

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

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SCHEDULE

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

A

BILL

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

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

CHAPTER I
PRELIMINARY

1. Short title, extent and commencement:

(1) This Act may be called the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Act, 2011.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

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

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

2. Definitions:

In this Act, unless the context otherwise requires,—

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

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

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

(ii) by the States, the State Government;

(ba)² “assisted access” means assistance to access electronic services³;

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

(d) "Chief Commissioner" means the Chief Commissioner of State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission appointed under section 15 or section 32, as the case may be;

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

(ea) “complainant” means a person or a company or a society or an academic institution or any organization who is entitled to a good/service such as birth certificate, ration, tax registration etc., under the citizens charter and files a complaint⁴;

(f) “complaint” means a complaint filed by a citizen or an organization⁵ regarding any grievance relating to, or arising out of, any failure in the delivery of goods or rendering of service pursuant to the Citizens Charter, or any violation of any law, rule or order relating to the corresponding public authority⁶ but does not include grievance relating to the service matters of a public servant whether serving or retired;

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

(h) “Designated Authority” means such officer or authority appointed as per section 10A⁷:

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

(ha) “electronic mode” includes any method, process or application to deliver any service electronically⁸;

(hb) “electronic service delivery” means the delivery of public services or other services through electronic mode including, the receipt of forms and applications, issue or grant of any

² All the amendments made to this bill are shaded. The numbering of the sections, sub-sections and clauses has been kept the same for easy comparison with the bill introduced by the Government. Accordingly, the inserted provisions are numbered as ba, 44A etc.

³ Inserted this definition from Electronic Delivery of Services (EDS) Bill, 2011

⁴ Inserted this definition to indicate that organizations including companies, NGOs also would have rights under this bill in addition to citizens.

⁵ Inserted “*or organization*”.

⁶ Substituted for “*or in the functioning of a public authority, or any violation of any law, policy, programme, order or scheme*” to make it more specific.

⁷ Substituted for “*outside the concerned public authority as may be prescribed by the appropriate Government*” to reflect the new appointment process suggested in this bill in section 10A.

⁸ Inserted to include definitions pertaining to EDS Bill.

license, permit, certificate, sanction or approval and the receipt or payment of money⁹;

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

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

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

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

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

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

(i) by or under the Constitution;

(ii) by any other law made by Parliament;

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

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

(A) body owned, controlled or substantially financed;

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

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

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

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

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

(o) "service" means all goods and services being provided to any person by the Central Government and the State Government or public authority either directly or through any service provider and includes the receipt of forms and applications, issue or grant of any license, permit, certificate, sanction or approval and the receipt or payment of money by whatever name called in a

⁹ Inserted to include definitions pertaining to EDS Bill.

particular manner¹⁰;

(oa) “service provider” means any individual, agency, company, partnership firm, sole proprietor firm or any such other body or agency which has been authorized by the Central Government or the State Government to offer services through electronic mode¹¹;

(ob) “Sevottam” means a public service standard IS 15700:2005 developed by the Bureau of Indian Standard¹²;

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

CHAPTER II RIGHT TO SERVICE

3. Right to service:

Subject to the provisions of this Act, every individual citizen and organization¹³ shall have the right to time bound delivery of goods and provision for services and redressal of grievances.

CHAPTER III PUBLICATION OF CITIZENS CHARTER AND GRIEVANCE REDRESSAL OFFICER BY PUBLIC AUTHORITIES

4. Obligation of public authority to publish Citizens Charter

(1) Every public authority shall publish, within six months of the commencement of this Act, a Citizens Charter specifying therein all the category of goods supplied and services rendered by it, in respect of all services that are either quantifiable or amenable to timely delivery¹⁴.

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

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

(b) the conditions under which a person or organization becomes entitled for goods and

¹⁰ Substituted for the existing definition of service “(o) *“service” means all the goods and services, including functions, obligations, responsibility or duty, to be provided or rendered by a public authority*” to reflect the definition in EDS Bill;

¹¹ Inserted to include definitions pertaining to EDS Bill.

¹² Inserted to define Sevottam for its application in the text.

¹³ Inserted to provide a right to any citizen or organization dealing with the government.

¹⁴ Omitted “*the time within which such goods shall be supplied or services be rendered*” to restrict legal liability of public authority to create citizens charters only for those public goods and services that are amenable to it.

services, the class of persons who are entitled to receive such goods and avail services, the process through which a person or organization can apply for such goods and services and the time within which such goods shall be supplied or services be rendered, the form in which the services that are rendered are going to be provided, the nature of assisted access available at the public authority for accessing electronic services¹⁵;

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

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

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

(f)¹⁶;

(fa) the person responsible for providing feedback forms and receiving the feedback or comments or suggestions offered by the citizens or organizations dealing with the respective public authority¹⁷;

(fb) the month and year of next review of the charter¹⁸.

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

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

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

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

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

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

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

¹⁵ Inserted to include mandatory elements of citizens charters and provisions of EDS bill.

¹⁶ Omitted “(f) any other functions, obligations, responsibility or duty of the public authority is required or reasonably expected to provide;” as it is too broad to be amenable for Citizens Charters.

¹⁷ Inserted to ensure that Citizens charters also contain information regarding the official responsible for receiving feedback.

¹⁸ Inserted to ensure the process is institutionalized and conducted regularly.

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

- (5) Every Head of the Department shall to the extent possible, ensure that the Citizens Charter is made available at the website of the public authority and in other electronic forms and shall be available free of cost.
- (6) Every Head of the Department shall ensure that a copy of the Citizens Charter of the public authority duly certified by him is submitted to appropriate bodies, including appropriate Central and State Public Grievance Redress Commission, when it is published and subsequently, every time that it is modified, updated or amended.
- (7) Every Head of the Department shall ensure that an appropriate feedback receiving mechanism is instituted and appropriate grievance prevention measures are taken to improve the delivery mechanisms of goods and services to the citizens¹⁹.
- (8) Every Head of the Department shall ensure that an appropriate stakeholder consultation process is carried out before the formulation and subsequent review of the Citizens Charter²⁰.

CHAPTER IV ESTABLISHMENT OF INFORMATION AND FACILITATION CENTRE

6. Establishment of Information and Facilitation Centre:

- (1) Every public authority shall establish Information and Facilitation Centre for efficient and effective delivery of services and redressal of grievances, which may include establishment of customer care centre, call centre, help desk and people's support centre.
- (2) Every Head of the Department of the public authority shall be responsible for the development, improvement, modernisation and reform in service delivery and redressal of grievance system and also include adoption of electronic modes, internet, etc.
- (3) The appropriate Government may, by notification, make rules in relation to Information and Facilitation Centre.

CHAPTER V APPOINTMENT AND OBLIGATION OF GRIEVANCE REDRESS OFFICERS BY PUBLIC AUTHORITY

7. Appointment and Obligations of Grievance Redress Officers, including for each municipality and Panchayat:

- (1) Every public authority shall, within six months from the date of the coming into force of this

¹⁹ Inserted to ensure that a feedback mechanism is put in place.

²⁰ Inserted to ensure that the concerned stakeholders are given a reasonable opportunity to express their preferences on standards of services available with the public authority.

Act, designate as many officers as may be necessary as Grievance Redress Officers in all administrative units or offices at the Central, State, district and sub-district levels, municipalities, Panchayats whereat supplies of goods or render services to receive, enquire into and redress any complaints from citizens in the manner as may be prescribed:

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

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

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

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

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

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

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

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

8. Acknowledgement of complaint by receipt thereof:

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

Provided that where the complaint pertains to another public authority, the recipient shall refer the

complainant to the appropriate authority²¹.

9. Action to be taken by Grievance Redress Officer:

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

(a) the grievance is remedied in a time frame not exceeding three days in case of complaints relating to electronic services or goods/services which have no supply constraints, fifteen days in case of those complaints that warrant physical works, and sixty days in case of complaints related to violation of any law or rules or order pertaining to that public authority²², from the date of receipt of the complaint;

Provided that an appeal of an urgent or immediate nature shall be disposed of within the same day of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than thirty days from the date of receipt of the appeal²³.

Provided further that the classification of goods/services into those that need to be delivered immediately or three days or fifteen days or sixty days shall be approved by the appropriate Grievance Redressal Commission²⁴.

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

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

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

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

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

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

²¹ Inserted to ensure that citizens who are not aware of the appropriate authority are provided assistance.

²² Substituted for “*thirty days*” to include differentiated timeframes for different class of complaints.

²³ Inserted to keep this provision related to urgent complaints in sync with sub-section (7) of section 11 of this bill.

²⁴ Inserted to make the Commission the final authority on the classification of the services.

10. Forwarding of details of non-redressal of complaints to designated authority:

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

CHAPTER VI APPEAL TO THE DESIGNATED AUTHORITY

10A. Appointment of Designated Authority:

(1) The State Grievance Redressal Commission shall appoint an Ombudsman for each district and municipal corporation who shall not below the rank of district magistrate, in consultation with the State Government, to act as the Designated authority at the state level for purposes of this Act.

(2) The Central Grievance Redressal Commission shall appoint the Designated Authorities at the central level in consultation with the Central Government, who shall be an officer or authority outside the concerned public authority²⁵.

11. Appeal:

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

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

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

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

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

- (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;

²⁵ Inserted to appoint Ombudsmen at the state level at each district and municipal corporation. The mechanism for Centre has not been changed.

- (d) requisitioning of any public record;
- (e) issuing commission for the examination of witnesses;
- (f) reviewing its decisions, directions and orders;
- (g) any other matter which may be prescribed.

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

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

(7) Every appeal filed under this section or complaint deemed to be by way of an appeal shall be disposed of by the designated authority within three days in case of appeals relating to electronic services or goods/services which have no supply constraints, fifteen days in case of appeals that warrant physical works, and sixty days in case of appeals related to violation of any law or rules or order pertaining to that public authority²⁶, from the date of receipt of such appeal:

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

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

(9) The designated authority shall²⁷ impose penalty, including compensation to the complainant, in deciding an appeal against concerned officer for acting in a *mala fide* manner or having failed to discharge their duties without any sufficient and reasonable cause:

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

(10) Where it appears to the designated authority 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, on the part of the individual officer of the public authority complained against, then, it shall record in writing such evidence as may be found in support of such conclusion and shall initiate the proceedings or in writing refer the same to the appropriate authorities competent to take cognizance of such corrupt practice.

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

CHAPTER VII ESTABLISHMENT OF STATE PUBLIC GRIEVANCE REDRESSAL COMMISSION

²⁶ Substituted for “*thirty days*” to include differentiated timeframes for different class of complaints.

²⁷ Substituted for “*may*” to provide for mandatory penalties.

12. Appeal to State Commission:

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

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

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

13. Constitution of State Public Grievance Redressal Commission:

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

Provided that the State Information Commission appointed under section 15 of the Right to Information Act, 2005 prior to the commencement of this Act shall function as the State Public Grievance Redressal Commission:

Provided further that henceforth the appointment of State Public Grievance Commissioners shall take place according to section 15 of this Act²⁸.

14. Composition of State Commission:

The State Public Grievance Redressal Commission shall consist of,—

(a) a Chief Commissioner; and

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

15. Selection committee for appointment of State Commissioners:

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

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

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

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

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

²⁸ Inserted to make Information Commission the Grievance Redressal Commission and the appointment prescribed in this Act is retained as it includes a judge in the Selection Panel as opposed to a Minister nominated by the Chief Minister.

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

16. Qualifications for appointment of State Commissioners:

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

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

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

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

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

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

17. Terms of office of Chief Commissioner and other Commissioners:

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

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

18. Staff, Salary and allowances of State Commission:

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

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

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

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

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

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

forms of retirement benefits, excluding pension equivalent or retirement gratuity:

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

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

19. Filling up of vacancies:

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

20. Resignation and removal:

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

(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.

21. Powers of Commission and procedure before it:

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

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) discovery and production of any document or other material object producible as evidence;
- (c) receiving evidence on affidavits;
- (d) requisitioning of any public record;
- (e) issuing commission for the examination of witnesses;
- (f) reviewing its decisions, directions and orders;
- (g) any other matter which may be prescribed.

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

22. Procedure of adjudication by State Public Grievance Redressal Commission:

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

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

23. Proceedings before Commission to be judicial proceedings:

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

24. Staff and officers to be public servants:

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

25. Time frame for disposal of appeals:

(1) An appeal under section 12 shall be disposed of within six days in case of appeals relating to electronic services or goods/services which have no supply constraints, thirty days in case of appeals that warrant physical works, and one hundred and twenty days in case of appeals related to violation of any law or rules or order pertaining to that public authority²⁹, from the date of receipt

²⁹ Substituted for “*sixty days*” to include differentiated timeframes for different class of complaints and increased in proportion to the time frame provided to the Grievance Redressal Officer and Designated Authority.

from the date of filing of the appeal:

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

(2) The State Public Grievance Redressal Commission shall³⁰ impose penalty, including compensation to the complainant, while deciding an appeal against designated officer and Grievance Redress Officers for acting in a *mala fide* manner or having failed to discharge their duties without any sufficient and reasonable cause:

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

26. Power to issue directions and exercise original jurisdiction:

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

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

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

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

(a) who has been unable to submit an appeal to the designated authority;

(b) who has been refused redress of grievance under this Act;

(c) whose complaint has not been disposed of within the time limit specified;

(d) who has been denied access to the Citizens Charter of the public authority either because the Charter was not created by the public authority or is inadequate in any regard or it is not widely disseminated to make people aware of it;

(e) in respect of any other matter relating to registering and redressing of a complaint or appeal under this Act.

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

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

27. Burden of proof to be on Grievance Redress Officer:

³⁰ Substituted for “*may*” to provide for mandatory penalties.

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

28. Where Grievance complained of is a result of Corrupt practices:

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

CHAPTER VIII

ESTABLISHMENT OF THE CENTRAL PUBLIC GRIEVANCE REDRESSAL COMMISSION

29. Appeal to Central Commission:

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

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

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

30. Constitution of Central Public Grievance Redressal Commission:

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

Provided that the Central Information Commission appointed under section 12 of the Right to Information Act, 2005 prior to the commencement of this Act shall function as the Central Public Grievance Redressal Commission:

Provided further that henceforth the appointment of Central Public Grievance Commissioners shall take place according to section 32 of this Act³¹.

31. Composition of Central Commission:

The Central Public Grievance Redressal Commission shall consist of,—

(a) the Chief Public Grievance Redress Commissioner; and

³¹ Inserted to make Information Commission the Grievance Redressal Commission and the appointment prescribed in this Act is retained as it includes a judge in the Selection Panel as opposed to a Minister nominated by the Prime Minister.

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

32. Selection committee for appointment of Central Public Grievance Redress Commissioners:

(1) The Chief Public Grievance Redress Commissioner and Central Public Grievance Redress Commissioners shall be appointed by the President on the recommendation of a Committee consisting of,—

- (a) the Prime Minister, who shall be the Chairperson of the committee;
- (b) the Leader of Opposition in the Lok Sabha; and
- (c) a sitting Judge of the Supreme Court to be nominated by the Chief Justice of India.

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

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

33. Qualifications for appointment of Central Public Grievance Redress Commissioners:

(1) A person shall not be qualified for appointment as a Chief Commissioner or Commissioners of Central Public Grievance Redressal Commission unless,—

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

(b) he is, or has been a Chief Justice of a High Court or a Judge of the Supreme Court;

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

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

34. Terms of office of Central Grievance Redress Commissioners:

(1) The Chief Public Grievance Redress Commissioner and the Central Public Grievance Redress Commissioners shall hold office for a term of five years from the date on which they enter upon the office or until the age of sixty-five years whichever is earlier³².

(2) The Chief Grievance Redress Commissioner and the Central Public Grievance Redress Commissioners³³ shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment.

³² Inserted to include retirement age in line with terms of State Grievance Redressal Commission according to section 17 of this bill.

35. Staff, Salary and allowances of Central Commission:

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

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

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

(a) the Chief Public Grievance Redress Commissioner shall be the same as that of the Chief Election Commissioner; and

(b) the Central Public Grievance Redress Commissioner shall be the same as that of an Election Commissioner:

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

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

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

36. Filling up of vacancies:

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

37. Resignation and removal:

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

³³ Inserted to restrict the term of Commissioners in line with those of State Grievance Redressal Commission as provided in section 17 of this bill.

Commissioner, resign his office.

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

(a) is adjudged an insolvent; or

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

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

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

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

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

38. Powers of Central Commission and procedure before it:

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

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

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

(c) receiving evidence on affidavits;

(d) requisitioning of any public record;

(e) issuing commission for the examination of witnesses;

(f) reviewing its decisions, directions and orders;

(g) any other matter which may be prescribed.

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

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

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

39. Proceedings before Central Commission to be judicial proceedings:

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

40. Burden of proof to be on Grievance Redress Officer:

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

41. Staff and officers to be public servants:

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

42. Time frame for disposal of Appeals:

(1) An appeal under section 29 shall be disposed of within six days in case of appeals relating to electronic services or goods/services which have no supply constraints, thirty days in case of appeals that warrant physical works, and one hundred and twenty days in case of appeals related to violation of any law or rules or order pertaining to that public authority³⁴, from the date of filing of the appeal:

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

(2) The Central Public Grievance Redressal Commission shall³⁵ impose penalty, including compensation to the complainant, in deciding an appeal against designated officers and Grievance Redress Officers for acting in a *mala fide* manner or having failed to discharge their duties without any sufficient and reasonable cause:

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

43. Power to issue directions:

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

³⁴ Substituted for “*sixty days*” to include differentiated timeframes for different class of complaints and increased in proportion to the time frame provided to the Grievance Redressal Officer and Designated Authority.

³⁵ Substituted for “*may*” to provide for mandatory penalties.

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

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

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

(a) who has been unable to submit an appeal to the designated authority;

(b) who has been refused redress of grievance under this Act;

(c) whose complaint has not been disposed of within the time limit specified;

(d) who has been denied access to the Citizens Charter of the public authority either because the Charter was not created by the public authority or is inadequate in any regard or it is not widely disseminated to make people aware of it;

(e) in respect of any other matter relating to registering and redressing of a complaint or appeal under this Act.

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

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

44. Where Grievance complained of is a result of corrupt practices:

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

CHAPTER IX PENALTIES AND COMPENSATION

45. Penalty and compensation for *mala fide* action:

(1) The designated authority, the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission, as the case may be, shall³⁶ impose a penalty of two hundred and fifty rupees for each day of delay or³⁷ a lump sum penalty in the provision of goods and services, against designated official responsible for delivery of goods and services or Grievance

³⁶ Substituted for “*may*” to provide for mandatory penalties.

³⁷ Inserted to provide for imposing pro-rata penalties if the Commission deems fit.

Redress Officer for their failure to deliver goods or render services to which the applicant is entitled or Head of the Department for his failure to publish citizen charters in accordance to the provisions in sections 4 and 5 of this Act, as the case may be³⁸, which may extend up to fifty thousand rupees which shall be recovered from the salary of the official against whom penalty has been imposed.

(2) On imposition of the penalty under sub-section (1), the appellate authority shall³⁹, by order, direct that such⁴⁰ penalty imposed under the said section shall be awarded to the appellant, as compensation, as it may deem fit or in lieu of compensation, a written apology and an explanation of the steps being taken to ensure that such failures are not repeated shall be provided by the designated official to the appellant within a stipulated timeframe, if the appellant so desires⁴¹:

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

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

CHAPTER IXA REWARDS FOR PERFORMANCE

45A Rewards for better performing public officials and authorities:

(1) The The Central Public Grievance Redressal Commission or the State Public Grievance Redressal Commission, as the case may be, shall design and implement a reward scheme with financial incentives for public authorities or their employees, who are fulfilling their duties better than the expected service levels laid down in the Citizens Charters in consultation with the Central Government or the State Government, as the case may be.

(2) The financial incentives to be provided in sub-section (1) would be drawn from a percentage of the fee collected from the citizens for the goods and services delivered⁴².

CHAPTER IXB SUPERVISORY FUNCTIONS AND POWERS OF THE GRIEVANCE REDRESSAL

³⁸ Inserted to provide for imposing penalties on the Head of the Department if the Citizen Charters are not published.

³⁹ Substituted for “*may*” to provide for mandatory compensation to the appellants.

⁴⁰ Omitted “*portion of*” to provide for unambiguous compensation to be paid to the appellant.

⁴¹ Inserted to provide for non-financial compensation for the appellant, if he so desires, as it is the minimum courtesy that is owed to him. Moreover the written explanation will lead to a reduction in such failures in the future. This provision is drawn from recommendations of a Parliamentary Select Committee of the United Kingdom. In fact, this committee goes to the extent of suggesting that the compensation to the complainant should be equivalent to restoring him to the position he would have been if the maladministration had not occurred. However, this might be too broad for the current Indian context. Presented in “Public Administration Public Administration Select Committee. (2008). *When Citizens Complain*. House of Commons, London”.

⁴² Inserted to provide a reward scheme, which will complement the penalty mechanism proposed in this bill. Together they would orient the incentives of the public servants to strive towards better delivery of public services.

COMMISSION⁴³**45B. Supervisory Functions and Powers of the Grievance Redressal Commission:**

(1) The Central Grievance Redressal Commission or State Grievance Redressal Commission, as the case may be, shall monitor the implementation of this Act on a regular basis.

(2) Without prejudice to the provisions contained in sub-section (1), the supervisory functions and powers of the Central Grievance Redressal Commission or State Grievance Redressal Commission, as the case may be, shall, amongst other things, include the following, namely:

—

(a) directing the provision of services in electronic form within five years where feasible, except those services the Central Government or the State Government, notifies not to deliver electronically for the reasons to be specified in such notification⁴⁴;

(b) monitoring the publication of services to be delivered in the citizens charters and adherence to the time schedule, manner of delivery and quality of service notified for delivery of public services by the Central Government or the State Government, as the case may be;

(c) acting as a unified dissemination centre for all the information pertaining to the citizens charters of all the public authorities in its jurisdiction by setting up a call centre for related enquiries and displaying this information on its website⁴⁵;

(d) monitoring the periodic progress made by the Central Government or the State Government or any public authority, as the case may be, towards achieving the delivery of all services in accordance with the provisions of this Act;

(e) monitoring the periodic progress made by the Central Government or the State Government or any public authority, as the case may be, towards compliance with the applicable electronic governance standards and make recommendations in respect thereof⁴⁶;

(f) recommending the simplification of processes and forms relating to delivery of goods and services by the Central Government or the State Government or any public authority, as the case may be and appropriate modifications to the Citizens Charters⁴⁷;

(g) recommending the simplification of processes and forms relating to delivery of services to be provided in electronic form;

(h) recommending the integration of delivery points through single window outlets

⁴³ Inserted a chapter to list out functions of Grievance Redressal Commission to incorporate functions envisaged for Electronic Service Delivery Commission in section 24 of EDS Bill, to incorporate feedback mechanisms, to disseminate good practices in public service delivery and other functions to improve the overall public service delivery.

⁴⁴ Inserted to incorporate the mandatory provisions listed in section 3 of the EDS Bill.

⁴⁵ Inserted to provide for a single window to get information related to any charter in the respective jurisdiction.

⁴⁶ Inserted to provide for ease of inter-operability, harmonization and integration of different electronic services in accordance with the standards stipulated by the Central Government. This clause is in accordance with section 55 of this Bill, introduced in line with section 5 of the EDS Bill.

⁴⁷ Inserted to ensure that Citizens Charters get reviewed from time to time. This will complement the obligations of the Head of the Department to review the Charters in accordance with section 5 of this Bill.

such as common service centres⁴⁸;

(i) recommending the integration of Information and Facilitation Centres and Common Service Centres, where appropriate;

(j) conducting citizen awareness surveys of citizen charters and satisfaction surveys of citizens and organizations for the goods and services delivered by the public authorities⁴⁹;

(k) undertaking independent evaluations or performance audits of government schemes or programmes, when referred to by the Parliament or the Central Government or the State Government or the State Legislature, as the case may be⁵⁰;

(l) offering recommendations on design of new schemes or programmes, when referred to by the Parliament or the Central Government or the State Government or the State Legislature, as the case may be⁵¹;

(m) compiling the best practices adopted in the process of delivery of goods and services including processes of e-governance, from the action taken reports sent by the Heads of the Departments or from any other source and organizing appropriate events such as training workshops or conferences etc., to disseminate and aid in adoption of such best practices⁵²;

(n) directing every public authority to take necessary steps to be Sevottam certified within five years of commencement of this Act,⁵³ and

(n) monitoring the progress made by the Central Government or the State Government or any public authority, as the case may be, in adopting the recommendations provided.

Provided that the recommendations of the Central Grievance Redressal Commission or State Grievance Redressal Commission, as the case may be, shall be ordinarily implemented by the Central Government or the State Government or any public authority, as the case may be, in the specified time frame and reasons for any disagreement in implementation of these recommendations shall be provided to the appropriate Commission in writing⁵⁴.

⁴⁸ Inserted to provide for ease of transactions to the citizens or organizations.

⁴⁹ Inserted to ensure that the dissemination of citizen charters is adequate. Surveys have shown that only 7% of the citizens knew about the existence of citizens charters that were launched as part of the reform initiatives in 1997. Presented in "Paul, S. (2008). India's Citizen's Charters: In Search of a Champion. *Economic and Political Weekly*, 43 (7), 67-73".

⁵⁰ Inserted to leverage synergies in administration. This Commission would most likely have the data on grievances related to all the schemes and programmes of the Government and hence would have an advantage in taking up studies related to them.

⁵¹ Inserted to leverage the experience of the Commission in the design of the schemes.

⁵² Inserted to provide for the Commission to act as a nodal point in disseminating good practices in public service delivery.

⁵³ Inserted to ensure that every public authority becomes a citizen/client friendly organization as certified with a Sevottam standard developed by the Bureau of Indian Standards. Sevottam certification can be obtained if the process of instituting citizens charters, grievance redressal mechanism and developing adequate service delivery capacity are put in place.

⁵⁴ Inserted to strengthen the Commission to make binding recommendations to improve public service delivery, unless the Government gives reasons in writing the reasons for non-compliance. The flexibility for the Governments is provided, as ultimately the process of public service delivery is a policy issue and therefore an independent body ought not to have binding powers over the Government. This is also in sync with sections 37 and 38 of the EDS Bill, where the decision of the Government prevails over that of the Commission.

CHAPTER X
REPORTING OF REDRESSAL OF GRIEVANCES BY PUBLIC AUTHORITY

46. Reporting requirements:

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

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

(a) the number of complaints received;

(b) the number of complaints pending;

(c) the number of complaints disposed of; and

(ca) the number of complaints upheld by the designated authority;

(cb) the number of complaints upheld by the Central Grievance Redressal Commission or the State Grievance Redressal Commission, as the case may be⁵⁵;

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

(3) Every public authority shall furnish the following information to the Central Grievance Redressal Commission or the State Grievance Redressal Commission, as the case may be, namely⁵⁶:

(a) information specified in sub-section (2);

(b) a compilation of the feedback received and an action taken report in pursuance thereof;

(c) action taken reports on the recommendations of the Commission in the stipulated time frame;

(d) the steps taken to enhance the services that are provided in electronic form;

(e) the steps taken to ensure availability of assisted access provided to the citizens to access electronic services;

(f) the steps taken to ensure compliance with the applicable electronic governance standards;

(g) the steps taken to simplify the processes and integrate delivery points of different goods

⁵⁵ Inserted to provide for this information to the public, as these indicators reflect the quality of grievance redressal by the Grievance Redressal Officer and the public display could induce performance improvements in the respective public authority.

⁵⁶ Inserted to incorporate provisions in section 25 of the EDS Bill and customized according to the broader objectives of this bill.

and services;

(h) recommendations for further improvement of delivery of goods and services and the legal and policy interventions which may be required for this improvement;

(i) any other information, which the Commission seeks in relation to the provisions of this Act, from time to time.

Explanation:- For purposes of this section, the Head of the Department in the public authority shall be responsible for ensuring that the provisions are followed.

CHAPTER XA ANNUAL REPORTS

46A. Annual reports:

(1) It shall be the duty of the Central Grievance Redressal Commission or State Grievance Redressal Commission, as the case may be, to present annually to the President or the Governor, as appropriate, a report on the implementation of the provisions of this Act, the work done by the Commission and a memorandum explaining, in respects of the cases, if any, where the recommendations of the Commission was not complied with and the reasons given by the appropriate Government for such non-compliance⁵⁷.

(2) On receipt of such report, the President or Governor, as appropriate, shall cause a copy thereof, to be laid before each House of Parliament or the Legislative Assembly, as the case may be.

CHAPTER XI MISCELLANEOUS

47. Appeal against decision of State Commission or Central Commission:

(1) Any person aggrieved by the decision of the Central Public Grievance Redressal Commission, which contains the findings relating to corruption under the Prevention of Corruption Act, 1988, may prefer an appeal to the Lokpal constituted under the Lokpal and Lokayuktas Act, 2011.

(2) Any person aggrieved by the decision of the State Public Grievance Redressal Commission, which contains the findings relating to corruption under the Prevention of Corruption Act, 1988, may prefer an appeal to the Lokayukta constituted under the Lokpal and Lokayuktas Act, 2011.

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

⁵⁷ Inserted to incorporate sub-section 4 of section 25 of EDS Bill. Moreover these provisions could give the recommendations of the Commission a binding effect ordinarily. This provision will also result in constant updation of the processes in the public service delivery in terms of simplification, integration and ease of access for the citizens.

48. Bar of jurisdiction of court:

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

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

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

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

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

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

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

50. Protection for acts done in good faith:

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

50A. Specification of electronic governance standards⁵⁸:

Any Department in the Government of India may, from time to time, notify, in such manner as may be prescribed, electronic governance standards, being not inconsistent with electronic governance standards notified by the Central Government, as may be necessary for ensuring inter-operability, integration, harmonisation and security of electronic services:

Provided that a State Government may prescribe such standards which had not been notified by the Central Government and the standards so notified by the State Government shall remain in force till such standards are notified by the Central Government.

51. Provisions to be in addition to existing laws:

⁵⁸ Inserted in line with section 5 of the EDS Bill.

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

52. Power to make rules:

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

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

(a) the officer or the authority to be designated as Designated Authority under clause (h) of section 2;

(b) other information under clause (g) of sub-section (2) of section 4;

(c) matters in relation to Citizens Charter under sub-section (3) of section 4;

(d) matters in relation to the information and facilitation centre, under sub-section (3) of section 6;

(e) the manner of inquiry into and redressal of grievance of the complaints received from citizens under sub-section (1) of section 7;

(f) the other means by which complaints may be made under section 8;

(g) the other matters for which the designated authority shall have power under clause (g) of sub-section (4) of section 11;

(h) the number of Commissioners of the State Public Grievance Redressal Commission under clause (b) of section 14;

(i) the members of the search committee under sub-section (2) of section 15;

(j) additional criteria in relation to selection of Chief Commissioner and the Commissioners of the State Public Grievance Redressal Commission under proviso to section 16;

(k) the procedure of investigation of misbehaviour or incapacity for removal of the Chief Commissioners and other Commissioners of, the State Public Grievance Redressal Commission under sub-section (3) of section 20;

(l) the other matters for which the State Public Grievance Redressal Commission shall have the powers under clause (g) of sub-section (1) of section 21;

(m) the number of Commissioners of the Central Public Grievance Redressal Commission under clause (b) of section 31;

(n) the members of the search committee under sub-section (2) of section 32;

(o) additional criteria in relation to selection of Chief Commissioner and the Commissioners of the Central Public Grievance Redressal Commission under proviso to section 33;

(p) the procedure of investigation of misbehaviour or incapacity for removal of the Chief Commissioner and other Commissioners of, the Central Public Grievance Redressal Commission

under sub-section (3) of section 37;

(g) the other matters for which the Central Public Grievance Redressal Commission shall have the powers under clause (g) of sub-section (1) of section 38;

(r) the time within which the record of complaints to the public authority and the decisions on the complaints and appeals shall be published on the website and other particulars under sub-section (2) of section 46;

(s) the time within which and the manner in which an appeal may be filed under sub-section(3) of section 47;

(t) any other matter which is required to be or may be prescribed under this Act.

53. Laying of rules:

(1) Every rule made by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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

54. Power to remove difficulties:

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

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

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

54A. Amendments to other Acts:

The enactments specified in the Schedule shall be amended in the manner specified therein⁵⁹.

⁵⁹ Inserted to include amendments to Right to Information Act, 2005.

THE SCHEDULE

AMENDMENTS TO THE RIGHT TO INFORMATION ACT, 2005

No. 22 of 2005

1. In section 2, the following clause shall be inserted:

(o) “Head of the Department” means an officer designated as such by the appropriate Government, as the head of the a Government Department or public authority⁶⁰;

2. In section 4, following shall be inserted:

Explanation II:—For the purposes of this section, the Head of the Department shall be responsible for duties of the public authority listed in the sub-sections⁶¹.

3. For section 12, the following section shall be substituted:

12. The Central Public Grievance Commission established under section 30 of the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Act, 2011 shall function as the Central Information Commission⁶².

4. For section 15, the following section shall be substituted:

15. The State Public Grievance Commission established under section 13 of the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Act, 2011 shall function as the State Information Commission⁶³.

5. Sections 13, 14, 16, and 17 shall be omitted⁶⁴.

6. In clause 18(1)(b), for the words “who has been refused access to any information requested under this Act” the words “who has been refused access to any information to be provided under section 4 of this Act or any information requested under this Act”⁶⁵;

7. The words “or sub-section (3)⁶⁶” shall be inserted after “sub-section (1) or sub-section (2)” in

⁶⁰ Inserted a definition “*Head of the Department*” as mentioned in this bill.

⁶¹ Inserted a definition to make the Head of the Department responsible for providing the information listed in section 4 of RTI Act.

⁶² Substituted for Section 12 of RTI Act to make the Grievance Redressal Commission the Information Commission.

⁶³ Substituted for Section 12 of RTI Act to make the Grievance Redressal Commission the Information Commission

⁶⁴ Omitted sections relating to terms and conditions of Information Commissions as the terms and conditions mentioned in this bill shall take effect.

⁶⁵ Inserted to provide original jurisdiction for Information Commission on complaints regarding non-provision of information according to section 4 of the RTI Act.

⁶⁶ Inserted to provide for a stipulated timeframe in which the Information Commissions have to dispose of the

sub-section 6 of section 19 of this Act.

8. In section 20, the following sub-section shall be inserted:

(3) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Head of the Department of the concerned public authority, has, without any reasonable cause, failed to fulfill the functions under section 4 of this Act, it shall impose a lump sum penalty, which may extend to fifty thousand rupees:

Provided that the Head of the Department shall be given a reasonable opportunity of being heard before any penalty is imposed on him

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Head of the Department⁶⁷.

appeals in line with that of the Public Information Officer.

⁶⁷ Inserted to provide for provisions to penalize the Head of the Department for non-provision of information according to section 4 in line with sub-section (1) and (2) of section 20 in the RTI Act.