



Model Service Delivery Act



2022

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Foreword

In 2020, Centre for Civil Society, in partnership with Government of Punjab and Global Alliance for Mass Entrepreneurship, conducted a process audit of 26 public across five departments. Through this study, we offered targeted suggestions and policy recommendations to improve the efficiency of bureaucratic processes in the service delivery and improve the business environment in the State.

One must not look at the issue of service delivery as a citizen-only issue. Given Punjab's transition to the Punjab Transparency and Accountability in Delivery of Public Service Act, 2018 and its profound impact on ensuring the ease of doing business for MSMEs, one cannot deny the importance of revamping the service delivery for the flourishing of industries and trade.

Our experience with the Punjab project allowed us to build our institutional capacity to assess and analyse public service delivery laws and policies. Leveraging this expanded capacity, we embarked on a study of such laws and policies across India. The twenty-five years of our engagement with evidence based policy research and interventions has only become richer with our recently developed expertise in the study of business laws and policies. In studying the public service laws of all States, we took cognisance of the challenges faced by entrepreneurs and citizens alike.

In the absence of a national law guaranteeing rights and mandating obligations in the sphere of public service delivery, many States took upon themselves to legislate on the matter. Our research found that these state laws are plagued with several layers of bureaucracy, inefficient process and outdated methods of management. This has merely added to the regulatory cholesterol.

Through this Model Law, Centre for Civil Society seeks to contribute to the literature and marketplace of ideas on good governance and ease of doing business. The principles contained within the Model Law hold the promise of enabling a conducive business environment and maximising the human potential in India. This would be a step forward in its contribution to the Indian growth story.



Lakshmi Sampath Goyal
Chief Executive Officer

Contents

STATEMENT OF OBJECTS AND REASONS

CHAPTER I: PRELIMINARY

1. Short Title, Extent and Commencement

CHAPTER II: DEFINITIONS

2. Definitions
3. Notification of Public Services, Eligibility, and Stipulated Time Limits

CHAPTER III: NODAL AGENCY

4. Constitution of Nodal Agency
5. Objectives of Nodal Agency
6. Functions of Nodal Agency
7. Publication of a Periodic Scorecard
8. Process Audit Report
9. Publication
10. Periodic Trainings
11. Powers of Nodal Agency
12. Funds and Audits

Chapter IV: NODAL OFFICER

13. Nodal Officer
14. Eligibility
15. Search-cum-Selection Committee
16. Procedure to be Followed
17. Vacancy in the Position of Nodal Officer
18. Resignation by Nodal Officer
19. Grounds and Procedure for Removal of Nodal Officer

CHAPTER V: PUBLIC AUTHORITY

20. Duties of the Public Authority
21. Public Services Exempt from the Act
22. Service Delivery Manual
23. Application Forms to Contain the Following Particulars
24. Faceless Contact Service Delivery
25. Obligation to Conduct Consultations and Assessments
26. Establishing Information and Facilitation Centres

- 27. Citizen's Charter
- 28. Evaluations of the Citizen Charter
- 29. Annual Report

CHAPTER VI: DESIGNATED OFFICER

- 30. Appointment of Designated Officer
- 31. Delivery of Services
- 32. Public Service Principles and Values
- 33. Duties of Designated Officer
- 34. Service Conditions of Designated Officer
- 35. Breach of Service Conditions

CHAPTER VII: PUBLIC SERVICE DELIVERY

- 36. Central Application Portal
- 37. Central Application Portal for Industries
- 38. Electronic Service Delivery to Enhance Transparency
- 39. Processing and Tracking of an Application
- 40. Time limit for Processing Applications
- 41. Deemed Approval
- 42. Checklist of documents to be accessible
- 43. Option for expedited or *tatkal* delivery of services
- 44. Central Database

CHAPTER VIII: MISCELLANEOUS

- 45. Power to Make Rules
- 46. Laying of Rules
- 47. Overriding Effect of the Act
- 48. Power to Remove Difficulties

STATEMENT OF OBJECTS AND REASONS

The concept of Citizens' Charters was introduced in 1997 across various levels of government, in both the Union and States. However, these Charters remained ineffective due to their voluntary nature. The improvements in technology and internet penetration in India created the need for legislations on timely delivery of services, including those delivered electronically. The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011 and the the Electronic Delivery of Services Bill, 2011 attempted to achieve these goals. However, the Bills lapsed along with the dissolution of the Lok Sabha in 2014. In the absence of a national legal framework, individual States enacted laws to fill the void in the legal framework. These individual State laws are plagued by various challenges such as lack of uniformity across States, outdated processes, failure to acknowledge the advancement in technologies and ICT applications, etc.

The Model SEVA (Speedy, Efficient, Vigilant, Accountable) Delivery of Public Services Bill, 2022 aims to institutionalise mechanisms in governance to ensure that citizens and businesses in the State get access to speedy, simple, clear, transparent, efficient, accountable, fair, equitable, and time bound delivery of public services. It incorporates best practices to ensure ease of doing business and ease of access to such public services. In establishing the Nodal Agency and providing it with statutory guidance, the Bill seeks to establish governance methods which ensure removal of process and documentation redundancies, access to deemed approvals, and accountable assessment of public authorities. The mechanisms established through this Bill would synergise the State's efforts in meeting the Sustainable Development Goals.

Model SEVA
(Speedy, Efficient, Vigilant, Accountable)
Delivery of Public Services Bill, 2022

A

Bill

to provide for speedy, simple, clear, transparent, efficient, accountable, and time bound delivery of public and business services to the eligible persons by various Public Authorities of the State Government, and for matters connected therewith or incidental thereto.

WHEREAS it is expedient for the Government to provide directly or through private firms the public services critical for functioning markets and ease of doing business;

AND WHEREAS this Bill lays down mechanisms of independence, transparency, clarity, predictability, quality of laws, and relevance in public services delivery systems;

BE it enacted by the Assembly in the Seventy-fifth Year of the Republic of India as follows :-

CHAPTER I
PRELIMINARY

Section 1. Short Title, Extent and Commencement – (1) This Act shall be called the Speedy, Efficient, Vigilant, Accountable (SEVA) Delivery of Public Services Act, 2022.

(2) It extends to the whole of the State.

(3) It shall come into force on the day as notified by the State Government in the Official Gazette.

(4) It shall apply to such public authorities which provide public services to eligible persons as per the provisions of any laws, rules, notifications, orders, Government Resolutions, or any other instruments.

CHAPTER II
DEFINITIONS

Section 2. Definitions – In this Act, unless the context otherwise requires:

- (a) “accountable” means the answerability of the public servant for various acts of omission and commission in the delivery of public services;
- (b) “Act”, unless otherwise specified, refers to the SEVA Delivery of Public Services Act, 2022;
- (c) “applicant” means a person applying to the relevant public authority for public services;
- (d) “checklist” means the list of documents that need to be submitted along with the application form to avail a service along with a list of steps to be followed by an applicant to avail a public service;
- (e) “citizen’s charter” means a publicly accessible document, as specified in Section 27 of this Act.
- (f) “Department” means the concerned department of the State Government or of a Public Authority, as the case may be;
- (g) “Designated Officer” means an official notified as such under Section 30 for providing public service to eligible persons;
- (h) “electronic mode” means any method, process or application to deliver any service electronically including, but not limited to Government to Government, Government to citizen, or Government to business transactions, data interchange and other digital supply transactions whether conducted by email, mobile devices, social media, cloud computing, document management, voice or data transmission or otherwise;
- (i) “electronic service delivery” means the delivery of public service through electronic mode;
- (j) “eligible person” means a person who is eligible for obtaining a public service as specified under Section 1 of this Act;
- (k) “Government” means the State Government;
- (l) “Nodal Agency” means Agency constituted under Section 4 of this Act;
- (m) “notification” means a notification published in the Official Gazette of the Government and the word ‘notify’ and ‘notified’ shall be construed accordingly;
- (n) “prescribed” means prescribed by rules made under this Act;
- (o) “public authority” means, —
 - (i) Any department or authority of the Government;
 - (ii) Any organisation or authority or body or corporation or institution or a local authority, established or constituted by or under the Constitution of India, in the State, or by or under any law made by the Legislature of the State, or by notification issued by the State Government;
 - (iii) and includes, an institution, a co-operative society, a Government Company or an authority owned, controlled, or financed by the State Government;
- (p) “public service” means any service or part thereof being provided to any person by the State Government or public authority either directly or through any service provider and includes the receipt of forms and applications, issue or grant of any licence, permit, certificate, sanction or approval and the receipt or payment of money, or any other such;
- (q) “scorecard” means a dashboard or matrix which evaluates, quantifies, and compares the performance of all Public Authorities in the delivery of a public service;
- (r) “service” unless otherwise specified means public service;
- (s) “stipulated time limit” means the maximum time as specified by the Government to provide the public service by the public authority or Designated Officer, as the case may be;

- (t) “transparency” means the duty of a public servant to act in an open manner while exercising powers and discharging functions by, including but not limited to:
 - (i) Holding due consultations with all stakeholders;
 - (ii) Providing those eligible with all necessary information to avail any service under this Act; and
 - (iii) Making all decisions of the public authority fully documented, explained, and easily available to all stakeholders.
- (u) “unified service delivery” means delivery of services through one combined service delivery mode, preferably an electronic mode such as the Central Application Portal and Central Application Portal for Industries.

Section 3. Notification of Public Services, Eligibility, and Stipulated Time Limits - (1) An eligible person shall have a right to obtain public services in the State in accordance with this Act, within the stipulated time, and in the manner so provided in this Act;

(2) No public authority or Designated Officer shall deny a public service to an eligible person; and

(3) The Government may, from time to time, specify a public service to which this Act shall not apply, through the procedure established under Section 21 of this Act.

CHAPTER III NODAL AGENCY

Section 4. Constitution of Nodal Agency – (1) The Government shall constitute a nodal agency for the purposes of overseeing and facilitating the delivery of public services and any other purpose, as under this Act, within not more than six months of the enactment of this law, by issuing a notification in the Official Gazette.

(2) The nodal agency shall be headed by the nodal officer and shall include secretarial and supervisory staff as may be required to perform its functions and discharge its duties efficiently under this Act.

(3) The nodal agency may engage experts and consultants as prescribed.

(4) The headquarters of the nodal agency shall be at a place as may be notified by the Government.

Section 5. Objectives of Nodal Agency – The objectives of the nodal agency shall, amongst other, include –

- (a) Improving the applicant’s experience;
- (b) Assessing and rationalising the requirements of documents specified by public authorities in the checklist for an application for a service;
- (c) Minimising the complexity of the process, the cost, and the time taken for the delivery of the service;
- (d) Increasing the level of transparency;
- (e) Reducing administrative burden; and
- (f) Adopting best practices for public service delivery.

Section 6. Functions of Nodal Agency – The functions of the nodal agency shall, amongst other, includes –

- (1) Recommending services to be exempted to the Government for notification, through the process specified in Section 21;
- (2) Overseeing procedures for equitable, fair, timely, efficient, and cost effective delivery of public services by –
 - (a) Recommending changes in the procedure for delivery of public service to make the delivery more transparent, efficient, and user friendly to the public authority through the periodic scorecard specified in Section 7;
 - (b) Ensuring adherence to the time schedule, and quality of such services through powers specified in Section 11;
 - (c) Identifying challenges in efficient, fair and prompt delivery based on data, and assisting the public authority to redesign processes, and recommend changes in the processes to the public authority under Sections 7 and 8.
 - (d) Periodically reviewing the public services provided and the governing laws by undertaking various studies including a cost compliance analysis and time and motion study, in order to recommend ways to minimise the enforcement costs and compliance costs incurred by various stakeholders under Section 7;
 - (e) If required, recommend changes to the manual specified in Section 22, the application forms specified in Section 23, and the consultation and review mechanisms specified in Section 25;
 - (f) Assessing the quality and clarity of rules, regulations, and notifications promulgated by various public authorities as specified in Section 7;
 - (g) Organising periodic training for designated officers and officials of public authorities to enhance and ensure time bound delivery of the public service in a transparent and accountable manner, as specified under Section 10.
- (3) Ensuring accountability in the delivery of public services by –
 - (a) Seeking feedback or responses from the applicants about their experience in availing the services from the public authority and review the same;
 - (b) Enforcing the prescribed public service values and principles as enshrined under the Act by using the powers specified under Section 11; and
 - (c) Identifying violations and corresponding officials responsible for violations, and report the same to the Government under Section 34.
- (4) Ensure cooperation and deliberation among various public authorities in implementing this Act by –
 - (a) Mapping interconnections and coordinating among various public authorities, for the purposes of this Act;
 - (b) Organising deliberation between relevant public authorities and Departments rendering public services, and –
 - (i) conduct such meetings, at such frequency and through such procedure it may deem fit;
 - (ii) through deliberation, enhance and streamline public service delivery to achieve the objectives of this Act;

(iii) publish minutes, clearly identifying the statements made by such attendees, at such a meeting publically within thirty days of the meeting.

(5) Provide technical assistance and advisory opinions, through such manner as prescribed –

- (a) To the State Legislature, and any of its Committees;
- (b) To the Government for the review of any law, rules, and notifications; and
- (b) To any public authority for the review of any regulations or subordinate legislation.

(6) Carry out any other activity to fulfil their mandate under the Act, as may be prescribed.

Section 7. Publication of a Periodic Scorecard - (1) The nodal agency shall publish a periodic scorecard as prescribed.

(2) This periodic scorecard shall evaluate, quantify, and compare the performance of all public authorities in the delivery of a public service.

(3) The parameters for the periodic scorecard shall be guided by efficiency of procedures, ease of access, and fairness in the delivery of public services. These parameters may include –

- (a) Rate of pendency in processing applications;
- (b) Standardised process flow including overall processing volume and time taken;
- (c) The cost of compliance and enforcement;
- (d) Ease of access to public services by an eligible person or business.

(4) In publishing the periodic scorecard, the nodal agency shall place emphasis on methods, including –

- (a) A comparative analysis between similarly placed public services and public authorities including a comparison of the performance of public authorities in other states;
- (b) User feedback; and
- (c) Any other method as the nodal agency deems fit..

Section 8. Process Audit Report - (1) Based on the findings of the periodic scorecard, the nodal agency shall provide each public authority with a Process Audit Report.

(2) This Process Audit Report shall identify administrative hurdles, bottlenecks, and non-value adding activities.

(3) If applicable, the the Process Audit Report shall specify –

- (i) High cost or unclear cost structure;
- (ii) Unnecessary details in the application forms;
- (iii) Unnecessary duplication of documents and applications forms;
- (iv) Long waiting times or bottlenecks;
- (v) Multiple and lengthy approvals; and

(vi) Non-compliance with regulations.

(4) All data, documentation, studies, etc. provided by any experts and consultants shall promptly be made available to the public authority.

Section 9. Publication – The nodal agency shall publish the scorecard and the process audit report of a public authority on the nodal agency’s website along with the methodology, data dashboard, and findings.

Section 10. Periodic Trainings – (1) The nodal agency shall organise training to enhance and ensure time bound delivery of the public service in a transparent and accountable manner.

(2) The training shall be conducted in such a manner as the nodal agency deems fit.

(3) For the purposes of this section, the nodal agency may engage experts and consultants.

Section 11. Powers of Nodal Agency - (1) In order to carry out its functions, the nodal agency shall have the power to:

- (a) Collect and store all information regarding the delivery of a public service;
- (b) Access the user data and contact users;
- (c) Conduct checks on a public authority with respect to the delivery of services;
- (d) Investigate the functioning of a public authority;
- (e) Audit the service delivery mechanisms formed by the public authority; and
- (f) Hold responsible any person not complying with the Act or the orders of the nodal agency.

(2) For the purposes of sub-section (1), the nodal agency shall have the power to summon any record, document or witnesses and shall be deemed to be a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:

- (a) Summoning and enforcing the attendance of any person and examining him on oath;
- (b) Requiring the discovery and production of documents or other electronic records;
- (c) Receiving evidence on affidavits;
- (d) Issuing commissions for the examination of witnesses or documents;
- (e) Any other matter which may be prescribed by the Government.

(3) If the nodal agency is satisfied that any officer of a public authority or the Designated Officer for a service has failed to discharge the duties assigned to such officer under this Act without reasonable cause, or that such officer is not in compliance with the provisions of this Act, the nodal agency shall forward such findings to the Government, and may recommend disciplinary action along with its reasons in writing against such officer under the relevant service rules.

(4) The nodal agency shall have the powers to regulate its own procedures.

Section 12. Funds and Audits – (1) The Government shall, after due appropriation made by the State Legislature by law in this behalf, make the nodal agency such grants of such sums of money as the Government may deem fit for being utilised for the purposes of this Act;

(2) The Government shall also constitute a Fund, within three months of the notification of this Act, called the Nodal Agency General Fund (hereinafter, 'Fund') and there shall be credited thereto all sums received by the nodal agency from other sources as may be decided upon by the Government;

(3) The Fund shall be applied for meeting –

- (a) the salaries, allowances, and other remuneration of the nodal agency's secretarial staff;
- (b) the expenses of the nodal agency in the discharge of its functions;
- (c) the expenses on objects and for purposes authorised by this Act.

(4) The nodal agency shall –

- (a) Maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed; and
- (b) The accounts of the nodal agency shall be audited at such intervals as may be specified.

Chapter IV Nodal Officer

Section 13. Nodal Officer – (1) The nodal agency shall be headed by a nodal officer.

(2) Subject to the provisions of the Act, the nodal officer shall hold office for a term of five years.

Section 14. Eligibility – (1) A serving officer of the rank of Joint Secretary to the Government of India with at least three years of service in such rank, shall be appointed by the Government.

(2) The appointment shall be made on the basis of the recommendations of the search-cum-selection committee.

Section 15. Search-cum-Selection Committee – The search-cum-selection committee shall consist of:

- (a) Chief Justice of the High Court of the State - Chairman;
- (b) Chief Secretary of the State Government - Member; and
- (c) Chairman of the Public Service Commission of the State - Member.

Section 16. Procedure to be Followed – The search-cum-selection committee shall make a document stating the procedure it will follow for selecting persons. This procedure must –

- (a) Be fair, transparent, and efficient; and

(b) Require the search-cum-selection committee to widely advertise the vacancy and the procedure for selecting a person in the best possible way.

Section 17. Vacancy in the Position of Nodal Officer – (1) A vacancy in the position of the nodal officer shall be filled through the procedure established in this section, within six months of such vacancy.

(2) For any vacancy in the office of the nodal officer, the selection-cum-selection committee must not consider any person whose age would not permit such a person to serve the five year term.

Section 18. Resignation by Nodal Officer – The nodal officer may, at any time, by writing under his hand addressed to the Government, resign from his office.

Section 19. Grounds and Procedure for Removal of Nodal Officer – (1) The nodal officer may be removed from office if such officer has –

- (a) been adjudged to be insolvent;
- (b) been convicted of an offence involving moral turpitude;
- (c) engaged in any employment during the tenure of appointment, in violation of the terms and conditions of service;
- (d) acquired any financial or other interest contrary to their terms and conditions of service that is likely to prejudice their functions;
- (e) made any material misrepresentation to the selection committee;
- (f) abused their position so as to render their continuance in office prejudicial to the objectives of that nodal agency; or
- (g) has become physically or mentally incapable of discharging their duties.

(2) If the Government proposes to remove the nodal officer, on any of the grounds mentioned in this section, it shall constitute an inquiry committee.

(3) The inquiry committee shall consist of not more than three members, headed by a retired judge of the High Court;

(4) The committee must inform the Government, in writing, whether one or more grounds for removal has been met; and

(5) If the committee has informed the Government that one or more grounds for removal has been met, then the Central Government shall remove the nodal officer by publishing a notification consisting of the grounds for removal and facts considered by the Government to arrive at its decision.

CHAPTER V PUBLIC AUTHORITY

Section 20. Duties of the Public Authority - (1) A public authority shall provide a public service to an eligible person, unless otherwise excluded under Section 3.

(2) The public authority shall be responsible for providing all services in a unified service delivery mode as far as possible.

(3) For fulfilling its duty under sub-section (1), the public authority shall provide all information which is consistent, clear, and complete across all platforms about the public service and the means of availing the service on –

- (a) Their electronic portal where they display information about the public authority; and
- (b) Physically, by means of information billboards which are prominently displayed in their offices and accessible to the public.

Section 21. Public Services Exempt from the Act - (1) A public authority shall write to the nodal agency to request for a public service to be exempt from the Act with reasons in writing.

(2) The nodal agency may recommend the Government to exempt the public service provided by that particular public authority.

(3) The Government may, on the basis of such a request, notify the exemption of a public service.

(4) The notification made under sub-section (3) shall be valid for a period of six months and may be renewed by the Government.

Section 22. Service Delivery Manual – (1) A public authority shall prepare a Service Delivery Manual for each service. The manual shall contain:

- (a) The process flow;
- (b) Number of officers their roles and responsibilities and rationale for each step of the process;
- (c) The time prescribed for each step of the process;
- (d) Rationale for each document required; and
- (e) May include any other detail as recommended by the nodal agency.

Section 23. Application Forms to Contain the Following Particulars – In the application form to avail a public service, the public authority shall include:

- (a) Fee chargeable for each service;
- (b) Checklist or the list of documents required to avail a service;
- (c) Time period within which a service is to be delivered;

- (d) Procedure and process flow of an application for a service; and
- (e) May include such other information as recommended by the nodal agency.

Section 24. Faceless Contact Service Delivery – (1) If a public service is to be provided electronically, a public authority shall not have any face to face contact with the applicant.

(2) In the event that the public authority wants to contact the applicant, the public authority shall only do so through the Central Application Portal or Central Application Portal for Industries, as the case may be, in writing.

Section 25. Obligation to Conduct Consultations and Assessments – A public authority shall conduct –

- (a) An ex ante public consultation before promulgating any rules and regulations, as prescribed by the nodal agency;
- (b) An ex ante regulatory impact assessment, as prescribed by the nodal agency;
- (c) An ex post regulatory impact assessment of all rules and regulations on a periodic basis, in a manner as prescribed by the nodal agency;
- (d) A review of rules and regulations for observance of due process in public service delivery, in a manner as recommended by the nodal agency.

Section 26. Establishing Information and Facilitation Centres – A public authority shall establish Information and Facilitation Centres including customer care centres, call centres, help desks and support centres, as prescribed.

Section 27. Citizen's Charter - (1) A public authority shall publish, within six months of the commencement of this Act, a Citizen's Charter.

(2) The Citizen's Charter shall include but is not limited to the following –

- (a) Vision and mission statement;
- (b) Functions, duties, obligations, and commitments of a public authority for providing public services effectively and efficiently with acceptable levels of standards, time limits, and designation of public officials for the delivery of such services;
- (c) Statement of services to be provided to each citizens' group separately;
- (d) Manner of delivery for such services as prescribed and in accordance with the Act;
- (e) Conditions under which the applicant becomes entitled to avail the service, unless excluded by the Government under Section 3; and
- (f) Such other information as prescribed.

(3) The Citizen's Charter shall be publicly visible at all the offices of the public authority providing any service.

(4) The Citizen's Charter shall be available on the unified service delivery portals and through other mechanisms that deliver any services.

(5) The public authority shall conduct citizen charter awareness campaigns for citizens and businesses.

Section 28. – Evaluations of the Citizen Charter – (1) The public authority shall conduct internal and external evaluations of the implementation of the citizens charter.

(2) For the purposes of this section, the public authorities shall engage independent experts and consultants to conduct an evaluation.

Section 29. Annual Report – (1) A public authority shall publish an annual report within three months from the end of the financial year.

(2) The annual report shall consist of —

(a) details activities undertaken relating to the citizens charters detailing –

(i) Action taken to formulate and implement the citizens charters;

(ii) Details of publicity efforts made and awareness campaigns organised for citizens and businesses;

(iii) Details of internal and external evaluation of implementation of the citizen charters; and

(iv) Details of revisions made in the citizen charters on the basis of such internal and external evaluations.

(b) Recommendations made by the nodal agency under Section 7 and 8; and

(c) Actions taken by the public authority to implement the recommendations by the nodal agency;

(3) If the public authority fails to implement the recommendations of the nodal agency, it shall provide reasons for the same in the Annual Report.

CHAPTER VI DESIGNATED OFFICER

Section 30. Appointment of Designated Officer - (1) The Government shall specify an officer within the public authority as the Designated Officer for each public service.

(2) All transactions and processes for the approval of an application requesting public service shall be deemed to have been made with the permission of the Designated Officer.

Section 31. Delivery of Services – A public service shall be provided by a Designated Officer to the eligible person, within the stipulated time in a transparent manner.

Section 32. Public Service Principles and Values - In order to achieve efficient delivery of services under this Act, the Designated Officers shall adhere to the following public service principles and values:

- (a) Act in a politically neutral manner;
- (b) Foster a culture of open government;
- (c) Treat all people fairly, without personal favour or bias;
- (d) Take responsibility and answer for their work, actions, and decisions; and
- (e) Act with integrity and transparency;

Section 33. Duties of Designated Officer – A Designated Officer shall –

- (a) Implement this Act, rules and notifications under this Act;
- (b) Render fast, efficient, convenient, and reliable delivery of a public service;
- (c) Cooperate with the nodal agency for sharing any and all information pertaining to public service as requested by the Nodal Officer;
- (d) Hold the subordinate officers accountable for non-compliance with the Act, with powers as prescribed.

Section 34. Service Conditions of Designated Officer – The provisions of this Act shall be deemed to be a part of the service conditions of the Designated Officer and any person subordinate to them who is authorised to provide the public service;

Section 35. Breach of Service Conditions – (1) The Designated Officer shall be in breach of the service conditions in cases including but not limited to the following –

- (a) Refusal to accept or approve an application without due cause and following the due process;
- (b) Asking for additional material or information other than those listed in the application form;
- (c) Failure to issue an official receipt on receiving the application;
- (d) Raising piecemeal objections;
- (e) Asking for additional costs not mentioned on the application form;
- (f) Failure to give written reasons to the applicant for rejection of an application;
- (g) Failure to render the public service within the prescribed time period;
- (h) Asking an applicant for a bribe in lieu of delivery of a public service; and
- (i) Any act or omission in violation of any provision of this Act, rules or notification under this Act.

(2) In case the Designated Officer or any other official of a public authority is found to be in breach of the Act, the nodal agency shall forward an adverse remark to the Government specifying its reasons in writing.

(3) On receiving an adverse remark under sub-section (2) of this Section, the Government may hold an internal inquiry into the matter and inform the nodal agency of the outcome.

(4) The Government shall, within six months of receiving such an adverse remark, update the nodal agency on the action taken by the Government in relation to the same.

CHAPTER VII PUBLIC SERVICE DELIVERY

Section 36. Central Application Portal – (1) The Government shall establish a Central Application Portal to accept and process applications for services for unified service delivery.

(2) The Central Application Portal shall be available on the latest and most widely used technological mediums such as websites and mobile applications.

(3) The Government may prescribe a combined application form consisting of existing and new forms under State enactments.

(4) Concerned public authorities shall accept such application forms for processing and issuing required clearances.

Section 37. Central Application Portal for Industries – (1) The Government shall establish a Central Application Portal for Industries to accept and process applications for services for unified service delivery.

(2) The Central Application Portal for Industries shall be established to facilitate the submission and processing of application forms for various public services provided to businesses, industries, and any other eligible persons.

(3) The Central Application Portal for Industries shall be available on the latest and most widely used technological mediums such as websites and mobile applications.

(4) The Government may prescribe a combined application form consisting of existing and new forms under State enactments.

(5) Concerned public authorities shall accept such application forms for processing and issuing required clearances.

Section 38. Electronic Service Delivery to Enhance Transparency -- (1) A public authority shall deliver all services by electronic mode within a period of one year from the date of commencement of this Act.

(2) If the public authority believes that a public service cannot be delivered electronically, the public authority shall apply to the nodal agency for an exemption in a format prescribed by the nodal agency;

(3) The application under sub-section (2) shall contain the justification as to why the public service cannot be delivered electronically along with an alternative plan for the delivery of services;

(4) The nodal agency, on receiving the application under sub-section (2) may reject the application with reasons in writing and may recommend a framework and structure for the implementation of the delivery of the services electronically;

(5) The Government shall follow electronic governance standards consistent with the standards as notified by the Central Government.

Section 39. Processing and Tracking of an Application – (1) An application for delivery of service shall be allotted a unique number.

(2) The public authority shall create a system to enable the applicant to track the status of the application and shall ensure timely updates on the status of the application.

(3) The Designated Officer or the person authorised to receive the application shall acknowledge the receipt of each application via an electronic mode of communication or as applicable. Such an acknowledgement shall include –

- (a) A copy of the filled-up application form, which shall be sent to the applicant, through email in case the applicant has shared an email ID or any other electronic means, while applying for service request;
- (b) Fee receipt for the fees paid to avail the service;
- (c) An acknowledgement of the receipt of the application with the date of receipt; and
- (d) Any other inclusion recommended by the nodal agency.

(4) If the application form is received physically for a service not delivered electronically, the acknowledgement of the same shall be given.

(5) A Designated Officer may seek additional clarification on the submitted application before the expiry of the prescribed time limit.

(6) The prescribed time limit shall start afresh from the date of receipt of additional clarification from the eligible person.

Section 40. Time limit for Processing Applications – (1) The stipulated time limit shall start from the date when the required application, complete in all respects, for a public service is submitted to the Designated Officer or to a person authorised to receive the application through the Central Application Portal and Central Application Portal of Industries or other specified means.

(2) The Government shall specify the time limit for delivery of a public service.

(3) In the event of natural calamities or elections, the affected public authority may seek approval from the nodal agency to extend the stipulated time limit for affected services, for a specific period of time not exceeding 6 months.

(4) After approval, the nodal agency shall forward the recommendation to the Government which may notify the same for the affected public authorities.

Section 41. Deemed Approval – (1) A public authority, in consultation with the nodal agency, shall specify a list of services for which a deemed approval shall be provided through which a failure to decide an application for a public service within 30 days over the stipulated time shall result in deemed approval.

(2) Upon expiry of the period under sub-section (1), the Central Application Portal or Central Application Portal of Industries, as the case may be, shall be automatically updated to reflect deemed approval being granted.

(3) The Central Application Portal or Central Application Portal of Industries, as the case may be, shall allow the applicant to access, download, and print the deemed approval granted under sub-section (2).

(4) Subject to the truthfulness of documents submitted, an applicant may, based on deemed approval, avail a public service and reap its benefits without contravening any of the provisions of the Act, rules, bylaws, notifications, standing orders, executive instructions, guidelines, and regulations made by the public authority concerned for such a public service.

Section 42. Checklist of documents to be accessible – (1) The application form for availing a service must mention the checklist of documents to be submitted.

(2) The application form under sub-section (1) and the checklist shall be accessible electronically and otherwise to the public.

Section 43. Option for expedited or *tatkal* delivery of services – (1) A public authority shall offer an option of an expedited/*tatkal* delivery of service.

(2) A public authority may specify an extra charge for providing expedited delivery of service.

Section 44. Central Database – (1) The Government shall establish a Central Database that stores all the submitted applications and the relevant details including the documents submitted to or issued by various public authorities.

(2) The Central Database shall maintain and store the documents and information for a period as prescribed by the Government.

(3) No public authority shall ask for any document already available on the Central Database.

**CHAPTER VIII
MISCELLANEOUS**

Section 45. Power to Make Rules – (1) The Government may, by notification, and subject to this Act, make rules to carry out the provisions of this Act within one year from the date of notification of the Act.

(2) The Government, before notifying the rules under sub-section (1) shall place the rules in the public domain for consultation.

(3) The time-period for public consultation shall not be less than 30 days.

(4) All comments received and the Government's response shall be publicly displayed.

Section 46. Laying of Rules – (1) Every rule, notification and guideline made or issued by the Government under this Act shall, as soon as may be after it is made or issued, be laid before –

(a) Both Houses of the State Legislature where there are two Houses; or

(b) The sole House of the State Legislature, where there is only one House.

(2) The rules are to be laid before the House, while it is in session, for a total period of 30 days which may be in one session or two or more successive sessions.

(3) If, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree to make any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be.

(4) Any such modification or annulment under sub-section (3) shall be without prejudice to the validity of anything previously done under that rule.

Section 47. Overriding Effect of the Act – Save as when otherwise provided, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any other law being in force.

Section 48. Power to Remove Difficulties – (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may notify in the official gazette, to give effect to the Act, such provisions that are not inconsistent with the provisions of this Act.

(2) Provided that no such order made under sub-section (1) shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(3) Every order made under this Section shall, after it is made, shall be laid before the Houses as is specified in Section 46.



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