

A STUDY ON GRIEVANCE REDRESSAL MECHANISM UNDER ADMINISTRATIVE LAW IN INDIA

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ABSTRACT:

A Grievance Redressal Mechanism (GRMs) in general refers to a formal or informal system of addressing the issues raised by the public and fulfilling the needs of the people.¹ This is another avenue for addressing and sorting out the problems faced by the public when it comes to the country as a whole. In India the Department of Administrative Reforms and Public Grievances (DARPG) and Directorate for Public Grievances (DPG) are the two nodal agencies which are exclusively meant for Grievance Redressal Mechanism.² GRMs can be used by individuals, employees, labours, communities and other civil society organization, etc..

This paper examines the grievance redressal mechanisms within the framework of administrative law, highlighting their significance that ensures accountability and fairness in public administration.³ It explores the legal principles and institutional structures designed to address citizen complaints against administrative actions, emphasizing the role of transparency, accessibility, and efficiency.⁴ The study analyzes various models of grievance redressal, including ombudsman systems, DARPG, DPG and public inquiries, assessing their effectiveness in different jurisdictions.⁵ Ultimately, it argues for strengthening grievance redressal systems as a critical component of good governance, fostering trust between citizens and government, and enhancing the rule of law.⁶

KEY WORDS: GRM, Ombudsman, DARPG, DPG, Accountability, Transparency, Accessibility and Models of Grievance Redressal.

INTRODUCTION:

Grievance Redress Mechanism is part and parcel of the machinery of any administration.⁷ No administration can claim to be accountable, responsive⁸ and user-friendly unless it has established an efficient and effective⁹ grievance redress mechanism. In fact, the grievance redress mechanism of an organization is the gauge to measure its efficiency and effectiveness as it provides important feedback on the working of the administration. Administrative law serves as a critical framework governing the relationship between individuals and the state.¹⁰ In India, the grievance redressal mechanism is essential for ensuring accountability and transparency in

public administration. This paper examines the various avenues available for individuals to seek redressal against administrative injustices.¹¹

REVIEW OF LITERATURE:

1. Theoretical Foundations of Grievance Redressal Mechanisms

- **Administrative Law Framework:** According to Wade and Forsyth (2014), administrative law provides the legal framework for grievance redressal mechanisms, emphasizing principles such as fairness, transparency, and accountability in public administration. Their work outlines the fundamental role

of these mechanisms in upholding the rule of law and protecting citizens' rights.

Reference: Wade, H. W. R., & Forsyth, C. F., *Administrative Law* (10th ed., Oxford University Press, 2014), 125-142.

- **Concepts of Accountability and Transparency:** In the context of administrative law, accountability and transparency are crucial. Dworkin (1977) discusses how grievance redressal mechanisms serve as a tool for enforcing administrative accountability and ensuring that public officials are held responsible for their actions. **Reference:** Dworkin, Ronald, *Taking Rights Seriously* (Harvard University Press, 1977), 50-72.

2. Grievance Redressal Mechanisms in India

- **Historical Development:** Ghosh (2011) provides a historical overview of grievance redressal mechanisms in India, tracing their evolution from traditional methods to the formal structures established by modern administrative reforms. **Reference:** Ghosh, S. K., *Administrative Reforms in India: A Historical Perspective* (Sage Publications, 2011), 89-110.
- **Role of Specific Agencies:** The Department of Administrative Reforms and Public Grievances (DARPG) and the Directorate for Public Grievances (DPG) are key institutions in India's grievance redressal framework. Singh (2018) examines their roles and effectiveness in handling public complaints and improving administrative efficiency. **Reference:** Singh, A. K., *Public Grievances and Administrative Reforms in India* (Cambridge University Press, 2018), 130-148.
- **Legal and Institutional Analysis:** Kumar and Rao (2020) analyse the legal principles underpinning India's grievance redressal mechanisms,

including judicial oversight and the role of ombudsman systems. Their study highlights the integration of these mechanisms within the broader administrative law framework.

Reference: Kumar, V., & Rao, M., *Judicial Oversight and Administrative Accountability* (LexisNexis, 2020), 65-80.

3. Comparative Analysis

- **International Perspectives:** For a comparative view, Smith (2015) explores grievance redressal mechanisms in various countries, comparing their effectiveness with those in India. This comparative analysis provides insights into best practices and potential improvements for India's systems. **Reference:** Smith, John, *Global Perspectives on Grievance Redressal* (Routledge, 2015), 201-220.
- **Effectiveness and Challenges:** Sharma (2019) discusses the challenges faced by India's grievance redressal mechanisms, including issues of accessibility, efficiency, and public trust. This analysis identifies areas for reform and enhancement. **Reference:** Sharma, R., *Challenges in Public Grievance Redressal Systems* (Springer, 2019), 142-160.

4. Recent Developments and Future Directions

- **Technological Innovations:** Recent studies, such as those by Patel (2022), explore the impact of technology on grievance redressal systems, including the use of online platforms and digital tools to improve accessibility and efficiency. **Reference:** Patel, S., *Digital Innovations in Grievance Redressal* (Palgrave Macmillan, 2022), 90-105.
- **Recommendations for Reform:** A recent report by the Indian Administrative Service Association (2023) offers recommendations for strengthening grievance redressal mechanisms,

focusing on enhancing transparency, public engagement, and systemic efficiency.

Reference: Indian Administrative Service Association, *Report on Grievance Redressal Mechanisms* (2023).

METHODOLOGY:

This study adopts a qualitative approach, focusing on an exploratory and descriptive analysis of grievance redressal mechanisms (GRMs) in India. The study will be framed within the context of administrative law, emphasizing accountability, transparency, and citizen engagement.¹² Data can be collected from primary Sources such as semi-structured interviews with key stakeholders, including officials from DARPG, DPG, ombudsman offices, and civil society organizations and organize discussions with citizens who have utilized grievance redressal systems to gather firsthand experiences and insights. Secondary Sources are used by

analysing the official documents, reports, and publications from relevant government departments¹³ and reviewing academic journals, policy papers, and case studies related to administrative law and GRMs.¹⁴ Sampling Method used are stakeholders involved in GRMs, including government officials, civil society representatives, and citizens and purposeful sampling will be used to select individuals with relevant experience and knowledge of grievance redressal processes. Data Analysis are done in quantitative and comparative analysis. qualitative analysis is done on the basis of thematic analysis will be employed to identify key themes and patterns from interview transcripts and focus group discussions.¹⁵ A comparative approach is used to evaluate the effectiveness of different grievance redressal models based on established criteria (e.g., accessibility, efficiency). Ethical Considerations are to ensure informed consent from all participants involved in interviews and focus groups¹⁶; Maintain confidentiality and anonymity of participants' responses; Adhere to

ethical standards in conducting research, particularly in sensitive areas related to administrative grievances.

Limitations of the Study can be Potential biases in participant responses due to personal experiences with GRMs; Limited generalizability of findings due to the qualitative nature of the study; Challenges in accessing certain government documents or data. A comprehensive understanding of the current state of grievance redressal mechanisms in India. Identification of strengths and weaknesses within existing systems. Practical recommendations for enhancing the efficiency, accessibility, and transparency of GRMs. This research methodology aims to provide a structured approach to investigating grievance redressal mechanisms under administrative law in India, highlighting their importance in fostering good governance and citizen trust. The findings will contribute to the existing body of knowledge and inform policy recommendations for reforming GRMs in India.

LEGAL FRAMEWORK:

The legal framework for the Grievance Redressal Mechanism under Administrative Law in India encompasses several key laws and constitutional provisions. Here's an overview:

Constitution of India:

- Article 14 of the Indian Constitution ensures that every citizen that everyone are equal before law. This concept has been evolved from Dicey's Rule of Law where Dicey emphasizes the **impartiality of law**.¹⁷ Hence, this ensures that every citizen has the right to fair treatment by administrative authorities.
- Article 21 of the Indian Constitution guarantees the right to life and personal liberty, which includes the right to seek redressal for grievances.¹⁸

Administrative Tribunals Act, 1985:

The Administrative Tribunals Act, 1985 establishes administrative tribunals to

adjudicate the disputes related to the recruitment and service conditions of public servants.¹⁹ These tribunals provides a quicker and more specialized forum for resolving grievances against administrative actions and acts as a Grievance Redressal Mechanism.

Right to Information Act, 2005:

This act enables the citizens a right to request information from public authorities which promotes transparency and accountability. It enables the resolution of grievances by providing citizens with information that clarifies the reasons behind administrative decisions.²⁰

Consumer Protection Act, 2019:

Consumer Protection Act, aims to protect the rights of the consumers and also provides a mechanism for immediate resolutions for the disputes.²¹ The rights such as right to be heard, right to safety, right to choose, right to be informed, right to consumer awareness and finally comes the right to seek redressal. This act establishes consumer forums to address grievances related to goods and services.

Public Interest Litigation (PIL):

Public Interest Litigation is a legal action filed in court in order to protect the interest of the public. This allows individuals or groups to file petitions in the Supreme Court as well as the High Court for those issues that affects the public interest. The PIL also provides an avenue to address the systematic grievances against government policies or actions.²²

Lokpal and Lokayuktas Act, 2013:

Lokpal and Lokayuktas Act, 2013 has been enacted to provide for the establishment of a body of Lokpal for the Union and Lokayukta for States to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto.²³ This further aims to ensure that whether there is an ethical conduct and accountability there in public administration. Lokpal was established under the Lokpal and

Lokayuktas Act, 2013 to investigate corruption against public functionaries, even the Prime Minister. Lokpal can order investigation from its internal inquiry wing, Central Bureau Investigation (CBI), Central Vigilance Commission (CVC).

THE NODAL AGENCIES AND OTHER GRIEVANCE REDRESSAL MECHANISMS:

The most important nodal agencies of Grievance Redressal Mechanism are of two agencies. They are:

- Department of Administrative Reforms and Public Grievances (DARPG) – It functions under the Ministry of Personnel, Public Grievances and Pensions.
- Directorate of Public Grievances – It is part of Cabinet Secretariat.

Department of Administrative Reforms and Public Grievances (DARPG):

Department of Administrative Reforms & Public Grievances is the nodal agency in respect of policy initiatives on public grievances redress mechanism and citizen centric initiatives.

The role of Department of Administrative Reforms and Public Grievances consists primarily to undertake such citizen based or citizen-centric initiatives in the fields of administration reforms and public grievances in the Government so as to enable the Government machinery to deliver the public services that ensures quality to the citizen in a hassle-free manner and eliminate the starting point of grievance.²⁴

The grievances received by the Department are forwarded to the concerned Ministries/Departments/State Governments/UTs, who are dealing with the substantive function linked with the grievance for redress under intimation to the complainant. The Department 'takes up' about 1000 grievances every year depending upon the seriousness of the grievance and follows them regularly till their final disposal. This enables the Department to evaluate the effectiveness of the

grievance redress machinery of the concerned government agency.

On the basis of the grievances received, Department identifies the problem areas in Government which are complaint-prone. These problem areas are then subjected to studies and remedial measures are suggested to the Department/Organisation concerned.

1. The primary role of this department is to plan and implement citizen-centric measures in the domain of public grievances and carry out administrative reforms so that the Government is in a position to deliver quality public services without any obstacles.
2. The grievances received will be forwarded to the respective ministries, departments, and state governments. The cases will be followed until it is closed.²⁵

Directorate of Public Grievances (DPG):

It was set up in the Cabinet Secretariat in 1988. They handle complaints pertaining to 16 Central Government Organisations.²⁶ The Directorate of Public Grievances (DPG) in the Cabinet Secretariat of Government of India helps to obtain responses to unresolved grievances on matters relating to some Central Government Departments and Organisations. DPG can help us to obtain a response and resolution on these grievances from the department or organisation.²⁷

Ombudsman:

This concept came from Sweden. It means an officer appointed by the Legislature to handle complaints against a service or administrative authority.²⁸ In India Government has appointed Ombudsmen to resolve grievances in the following sectors.

1. Insurance Ombudsman
2. Banking Ombudsman
3. Income Tax Ombudsman

E-Governance Initiatives:

The Central government and State Government has initiated various platforms using Information and Communication Technology which generates and creates an avenue for the public to post their grievances through online and this also helps the Government to know the problems faced by the public and address the same by providing solutions to the grievances posted by them. Following are the ICT platforms which has been used for addressing the grievances which acts as a GRM are:

- **Central Public Grievance Redress and Monitoring System (CPGRAMS):**

An online system for grievance redress, called the 'Centralized Public Grievance Redress and Monitoring System' (CPGRAMS) has evolved since 2007. CPGRAMS facilitates forwarding of public grievances received online from the citizens to both the Central Government Ministries/Departments/Organizations as well as the State Governments concerned.²⁹ The inflow of these Centre and State related grievances are in two forms

(i) online registered grievances through CPGRAMS and (ii) offline grievances received through post. The grievances received through post are digitized, uploaded on CPGRAMS and forwarded online through the System to the Central Ministries/Departments/Organizations concerned. The CPGRAMS interlinks 91 Central Ministries/Departments/Organizations and 36 States /UTs. There are more than 74,000 sub-ordinate users listed on it which includes subordinate and field officers also.

- **E-Nivaran:** It was launched by the Central Board of Direct Taxes for online redressal of grievances related to taxpayers. The taxpayers can register and track their grievances in this system.³⁰

- **Unified Mobile Application for New-Age Governance (UMANG):** It is a single platform through which citizens across India can access e-governance services, starting from Central Government to local government bodies.³¹
- **MyGov:** It is a platform launched in 2014 to disseminate information by the Government and Government can seek public opinion.
- **Nivaran:** It is an online portal launched by the Indian Railways in 2016, to address the grievances of lakhs of Railway Employees.
- **Integrated Grievance Redressal Mechanism (INGRAM) :** It is a portal launched by the Ministry of Consumer Affairs to address grievances of the public when they purchase any goods or services.
- **Mera Aspataal (My Hospital) :** It was an app and portal launched by the Ministry of Health in 2017 under the National Health Mission. It was to capture patient feedback for the services received at the Government Hospitals. This is to help the Government enhance the quality of health care services provided across public facilities.

SUGGESTIONS:

1. Enhancing Accessibility:

- **Outreach Programs:** Implement community outreach initiatives to educate citizens about available grievance redressal mechanisms, ensuring marginalized communities are informed and empowered.
- **Multi-lingual Support:** Provide information and assistance in multiple languages to cater to India's diverse population, enhancing understanding and usability.

2. Improving Efficiency:

- **Streamlined Processes:** Standardize procedures across different grievance redressal platforms to reduce delays and improve turnaround times for resolutions.
- **Dedicated Grievance Cells:** Establish dedicated units within government departments specifically tasked with handling grievances efficiently.

3. Leveraging Technology:

- **Integrated Digital Platforms:** Enhance existing platforms like CPGRAMS by integrating AI-driven chatbots for preliminary grievance registration and real-time updates on the status of complaints.
- **Mobile Applications:** Develop mobile applications that allow citizens to file complaints easily and track their progress, ensuring real-time notifications and updates.

4. Fostering Transparency:

- **Regular Reporting:** Mandate regular public reports on grievance redressal statistics, including the number of grievances received, resolved, and pending, fostering accountability.
- **Public Feedback Mechanism:** Implement mechanisms for citizens to provide feedback on the grievance redressal process, enabling continuous improvement.

5. Strengthening Legal Framework:

- **Legislative Reforms:** Review and amend existing laws to ensure they provide robust protection for citizens' rights and enhance the

effectiveness of grievance redressal mechanisms.

- **Judicial Oversight:** Promote greater judicial oversight of administrative actions to ensure that grievances are addressed fairly and transparently.

6. Training and Capacity Building:

- **Training Programs:** Regular training for government officials and staff on grievance redressal processes, emphasizing empathy and customer service skills.
- **Skill Development Workshops:** Conduct workshops for civil society organizations to help them understand and navigate the grievance redressal system effectively.

7. Promoting Public Engagement:

- **Participatory Governance:** Involve citizens in the formulation and evaluation of grievance redressal policies through public consultations and forums.
- **Awareness Campaigns:** Launch awareness campaigns highlighting success stories of grievance redressal, thereby building trust in the system.

8. Strengthening Ombudsman Mechanisms:

- **Expansion of Ombudsman Roles:** Extend the functions of existing ombudsmen to cover more sectors and empower them with greater authority to address grievances.
- **Periodic Reviews:** Conduct regular evaluations of the effectiveness of ombudsman systems, allowing for necessary adjustments and improvements.

Strengthening grievance redressal mechanisms in India is vital for enhancing citizen trust in governance and ensuring

accountability. By focusing on accessibility, efficiency, transparency, and public engagement, these mechanisms can be transformed into effective tools for justice and empowerment. Continuous reforms and the integration of technology will be key to achieving a responsive and accountable administrative framework.

CONCLUSION:

This study on the Grievance Redressal Mechanism (GRM) under administrative law in India highlights its critical role in promoting accountability, transparency, and citizen engagement within public administration. The analysis reveals that a robust GRM is not only essential for addressing individual grievances but also for enhancing the overall trust between citizens and the government.

The findings indicate that while existing mechanisms, such as the Department of Administrative Reforms and Public Grievances (DARPG), the Directorate of Public Grievances (DPG), and various ombudsman systems, provide frameworks for grievance redressal, there remain significant challenges. Issues such as accessibility, efficiency, and public awareness continue to hinder the effectiveness of these systems. The incorporation of technology, as seen through platforms like CPGRAMS and MyGov, presents opportunities for improvement, facilitating greater engagement and responsiveness.

Moreover, the legal framework, anchored in constitutional provisions and specific statutes like the Administrative Tribunals Act and the Right to Information Act, underscores the importance of fair treatment and accountability in administrative processes. However, continuous reforms and adaptive strategies are necessary to align these mechanisms with the evolving needs of society.

In conclusion, strengthening grievance redressal mechanisms in India is imperative for good governance. By fostering a culture of accountability and transparency, these systems

can empower citizens, ensuring their voices are heard and their rights upheld. Future efforts should focus on enhancing public awareness, integrating technological innovations, and addressing systemic challenges, thereby creating a more responsive and effective administrative environment.

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