

DELHI (RIGHT OF CITIZEN TO TIME BOUND DELIVERY OF SERVICES) ACT 2011

(TO BE PUBLISHED IN PART-IV OF THE DELHI GAZETTE-EXTRAORDINARY 20) GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI (DEPARTMENT OF LAW, JUSTICE & LEGISLATIVE AFFAIRS) 8TH LEVEL, C-WING, DELHI SECRETARIAT, NEW DELHI 110003 - 2011/4/90 NOTIFICATION Dated 20th April, 2011

The following Act of the Legislative Assembly of the National Capital Territory of Delhi received the assent of the Lt. Governor of Delhi on April, 2011 and is hereby published for general information:- "THE DELHI (RIGHT OF CITIZEN TO TIME BOUND DELIVERY OF SERVICES) ACT, 2011 (DELHI ACT 07 OF 2011) (As passed by the Legislative Assembly of the National Capital Territory of Delhi on 17th March, 2011) [An Act to provide for the delivery of services to the citizens in the National Capital Territory of Delhi within the stipulated time limit, including liabilities of the Government in case of default and for matters connected therewith or incidental thereto. Enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Sixty — second Year of the Republic of India as follows:-

CHAPTER-I PRELIMINARY

Short title, extent, commencement and application. (1) This Act may be called the Delhi (Right of Citizen to Time Bound Delivery of Services) Act, 2011, (2) it extends to the whole of National Capital Territory of Delhi. (3) It shall come into force on such date as the Government may, by notification, appoint. (4) This Act shall apply to government servants appointed substantively to any civil services or posts in connection with the affairs of the Government of National Capital Territory of Delhi and to the servants of local bodies and authorities which are owned, controlled or substantially financed by that Government, but shall not apply to-

(iii) 2. (b) persons appointed on casual or daily rates basis; persons employed on contract except when the contract provides otherwise; persons whose terms and conditions of services are regulated by or under the provisions of the Constitution.

Definitions.- In this Act, unless the context otherwise requires, -

"Appellate Authority" means an officer appointed by the Government or local body, as the case may be, by notification, invested with the power to hear appeals against the orders passed by any competent officer under this Act; "citizen related services" means the services as specified in the Schedule; "competent officer" means an officer appointed by the Government or local body, under section 9 of this Act, by notification, who shall be empowered to impose cost on the government servant defaulting or delaying the delivery of services in accordance with this Act; "Delhi" means the National Capital Territory of Delhi; "Department" means a department of the Government or department of a local body, as the case may be; "Government" means the Lieutenant Governor of the National Capital Territory of Delhi appointed by the President under article 239 and designated as such under article 239 AA of the Constitution; "government servant" means a person appointed substantively to any civil service or post in connection with the affairs of the Government including, person working on deputation basis; and person appointed in a local body which is owned, controlled or substantially financed by that Government; "local body" includes any public authority, municipality, Delhi Cantonment Board, Delhi Jal Board, Town Planning Authority, Delhi Development Authority or any other body or authority, by whatever name called, for the time being invested by law to render essential services of public utility within the territory of Delhi or to control, manage or regulate such services within a specified local area thereof; "notification" means a notification published in the official Gazette; "public authority" means any authority or body or institution of self-governance established or constituted (i) by or under the Constitution; (ii) by any other law made by Parliament; (iii) by any law made by the Legislature of a State or Union territory; (iv) by a notification issued or order made by the Government; and includes (a) a body owned, controlled or substantially financed by the Government; (b) a non-government organization substantially financed, directly or indirectly, by the funds provided by the Government; and (c) an organization 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 Delhi; "rule" means a rule made by the Government under this Act, by notification; "Schedule" means the Schedule appended to this Act; 4 (m) "year" means a calendar year commencing on the day of January and ending on the 31st day of December.

CHAPTER-II CITIZEN'S RIGHT TO TIME BOUND DELIVERY OF SERVICES, AND— PROCEDURE GOVERNING FIXING OF LIABILITY IN CASE OF DEFAULT, ETC

3. Right of citizen to obtain time bound delivery of services.- Every citizen shall have the right to obtain the citizen related services in Delhi in accordance with this Act within the time bound period as stipulated in the Schedule: Provided that the Government shall be entitled to amend and revise the Schedule from time to time by notification

4. Liability of government servant to deliver services within the stipulated period.- Every government servant shall be bound to deliver citizen related services as specified in the Schedule *Within the time period as stipulated in the Schedule. Monitoring the status of the application.- (1) Every citizen having applied for any citizen related services shall be provided an application number by the concerned department, or local body, as the case may be, and the citizen shall be entitled to obtain and monitor status of his application online in accordance with such procedure as may be prescribed. (2). The department or local body, as the case may be, shall maintain status of all applications governing citizen related services online and shall be bound to update the status of the same as per the procedure as prescribed by rules in this regard. 6. a-governance of, services through mutual understanding.- The government shall endeavor and encourage all the departments, local bodies and authorities of the government to enter by mutual understanding to deliver their respective citizen related services in a stipulated time period as part of e-governance. Liability to pay cost.- Every government servant who fails to deliver the citizen related services to a citizen within the stipulated time as stipulated in the Schedule, shall be liable to pay cost at the rate of ten rupees per day, for the period of delay subject to maximum of one hundred rupees per application in aggregate, which shall be payable by him to the citizen as compensatory cost. Payment of compensatory cost to the citizen.- At the time of delivery of citizen related services, the citizen having applied for such services shall be entitled to seek compensatory cost in accordance with the provisions of this Act and the rules made thereunder, in case of delay in the delivery of such services, beyond the period prescribed in the Schedule

9. Appointment of competent officer.- (1) The Government and in the case of a local body, the local body concerned, shall appoint, by notification, an officer not below the rank of Deputy Secretary or its equivalent rank in the case of local body to act as competent officer empowered to impose cost against the government servant defaulting or delaying the delivery of services in accordance with this Act. (2) The Government or the local body concerned as the case may be, shall for the purpose of payment of cost, confer on the competent officer the powers of drawing and disbursement officer in accordance with the law, procedure and rules as applicable. (3) On such demand of compensatory cost by the citizen, at the time of delivery of citizen related services, shall be the duty of the competent officer to pay such cost to the citizen against acknowledgment and receipt as per the format as prescribed in the rules

10. Procedure governing fixing of liability.- (1) Within a period of fifteen days of the payment of such compensatory cost, the competent officer, after conducting preliminary enquiry, shall issue a notice against the government servant found responsible for the delay in delivery of such citizen related service. Calling upon him as to why the compensatory cost paid to the citizen may not be recovered from him. (2) The government servant against whom such notice is issued may represent within a period of seven days from the date of receipt of such notice. In case no such representation is received, by the competent officer within the prescribed period or the explanation received, if any, is not found satisfactory, the competent officer shall be entitled to issue debit note directing such defaulting government servant either to deposit the cost as stipulated in the debit note or directing the accounts officer concerned to debit the salary of such government servant for the amount as mentioned in the debit note: Provided that if the competent officer finds reasonable and justified grounds in favour of such government servant and comes to the conclusion that the delay in the delivery of services to the citizen was not attributable to him but was attributable to some other government servant, it shall be lawful for the competent officer to withdraw the notice against him and issue fresh show cause notice to such other government servant as found responsible for the delay and shall follow the procedure mutatis-mutandis as stipulated in this sub-section and sub-section (1) of this section. 8 (3) • While fixing the liability under this Act, the competent officer shall follow the principles of natural justice before passing the order in that respect. CHAPTER-UI RIGHT OF APPEAL AGAINST THE ORDER FIXING LIABILITY 11. Right of appeal.- (1) Any government servant aggrieved by the order passed by the competent officer in accordance with sections 9 and 10 shall be entitled to file an appeal to the Appellate Authority against such order within a period not exceeding thirty days of the receipt of the impugned order. The order of the Appellate Authority shall be

final and binding: (2) For the purpose of this section, the Government or the local body concerned, as the case may be, shall appoint an officer to be the Appellate Officer to hear and decide appeals against the order passed by the competent officer. The Officer shall not be below the rank of Joint Secretary of the Government or its equivalent rank in the case of a local body. 9 CHAPTER IV MISCELLANEOUS 12. Developing culture to deliver services within fixed period.- (1) The defaults on the part of government servant in the time bound delivery of citizen related services as defined in this Act shall not be counted towards misconduct as the purpose and object is to sensitize the public servant towards the citizen and to enhance and imbibe a culture to deliver time bound services to the citizens. (2) In case of habitual defaulter, the competent officer shall be competent to take appropriate administrative action after recording a finding to this effect but not before giving a show cause notice and opportunity of hearing to the defaulting servant. Explanation.- For the purpose of this Sub-section, a government servant shall be deemed to be habitual defaulter in case he incurs more than twenty five defaults in one year. (3) To encourage and enhance the efficiency of the government servants, it shall be lawful for the competent officer to recommend cash incentive not exceeding five thousand rupees in aggregate in favour of a government servant against whom no default is reported in one year. On such recommendation, the Government or the local body concerned, as the case may be, shall be competent to grant such incentive as it deem fit and proper, not exceeding the amount as recommended by competent officer, along with certificate of appreciation.

13. Deemed service condition.- The provisions of this Act shall be deemed to be part of service conditions of the government servants including such servants of local bodies of the Government.

14. Supplement.- The provisions of this Act shall be supplemented to the disciplinary and financial rules and such other service rules and regulations as applicable to the employees of the Government or local body concerned, as the case may be, and not in derogation to such service rules and regulations governing the service condition and conduct of the government employees or the employees of the local body concerned.

15. Power to make rules.- (1) The Government may, by notification, make rules for carrying out the provisions of this Act. In particular, and without prejudice to the generality of the foregoing (2) power, such rules may provide for all or any of the following matters, namely the manner and the forms of giving notice under this Act; (b) (c) (d) (g) the procedure governing preliminary enquiry and adjudication by the competent officer governing fixing of liability of cost; the procedure governing adjudication of appeals by the appellate authority; the procedure pertaining to application governing citizen related services; the procedure governing generation of application number; the procedure governing managing, maintaining, operating of online status of the applications of citizen related services; any other matter which is required to be, or may be prescribed. (3) 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 Delhi, 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 session immediately following the session or the successive sessions aforesaid, the Legislative Assembly decides in making any modification in the rules or the Assembly agrees 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 the rule. DVS 12

16. Power to remove difficulties.- (1). 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 five years from the date of commencement of this Act. (2) Every order made under this section shall, as soon as may be, after it is made, be laid before the Legislative Assembly of Delhi. ONIS 13