

CHHATTISGARH LOK SEWA GUARANTEE ACT 2011 NO. 23 OF 2011

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Appointment of Corr petent Officer. Liability for iUrnishi ng false information to Obtain Lok Sewa- Right of Appeal. Deemed service cons litions. Power to make rules. Pouer to remove dif iicuities. i5iitFTß 12 2011 CHHATTISGARH Acr (No. 23 of 2m THE CHHATTISGARH LOK SEWA GUARANTEE ACT, 2011 An Act to proviC le for the delivery of certain public services to citizens 'by tho State Government, local 'Odies, public authorities or agencies within the stipulated tim e, and to fix the liabilities of persons responsible for delivery of such services in the eveni of default and for matters tnncted therewith or incidental thereto. Be it hy Chhattist.tach tn the Sixty-second Year of the R' :pu!'- Short title. extent, comvne.lconvni application . (2) This P. ct may be called Chhattisgarh Lok Sowa 201 1 It ads thc whole Slate Chhattisgarh It shal into totec• such date as the State Gove-mnen•. by not t lieatio n in Lhe appoint. 'l'his Act :tppiv to persons appo to services posls connec lion willi of the nment of Chhay, •sgarh. public' . which owned, cont finance d h} the 2. In this Act, unless the context otherwise requires.— (a) (b) (c) (d) (e) (f) (g) "Appel late Authority" means an notified Fy Government. local body, authoriues or agencies as the ease be. and invested with the po wer to hear appeals against the orders passed by any Competent Officer under this Act; • 'Comt 'etent Officer" heans an officer so notified by the Government. local body, public authority or agency as the case may he. under section of this Act, and empowered to impose cost for default or d •lay caused by the per- son responsible for delivery of Ink Sewa,• "Depar tment" means a department of the Government or a section. division. branch, office or constituent unit, or by whatever name called, of a local body, P' 'blic authority or agency as the case may be; "Government" means the Government of Chhattisgarh; "Local hody" means and includes any authority, municipality, panchayat or any other body, hy whatever name ca!ied. for the time being invested by law to render Lok Sewa within l'he State of Chhattisgarh or to control, manage or regulate such services within a specified local area thereof; "Lok Sewn" means and includes citizen related public services notified un- der section 3; ' 'Notification" and "Notified". where the context so requires. means and relate to a notification published in the official Gazette; "Prescribed" means prescribed by the rules made under this Aet: "Public authorily" means any authority hody nr instliution of self gover- nance established or consii(uted hy any law made hy l'he Legislature or the State of Chhattisgarh or constituted by a notification iesued or order mude 12 2011 by the Government; and includes (one) (two) (three) a body owned, controlled or substantially financed by the Govern- ment; a non-government organization substantially financed, directly or indirectly, by the funds provided by the Government; and an organization or body corporate in its capacity as an ins trumen- tality of 'Scate' as defined under article 12 of the Constitu'ion and rendering Lok Sewa in the State of Chhattisgarh. 3. 4. (j) (k) (l) (2) (l) (2) (3) (4) 566 (7) Right (0 oht"i n Luk Sewa in Stiputltled time. Liability deliver Sewa in •slip". lilted time, recovery and pay- ment cost. ide "Rule" means a rule made by l'he Government under this Act, and i •otitied as such; "Stipulated time" mean, the maximum time. notified under Section 3 of this Act. to provide Lok Sewn or to decide the appeal by the appellate auth ority. Every person shall have the right to obtain Lok Sewa in the State of Chhattisgarh. within the s tipulated time as notified from time to time by l'he State Government, in acc ordance with the provisions or thes Act. Every applicant who to obtain Lok Sewa within the stipulated lii me, shall be entitled to receiv e cost as provided under sub-section (4) of Sect ion 4, in respect of his :ation, in the manner as may be prescribed. Every department shall designate the person(s) responsible r or deliveri'", Lok Sewa from the date of commencement of this Act, and l'lie rael of suci designation shall be disl in some conspicuous part of the dep•.artment for the information of eneral

public. Every person responsible for delivering Lok Sewa referred to in sub-section (1) shall deliver such services in accordance with the notification under Section 3. Every application for Lok Sewa shall be acknowledged by the person responsible for delivering the service or by the department, as the case may be, and every applicant shall be entitled to obtain the status of his application in the manner as may be prescribed. Every person responsible for delivering Lok Sewa who fails to deliver such services within the stipulated time shall be liable to pay costs at the rate of one hundred rupees for each day during the period of delay, if any, subject to a maximum cost of one thousand rupees, which shall be recoverable from him towards payment to the person applying for Lok Sewa in respect of failure to obtain such service: Provided that, no costs shall be recovered from the person responsible for Lok Sewa unless he has been served with a notice and has been a reasonable opportunity to be heard by the Competent Officer. and in the manner as be prescribed. Further [that, no costs shall be recoverable, where the for service' is deficient in any such deficiency has indicated in the acknowledgment received in Provided also that, no costs shall be where the in delivery of such service is, in the opinion of the person concerned, beyond the control of the Sewa 566 (8) Appointment Competent Officer. (5) 12 2011 manner of recovery of costs and payment to the person under sub-section (4) shall be as may be prescribed. Liability for furnishing false information. 6. 7. 8, 9. Every department shall notify one or more persons, not below the rank of the person responsible for delivering Lok Sewa, as competent officer for the purposes of this Act. No person shall submit any application which contains any fact or information which he knows or has reasons to believe to be false, to obtain any Lok Sewa, and he furnishes such fact or information may be liable for criminal action under the law then being in force, in order to obtain Lok Sewa. Right of Appeal. Deemed service conditions. Power to make rules. (2) Any person who is aggrieved by an order passed by the Competent Officer, under this Act, shall be entitled to file an appeal before the Appellate Authority, in the manner as may be prescribed, within a period not exceeding thirty days from the receipt of the impugned order: and the Appellate Authority shall decide the appeal within a maximum period of 45 days from the date of institution of the appeal and while deciding the appeals shall follow the principles of natural justice. order of the appellate authority shall be final and binding. Every department shall notify a person not being below the rank of the Competent Officer, to the Appellate Authority for the purposes of section (1) A copy of the order made by the Appellate Authority, in respect of a person responsible for delivering Lok Sewa, shall be forwarded to the department having administrative or disciplinary control over such person for being maintained in the records pertaining to the work related performance of that person for taking such administrative action as deemed appropriate by it: "The provisions of this Act shall in addition to, and not in derogation of, the service conditions, the disciplinary and financial rules, and such other service rules and regulations as are applicable to the person responsible for delivering Lok Sewa. The Government may, by notification, make rules for carrying out provisions of this Act. In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely (2) (3) (a) (c) (e) the manner in which cost for failure to obtain Lok Sewa is to be received by the applicant under section 3 and its payment is to be made to the applicant under sub-section (5) of Section 4; the manner in which an application for Lok Sewa is to be acknowledged and its status is to be obtained by the applicant under sub-section (3) of Section 4; the manner of issuing notice, the procedure for hearing by Competent Officer, and the manner of fixing the liability of cost, its recovery under sub-section (4) of Section 4; the manner of preferring an appeal and the procedure governing disposal of such appeal by the appellate authority under section any other matter which is required to be, or may be prescribed. Every rule made under this Act by the Government shall be laid, as soon as may be, after it is made, before the Legislative Assembly of the State. 566 (9) Power to deal with difficulties. (1) (2) 12 2011 If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the official gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulties: Provided that, no such orders shall be made after the expiry of a period of two years from the date of commencement of this Act. Every order made under this section shall, as soon as may be, after it is made, be laid before the Legislative Assembly of the State. 31S 12 21, 1933 12 2011 2011 (Z 23) 1 (3) 2011 æfæ. 12 3-1/2011 Lt1-6.=qr 348 O) 11, -2011 t. 630 12 2011 Raipur. the 12th December 2011 NOTIFICATION No. F 3-11201 1/ I -6.—In exercise of powers conferred by sub-section (3) of Section I of the Chhattisgarh Lok Sewa Guarantee Act, 2011 (No. 23 of 2011 the State Government.. hereby, appoints the twelfth day of December, 2011 as the date on which said

Act shall come into force. By order and in the name of the Governor of Chhattisgarh, NIDHI IHHIBBER. Secretary. 2-22-Fifrorvrv-zâ38 fq. A. 30-5-2001ö 316 23. 1933. 14 20", '1 1. 2. 3-2/2011/ 201i 23 U't2011) <Ttt, fiZF1, 2011 I 2011 23 631 (3) 2011 t, 2 fifilf*E RTA gRT EPd, qqrq, firqf%æil 36RTü" t, 4 (o) t, gro (ft-a-q. 14 2011 632 (i) (d) 3. 4. 5. 3(1) a, q-éy q-FTT.— 4(1) fäg ur-a fäg t{Üf 632 (3) 7. g. 14 30 mrr GTFIT.— fäqrr, 7(2) \$1 -Q 45 øiRq •grr, 30 qr tfirtTTl q-«rq (qiq) GIRT) grö) 632 (4) 9. 10. 11. 12. 14 2011 (w) ufhT.— (W) f-Äüq g--Q, (€1) F GTRT, artiaT2ff (1) qmr.— (1) 14 2011 632 (5) 13. 14. aj-q-å *ff2T, fäg qTg, TliTFT.— 3#ra rrq. 07 •erm.— (1) qft-ap4 •\$1 GTRT xrfQT if (Counter foil) I 632 (6) 15. 16

17. RTGrn, 14 2011 H*T3Tré-v \$1 GRT Or 13 fifif& gtt 14 (1) F) ft-df@ra @) grvr fcbzrr 14 (1) (TV) WFTC.— Rrg \$1 YQfq.— YA7—2 FPTTg qsr ifiqnvr.— gINT 14 2011 632 (7) 18. 19. q-tt fäg Wi fhüwr.— (qzt-å&Tüt) fäg -qfirq. 632 (8) 1. 2. 3. 5. 14 20.11 2011 frag (2) fiai@i (fizm ö. fäg (4) (6) 632 (9) (7) 2 3 1- 632 (10) 14 2011 3 17 qrt; . (2) (3) (4) rrrtru (5) (6) GRT (7) (2) 14 201 17 (4) 632 (11) (3) (6) 632 (12) 14 2011 14 2011 3-2/2011/1-6. 348 (3) 3-2/2011/1-6, 14-12-2011 Raipur, the 14th December 2011 NOTIFICATION No. F exercise of the powers conferred by sub-secti on (I) of Section 9 of the Chhattisgarh Lok Sewa Guarantee Act, 2011 (No. 23 of 2011), the State Government, hereby makes the following rules for laying down the procedure for preseating application, appeal and payment of cost, r tamely 1



2. RULES Short title and commencement.- (1) These rules may be called the Chhattisgarh Lok Sewa Guarantee (Avedan, Appeal, tatha Parivyaya ka Bhugtan) Niyam, 2011. (2) They shall come into force from the date of its publication in the Official Gazette.

Definitions.- (1) In these rules, unless the context otherwise requires, - (a) "Act" means, the Chhattisgarh Lok Sewa Guarantee Act, 2011 (NO.23 of 2011); (b) "Appellate Authority" means, an officer empowered in Section 20) of the Act who can hear appeals against the orders passed by the Competent Officer; (c) "Competent Officer" means, an officer empowered to impose cost for default or delay caused by the person responsible for delivery of Lok Sewa as mentioned in Section 2(b) of the Act; (d) "Cost" means, cost as imposed for payment by the Competent Authority on a person responsible for delivering Lok Sewa for the services specified in Section 4(4) of the Act. (e) "Department" means, a Department of the Government or a section, division, branch, office or constituent unit, or by whatever name called, of a local body, public authority or agency, as the case may be, as mentioned in Section 2(c) of the Act; (f) "Designated Officer" means, an officer responsible for delivering Lok Sewa as mentioned in Section 4(1) of the Act; (g) "Form" means, form attached to these rules made under the Act; (h) (i) (j) (k) (l) (m) (n) (o) (p) "Government" means, the Government of Chhattisgarh as mentioned in section 2(d) of the Act; (q) "Body" means, any . Authpgrgy, Municipal Corporation, Municipality, Panchayat or any Other Body, govtipneq in Sep!ipq 2(e) of the Act; "Lok Sewa" means, Services mentioned in Section of the Act; "Notification" and "Notified" means a notification published in the Official Gazette under, Section 2(g) of the Act; "Prescribed" means, prescribed by these rules; "Public Authority" means, an authority or body or an autonomous body mentioned in Section 2(i) of the Act; "Rule" means, the Chhattisgarh Lok Sewa Guarantee (Avedan, Appeal, tatha Parivyaya ka Bhugtan) Niyam, 2011; "Schedule" means, issuing of Schedule under these rules related to notified civilians in public services under Section 3(1) of the Act; "Stipulated time" means, the specified time to provide Lok Sewa or to decide the appeal by the Appellate Authority notified under these rules; 3. 4. 5. (2) The words and expression used in these rules which are not defined, shall have the same meaning as assigned to them in the Act.

Authorization of Designated Officer.- Each department; shall designate a responsible officer, for delivering Lok Sewa in prescribed time under Section 4(1), and the designated officer shall be responsible for necessary action on each application and providing Lok Sewa to the applicant in stipulated time as mentioned in the Schedule.

Procedure for receiving' application.- Each Officer designated by department shall authorise his sub-ordinate officer/employee to receive the applications, examine them and to issue the acknowledgement to the applicant for the public service provided by his office.

Issuing of acknowledgement to applicant.- The officer/employee, authorised under the said procedure, on receipt of application shall immediately check whether necessary documents have been annexed with the application. Application which is complete in all respect and With necessary documents Shall only be entertained. Authorised officer/employee shall give acknowledgement to the applicant in

Form-I, as specified in rule 4. Incomplete applications shall be returned back to applicant with a note on its incompleteness. Complete applications received on each working day, shall be produced before "Designated Officer" on the same working day for providing Lok Sewa. 632 (14) 14 2011 6. 7

8. Declaration of Competent Officer.- As per Section 5 of the Act, each department shall declare one or more than one Competent Officer, who is/are not below the rank of Designated Officer responsible for providing Lok Sewa, for enquiring the default or delay made by Designated Officer. The Competent Officer shall have the powers to impose cost on Designated Officer under the provisions of the Act. If the Designated Officer failed to provide Lok Sewa in stipulated time, the applicant may submit complaint to Competent Officer. On receiving such complaint, Competent Officer shall enquire into the reasons for delay in providing Lok Sewa and after according a reasonable opportunity of hearing to the Designated Officer, decide the complaint within 30 days. Competent Officer after going through reasons and facts produced by Designated Officer shall decide whether he is responsible or not for delay in providing Lok Sewa. If Designated Officer is found responsible for not providing services in stipulated time then the Competent Officer shall impose cost under Section 4(4) Of the Act and give the directions to provide services at the earliest, if the services are not provided to the applicant. Copy of the order passed by Competent Officer shall be endorsed to applicant, designated officer and the officer having administrative control over designated officer. Responsibility of designated officer to provide service required by the applicant at the earliest shall remain intact even after cost is imposed on him. Any person who is aggrieved by an order passed by the Competent Officer shall be entitled to file an appeal before the Appellate Officer within 30 days. Appointment of Appellate Officer.- For the hearing of appeals filed by the aggrieved party against the order passed by Competent Officer, each Department shall notify Appellate Officer under Section 7(2) of the Act whose rank shall not be below the rank of Competent Officer. Appellate officer shall decide the appeal within a maximum time limit of 45 days, from the date of filing appeal and while disposal of appeal follow rules of natural justice. The order passed by Appellate Authority shall be final and binding. Appeal.- Any person who is aggrieved by an order passed by the Competent Officer shall be entitled to file an appeal before the Appellate Authority within a period, not exceeding thirty days from the receipt of the impugned order. There shall be no fees for appeal. (1) The following information shall be furnished in an application for appeal- 632 (15) (i) (ii) (v) (vi) (vii) 14 2011 name and complete address of the appellant; brief description of required service; date of the application produced before designated officer; date of the application produced competent officer; particulars of that order of competent officer against whom appeal is made with date; the grounds for appeal; relief sought; 9. 11. (viii) any other information necessary for filing appeal. (2) Documents to be annexed with appeal- The following documents shall be annexed with every application for appeal, namely:- (i) self-attested copy of the order of the competent officer against which the appeal is made; (ii) the copies of the documents mentioned in the application for appeal; (iii) the index of the documents annexed with the application for appeal; (iv) self-attested copies of the documents mentioned in the original applications of applicant and appellant. Procedure for deciding appeal.- In deciding the application for appeal the Appellate Authority shall - (i) inspect relevant documents, public documents or copies thereof; (ii) hear designated officer/ applicant, as the case may be, at the time of appeal. Service of notice of hearing.- The notice of hearing of application for appeal may be served in any of the following manner - (i) by hand delivery (dasti) through special messenger, (ii) by the registered post with due acknowledgement; (iii) in case of a Government servant, through his controlling officer. Personal appearance of the appellant.- In every case the appellant shall be intimated with the date of hearing, at least seven clear days prior to such date of hearing. (2) If any party remains absent after due service of notice of the fixed date of hearing, then the application for appeal may be disposed of in his absence. 632 (16) 14 2011 12. 13

14. Order in appeal.- (1) During hearing of Appeal signature/thumb impression of both the parties shall be obtained in order sheet; (2) The copy of appeal order shall be given to both parties and also endorsed to the following:- (a) For information to Competent Officer and if the appeal of designated officer is rejected then, with the direction to pay amount of cost positively; (b) Administrative or Disciplinary controlling department of concerned designated officer for appropriate administrative action and for record in his service particulars. Payment of cost.- In case of dismissal or rejection of appeal the designated officer has to pay the amount of cost within seven days as imposed by the Competent Officer on him. Method for

the payment or cost.- (1) Cost shall be paid in the following manner:- (a) Each Competent Officer shall open a savings account in his own name in a nationalized bank for depositing and withdrawal of amount collected as the cost and maintain record of the amount deposited and withdrawn in his office in a separate cash book. (b) Each Designated Officer shall deposit amount of cost imposed on him in the account opened by Competent Officer as mentioned in the (a) above and shall inform to the Competent Officer along with the photocopy of counterfoil as given by the bank. (c) Amount deposited as above shall be paid to the applicant in person or by cheque/bank draft or through money order. (d) For the payment of cost to the applicant, fees incurred on bank draft or money order shall be borne by Competent Officer through interest on the amount deposited in bank or by concerned drawing and disbursing officer from contingency fund. (2) Payment by other methods - (i) If the Designated Officer failed to pay the amount of cost imposed on him as specified in rule 13, then the Competent Officer shall direct drawing and disbursing officer to recover the amount of cost from the next salary of the Designated Officer and deposit it in the bank saving account as mentioned in rule 14(1)(a). Directions of Competent Officer shall be binding on drawing and disbursing officer. (ii) Amount received as above method shall be deposited by the drawing and disbursing officer under intimation to the Competent 2011 632 (1) 15. 16. 17. 18



19. Officer, who in turn pay it to applicant specified in the rule 140 Calculation of stipulated time for the service.- For providing Lok Sewa Calculation of stipulated time shall be in the form of working days.
Display of information on the notice board.- The Designated Officer in



Form-2 attached with these rules shall cause to exhibit the relevant information of the services on a notice board installed at a conspicuous place of his office for the convenience of general public. The details of necessary documents to be attached with an application for obtaining notified services shall be displayed on the notice board. Maintenance of record of disposed cases under the Act.- For the maintenance of record of disposed cases under the Act, The Designated Officer, shall maintain the record of the cases in

Form-3, and appellate officer in Form-4 with these rules. Liability for furnishing false information to obtain Lok Sewa.- No person shall submit any application which contains any fact or information, which he knows or has reasons to believe to be false, to obtain any Lok Sewa, and who furnishes such fact or information may be liable for criminal action under the law for the time being in force. Monitoring and inspection.- The State Government may issue directions from time to time for effective implementation of the provisions of the Act, superintendence of the cases filed under the Act and for the inspection of the offices of the Designated Officer, Competent Officer, Appellate Authority and Drawing and Disbursing Officer. By order and in the name of the Governor of Chhattisgarh, NIDHI CHHIBBER, Secretary. 632

(18) 14 2011 FORM 1 (See rule 5) Form of acknowledgement under the Chhattisgarh Lok Sewa

Guarantee Act, 2011 Name and address of the office of Designated Officer I. 2 3. 4



5. Name and address of the applicant Date of receiving application in the Office of designated officer. Name of the service for which the Application is given. Particulars of the documents which are essential for receiving service, but are not enclosed with the application. Last date as per stipulated time limit for delivery of Lok Sewa Place : Date : Note:- Signature of Recipient Name and Designation with Seal. In case of not receiving all the documents with the application the last date mentioned in point 5 above shall not be given. 14 2011



FORM 2 (See rule 16) Form for providing information on no tice board Name, Designation and Office of the Designated Officer. S. No. (1) 1 2 2. Notified Public Service (2) Documents Stil julated to be tin le limit annexed for the with the services application (3) (4) Name and Designation of the Competent Officer (5) Name and Deoignatiou and address of the office of Appella,te Authority (6) 632 (19) Stipulated time limit for the disposal of appeal 0) Name, Design?'tion and Chamber of the Officer/e',nployce authorised to receive application in the office of Designated Officer Time limit Gor filing appeal. Within thirty days from the decisio n of competent officer. Note- Plea se obtain acknowledgement of your app,lication compulsorily. 632 (20) 14 FORM 3 (See rule 17) Form of register to be maintained in the omce of Designated Officer Name of the office cf the designated officer. Month Year S. (1) Name and address of applicant (2) Service {Or Which the application is given (3) Application allowed/ dis-allowed (4) Last date of the stipulated time limit (5) Date of providing service (6) Date and details of the order passed by Competent Officer (7) 14 2011 FORM 4 (See rule 17) 632 (21) Form of register to be maintained in the office of Appellate Authority Name of the omce of the Appellate Authority. S. Name and No. address of appellant Date of Designation of the filing, Competent Officer appeal (Alongwith the (1) (2) (3) name of office) against the decision of wihom the appeai is filed) (4) Last date of th e stipula ted time limit as fixed for the disposal' of appeal (5) Date and detail of order in appeal. (6) 634 (37) 3FiFii \$1 71NFITl (ft,--€ff 16 2011 15 30 15 30 30 632 (8) 2. 3. mrr * I 5. 14 20.11 (Äu-q 5 arrær 2011 Re-TRr 1 ffiG 14 2011 (fizrq •16 aid 632 (9) (7) 1 2 3 1- (2) i*-rufa-q . (6) qie— an-Qi ØT«q I 632 (10) 14 2011 17 üfü) 71-4 iüt (2) (3) (4) (5) (6) (7) (3) 14 2011 17 (4) 632 (11) (6)

