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### **Statement of Objects and Reasons**

The Rajasthan Public Accountability Bill is being brought, inter alia, to (i) ensure transparency through the free flow and open sharing of information, in a seamless manner, using modern, electronic, and information technology tools, as well as offline modes of dissemination to reach the people of the state through an effective Janata Information System (JIS), (ii) Lay out a comprehensive citizens charter by each department enumerating the rights and entitlements, including the public goods and services to be provided to the people, and detailed job charts of public functionaries to identify their specific responsibilities in ensuring efficient delivery of people's rights and entitlements, (iii) seek accountability of public functionaries and authorities to the people, for timely delivery of individual and collective goods and services, and the efficient implementation of laws policies and programmes of the state, (iv) operationalize a decentralized grievance redress mechanism, starting from the grass root level, of Panchayats and municipal wards, with support and facilitation for the filing and tracking of grievances and independent appellate structures to ensure fairness and credibility, (v) ensure that every complainant gets an opportunity to be heard in a public hearing with the widest possible scope so as to cover not only welfare measures and policies by the state, but also all aspects of democratic governance, and enable peoples participation and monitoring of the regulatory, extractive, and development functions of governance, particularly at the grass root level, (vi) This Bill aims to create democratic, decentralized and participatory platforms independent of any implementing agency to enable wider public participation, and to initiate monitoring of programs and policies, including the delivery of public goods, through the instrumentality of social audit facilitation units. The social audit process will also help in the conduct of community score cards, citizens report card, expenditure tracking and statutory social audit covering all social sector programmes. The results of these citizen based monitoring exercises will be disseminated to all concerned, (vi) The Bill further aims to create a mechanism for obtaining feedback for effective policy and decision making by all branches of the government (viz., Executive, Legislature and Judicial). Bottom up social accountability principles and experiences of the state will be brought together to ensure the unhindered flow of all information (JANKARI); fair hearing and recording of grievances(SUNWAI); time bound action on all complaints accompanied by speaking orders (KARYAWAHI); participation of people during every stage of grievance redress (BHAGIDARI); providing protection to those seeking accountability by creating an atmosphere free of fear, intimidation and threat (SURAKSHA); and regular mandatory open public hearings and a social audit system which institutionalises participatory governance (JANATA KA MANCH). This will create a decentralized, inclusive and comprehensive architecture for transparency, accountability, and participation in the state of Rajasthan.

## RAJASTHAN PUBLIC ACCOUNTABILITY BILL, 2019

### PREAMBLE

*A bill to ensure transparency in Government programmes and accountability of public officials to the people. Citizens Charters and Job Charts, will help create a framework to ensure that citizen's entitlements are effectively delivered. The Bill provides for independent facilitation to citizens by creating Information and Facilitation Centres across the State. An independent structure at the District, Division and State level will provide oversight and hear appeals related grievance redress process. Institutionalized mechanisms of collective monitoring by citizens are provided through social audits, communities score cards and rating, expenditure tracking and participatory budget making, weekly and fortnightly public hearings. The Bill aims at ensuring provision of quality individual goods and public goods and services in a time bound manner. The Bill envisions gross root democracy in a meaningful manner to make it a reality.*

Be it enacted by Rajasthan Legislative Assembly:—

### CHAPTER I PRELIMINARY

#### 1. Short title, extent and commencement.-

- (1) This Act may be called the Rajasthan Public Accountability Act, 2019.
- (2) It extends to the whole of Rajasthan.
- (3) It shall come into force within 120 days of the Act being passed by the State Assembly and receiving the assent of the Governor of Rajasthan.

#### 2. Definitions.-

In this Act, unless the context otherwise requires, —

- (1) "Action Taken Report" means a report to be furnished to the complainant under Section [■] by the concerned Grievance Redress Officer under this Act;
- (2) "Chief Commissioner" means the Chief Commissioner of the Rajasthan Public Grievance Redress Commission appointed under Section [■];
- (3) "Citizens Charter" means the document relating to every public authority published under Section [■];
- (4) "Job Chart" means the document relating to every public authority published under Section [■];
- (5) "Complaint" means the complaint seeking redressal under Sections [■] and [■];
- (6) "Centre" means the Information and Facilitation Centre setup by the State Government under Section [■];
- (7) "entitlement" means legal rights, goods, public services, benefits, subsidies, public utilities, and includes such other guarantees and procedural safeguards conferred by the Citizens Charter and Job Chart and other laws, rules, regulations, orders, directions, policies and schemes applicable to the State;
- (8) "grievance" includes a denial of an entitlement, any violation of provision of this Act, but does not include grievances of public officials in relation to their terms and conditions of service and allied matters;
- (9) "Commission" means the Rajasthan Social Accountability Commission constituted under Section [■];
- (10) "District Grievance Redressal Authority" means the District Grievance Redressal Authority constituted under Section [■];
- (11) "Divisional Grievance Redressal Authority" means the Divisional Grievance Redressal Authority constituted under Section [■];

- (12) "Director" means the Director of Social Audit Facilitation Unit appointed under Section [■];
- (13) "Grievance Redress Officer" means the officer appointed or designated under Section [■];
- (14) "Head of the Department" means an officer designated by the Central Government or the State Government, as the case may be, in relating to any ministry, department, division, office or public authority under this Act;
- (15) "Information and Facilitation Centre" means the Centre set up by the State Government under Section [■];
- (16) "Janata Information System" means the Janata Information System established by the State Government under Section [■];
- (17) "notification" means a notification published in the Official Gazette;
- (18) "prescribed" means prescribed by the rules made by the State Government under this Act;
- (19) "public authority" means any authority or body or institution of self-government established or constituted-
- (a) under any law enacted
    - (i) by the Parliament to be implemented in part or in whole by the State Government; or
    - (ii) by the Rajasthan Legislative Assembly;
    - (iii) by the Parliament;
  - (b) by a notification issued or order made by the Central Government or the State Government, as the case may be, dealing with provision of entitlements under this Act; and
  - (c) includes
    - (i) an organisation or body corporate deemed to be a "State" under Article 12 of the Constitution performing public functions, and not restricted to delivery of entitlements under this Act;
    - (ii) a legal entity or body owned, controlled or substantially or partly financed by the Central Government or the State Government, as the case may be, for delivering entitlements under this Act;
    - (iii) a Government Company defined under Section 2(45) of the Companies Act, 2013 which is, wholly or partly, owned by the State Government; and
    - (iv) a private entity engaged in delivery of entitlements under this Act, by an agreement or under any legal authority.
    - (v) any municipality, Rajasthan Cantonment Board, Rajasthan Jal Board, Town Planning Authority, Rajasthan Development Authority, Rajasthan Police, Commission, Trust or any other body or authority within the territory of Rajasthan
- (20) "public hearing" means the "Jan Sunwai" conducted at such levels and in such frequency specified under Section [■];
- (21) "regulation" means the regulations made by the Commission under this Act;
- (22) "Unit" means the Social Audit Facilitation Unit constituted under Section [■];
- (23) "urgent" includes any grievance affecting the life and liberty of any individual;
- (24) "Appropriate Government" means in relation to a public authority, functioning in the territory under the State of Rajasthan, which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly by the Government of Rajasthan,

or Government of India, and in all other matter of Government of Rajasthan within its permitted /territorial jurisdiction.

- (25) "Director" means the Director of Social Audit Facilitation Unit appointed under Section [■];
- (26) "Social Audit" means audit conducted under Section [■];
- (27) "Citizens Report Card" means a document published under Section [■]
- (28) "Plan of Expenditure" means a document published under Section [■]
- (29) "Expenditure tracking" means monitoring of the expenditure of any public authority with reference to the sanctioned and released budget;
- (30) "Governance tracking" means monitoring, tracking and rating of execution of various schemes, policies , programs and welfare measures including exercise of regulatory powers by public officials or public authorities, affecting a citizen or group of citizens.
- (31) "District Collector" means collector and district magistrate appointed by the State Government as in-charge of a revenue district.

**PART - A**  
**RIGHTS AND OBLIGATIONS UNDER THE ACT**

*CHAPTER II*  
**RIGHT TO ACCOUNTABILITY AND ENFORCEMENT OF OBLIGATIONS**

**3. Rights under this Act. -**

Subject to the provisions of this Act, every person/group of persons shall have:

- (1) the right to be informed of the entitlement as being conferred by a Citizens Charter, Job Chart, program, policy or any other law in force, including norms to ensure time bound delivery, assured quality and other performance standards,,
- (2) the right to be informed of the obligations and duties of public functionaries as arising from a Job Chart, Citizens' Charter, program or policy or any other law in force,
- (3) the right to examine records pertaining to the functioning of public authority, including its powers, duties, and norms applicable to monitoring, financial planning, budgeting, allocation and expenditure thereof, through a comprehensive and open architecture for information dissemination;
- (4) the right to file a complaint specifying a grievance, and obtain a dated acknowledgement receipt of the same,
- (5) the right to prompt redressal of the grievance,
- (6) the right to participate in a public hearing within 14 days of filing the complaint,
- (7) the right to disposal of the complaint through issuance of an Action Taken Report within 30 days of filing of the grievance,
- (8) the right to independent adjudication of appeals in relation to any complaint or grievance under this Act;
- (9) the right to demand protection against intimidation and harassment in relation to exercise of any rights and remedies provided under this Act.

*Explanation.*-For the purposes of this section, any violation of provisions of this Act is deemed to be a denial of entitlement under this Act.

Provided that the aforementioned are in addition to other rights which may arise elsewhere under this Act.

**4. Obligations on public authorities. -**

- (1) Subject to provisions of this Act, every public authority shall-

- (a) Every public authority, department or official engaged in delivery and provision of individual public or public goods and services covered under this Act shall be under obligation to redress grievances/complaints in the manner as provided under the provisions of this Act.
- (b) Every public authority, department or official engaged in delivery and provision of individual public or public goods and services covered under this Act shall be under obligation to publish and update citizen's charter, job charts and sanctioned and released expenditure plan as prescribed under this Act, if it be a tax collection authority, the tax or revenue collection plan including rates and realization to be published and notified.
- (c) Every public authority, department or official engaged in delivery and provision of individual or public goods and services covered under this Act shall be under obligation to ensure participatory budget making, expenditure tracking, governance tracking community score cards, citizens' ratings subject to rules framed under this Act.
- (d) Every public authority, department or official engaged in delivery and provision of individual public or public goods and services covered under this Act shall be subject to mandatory social audit as prescribed under this Act and as per rules made in this behalf by the appropriate Govt. and as per auditing standards of Social Audit as laid out by the Comptroller and Auditor General of India and acknowledged global best practices.
- (e) Every public authority, department or official engaged in delivery and provision of individual public or public goods and services covered under this Act shall be under obligation to participate in the public hearings organized at various levels and intervals of time at grassroot level by GRC/GRAs/SDGRAs and GROs under the Act with reference to the grievances and complaints in relation to them.
- (f) Every public authority, department or official engaged in delivery and provision of individual public or public goods and services covered under this Act shall be under obligation to redress the grievance or complaints under this Act in right earnest and to the best of their abilities.
- (g) Every public authority, department or official engaged in delivery and provision of individual public or public goods and services covered under this Act shall be under obligation to provide and upload information on a public platform/portal created under the Act about grievances, complaints, their disposal or pendency, social audit reports, ratings, score cards and actual expenditure pace etc.
- (h) Every public authority and appellate body at the District/Division, State level shall have an obligation to order protection by the Police and any other appropriate agency on an application from a complainant should they find a cause for extending such protection, upon examination of the application.
- (i) Every public authority, department or official engaged in delivery and provision of individual public or public goods and services shall be under obligation to provide correct information as stipulated by the Act in timely manner without delay.

Provided that the aforesaid obligations are in addition to the other duties/obligations necessary to effectuate rights contained in this Act or to ensure compliance of the procedure and processes specified under this Act, or which may otherwise arise in administering this Act.

### *CHAPTER III*

#### **PUBLICATION OF CITIZENS CHARTER, JOB CHART & EXPENDITURE PLANS**

##### **5. Citizens Charter.-**

- (1) Within 30 days from the date of commencement of this Act, every public authority shall specify their respective standards for delivery of entitlements and performance obligations to the public, to be known as a Citizens Charter.
- (2) Without prejudice to the generality of obligations provided under sub-section (1), the Citizens Charter, in *Part I* titled *Parameters and Standards for Delivery of Entitlements*, shall enlist the entitlements to be delivered by the public authority, definitive standards for their delivery, qualitative and quantitative parameters including time limits and other aspects, in a manner that the beneficiary is made known all aspects relevant to the enforcement of the entitlement. Such particulars shall include—

- (a) the entitlements and public services to be delivered under any law, rule, regulation, policy or guidelines;
  - (b) the standards of quality, measure and method for delivery of entitlements and public services;
  - (c) the procedure for securing access to entitlements and public services, including a schematic representation of processes involved;
  - (d) the conditions, documents, forms, and such other requirements for receiving entitlements or public services;
  - (e) the time limits for assured delivery of entitlements and public services;
  - (f) the role and responsibility of public officials and all other persons responsible for delivery of entitlements or public services, including their name, designation and contact information;
  - (g) the procedure for filing complaints and redress of grievances, including the details of concerned Grievance Redressal Officer;
  - (h) the time limits for action, enquiry, redress and disposal of such complaints; and
  - (i) any other information necessary for efficient and time bound delivery of entitlements and public services, as may be prescribed.
- (3) Without prejudice to the generality of obligations provided under sub-section (1), the Citizens Charter, in *Part II* titled *Departmental Disclosures*, shall include—
- (a) the particulars of its organisation, functions and duties;
  - (b) the powers and duties of its officers and employees;
  - (c) the procedure followed in the decision making process, including channels of supervision and accountability;
  - (d) the norms set by it for the discharge of its functions;
  - (e) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
  - (f) a statement of the categories of documents that are held by it or under its control;
  - (g) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
  - (h) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
  - (i) a directory of its officers and employees;
  - (j) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
  - (k) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
  - (l) The Department's approved budget at the beginning of the financial year, and its actual expenditure incurred at the end of the financial year, for all its schemes, programmes and services, to be prepared and maintained at the Block, District and Division Level. The

responsibility of preparing and furnishing the Block, District and Division level budget and expenditure statement lies with the Block Development Officer, District Collector and Divisional Commissioner respectively.

- (m) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
- (n) particulars of recipients of concessions, permits or authorisations granted by it;
- (o) details in respect of the information, available to or held by it, reduced in an electronic form;
- (p) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- (q) the names, designations and other particulars of the Public Information Officers under the Right to Information Act, 2005;
- (r) publish all relevant facts while formulating important policies or announcing the decisions which affect public; and
- (s) such other information as may be prescribed and thereafter update these publications every year;

#### **6. Job Chart.-**

- (1) Within 30 days from the date of commencement of this Act, every officer discharging or responsible for any public function shall specify his role, responsibility, powers, duties, functions, service conditions, performance records and such other information, to be known as a Job Chart.
- (2) Without prejudice to the generality of obligations provided under sub-section (1), the Job Chart shall include—
  - (a) the qualifications, designation and contact details;
  - (b) the description of role and responsibility in discharge of public functions;
  - (c) the powers, duties and such other control exercised in delivery of entitlements and public services;
  - (d) the duration of work, timing, holidays and places of work;
  - (e) the salaries, emoluments and other service benefits received for discharge of official duties; and
  - (f) the details of departmental enquiries, reprimand, penalties and such disciplinary actions, including pending cases.

#### **7. Budget & Other Related Statements.-**

- (1) Within 15 days from the beginning of financial year, every public authority shall specify a Plan of Expenditure in respect of the financial year.
- (2) Without prejudice to the generality of obligations provided under sub-section (1), the Plan of Expenditure Chart shall include—
  - (a) sanctioned budget and actual amount received in the previous financial year;
  - (b) sanctioned budget for the present financial year;
  - (c) the breakup of allocations made to functions and activities of the public authority, including programs, schemes and policies;



## **8. Publication of Citizens Charter, Job Chart & Expenditure & Other Related Statements.-**

- (1) The obligation to publish Citizens Charter, Job Chart, and Plan of Expenditure and other related statements relating to a public authority shall be upon the Head of the Department of the public authority.

Provided that the Head of the Department may delegate, by notification, any part of their responsibility under this sub-section to any public functionary.

- (2) For the purposes of sub-section (1), the obligations on the concerned Head of the Department shall include-
- (a) preparing and verifying the contents of these documents;
  - (b) publication of a draft of each of these documents in the public domain for the information of general public, at least 14 days before the final publication;
  - (c) receiving comments, suggestions or feedback from general public on the draft;
  - (d) maintaining accurate, authentic and up-to-date version of the documents; and
  - (e) ensuring conformity with the regulations as may be specified by the Commission in this regard.

## **9. Access and Dissemination of Information.-**

- (1) The State Government shall establish a public, multi-tiered, end to end information system, to be known as the Janta Information System, consisting of web and offline mechanisms of mandatory collection and disclosure of information applicable to all aspects of the implementation of this Act. Different aspects of this law shall be administered in real time through a web-portal as a part of this information system. The state government shall by Rules prescribe detailed guidelines regulating the information sharing and management.
- (2) Without prejudice to the generality of the purposes enumerated under sub-section (1), the Janta Information System shall serve as-
- (a) a repository of Citizens Charter of every public authority;
  - (b) a repository of Job Chart of every public official;
  - (c) a convenient and real-time facility for any individual to file any complaint or appeal under this Act, tracking of proceedings, obtain access to reports, orders and such information relating to redress of grievance;
  - (d) a repository on Social Audits; and
  - (e) a utility for implementing any other provisions of this Act as may be prescribed.
- (3) The Citizens Charter, the Job Chart and the Expenditure and other statements under section \*\*, shall be widely disseminated to the public, including public announcements, print and electronic media, radio, internet and any other means of communication.

Provided further that the State Government may prescribe rules for publication through other means.

- (4) Every person shall have a right to access such information from the public authority which he finds relevant for him to demand his rights under this Act, within 15 days of making such request, in accordance with rules as may be prescribed.

## **10. Review.-**

The Commission, at such intervals as may be specified in the regulations, shall review the contents of Citizen Charter, Job Chart and other statements published under this Chapter, and pass such directions as it deems necessary to ensure compliance with the provisions of this Act and Regulations specified hereunder.

## ESTABLISHMENT OF PUBLIC ACCOUNTABILITY INSTITUTIONS

### 11. Accountability Institutions under the Act

#### (a) Appointment of Grievance Redress Officer :

The Head of the Department of every public authority shall or the appropriate Govt , within 60 days from the date of enactment of this Act, designate or appoint as many officers as may be necessary as Grievance Redress Officers in all administrative units or offices at the State, Divisional, District, Sub division ,Ward and Panchayat levels, to receive, enquire and redress complaints of citizens with adequate publicity and display on its portal or notice board for widest possible dissemination with their complete adress and contact details . The functions of GRO will be as per schedule,

Provided that the Grievance Redress Officer so designated officer shall be as far as possible at least one level above and be deemed to have supervisory control on the individual designated to deliver goods or render services as per the Citizens Charter.

#### (b) Establishment and facilities at Information and Facilitation Centres:

The State Government shall establish an Information and Facilitation Centre within six months in every Block, Municipal Ward and Gram Panchayat, as the case may be, for efficient and effective delivery of services and monitoring of grievance redressal. The composition and functions of IFC will be as per schedule .

(c) **District Grievance Redress Authority** - The State Government shall establish a District Grievance Redress Authority within six months in every district which will have at least 10 members out of which four will be from civil society. The District Grievance Redress Authority will serve under the chairmanship of an independent functionary appointed through a special selection from the UPSC.

(d) **Divisional Grievance Redress Authority** - The State Government shall establish an Divisional Grievance Redress Authority within six months in every Division of the State which will have at least 10 members out of which four from civil society ,under the chairman ship of Divisional Commissioner to provide redress of grievnce and complaints through public hearings at District HQ or appropriate place .

(e) **Public Hearing** . The state Govt will ensure within six months of enactment of this Act that evry Sub division , District and Divisional level the Grievance Authorities constituted under the Act do provide minimum of two public hearings in grievance redress where all GROs, and complainants or persons having grievance are present and the grievance/complaints redress under the Act is conducted as per the procedure prescribed under the Act in open public hearings by GRAs . The number of public hearings may be increased by concerned GRAs as per need but not reduced . There shall be adequate and due publicity about venue , date and timing of public hearing .

## CHAPTER IV

### INFORMATION AND FACILITATION CENTRES

### 12. Information and Facilitation Centres.-

The State Government shall establish a Centre in every Block, Municipal Ward and Gram Panchayat, as the case may be, to be known as the Information and Facilitation Centre.

### 13. Facilities of the Centre.-

(1) The State Government shall ensure that every Centre-

- (a) is adequately equipped with electricity, computers, internet connectivity and such utilities and amenities as may be necessary;
- (b) is well connected to network of emergency helplines, call centres and such other tracking platforms; and
- (c) has information desks and kiosks to provide reasonable assistance for the public.

- (2) Every Centre shall serve as a repository for obtaining any information and facilities under this Act.
- (3) The Centre shall not charge any fee for the services provided by it.

#### **14. Appointments.-**

The State Government shall, on the recommendations of the Commission, appoint a functionary, to be called Sookna Aur Sahayata Sewak, and notify such number of officers and staff to render services and assistance to be provided at the Centre under this Act.

Provided that at least half the officers attached to a Centre shall be women.

Provided further that at least half the officers belong to Scheduled Caste and Scheduled Tribe.

#### **15. Services and functions of Centres.-**

The Sookna Aur Sahayata Sewak, subject to any regulations as may be specified in this regard, shall-

- (1) register complaints and appeals relating to any grievance under this Act received in writing, by post, through email, telephone or any other means as may be specified, within 24 hours from the date of receipt;
- (2) accept requests for accessing information under this Act received in writing, by post, through email, telephone or any other means as may be specified;
- (3) acknowledge by receipt any complaint, appeal or request made under this Act, by post, email, telephone or any other means as may be specified;
- (4) transmit the complaint, appeal or request to the appropriate functionary under this Act, electronically or any other means as may be specified;
- (5) provide all necessary assistance to a person for filing a complaint, appeal or request under this Act;
- (6) render assist in tracking grievances under this Act; and
- (7) maintain and furnish copies of the Social Audit Reports.

### *CHAPTER V* **GRIEVANCE REDRESSAL OFFICERS**

#### **16. Appointment of Grievance Redressal Officers. -**

- (1) The Head of the Department of every public authority shall, within 30 days from the date of enactment of this Act, designate or appoint as many officers as may be necessary as Grievance Redress Officers in all administrative units or offices at the State, Divisional, District, Ward and Panchayat levels, to receive, enquire and redress complaints of citizens.

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

- (2) Every public authority shall, immediately on designation of a Grievance Redress Officer, display, at each of its offices, customer care centre, help desk, point of service, website, 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 it may consider appropriate, to ensure their accessibility and availability for the general public.
- (4) In case of non appointment of Head of the Department, the appropriate government shall designate such superior officer as the Head of the Department for the purposes of carrying out the provisions under this Act.

#### *CHAPTER VI*

#### **DISTRICT GRIEVANCE REDRESSAL AUTHORITY**

#### **17. Establishment of District Grievance Redressal Authority-**

- (1) The State Government shall establish for every district, by notification, an Authority to be known as the District Grievance Redressal Authority, referred to in this Act as the District Authority, with effect from such date as it may specify in such notification, to exercise its jurisdiction, powers and authority conferred under this Act.
- (2) The seat of the District Authority shall be in the headquarter of the concerned district.

#### **18. Composition of the District Authority.-**

- (1) The District Authority shall consists of-
  - (a) the Chairperson, appointed on a full-time basis;
  - (b) such number of Permanent Members as the Commission may determine, and in no case less than ten appointed on a full-time basis; and
  - (c) such number of Temporary Members as the Commission may deem fit, appointed on part-time or full-time basis.
  - (d) Such that there shall be atleast four representatives of Civil Society Organizations and two elected representatives of the Block Panchayat
- (2) Subject to any regulations to be specified, the jurisdiction, powers and authority of the District Authority shall be exercised by Benches thereof.

Provided that a Bench constituted by the Chairperson shall not be less than two members.

#### **19. Qualifications.-**

The Chairperson, Permanent Members and Temporary Members of the District Authority shall be persons of ability and integrity having experience and knowledge of at least 15 years in governance, law, development, economics, finance, management, public affairs or administration.

Provided that persons with experience and knowledge in design, implementation, management and execution of social welfare schemes shall be preferred.

Provided further that persons shall not hold any office, or be associated with any activities, of a political party or organisation.

#### **20. Selection and appointment of Members of the District Authority.-**

- (1) The Chairperson shall be appointed by the State Government through a special selection from the UPSC Cadre Officials
- (2) The Members of the District Authority shall be appointed by the State Government, on the recommendations of the Commission, in the manner as may be prescribed.
- (3) In relation to sub-section (1), the Commission shall frame regulations for enabling transparency in the selection process, including norms relating to-
  - (a) invitation of applicants;
  - (b) process of shortlisting;
  - (c) relevant disclosures of candidates; and
  - (d) such other particulars as may be prescribed.

**21. Term of office and other conditions of service of Chairperson and Members.-**

- (1) The Chairperson and the Members of the District Authority appointed under this Act shall hold office for a term of 3 years from the date as may be notified and shall be eligible for reappointed.

Provided that no person shall hold office as the Chairperson or member after the person has attained the age of 65 years.

- (2) The salaries and allowances payable to, and other terms and conditions of service, of the Chairperson and Members of the District Authority shall be as may be prescribed.

**22. Staff.-**

- (1) The District Authority may, with the approval of the Commission, determine the number, nature and categories of other officers and employees required by the District Authority to discharge its functions.
- (2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and employees shall be prescribed.

- (1) The Commission shall have superintendence over the District Grievance Redressal Authority.

*CHAPTER VII*

**DIVISIONAL GRIEVANCE REDRESSAL AUTHORITY**

**23. Establishment of Divisional Grievance Redressal Authority-**

- (1) The State Government shall establish for every district, by notification, an Authority to be known as the Divisional Grievance Redressal Authority, referred to in this Act as the Divisional Authority, with effect from such date as it may specify in such notification, to exercise its jurisdiction, powers and authority conferred under this Act.
- (2) The seat of the District Authority shall be in the headquarter of the concerned district.

**24. Composition of the Divisional Authority.-**

- (1) The Divisional Authority shall consists of-
  - (a) the Chairperson, appointed on a full-time basis;
  - (b) such number of Permanent Members as the Commission may determine, and in no case less than four appointed on a full-time basis; and

- (c) such number of Temporary Members as the Commission may deem fit, appointed on part-time or full-time basis.
  - (d) Such that there shall be atleast four representatives of Civil Society Organizations and two elected representatives of the District Panchayat
- (2) Subject to any regulations to be specified, the jurisdiction, powers and authority of the Divisional Authority shall be exercised by Benches thereof.

Provided that a Bench constituted by the Chairperson shall not be less than two members.

## **25. Qualifications.-**

The Chairperson, Permanent Members and Temporary Members of the Divisional Authority shall be persons of ability and integrity having experience and knowledge of at least 15 years in governance, law, development, economics, finance, management, public affairs or administration.

Provided that persons with experience and knowledge in design, implementation, management and execution of social welfare schemes shall be preferred.

Provided further that persons shall not hold any office, or be associated with any activities, of a political party or organisation.

## **26. Selection and appointment of Members of the Divisional Authority.-**

- (1) The concerned Divisional Commissioner will be appointed as the Chairperson of the Divisional Authority
- (2) The Members of the Divisional Authority shall be appointed by the State Government, on the recommendations of the Commission, in the manner as may be prescribed.
- (3) In relation to sub-section (1), the Commission shall frame regulations for enabling transparency in the selection process, including norms relating to-
  - (a) invitation of applicants;
  - (b) process of shortlisting;
  - (c) relevant disclosures of candidates; and
  - (d) such other particulars as may be prescribed.

## **27. Term of office and other conditions of service of Chairperson and Members.-**

- (1) The Chairperson and the Members of the Divisional Authority appointed under this Act shall hold office for a term of 3 years from the date as may be notified and shall be eligible for reappointed.

Provided that no person shall hold office as the Chairperson or member after the person has attained the age of 65 years.

- (2) The salaries and allowances payable to, and other terms and conditions of service, of the Chairperson and Members of the District Authority shall be as may be prescribed.

## **28. Staff.-**

- (1) The Divisional Authority may, with the approval of the Commission, determine the number, nature and categories of other officers and employees required by the District Authority to discharge its functions.

- (2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and employees shall be prescribed.

- (2) The Commission shall have superintendence over the District Grievance Redressal Authority.

*CHAPTER VIII*  
**RAJASTHAN PUBLIC ACCOUNTABILITY COMMISSION**

**29. Establishment of the Rajasthan Public Accountability Commission.-**

The State Government shall establish, by notification, a Commission to be known as the Rajasthan Public Accountability Commission to exercise the jurisdiction, power and authority conferred under this Act.

**30. Composition of the Commission.-**

- (1) The Commission shall consist of:

(a) The Chief Commissioner; and

(b) such number of Commissioners, as may be prescribed.

- (2) The number of Commissioners to be appointed shall be determined on the basis of:

(a) the number of appeals and revisions received by the Commission; and

(b) the number of cases that a Commissioner is required to dispose of, as specified under regulations framed by Commission.

- (3) It will be desirable for Members of other Statutory Commissions at the State Level to be nominated as Member Commissioners of the Commission, subject to the rules and procedures governing the Statutory Commissions of the State.

**31. Appointment and selection of Commissioners.-**

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

(a) the Chief Justice of High Court of Rajasthan, or her nominee, who shall be the Chairperson;

(b) the Chief Minister; and

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

- (2) The Selection Committee shall select out of a panel of five eligible candidates for each vacancy finalised by a Search Committee constituted under sub-section (3).

Provided that the panel of eligible candidates shall be made public before it is placed before the Selection Committee.

- (3) The Search Committee shall consist of such persons of standing and having special knowledge and expertise in the matters relating to grievance redress policy, public administration, policy making and management, or in any other related matter.

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

**32. Vacancies.-**

The vacancies arising in the Commission shall be filled within 30 days of the same.

### **33. Qualifications.-**

A person shall not be qualified for appointment as a Chief Commissioner or a Commissioner of the Commission unless:

- (1) he/she is, or has been an officer of the State Government and has held the post in the rank of Principal Secretary to that Government; or
- (2) he/she is or has been a District Judge for at least ten years; or
- (3) he/she is or has been a Judge of the High Court of the State; or
- (4) he/she 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, in academia or journalism or other sectors relevant to the prevention or redress of grievances:

Provided that not more than half the members of the commission at any time be from among (a), (b) and (c).

Provided further that the Chief Commissioner of the Commission shall be from sub sections (a), (c) or (d) above.

### **34. Term of Office.-**

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

### **35. Salaries and allowances of Commissioners.-**

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

- (1) the Chief Commissioner shall be the same as that of the Chief Justice of the Rajasthan High Court; and
- (2) the Commissioners shall be the same as that of the Judge of the Rajasthan High Court

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.

### **36. Resignation and removal.-**

- (1) The Chief Commissioner or Commissioners, as the case may be, at any time during the term, may relinquish from office, by giving in writing, to the Governor a notice of not less than 30 days.



Provided that in case of a Commissioner, a copy of the notice shall be forwarded to the Chief Commissioner.

- (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.

### **37. Officers of the Commission.-**

- (1) The Commission shall appoint such staff and personnel as deemed necessary for the discharge of its functions under this Act and may take the help of the RPSC or any other appropriate organisation in appointing staff and personnel.
- (2) The officers and employees so appointed under sub-section (1) shall discharge their functions under the general superintendence of the Chief Commissioner.

### **38. Recruitment of Staff.-**

- (1) The service conditions of the staff of Commission shall be regulated by appropriate regulations specified by the State Government.
- (2) The officials of Directorate Public Services, Economics and Statistics and Inspection Directorate will form the core staff of the Commission.
- (3) The Commission shall recruit staff and officials
  - (a) on deputation, from various Central, State, Central and Local Self-Bodies for a term of two years, and subject to maximum period of five years; or
  - (b) by direct recruitment, subject to rules prescribed by the State Government in this regard.
- (4) The functionaries of Information and Facilitation Centre, District Grievance Redressal Authority or Divisional Grievance Redressal Authority, as the case may be, shall be deemed to be in the service of and on deputation to Commission and disciplinary powers shall vest in the Commission for such staff for functions under the Act.
- (5) The Commission shall regulate these staff under over all supervision and control of the Gov and general directions issued by the Govt in this regard.

### **39. Public servants.-**

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

**PART C**  
**PUBLIC ACCOUNTABILITY PROCESSES**

**CHAPTER X**  
**RESOLUTION OF GRIEVANCE**

**40. Registration of complaint. -**

- (1) Any person can submit a complaint in relation to any grievance under this Act-
  - (a) before the Grievance Redress Officer of the concerned public authority;
  - (b) at the Information and Facilitation Centre;
  - (c) using the Janta Information System; and
  - (d) or any other means prescribed by the State Government.
- (2) All complaints shall be made in writing, or, if made orally through any means, including electronic, telephonic, must be reduced to writing.
 

Provided that the Grievance Redressal Officer, or the Sookhna Aur Sahayata Sewak, as the case maybe, shall render all possible assistance to persons who are unable to submit the complaint in writing.
- (3) The functionary accepting the complaint submitted under sub-section (1) shall generate a unique grievance number and immediately issue a receipt to the complainant specifying the date, time, place, date of next block level public hearing, unique grievance number and particulars of receiver of complaint, of concerned Grievance Redress Officer, along with the stipulated time frame in accordance with its Citizens Charter within which the complaint will be redressed.
- (4) Upon receiving such a complaint, the information and facilitation center shall forward the same to the concerned Grievance redress officer as soon as possible, and in no case later than 24 hours from the receipt.

**41. Action Taken Report.-**

- (1) Subject to provisions of this Act, the Grievance Redressal Officer shall furnish a report, to be called as the Action Taken Report, to the complainant in respect of a complaint filed under Section [■], within 30 days from the date of its registration.
- (2) The Action Taken Report shall contain-
  - (a) the nature of grievance and particulars thereof;
  - (b) the relevant obligation on the public authority, under this Act or any other law, rule, regulation, guideline or policies covered by this Act;
  - (c) the details of the enquiry conducted under Section [■];
  - (d) the findings on the grievance, including the manner of redressal, as specified under Section [■];
  - (e) the direction to any public official for redressal; and
  - (f) recommendations to the District Authority, if any, in relation to the conduct of any officer responsible for the grievance.

He shall conduct an enquiry to ascertain whether the complainant has received delivery of entitlement as per the stipulations contained in the relevant Citizen Charter/Job Chart or any other law in force. If there has been a failure in the delivery of such entitlement, the GRO shall remedy the same at the earliest. Any process under this chapter must in no way delay or impede the delivery of the entitlement to the aggrieved person/group of persons

#### **42. Process of enquiry.-**

The Grievance Redressal Officer, for the purposes of enquiring into any grievance, shall-

- (1) call all records necessary and relevant to verify the facts contained in the complaint;
- (2) inspect the site of grievance if required, with prior intimation to the complainant; and
- (3) hear the complainant in person at the fortnightly public hearing in the manner specified in Section [■];

#### **43. Proceedings at the Public hearing.-**

- (1) Subject to provisions of this Act, every complaint shall be called out the public hearing held at the Divisional Level or Block Level, as the case maybe.
- (2) The Grievance Redress Officer shall be present at the public hearing held in relation to sub-section (1).
- (3) At the public hearing, the Grievance Redressal Officer shall-
  - (a) provide a preliminary response to the grievance;
  - (b) allow the complainant, if he or she so desires, to publicly explain the nature of the grievance as well as present any relevant information;
  - (c) accept *guidance* of the “Chair/panel of the Public Hearing” in the course of discussing the status of the grievance concerned;
  - (d) record the proceedings relating to the complaint, including information received from the complainant and guidance provided under sub-clause (c);
  - (e) The response of the complainant shall be duly recorded in the proceedings of the hearing. In case the GRO is unable to follow recommendations he/she must record reasons in writing.
  - (f) In case the complaint is disposed off at the public hearing, the complainant shall be given a copy of the Action Taken Report.
  - (g) All proceedings, grievances and action taken reports must be entered on to the web portal at the end of the public hearing and no later than 48 hours.

#### **44. Findings on the complaint.-**

The Grievance Redressal Officer shall necessarily record a finding on following aspects in the Action Taken Report:

- (a) whether a violation is made out and if the grievance is valid or invalid
  - If an entitlement has not been violated, the Grievance Redressal Officer must declare the grievance to be invalid with reasons recorded. The ATR will be considered closed.
  - If an entitlement is violated, record in clear terms the extent of the violation

(b) In case of a valid grievance, status regarding the delivery of entitlement

- The Grievance Redressal Officer shall endeavour to ensure the delivery of entitlement at the earliest. If the GRO is able to get the concerned functionary to deliver the entitlement, the grievance will be said to have been redressed and the ATR shall be considered "closed".
- In cases at the time of making of the ATR, the grievance has not been redressed, the GRO shall specify a future date for the delivery of entitlement. If the GRO specifies a date for delivery of entitlement beyond 30 days, he shall specify "special reasons" for such a delay. Such an ATR will be considered "open". The GRO shall review the ATR before or on the promised date for delivery of entitlement. A compliance report shall declare the grievance to be redressed if the entitlement has been delivered. If by the promised date the entitlement has not been delivered, the GRO shall declare the compliance to be unsuccessful and specify the reasons for the failure and take steps to ensure delivery as soon as possible.
- In cases where the Grievance Redressal Officer is of the opinion that the entitlement cannot be delivered at all even though the grievance is held valid, he shall state the same along with the reasons for the failure. Such a matter shall be considered as a complaint to the Commission.

(c) In case of a valid grievance, fixing responsibility for the failure of delivery of entitlement

- If failure in the delivery of the entitlement is on account of reasons within the control of the concerned functionary, the same should be recorded. The Grievance Redressal Officer shall record the responsible functionary by name and describe for the precise violation.
- If the failure in the delivery of the entitlement is for reasons beyond the control of the concerned functionary, the grievance should be marked to the Head of the Department with a copy to the District Authority.

#### **45. Penalty and Compensation.-**

- (1) In the course of enquiry and proceedings relating to a complaint, if it appears that the violation or denial of entitlement is due to deliberate or mala fide or negligent act or inaction of any public official, the Grievance Redressal Officer shall recommend the District Authority to impose penalties on the concerned public official.
- (2) In the event that the non-delivery of the entitlement within the terms of the Citizens Charter has caused hardship to the complainant, the GRO shall recommend to the District Authority to grant compensation to the complainant.
- (3) If during the course of enquiry, the Grievance Redressal Officer finds sufficient reasons to initiate departmental proceedings, he shall recommend the same to the District Authority.
- (4) If during the course of enquiry, the Grievance Redressal Officer finds sufficient reasons to initiate a criminal case, he shall be recommend the same to the District Grievance Redressal Authority.
- (5) where the Grievance Redress Officer finds that the individual responsible for the delivery of the goods and services has wilfully neglected to deliver the goods or services, or has delayed such delivery beyond the prescribed time without any good reason, or has delivered goods or services that do not meet the prescribed standards of quality or measure, or there exist prima facie grounds for a case under the Prevention of Corruption Act, 1988, the Grievance Redress Officer shall make an observation to that effect in the Action Taken Report.

- (6) An automated intimation shall be issued to the Head of the Department on the 21<sup>st</sup> day of the filing of the grievance if an Action Taken Report has not been passed by the Grievance Redressal Officer till that date. The Head of the Department may inquire into the continuing pendency of the grievance at this point and issue appropriate directions to ensure the timelines and processes of this act are being adhered to.

Provided that grievance of an urgent or immediate nature shall be disposed of within two days from the date of receipt of the complaint.

Provided further that ordinarily the functioning of the grievance redress mechanism provided in this Act should be transparent, however, in issues relating to the privacy of individuals or groups of individuals especially children or other vulnerable groups, the process of enquiry and investigation must be carried out in a manner such that their privacy and security is adequately protected.

#### **46. Public hearing of grievances. -**

- (1) Every person/group of persons who files a grievance under the provisions of this Act, shall be entitled to a collective public hearing (Jan Sunwai) within 14 days of the grievance being filed. as per provisions in Schedule XX of the Act.
- (2) . For all grievances pertaining to sub-district level officials, the public hearing will be organized at the Block level. For all grievances pertaining to district level officials, the public hearing will be organized at the District level.
- (3) The public hearing will be a forum for all GROs to share the status of each grievance received, while providing the complainant and participants an opportunity to share any additional information and explain their complaint.
- (4) The public hearing will be coordinated by a panel of 5 members chaired by the SDM/District Collector.
- (5) Under the guidance of the panel, an attempt will be made to redress the grievance on the day itself. The Panel will be free to note its observation viz a vis grievances discussed. Redress of grievance or its ongoing status will be recorded as part of the minutes and the District Grievance Redress Authority will be provided access to the proceedings whilst disposing appeals.
- (6) An Information and Facilitation centre will also be run at the location of every Public Hearing
- (7) The public hearing will be a forum for GROs to share the status of each grievance received by him with the panel and the participants of the public hearing, while providing the complainant and participants to share any additional information
- (8) An Information and Facilitation centre will also be run at the location of every Jan Sunwai.

#### **47. Officers to act in aid and assistance for conduct of enquiry.-**

- (1) 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 grievance.
- (2) 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.
- (3) If a Grievance Redress Officer receives a grievance that relates to matters that are partly or wholly dealt with by another Grievance Redress Officer or Public Authority then the receiving Grievance Redress Officer will transfer the complaint to the appropriate Grievance Redress Officer and Public Authority within two days and send intimation to the complainant and the Information and Facilitation Centre. Where two or more Grievance Redress Officers or Public Authorities are involved in any grievance, copies of the grievance will be transferred to all the relevant Grievance Redress Officers and Public Authorities.

- (4) While transferring the grievance, the Grievance Redress Officer shall record in writing why the matter does not partly or wholly relate to his/ her jurisdiction. The Grievance Redress Officer who receives the grievance transferred in part or in whole will be deemed to be a Grievance Redress Officer as per the provisions of this Act. The deemed Grievance Redress Officer shall dispose of the transferred grievance within the time frame stipulated in the Citizens Charter.
- (5) Such multiple Grievance Redress Officer concerned shall immediately be reported to Head of Department and District Grievance Redress Officer.

*CHAPTER XI*  
**APPEALS, SPECIAL COMPLAINTS & REFERENCES**

**48. First Appeal in relation to a grievance made against the sub-district level functionary. -**

- (1) Where the grievance pertains to a sub-district level functionary, failure in filing of the Action Taken Report within the stipulated period will be automatically registered as an appeal before the District Authority.
- (2) In cases where the grievance was made against a sub-district level functionary, and the Grievance Redressal Officer has failed in securing delivery of entitlement by the promised date in relation to an "open" Action Taken Report, an automatic appeal shall be registered with the District Authority.
- (3) A complainant aggrieved by the Action Taken Report can file an appeal to the District Authority within a period of 90 days of the receipt of the Action Taken Report.

Provided that in case of "open" Action Taken Reports, the complainant may challenge the "special reasons" recorded by the Grievance Redressal Officer for exceeding 30 days for the delivery of an entitlement.

Provided further that the District Authority may admit the appeal after the expiry of 90 days if it is satisfied that the person was delayed in filing the appeal on account of a justifiable reason.

**49. Second Appeal in relation to a grievance made against the sub-district level functionary.-**

Any party aggrieved by an order passed by the District Authority can file an appeal before the Divisional Authority within a period of 90 days from the date of the order.

Provided that pendency of an appeal/complaint before any authority in this chapter shall not be a ground for denial or refusal of delivery of entitlement, service or good to the complainant.

Provided further an ATR/Compliance Report under appeal shall not affect the delivery of entitlement which may be contained in the said impugned part.

**50. First Appeal in relation to a grievance made against the district level functionary.-**

- (1) Where the grievance was made against a District level functionary, failure in filing of ATR within 30 days from the date of registration of grievance will result in an automatic appeal being registered with the Divisional Authority.
- (2) In cases where the grievance was made against a District level functionary, and the Grievance Redressal Officer has failed in securing delivery of entitlement by the promised date in relation to an "open" Action Taken Report, an automatic appeal shall be registered with the Divisional Authority.
- (3) A complainant aggrieved by the Action Taken Report can file an appeal to the Divisional Authority within a period of 90 days of the receipt of the Action Taken Report.

Provided that in case of "open" ATRs, the complainant may challenge the "special reasons" recorded by the GRO for exceeding 30 days for the delivery of service/entitlement

Further provided that the Divisional Grievance Redressal Authority may admit the appeal after the expiry of 90 days if it is satisfied that the person was delayed in filing the appeal on account of a justifiable reason.

**51. Second Appeal in relation to a grievance made against the District level functionary.-**

- (1) Any party aggrieved by the order passed by the Divisional Grievance Redressal Authority can file an appeal before the State Commission within a period of 90 days of the passing of impugned order.
- (2) Provided that pendency of an appeal/complaint before any authority in this chapter shall not be a ground for denial or refusal of delivery of entitlement, service or good to the complainant.
- (3) Provided further an ATR/Compliance Report under appeal shall not affect the delivery of entitlement which may be contained in the said impugned part.

**52. Hearing of ATRs wherein GRO has recommended Penalty/Compensation/Departmental Action.-**

- (1) For matters where the grievance is against sub-district level functionary, and the GRO has recommended Penalty/Compensation/Departmental Action, the District Grievance Redressal Authority shall hear the ATRs within 30 days.

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

- (2) For matters where the grievance is against district level functionary, and the GRO has recommended Penalty/Compensation/Departmental Action, the Divisional Grievance Redressal Authority shall hear the ATRs within 30 days.

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

**53. Special Complaints.–**

- (1) The procedure specified under Sub-sections (1) and (2) shall also apply to Special Complaints received at the Information and Facilitation Centre under Section XX of this Act.
- (2) Any person may file a Special complaint for violation of any rights/processes arising under this Act specially Section X, XX, XXX.
- (3) When such a Special Complaint pertains to sub-district functionary, the same shall be registered with the District Grievance Redressal Authority.
- (4) When such a Special Complaint pertains to District-level functionary or District Grievance Redressal Authority, the same shall be registered with the Divisional Grievance Redressal Authority.
- (5) When such a Special Complaint pertains to Divisional Grievance Redressal Authority, the same shall be registered with the State Commission.
- (6) Such Special Complaint shall include, but not be restricted to:

- (a) Inability to submit grievances and/or appeals either by reason that no such functionary has been appointed under this Act, or because GRO or Information and Facilitation Center, as the case may be, has refused to accept his or her grievance and/or appeal
  - (b) Failure to develop and update the Citizens Charter and Job Chart as per the provisions of the Act
  - (c) Failure to conduct social audits as per provisions of this Act
  - (d) Failure to hold fortnightly public hearings as per the provisions of the Act
- (7) All such Special Complaints shall be made in writing, or, if made orally through any means, including electronic, telephonic, must be reduced to writing. The Information and facilitation sevak shall render assistance to persons who are unable to submit the complaint in writing.
- (8) The functionary accepting the Special Complaints shall generate a unique grievance number and immediately issue a receipt to the complainant specifying the date, time, place, date of next block level public hearing, unique grievance number and particulars of receiver of complaint, of concerned Grievance Redress Officer, along with the stipulated time frame in accordance with its Citizens Charter within which the complaint will be redressed.
- (9) Upon receiving such a Special Complaints, the Information and Facilitation Center shall forward the same to the concerned District Grievance Redressal Authority as soon as possible, and in no case later than 24 hours from the receipt.

#### **54. Appeals to a Special Complaint decided by the District Grievance Redressal Authority.-**

Any order passed by the District Grievance Redressal Authority on a Special Complaints can be appealed against before the Divisional Grievance Redressal Authority within 90 days of the passing of such an order.

#### **55. Appeals to a Special Complaint decided by the Divisional Grievance Redressal Authority.-**

Any order passed by the Divisional Grievance Redressal Authority on a Special Complaint can be appealed against before the Commission within 90 days of the passing of such an order.

#### **56. Protection against harassment/intimidation.-**

Any complainant/his family, or functionary under this Act who is threatened or attacked or intimidated will be free at any point to approach the District/Divisional Grievance Authority who shall provide an immediate hearing and issue appropriate orders to law and order agencies to ensure the security of the complainant.

#### **57. Powers of the District/Divisional Grievance Redressal Authority and the State Commission.-**

The District or Divisional Grievance Redressal Authority/State Commission shall have the following powers:

- (1) The District or Divisional Grievance Redressal Authority/State Commission shall dispose off an appeal/complaint within 30 days.  
  
Provided that when matters are of urgent nature, the complaint or appeal, as the case may be, shall be disposed off within 2 working days.
- (2) The District or Divisional Grievance Redressal Authority/State Commission may issue appropriate directions to the concerned functionary to redress the grievance expeditiously.
- (3) The District or Divisional Grievance Redressal Authority/State Commission mandatorily impose penalty on the concerned functionary for acting in a mala fide manner or having failed to



discharge their duties without any sufficient and reasonable cause or for willfully violating the provisions of this Act. Such a penalty may extend up to fifty thousand rupees, recoverable from the salary of the official against whom penalty has been imposed.

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

- (4) Direct the Head of the Department to initiate appropriate disciplinary and departmental action against any officer who is found to be responsible for deficiency owing to negligence or malfeasance. The concerned Head of the Department shall submit a report on the disciplinary and administrative action initiated against the concerned officer within 30 days of such an order being passed by the District or Divisional Grievance Redressal Authority/State Commission.
- (5) Where it appears to the District or Divisional Grievance Redressal Authority/State Commission that the grievance complained of is, *prima facie*, indicative or representative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, or a violation of any other criminal legislation then it shall pass on the record with a noting recommending to the Head of the Department or appropriate authority to initiate action as per the applicable law. An Action taken Report must be sent by the Department within 30 days.
- (6) The District or Divisional Grievance Redressal Authority/State Commission shall grant compensation to the complainant for any hardship suffered. The total amount of compensation awarded by the Grievance Redressal Authority/Commission shall not exceed Rs 25,000 in relation to any complaint or appeal. Any compensation awarded under this Act shall be paid by the public authority.
- (7) The District or Divisional Grievance Redressal Authority/State Commission shall have the power to direct recall a functionary in case of he is found to have been responsible to causing violation of entitlement on two occasions.
- (8) Any compensation payable due to the negligence or malfeasance of the official may be recovered from the official through departmental recovery proceedings.
- (9) Any penalty imposed on an official under sub sections (1), (2), (3) or (4) shall be brought to the notice of the HOD who shall ensure that the penalty is taken from the salary of the functionary. The HOD shall also ensure that any penalty imposed on an official, is entered in the service record of such official. Any functionary against whom the penalty is imposed by the District or Divisional Grievance Redressal Authority may chose to file an appeal with the commission within one month.
- (10) The District or Divisional Grievance Redressal Authority/State Commission shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters:—
  - (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 summons for the examination of witnesses;
  - (f) reviewing its decisions, directions and orders;
  - (g) any other matter which may be prescribed.

Provided that the District or Divisional Grievance Redressal Authority/State 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 Authority shall have the power to regulate its own procedure.

- (11) For the purpose of inquiring into appeals and/or complaints, District or Divisional Grievance Redressal Authority/State Commission shall as far as possible hold hearings in open court in different parts of the District/Division, and may consider holding them close to the location of the complainant and visit the site of the complaint, and will be assisted by a technical panel of experts empowered to conduct an enquiry on the orders of the District or Divisional Grievance Redressal Authority/State Commission. Hearings related to award of penalty may be held at the District or Divisional Grievance Redressal Authority/State Commission.
- (12) The District or Divisional Grievance Redressal Authority/State Commission may share feedback on the implementation of the public programs with appropriate government and recommend measures for improved delivery of the same.
- (13) Where the District or Divisional Grievance Redressal Authority/State Commission is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry suo-moto in respect thereof.

Provided further that ordinarily the functioning of the grievance redress mechanism provided in this Act should be transparent, however, in issues relating to the privacy of individuals or groups of individuals especially children or other vulnerable groups, the process of enquiry and investigation must be carried out in a manner such that their privacy and security is adequately protected.

#### **58. Finality of orders.-**

Every order passed by the State Commission under this Act shall be final and binding on the public authority and their officials.

#### **59. Deemed to be judicial proceedings.-**

All proceedings before the State 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.

#### **60. Powers to enforce orders and directions.-**

Every order or direction issued under this Part may be enforced by the GRO, District Grievance Redressal Authority or Divisional Grievance Redressal Authority/State 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.

### **PART D. MONITORING & REPORTING**

#### **CHAPTER XII SOCIAL AUDIT FRAMEWORK**

#### **61. The Social Audit Facilitation Unit (SAFU).-**

- (1) The State Government shall establish a society under the Societies Registration Act, 1860 to facilitate conduct of social audits. The said society shall be called the Social Audit Facilitation Unit.
- (2) The SAFU shall be headed by a director who shall be identified by an independent search and selection process.

(3) The Director shall be assisted by independent staff at the state, district and block levels.

(4) There shall be a Governing Body of SAFU which shall oversee the functioning of the SAFU.

#### **62. Governing Body of SAFU.-**

(1) The Governing Body of SAFU shall contain 15 members including the Director and the chairperson of the Rajasthan State Accountability Commission (RSAC). Its constitution shall be as follows:

(a) Seven members shall be from the Commission

(b) Seven members shall be from among eminent persons recognised for their work in social sector, academia or journalism

(c) The State Principal Accountant General or his/her representative should be a member

(d) The chairperson of the RSAC shall be the chairperson of the Governing Body and the Director shall be the convenor of the Governing Body.

(e) 33% of the members should be women.

(f) 33% of the members should be from among SC/ST communities.

(2) The Governing Body should meet at least twice a year.

(3) SAFU shall have an Executive Committee which shall be constituted as per rules.

The Executive Committee shall meet periodically meet to take operational decisions.

#### **63. State Social Audit Advisory Board.-**

(a) The State Government shall constitute a 15 member Social Audit Advisory Board at the state level. It's composition shall include

(b) Representatives from the civil society organisations having knowledge and experience of working for the rights of the people.

(c) Representatives of local bodies, both rural and urban;

(d) representatives from such independent bodies, viz., State Human Rights Commission, State Commission for Women, Lokayukta, SC/ST Commission, Child Rights Commission, and

(e) such other officers to be nominated by State Government in consultation with the Leader of Opposition and the Commission.

### **SOCIAL AUDIT PROCESS**

#### **64. Responsibilities of Social Audit Facilitation Unit (SAFU).-**

(1) The SAFU shall at the beginning of the year, frame an annual calendar to conduct at least one social audit in each Gram Panchayat every year, and a copy of the calendar shall be sent to all the Heads of Departments and District Collectors for making necessary arrangements. The Annual Calendar shall be published on the web portal within one month of the commencement of the financial year.

(2) The Calendar shall include social audits of schemes/programs as enumerated in Schedule XX of this Act.

- (3) The Social Audit Unit shall ensure that the social audits are conducted as per the auditing standards of Social Audit prescribed by the C&AG and incorporated in the Rules under this Act. Further, SAFU shall:
- (4) develop appropriate protocol including social audit formats, resource material, guidelines and manuals for carrying out social audit of respective Department/ Scheme/ Programme.
- (5) build capacities of citizens for conducting social audit and towards this purpose identify, train and deploy suitable resource persons at village, block, district and state level, drawing from primary stakeholders and other civil society organizations having knowledge and experience of working for the rights of the people.
- (6) Depute Social Audit Facilitation Teams which shall be responsible for effective conduct of Social Audit in the respective geographical units. The resource persons attached to the Team deployed for facilitating social audit in a panchayat, shall not be residents of the same panchayat/ward.
- (7) Oversee and ensure the successful completion of social audit cycle, as per the annual calendar.
- (8) In all cases where an ATR on Social Audit findings are not generated within 30 days, or SAFU is dissatisfied with the action taken, it shall be responsible for registering such pending social audit findings as grievances in the Information and Facilitation Centre of the GP/Ward concerned.
- (9) The social audit reports shall be prepared in local language by the Social Audit Unit and displayed on the notice board of the Gram Panchayat and in the Information and Facilitation Centres. It shall be uploaded in the public domain by the SAFU within 48 hours of the completion of the public hearing.
- (10) The SAFU will prepare an annual report laying down summary of social audit findings, Department wise, and forward it to concerned HoDs, P&AG and the Commission
- (11) SAFU will build a format for community rating and report cards on all major services and institutions dealing with welfare, public order, safety amongst others in the Panchayat/Ward. This will include issues related to performance and behaviour of staff. Preliminary findings of the community rating and report card shall be discussed at the social audit public hearing and based on feedback a final report card will be prepared and uploaded as a part of the social audit report of the concerned GP/Ward.
- (12) SAFU will amalgamate findings from community report cards and prepare a set of indicators for the tracking of "good governance". The governance tracking report will also look at the functioning of the public authorities based on the same indicators of good governance and create format that can show comparative status between authorities and within an authority on an annual basis. This report will be submitted to the State Government which in turn will be discussed by the Council.

#### **65. Responsibilities of the State Government.-**

- (1) The conduct of social audit shall be an independent process and no implementing agency shall interfere or be seen to be interfering with the conduct of social audit
- (2) The State Government shall release funds to SAFU as per the budget drawn up by the Unit, in consultation with and approval of the State Commission. SAFU's funds will be drawn from the overall allocation of 1% as under Section XX of the Act
- (1) ensure that all the required information and records of all implementing agencies such as registers, gram sabha resolutions, administrative, technical and financial sanctions, work estimates, bills and vouchers, measurement books and all documents relating to receipts and expenditure of any Government scheme/programme being implemented including any other document that the social audit unit requires to conduct the social audit process, are properly

collated in the requisite formats and provided along with photocopies to the Social Audit Unit for facilitating conduct of social audit at least fifteen days in advance of the scheduled date of hearing of the Social Audit.

- (2) ensure that the information shared with the social audit unit shall be made publicly available at the same time through appropriate measures such as availability of photocopies, summary reports, annual reports, pamphlets, wall painting, information and facilitation centers, and publicly available MIS reports which contain the details of expenditure made and benefits provided under the particular scheme.
- (3) Submit an Action Taken Report on Social Audit findings within 30 days of the social audit public hearing and upload the same in the public domain within 48 hours of its preparation
- (4) Ensure that HoDs notify an appropriate protocol specifying the type of action to be taken by concerned Department on social audit findings.
- (5) Recover the amount embezzled or improperly utilized and issue receipts or acknowledgement for the amount so recovered
- (6) Return monies/goods due to beneficiaries found to be misappropriated, within seven days of the recovery of such amount
- (7) Maintain a separate account for amounts recovered during the social audit process
- (8) Ensure the safety of all persons involved in the social audit process

#### **66. Social Audit Process**

- (1) In consonance with the Auditing Standards of Social Audit, the Social Audit Facilitation Team shall ensure the following:
  - (2) Availability of all records provided by the Department and duly certified by SAFU, arrangement of the same in a de-mystified manner and generation of necessary reports
  - (3) Mandatory disclosure of information all records and information that are made available to the SAU Resource Persons, to the residents of the Gram Panchayat, such as;
    - Information to be shared in house to house visits
    - Information to be painted on the walls by the administration and verified/certified by the SAU Resource Persons as per formats prescribed.
    - Information disclosure in the Gram Sabha of the findings of the social audit exercise
  - (4) Verification of delivery of goods and services, including the process of decision making
  - (5) Gathering and recording of oral, physical and documentary evidence to substantiate findings
  - (6) The IFC will extend support and assistance to the social audit facilitation team in providing information, filing grievances and application and uploading of social audit reports.
- (7) The Social Audit process will end with a Social Audit Public Hearing and SAFU should make adequate arrangements for conducting Social Audit Public Hearing, including creating an enabling atmosphere free of fear and giving all those who want to participate, a fair and equal chance to participate and be heard

#### **67. Social Audit Hearing**

- (1) As part of the social audit process, a Social Audit public hearing shall be held at a location appropriate to the institution/programme being audited in the Panchayat/Ward level to present the findings of the verification exercise and also to review the compliance on transparency and accountability, fulfilment of the rights and entitlements of labourers and proper utilization of funds.
- (2) All elected members of the Panchayat/Ward and staff involved in implementing the schemes/programmes being audited (including staff of non-governmental organizations, self-help groups and payment disbursing agencies) shall be present at the Social Audit public hearing and respond to queries.
- (3) The District Collector or his representative shall attend the Social Audit public hearing, or nominate an official of appropriate level for smooth conduct of the same. The Social Audit shall be chaired by a representative/nominee of the State Commission.

- (4) The Social Audit shall provide a platform to all persons to seek and obtain further information and responses from all involved in the implementation of the programme/scheme concerned. It will also provide a platform to any person who has any contribution to make and relevant information to present.
- (5) Hearing shall be an occasion for persons to file applications and seek information on waiting list/priority list for availing benefits under various schemes.
- (6) The action taken report relating to the previous social audit shall be read out at the beginning of the hearing of each social audit

#### **68. Rules.-**

Various aspects of the social audit to be conducted under this Chapter shall be governed by the Rules prescribed under this chapter.

### **PART D. MONITORING & REPORTING**

#### *CHAPTER XIII*

#### **Public Service Coordination Committees**

#### **69. Establishment of the Sub-Division Public Service Coordination Committee**

There shall be a Committee known as the Sub-Division Public Service Coordination Committee to exercise the jurisdiction, power and authority conferred under this Act.

#### **70. Composition of the Sub-Division Coordination Committee.-**

(1) The Sub-Divisional Committee shall consist of:

(c) The Chairperson; and

(d) Minimum 9 other members, as may be prescribed.

#### **71. Selection of Committee Members.-**

The Sub-Division Committee shall consist of the following:

- (1) The Sub-Divisional Magistrate of the Sub-Division shall serve as the Chairperson of the Committee.
- (2) Deputy Superintendent of Police serving at the sub-division
- (3) Block Development Authority serving at the block
- (4) Dy CMHO
- (5) BEO
- (6) At least 2 members shall be selected from amongst the civil society organizations, as nominated by the District Collector
- (7) 2 elected representative each from the Panchayat Samiti and Nagar Parishad/Nagar Palika/Nagar Nigam as the case may be
- (8) Subject to the provisions of sub-sections (1) and (2), the Committee may regulate its own procedure.
- (9) The Chair may invite other functionaries from other line departments to be member of the committee as per the agenda and requirement.

## **72. Functions of the Sub-Division Committee.-**

The Sub-Division Committee, with regard to its sub-division, shall:

- (1) Monitoring and reviewing the delivery of entitlements such that the obligations under the Citizens Charter and Job Chart are effectively realized;
- (2) Planning for the role out of the special initiatives of the State Government related to one or more departments;
- (3) Providing feedback and suggestions to the Head of Departments for better implementation of such programmes;
- (4) Using data analytics to identify key areas of vulnerability and taking steps to correct the same;
- (5) In addition, the Sub-Division Committee should identify best practices and highlight functionaries who have shown dramatic improvement;
- (6) Information pertaining to worst and best performing functionaries shall be sent to the Head of Departments for inclusion in their departmental evaluation system;
- (7) The Chair may recommend disciplinary action against any functionary who is displaying negligence of duty;
- (8) Monitor and assess the performance of Grievance Redress Officers and public functionaries in the implementation of the Act;
- (9) Review all issues relating to the block and district level public hearings including numbers of cases sorted out and disposed of and nature of pending issues;
- (10) IT department will provide data based analysis on diposal and pendency issues such that the committee may seek to take remedial measures.
- (11) Reports of SAs particularly pertaining to citizen report card and performance of functionaries will be placed for consideration of this committee which will use such feedback to address areas of concern and highlight best practices.
- (12) Heads of departments may send letters to DC and SDMS to discuss particular issues of implementation including those that require inter-departmental coordination.
- (13) Send a bi-monthly report of the above monitoring to the District Collector, and upload the same in the public domain
- (14) Coordinate and facilitate IEC and capacity building programmes

## **73. Establishment of District Public Service Coordination Committee**

There shall be a Committee known as the District Public Service Coordination Committee to exercise the jurisdiction, power and authority conferred under this Act.

## **74. Composition of the District Monitoring Committee.-**

(1) The Committee shall consist of:

(a) The Chairperson; and

(b) Minimum 9 other members, as may be prescribed.

## **75. Selection of Committee Members.-**

The Committee shall consist of the following:

- (1) The District Collector shall serve as the Chairperson of the Committee.
- (2) SP
- (3) CEO
- (4) CMHO
- (5) DEO
- (6) At least 2 members shall be selected from amongst the civil society organizations, as nominated by the District Collector
- (7) 2 elected representative each from the Zilla Parishad and Parishad/Nagar Palika/Nagar Nigam as the case may be
- (8) Subject to the provisions of sub-sections (1) and (2), the Committee may regulate its own procedure.

#### **76. Functions of the District Committee.-**

The District Committee, with regard to its district, shall:

- (1) Monitoring and reviewing the delivery of entitlements such that the obligations under the Citizens Charter and Job Chart are effectively realized;
- (2) Planning for the role out of the special initiatives of the State Government related to one or more departments;
- (3) Providing feedback and suggestions to the Head of Departments for better implementation of such programmes;
- (4) Using data analytics to identify key areas of vulnerability and taking steps to correct the same;
- (5) In addition, the District committee should identify best practices and highlight functionaries who have shown dramatic improvement;
- (6) Information pertaining to worst and best performing functionaries shall be sent to the Head of Departments for inclusion in their departmental evaluation system;
- (7) The Chair may recommend disciplinary action against any functionary who is displaying negligence of duty;
- (8) Monitor and assess the performance of Grievance Redress Officers and public functionaries in the implementation of the Act;
- (9) Review all issues relating to the block and district level public hearings including numbers of cases sorted out and disposed of and nature of pending issues;
- (10) IT department will provide data based analysis on diposal and pendency issues such that the committee may seek to take remedial measures.
- (11) Reports of SAs particularly pertaining to citizen report card and performance of functionaries will be placed for consideration of this committee which will use such feedback to address areas of concern and highlight best practices.
- (12) Heads of departments may send letters to DC and SDMS to discuss particular issues of implementation including those that require inter-departmental coordination.
- (13) Send a bi-monthly report of the above monitoring to the District Collector, and upload the same in the public domain
- (14) Coordinate and facilitate IEC and capacity building programmes



## CHAPTER XIV

**The Rajasthan Public Service and Accountability Council****77. Establishment of the Rajasthan Public Service and Accountability Council.-**

- (1) The State Government shall establish an Authority to be known as the **Rajasthan Public Service and Accountability Council** referred to in this Act as the Council, with effect from such date as it may specify in such notification, to exercise its jurisdiction, powers and authority conferred under this Act.
- (2) The seat of the **Council** shall be in Jaipur.

**78. Composition of the Council.-**

- (1) The **Council** shall be headed by the Chief Minister of the State
- (2) Other Members shall include:
  - a. Upto 2 Members from each of the other commissions including State Human Rights Commission, Women's Commission, State SC/ST Commission and Rajasthan Public Accountability Commission
  - b. Upto 2 members from the Civil Society
  - c. Upto 2 members from the academia
  - d. Upto 2 members from the journalism
  - e. Upto 3 members from amongst the Head of Departments of line departments
  - f. Chief Secretary
  - g. Upto 5 members from amongst the Additional Chief Secretaries

**79. Functions of the Council**

- (1) To coordinate between the State Government and the Commission
- (2) To discuss the governance tracking report as prepared by the Social Audit Facilitation Unit and suggest measures of correction to ensure that indicators of good governance improve.
- (3) To suggest measures of reform and improvement in public service delivery
- (4) To suggest best practices and new measures of administrative reforms such as 360 Degree evaluation of Public Servants, reward system and assimilating public perception in governance etc.
- (5) To serve as body that can suggest measures to remove difficulty in redressal of grievances under this Act.
- (6) To serve as the apex body for advising the government and the commission on measures to improve implementation of entitlements, redressal of grievances and any suggestions to make this Act more effective.

## CHAPTER XV

**OBLIGATIONS FOR MAINTENANCE OF GRIEVANCE RECORDS****80. Record keeping of grievances.-**

- (1) The Grievance Redressal Officer shall maintain a record of all the complaints it has received under this Act, along with the nature of grievance, details of complainant and its status.
- (2) The Grievance Redressal Officer is responsible to maintain up to date information in relation to any complaint on the portal setup under Section XX.
- (3) Every public authority shall publish, by the 15th day of every month or at such shorter intervals, as may be prescribed, a report mentioning therein—
  - (a) the list and number of complaints and appeals received;
  - (b) the list and number of complaints and appeals pending; and the officers at which it is pending
  - (c) the list and number of complaints and appeals disposed of; including the details of functionaries disposing off the said complaints and
  - (d) such other particulars, as may be prescribed, for discharge of its functions under this Act.

- (4) Every Information and Facilitation Centre shall ensure that their web based tracking system can be used to help the complainant track his/ her complaint.

**81. Record keeping of complaints and appeals.-**

- (1) The District/Divisional Grievance Redressal Authority or the State Commission, as the case may be, shall ensure that a record of complaints made to it or appeal therein, their status, and the decisions on such complaints and appeals is maintained and made available in public domain.
- (2) The District Grievance Redressal Authority, Divisional Grievance Redressal Authority or the State Commission, as the case may be, 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 list and number of complaints and appeals received;
- (b) the list and number of complaints and appeals pending; and details of the officers at which it is pending
- (c) the list and number of complaints and appeals disposed of; including the details of officers by which it was disposed and
- (d) such other particulars, as may be prescribed, for discharge of its functions under this Act.

*CHAPTER XVI*

**QUARTERLY REVIEW OF GRIEVANCES**

**82. Quarterly Review.-**

- (1) The Head of the Department of every public authority shall conduct a quarterly review of the functioning of the public authority under the Act, status of complaints and appeals received by the Public Authority and if required, take disciplinary action for repeated violations by concerned officials in accordance with conduct rules and departmental procedures.
- (2) The State Commission shall conduct quarterly review of the functioning of District/Divisional Grievance Redressal Authority, as the case maybe.

*CHAPTER XVII*

**ANNUAL REPORTS**

**83. Annual Report of public authority.-**

Every public authority shall prepare a report, for each calendar year, comprising of-

- (1) a consolidated statement of report prepared under sub-section XX of section;
- (2) a consolidated statement of quarterly reviews under sub-section XX of section xx; and
- (3) a summary of findings of the Social Audit conducted under section XX.
- (4) The report under sub-section (1) shall be placed before the State Commission within 15 days after the end of financial year.

**84. Annual Report of the Commission.-**

The State Commission shall prepare a report, for each calendar year, comprising of-

- (1) a consolidated statement of report prepared under sub-section XX of section;
- (2) a consolidated statement of quarterly reviews under sub-section XX of section xx; and
- (3) a summary of findings of the Social Audit conducted under section XX.
- (4) The report under sub-section (1) shall be placed before the State Legislative Assembly within 15 days after the end of financial year.

**85. Annual Report.-**

- (1) The State Government shall prepare an annual report containing the key findings of the Social Audit, in the manner and form specified by the State Commission, in relation to schemes specified in Schedule I.
- (2) The State Government shall furnish the copy of the annual report under sub-section (1) to the Office of Comptroller and Auditor General of India at the end of each financial year.
- (3) A copy of the social audit report shall be submitted by the SAFU to the IFC at the Block level for necessary action.
- (4) Apart from the social audit report of the Gram panchayat / municipal ward, the SAFU will consolidate and summarise reports through an MIS to share with the CAG. The SAFU shall also prepare an annual report of key findings and recommendations (if any) for each department to be submitted to government, so that the quantum of grievances might reduce, the effectiveness of the programmes might increase, and the performance might improve from year to year. The departments shall prepare their responses and ATRs to submit to the AGs office and government. The report shall also contain an amalgamation of best practices found, and an evaluation of transparency, accountability, and participation measures in the department.

#### **86. Citizens' Report Card.-**

- (1) Based on participation by citizens in the public hearing, the grievance is registered and redress provided, the social auditors will prepare a citizens report card in the format prescribed by the State Government in this regard
- (2) Based on citizens' report card, participatory budgeting and expenditure tracking, the quantum and quality of public goods and services provided, the community and individual satisfaction achieved by way of grievance redress, the social auditors will prepare community ratings and score card for every panchayat, block, urban town, and division. These will be based on parameters prescribed by the Commission after evaluating the performance of various redress authorities. These will be displayed and disseminated on monthly, quarterly and yearly basis.

### *CHAPTER XVIII*

#### **Protection of action taken in good faith –**

- 87.** No suit, prosecution or other legal proceeding shall lie against any functionaries discharging adjudicatory functions under this Act for anything which is in good faith done or intended to be done under this Act for any Rule made thereunder.

#### **Application of other laws not barred-**

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

#### **Act to have overriding effect \_-**

- 89.** The Provisions of this Act shall have effect notwithstanding anything inconsistency contained therewith contained in any other law for the time being in force.

#### **Power to make rules –**

- 90.** (1) The State Government may, by notification, make rules to carry out the provisions
- (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:-
- (3) Every rule made under this Act by the State Government shall be laid as soon as may be after it is made, before each House of State Legislature, while it is in session, for a total period of 30 days which may be comprised in one session, or in two or more successive sessions, and if, before expiry of the sessions immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or Rule, or both Houses agree that the notification should not be issued or rule should not be made, the notification, made, the notification or rule thereafter shall have effect only in such modified form or to 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 the previous rule.

**Power to Make Regulations:**

- 91.** (1) The State Commission may, by notification, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing provisions, such regulations may provide for all or any of the following matters.
- (3) Every regulation made under this Act by the State Government shall be laid as soon as may be after it is made, before each House of State Legislature, while it is in session, for a total period of 30 days which may be comprised in one session, or in two or more successive sessions, and if, before expiry of the sessions immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or regulation, or both Houses agree that the notification should not issue or rule should not be made, the notification, made, the notification or rule thereafter shall have effect only in such modified form or to be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity to the anything previously done under the previous rule.

**Power to remove difficulties:**

- 92.** (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government, may, by order, publish in the Official Gazette, make such provisions not in consistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty:

**Provided** that no such order shall be made under this Section after the expiry of a period 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.

**Repeal and Savings:**

- 74.** Here we may need to put other Rajasthan Act which need to be repealed or saved.

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**Schedule related to PH**

- (1) The hearing will be presided over by a panel of five persons and will be chaired by the SDM/District Collector. The remaining four members will consist of one Panchayat Samiti member, one Municipal Ward member, one Civil Society representative nominated by the District Collector, one District Level Official also nominated by the District Collector. Policy of rotation after every quarter will be followed in representation from the Panchayat Samiti and Municipal Ward. All recommendations must be on consensus/majority basis.
- (2) SDM/District Collector shall prepare a report of attendance of all officials required to be present in jan sunwai and submit the same and uploaded on the web portal.
- (3) The Grievance Redress Officer and the complainant will give their preliminary response and statement on the status of the grievance. They will be informed of the date of the next hearing and the date by which the final response will be provided.

For those matters where a final decision has been taken, the GRO of the Department concerned will announce the decision publicly. The complainant will be provided an opportunity to respond. The proceedings will be recorded in the minutes. An Action Taken Report will be provided in writing to the applicant

- (4) For all matters that have been concluded where the applicant is not satisfied, the applicant will be informed of the appeal process with the DGRA.

- (5) Complainants may choose not to attend the Jan Sunwai. However all applications will come up for consideration in the fortnightly Jan Sunwai. In such a situation where the complainant is not present, the grievance will be read out and addressed by the department concerned. The hearing will take into account material presented with the grievance and information available with the department and ensure that the matter is publicly discussed.
- (6) The chair/panel can provide guidance to the GRO/departmentconcerned to ensure that all avenues are explored to redress the grievance. For grievances disposed between public hearings, the Action Taken Report must be given to the complainant and placed on record, in the subsequent public hearing uploaded. If there is a difference of opinion in the panel on action to be recommended, decision will be taken with a majority of three out of five.
- (7) Coordinators of the Information and Facilitation Centre at the Block level will be present at the Public Hearing to provide support to the applicants.
- (8) The proceedings will be recorded and reviewed by the Chair of the Public Hearing and uploaded in the web portal as per the prescribed format.
- (9) The District Grievance Redressal Authority will be provided access to the proceedings of the Jan Sunwais, while disposing appeals.
- (10) Grievances filed with a request for confidentiality will not be brought to the Jan Sunwai. The same will be dealt with individually in the chambers of the GRO after giving an opportunity to the official concerned as well as to the applicant. All social audit findings shall be taken as preliminary findings to be addressed for action at the public hearing. The chair will ensure that the department concerned provides redress as ordered within one week. A report will be sent to the person concerned and the District representative of the SAU.
- (11) Gram Panchayats will be empowered to organize their special Jan Sunwais on the recommendation of the elected members of the Gram Panchayat. GROs concerned with complaints related to their Department made in the Gram Panchayat will be required to be present. The Jan Sunwais will not clash with the Block level Jan Sunwai.