How to get Maharashtra government to respond to application/complaint/representation

When a citizen applies for a ration card, water connection, change of name or any such purpose he often gets no response from the government office. Claims for pensions, refunds or other schemes meet with the same pompous disdain. The response to complaints of illegal activities, bad roads, encroachment or illegal construction, or communications to registrar of societies or charity commissioner is also similar. Often citizens try and pursue these matters by going repeatedly to the government offices and pleading. Most times the end result is a chastened, frustrated and humiliated citizen paying a bribe to get some action, or just giving up.

Most citizens are unaware that there is a very powerful law in Maharashtra which can ensure a decision in all such matters within 45 days. It has a cumbersome name– "Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005[i]" It is commonly known as, "Transfers, Charters and Delays Act 21, 2006." If we ensure complete implementation of this law it could change the structure of our democracy. RTI worked because citizens used and spread it. This law has a greater potential. Instead of cribbing about bad governance, let us educate others and get it implemented.

There are three important aspects of this law, but presently let us look at one which can get great relief to citizens:
Section 10 of the act clearly states that no decision on any file can take more than 45 days, if a matter has to be decided within a department. If many departments are involved the

limit is 90 days. Most decisions must be taken within three levels and no officer can keep a file on his table for more than seven working days. Rule 10(3) states that in case of delay, the competent authority must fix responsibility on the officers concerned and take disciplinary action if any officer is guilty of negligence

When a representation, complaint or application has been made by any citizen, a decision has to be conveyed within 45 days. Failure to respond to a application, representation, or complaint is a violation of this law. When such an eventuality is brought to the attention of the head of office or department, a preliminary enquiry must be conducted within 15 days. If “any intentional delay or negligence” has taken place, then disciplinary action must be initiated against the responsible officer. Most citizens are unaware about the powerful provisions of this law. The few who are aware and have tried to invoke its provisions have generally met with arrogant indifference and a pompous disdain. In gross violation of the act, senior secretaries have refused to even acknowledge the receipt of letters pointing out violations. Even proposals from one department to another are neglected, and the working continues in a lackadaisical manner. One example of this is that even when sanction to prosecute officers guilty of corruption is sought by the Anti-Corruption Bureau, it languishes for years without any response. Reasonable efficiency in government working, which this law tries to ensure, is being subverted by the bureaucracy’s reluctance to implement it.

Every complaint, application or representation by a citizen is a file. Generally officers do not respond to these and treat them with disdain. A citizen has a right to a response. If an application or complaint is pending a government department must send a communication sending its response. If it is not done citizens should write to the head of the department or secretary drawing his attention and demanding a preliminary

enquiry. Public servants fear disciplinary action more than a financial penalty.

All authorities are duty bound to follow a law. We can change the governance of Maharashtra if we work towards getting this law implemented. Thousands of us must write to the government when this law is violated. Public pressure will result in implementation of this law, if we set our heart to it. We can get better governance in Maharashtra by persuading the government to implement it.

Shailesh Gandhi shaileshgan@gmail.com
Former Central Information Commissioner

Given below is a format for filing this complaint:

The Secretary/ Head of Department,
Mantralaya, Mumbai 400032.

Dear Sir,

I had given my application/complaint/representation for …… on ……. (copy enclosed). Since then I have received no communication. I would like to draw your attention to Section 10 of the Transfers Charters and Delays Act 21 of 2006 which mandates that no decision can be kept pending for over 45 days. In the instant case, no decision has been communicated to me despite the lapse of…… days. I request you to conduct a preliminary enquiry within 15 days to fix responsibility on the officers responsible for this delay and take appropriate disciplinary action against them. I request that the report of the enquiry may please be sent to me.

I look forward to your early action in the above matter

Yours truly

Name

Enclosed: Copy of application/complaint/representation
For BMC substitute italicised phrase with : Section 64 C of The Mumbai Municipal Corporation Act
For other Municipal Corporations: Section 72 C of The Maharashtra Municipal Corporations Act

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http://www.lawsofindia.org/pdf/maharashtra/2006/2006MH21.pdf