of secondary and primary research, comprising reviews of literature, records and media reports and interaction with PGC officers, complainants and experts, the attempt had been to dig out the relatively unknown parts of the story.

5. PERFORMANCE EVALUATION OF THE COMMISSION

In order to ascertain whether the commission has delivered its objectives of efficient grievance redressal, its performance is evaluated on the basis of the following parameters:

- a. Easy and accessible: how easy is it for the public to lodge complaints?
- b. Time-bound: how expedient is the process of inquiry, hearing and decision making?
- c. Effective /satisfactory: is justice actually delivered to the complainant?

5.1. Easy & Accessible:

Any aggrieved person can file a complaint by writing an application addressed to the secretary PGC, along with the supporting documents. There is no prescribed format and fee charged for the same. In addition, the commission proclaims to have online provisions for filing complaints/DRI appeals and status check. PGC's handbook, published in February, 2009 talks about a mechanism called "Aap Ki Sunwai", wherein the public can make their complaint over the telephone.

However, these are not fully functional and no database of grievances / appeals is maintained on the website. Most of these schemes are, however still in their infancy even after a year. Although computerization was approved in 2004, with as much as Rs.14 million (up till December 2007) spent for the purpose, PGC is still not fully computerized. The most significant reason for this is the lackadaisical approach of the Information Technology department of the Government of NCT, Delhi that handles the task. Moreover, the commission is of the opinion that "placing all the orders passed by

PGC on the website will require diverting huge amount of manpower, which will adversely affect the working of the commission”.

5.2. Time-bound

The RTI Manual (on the website manual 3, flow process point no 6) states that issue of final order must be within 3 months. However, the Resolution merely states that the commission is committed to speedy disposal of complaints received, but does not mention a time frame. Therefore, PGC cannot be held accountable for prompt grievance redressal. The commission also avers that in case of grievances requiring immediate attention like for instance a molestation/decoity, it asks the concerned department to submit an Action Taken Report (ATR) within 24-48 hours. Despite these provisions, at times complainants have to go through the long and arduous process of repeated hearings and appeals. In the absence of statutory powers, the commission’s capacity for expedient grievance redressal is seriously limited.

Some of the problems faced by PGC are highlighted in the Annual Reports 2002-03 and 2006-07. As per these reports, the majority of the complainants/ appeals in the commission pertain primarily to

- a. Issues of encroachment, demolition, unauthorized construction by the MCD
- b. Non-settlement of terminal benefits of the employees by the Education Department

In the case of MCD there is a heavy pendency of cases where the complaint has reported unauthorized construction. It has been observed that the Nodal Officer is not able to get reports from the respective zones and the meetings have to be invariably fixed.

Consequently, in the meetings incomplete reports are brought with the result that the redressal of grievances is inordinately delayed.

Even in the case of the education department the zonal officer is required to collect reports from various districts and zones that in turn, delay the process. The commission feels that the department needs to strengthen its machinery relating to the settlement of pensionary benefits, so that retired employees are not put through undue harassment.

5.3. Effective /satisfactory

As can be inferred from Table 2, over the years the number of complaints/grievances particularly, since 2005 has been increasing constantly with a disposal rate of more than 85%. Despite the impressive track record, a number of serious loopholes can be identified within the mechanism, for example:

- I. In the absence of statutory powers, PGC faces constraints for effective compliance and enforcements against erring officials for inaction, delays, corrupt practices etc.
- II. PGC does not take up no-follow action to check whether or not its recommendations are implemented³ (unless otherwise a specific issue is brought before it by a complainant)
- III. Once the final order is passed after the hearings, the commission makes no effort to receive feedback from complainants to ascertain whether or not they are satisfied with the recommendations
- IV. In 92 cases (up till Dec 2007) recommendations for penalty/ departmental action have been made. In 21 cases PGC as the appellate authority under DRI Act, 2001

³ RTI response dated 28/12/07,PGC letter No 22202

had suggested systemic reforms. However the commission by itself has not taken any action against any officers²

- V. PGC highlights cases of non-compliance in its Annual report, however the latest annual report available is 2006-2007, and 2007-08 have not been finalized yet!
- VI. The resolution provides for hearing of cases either individually or in benches, however most cases are heard by a single authority⁴
- VII. During the hearing either there is a poor response form the Department or is attended only by junior level functionary⁵
- VIII. The responsibility of suo-moto cognizance have not been taken proactively by the commission and despite its suggestions of systemic reforms to departments like DJB, Education department and the MCD , the majority of grievances continue to be against these bodies²
- IX. The appointment of PGC members is done by the Administrative Reforms (AR) Department on the recommendations of the Lieutenant Governor Secretariat. Therefore, the onus for ensuring the integrity of the members vested with the power to hear cases and pass orders, lies on the above mentioned authority. But in the absence of accountability and transparency in the system, there is no means to ascertain that cases are handled in a just and fair manner.

An article in the online edition of the Hindu dated June 25, 2004, aptly talks about the aforementioned issue. According to the article,

"The idea to appoint the retiring Chief Secretary as the Chairperson does not appeal as he or she will have to hear the grievances against the Government they

⁴ PGC Secretary

⁵Annual report 2006-07

headed till only recently. This does not ensure the kind of unbiased approach required for the job and often leads to adoption of partial or prejudiced approach by the head of the Commission. This practice should be ended and some meaningful person who has little connection with the Government and its functioning should be appointed for the job if the Government really intends to give an ear to the common man," a senior official remarked.

Table 2: Receipt and disposal of complaints in the commission ⁶

| Sl No | Year | No. of complaints carried forward | No. of complaints received | Total no. of cases | No. of complaints disposed off | % of cases disposed | No. of complaints pending(as on 31st March) |
|--------------|------------------------------|--|-----------------------------------|---------------------------|---------------------------------------|----------------------------|---|
| 1 | 2003-04 | 397 | 1359 | 1756 | 1432 | 82% | 324 |
| 2 | 2004-05 | 324 | 1264 | 1588 | 1276 | 80% | 312 |
| 3 | 2005-06 | 312 | 1733 | 2045 | 1729 | 85% | 316 |
| 4 | 2006-07 | 316 | 3699 | 4015 | 3521 | 88% | 494 |
| 5 | 2007-08 | 494 | 4032 | 4526 | 4168 | 92% | 358 |
| 6 | 2008-2009 (up till Dec 2008) | 358 | 3578 | 3936 | 3433 | 87% | 503 |

⁶ PGC, booklet, Published February 2009

Table 3: Department wise major issues involved in public grievances/complaints received by the Commission⁷

| S No | Name of the department | Major issues |
|-------------|-----------------------------------|--|
| 1 | Delhi Police | Inaction by police, harassment, corruption or impartial investigation |
| 2 | M.C.D. | Unauthorized construction, encroachment on public land, corruption charges against the employees, civic problems like water lodging, insanitation, non-payment of terminal benefits to employees |
| 3 | Delhi Jal Board | Shortage of water, sewer problems, incorrect bills |
| 4 | Food and Supplies Dept | Non-supply of ration items by FPS/SKO dealers, corruption, non-issuance of ration cards |
| 5 | PWD | Encroachment of Govt. land |
| 6 | DTC | Regarding change of routes or for providing bus service |
| 7 | Land & Building | Allotment of alternate plot |
| 8 | Delhi Pollution Control Committee | Pollution cause by slaughtering and roasting of animals/birds and sealing of factories. Noise and particle pollution. |

⁷ PGC, booklet, Published February 2009

| | | |
|----|---------------------------------------|---|
| 9 | Education Dept | Retirement benefits, revision of pension, shortage of staff in schools |
| 10 | Revenue Dept | Encroachment of Gaon Sabha land, correction of revenue records, non-demarcation of plots, composition, mutation of land, allotment of plots |
| 11 | Registrar Cooperative Societies | Mismanagement of affairs of cooperative societies by the managing committees, harassment to the members of the cooperative societies by the managing committees, delayed action by the Registrar office on complaints made by members |
| 12 | NDMC | Encroachment on public land, harassment |
| 13 | SC/ST Finance Corp. | Regarding loan |

5.4. Disposal of appeals under the right to information Act, 2001

PGC tries to dispose of appeals under DRI within 30 days but has no power to impose penalties. Over the years the percentage of appeal cases under the DRI Act, 2001 has come down significantly due to the implementation of the RTI Act, 2005 that has stronger rules and regulations for penalties for denial, delay, incomplete or incorrect information.

Also the fee under DRI, 2001 is Rs 50 as against only Rs 10 under RTI, 2005.

Illustrative cases coming under the Delhi right to information act, 2001:

- a. The maintenance of public parks, roads/lanes of PWD/MCD/NDMC
- b. Encroachment on public spaces or any public property

- c. Details in respect of award of tenders, road construction, quality of material used, measurement books
- d. Unauthorized construction in colonies
- e. Work orders issued by agencies like MCD along with names of contractors, amount paid to them and names of supervisory officials.
- f. Complaints about the management of cooperative societies and action taken by the registrar of cooperative societies on such complaints

Table 4: Receipt and disposal of appeals under the RTI Act⁸

| Year | 2004-05 | 2005-06 | 2006-07 |
|----------------------|----------------|----------------|----------------|
| Carry forward | 52 | 123 | 86 |
| Receipt | 628 | 587 | 247 |
| Total | 680 | 710 | 333 |
| Disposal | 557 | 624 | 304 |
| Pending | 123 | 86 | 29 |
| % of disposal | 82 | 88 | 91 |

Table 5: Flow process chart for disposal of applications under RTI Act 2005⁹

| S. No. | Activity | Level of action | Time frame |
|---------------|--|------------------------|-------------------|
| 1 | To receive application and put a diary number | Counter Clerk | Same day |
| 2 | To mark application to concerned staff | SPIO/SAPIO | Next day |
| 3 | To prepare report as required in the application | Dealing Hand | 7-10 days |
| 4 | Checking of report by the SAPIO | SAPIO | Next day |
| 5 | Finalisation of report | SPIO | 2-3 days |
| 6 | Delivery of report to the applicant | Counter Clerk | Next day |

⁸ PGC Annual Report 2006-07

⁹ RTI manual, updated July 16 2008

Table 6: Flow process chart for disposal of grievances¹⁰

| S. No. | Activity | Level of action | Time frame |
|--------|---|--|--|
| 1 | To receive application and put a diary number | Counter Clerk | Same day |
| 2 | To mark application to concerned staff | Secretary/ Dy. Secretary | Next day |
| 3 | Examine the complaint & put up to Chairman/Members for approval of action on the complaint | Office Superintendent | 1 day |
| 4 | Recommendation from the Chairman/Member regarding registration/ATR/ Direct disposal of the case | Chairman/ Member (PGC) | 1 day |
| 5 | Endorsement of complaint to concerned department to provide comments/ATR/for direct disposal with a copy to the complainant | Office Superintendent/ Dy. Secretary | 15 days |
| 6 | Issuance of Reminder, if any/putting up of comments/ATR for Chairman/Member (PGC) | Dealing Assistant/ Office Superintendent/ Dy. Secretary | 20 days |
| 7 | Fixing of hearing (depends on number of cases pending for hearing) | Chairman/ Member (PGC) | Within 7 days of receipt of report from the concerned department |
| 8 | Issue of orders/final order, as the case | Chairman/ Member (PGC) | Within 3 days |
| 9 | Delivery of orders to the applicant | Counter Clerk | Next day |

¹⁰ RTI manual, updated July 16 2008

6. ADMINISTRATIVE AND FINANCIAL PROFILE

The exact number of PGC employees is difficult to ascertain. As per the RTI manual, last updated 16th July, 2008, there are 31 employees including the part-time members and temporary staff. Also, there are about 15 staff members working in diverted capacity from different departments.

Table 7: Plan budget 2008 -09¹¹

| Name of the plan scheme | Activities to be under taken | Date of commencement | Expected date for completion | Amount sanctioned (Rs.) | Amount disbursed/ spent (Rs.) |
|-------------------------|--|--------------------------|------------------------------|-------------------------|---------------------------------|
| MH-2070 | Payment of salaries, purchase of stationary, POL Bills, Telephone charges, maintenance of vehicles, etc. | 01/04/2008 to 31/03/2009 | 31/03/2009 | 130.00 Lakhs | Rs. 30,06,749/- upto 30/06/2008 |

As per the table, the plan budget for the year 2008-09, consisted of 130 lakhs. The amount sanctioned for the year 2008-09 is quoted by the Dy Secretary as approximately 200 lakhs. It has also been pointed out by media sources that a significant chunk of the plan funds are diverted towards perks, allowances and other facilities for PGC Chairperson and the Members.

“According to informed sources in the Delhi Government, it is the perks, allowances, accommodation and the plush office that make the senior bureaucrats lobby with the political bosses for this post of the Commission, often termed as a toothless tiger. ...Sample this. The person who heads this Commission gets a salary of approximately Rs. 40,000 with the basic starting at Rs. 26,000. The retired bureaucrat gets to retain the palatial house at a meager rent of Rs. 600 per month. In addition, he or she gets a chauffeur-driven car, free telephone at office and residence, a plush office and other

¹¹ RTI manual, last updated on July 16, 2008

freebies attached to the job.” Online edition of India's National Newspaper Friday, June 25, 2004

7. CASE STUDY: MR. CK REJIMON V/S REGISTRAR, COOPERATIVE SOCIETIES (RCS) DATED 24/04/07

7.1. Case facts

- Complain against **Nav Sansad Vihar CGHS** (Central Government Housing Society) Managing committee for alleged irregularities in its functioning
- Complaint was registered; comments sought from RCS; hearings and meetings in the presence of the Nodal officer , the concerned Assistant Registrars and the complainant
- RCS conducted two inquiries about the affairs of NSV society , issued Show Cause Notice but the society repeatedly rejected the reports and even denied information sought under the RTI Act
- Repeated hearings (5) were held , the contentions of the complainants were not being full answered by RCS , delay in engaging experts to ascertain arbitrary pricing of flats, interest calculations, losses, deficiency towards members
- Subsequently, the case was closed on 8/9/08 (after a gap of about 17 months) , in spite of the case being prima-facie established no action against erring officers

7.2. Case specific Inferences

- I. The report submitted by RCS did not adequately address the allegations of inaction leveled against the society Management Committee (MC) members. Also

there had been delay on the part of both RCS and PGC officials in taking prompt action.

- II. PGC did not share the reports submitted by RCS with complainants
- III. The final order by PGC member observed some glaring lapses on the part of RCS officials and under Section 59(2) and 37(i) ordered it to conduct fresh elections in June, 2008 (instead of the due date in Nov 2008). However the order of disposing of the case was neither shared with the complainant nor was fresh elections conducted even till December 2008. Also, the rationale of the judgment is seriously challenged as how can merely ordering fresh elections give clearance from proven irregularities?

Also, in Central Information Commission, a large number of cases are against RCS, as can be inferred from the following:

“The highest number of complaints and appeals received by the Central Information Commission are against the Registrar of Cooperative Societies (RCS) under the Delhi Government. Maximum number of show cause notices has been served to the Principal Information Officers (PIOs) of the RCS office”, Chief Information Commissioner (CIC) Wajahat Habibullah said on , 27th Sept 08 during URJA Convention of all RWA Delhi

- IV. The PGC itself acknowledged in its orders that the contents of previous reports have been merely reiterated without any significant changes. Additionally, there had been some delay in taking follow-up action due to the casual attitude of officials.

7.3. The complainants experience

According to a complainant –“there exists an implicit liaison between the PGC members and the alleged department officials....most of them have worked in the same department at some point or the other”.

8. RECOMMENDATIONS FOR POLICY AND SYSTEMETIC REFORMS

8.1. Granting of Statutory Status

“The Commission was formed in 1998 but was hardly given any powers to pass strictures against any official or Department for not implementing its recommendations. Its recommendatory nature regarding the problems of people has ensured that officials hardly take things seriously and it is rare that any suggestions or directions issued by the Commission are actually implemented in letter and spirit. The Delhi Government has over the years refrained from empowering the Commission with the required powers and instead turned the Commission into a rehabilitation centre for the retiring senior bureaucrats”.

“The commission needs to be authorized under the law to impose penalty on the officials responsible (1) for non-supply of information and (2) for non-implementing the orders/directions given by commission, is case of default”. – Annual Report PGC, 2006-07.

The commission should be modeled on the lines of the Central Information Commission (CIC), Govt. of India, which has the powers to¹²

- I. Summon and enforce attendance of persons, compelling them to give oral or written evidence on oath and to produce documents or things
- II. Require the inspection of documents

¹² CIC website

- III. Receive evidence on affidavit
- IV. Requisition public records or copies from any office
- V. Issue summons for examination of witnesses or documents

A draft of the ‘Delhi public grievances commission bill’ has been finalized by the commission in consultation with the administrative reforms department, Govt. of Delhi and the same has been sent to the government for consideration. However, no action has been taken since then.

8.2. Ensuring Administrative transparency and accountability

Under the resolution, the PGC officials are not accountable for delay and inaction with respect to grievances/complaints filed in the commission. Since the administrative reforms department acts as the administrative agency of the commission, it should take steps to ensure that the competent authority implements the following measures effectively, including¹³:

- I. Providing access to information in a particular form
- II. Directing the public authority to appoint a Nodal officer/ Information Officer where none exists
- III. Publishing information or categories of information
- IV. Making necessary changes to the practices relating to management, maintenance and destruction of records
- V. Enhancing training provision for officials on RTI
- VI. Seeking an annual report from the public authority on compliance with this law
- VII. Require it to compensate for any loss or other detriment suffered by the applicant

¹³ CIC website

Since the chairman and the members are quite burdened with the numerous grievances and appeals that come for hearing, they do not have optimum time for review and follow-up action. Therefore, it is advisable that PGC Chairman and members should be supported by a consultative committee (consisting of two–three members) that will look into different aspects of a case before and after the hearings. This design, unlike the one wherein in which the Deputy Secretary is singularly responsible for all the correspondence between the complaints and the concerned department(s), is likely to be more fair and efficient. In addition, organizational hierarchy could be reformed facilitating greater flexibility and interaction among the officials.

8.3. Outsourcing routine activities

It is expected that the commission can outsource routine activities, including record maintenance, updating and computerization to private players to ensure the following

- PGC employees get more time to concentrate on their core functions
- Accessibility of updated information by the public
- Wider dissemination of information on cases, appeals and other matters
- Maintenance of segregated data on a case to case basis for research and analysis pertaining to trends

8.4. Publicity, public participation and proactive suo-moto cognizance

Based on first-person observation it was inferred that a majority of the complainants that approach the commission have practically very little or no information about how to lodge complaints, what supporting documents are required and the process of hearings. Therefore, it is recommended that the commission should organize publicity drives and campaigns for dissemination of vital information. Also, some of the complainants feel

that PGC officials behave in an ‘apathetic’ manner, so attempts should be made to sensitize officials through relevant training and greater public interaction. As illustrated in the list below, Up till December 2007, merely eight cases have been pursued by the commission under suo-moto cognizance. Consequently, there is tremendous scope for taking cognizance of a wide range of issues of general concerns and social relevance.

List of suo-moto cognizance cases taken (up till 28/12/07)¹⁴:

- a. Construction of ‘pulla’ at Chand Bagh-I&FC Deptt
- b. Selling of sub-standard drugs in Delhi-Drug Control Deptt
- c. Heavy vehicles playing with emergency brakes-Transport Deptt
- d. Problems in A&U Tibbia College-Pr. Secretary (Health)
- e. Water scarcity in delhi-Delhi Jal board
- f. Corruption in various RTOs –Transport Deptt
- g. Non plying of DTC busses in Dwarka- DTC
- h. Queuing up for ration cards-F&S

Looking at the inadequate effort taken in this field, there is tremendous scope for proactive action for much needed systemic changes.

¹⁴ RTI reply dated 28/12/07, PGC letter 22202

9. REFERENCES

- Sujay Mehdudia. Grievance Commission fails to achieve its aims. Accessed on 10 June 2009 at <http://www.hinduonnet.com/2004/06/25/stories/2004062509360400.htm>
- Central information commission Annual Report .2006-07. Accessed on 1 June 2009 at <http://cic.gov.in/>
- Public Grievances Commission RTI Manual. 2008. Accessed on 20 May 2009 at <http://www.delhi.gov.in/wps/wcm/connect/pgc1/Public+Grievances+Commission/Home/Downloads/>

Booklets

- Public Grievances Commission Annual Report 2002-03, 2006-07
- Citizen Charter Public Grievances Commission Published February 2009
- Citizen Charter Administrative Reforms Department

10. ANNEXURE

Letter to the Chairperson by Mr. CK Rejimon

To:
Smt. Meenakshi Datta Ghosh
Chairman
Public Grievance Commission-Delhi
Govt of NCT Delhi
M-Block, Vikas Sadan
New Delhi-10.

Madam,

Subject: **BIASED Decision by PGC Member Mr. SK Kain and Complaint.**

Ref : My Complaint NO. PGC/2007/107/87 dated 27/4/07 and my email dated 21/5/07
Your Letter PGC/Comp/2007/107/95/RCS/6396 dated 17/5/07 to Me
Your Letter PGC /Comp/2007/107/95/RCS/6395 dated 17/5/07 to RCS.
RCS Reply Letter Ref:F-47/CND/965/GH/comp/file/906. dated 8/6/07 addressed
to

you and copy marked in my name. and My Reply dated 22/6/2007 addressed to
Mr. BM Sharma,Dy. Sec, PGC

Your Order No. F/PGC/2007/107/95/RCS/12789-92 dated 9-8-07 (Hearing date
31/7/07)

My Email dated 20/8/2007 on the order and Reminders dated 26/10/2007.

Your Notice for hearing on 30/1/2008 and my request dated 21/1/2008

Your order NO.3226 dated 6/5/08.

Your order NO.10108 dated 22/8/08.

Your order NO.11738 dated 8/9/08.

Kindly refer to my complaint dated 24/4/07 vide above ref no (Attached Annex-I)
basically about **INORDINATE DELAY by RCS Office**, which was duly acknowledged
by PGC. With final order dated 8/9/08 (attached Annex-II) come out after 17 months
LONG DELAY without any RESULT and all what the complainant had done in VEIN.

The order clearly indicate there was SOME UNDERSTANDING with PGC Member and
RCS Staffs against the complaints lodged.

1. The PGC Members order dated 5/8/08 (Attached Annex-III) itself states the status
report submitted by RCS, which remain same as even as on 8/9/08. The PGC
also stated "**Commission finds that the aforesaid report has not adequately
covered the allegations of INACTION levelled against Shri. Meena, JRCS
and Shri Handu Baa, ARCS after the direction of former Registrar on the**

- minutes of the meeting held on 30/4/08**” There has been delay in taking prompt action especially when the report from IO was received in Jan 07”
2. The Election of the NSV CGHS Ltd new committee is due in Nov 08 as the current MC elected in Nov 05. The RCS action under Section 59(2) and 37(i) are mainly some of the members of MC who were named in the enquiry report found DELINQUENT. The society management requested for early election and RCS appointed the returning officer on 12/6/08 (Attached as Annex IV) WELL BEFORE THE order of RCS dated 7 Aug 08. This order also in an UNDERSTAND with Alleged management of the society by Registrar, as the copy of the Order was not given to complainants till date, the showcase noticed issued dated 8/10/2007 under 37(i) was duly informed the complainants, However, the Order of Disposing the case was INTENTIONALLY not shared and complainant kept in Dark. This put serious doubt on the intentions of RCS and the order was WRONG as the election of an MC is regular practice and term of the MC is only 3 years. The complainant is well aware of this particular section of DCS Act and term of MC. RCS order for election dated 12/6/08 is still not implemented and by default anyway the election to be held in Nov 08.
 3. The PGC invites complaints from Public through its advertisement with photographs of its Members on various issue at the cost of tax payers money. When a common citizen find helpless with Govt authorities he approaches PGC to redress his grievance without knowing the fact that the PGC is MORIBUND organisation or take years to complete decision. The advertisement of PGC claims SPEEDY and FAIR REDRESSAL. The attached Memorandum signed by a number of PGC complainant are self explanatory.
 4. PGC Member not shared reports submitted by RCS with complainants till date.
 5. It was MISLEADING that election order is dated 7/8/08 where is it was 12/6/08 and RCS order in the matter of 37(i) was on 7/8/08. The PGC itself in its order acknowledge that the contents of previous reports have been reiterated. PGC also acknowledges that there has been SOME CASUAL attitude and delay in taking further follow-up. Delay in such matters leave ground for complaints which must be avoided in future. The JR-G S Meena is already transferred to anther department and Mr. Handu Baa still in control of the Nav Sansad Vihar CGHS Ltd related files and will continue to give shelter to corrupt management and Mr. Handu Baa will continue to accept FORGED Minutes and Documents and Delay the process of complaints causing harm to very COOPERTIVE PRINCIPAL in the National Capital of India at the mercy of PGC. As you may aware the CGHS Scam and over 10,000 members waits for flats in Dwarka alone and this complaint is well connected with most of the members through Dwarka Forum.
 6. The PGC have DENIED the natural justice of opportunity to complainant to respond through rejoinder to reports submitted by RCS Office.
 7. **It is a golden rule of Law, that justice should not only be done but also seen to be done. Here, in this case neither justice has been done nor it is seen the same being done.**
 8. On any complaint upon which some proceedings have taken place, the outcome has to be either **GUILT or NON-GUILT**. If guilty, the penal action has to

follow. However, in the instant case the findings recorded in the impugned order are vague and evasive. **On previous hearing in this matter, the commission had recorded some glaring lapses on the part of RCS officials and thus in the final verdict some actions/ penal actions must have been meted out to the errant officials** which unfortunately have not been done.

9. The **impugned order/ verdict is not based on the material available on record in this case and hence the same is vitiated in law.**
10. The **impugned order is passed mechanically without application of judicial mind.**
11. **In view of the above a revision is needed.**

The complainant is well aware of the DCS Act and MC have term of only 3 year (current mc elected in Nov 05 and end in Nov 08) anyway. Does that a new election give CLEARANCE from all irregularities ? It is known fact that RCS is one of the TOP most CORRUPT office in India, having its ex-registrar and his staffs in Jail in connection with CGHS Scam worth over 4000 Crore. The current RCS Shri. U K Worah, faces numerous court action and even recently Court asked to appear personally and why not CONTEMPT is not initiated against the RCS. On 27th Sept 08 during URJA Convention of all RWA Delhi "The highest number of complaints and appeals received by the Central Information Commission are against the Registrar of Cooperative Societies (RCS) under the Delhi Government" "Maximum number of show cause notices have been served to the Principal Information Officers (PIOs) of the RCS office," Chief Information Commissioner (CIC) Wajahat Habibullah said. As per press reports.

How come these allegations against RCS were cleared by PGC by stroke of this decision ?

Its time for to wind up PGC, as this organisation cause HUGE FINANCIAL BURDON on the exchequer Rs. 1,19,00,000 (06-07 budget) and without ACHIEVING ANY RESULT FOR PUBLIC AT LARGE. The PGC remain another PARKING LOT for Retired/Retiring Govt Officials.

The PGC itself acknowledged the fact that it is MORIBAND institution with no power(Please refer to the PGC letter 2324 dated 25/4/2008) last para "In the absence of Statutory Powers does faces constraints for effective compliance and enforcement of its directions especially against erring officials for inaction, delays, corrupt practices etc".

Is in it all VEIN a citizen had to make complaint to PGC and years after waiting attending numerous hearing costing inconvenience and expenses finally get an order GIVING free hand to alleged CORRUPT Officers of Govt of NCT Delhi.

Thanking you for the patient reading on the above matter. Submitted for records and action

Yours truly,

Rejimon C K.
(Complainant)

Copy through separate letter to :

1. Chief Justice Supreme Court
2. Cheif Justice Delhi High Court
3. Smt. Pratibha Patil, President of India
4. Shri. Manmohan Singh, Prime Minister
5. Shri. Tejinder Khanna, LG, NCT Delhi
6. Smt. Shiela Dixit, CM, NCT Delhi
7. Shri. Jagdish Mukhi, Leader of the opposition in Delhi Assembly
8. Shri. Vijay Malhotra, BJP Leader and BJP CM Candidate for Delhi
9. Secretary – Administrative Reforms, Govt of NCT Delhi.
10. Civil Society, NGO's working in Anticorruption/Transparency/RTI and Others.
11. Press/Media
12. Blog Groups on Internet of RWA/CGHS and others.

3/3

PUBLIC GRIEVANCES COMMISSION

GOVT. OF NCT OF DELHI

M-BLOCK, VIKAS DHAWAN

NEW DELHI-110110

Tel.No. 011-23379900,23379901 Fax 011-23370903

Website www.pgc.delhigovt.nic.in

E-Mail: pgcdelhi@nic.in

No.PGC/07/107/95/RCS/ 1729

Dated 2/12/08

To

The Assistant Director(AR)
Govt. of NCT of Delhi,
Administrative Reforms Deptt.
7th Level, C wing, Delhi Sectt.
I.P. Estate, New Delhi-110002.

Sub: Representations of Sh. Regimon C.K.

Sir,

This is in reference to your letter No F2/4/08/AR/9594-9595 dated 22.10.2008 seeking comments on the representation of Sh. Regimon C.K.

Sh. Regimon C.K. had filed a complaint with the Commission in April,07 alleging irregularities in the functioning of Nav Sansad Vihar CGHS Ltd. Plot No 4, Sector 22, Dwarka, New Delhi. Allegations were made against the office bearers namely Mr. B.S. Ramowalla, President, Mr. YIP Sehgal and Mr.R.R. Sahu, Ex Treasurer and V.P. This complaint was registered in the Commission and comments sought from Registrar, Co-operative Societies. On getting report from the office of RCS, hearings and meetings were held in the Commission with the Nodal Officer and the concerned Assistant Registrars in the presence of the complainant.

According to a report, received from RCS, an enquiry had been conducted about affairs of Nav Sansad Vihar Society by Sh.G.S. Kapila, retired SP, CBI and his report was sent for comments to the Society. The Society, however, rejected the report. The Competent Authority thereafter directed another enquiry to be conducted u/s 58(2) of the DCS Act,03. Sh. D.N. Singh, Joint Registrar of office of the Registrar Cooperative Societies, was appointed as the Enquiry Officer. During hearing on 31.07.2007 the complainant had also submitted a petition seeking enquiry against Shri G.S. Meena, IRCS and Sh. Handu Baa, ARCS, a copy of which was forwarded to RCS for enquiry and report.

Contd--2

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NCT OF DELHI
M-BLOCK, 2nd FLOOR, VIKAS BHAWAN
NEW DELHI-110002

Tel No. 011-23379900, 23379901 Fax 011-23370903

Website www.pgc.delhigovt.nic.in E-Mail: pgcdelhi@nic.in

No: PGC/07/107/95/RCS/ 2324

Dated 25/10/08

To

The Assistant Director(AR)
Govt. of NCT of Delhi,
Administrative Reforms Deptt.
7th Level, C-Wing, Delhi Secretariat,
I.P. Estate, New Delhi-110002.

Sub: Public Grievances Commission PGC-NCT Delhi Advt. and an Eye Opener RTI.

Sir,

This is in reference to your letter No F2(02//08/AR/2303/C dated 27/3/08 seeking comments on the representation of Sh. Rejimon C.K.

Sh. Rejimon C.K. had filed a complaint with the Commission in April, 07 alleging irregularities in the functioning of Nav Sansad Vihar CGHS Ltd. Plot No.4, Sector 22, Dwarka, New Delhi. Allegations were made against office bearers namely Mr. B.S. Ramoowalia, President, Mr. YIP Sehgal and Mr. R.R. Sahu, Ex Treasurer and V.P. This complaint was registered in the Commission and comments sought from Registrar, Cooperative Societies. On getting report from the office of RCS, hearings and meetings were held in the Commission with the Nodal Officer and the concerned Assistant Registrars in the presence of the complainant.

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The case was last heard on 30.1.2008 and further progress report received from RCS stated that action u/s 37(i) of the DCS Act, 2003 for superseding the Management Committee by issuing a Show Cause Notice dated 8.10.07, had also been initiated by Registrar, Cooperative Societies as various complaints against the society had been received and the society was not furnishing some of the information required under RTI Act. Hearings before RCS u/s 37(i) have been held on 23.10.07, 27.11.07, 13.12.07, 24.1.08 and 25.03.08. The matter has therefore, been within the full knowledge of RCS and the Commission was seeking progress report in this case as also about enquiry against Sh. G.S. Meena, JRCS and Shri Handu Baa, ARCS. RCS had been advised to look into these allegations

Contd...2/-

Speed
BY REGISTERED POST

PUBLIC GRIEVANCES COMMISSION

Govt. of NCT of Delhi,
M-Block, IInd Floor, Vikas Bhawan,
I. P. Estate, New Delhi-110110.

No.F.PGC/RTI-2005/187/22200

Dated: 28/12/07

To

Shri Rejimon CK
Flat No. 453, Nav Sansad Vihar,
Plot No. 4, Sector 22,
Dwarka, New Delhi-110077.

Sir,

This has reference to your application under the Right to Information Act, 2005 received in this Commission on 04.12.2007, the reply is as under:-

| S. No. | Question | Reply |
|--------|---|--|
| 1. | Have Public Grievance Commission of NCT Delhi implemented Section 4 of RTI Act? | Yes |
| 2. | When was PGC Computerisation approved? | On 16.09.2004 |
| 3. | Have PGC completely computerised? | No |
| 4. | What is the amount spend by PGC on Computerisation? | Rs. 1,47,283.36/- |
| 5. | What was the annual budget allocated by Govt NCT Delhi for PGC for year 06-07? | Rs. 1,19,00,000/- |
| 6. | Please provide detail of Plan funds spend on various members of the commission for the year 2006 and 2007 in terms of Salary, Perks, staffs, Travel, Communications, meeting and miscellaneous etc. | 2006- Rs. 17,23,175/- 2007- Rs. 15,93,558/- |
| 7. | Please provide detail of NON PLAN Funds spend on various members of the commission for the year 2006 and 2007 in terms of Salary, Perks, staffs, Travel, Communications, meeting and miscellaneous etc. | Non plan allocation is NIL. |
| 8. | Have PGC provided Mobile phones to any PGC Members/staffs? If so please provide the list of the same through website. | No |
| 9. | Please provide monthly usage summary and amount spend by users against each mobile phones. | In view of 8 above needs no reply. |
| 10. | Have PGC provided any official cars to any PGC members or staffs? If so please provide the details of the vehicles and monthly expenses and monthly km usage by each car and users details. | No |