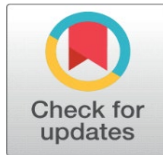
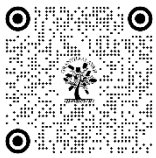


RIGHT TO SERVICE ACT IN KERALA AND ADMINISTRATIVE CULTURE: A CRITICAL PERSPECTIVE

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ABSTRACT

The Right to Service (RTS) Act, enacted in Kerala in 2012, marks a crucial advancement towards improving the efficiency, transparency, and accountability in the delivery of public services. This legislation requires the government to offer public services within specific timeframes and imposes penalties for non-compliance. This study critically evaluates the RTS Act's effects on Kerala's administrative culture, addressing its achievements and the obstacles faced in its execution. While the RTS Act has promoted greater public involvement and accountability in service delivery, it has also revealed significant weaknesses within the administrative system. This article thoroughly analyses the Act's effect on administrative reforms and assesses its wider significance for governance in the state.

Keywords: Right To Service, Citizen's Charter, Administrative Culture, Provisions of the Act, Appeal System, Bureaucratic Response, Citizen's Charter

DOI

[10.29121/shodhkosh.v5.i1.2024.5091](https://doi.org/10.29121/shodhkosh.v5.i1.2024.5091)

Funding: This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

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1. INTRODUCTION

Public service delivery in India has been historically marred by inefficiencies, red tape, and corruption. The introduction of the Right to Service Act (RTS) offers an innovative framework aimed at enhancing the outcomes of public services. This Act is designed to ensure the timely and efficient delivery of services to citizens, providing a legal recourse for redress when services are not provided within the set deadlines. It focuses on defining the responsibilities of government departments clearly, enabling citizens to track their service requests, and enforcing penalties for delays or failures in service delivery. This legislation serves as a mechanism for enhancing governance by promoting efficiency, transparency, and accountability in public services. Kerala adopted the RTS Act in 2012 to offer citizens more responsive and transparent public services, specifying timelines for service provision and holding the government accountable for delays. Despite the commendable objectives of the Act, its implementation has encountered various challenges related to the state's distinct administrative culture, shaped by historical, social, and political factors. Kerala's administrative landscape is paradoxical: while the state exhibits high human development indicators such as literacy and life

expectancy, it struggles with a slow-moving bureaucracy, corruption, and inadequate responsiveness. This article examines the relationship between the RTS Act and Kerala's administrative culture, underscoring both the successes and the challenges in realizing the Act's aims.

2. UNFOLDING OF RIGHT TO PUBLIC SERVICE LEGISLATIONS

Ever since 1990's, there has been a significant change has taken place in the domain of governance both in terms of the public services being delivered to the people and also the way in which their grievances are being taken care of. The emerging governance model called citizen's Charter Initiative, launched initially in advanced OECD (Organization for Economic Cooperation and Development) countries and place citizens at the heart of governance rather than the earlier bureaucracy-centric model of governance. The Charter Initiative clearly enlists a variety of commitments, standards of service delivery and redressal and remedial endeavours in case of non-compliance.

The governments of West were initiating to such Citizen's Charters in the wake of growing distrust among citizens with the governments owing to the non-responsive bureaucracy and financial crunch. The Citizen's Charter increasingly focused on time-bound delivery of services, transparency, accountability, timely redressal of grievances, consultation with citizens, value for money and ultimately enhancing citizen satisfaction. These initiatives of governance were a continuation of the New Public Management Governance begun by Thatcher government in UK as part of strengthening democratic values. Subsequent to Britain's initiative, several of countries in Europe, North America, Asia and Africa such as Belgium, France, Canada, Australia, Malaysia, Spain, Portugal, India etc., accentuated their own versions of Citizen's Charters.

In India the adoption of Citizen's Charter was set off by the economic reforms of 1990's which drastically changed the role of government from being a source of public services to that of a regulator and facilitator. In 1997, the Government of India instituted a Chief Secretaries' conference to draw up "An agenda for Effective and Responsive Administration" which suggested the adoption of Citizen's Charter in almost all Government departments at the central and state levels which were offering public services. Next year the then Prime Minister I. K. Gujral pushed for a more vibrant public service reforms as part of the "Action Plan for Effective and Responsive Government". The three core areas which were addressed by action plan included making the administration accountable and citizen friendly, ensuring transparency and right to information and also adopting ways to motivate civil servants to maintain appropriate quality standards while carrying out public services.

As a result of these initiatives, it was decided to formulate Citizen's Charter for core sectors such as Railways, Telecom, Posts, Public Distribution systems etc., The rationale behind Citizen's Charter is to provide Government services to the citizens in accordance with their expectations with regard to accessibility, non-discrimination, transparency and accountability. Attached to the above rationale is to change the mindset of public official from a power craving individual to a person with a sense of responsibility in collecting the money through taxation and providing citizens with necessary services.

However, it was found later that Citizen Charters were not effective as it was not legally binding and voluntary in nature. A study conducted by Indian Institute of Public Administration in 2008 had revealed that many Charters non-existent, irrelevant and deficient of accurate processing and mechanisms. The Charters were also found to be lacking transparency and accountability. So, there has been an increasing demand from the public for an effective alternative to Charters.

To tide over the challenges of the Citizen Charter there were numerous efforts taken up by the civil society, in order to create an informed and well-educated citizenry. This has paved the way for right to public service delivery legislations in the country. Madhya Pradesh was the pioneer state in introducing rights-based service entitlements to its citizens on August 18, 2010. This has been emulated in other states as well. More than 20 states have made legislations in tune with their requirements for a public delivery of services. The Service Guarantee acts initiated by states seriously address the complete collapse public delivery systems.

3. COMPARISON OF ACTS

Title and Enactment date of the acts

S.NO	State	Title	Date of Enactment
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1.	Madhya Pradesh	Madhya Pradesh Lok Sewaon Ke Pradan Ki Guarantee Adhiniyam, 2010	18-Aug-10
2.	Bihar	Bihar Right to Public Services Act. 2011	15-Aug-11
3.	Delhi	Delhi (Right of Citizen to Time Bound Delivery of Services Act, 2011	28-Apr-11
4.	Maharashtra	Maharashtra Right to Public Services Act, 2015	21-Aug-15
5.	Karnataka	The Karnataka (Right of Citizens to Time Bound Delivery of Services) Act, 2012 (SAKALA)	2-Apr-12
6.	Rajasthan	Rajasthan Public Service Guarantee Act. 2011	14-Nov-11

Source: State Websites

4. THE RIGHT TO SERVICE ACT IN KERALA

The primary goals of the Right to Service Act hinge on reducing corruption among officials while promoting accountability and transparency. Madhya Pradesh was the pioneer in enacting the Right to Service Act, followed by Bihar, where the Bihar Right to Public Service Act took effect on August 15, 2011. Subsequently, the Kerala Right to Service Act of 2012 (Act 18 of 2012) came into force on November 1, 2012. This legislative framework guarantees residents access to various public services from government entities within a specified timeframe, while also instituting penalties for public servants failing to deliver these services. The three foundational pillars of good governance outlined in this law are responsiveness, accountability, and transparency. To ensure a prompt and effective resolution of public grievances and service provision, the government has established a system that holds employees accountable for their roles and responsibilities within the designated timeframes.

The Act mandates public services, including issuing birth and caste certificates, income certificates, ration cards, domicile certificates, death certificates, water and power connections, passport verification, and job verification reports. The movement for a citizens' charter began in 1990, with the UK legally instituting the Citizen's Charter in 1991, which later spread to other nations. The principles of the Citizens Charter were revamped in 1998, incorporating service delivery standards, transparency, accessibility, equality, accountability, and continual improvement.

However, according to the Public Affairs Committee's 2007 Report, the poorly designed charters, ineffective execution, and a lack of public awareness resulted in the failure to fulfill their intended purpose. In Kerala, the initial reception to the RTS Act was hopeful, supported by the state's prior modernization efforts. Factors such as high literacy, a solid public health system, and an active civil society were perceived as advantageous to the success of this initiative. The RTS Act was anticipated to enhance transparency, mitigate corruption, and empower citizens legally to demand timely services.

5. KEY PROVISIONS OF THE ACT

The RTS Act in Kerala encompasses several pivotal provisions intended to improve public service delivery. A critical aspect is the stipulation that government departments must deliver services within a specified timeframe. For instance, ration cards should be processed within 30 days of application, and building permits within 60 days. The Act also establishes a mechanism for citizens to file complaints regarding service delays, accompanied by penalties for responsible officials. A designated officer must acknowledge receipt of applications, initiating the countdown for the specified timeframe.

Citizens who do not receive the necessary service within the mandated period, or whose applications are denied, can appeal to the first appellate authority within thirty days from the decision's date or after the stipulated timeframe expires, provided they pay the required fee. The first appellate authority has the discretion to accept late appeals if there is sufficient justification and may order the designated officer to provide the service promptly or reject the appeal. Decisions must be made within a timeframe equivalent to that specified for the service. If dissatisfied with the first appeal's outcome, individuals may further appeal to the second appellate authority within sixty days, which may also accept late appeals under certain conditions.

If the second appellate authority assesses that services were not delivered timely without adequate cause, it may fine the designated officer between 500 and 5,000 rupees for non-compliance, with provisions for disciplinary recommendations against the officials involved. Additionally, the Act reinforces transparency by compelling government

departments to maintain and publish information on service availability and expected delivery periods, while also ensuring a grievance redressal mechanism is in place.

6. ADMINISTRATIVE CULTURE IN KERALA

Kerala's administrative culture is distinguished by a commitment to public involvement, social welfare, and transparency. The populace is politically engaged and anticipates high-quality services from the government. Significant progress has been made in enhancing public service through technology and e-governance initiatives, facilitating improved efficiency and transparency. The decentralized administrative framework allows local self-governments to play a crucial role in the state's functioning, thereby promoting citizen engagement in governance. However, this administrative culture encounters a paradox: while the state enjoys an educated and politically aware populace, it simultaneously grapples with bureaucratic inefficiencies, delays, and accountability issues. This paradox can be attributed to various factors, including a complex political landscape, trade union dominance within public sector institutions, and ingrained bureaucratic practices.

7. POLITICAL INFLUENCE AND BUREAUCRATIC HURDLES

Political dynamics significantly influence bureaucratic decision-making in Kerala, often resulting in service delivery delays and inefficiencies. The interaction between elected officials and civil servants can contribute to policy stagnation, where officials may favor political interests over their professional responsibilities. This contributes to a sluggish administrative culture resistant to change. Although the RTS framework demands prompt service delivery, bureaucratic limitations in terms of personnel, resources, and infrastructure can hinder meeting these expectations, creating a conflict between mandated timelines and actual service capacity. Additionally, trade unions, while important for protecting workers' rights, often exacerbate procedural delays and inefficiencies in public service delivery.

8. BUREAUCRATIC RESISTANCE TO CHANGE

Despite Kerala's notable literacy levels and political consciousness, the bureaucratic environment often resists change. Officials, accustomed to certain job securities and established processes, may neglect timely service delivery—especially when faced with potential penalties under the RTS Act. This resistance undermines the Act's effectiveness and diminishes its intended impact on public service offerings.

9. CRITICAL EVALUATION OF THE IMPACT OF THE RTS ACT IN KERALA

Although the RTS Act was introduced to enhance the efficiency and accountability of public service delivery, its overall impact has been mixed, yielding both positive results and significant challenges. A notable advantage of the RTS Act is the heightened emphasis on accountability and transparency. Citizens are now better informed about the services available to them and the timelines for delivery, empowering them to demand compliance from officials. The introduction of grievance redress mechanisms has further allowed citizens to report non-compliance, exerting pressure on government officials to improve performance. Consequently, some services have seen faster delivery due to this newfound emphasis on accountability and the push towards digitalisation, which streamlines processes to meet RTS standards. Many essential services, such as certificates and permits, have transitioned online, reducing paperwork and enhancing accessibility. For key areas like land records, pension schemes, and welfare benefits, the RTS Act has significantly shortened processing times, helping to eliminate backlogs and ensure timely access to services.

Despite these advantages, the implementation of the RTS Act has encountered numerous challenges. A primary issue is the reluctance of government employees to embrace the Act's changes, leading to bureaucratic inertia and hampered implementation. Additionally, while the Act mandates timely service delivery, insufficient resources and infrastructural support have hindered compliance with these targets. Many public service departments in Kerala face understaffing, complicating adherence to prescribed timelines.

The Act primarily covers routine services such as the issuance of ration cards and certificates, but does not adequately address complex services that may require multiple approvals. Rural residents often lack awareness of their rights under the RTS Act, which limits their ability to register complaints or demand timely services. Furthermore, the

Act has not effectively tackled corruption within public service delivery. Although penalties for non-compliance exist, they are rarely enforced, diminishing their deterrent effect. Political dynamics and trade union influences also impede the realization of the RTS Act's objectives, as decision-making can prioritize political interests over efficient service provision.

The government of Kerala and Chief Minister himself has not been clear about the status of the act. Responding to a question raised by a member in the Legislative Assembly, Chief Minister had responded that the government lacked substantial data to confirm if the objectives of the act have been realized. The shortcoming of data and governmental review has resulted in a situation of ambiguity with regard to the effectiveness of the act in streamlining public service.

The implementation of the act has also revealed that there has not been clarity whether the public has been the services promised within the stipulated time frame. In addition to that, there are no records suggesting whether any officials encountered penalties for failing to adhere to the act's principles. The Chief Minister also affirm in the Assembly that efforts are on to amend the act to bridge the existing gaps to sharpen the act and implement it more stringently. It is proposed to revise the fine amount for not adhering to the act ranging from a minimum of Rs. 1000/- to a maximum of Rs. 10000/-. It has also been observed by Administrative Reforms Commission in its report on "People Centric Delivery in Local-Self-government Institutions" that many of the services of the local governments and transferred institutions are beyond the purview of the act. Besides, the services involving different stages and functionaries, norms are not fixed for the completion of each stage and the officials concerned are not allocated individual responsibility to complete the process as per defined standards.

10. CONCLUSION

The Right to Service Act in Kerala represents a bold initiative aimed at reforming the public administration framework and ensuring timely delivery of services to citizens. While the Act has fostered numerous positive changes, including increased accountability and transparency, its implementation continues to be challenged by bureaucratic resistance, political interference, and resource limitations. For the RTS Act to achieve its full potential, concentrated efforts are necessary to overcome these hurdles and foster a more responsive and efficient administrative culture in Kerala. Future reforms should address not only the legal and procedural dimensions of the Act but also the underlying structural and cultural obstacles that hinder effective public service delivery.

CONFLICT OF INTERESTS

None.

ACKNOWLEDGMENTS

None.

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