

Bill No. 131 of 2011

THE RIGHT OF CITIZENS FOR TIME BOUND DELIVERY OF GOODS  
AND SERVICES AND REDRESSAL OF THEIR  
GRIEVANCES BILL, 2011

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Bill No. 131 of 2011

THE RIGHT OF CITIZENS FOR TIME BOUND DELIVERY OF GOODS  
AND SERVICES AND REDRESSAL OF THEIR  
GRIEVANCES BILL, 2011

A

BILL

*to lay down an obligation upon every public authority to publish citizens charter stating therein the time within which specified goods shall be supplied and services be rendered and provide for a grievance redressal mechanism for non-compliance of citizens charter and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- 5 1. (1) This Act may be called the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Act, 2011.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Short title,  
extent and  
commence-  
ment.

Provided that the Central Government shall appoint such date within six months from the date on which the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011 receives the assent of the President:

Provided further that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision. 5

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "action taken report" means a report furnished to the complainant by the Grievance Redress Officer or the designated authority or the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission in response to a complaint or appeal, as the case may be; 10

(b) "appropriate Government" means in relation to a public authority which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly—

(i) by the Central Government or the Union territory administration, the Central Government; 15

(ii) by the States, the State Government;

(c) "Central Public Grievance Redressal Commission" means the Central Public Grievance Redressal Commission constituted under section 30;

(d) "Chief Commissioner" means the Chief Commissioner of State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission appointed under section 13 or section 32, as the case may be; 20

(e) "Citizens Charter" means a document declaring the functioning, obligations, duties, commitments of a public authority for providing goods and services effectively and efficiently with acceptable levels of standards, time limits and designation of public servants for delivery and grievance redress as defined in sub-section (1) of section 4; 25

(f) "complaint" means a complaint filed by a citizen regarding any grievance relating to, or arising out of, any failure in the delivery of goods or rendering of service pursuant to the Citizens Charter, or in the functioning of a public authority, or any violation of any law, policy, programme, order or scheme but does not include grievance relating to the service matters of a public servant whether serving or retired; 30

(g) "days" means the working days, referred to as the timeline;

(h) "Designated Authority" means such officer or authority outside the concerned public authority as may be prescribed by the appropriate Government; 35

Provided that in case an officer is designated as the Designated Authority, such officer shall be above the rank of the Grievance Redressal Officer referred to in sub-section (1) of section 7;

(i) "Grievance Redress Officer" means a Grievance Redress Officer appointed under section 7; 40

(j) "Head of the Department" means an officer designated as such by the appropriate Government, as the head of a Government Department or public authority;

(k) "Information and Facilitation Centre" means an Information and Facilitation Centre, including customer care centre, call centre, help desk, people's support centre established under section 6; 45

(l) "notification" means a notification published in the Official Gazette;

(m) "prescribed" means prescribed by the rules made under this Act;

(n) "public authority" means any authority or body or institution of self-government established or constituted,—

(i) by or under the Constitution;

(ii) by any other law made by Parliament;

5 (iii) by any other law made by State Legislature;

(iv) by notification issued or order made by the appropriate Government, and includes any,—

(A) body owned, controlled or substantially financed;

10 (B) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;

(C) an organisation or body corporate in its capacity as an instrumentality of "State" as defined under article 12 of the Constitution and rendering services of public utility in India;

1 of 1956. 15 (D) a Government company as defined under section 617 of the Companies Act, 1956;

(E) any other company which supply goods or render services in pursuance of an obligation imposed under any Central or State Act or under any licence or authorisation under any law for the time being in force or by the Central or State Government;

20 (v) by an agreement or memorandum of understanding between the Government and any private entity as Public-Private Partnership or otherwise;

(o) "service" means all the goods and services, including functions, obligations, responsibility or duty, to be provided or rendered by a public authority;

25 (p) "State Public Grievance Redressal Commission" means the State Public Grievance Redressal Commission constituted under section 13.

## CHAPTER II

### RIGHT TO SERVICE

3. Subject to the provisions of this Act, every individual citizen shall have the right to time bound delivery of goods and provision for services and redressal of grievances.

Right to service.

## 30 CHAPTER III

### PUBLICATION OF CITIZENS CHARTER AND GRIEVANCE REDRESSAL OFFICER BY PUBLIC AUTHORITIES

4. (1) Every public authority shall publish, within six months of the commencement of this Act, a Citizens Charter specifying therein all the category of goods supplied and services rendered by it, the time within which such goods shall be supplied or services be rendered.

Obligation of public authority to publish Citizens Charter.

35 (2) Without prejudice to the generality of the provisions contained in sub-section (1), the Citizens Charter shall provide all or any of the following matters, namely:—

40 (a) the details of all the goods supplied and services rendered by the public authority and the name of person or agency through which such goods are supplied or services rendered and timings during which such services are supplied or services rendered;

(b) the conditions under which a person becomes entitled for goods or services, and the class of persons who are entitled to receive such goods and avail services;

(c) the quantitative and tangible parameters (including weight, size, frequency) of the goods and services available to the public;

(d) complaint redressal mechanism including the time within which the complaint be disposed of and the officer of the public authority to whom such complaint may be made;

(e) the name and addresses of individuals responsible for the delivery of goods or rendering of services mentioned in (a) above;

(f) any other functions, obligations, responsibility or duty of the public authority is required or reasonably expected to provide;

(g) any other information relevant to delivery of goods or provision of services or such other information as may be prescribed.

(3) The appropriate Government may, by notification, make rules in relation to citizens charter and grievance redressal.

Obligation of Head of the Department for updating and verifying the Citizens Charter.

5. (1) The Head of the Department in each public authority shall be responsible for updating and verifying the Citizens Charter every year and the accuracy of the contents thereof.

(2) It shall be the responsibility of the Head of the Department of every public authority to ensure that the Citizens Charter is widely disseminated to the public.

(3) It shall be the responsibility of the Head of the Department of every public authority to take steps in accordance with section 4 of the Right To Information Act, 2005 for providing relevant information to the public enabling them to exercise their rights mandated under this Act.

(4) Every Head of the Department shall ensure that all material be disseminated taking into consideration the local language and the most effective method of communication in that local area free of cost.

*Explanation.*—For the purposes of this section the expression "disseminated" means making known and communicating the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority by any citizen.

(5) Every Head of the Department shall to the extent possible, ensure that the Citizens Charter is made available at the website of the public authority and in other electronic forms and shall be available free of cost.

(6) Every Head of the Department shall ensure that a copy of the Citizens Charter of the public authority duly certified by him is submitted to appropriate bodies, including appropriate Central and State Public Grievance Redress Commission, when it is published and subsequently, every time that it is modified, updated or amended.

#### CHAPTER IV

##### ESTABLISHMENT OF INFORMATION AND FACILITATION CENTRE

Establishment of Information and Facilitation Centre.

6. (1) Every public authority shall establish Information and Facilitation Centre for efficient and effective delivery of services and redressal of grievances, which may include establishment of customer care centre, call centre, help desk and people's support centre.

(2) Every Head of the Department of the public authority shall be responsible for the development, improvement, modernisation and reform in service delivery and redressal of grievance system. It shall also include adoption of electronic modes, internet, etc.

(3) The appropriate Government may, by notification, make rules in relation to Information and Facilitation Centre.

## CHAPTER V

## APPOINTMENT AND OBLIGATION OF GRIEVANCE REDRESS OFFICERS BY PUBLIC AUTHORITY

7. (1) Every public authority shall, within six months from the date of the coming into force of this Act, designate as many officers as may be necessary as Grievance Redress Officers in all administrative units or offices at the Central, State, district and sub-district levels, municipalities, Panchayats whereat supplies of goods or render services to receive, enquire into and redress any complaints from citizens in the manner as may be prescribed:

Provided that the Grievance Redress Officer so appointed shall be at least one level above and be deemed to have administrative control on the individual designated to deliver goods or render services as per the Citizens Charter as defined in section 4.

(2) Every public authority shall, immediately on appointment or designation of a Grievance Redress Officer,—

(a) give, through a public notice in a newspaper published in Hindi or English language and in a newspaper published in an Indian language in circulation in the area in which such service provider is providing services, indicating therein the name of the Grievance Redress Officer, his address and telephone number, e-mail address, facsimile number and other means of contacting him in respect of each area for which the Grievance Redress Officer have been appointed or designated and thereafter give such public notice at least once in twelve months in the same manner:

Provided that in case of change of the name of the Grievance Redress Officer, his address and telephone number, e-mail address, facsimile number and other means of contacting him shall be intimated by public notice, in the same manner specified in this clause;

(b) display, at its each office, Information and Facilitation Centre, call centre, customer care centre, help desk, People's Support Centre and at the sales outlets, website and at the office of the Grievance Redress Officer and the appellate authority, the name of the Grievance Redress Officer, their addresses and telephone numbers, e-mail addresses, facsimile numbers and other means of contacting them, in respect of each area for which the Grievance Redress Officer have been appointed or designated.

(3) Every public authority shall appoint or designate such number of Grievance Redress Officer under sub-section (1) and for such areas, as may be considered by it necessary, for Grievance Redress Officer being easily accessible and available for redressal of grievance of the public.

(4) The Grievance Redress Officer shall provide all necessary assistance to citizens in filing complaints.

(5) Where a complainant is unable to make a complaint in writing, the Grievance Redress Officer shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

8. All complaints shall, within two days of the making of the complaint, be acknowledged by a receipt, issued in writing or through electronic means or through text message or through telephone or through any other means as may be prescribed, specifying the date, time, place, unique complaint number and particulars of receiver of complaint along with the stipulated time frame in accordance with its Citizens Charter within which the complaint will be redressed.

9. (1) Upon receipt of a complaint as defined in clause (f) of section 2, it shall be the duty of the concerned Grievance Redress Officer to ensure that,—

(a) the grievance is remedied in a time frame not exceeding thirty days from the date of receipt of the complaint;

Appointment and obligations of Grievance Redress Officers, including for each municipalities and Panchayat.

Acknowledgement of complaint by receipt thereof.

Action to be taken by Grievance Redress Officer.

(b) the reason for the occurrence of the grievance is identified and the responsibility of the defaulting office or individual is fixed and the grievance is redressed satisfactorily within thirty days from the date of receipt of the complaint by the Grievance Redress Officer;

(c) where the grievance has occurred as a result of a deficiency, negligence or malfeasance on the part of an office or individual then the action is taken in accordance with conduct rules and departmental procedures; 5

(d) where the Grievance Redress Officer is convinced that the individual responsible for the delivery of the goods and services has wilfully neglected to deliver the goods or services or there exist *prima facie* grounds for a case under the Prevention of Corruption Act, 1988, the Grievance Redress Officer can make an observation to that effect along with a recommendation for the penalty, including compensation to the complainant, to be imposed, to the designated authority. 10  
49 of 1988.

(2) The Grievance Redress Officer may seek the assistance of any other officer required for the proper discharge of his duties or may direct any other officer to take action to redress a complaint. 15

(3) Any officer, whose assistance has been sought under sub-section (2), shall render all assistance to the Grievance Redress Officer seeking his assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be deemed to be a Grievance Redress Officer for the purposes of this Act. 20

(4) The Grievance Redress Officer shall ensure that the complainant is informed in writing the manner in which the grievance is redressed and shall give him a report in the form of an action taken report.

Forwarding of details of non-redressal of complaints to the designated Authority

10. The Grievance Redress Officer shall, immediately after the expiry of the period of thirty days, report every complaint which has not been redressed along with the details of the complainant, nature of complaint, and reasons for non-redressal of complaints to the designated authority. 25

### CHAPTER VI

#### APPEAL TO THE DESIGNATED AUTHORITY

Appeal. 11. (1) Every complaint forwarded along with the details under section 10 shall be deemed to have been filed by way of an appeal to the designated authority. 30

(2) Any individual aggrieved by a decision of the concerned Grievance Redress Officer or who has not received an action taken report in respect of a complaint filed by him, may, if he so desires, within thirty days from the expiry of such period or from the receipt of such decision, prefer an appeal to the designated authority: 35

Provided that the designated authority may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time.

(3) The receipt of the appeal under sub-section (2) shall be acknowledged by the office of the designated authority. 40

(4) The designated authority shall, for the purposes of its functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:— 5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath; 45



(b) discovery and production of any document or other material object producible as evidence;

(c) receiving evidence on affidavits;

(d) requisitioning of any public record;

5 (e) issuing commission for the examination of witnesses;

(f) reviewing its decisions, directions and orders;

(g) any other matter which may be prescribed.

(5) The designated authority shall have original jurisdiction to adjudicate upon every application made to it under this section 11.

10 (6) The designated authority shall not be bound by the procedure laid down in the  
5 of 1908. Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Authority shall have the power to regulate its own procedure.

15 (7) Every appeal filed under this section or complaint deemed to be by way of an appeal shall be disposed of by the designated authority within thirty days from the date of receipt of such appeal:

Provided that an appeal of an urgent or immediate nature shall be disposed of within the same day of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than thirty days from the date of receipt of the appeal.

20 (8) The designated authority shall arrange to deliver copies of the decisions to the parties concerned within a period of five working days from the date of such decisions.

(9) The designated authority may impose penalty, including compensation to the complainant, in deciding an appeal against concerned officer for acting in a *mala fide* manner or having failed to discharge their duties without any sufficient and reasonable cause:

25 Provided that the concerned officers of the public authority shall be given a reasonable opportunity of being heard before any penalty is imposed on them.

49 of 1988 (10) Where it appears to the designated authority that the grievance complained of  
30 is, *prima facie*, indicative or representative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, on the part of the individual officer of the public authority complained against, then, it shall record in writing such evidence as may be found in support of such conclusion and shall initiate the proceedings or in writing refer the same to the appropriate authorities competent to take cognizance of such corrupt practice.

35 (11) The designated authority shall upon adjudication of a complaint have the powers to issue directions requiring the concerned officers of the public authority to take such steps as may be necessary to secure compliance with the provisions of Citizens Charter.

## CHAPTER VII

### ESTABLISHMENT OF STATE PUBLIC GRIEVANCE REDRESSAL COMMISSION

40 12. (1) Any person who, does not receive a decision within the time specified in Chapter V, or is aggrieved by a decision of the designated authority, falling within the jurisdiction of the State Government, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to the State Public Grievance Redressal Commission:

Appeal to  
State  
Commission

Provided that the Commission may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time.

(2) The decision of the State Public Grievance Redressal Commission under this section shall be binding. 5

Constitution  
of State  
Public  
Grievance  
Redressal  
Commission.  
Composition  
of State  
Commission.

13. The State Government shall constitute, by notification, a Commission to be known as "the State Public Grievance Redressal Commission" to exercise the jurisdiction, power and authority conferred under this Act.

14. The State Public Grievance Redressal Commission shall consist of,—

(a) a Chief Commissioner; and 10

(b) such number of Commissioners, not exceeding ten, as may be prescribed, out of which at least one each shall be from amongst Scheduled Castes, Scheduled Tribes and Women.

Selection  
Committee  
for  
appointment  
of State  
Commissioners.

15. (1) The Chief Commissioner and Commissioners shall be appointed by the Governor on the recommendation of a Selection Committee consisting of,— 15

(a) the Chief Minister, who shall be the Chairperson of the Committee;

(b) the Leader of Opposition in the Legislative Assembly; and

(c) a sitting judge of the High Court to be nominated by the Chief Justice of the State.

(2) The selection committee shall select out of a panel of five eligible candidates for each vacancy which shall be finalised by a search committee consisting of such members as may be prescribed. 20

(3) Subject to the provisions of sub-sections (1) and (2), the Selection Committee may regulate its own procedure.

Qualifications  
for  
appointment  
of State  
Commissioners.

16. A person shall not be qualified for appointment as a Chief Commissioner or a Commissioner of the State Public Grievance Redressal Commission unless,— 25

(a) he is, or has been an officer of the State Government and has held the post, in the rank of Secretary or the Principal Secretary to that Government; or

(b) he is or has been a District Judge for at least ten years; or

(c) he is or has been a Judge of the High Court of the State; or 30

(d) he is an eminent person recognised for his work towards public service in the area and who has worked for at least fifteen years in the social sector with a post-graduate degree in a relevant subject.

Provided that the State Government may prescribe criteria in addition to the above for the appointment of the Chief Commissioner and Commissioners. 35

Terms of  
office, of  
Chief  
Commissioner  
and other  
Commissioners.

17. (1) The Chief Commissioner and the Commissioners shall hold office for a term of five years from the date on which they enter upon office or until they attain the age of sixty-five years whichever is earlier.

(2) The Chief Commissioner and the Commissioners shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment. 40

18. (1) The State Government shall provide the State Public Grievance Redressal Commission with such officers and employees as may be required for the discharge of its functions under this Act.

Staff, Salary and allowances of State Commission.

(2) The officers and employees so appointed under sub-section (1) shall discharge their functions under the general superintendence of the Chief Commissioner.

(3) The salary and allowances payable to, and the other terms and conditions of service of,—

(a) the Chief Commissioner shall be the same as that of an Election Commissioner; and

(b) the Commissioners shall be the same as that of the Chief Secretary of the State:

Provided that if the Chief Commissioner or Commissioner, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension in respect of any previous service under the Government of India or the Government of State, his salary in respect of the service as Chief Commissioner or Commissioner shall be reduced by the amount of that pension, including any portion of pension, which was commuted and pension equivalent of other forms of retirement benefits, excluding pension equivalent or retirement gratuity:

Provided further that where the Chief Commissioner or Commissioner, if at the time of his appointment, is in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as a Chief Commissioner or the Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that neither the salary and allowances nor the other terms and conditions of service of the Chief Commissioner or Commissioner shall be varied to their disadvantage after appointment.

19. If, for any reason other than temporary absence, any vacancy occurs in the office of the State Public Grievance Redressal Commission then the Chief Commissioner shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Commission from the stage at which the vacancy is filled.

Filling up of vacancies.

20. (1) Any member of the State Public Grievance Redressal Commission may, by notice in writing under his hand addressed to the Governor of the State with a copy to the Chief Commissioner, resign his office.

Resignation and removal.

(2) Notwithstanding anything contained in sub-section (1), the Governor may by order remove from office the Chief Commissioner or any Commissioner if the Chief Commissioner or a Commissioner, as the case may be,—

(a) is adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or

(c) engages during his term of office in any paid employment outside the duties of his office; or

(d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Commissioner or as a Commissioner.

(3) The State Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the aforesaid Chief Commissioner or Commissioners.

Power of Commission and procedure before it.

21. (1) The State Public Grievance Redressal Commission shall, for the purposes of its functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

5 5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of any document or other material object producible as evidence;

(c) receiving evidence on affidavits;

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(d) requisitioning of any public record;

(e) issuing commission for the examination of witnesses;

(f) reviewing its decisions, directions and orders;

(g) any other matter which may be prescribed.

(2) The State Public Grievance Redressal Commission shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Commission shall have the power to regulate its own procedure.

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5 of 1908.

Procedure of adjudication by State Public Grievance Redressal Commission.

22. (1) The State Public Grievance Redressal Commission shall have original jurisdiction to decide every appeal made to it under section 12.

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(2) The State Public Grievance Redressal Commission shall arrange to deliver copies of the decision to the parties concerned within a period of fifteen days from the date of such decision.

Proceedings before Commission to be judicial proceedings.

23. All proceedings before the State Public Grievance Redressal Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

25 45 of 1861

2 of 1974.

Staff and officers to be public servants.

24. The staff and officers of the State Public Grievance Redressal Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Time frame for disposal of appeals.

25. (1) An appeal under section 12 shall be disposed of within sixty days from the date of filing of the appeal:

30

Provided that an appeal of an urgent or immediate in nature shall be disposed of within the same day of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than fifteen days from the date of receipt of the appeal.

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(2) The State Public Grievance Redressal Commission may impose penalty, including compensation to the complainant, while deciding an appeal against designated officer and Grievance Redress Officers for acting in a *mala fide* manner or having failed to discharge his duties without any sufficient and reasonable cause:

Provided that the concerned officers of the public authority shall be given a reasonable opportunity of being heard before any penalty is imposed on them under this section.

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Power to issue directions and exercise original jurisdiction.

26. (1) The State Public Grievance Redressal Commission shall, upon adjudication of a complaint, have the power to issue directions,—

(a) requiring the public authority to take such steps as may be necessary to secure compliance with the provisions of the Citizens Charter:

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(b) requiring the timely creation, updation and wide dissemination of the Citizens Charter of the public authority.

(2) It shall be the duty of the State Public Grievance Redressal Commission to receive and inquire into a complaint from any person.—

- 5 (a) who has been unable to submit an appeal to the designated authority;
- (b) who has been refused redress of grievance under this Act;
- (c) whose complaint has not been disposed of within the time limit specified;
- (d) who has been denied access to the Citizens Charter of the public authority either because the Charter was not created by the public authority or is inadequate in any regard or it is not widely disseminated to make people aware of it;
- 10 (e) in respect of any other matter relating to registering and redressing of a complaint or appeal under this Act.

(3) The State Public Grievance Redressal Commission may, *suo motu*, take notice of failure to deliver goods and services in accordance with the provisions of this Act and refer such cases for disposal to the Head of the Department of the Public Authority and in such cases, an action taken report shall be sent by the Head of the Department of the Public Authority to the State Commission within thirty days from the date of such reference.

(4) Where the State Public Grievance Redressal Commission, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry *suo motu* in respect thereof.

27. In any appeal proceedings, the burden of proof to establish that a non-redressal of complaint by the Grievance Redressal Officer shall be on the Grievance Redress Officer who denied the request.

Burden of proof to be on Grievance Redressal Officer. Where Grievance complained of is a result of corrupt practices.

25 49 of 1988 28. Where it appears to the Commission that the grievance complained of is, *prima facie*, indicative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, on the part of the responsible officer of the public authority complained against, then, it shall record such evidence as may be found in support of such conclusion and shall refer the same to the appropriate authorities.

CHAPTER VIII

30 ESTABLISHMENT OF THE CENTRAL PUBLIC GRIEVANCE REDRESSAL COMMISSION

29. (1) Any person who, does not receive a decision within the time specified in Chapter V, or is aggrieved by a decision of the designated authority falling within the jurisdiction of the Central Government, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to the Central Public Grievance Redressal Commission:

Appeal to Central Commission.

35 Provided that the Commission may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time.

40 (2) The decision of the Central Public Grievance Redressal Commission under this section shall be binding.

30. The Central Government shall constitute, by notification, a body to be known as "Central Public Grievance Redressal Commission" to exercise the jurisdiction, powers and authority conferred under this Act.

Constitution of Central Public Grievance Redressal Commission.

Composition of Central Commission.	31. The Central Public Grievance Redressal Commission shall consist of,—	
	(a) the Chief Public Grievance Redress Commissioner; and	
	(b) such number of Central Public Grievance Redress Commissioners, not exceeding ten, as may be prescribed out of which at least one each shall be from amongst Scheduled Castes, Scheduled Tribes and Women.	5
Selection committee for appointment of Central Public Grievance Redress Commissioners.	32. (1) The Chief Public Grievance Redress Commissioner and Central Public Grievance Redress Commissioners shall be appointed by the President on the recommendation of a Committee consisting of,—	
	(a) the Prime Minister, who shall be the Chairperson of the committee;	
	(b) the Leader of Opposition in the Lok Sabha; and	10
	(c) a sitting Judge of the Supreme Court to be nominated by the Chief Justice of India.	
	(2) The Selection Committee shall select out of a panel of five eligible candidates for each vacancy which shall be finalised by a search committee consisting of such members as may be prescribed.	15
	(3) Subject to the provisions of sub-sections (1) and (2), the Selection Committee may regulate its own procedure.	
Qualifications for appointment of Central Public Grievance Redress Commissioners.	33. (1) A person shall not be qualified for appointment as a Chief Commissioner or Commissioners of Central Public Grievance Redress Commissioner unless,—	
	(a) he is, or has been an officer of the Central Government and has held the post in the rank of Secretary to the Government of India; or	20
	(b) he is, or has been, in the rank a Chief Justice of a High Court or a Judge of the Supreme Court;	
	(c) he is, an eminent person recognised for his work towards public service in the area and who has worked for at least twenty years in the social sector with a post-graduate degree in a relevant subject:	25
	Provided that the Central Government may prescribe criteria in addition to the above for the appointment of the Chief Commissioner and Commissioners.	
Terms of office of Central Grievance Redress Commissioners.	34. (1) The Chief Public Grievance Redress Commissioner and the Central Public Grievance Redress Commissioners shall hold office for a term of five years from the date on which they enter upon the office.	30
	(2) The Chief Grievance Redress Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment.	
Staff, Salary and allowances of Central Commission.	35. (1) The Central Government shall provide the Central Public Grievance Redressal Commission with such officers and employees as may be required for the discharge of its functions under this Act.	35
	(2) The officers and employees so appointed under sub-section (1) shall discharge their functions under the general superintendence of the Chief Public Grievance Redress Commissioner.	40
	(3) The salary and allowances payable to and the other terms and conditions of service of,—	
	(a) the Chief Public Grievance Redress Commissioner shall be the same as that of the Chief Election Commissioner; and	
	(b) the Central Public Grievance Redress Commissioner shall be the same as that of an Election Commissioner;	45

5 Provided that if the Chief Public Grievance Redress Commissioner or Central Public Grievance Redress Commissioner, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension in respect of any previous service under the Government of India or the Government of State, his salary in respect of the service as Chief Public Grievance Redress Commissioner or Central Public Grievance Redress Commissioner shall be reduced by the amount of that pension, including any portion of pension, which was commuted and pension equivalent of other forms of retirement benefits, excluding pension equivalent or retirement gratuity:

10 Provided further that where the Chief Public Grievance Redress Commissioner or Central Public Grievance Redress Commissioner, if at the time of his appointment, is in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as a Chief Public Grievance Redress Commissioner or the Central Public Grievance Redress Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

20 Provided also that neither the salary and allowances nor the other terms and conditions of service of the members of the Central Public Grievance Redressal Commission shall be varied to their disadvantage after appointment.

25 36. If, for any reason other than temporary absence, any vacancy occurs in the office of the Central Public Grievance Redressal Commission then, the Chief Public Grievance Redress Commissioner shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Commission from the stage at which the vacancy is filled.

Filling up of vacancies.

37. (1) Any member of the Central Public Grievance Redressal Commission may, by notice in writing under his hand addressed to the President with a copy to the Chief Public Grievance Redress Commissioner, resign his office.

Resignation and removal.

30 (2) Notwithstanding anything contained in sub-section (1), the President may by order remove from office the Chief Public Grievance Redress Commissioner or any Central Public Grievance Redress Commissioner if the Chief Public Grievance Redress Commissioner or the Central Public Grievance Redress Commissioner, as the case may be,—

(a) is adjudged an insolvent; or

35 (b) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or

(c) engages during his term of office in any paid employment outside the duties of his office; or

(d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or

40 (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Public Grievance Redress Commissioner or a Central Public Grievance Redress Commissioner.

45 (3) The Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the aforesaid Chief Public Grievance Redress Commissioner or Central Public Grievance Redress Commissioners.

5 of 1908. 38. (1) The Central Public Grievance Redressal Commission shall, for the purposes of its functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

Powers of Central Commission and procedure before it.

50 (a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of any document or other material object producible as evidence;

(c) receiving evidence on affidavits;

(d) requisitioning of any public record;

(e) issuing commission for the examination of witnesses;

(f) reviewing its decisions, directions and orders;

(g) any other matter which may be prescribed.

5

(2) The Central Public Grievance Redressal Commission shall have original jurisdiction to adjudicate upon every application made to it under section 29.

(3) The Central Public Grievance Redressal Commission shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Commission shall have the power to regulate its own procedure.

10

5 of 1908.

(4) The Central Public Grievance Redressal Commission shall arrange to deliver copies of the decision to the parties concerned within a period of fifteen days from the date of such decision.

15

Proceedings before Central Commission to be judicial proceedings.

39. All proceedings before the Central Public Grievance Redressal Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

45 of 1960.  
20 2 of 1974.

Burden of proof to be on Grievance Redressal Officer.  
Staff and officers to be public servants.

40. In any appeal proceedings, the burden of proof to establish that a non-redressal of complaint by the Grievance Redressal Officer shall be on the Grievance Redress Officer who denied the request.

41. The staff and officers of the Central Public Grievance Redressal Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

25

45 of 1960.

Time frame for disposal of appeals.

42. (1) An appeal under section 29 shall be disposed of within sixty days from the date of filing of the appeal:

Provided that an appeal of an urgent or immediate in nature shall be disposed of within the same day of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than fifteen days from the date of receipt of the appeal.

30

(2) The Central Public Grievance Redressal Commission may impose penalty, including compensation to the complainant, in deciding an appeal against designated officers and Grievance Redress Officers for acting in a *mala fide* manner or having failed to discharge their duties without any sufficient and reasonable cause:

35

Provided that the concerned officers of the public authority shall be given a reasonable opportunity of being heard before any penalty is imposed on them.

Power to issue directions and exercise original jurisdiction.

43. (1) The Central Public Grievance Redressal Commission shall, upon adjudication of a complaint, have the power to issue directions,—

40

(a) requiring the public authority to take such steps as may be necessary to secure compliance with the provisions of the Citizens Charter;

(b) requiring the timely creation, updation and wide dissemination of the Citizens Charter of the public authority.



(2) It shall be the duty of the Central Public Grievance Redressal Commission to receive and inquire into a complaint from any person,—

- (a) who has been unable to submit an appeal to the designated authority;
- (b) who has been refused redress of grievance under this Act;
- 5 (c) whose complaint has not been disposed of within the time limit specified;
- (d) who has been denied access to the Citizens Charter of the public authority either because the Charter was not created by the public authority or is inadequate in any regard or it is not widely disseminated to make people aware of it;
- 10 (e) in respect of any other matter relating to registering and redressing of a complaint or appeal under this Act.

(3) The Central Public Grievance Redressal Commission may, *suo motu*, take notice of failure to deliver goods and services in accordance with the provisions of this Act and refer such cases for disposal to the Head of the Department of the Public Authority and in such cases, an action taken report shall be sent by the Head of Department of the Public Authority  
15 to the Central Commission within thirty days from the date of such reference.

(4) Where the Central Public Grievance Redressal Commission, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry *suo motu* in respect thereof.

44. Where it appears to the Central Public Grievance Redressal Commission that the  
20 grievance complained of is *prima facie* indicative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, on the part of the responsible officer of the public authority complained against then it shall record such evidence as may be found in support of such conclusion and shall refer the same to the appropriate authorities.

Where grievance complained of is a result of corrupt practices.

#### CHAPTER IX

25

#### PENALTIES AND COMPENSATION

45. (1) The designated authority, the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission, as the case may be, may impose a lump sum penalty against designated official responsible for delivery of goods and services or Grievance Redress Officer for their failure to deliver goods or render services to which the  
30 applicant is entitled, which may extend up to fifty thousand rupees which shall be recovered from the salary of the official against whom penalty has been imposed.

Penalty and compensation for *mala fide* action.

(2) On imposition of the penalty under sub-section (1), the appellate authority may, by order, direct that such portion of the penalty imposed under the said section shall be awarded to the appellant, as compensation, as it may deem fit:

35 Provided that the amount of such compensation awarded shall not exceed the amount of penalty imposed under the said section.

(3) If any public servant is found guilty under sub-section (1), the disciplinary authority shall initiate the disciplinary proceedings against such officer of the public authority, who if proved to be guilty of a *mala fide* action in respect of any provision of this Act, shall be  
40 liable to such punishment including a penalty as the disciplinary authority may decide.

#### CHAPTER X

#### REPORTING OF REDRESSAL OF GRIEVANCES BY PUBLIC AUTHORITY

46. (1) Every public authority shall ensure that every Grievance Redressal Officer  
45 keeps a record of complaints made to it or appeal therein and the decisions on such complaints and appeals.

Reporting requirements.

(2) Every public authority shall publish on its website, by the 15th day of every month or at such shorter intervals, as may be prescribed, a report mentioning therein—

- (a) the number of complaints received;
- (b) the number of complaints pending;
- (c) the number of complaints disposed of; and,

(d) such other particulars, as may be prescribed, for discharge of its functions under this Act. 5

CHAPTER XI

MISCELLANEOUS

Appeal against decision of Central Commission or State Commission.

47. (1) Any person aggrieved by the decision of the Central Public Grievance Redressal Commission may prefer an appeal to the Lokpal constituted under the Lokpal and Lokayuktas Act, 2011. 10

(2) Any person aggrieved by the decision of the State Public Grievance Redressal Commission may prefer an appeal to the Lokayukta constituted under the Lokpal and Lokayuktas Act, 2011. 15

(3) The time within which and the manner in which the appeal may be filed under this section shall be such as may be prescribed by the appropriate Government.

Bar of jurisdiction of court.

48. No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by the Grievance Redressal Officer or the designated authority or the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission. 20

Enforcement of orders by State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission.

49. Every order made by the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission may be enforced by the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission, as the case may be, in the same manner as if it were a decree or order made by a court in a suit pending therein and it shall be lawful for the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission, as the case may be, to send, in the event of its inability to execute it, such order to the court within the local limits of whose jurisdiction,— 25

(a) in the case of a public authority not falling under clauses (b) and (c), the place at which the main office of such public authority is situated; or

(b) in the case of an order against a public authority being a company, the registered office of the company is situated; or

(c) in the case of an order against any other person, the place where the person concerned voluntarily resides or carries on business or personally works for gain is situated, and 30

thereupon, the court to which the order is so sent, shall execute the orders as if it were a decree or order sent to it for execution.

Protection for act done in good faith.

50. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder. 40

Provisions to be in addition to existing laws.

51. The provisions of this Act shall be in addition to and not in derogation of, any other law for the time being in force.

Power to make rules.

52. (1) The appropriate Government may, by notification, make rules for carrying out the provisions of this Act. 45

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the officer or the authority to be designated as Designated Authority under clause (h) of section 2;
- 5 (b) other information under clause (g) of sub-section (2) of section 4;
- (c) matters in relation to Citizens Charter under sub-section (3) of section 4;
- (d) matter in relation to the information and facilitation centre, under sub-section (3) of section 6;
- 10 (e) the manner of inquiry into and redressal of grievance of the complaints received from citizens under sub-section (1) of section 7;
- (f) the other means by which complaints may be made under section 8;
- (g) the other matters for which the designated authority shall have power under clause (g) of sub-section (4) of section 11;
- 15 (h) the number of Commissioners of the State Public Grievance Redressal Commission under clause (h) of section 14;
- (i) the members of the search committee under sub-section (2) of section 15;
- (j) additional criteria in relation to selection of Chief Commissioner and the Commissioners of the State Public Grievance Redressal Commission under proviso to section 16;
- 20 (k) the procedure of investigation of misbehaviour or incapacity for removal of the Chief Commissioners and other Commissioners of, the State Public Grievance Redressal Commission under sub-section (3) of section 20;
- (l) the other matters for which the State Public Grievance Redressal Commission shall have the powers under clause (g) of sub-section (1) of section 21;
- 25 (m) the number of Commissioners of the Central Public Grievance Redressal Commission under clause (b) of section 31;
- (n) the members of the search committee under sub-section (2) of section 32;
- (o) additional criteria in relation to selection of Chief Commissioner and the Commissioners of the Central Public Grievance Redressal Commission under proviso to section 33;
- 30 (p) the procedure of investigation of misbehaviour or incapacity for removal of the Chief Commissioner and other Commissioners of, the Central Public Grievance Redressal Commission under sub-section (3) of section 37;
- (q) the other matters for which the Central Public Grievance Redressal Commission shall have the powers under clause (g) of sub-section (1) of section 38;
- 35 (r) the time within which the record of complaints to the public authority and the decisions on the complaints and appeals shall be published on the website and other particulars under sub-section (2) of section 46;
- (s) the time within which and the manner in which appeal may be filed under sub-section (3) of section 47;
- 40 (t) any other matter which is required to be or may be prescribed under this Act.

53. (1) Every rule made by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses

Laying of rules.

agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(2) Every rule made by the State Government shall be laid, as soon as may be after it is made, before the State Legislature. 5

Power to  
remove  
difficulties.

54. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty: 10

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

## STATEMENT OF OBJECTS AND REASONS

Citizen's Charters were introduced in India in 1997, which was voluntary in character. The main elements of the Citizens Charter were to be published containing the details of services and the time period for delivery of such services. These charters gradually spread from Central Ministries and Departments to States and their Organisations. However, a vast majority of them remained ineffective and dormant. In order to improve Public Service Delivery, a service excellence model called "Sevottam" was initiated in 2005 to give a new thrust to the implementation of Citizens Charter, which has been successfully piloted in a few chosen organisations of the Government of India and States and is being upscaled considerably. Centralised Public Grievance Redress and Monitoring System (CPGRAMS) was launched in 2007, which is a web based portal for lodging complaints by the public. It is now operational in all the Ministries and Departments of Government of India along with about 6000 of their subordinate organisations. Many States have also enacted Right to Public Service Delivery Legislation in which a few important Public Services have been selected for service delivery. It was felt that these efforts were noteworthy, but in the absence of an overarching structure, their impact was diffused and limited. In this context, it was felt that Rights based approach be followed in this respect by making the Citizens Charter statutory and endowing public with the right to get delivery of services within stipulated time lines.

2. In view of the aforesaid, it has been felt necessary to enact a comprehensive legislation, namely, the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011. The Bill, *inter alia*,—

(a) confers right on every individual citizen to time bound delivery of goods and provision for services and Redressal of grievances;

(b) require every public authority to publish, within six months of the commencement of the proposed legislation, a Citizens Charter specifying therein the category of goods supplied and services rendered by it, the time within which such goods shall be supplied or services be rendered the name and addresses of individuals responsible for the delivery of goods or rendering of services;

(c) provide for obligation of the Head of the Department for updating and verifying the Citizens Charter;

(d) require every Public Authority to establish information and facilitation centre for efficient and effective delivery of services and redressal of grievances, which may include establishment of customer care centre, call centre, help desk and people's support centre;

(e) require every public authority to, within six months from the date of the coming into force of the proposed legislation, designate as many officers as may be necessary as Grievance Redress Officers in all administrative units or offices at the Central, State, district and sub-district levels, municipalities, Panchayats whereat supplies of goods or render services to receive, enquire into and redress any complaints from citizens in the prescribed manner;

(f) require the concerned Grievance Redress Officer, upon receipt of a complaint, to ensure that the grievance is remedied in a timeframe not exceeding thirty days from the date of receipt of the complaint;

(g) provides that any individual aggrieved by a decision of the concerned Grievance Redress Officer or who has not received an action taken report in respect of a complaint filed by him, may, if he so desires, within thirty days from the expiry of such period or from the receipt of such decision, prefer an appeal to the Designated Authority who shall disposed of such appeal within thirty days from the date of receipt of such appeal;

(h) provide for constitution of the State Public Grievance Redressal Commission and the Central Public Grievance Redressal Commission consisting of Chief Commissioners and other Commissioners;

(i) any person aggrieved by the decision of the Designated Authority falling under the jurisdiction of the State Government may prefer an appeal to the State Public Grievance Redressal Commission and any person aggrieved by the decision of the Designated Authority falling under the jurisdiction of the Central Government may prefer an appeal to the Central Public Grievance Redressal Commission;

(j) confer power upon the Designated Authority, the State Public Grievance Redressal Commission and the Central Public Grievance Redressal Commission to impose a lump sum penalty, including compensation to the complainant, against designated official responsible for delivery of goods and services or Grievance Redress Officer for their failure to deliver goods or render services to which the applicant is entitled, which may extend up to fifty thousand rupees which shall be recovered from the salary of the official against whom penalty has been imposed;

(k) provides that on the imposition of the penalty, the appellate authority may, by order, direct that such portion of the penalty imposed under the proposed legislation shall be awarded to the appellant, as compensation, not exceeding the amount of penalty imposed, as it may deem fit;

(l) provides that if any public servant is found guilty of offence, the disciplinary authority shall initiate the disciplinary proceedings against such officer of the public authority, who if proved to be guilty of a *mala fide* action in respect of any provision of this Act, shall be liable to such punishment including a penalty as the disciplinary authority may decide;

(m) provides that in any appeal proceedings, the burden of proof to establish that a non-redressal of complaint by the Grievance Redressal Officer shall be on the Grievance Redress Officer who denied the request;

(n) provides that where it appears to the Designated Authority or the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission that the grievance complained of is *prima facie* indicative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, on the part of the responsible officer of the public authority complained against then it shall record such evidence as may be found in support of such conclusion and shall refer the same to the appropriate authorities competent to take cognizance of such corrupt practice;

(o) provides that any person aggrieved by the decision of the Central Public Grievance Redressal Commission may prefer an appeal to the Lokpal, and any person aggrieved by the decision of the State Public Grievance Redressal Commission may prefer an appeal to the Lokayukta, constituted under the Lokpal and Lokayuktas Act, 2011.

3. The notes on clauses explain in detail the various provisions contained in the Bill.

4. The Bill seeks to achieve the above objects.

NEW DELHI;  
The 16th December, 2011.

V. NARAYANASAMY.

### Notes on Clauses

*Clause 1.*— This clause provides for the short title, extent and commencement of the proposed legislation.

*Clause 2.*— This clause provides for definitions of various expressions used in the proposed legislation, which, *inter alia*, include “action taken report”, “appropriate Government”, “Citizens Charter”, “days”, “Designated Authority”, “Grievance Redress Officer”, “Head of Department”, “Information and Facilitation Centre”, “public authority” and “service”, etc.

*Clause 3.*— This clause provides for right to service. It provides that every individual citizen shall have the right to time bound delivery of goods and provision for services and redressal of grievances.

*Clause 4.*— This clause provides for obligation of public authority to publish Citizens Charter. It provides that every public authority shall publish, within six months of the commencement of the proposed legislation, a Citizens Charter specifying therein all the category of goods supplied and services rendered by it, the time within which such goods shall be supplied or services be rendered.

It further provides that without prejudice to the generality of the provisions contained in sub-section (1), the Citizens Charter shall provide all or any of—(a) all the details of goods supplied and services rendered by the public authority and the name of person or agency through which such goods are supplied or services rendered and timings during which such services are supplied or services rendered; (b) the conditions under which a person becomes entitled for goods or services, and the class of persons who are entitled to receive such goods and avail services; (c) the quantitative and tangible parameters (including weight, size, frequency) of the goods and services available to the public; (d) complaint redressal mechanism including the time within which the complaint be disposed of and the officer of the public authority to whom such complaint may be made; (e) the name and addresses of individuals responsible for the delivery of goods or rendering of services mentioned in (a) above; (f) any other functions, obligations, responsibility or duty of the public authority is required or reasonably expected to provide; (g) any other information relevant to delivery of goods or provision of services or such other information as may be prescribed.

It also provides that the appropriate Government may, by notification, make rules in relation to citizens charter and grievance redressal.

*Clause 5.*— This clause provides that obligation of Head of Department for updating and verifying the Citizens Charter. It provides that the Head of Department in each public authority shall be responsible for updating and verifying the Citizens Charter every year and the accuracy of the contents thereof and the responsibility of the Head of the Department of every public authority to ensure that the Citizens Charter is widely disseminated to the public.

It further provides that it shall be the responsibility of the Head of Department of every public authority to take steps in accordance with section 4 of the Right to Information Act, 2005 for providing relevant information to the public enabling them to exercise their rights under the proposed legislation.

It also provides that every Head of Department shall ensure that all material be disseminated taking into consideration the local language and the most effective method of communication in that local area free of cost and every Head of Department shall to the extent possible, ensure that the Citizens Charter is made available at the website of the public authority and in other electronic forms and shall be available free of cost.

It also provides that every Head of Department shall ensure that a copy of the Citizens Charter of the public authority duly certified by him is submitted to appropriate bodies, including appropriate Central and State Public Grievance Redress Commission, when it is published and subsequently, every time that it is modified, updated or amended.

*Clause 6.*— This clause provides for establishment of Information and Facilitation Centre. It provides that every Public Authority shall establish information and facilitation centre for efficient and effective delivery of services and redressal of grievances, which may include establishment of customer care centre, call centre, help desk and people's support centre.

It further provides that every Head of Department of the public authority shall be responsible for the development, improvement, modernisation and reform in service delivery and Redressal of grievance system. It shall also include adoption of electronic modes, internet, etc., and the appropriate Government may, by notification, make rules in relation to Information and Facilitation Centre.

*Clause 7.*— This clause provides for appointment and Obligations of Grievance Redress Officers, including for each municipalities and Panchayat. It provides that every public authority shall, within six months from the date of the coming into force of the proposed legislation, designate as many officers as may be necessary as Grievance Redress Officers in all administrative units or offices at the Central, State, district and sub-district levels, municipalities, Panchayats whereat supplies of goods or render services to receive, enquire into and redress any complaints from citizens in the prescribed manner.

It further provides that the Grievance Redress Officer so appointed shall be at least one level above and be deemed to have administrative control on the individual designated to deliver goods or render services as per the Citizens Charter and every public authority shall, immediately on appointment or designation of a Grievance Redress Officer, give a public notice in a newspaper published in Hindi or English language and in a newspaper published in an Indian language in circulation in the area in which such service provider is providing services, indicating therein the name of the Grievance Redress Officer, his address and telephone number, e-mail address, facsimile number and other means of contacting him in respect of each area for which the Grievance Redress Officer have been appointed or designated and thereafter give such public notice at least once in twelve months in the same manner and in case of change of the name of the Grievance Redress Officer, his address and telephone number, e-mail address, facsimile number and other means of contacting him shall be intimated by public notice, in the same manner specified in this clause and display it at its each office, Information and Facilitation Centre, Call Centre, customer care centre, help desk, People's Support Centre and at the sales outlets, website and at the office of the Grievance Redress Officer and the appellate authority, the name of the Grievance Redress Officer, their addresses and telephone numbers, e-mail addresses, facsimile numbers and other means of contacting them, in respect of each area for which the Grievance Redress Officer have been appointed or designated.

It also provides that every public authority shall appoint or designate such number of Grievance Redress Officer for such areas, as it may be considered by it necessary, for being easily accessible and available for redressal of grievance of the public and the Grievance Redress Officer shall provide all necessary assistance to citizens in filing complaints and where a complainant is unable to make a complaint in writing, the Grievance Redress Officer shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

*Clause 8.*— This clause provides for acknowledgment of complaint by receipt thereof. It provides that all complaints shall, within two days of the making of the complaint, be acknowledged by a receipt, issued in writing or through electronic means or through text message or through telephone or through any other means as may be prescribed, specifying the date, time, place, unique complaint number and particulars of receiver of complaint along with the stipulated time-frame in accordance with its Citizens Charter within which the complaint will be redressed.



*Clause 9.*— This clause provides for action to be taken by Grievance Redress Officer. It provides that on receipt of a complaint, it shall be the duty of the concerned Grievance Redress Officer to ensure,— (a) the grievance is remedied in a time frame not exceeding thirty days from the date of receipt of the complaint; (b) the reason for the occurrence of the grievance is identified and the responsibility of the defaulting office or individual is fixed and the grievance is redressed satisfactorily within thirty days from the date of receipt of the complaint by the Grievance Redress Officer; (c) where the grievance has occurred as a result of a deficiency, negligence or malfeasance on the part of an office or individual that the action is taken in accordance with conduct rules and departmental procedures; (d) where the Grievance Redress Officer is convinced that the individual responsible for the delivery of the goods and services has wilfully neglected to deliver the good or service or there exist *prima facie* grounds for a case under the Prevention of Corruption Act 1988, the Grievance Redress Officer can make an observation to that effect along with a recommendation for the penalty including compensation to the complainant to be imposed, to the designated authority.

It further provides that the Grievance Redress Officer may seek the assistance of any other officer required for the proper discharge of his duties or may direct any other officer to take action to redress a complaint and any officer, whose assistance has been sought under sub-section (2), shall render all assistance to the Grievance Redress Officer seeking his assistance and for the purposes of any contravention of the provisions of the proposed legislation, such other officer shall be deemed to be a Grievance Redress Officer for the purposes of the proposed legislation and the Grievance Redress Officer shall ensure that the complainant is informed in writing the manner in which the grievance is redressed and shall give him a report in the form of an action taken report.

*Clause 10.*— This clause provides for forwarding of details of non redressal of complaints to the Head of Department of the Public Authority. It provides that the Grievance Redress Officer shall, immediately after the expiry of the period of thirty days, report every complaint which has not been redressed along with the details of the complainant, nature of complaint, and reasons for non redressal of complaints to the designated authority.

*Clause 11.*— This clause provides for appeal. It provides that every complaint forwarded along with the details shall be deemed to have been filed by way of an appeal to designated authority.

It further provides that any individual aggrieved by a decision of the concerned Grievance Redress Officer or who has not received an action taken report in respect of a complaint filed by him, may, if he so desires, within thirty days from the expiry of such period or from the receipt of such decision, prefer an appeal to the designated authority may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time and the receipt of the appeal shall be acknowledged by the office of the designated authority.

It also provides that the designated authority shall, for the purposes of its functions under the proposed legislation, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of—(a) summoning and enforcing the attendance of any person and examining him on oath; (b) discovery and production of any document or other material object producible as evidence; (c) receiving evidence on affidavits; (d) requisitioning of any public record; (e) issuing commission for the examination of witnesses; (f) reviewing its decisions, directions and orders; (g) any other matter which may be prescribed.

It also provides that the designated authority shall have original jurisdiction to adjudicate upon every application made to it and The Head of Department of the Public Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of the proposed legislation and of any rules made thereunder, the Authority shall have the power to regulate its own procedure.

It also provides that every appeal filed or complaint deemed to be by way of an appeal shall be disposed of by the designated authority within thirty days from the date of receipt of such appeal and an appeal of an urgent or immediate nature shall be disposed of within the same day of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than thirty days from the date of receipt of the appeal and the Head of Department of the Public Authority shall arrange to deliver copies of the decisions to the parties concerned within a period of five working days from the date of such decisions.

It also provides that the designated authority may impose penalty including compensation to the complainant in deciding an appeal against concerned officer for acting in a *mala fide* manner or having failed to discharge their duties without any sufficient and reasonable cause and the concerned officers of the public authority shall be given a reasonable opportunity of being heard before any penalty is imposed on them.

*Clause 12.*— This clause provides for appeal to State Commission. It provides that any person who, does not receive a decision within the time specified in Chapter V, or is aggrieved by a decision of the designated authority, falling within the jurisdiction of the State Government, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to the State Public Grievance Redressal Commission and the Commission may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time and the decision of the State Public Grievance Redressal Commission shall be binding.

*Clause 13.*— This clause provides for Constitution of State Public Grievance Redressal Commission. It provides that the State Government shall constitute, by notification, a Commission to be known as "the State Public Grievance Redressal Commission" to exercise the jurisdiction power, and authority conferred under the proposed legislation.

*Clause 14.*— This clause provides for Composition of State Commission. It provides that the State Public Grievance Redressal Commission shall consist of,—(a) a Chief Commissioner; and (b) such number of Commissioners, not exceeding ten, as may be prescribed, out of which atleast one each shall be from amongst Scheduled Castes, Scheduled Tribes and Women.

*Clause 15.*— This clause provides for Selection Committee for appointment of State Commissioners. It provides that the Chief Commissioner and Commissioners shall be appointed by the Governor on the recommendation of a Selection Committee consisting of—(a) the Chief Minister, who shall be the Chairperson of the Committee; (b) the Leader of Opposition in the Legislative Assembly; and (c) a sitting judge of the High Court to be nominated by the Chief Justice of the State.

It further provides that the selection committee shall select out of a panel of five eligible candidates for each vacancy which shall be finalised by a search committee consisting of such prescribed members and the selection committee may regulate its own procedure.

*Clause 16.*— This clause provides qualifications for appointment of State Commissioners. It provides that a person shall not be qualified for appointment as a Chief Commissioner or a Commissioner of the State Public Grievance Redressal Commission unless— (a) he is, or has been an officer of the State Government and, has held the post in the rank of Secretary or the Principal Secretary to that Government; or (b) he is or has been a District Judge for at least ten years; or (c) he is or has been a judge of the High Court of the State; or (d) he is an eminent person recognised for his work towards public service in the area and who has worked for at least fifteen years in the social sector with a post graduate degree in a relevant subject; and the State Government may prescribe criteria in addition to the above for the appointment of the Chief Commissioner and Commissioners.

*Clause 17.*— This clause provides terms of office of Chief Commissioner and other Commissioners. It provides that the Chief Commissioner and the Commissioners shall hold office for a term of five years from the date on which they enter upon office or until they attain the age of sixty-five years whichever is earlier and the Chief Commissioner and the Commissioners shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment.

*Clause 18.*— This clause provides for staff, salary and allowances of State Commission. It provides that the State Government shall provide the State Public Grievance Redressal Commission with such officers and employees as may be required for the discharge of its functions under the proposed legislation.

It further provides that the officers and employees so appointed shall discharge their functions under the general superintendence of the Chief Commissioner and the salary and allowances payable to, and the other terms and conditions of service of, the Chief Commissioner shall be the same as that of an Election Commissioner; and the Commissioners shall be the same as that of Chief Secretary of the State and neither the salary and allowances nor the other terms and conditions of service of the Commissioners shall be varied to their disadvantage after appointment.

*Clause 19.*— This clause provides for filling up of vacancies. It provides that if, for any reason other than temporary absence, any vacancy occurs in the office of the State Public Grievance Redressal Commission then the Chief Commissioner shall appoint another person in accordance with the provisions of the proposed legislation to fill the vacancy and the proceedings may be continued before the Commission from the stage at which the vacancy is filled.

*Clause 20.*— This clause provides for resignation and removal. It provides that any member of the State Public Grievance Redressal Commission may, by notice in writing under his hand addressed to the Governor of the State with a copy to the Chief Commissioner, resign his office and the Governor may by order remove from office the Chief Commissioner or any Commissioner if the Chief Commissioner or a Commissioner, as the case may be—(a) is adjudged an insolvent; or (b) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or (c) engages during his term of office in any paid employment outside the duties of his office; or (d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Commissioner or as a Commissioner.

It further provides that the State Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the aforesaid Chief Commissioner or Commissioners.

*Clause 21.*— This clause provides for Powers of Commission and procedure before it. It provides that the State Public Grievance Redressal Commission shall, for the purposes of its functions under the proposed legislation, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of— (a) summoning and enforcing the attendance of any person and examining him on oath; (b) discovery and production of any document or other material object producible as evidence; (c) receiving evidence on affidavits; (d) requisitioning of any public record; (e) issuing commission for the examination of witnesses; (f) reviewing its decisions, directions and orders; (g) any other matter which may be prescribed.

It further provides that the State Public Grievance Redressal Commission shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of the proposed legislation and of any rules made thereunder, the Commission shall have the power to regulate its own procedure.

*Clause 22.*— This clause provides for procedure of adjudication by State Public Grievance Redressal Commission. It provides that the State Public Grievance Redressal Commission shall have original jurisdiction to decide every appeal made to it and the State Public Grievance Redressal Commission shall arrange to deliver copies of the decision to the parties concerned within a period of fifteen days from the date of such decision.

*Clause 23.*— This clause provides that proceedings before Commission to be judicial proceedings. It provides that all proceedings before the State Public Grievance Redressal Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

*Clause 24.*— This clause provides for Staff and officers to be public servants. It provides that the staff and officers of the State Public Grievance Redressal Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

*Clause 25.*— This clause provides for time frame for disposal of appeals. It provides that an appeal shall be disposed off within sixty days from the date of filing of the appeal and an appeal of an urgent or immediate in nature shall be disposed off within the same day of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than fifteen days from the date of receipt of the appeal and the State Public Grievance Redressal Commission may impose penalty including compensation to the complainant while deciding an appeal against designated officer and Grievance Redress Officers for acting in a mala fide manner or having failed to discharge his duties without any sufficient and reasonable cause and the concerned officers of the public authority shall be given a reasonable opportunity of being heard before any penalty is imposed on them.

*Clause 26.*— This clause provides for power to issue directions and exercise original jurisdiction. It provides that the State Public Grievance Redressal Commission shall, upon adjudication of a complaint, have the power to issue directions—(a) requiring the public authority to take such steps as may be necessary to secure compliance with the provisions of the Citizens Charter; (b) requiring the timely creation, updation and wide dissemination of the Citizens Charter of the public authority.

It further provides that the State Public Grievance Redressal Commission to receive and inquire into a complaint from any person—(a) who has been unable to submit an appeal to the designated authority; (b) who has been refused redress of grievance under the proposed legislation; (c) whose complaint has not been disposed off within the time limit specified; (d) who has been denied access to the Citizens Charter of the public authority either because the Charter was not created by the Public Authority or is inadequate in any regard or it is not widely disseminated to make people aware of it; (e) in respect of any other matter relating to registering and redressing of a complaint or appeal under the proposed legislation.

It also provides that the State Public Grievance Redressal Commission may, *suo motu*, take notice of failure to deliver goods and services in accordance with the provisions of the proposed legislation and refer such cases for disposal to the Head of Department of the Public Authority and in such cases, an action taken report shall be sent by the Head of Department of the Public Authority to the State Commission within thirty days from the date of such reference and the State Public Grievance Redressal Commission, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry *suo motu* in respect thereof.

*Clause 27.*— This clause provides that burden of proof to be on Grievance Redressal Officer. It provides that in any appeal proceedings, the burden of proof to establish that a non redressal of complaint by the Grievance Redress Officer shall be on the Grievance Redress Officer who denied the request.

*Clause 28.*— This clause provides for where Grievance complained of is a result of Corrupt practices. It provides that if it appears to the Commission that the grievance complained of is, *prima facie*, indicative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, on the part of the responsible officer of the public authority complained against, then, it shall record such evidence as may be found in support of such conclusion and shall refer the same to the appropriate authorities.

*Clause 29.*— This clause provides for appeal to the Central Commission. It provides that any person who, does not receive a decision within the time specified in Chapter V, or is aggrieved by a decision of the designated authority falling within the jurisdiction of Central Government, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to the Central Public Grievance Redressal Commission; and the Commission may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time and the decision of the Central Public Grievance Redressal Commission shall be binding.

*Clause 30.*— This clause provides for constitution of Central Public Grievance Redressal Commission. It provides that the Central Government shall constitute, by notification, a body to be known as "Central Public Grievance Redressal Commission" to exercise the jurisdiction, powers and authority conferred under the proposed legislation.

*Clause 31.*— This clause provides for Composition of the Central Commission. It provides that the Central Public Grievance Redressal Commission shall consist of—(a) the Chief Public Grievance Redress Commissioner; and (b) such number of Central Public Grievance Redress Commissioners, not exceeding ten, as may be prescribed out of which at least one each shall be from amongst Scheduled Castes, Scheduled Tribes and Women.

*Clause 32.*— This clause provides for Selection Committee for appointment of the Central Public Grievance Redress Commissioners. It provides that the Chief Public Grievance Redress Commissioner and Central Public Grievance Redress Commissioners shall be appointed by the President on the recommendation of a committee consisting of—(a) the Prime Minister, who shall be the Chairperson of the committee; (b) the Leader of Opposition in the Lok Sabha; and (c) a sitting judge of the Supreme Court to be nominated by the Chief Justice of India. It also provides that the selection committee shall select out of a panel of five eligible candidates for each vacancy which shall be finalised by a search committee consisting of such prescribed member and the Selection Committee may regulate its own procedure.

*Clause 33.*— This clause provides for qualifications for appointment of Central Public Grievance Redress Commissioners. It provides that a person shall not be qualified for appointment as a Chief Commissioner or Commissioners of Central Public Grievance Redress Commissioner unless—(a) he is, or has been an officer of the Central Government and has held the post in the rank of Secretary to the Government of India; or (b) he is or has been a Chief Justice of a High Court or a Judge of the Supreme Court; (c) he is an eminent person recognised for his work towards public service in the area and who has worked for at least twenty years in the social sector with a post graduate degree in a relevant subject and the Central Government may prescribe criteria in addition to the above for the appointment of the Chief Commissioner and Commissioners.

*Clause 34.*— This clause provides for terms of office of Central Grievance Redress Commissioners. It provides that the Chief Public Grievance Redress Commissioner and the Central Public Grievance Redress Commissioners shall hold office for a term of five years from the date on which they enter upon the office and the Chief Grievance Redress Commissioner shall hold office for a term of five years from the date on which he enter upon his office and shall not be eligible for reappointment.

*Clause 35.*— This clause provides for staff, salary and allowances of Central Commission. It provides that the Central Government shall provide the Central Public Grievance Redressal Commission with such officers and employees as may be required for the discharge of its functions under the proposed legislation.

It further provides that the officers and employees so appointed shall discharge their functions under the general superintendence of the Chief Public Grievance Redress Commissioner and The salary and allowances payable to and the other terms and conditions of service of the the Chief Public Grievance Redress Commissioner shall be the same as that of the Chief Election Commissioner; and the Central Public Grievance Redress Commissioner shall be the same as that of an Election Commissioner and neither the salary and allowances nor the other terms and conditions of service of the members of the Central Public Grievance Redressal Commission shall be varied to their disadvantage after appointment.

*Clause 36.*— This clause provides for filling up of vacancies . It provides that If, for any reason other than temporary absence, any vacancy occurs in the office of the Central Public Grievance Redressal Commission then the Chief Public Grievance Redress Commissioner shall appoint another person in accordance with the provisions of the proposed legislation to fill the vacancy and the proceedings may be continued before the Commission from the stage at which the vacancy is filled.

*Clause 37.*— This clause provides for Resignation and removal. It provides that any member of the Central Public Grievance Redressal Commission may, by notice in writing under his hand addressed to the President with a copy to the Chief Public Grievance Redress Commissioner, resign his office.

It further provides that the President may by order remove from office the Chief Public Grievance Redress Commissioner or any Central Public Grievance Redress Commissioner if the Chief Public Grievance Redress Commissioner or the Central Public Grievance Redress Commissioner, as the case may be,—(a) is adjudged an insolvent; or (b) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or (c) engages during his term of office in any paid employment outside the duties of his office; or (d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Public Grievance Redress Commissioner or a Central Public Grievance Redress Commissioner.

It also provides that the Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the aforesaid Chief Public Grievance Redress Commissioner or Central Public Grievance Redress Commissioners.

*Clause 38.*— This clause provides for powers of Central Commission and procedure before it. It provides that the Central Public Grievance Redressal Commission shall, for the purposes of its functions under the proposed legislation, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of—(a) summoning and enforcing the attendance of any person and examining him on oath; (b) discovery and production of any document or other material object producible as evidence; (c) receiving evidence on affidavits; (d) requisitioning of any public record; (e) issuing commission for the examination of witnesses; (f) reviewing its decisions, directions and orders; (g) any other matter which may be prescribed.

It further provides that the Central Public Grievance Redressal Commission shall have original jurisdiction to adjudicate upon every application made to it and the Central Public Grievance Redressal Commission shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of the proposed legislation and of any rules made thereunder, the Commission shall have the power to regulate its own procedure and the Central Public Grievance Redressal Commission shall arrange to deliver copies of the decision to the parties concerned within a period of fifteen days from the date of such decision.

*Clause 39.*— This clause provides for proceedings before Central Commission to be judicial proceedings. It provides that all proceedings before the Central Public Grievance Redressal Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

*Clause 40.*— This clause provides that burden of proof to be on Grievance Redressal Officer. It provides that in any appeal, proceedings, the burden of proof to establish that a non redressal of complaint by the Grievance Redressal Officer shall be on the Grievance Redress Officer who denied the request.

*Clause 41.*— This clause provides that staff and officers to be public servants. It provides that the staff and officers of the Central Public Grievance Redressal Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

*Clause 42.*— This clause provides for time frame for disposal of Appeals. It provides that an appeal shall be disposed of within sixty days from the date of filing of the appeal and an appeal of an urgent or immediate in nature shall be disposed of within the same day of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than fifteen days from the date of receipt of the appeal.

It further provides that the Central Public Grievance Redressal Commission may impose penalty including compensation to the complainant in deciding an appeal against designated officer and Grievance Redress Officers for acting in a *mala-fide* manner or having failed to discharge their duties without any sufficient and reasonable cause and the concerned officers of the public authority shall be given a reasonable opportunity of being heard before any penalty is imposed on them.

*Clause 43.*— This clause provides for power to issue directions and exercise original jurisdiction. It provides that the Central Public Grievance Redressal Commission shall, upon adjudication of a complaint, have the power to issue directions— (a) requiring the public authority to take such steps as may be necessary to secure compliance with the provisions of the Citizens Charter; (b) requiring the timely creation, updation and wide dissemination of the Citizens Charter of the public authority.

It further provides that it shall be the duty of the Central Public Grievance Redressal Commission to receive and inquire into a complaint from any person— (a) who has been unable to submit an appeal to the designated authority; (b) who has been refused redress of grievance under the proposed legislation (c) whose complaint has not been disposed of within the time limit specified; (d) who has been denied access to the Citizens Charter of the public authority either because the Charter was not created by the Public Authority or is inadequate in any regard or it is not widely disseminated to make people aware of it; (e) in respect of any other matter relating to registering and redressing of a complaint or appeal under the proposed legislation.

It also provides that the Central Public Grievance Redressal Commission may, *suo motu*, take notice of failure to deliver goods and services in accordance with the provisions of the proposed legislation and refer such cases for disposal to the Head of Department of the Public Authority and in such cases, an action taken report shall be sent by the Head of Department of the Public Authority to the Central Commission within thirty days from the date of such reference and if the Central Public Grievance Redressal Commission, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry *suo motu* in respect thereof.

*Clause 44.*— This clause provides for where Grievance complained of is a result of Corrupt practices. It provides that where it appears to the Central Public Grievance Redressal Commission that the grievance complained of is *prima facie* indicative of a corrupt act or practice in terms of the Prevention of Corruption Act 1988, on the part of the responsible officer of the public authority complained against then it shall record such evidence as may be found in support of such conclusion and shall refer the same to the appropriate authorities.

*Clause 45.*— This clause provides for penalty and compensation for *mala-fide* action. It provides that the designated authority, the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission, as the case may be, may impose a lump-sum penalty against designated official responsible for delivery of goods and services

or Grievance Redress Officer for their failure to deliver goods or render services to which the applicant is entitled, which may extend up to fifty thousand rupees which shall be recovered from the salary of the official against whom penalty has been imposed.

It further provides that on imposition of the penalty, the appellate authority may, by order, direct that such portion of the penalty imposed under the said section shall be awarded to the appellant, as compensation, as it may deem fit.

It also provides that the amount of such compensation awarded shall not exceed the amount of penalty imposed under the said clause.

It also provides that If any public servant is found guilty under sub-section (1), the disciplinary authority shall initiate the disciplinary proceedings against such officer of the public authority, who if proved to be guilty of a *mala fide* action in respect of any provision of the proposed legislation, shall be liable to such punishment including a penalty as the disciplinary authority may decide.

*Clause 46.*— This clause provides for reporting requirements. It provides that every public authority shall ensure that every Grievance Redress Officer keeps a record of complaints made to it or appeal therein and the decisions on such complaints and appeals.

It further provides that every public authority shall publish on its website, by the 15<sup>th</sup> day of every month or at such shorter intervals, as may be prescribed, a report mentioning therein— (a) the number of complaints received; (b) number of complaints pending; (c) number of complaints disposed of; and (d) such other particulars, as may be prescribed, for discharge of its functions under the proposed legislation.

*Clause 47.*— The clause provides the appeal against decision of State Commission or Central Commission. It provides that any person aggrieved by the decision of Central Public grievance Redressal Commission may file appeal to Lokpal and against the decision of State Public Grievance Redressal Commission may file appeal to Lokayukta within the prescribed time and manner.

*Clause 48.*— This clause provides for bar of jurisdiction of court. It provides that no civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under the proposed legislation required to be settled, decided or dealt with or to be determined by the Grievance Redress Officer or the designated authority or the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission.

*Clause 49.*— This clause provides that enforcement of orders by the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission. It provides that every order made by the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission may be enforced by the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission, as the case may be, in the same manner as if it were a decree or order made by a court in a suit pending therein and it shall be lawful for the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission, as the case may be, to send, in the event of its inability to execute it, such order to the court within the local limits of whose jurisdiction—(a) in the case of a public authority not falling under clauses (b) and (c), the place at which the main office of such public authority is situated; or (b) in the case of an order against a public authority being a company, the registered office of the company is situated; or (c) in the case of an order against any other person, the place where the person concerned voluntarily resides or carries on business or personally works for gain is situated, and thereupon, the court to which the order is so sent, shall execute the orders as if it were a decree or order sent to it for execution.

*Clause 50.*— This clause provides for protection for act done in good faith. It provides that no suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under the proposed legislation or any rule made thereunder.



*Clause 51.*— This clause provides that provisions to be in addition to existing laws. It provides that the provisions of the proposed legislation shall be in addition to and not in derogation of, any other law for the time being in force.

*Clause 52.*— This clause provides for power to make rules. It provides that the appropriate Government may, by notification, make rules for carrying out the provisions of the proposed legislation. It further specifies the matters in respect of which such rules may be made.

*Clause 53.*— This clause provides for laying of rules. It provides that every rule made by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament and every rule made by the State Government shall be laid, as soon as may be after it is made, before the State Legislature.

*Clause 54.*— This clause provides for power to remove difficulties. It provides that if any difficulty arises in giving effect to the provisions of the proposed legislation, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of the proposed legislation as may appear to be necessary for removing the difficulty and no order shall be made under this section after the expiry of two years from the commencement of the proposed legislation and every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

## FINANCIAL MEMORANDUM

Sub-clause (1) of clause 6 of the Bill requires every Public Authority to establish an Information and Facilitation Centre and sub-clause (2), thereof requires every Head of Department of the Public Authority to develop, improve, modernize and reform the service delivery and grievance redress system, including adoption of electronic modes, internet, etc.

2. Clause 30 of the Bill provides for the establishment of an institution to be called the 'Central Public Grievance Redressal Commission' to exercise the jurisdiction, powers and authority as may be conferred by the Act.

3. Sub-clause (a) of clause 31 provide that the Central Public Grievance Redressal Commission shall consist of the Chief Public Grievance Redressal Commissioner and such number of Central Public Grievance Redress Commissioners, not exceeding ten, as may be prescribed, Sub-clause (3) of clause 35 of the Bill providing that the salary and allowances payable to and other terms and conditions of service of the Chief Public Grievance Redress Commissioner shall be the same as that of the Chief Election Commissioner, and that of Central Public Grievance Redress Commissioners shall be the same as that of an Election Commissioner.

4. Sub-clause (1) of clause 35 of the said Bill provides for appointment of other officers and employees as required for the discharge of the functions of the Central Public Grievance Redress Commission.

5. At this stage, it is not possible to give precise details or estimates of the expenditure to be incurred either by the Central Public Grievance Redressal Commission. It is however, expected that the Bill, if enacted and brought into operation, would involve a Non-Plan and Plan expenditure of about eleven crore of rupees for 2012-13.

6. The expenses of the Central Public Grievance Redressal Commission including the salaries, allowances, and pensions payable to or in respect of the Chief Public Grievance Commissioner, other Commissioners and other officers or staff of the Central Public Grievance Redressal Commission, shall be borne from the Consolidated Fund of India, and any fees and other moneys taken by the Central Public Grievance Redressal Commission shall form part of the Fund.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 51 of the Bill empowers the appropriate Government to make rules for carrying out the provisions of the proposed legislation. Sub-clause (2) of the said clause specifies the matters in respect of which such rules may be made. These matters, *inter alia*, include— (a) other information under item (g) of sub-clause (2) of clause 4; (b) matters in relation to Citizens Charter under sub-clause (3) of clause 4; (c) matter in relation to the information and facilitation centre, under sub-clause (3) of clause 6; (d) the manner of inquiry into and redressal of grievance of the complaints received from citizens under sub-clause (1) of clause 7; (e) the other means by which complaints may be made under clause 8; (f) the other matters for which the Head of Department of public authority shall have power under item (g) of sub-clause (3) of clause 11; (g) the number of Commissioners of the State Public Grievance Redressal Commission under item (b) of clause 15; (h) the members of the search committee under sub-clause (2) of clause 15; (i) additional criteria in relation to selection of Chief Commissioner and the Commissioners of the State Public Grievance Redressal Commission under proviso to clause 16; (j) the salary and allowances payable to, and the terms and conditions of the services of the Chief Commissioners and other Commissioners of the State Public Grievance Redressal Commission under sub-clause (3) of clause 18; (k) the procedure of investigation of misbehaviour or incapacity for removal of the Chief Commissioners and other Commissioners of, the State Public Grievance Redressal Commission under sub-clause (3) of clause 20; (l) the other matters for which the State Public Grievance Redressal Commission shall have power under item (g) of sub-clause (1) of clause 21; (m) the number of Commissioners of the Central Public Grievance Redressal Commission under item (b) of clause 31; (n) the members of the search committee under sub-clause (2) of clause 32; (o) additional criteria in relation to selection of Chief Commissioner and the Commissioners of the the Central Public Grievance Redressal Commission under proviso to clause 33; (p) the salary and allowances payable to, and the terms and conditions of the services of the Chief Commissioners and other Commissioners of the Central Public Grievance Redressal Commission under sub-clause (3) of clause 35; (q) the procedure of investigation of misbehaviour or incapacity for removal of the Chief Commissioners and other Commissioners of, the State Public Grievance Redressal Commission under sub-clause (3) of clause 37; (r) the other matters for which the State Public Grievance Redressal Commission shall have power under item (g) of sub-clause (1) of clause 38; (s) the time within which the record of complaints to the public authority and the decisions on the complaints and appeals shall be published on the website and other particulars under sub-clause (2) of clause 46; (t) any other matter which is required to be or may be prescribed under the proposed legislation.

2. Clause 52 of the Bill requires that every rule made by the Central Government shall be laid before each House of Parliament and every rule made by the State Government shall be laid before the State Legislature, as soon as may be after it is made.

3. The matters in respect of which rules may be made are matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

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to lay down an obligation upon every public authority to publish citizens charter stating therein the time within which specified goods shall be supplied and services be rendered and provide for a grievance redressal mechanism for non-compliance of citizens charter and for matters connected therewith or incidental thereto.

*(Shri V. Narayanasamy, Minister for Personnel, Public Grievances & Pensions)*

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