



LEGISLATIVE ASSEMBLY OF THE
STATE OF GOA

The Goa Public Services Guarantee Bill, 2011

(Bill No. 10 of 2011)

^{AS}
~~To be~~ introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM-GOA

MARCH, 2011

**The Goa Public Services Guarantee
Bill, 2011**

(Bill No. 10 of 2011)

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BILL

5 *to provide for the delivery of services to the people
of the State of Goa within the stipulated time
limit and for matters connected therewith and
incidental thereto.*

Be it enacted by the Legislative Assembly of
the State of Goa in the Sixty-second Year of the
Republic of India, as follows:-

10 1. *Short title, extent and commencement.*—
(1) This Act may be called the Goa Public Services
Guarantee Act, 2011.

(2) It shall extend to the whole of the State of
Goa.

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

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

20 (a) "Designated Officer" means an authority
including one belonging to the local self
Government notified as such for providing any
service notified under section 3;

25 (b) "eligible person" means a person who is
eligible for any service as notified under
section 3;

(c) "First Appellate Authority" means an authority including one belonging to the local self Government which is notified as such under section 3;

(d) "Government" means the Government of Goa; 5

(e) "Notification" means notification published in the Official Gazette;

(f) "Official Gazette" means the Goa Government Gazette; 10

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

(h) "right to service" means right to obtain the service within the time limit as specified under section 4; 15

(i) "Second Appellate Authority" means an authority including one belonging to the local self Government which is notified as such under section 3;

(j) "service" means any service notified under section 3; 20

(k) "time limit" means the maximum time as specified under section 4 for providing the service by the Designated Officer.

3. *Services, Designated Officer, First Appellate Authority and Second Appellate Authority to be notified by the Government.*— Notwithstanding anything contrary contained in any other State law for the time being in force, the Government may, from time to time, by notification specify the services including those provided by the local self 25 30

Government, Designated Officers, First Appellate Authorities and Second Appellate Authorities, to which this Act shall apply.

4. *Right to obtain services within time limit.*—
5 The Designated Officer shall provide the services notified, under section 3 to the eligible person, within such time limit as may be specified by the Government by notification.

5. *Providing services within time limit.*— (1) Any
10 application filed for obtaining services notified under this Act shall be treated as an application under this Act. Time limit, if not specified otherwise in the notification issued under section 4 shall start from the date when the application
15 for notified service is submitted to the Designated Officer or to a person subordinate to him authorized to receive the application. Such application shall at once be received by the Designated Officer or the authorized person, as
20 the case may be, and duly acknowledged.

(2) The Designated Officer on receipt of an application under sub-section (1) shall, within the time limit, provide service or reject the application and in case of rejection of application, shall record the reasons in writing and intimate forthwith to the applicant. 25

6. *Appeal.*— (1) Any person, whose application is rejected under sub-section (2) of section 5 or who is not provided the service within the time limit, may file an appeal to the First Appellate Authority within thirty days from the date of rejection of application or the expiry of the time limit, as the case may be: 30

Provided that the First Appellate Authority may admit the appeal after the expiry of the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

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(2) The First Appellate Authority may order to the Designated Officer to provide the service within such period as he may specify or may reject the appeal. The First Appellate Authority shall decide the appeal within thirty working days from the date of its receipt.

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(3) An appeal against decision of First Appellate Authority shall lie to the Second Appellate Authority within sixty days from the date of decision of the First Appellate Authority:

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Provided that the Second Appellate Authority may admit the appeal after the expiry of the said period of sixty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

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(4) (a) The Second Appellate Authority may order the Designated Officer to provide the service within such period as he may specify or may reject the appeal.

(b) Alongwith the directions to provide service, the Second Appellate Authority may also impose a penalty according to the provisions of section 7.

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(5) (a) If the Designated Officer does not comply with provisions of sub-section (1) of section 5, then the aggrieved person may submit an application directly to the First Appellate

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Authority, which application shall be treated as an appeal filed before him and be disposed of in the manner of first appeal.

(b) If the Designated Officer does not comply with the order passed under sub-section (2) of section 6, then the aggrieved person may submit an application directly to the Second Appellate Authority, which application shall be treated as an appeal filed before him and be disposed of in the manner of second appeal.

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(6) The First Appellate Authority and the Second Appellate Authority shall, while deciding an appeal under this section, have the same powers as are vested in Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Central 5 of 1908) in respect of the following matters, namely:-

(a) requiring the production and inspection of documents;

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(b) issuing summons for hearing to the appellant and the Designated Officer or the First Appellate Authority, as the case may be; and

(c) any other matter which may be prescribed.

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7. Penalty.— (1) (a) Where the Second Appellate Authority is of the opinion that the Designated Officer has failed to provide service without sufficient and reasonable cause, then he may impose a lumpsum penalty which shall not be less than five hundred rupees but which may extend to five thousand rupees.

(b) Where the Second Appellate Authority is of the opinion that the Designated Officer has caused delay in providing the service, then he may impose a penalty of two hundred and fifty rupees for each day till service is provided by the Designated Officer, so however, the total amount of such penalty shall not exceed five thousand rupees:

Provided that the Designated Officer shall be given a reasonable opportunity of being heard before any penalty is imposed on him.

(2) Where the Second Appellate Authority is of the opinion that the First Appellate Authority has failed to decide the appeal within the time limit as specified in sub-section (2) of section 6 without any sufficient and reasonable cause, then he may impose a penalty on First Appellate Authority which shall not be less than five hundred rupees but which may extend to five thousand rupees:

Provided that the First Appellate Authority shall be given a reasonable opportunity of being heard before any penalty is imposed on it.

(3) The Second Appellate Authority may order to pay such amount as compensation to the appellant from the penalty imposed under sub-section (1) or (2) or both, as the case may be, which shall not exceed the amount of such penalty.

(4) The Second Appellate Authority, if it is satisfied that the Designated Officer or the First Appellate Authority has failed to discharge the duties assigned to him under this Act without

sufficient and reasonable cause, may recommend disciplinary action against him under the service rules applicable to him.

(5) The penalty so imposed shall be in addition to that specified in any other Act, Rules, Regulations or Notifications for the time being in force.

8. *Penalty amount to be deducted from the salary.*— The penalty so imposed under sub-section (1) or sub-section (2) of section 7 shall be deducted from the salary of the Designated Officer or the First Appellate Authority, as the case may be, and their concerned subordinate staff in the proportion as decided by the Department having jurisdiction relating to the service. The concerned Departments shall issue standing instructions detailing for this purpose about the proportion of penalty to be borne by the Designated Officer and the First Appellate Authority and their subordinate staff.

9. *Revision.*— The Designated Officer or First Appellate Authority aggrieved by an order of Second Appellate Authority in respect of imposing penalty under this Act may make an application for revision to the officer nominated by the Government, within a period of sixty days from the date of that order, who shall dispose of the application according to the procedure as prescribed:

Provided that the officer nominated by the Government may entertain Revision Application after the expiry of the said period of sixty days,

if he is satisfied that the applicant was prevented by sufficient cause from making an application in time.

10. *Constitution of State Public Service Delivery Commission.*— The Government may, by notification in the Official Gazette, constitute a State Public Service Delivery Commission, consisting of such persons as it deems fit for achieving the objectives of this Act. 5

11. *Power of the Government to send the applications to the Second Appellate Authority directly.*— (1) Notwithstanding anything contained in any other provisions of this Act, the Government may, if it receives an application alleging non-compliance of the provisions of this Act, send the same directly to the Second Appellate Authority for taking further action as per this Act. 10 15

(2) The Second Appellate Authority shall as soon as it receives the application under sub-section (1) proceed to decide the same as per sections 6 and 7 of this Act. 20

12. *Protection of action taken in good faith.*— No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder. 25

13. *Powers to make rules.*— (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act. 30

(2) Every rule made under this Act by the Government shall be laid before the State Legislature.

14. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an 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 removal of the difficulty: 5 10

Provided that no such order shall be made after the expiry of a period of two years from the 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 State Legislature. 15

Statement of Objects and Reasons

In the Golden Jubilee Year of the liberation of Goa from foreign rule, it is the intention of the Government to provide all essential services to the people of the State of Goa in a time-bound manner and to make the Government servants accountable to them for delay in providing the services. Already Citizens' Charters have been published by all the Government Departments giving details of services provided.

2. With a view to provide legal right to the people of the State of Goa to receive public services within stipulated time limit, the Government considers it necessary to bring in a suitable legislation.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

Clause 1(3) of the Bill empowers the Government to issue Notification fixing a date for bringing into force the provisions of the Act.

Clause 3 of the Bill empowers the Government to issue notification so as to specify the services, Designated Officers, First Appellate Authorities and Second Appellate Authorities.

Clause 4 of the Bill empowers the Government to issue notification so as to specify the time limit for providing service by the Designated Officer.

Clause 13 of the Bill empowers the Government to frame rules for the purposes of the Act.

Porvorim, Goa.
Dated: 15-03-2011.

(DIGAMBAR V. KAMAT)
Chief Minister

Assembly Hall,
Porvorim-Goa.
Dated: 15-03-2011.

(N. B. Subhedar)
For Secretary to the
Legislative Assembly of Goa