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Bill No. LXXXIX of 2022

THE GUARANTEED DELIVERY OF PUBLIC SERVICES AND
ACCOUNTABILITY BILL, 2022

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THE SCHEDULE

Bill No. LXXXIX of 2022

THE GUARANTEED DELIVERY OF PUBLIC SERVICES AND
ACCOUNTABILITY BILL, 2022

A

BILL

to guarantee the delivery of services within specified time limits to all citizens, the publication of the citizens' charter and other disclosures by all public authorities, the establishment of digital portals and facilitation centres for service delivery, and the processing and monitoring of grievances related thereto; to provide for the establishment of Grievance Redressal Authority to ensure accountability and prompt remedy for denial of services and the establishment of a National Grievance Redressal Commission to hear appeals and prescribe social audit standards for all public authorities and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

5 **1.** (1) This Act may be called the Guaranteed Delivery of Public Services and Accountability Act, 2022.

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

Short title
and
commencement.

Definitions.

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

(a) "action taken report" means the report provided to the complainant under clause (e) of sub-section (2) of section 3 and certified by the Grievance Redressal Officer;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government; 5

(c) "Authority" means the Grievance Redressal Authority constituted under section 14;

(d) "Centre" means the Integrated Digital Centre notified under section 8;

(e) "Commission" means the National Public Grievance Redressal Commission constituted under section 23; 10

(f) "Chief Commissioner" and "Commissioner" mean the Chief Commissioner and Commissioner appointed under section 24;

(g) "Citizens Charter" means the citizens charter published under Section 4 containing particulars provided in Schedule I; 15

(h) "competent authority" means the Head of the Department of the Central Government or any public authority;

(i) "Complaint" means a complaint lodged under section 10 in relation to,—

(i) any failure in the functioning of a public authority or violation of any law, rules, or schemes currently in force; 20

(ii) any grievance relating to, or arising out of, a failure in the delivery of goods or provision of services notified by the Central Government; or

(iii) any violation of duties and obligations upon public officials responsible for delivery of goods or rendering of services under this Act;

(j) "Council" means the National Public Service and Accountability Council established under section 35; 25

(k) "electronic mode" includes any method, process, or application to deliver any service electronically;

(l) "electronic service delivery" means the delivery of services through electronic mode including the receipt of complaints, forms, and applications, issue or grant of any license, permit, certificate, sanction or approval and the receipt or payment of money; 30

(m) "Grievance Redressal Officer" means a Grievance Redressal Officer appointed under section 9;

(n) "Grievance Redressal Mechanism" means the mechanism for redressal of public grievances as established under the Act; 35

(o) "notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

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

(q) "public authority" means any authority or body or institution of self-government established or constituted,— 40

(i) by or under the Constitution;

(ii) by any other law made by the Parliament;

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

(a) body owned, controlled or substantially financed; or

5 (b) non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government; or

(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; or

10 (d) a Government company as defined under the Companies Act, 2013; or

18 of 2013. (e) any other company which supply goods or render services in pursuance of an obligation imposed under any Union Act; or

(f) under any licence or authorisation under any law for the time being in force or by the appropriate Government; or

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

(r) "public hearing" means the "Jan Sunwai" conducted at such levels and in such frequency specified under Section 11;

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

25 *Explanation.*—For removal of doubts, the expression "service" shall include the rights guaranteed under this Act and the duties and obligations of public authorities and officials thereof.

(t) "service provider" means any individual, agency, company, partnership firm, sole proprietor firm or any other body or agency which has been authorized by the appropriate Government to offer services;

(u) "social audit" means audit conducted under section 39;

30 CHAPTER II

RIGHT TO SERVICE

3. (1) Every citizen shall have the right to service and redressal of grievances in accordance with provisions of this Act.

Right to Service.

35 (2) Without prejudice to the generality of the provisions contained in sub-section (1), the right to service shall include the right to:—

(a) be informed of services provided by every public authority and the obligations and duties of public officials in relation to delivery of service;

(b) delivery of service within the stipulated time limit;

(c) submit grievances and demands relating to delivery of services;

40 (d) an opportunity of public hearing on a complaint;

(e) an explanation of decisions on complaints in the form of action taken report;

(f) receive compensation for failure in delivery of service;

(g) independent adjudication of appeals;

(h) demand protection against victimization;

(i) receive compensation for injury or harm suffered; and

(j) access records pertaining to delivery of goods and provision of services, budget, expenditure, and audit statements through integrated digital platforms and such other means notified under this Act;

5

(3) The Central Government may, by notification from time to time, notify services to which the provisions of this Act shall apply:

Provided that the services rendered under any law, rules, or schemes currently in force shall be deemed to be notified.

CHAPTER III

10

CITIZENS CHARTER AND DUTIES AND OBLIGATIONS OF PUBLIC OFFICIALS

Citizens' Charter.

4. (1) Subject to other provisions of this section, every public authority shall publish a Citizens' Charter containing particulars specified in Schedule I and in such manner as may be prescribed.

(2) The public authority may consult such officials, experts, stakeholders, and persons for inputs in preparing and revising the Citizens' Charter.

15

(3) The public authority shall publish the draft Citizens Charter, or amendments thereto, to receive comments from relevant stakeholders in the manner as may be prescribed.

Functions and obligations of public officials.

5. Every public authority shall publish a statement of functions and responsibilities containing particulars specified in Schedule I for each public official responsible for delivery of services in such manner as may be prescribed.

20

Duties of Competent Authority.

6. Subject to any rules as may be prescribed, the competent authority of every public authority shall be responsible for,—

(a) updating and verifying the accuracy of the citizens charter and the statement of functions and obligations of public officials from time to time;

25

(b) publishing the draft citizens charter and receiving comments and feedback from stakeholders;

(c) disseminating the citizens charter and the statement of functions and obligations of public officials through electronic mode and such other means necessary to ensure wider publicity; and

30

(d) providing assistance to any person who is unable to obtain access to the materials.

CHAPTER IV

INTEGRATED DIGITAL SERVICES

Integrated digital portals.

7. (1) The Central Government shall establish such number of integrated digital portals as may be necessary to—

35

(a) deliver services through electronic mode;

(b) provide access to citizens charter of every public authority and statement of functions and obligations of public officials;

(c) track the details of beneficiaries of services and expenditure of public authorities;

40

(d) file complaints, special complaints, and appeals and tracking of status thereof;

(e) provide access to social audits; and

(f) such other matters as may be notified by the Central Government.

(2) The Central Government may, from time to time, notify appropriate standards for information sharing and management of integrated digital portals.

5 **8. (1) The Central Government shall designate such number of centres in every State as Integrated Digital Centre to facilitate delivery of services and carry out other activities under this Act.**

Integrated
Digital
Centres.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), every centres shall:—

10 (a) inform the eligibility for delivery of services and the process for obtaining thereof; and

(b) receive complaints, special complaints, and appeals and inform the status thereof;

CHAPTER V

COMPLAINT

15 **9. (1)** Every public authority shall, within one hundred and twenty days from the date of commencement of the Act, designate as many officers as Grievance Redressal Officers in all administrative units or offices under it as may be necessary to receive complaints and provide redressal of grievances in accordance with this Act:

Redressal of
Grievances by
Grievance
Redressal
Officers.

20 Provided that the Grievance Redressal Officer so designated is at least one level superior to the official in-charge of delivery of service and shall be deemed to have administrative control over the concerned official delivering the service.

(2) The Central Government shall constitute a panel to be known as the Panel for Public Hearing, at such appropriate level as may be specified, to afford an opportunity of public hearing in accordance with this Act.

25 **10. (1)** Any aggrieved citizen may submit a complaint,—

Lodging of
complaint.

(a) either orally or in writing to the concerned public authority; or

(b) either orally or in writing to the concerned official at the Integrated Digital Centre; or

(c) through the concerned Integrated Digital Portal; or

30 (d) through such other means as notified by the Central Government:

Provided that complaints submitted orally shall be reduced to writing by the concerned public authority or the public official at the Centre, as the case may be:

35 Provided further that the Grievance Redressal Officer or the official at the Centre, as the case may be, shall render all possible assistance to persons who are unable to submit the complaint in writing.

(2) The complainant shall be given an acknowledgment receipt containing the date of lodging such complaint, the details of the concerned Grievance Redressal Officer, and such other information as may be prescribed,

40 (a) within two working days from the date when the complaint was made to the concerned Grievance Redressal Officer; or

(b) immediately upon receiving the complaint made at the Centre or the concerned Integrated Digital Portal.

45 (3) Where a complaint made to a public authority is more closely connected with the functions of another public authority, the concerned Grievance Redressal Officer shall transfer the complaint or such part of it as may be appropriate to that other public authority and inform the complainant immediately about such transfer:

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than two working days from the date of receipt of the complaint.

Public hearing
of complaint.

11. (1) Every complaint lodged under this Act shall be listed before the appropriate panel within fifteen days from the date of lodging of the complaint. 5

(2) The attendance of the concerned Grievance Redressal Officer for each complaint shall be mandatory.

(3) The panel, on receipt of a complaint under sub-section (1), shall—

(a) examine the action taken report if made available by the concerned Grievance Redressal Officer; 10

(b) require the concerned Grievance Redressal Officer to inform the details of action taken, or proposed to be taken, in relation to the complaint;

(c) give an opportunity to the complainant to address the concerned Grievance Redressal Officer during open proceedings; and

(d) give suggestions and feedback to the concerned Grievance Redressal Officer for effective and expeditious redressal of complaint. 15

(4) The panel shall keep a record of minutes of proceedings and publish of the same in a manner as may be prescribed:

Provided that a copy of the said minutes is made available through designated portals within two working days from the date when the public hearing was held. 20

Disposal of
complaint.

12. (1) The Grievance Redressal Officer, on receipt of the complaint, shall endeavor to dispose of the same as expeditiously as possible, and not exceeding thirty days from the date of lodging:

Provided that the complaints relating to urgent matters shall be disposed of within two working days from the date of its lodging. 25

(2) Notwithstanding anything contained in sub-section (1), the Grievance Redressal Officer shall, in the order disposing of the complaint record,—

(a) the details of officers responsible for providing redressal and the cause for occurrence of the grievance if any; and

(b) findings of the complaint in the form of an action taken report containing such particulars and in such manner as may be prescribed. 30

(3) Where the Grievance Redressal Officer is of the opinion that any public official or service provider involved in the process of providing such service has failed to deliver the service without sufficient and reasonable cause, or due to willful negligence, it shall impose a lump sum penalty on such public official or service provider: 35

Provided that the penalty so imposed shall not be less than five thousand rupees and not more than twenty five thousand rupees.

(4) Where the Grievance Redressal Officer is of the opinion that any public official or service provider involved in the process of providing such service has failed to deliver the service without sufficient and reasonable cause, or due to willful negligence, it shall refer the matter to the competent authority to initiate disciplinary action against such public official or service provider. 40

(5) Where the Grievance Redressal Officer is of the opinion that *prima facie*, there exists a case of offence punishable under the Prevention of Corruption Act, 1988 or other penal laws, it shall direct the competent authority to register a criminal complaint. 49 of 1988
45

13. The Grievance Redressal Officer shall, for the purposes of its functions under this Act, have the powers to,—

Powers of
Grievance
Redressal
Officer.

(a) inspect the site of grievance with prior intimation to the complainant;

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

(c) receive evidence on affidavits; and

(d) such other matter which may be prescribed.

(2) The Grievance Redressal 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
10 to redress a complaint.

(3) Any officer, whose assistance has been sought under sub-section (2), shall render all assistance to the Grievance Redressal 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 Redressal Officer for the purposes of this Act.

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CHAPTER VI

CENTRAL GRIEVANCE REDRESSAL AUTHORITY

14. (1) The Central Government shall, by notification, establish an Authority to be known as the Central Grievance Redressal Authority to exercise jurisdiction in relation to:—

Central
Grievance
Redressal
Authority.

(a) appeals against the orders of Grievance Redressal Officer;

20 (b) special complaints or petitions lodged under this Act;

(c) matters pertaining to penalties and compensation referred by the Grievance Redressal Officer; and

(d) such other matters as may be prescribed.

(2) The seat of the Authority shall be at such place as decided by the Central
25 Government.

15. (1) **The Authority shall consist of—**

Composition
of Authority.

(a) **a Chairperson, appointed by the Central Government in a manner as may be prescribed:**

30 **Provided that he shall be a person of proven ability and integrity having experience and knowledge of at least fifteen years in governance, law, development, economics, finance, management, public affairs or administration:**

Provided further that the Central Government may appoint any officer from the All India Services as the Chairperson of the Authority;

35 (b) **a Secretary appointed by the Central Government, in consultation with the Authority, to exercise such powers and perform such duties as may be prescribed;**

(c) **such number of other officers and employees of the Authority, as may be prescribed:**

40 **Provided that the Authority may appoint such consultants required to assist the Chairperson in discharge of their functions, on the terms and conditions as may be prescribed.**

16. (1) **The Chairperson of Authority shall hold office for a term of three years from the date of appointment and shall be eligible for reappointed:**

Terms of
office and
conditions of
service of
Chairperson
and other
officials.

Provided that no Chairperson shall hold office as such after attaining the age of sixty five years.

(2) The salaries, allowances and other terms and conditions of service of the Chairperson, Secretary and the other officers and employees of the Authority shall be decided in a manner as prescribed.

Disposal of appeal.

17. (1) The Central Authority shall decide the appeal within a period not exceeding thirty days from the date when the appeal is filed. 5

Provided that the complaints relating to urgent matters shall be disposed of within two working days from the date of its lodging.

(2) The Authority shall have the power to make regulations to regulate its own procedure and subject to rules as may be prescribed.

(3) For disposal of appeal, the Authority, may:— 10

(a) call for the records;

(b) carryout an inquiry to ascertain the facts if deemed necessary; and

(c) identify the officers responsible for resolving the grievance and record the circumstances for occurrence of the grievance.

Directions of Central Grievance Redressal Authority in appeals.

18. (1) Where the Authority is of the opinion that the concerned Grievance Redressal Officer or any public official or service provider involved in the process of providing such service has failed to deliver the service without sufficient and reasonable cause, or due to willful negligence, it shall impose a lump sum penalty on such public official or service provider: 15

Provided that the penalty so imposed shall not be less than five thousand rupees and not more than twenty five thousand rupees. 20

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

Provided that the amount of such compensation awarded shall not exceed the amount of penalty imposed under the said section. 25

(3) Where the Authority, is of the opinion that the concerned Grievance Redressal Officer or any public official or service provider involved in the process of providing such service has failed to deliver the service without sufficient and reasonable cause, or due to willful negligence, it shall refer the matter to the competent authority to initiate disciplinary action against such public official or service provider: 30

Provided that the competent authority shall submit a report on the disciplinary and administrative action initiated against the concerned officer within thirty days of such communication from the Commission.

(4) Where it appears 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, the Authority, shall 35
49 of 1988.

(a) recommend the competent authority to initiate action as per the applicable law and seek an action taken report within thirty days.

(b) refer the matter to the Central Bureau of Investigation established under Delhi Special Police Establishment Act, 1946. 40
25 of 1946.

(5) Where the Authority, is of the opinion that the failure in delivery of service has caused undue hardship to the complainant, or because of willful negligence on the part of concerned Grievance Redressal Officer or any public official or service provider involved in the process of providing such service, it shall grant such amount as compensation to the complainant: 45

Provided that the compensation awarded shall not be less than five thousand rupees and not more than twenty five thousand rupees:

Provided further that the compensation awarded due to willful negligence of the concerned Grievance Redressal Officer or any public official or service provider involved in the process of providing such service, the competent authority shall recover the said amount from such officials.

(6) The Authority, may share feedback on the implementation of the public programs with appropriate Government and recommend measures for improved delivery of the same.

19. (1) In relation to subject matters specified in sub-section (3), any person may submit a special complaint :—

Special complaints.

(a) in writing to the Authority;

(b) in writing or orally to the concerned public official at centre;

(c) through the concerned integrated digital portal; or

(d) through such other means notified by the Union Government.

(2) The complainant shall be given an acknowledgment receipt containing the date of lodging, the details of concerned Grievance Redressal Officer, and such other information as may be prescribed,—

(a) within two working days from the date when the complaint was made to the concerned Grievance Redressal Officer; and

(b) immediately upon receiving the complaint made at the Centre or concerned integrated digital portal.

(3) The subject matter of the petitions or special complaints may involve one or all of the following:—

(a) any violation of provisions relating to the Citizens Charter and statement of functions and obligations of public officials;

(b) inability to lodge a complaint under section 10 of this Act for any reason including the refusal by the Grievance Redressal Officer or the Integrated Digital Centre, as the case may be, to accept the same;

(c) a failure to organize public hearings as per the provisions of this Act;

(d) a demand for protection against victimization;

(e) a demand for compensation for injury or harm;

(f) a failure to conduct social audits as per provisions of this Act; and

(g) such other matters as may be prescribed in rules.

20. The Authority, shall dispose off the special complaint or petition within a period not exceeding thirty days from the date lodged:

Disposal of special complaints or petitions.

Provided that the complaints relating to urgent matters shall be disposed off within two working days from the date of its lodging.

21. (1) The Authority in pursuance of section 20 may issue appropriate directions to the concerned functionary to redress the grievance expeditiously.

Directions of the Authority in special complaints.

(2) If the Authority, upon enquiry finds that any person is being victimized, or likely to be victimized, on the ground that such person or their relation has filed a complaint or appeal under this Act, shall,—

(a) refer the special complaint or petition to the District Collector or Deputy Commissioner to consider the grant for protection against victimization; and

(b) refer the application to the competent authority for appropriate disciplinary action against persons responsible for victimization:

Provided that the applicant and the persons accused of such victimization are given an opportunity to be heard before issuing appropriate directions.

Explanation.—For the purpose of this provision, victimization includes any act of threat, harassment, or other harms received by the aggrieved person or members of their family in relation to any grievance under this Act. 5

- (c) a demand for protection against victimization;
- (d) a demand for compensation for injury or harm;
- (e) a failure to conduct social audits as per provisions of this Act; and 10
- (f) such other matters as may be specified in rules.

Powers of the Central Grievance Redressal Authority.

22. (1) The Authority 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 while deciding matter pertaining to this Chapter:— 5 of 1908

- (a) summoning and enforcing the attendance of any person and examining him on oath; 15
- (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; 20
- (e) issuing summons for the examination of witnesses;
- (f) reviewing its decisions, directions and orders; and
- (g) any other matter which may be prescribed:

Provided that the 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. 25 5 of 1908

(2) Where the Authority, is satisfied that there are reasonable grounds to inquire into the matter, it may take up the cause *suo moto* and decide the matter as if it is registered as an appeal or special complaint under this Act. 30

CHAPTER VII

THE NATIONAL GRIEVANCE REDRESSAL COMMISSION

National Grievance Redressal Commission.

23. The Central Government shall constitute a Commission to be known as the National Grievance Redressal Commission for the purpose of this Act to hear appeals against orders made by the Central Grievance Redressal Authority. 35

Composition of the Commission.

24. (1) The Commission shall consist of—

- (a) a Chief Commissioner,
- (b) at least four Commissioners:

Provided that the decision to appoint excess number of Commissioners shall be determined on the basis of:— 40

- (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.

(c) such officers, employees, staff and personnel, appointed by the Commission, as deemed necessary by the Commission:

5 Provided that the Commission may appoint such staff in cooperation with the Union Public Service Commission or any other appropriate organisation in appointing staff and personnel:

National
Emission
Reduction
Fund.

Provided further that the officers and employees so appointed shall discharge their functions under the general superintendence of the Chief Commissioner:

10 Provided further that the Commission shall recruit staff and officials on deputation, from various Central, State, Central and Local Bodies for a term of two years, and subject to maximum period of five years; or by direct recruitment, subject to rules prescribed by the Central Government in this regard:

Provided further that the Commission shall regulate these staff under over all supervision and control of the Government and general directions issued thereby in this regard:

15 45 of 1860 Provided further that 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, 1860.

(2) The Chief Commissioner and Commissioners in sub-section (1) shall be appointed by the President of India on the recommendation of a Selection Committee consisting of,—

20 (a) the Chief Justice of Supreme Court, or their nominee, who shall be the Chairperson;

(b) the Prime Minister; and

(c) the Leader of Opposition in the Lok Sabha:

25 Provided that the Selection 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:

Provided further that the Selection Committee shall select out of a panel of five eligible candidates for each vacancy finalised by the Selection Committee:

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

Provided further that the Selection Committee may regulate its own procedure.

35 (3) Members of other statutory commissions at the central level may also be nominated as member Commissioners of the Commission, subject to the rules and procedures governing such other statutory Commissions.

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

Qualifications
of Chief
Commissioner,
other
Commissioners,
officers etc.

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

40 (2) he or she is or has been a Judge of any High Court or the Supreme Court; or

(3) he or she is an eminent person recognized 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:

45 Provided that not more than half the members of the Commission at any time be from among those referred to in sub-sections (1), (2) and (3).

Provided further that the Chief Commissioner of the Commission shall be from those referred to in sub-sections (1), (2) and (3) above.

Terms of office and conditions of service of Chief Commissioner, other Commissioners, officers etc.

26. (1) The Chief Commissioner and the Commissioners shall hold office for a term of five years from the date he assumes and shall not be eligible for reappointment.

(2) The vacancies arising in the Commission shall be filled within thirty days of the same. 5

(3) The service conditions of the staff of Commission shall be regulated by appropriate regulations prescribed by the Central Government.

Resignation and removal.

27. (1) The Chief Commissioner or Commissioners, as the case may be, at any time during the term, may resign from office, by giving in writing, to the President a notice of not less than thirty days: 10

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,— 15

(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 20

(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 Commissioner or as a Commissioner. 25

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

Second appeal.

28. (1) Any person aggrieved by an order made by the Central Grievance Redressal Authority, may prefer an appeal to the Commission.

(2) Every appeal under sub-section (1) shall be filed within a period of ninety days from the date on which a copy of the order made by the Grievance Redressal Officer is received by the aggrieved person: 30

Provided that the Commission may admit the appeal after the expiry of ninety days if it is satisfied that there was sufficient cause for not filing it within that period:

Provided further that pendency of an appeal shall not be justified as a ground to delay the delivery of service. 35

Disposal of appeals by Commission.

29. (1) The Commission shall dispose off the appeals within ninety days from the date of filing of such appeal:

Provided that when matters are of urgent nature, the complaint or appeal, as the case may be, shall be disposed off within two working days. 40

(2) The Commission shall have the power to make regulations to regulate its own procedure and subject to rules as may be prescribed.

Orders of the Commission.

30. (1) The Commission may issue such directions to redress the grievance to the concerned Grievance Redressal Officer or such other officials responsible for delivery of service. 45

(2) Where the Commission is of the opinion that the concerned Grievance Redressal Officer or any public official or service provider involved in the process of providing such service has failed to deliver the service without sufficient and reasonable cause, or due to willful negligence, it may impose a lump sum penalty on such public official or service provider:

Provided that the penalty so imposed shall not be less than five thousand rupees and not more than twenty five thousand rupees.

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

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

(4) Where the Commission is of the opinion that the concerned Grievance Redressal Officer or any public official or service provider involved in the process of providing such service has failed to deliver the service without sufficient and reasonable cause, or due to willful negligence, it may refer the matter to the competent authority to initiate disciplinary action against such public official or service provider.

(5) On receipt of matter referred under sub-section (4), the competent authority shall submit a report on the disciplinary and administrative action initiated against the concerned officer within thirty days of such communication from the Commission.

(6) Where it appears 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, the Commission, shall

(a) recommend the competent authority to initiate action as per the applicable law and seek an Action taken Report within thirty days.

(b) refer the matter to the Lokpal established under Lokpal and Lokayukta Act, 2011.

(7) Where the Commission is of the opinion that the failure in delivery of service has caused undue hardship to the complainant, or because of willful negligence on the part of concerned Grievance Redressal Officer or any public official or service provider involved in the process of providing such service, it may grant such amount as compensation to the complainant:

Provided that the compensation awarded shall not be less than five thousand rupees and not more than twenty-five thousand rupees.

Provided further that the compensation awarded due to willful negligence of the concerned Grievance Redressal Officer or any public official or service provider involved in the process of providing such service, the competent authority shall recover the said amount from such officials.

(8) The Commission may issue appropriate advisories on the implementation of the public programs with appropriate government and recommend measures for improved delivery of the same.

31. (1) The 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 which deciding matters pertaining to this chapter:-

Powers of the Commission.

(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: 5

Provided that the 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. 5 of 1908

(2) Where the Commission is satisfied that there are reasonable grounds to inquire into the matter, it may take up the cause *suo moto* and decide the matter as if it is registered as an appeal under this Act. 10

Finality of Orders 32. Every order passed by the Commission under this Act shall be final and binding on the public authority and their officials

Deemed to be judicial proceedings. 33. All proceedings before the Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code 1960 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. 15
45 of 1960
2 of 1974.

Powers to enforce orders and directions. 34. (1) Every order or direction issued under this Part may be enforced by Grievance Redressal Authority or National Grievance Redressal Commission, as the case maybe, in the same manner as if it were a decree or order made by a court in a suit pending therein. 20

(2) It shall be lawful for the Commission 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 25

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

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

(3) 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.

CHAPTER VIII

NATIONAL PUBLIC SERVICE AND ACCOUNTABILITY COUNCIL

Establishment of the National Public Service and Accountability Council. 35. (1) **The Central Government shall establish a Council to be known as the National Public Service and Accountability Council to exercise its jurisdiction, powers and authority conferred under this Act.** 35

(2) **The seat of the Council shall be in New Delhi.**

Composition of the Council. 36. (1) **The Council shall consist of the Chairperson and such other members as may be specified.** 40

(2) **The Prime Minister shall be the *ex-officio* Chairperson of the Council.**

(3) **Other Members shall include:**

(a) **Upto 2 Members from each of the other Statutory Commissions including**

National Human Rights Commission, National Commission for Women, National SC/ST Commission;

(b) Upto 2 members from the Civil Society;

(c) Upto 2 members from the academia;

5 **(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.

10 **37.** The salaries allowances and other terms and conditions of service of the Chairperson, and the other Members of the Council shall be decided in a manner as prescribed.

Terms of office and conditions of service of Chairperson and other Members.

38. (1) It shall be the responsibility of the Council to:—

Functions of the Council.

(a) co-ordinate between the Central Government and the Commission;

15 **(b)** 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;

(c) suggest measures of reform and improvement in public service delivery;

20 **(d)** 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;

(e) serve as body that can suggest measures to remove difficulty in redressal of grievances under this Act; and

25 **(f)** 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 IX

MISCELLANEOUS

39. (1) The Council shall conduct the social audit in consonance with the Auditing Standards of Social Audit laid out by the Comptroller and Auditor General of India.

Social audit.

30 **40. (1)** Every public authority shall ensure that every Grievance Redressal Officer keeps a record of complaints made to it or appeal therein and the decisions on such complaints and appeals.

Annual Reports.

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

35 **(a)** the number of complaints received;

(b) the number of complaints pending;

(c) the number of complaints disposed of; and

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

45. (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:

Removal of difficulties.

5 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 the Parliament.

THE SCHEDULE

CITIZENS CHARTER AND OTHER DISCLOSURES UNDER THIS ACT

I. Contents of Citizens Charter

- (1) The Citizens Charter shall enlist the services 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.
- (2) Without prejudice to the generality of obligations provided under sub-section (1), the Citizens Charter shall include the following particulars,—
 - (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.

II. State of Functions and Obligations of Public Officials

The statement of functions and obligations of public officials shall provide the following matters, namely

- (a) the 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; and
- (d) the duration of work, timing, holidays and places of work;

III. Statement of Budget and Expenditures

- (1) Within fifteen 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.

STATEMENT OF OBJECTS AND REASONS

It is said that "democracy is the worst form of Government except all those other forms that have been tried so far".

2. However, even those who are skeptical of traditional representative democracy will admit that the average citizen is more concerned with gaining quick and fair access to government services, whether regulatory, developmental, or welfare services, than with the complexities of governance and politics or the myriad structures and levels of Government Departments.

3. The Government mechanisms that the citizens are most immediately concerned with must therefore be stable, transparent, effective, and continuous. We must prioritise putting the citizen at the centre of a contemporary public administration in India because of this.

4. India has complex institutional structures and a legal system that is supported by the Constitution's explicit and implicit references to the welfare state, allowing for the development of a governing framework that prioritizes citizens.

5. The concepts of good governance and citizen centric administration are intimately connected. Citizen centricity with the aim of ensuring citizens' welfare and citizens' satisfaction, is critical for any Government, local, state or national; which aims to provide good governance.

6. In view of the above, it has become necessary to provide for a National Guaranteed Delivery of Public Services and Accountability Act.

7. The National Guaranteed Delivery of Public Services and Accountability Act, 2022, *inter alia* makes following provisions:-

- (a) To provide for Right to Guaranteed and Time Bound Delivery of Services to every citizen in the country.
- (b) Mandatory Publishing of Citizens Charter by every Public Authority.
- (c) Setting up of Integrated Digital Portal for delivery of services through electronic mode and Integrated Digital Centres in order to facilitate delivery of services.
- (d) A Multi-Tier Grievance redressal mechanism in place with Time Bound redressal of grievances
- (e) Establishment of a National Public Service and Accountability Council to conduct among other things, mandatory social audits in consonance with the auditing standards laid out by the Comptroller and Auditor General of India.

The Bill seeks to achieve the above objectives.

DR. FAUZIA KHAN.

FINANCIAL MEMORANDUM

Clause 7 of the Bill *inter alia* provides for establishment of integrated digital portals and Clause 8 *inter alia* provides for establishment of Integrated Digital Centers.

Clause 9 of the Bill *inter alia* provides for establishment of Grievance Redressal Authority. Clause 15 *inter alia* provides for composition of the Grievance Redressal Authority and clause 16 provides for the terms of office and conditions of service of Chairperson and other officials of the Authority.

Clause 23 of the Bill *inter alia* provides for establishment of National Grievance Redressal Commission. Clause *inter-alia* provides for composition of the National Grievance Redressal Commission and clause 26 provides for terms of office and conditions of service of Chief Commissioner, other Commissioners, officers etc. of the Commission.

Clause 35 of the Bill *inter alia* provides for establishment of National Public Service and Accountability Council. Clause 36 *inter alia* provides for composition of the National Public Service and Accountability Council and clause 37 provides for terms of office and conditions of service of Chairperson and other Members of the Council.

This Bill, if enacted, would involve expenditure from the Consolidated Fund of India. However, it is not possible to access the actual financial expenditure likely to be incurred at this stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 44 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill.

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

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to guarantee the delivery of services within specified time limits to all citizens, the publication of the citizens' charter and other disclosures by all public authorities, the establishment of digital portals and facilitation centres for service delivery, and the processing and monitoring of grievances related thereto; to provide for the establishment of Grievance Redressal Authority to ensure accountability and prompt remedy for denial of services and the establishment of a National Grievance Redressal Commission to hear appeals and prescribe social audit standards for all public authorities and for matters connected therewith or incidental thereto.

(Dr. Fauzia Khan, M.P.)