



The Manipur Public Services Delivery Guarantee Act, 2021

Act No. 8 of 2021

Keywords:

Complaint, Service

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MANIPUR GAZETTE



EXTRAORDINARY
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Imphal, Wednesday, March 10, 2021

(Phalguna 19, 1942)

GOVERNMENT OF MANIPUR
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION

Imphal, March 4, 2021

No. 2/6/2021-Leg/L : The following Act of the Legislature, Manipur which received assent of the Governor of Manipur on February 25, 2021 is hereby published in the Official Gazette:

THE MANIPUR PUBLIC SERVICES DELIVERY GUARANTEE ACT, 2021
(MANIPUR ACT NO. 8 OF 2021)

AN

ACT

to provide the service seekers to avail the services of the government departments with minimum inconvenience and maximum speed and for the matters connected therewith or incidental thereto.

BE it enacted by the Legislature of Manipur in the Seventy-second Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

- Short title, extent and commencement.**
- (1) This Act may be called the Manipur Public Services Delivery Guarantee Act, 2021.
 - (2) It shall extend to the whole of the State of Manipur.
 - (3) It shall come into force with effect from the date of its publication in the Official Gazette of Manipur.
- Definitions.**
2. In this Act, unless the context otherwise requires,-
 - (a) "Authority" means an Appellate Authority, such officer as may be designated by the public authority, who shall be above the rank of Grievance Redressal Officer referred to under sub section (1) of section 6;

- (b) "Complaint" means a complaint filed by a citizen regarding any grievance relating to, or arising out of, any failure in rendering of services as notified in section 4 or in the functioning of a public authority, but does not include grievance relating to the service matters of a public servant whether serving or retired;
- (c) "Days" means the working days, referred to as the timeline;
- (d) "Designated Officer" means an officer notified as such under section 5 for rendering of services;
- (e) "Eligible Person" means any person who requires the service for which he is entitled as per statutory provisions or executive instructions in force and applicable;
- (f) "Grievance Redressal Officer" means a Grievance Redressal Officer appointed under sub-section (1) of section 6;
- (g) "Prescribed" means prescribed by rules made under section 24;
- (h) "Public authority" means the State Government and its departments and includes any authority or body or institution established or constituted by or under any law made by the State Legislature and owned, controlled or substantially financed, directly or indirectly, by the funds provided by the State Government;
- (i) "Service" means all the goods and services, including functions, obligations, responsibility or duty, to be provided or rendered by a public authority; and
- (j) "State" means the State of Manipur.

CHAPTER II

RIGHT TO DELIVERY OF SERVICES

Right to services. 3. Subject to the provisions of this Act, every individual citizen and organisation shall have the right to time bound delivery of goods and services and redressal of grievances.

CHAPTER III

NOTIFICATION OF SERVICES BY STATE GOVERNMENT

Notification of services by State Government. 4. The State Government shall notify the services to which this Act shall apply and the stipulated time-limits within which the services shall be provided including those specified in the Schedule:

Provided that the State Government shall, on the request of any person, association or organisation or on their own, amend the Schedule, by notification, so as to modify or bring in additional services or goods within the scope of this Act.

5. (1) A public authority shall, within two months from the date of notification issued under section 4, publish the names and addresses of Designated Officers responsible for rendering of the services notified under section 4.

Obligation of Public Authority to publish names of individuals responsible for rendering services.

(2) The Designated Officer shall provide the service to the eligible Person within the notified time limit.

(3) An eligible person shall make a duly filled in application in writing or through electronic means to the Designated Officer for obtaining any service.

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

(5) Every Designated Officer shall maintain detailed record of services applied for, in such format, as may be prescribed.

(6) Notified time limit shall start from the date when requisite complete application for notified service is received by the Designated Officer or a person subordinate to him authorized to receive the application.

(7) The Designated Officer shall be acknowledged by a receipt, issued in writing or through electronic means or through text message or through any other means as may be prescribed, specifying the date, time and place for the service to be provided or rendered under this Act.

CHAPTER IV

APPOINTMENT AND OBLIGATIONS OF GRIEVANCE REDRESSAL OFFICERS

6. (1) Every public authority shall, within two months from the date of notification issued under section 4, designate as many officers as may be necessary as Grievance Redressal Officers in all administrative units or offices at the State, district and block levels, municipal corporations, municipalities, notified areas, panchayats and such other offices where services are rendered to receive, enquire into and redress any complaints from eligible persons in the manner as may be prescribed:

Appointment and Obligation of Grievance Redressal Officers.

Provided that the Grievance Redressal Officer so appointed shall be at least one level above, and be deemed to have administrative control on the Designated Officer.

(2) Every public authority shall, immediately on appointment of a Grievance Redressal Officer, display at its office or customer care centre or help desk and at the sales outlet, if any, website and at the office of the Grievance Redressal Officer, the name of the Grievance Redressal Officer, his address and telephone number, e-mail address, facsimile number and other means, if any, of contacting him, in respect of each area for which the Grievance Redressal Officer has been appointed.

(3) The Grievance Redressal Officer shall provide all necessary assistance to citizens in filing complaints.

Acknowledge
-ment of
complaint by
receipt
thereof

7. All complaints shall, within three working days of the making of the complaint, be acknowledged by a receipt, issued in writing or through electronic means or through text message or through any other means as may be prescribed, specifying the date, time, place, unique complaint number and particulars of receiver of complaint along with the stipulated time frame within which the complaint shall be redressed.

Action to be
taken by
Grievance
Redressal
Officer.

8. (1) Upon receipt of a complaint made under section 6, it shall be the duty of the concerned Grievance Redressal Officer to ensure that:-

- (a) the grievance is remedied in the prescribed time frame;
- (b) The reason for the occurrence of the grievance is identified, the grievance is redressed satisfactorily within the prescribed time frame and the responsibility, if any, of the defaulting person is fixed;
- (c) where the grievance has occurred as a result of a deficiency, negligence or malfeasance on the part of an individual, then the action will be taken in accordance with the applicable rules after affording an opportunity of hearing to the Designated Officer and the eligible person;
- (d) where the Grievance Redressal Officer is convinced that the individual responsible for the rendering of the services has wilfully neglected to render the service or there exist prima facie grounds for a case under the Prevention of Corruption Act, 1988, the Grievance Redressal Officer shall make an observation to that effect and in writing refer the same to the appropriate authority.

(2) The Grievance Redressal Officer shall ensure that the complainant is informed in writing the manner in which the grievance is redressed.

9. The Grievance Redressal Officer shall, within the prescribed time frame, report every complaint which has not been redressed along with the details of the complainant, nature of complaint, and reasons for non-redressal of the complaint to the Appellate Authority.

CHAPTER V

APPEAL TO APPELLATE AUTHORITY

10. Every public authority shall designate such officers as Appellate authorities as may be necessary in all the administrative Departments and offices as provided in clause (a) of section 2.

Appeal.

11. (1) Every complaint forwarded along with the details under section 9 shall be deemed to have filed an appeal to the Appellate Authority.

Filing of appeal.

(2) Any person aggrieved by a decision of the concerned Grievance Redressal Officer or who has not been informed in writing the manner in which his grievance has been redressed in respect of a complaint filed by him, may, within thirty days from the expiry of such period or from the receipt of such decision, prefer an appeal to the Appellate Authority:

Provided that the Appellate Authority may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time.

(3) The receipt of an appeal under sub-section (2) shall be acknowledged by the Appellate Authority in writing or through electronic means or through text message or through any other means as may be prescribed, within three working days.

(4) Every appeal filed under sub-section (2) or deemed appeal under sub-section (1) shall be disposed of by Appellate Authority within the prescribed time frame.

(5) The Appellate Authority may, in deciding an appeal, impose penalty, as prescribed in sub-section (1) of section 16, against the concerned officer for acting in a *mala fide* manner or having failed to discharge his duties without any sufficient and reasonable cause:

Provided that the concerned officer of the public authority shall be given a reasonable opportunity of being heard before any penalty is imposed on him.

(6) The Appellate Authority shall upon adjudication of a complaint have the powers to issue directions requiring the concerned officers of the public authority to take such steps as may be necessary to render the services in compliance of the notification issued under section 4.

Delivery of copies of decision. 12. The Authority shall furnish its decision to the parties concerned within the prescribed time frame.

Burden of proof. 13. In any appeal proceedings, the burden of proof to establish the non-redressal of complaint shall be on the Grievance Redressal Officer who denied the request.

Where Grievance complained of is a result of corrupt practices. 14. Where it appears to the Appellate Authority that the grievance complained of is *prima facie* indicative or representative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988 on the part of the individual officer of the public authority complained against, then it shall record in writing such evidence as may be found in support of such conclusion and shall in writing refer the same to the appropriate authority. 49 of 1988

Power and functions of Appellate Authority and procedure before it. 15. (1) The Appellate Authority shall, for the purposes of its functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of 5 of 1908 the following matters, namely:-

(i) Summoning and enforcing the attendance of any person and examining him on oath;

(ii) Discovery and production of any document or other material object producible as evidence;

(iii) Receiving evidence on affidavits;

(iv) Requisitioning of any public record;

(v) Issuing commission for the examination of witnesses;

(vi) Such other matter which may be prescribed.

(2) The Appellate Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made there under, the Authority shall have the power to regulate its own procedure.

(3) The Appellate Authority shall monitor the implementation of this Act on a regular basis.

(4) Without prejudice to the provisions contained in sub-section (3), the functions of the Authority shall, amongst other things, include the following, namely:—

- (a) monitoring the publication of services to be delivered and adherence to the time schedule, manner of delivery and quality of such services notified by the Government;
- (b) redressal of the public grievances with regard to the non-availability of public service in electronic mode and/or any deficiency in electronic service delivery;
- (c) recommend changes in the procedure for delivery of public service which shall make the delivery more transparent, efficient and friendly:
Provided that before making such a recommendation, the Authority shall consult the Administrative Secretary of the Department which is to deliver the public service;
- (d) to seek feedback/response from the citizens about their experience in availing the services from the public authority and review the same;
- (e) hear and decide the revision with regard to default and/or delay in delivery of public service filed before it;
- (f) notice of failure to deliver public service in accordance with this Act and refer such cases to public authority for disposal as it may deem appropriate; and
- (g) performing any other function as may be prescribed.

CHAPTER VII

PENALTIES, COMPENSATION AND REWARDS

16. (1) The Appellate Authority may impose a penalty against a designated officer and the concerned sub-ordinate staff responsible for rendering of service to which the applicant is entitled, or against a Grievance Redressal Officer, for acting in a *mala fide* manner or for having failed to discharge his duties without any sufficient and reasonable cause, which shall not be less than one thousand rupees and may extend up to ten thousand rupees, which shall be recovered from the salary of the official against whom penalty has been imposed:

Penalty and Compensation for *mala fide* action.

Provided that the concerned officer shall be given a reasonable opportunity of being heard before any penalty is imposed on him under this section.

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

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

(3) If any public servant is found guilty under sub-section (1), the disciplinary authority shall initiate the disciplinary proceedings against such officer of the public authority, who, if proved to be guilty of a *mala fide* action in respect of any provision of this Act, shall be liable to such punishment as the disciplinary authority may decide.

(4) While passing an order or initiate the disciplinary proceedings under this section the Appellate Authority shall take into consideration whether the delay caused is unavoidable or the damage caused or suffered by the appellant is in spite of the best care taken by the public authority.

Power of Appellate Authority to recommend departmental inquiry.

17. The Appellate Authority, wherever it deems fit, shall have the power to recommend departmental inquiry against any Designated Officer or Grievance Redressal Officer, who have repeatedly failed in due discharge of functions cast upon them under this Act.

Rewards and Incentives.

18. (1) The Appellate Authority shall formulate and implement a reward scheme with financial incentives and out-of-turn promotions for public authorities or their employees, who fulfill their duties better than the expected service level laid down in the Act.

(2) The financial incentives to be provided in sub-section (1) shall be charged to the Consolidated Fund of the State.

(3) An order rewarding an officer under this section shall be attached to the Annual Confidential Report of the officer.

CHAPTER VIII REPORTING OF REDRESSAL OF GRIEVANCES BY PUBLIC AUTHORITY

Reporting requirements.

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

(2) Every public authority shall publish in the prescribed manner and in the prescribed time frame, a report mentioning therein:-

- (a) The number of appeals and complaints received;
- (b) The number of appeals and complaints disposed of;
- (c) The number of appeals and complaints pending; and
- (d) Such other particulars, as may be prescribed, for discharge of its functions under this Act.

**CHAPTER IX
MISCELLANEOUS**

20. No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by the Grievance Redressal Officer or the Appellate Authority.

Bar of Jurisdiction of Court.

21. Every order made by the Appellate Authority may be enforced by it in the same manner as if it were a decree or order made by a court in a suit pending therein and it shall be lawful for the Authority to send, in the event of its inability to execute it, such order to the court within the local limits of whose jurisdiction,-

Enforcement of orders made by Appellate Authority.

(a) in the case of public authority not falling under clauses (b) and (c), the place at which the main office of such public authority is situated; or

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

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

Thereupon, the court to which the order is so sent, shall execute the order as if it were a decree or order sent to it for execution.

22. No suit, prosecution or other legal proceedings shall lie against any person-

Protection of acts done in good faith.

(a) for anything which is in good faith done or intended to be done under this Act or any rule made there under; or

(b) delay in rendering of service or not being able to render service where such delay or inability is on account of reasonable cause beyond the control of the person responsible for delivery of the service.

23. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Provisions to be in addition to existing laws.

24. (1) The State Government may, by notification in the Official Gazette, make rules, consistent with this Act, for carrying out the purposes of this Act.

Power to make rules and laying of rules.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:-

- (i) the manner to receive, enquire into and redress any complaints under sub-section (1) of section 6;
- (ii) the manner of acknowledgement of complaints received and particulars of receiver of complaint and time frame for redresses under section 7;
- (iii) the time frame for redresses of grievances under sub-section (1) of section 8;
- (iv) the time frame within which the Grievance Redressal Officer shall report to the Appellate Authority under section 9;
- (v) the other means of acknowledgement under sub-section (3) of section 11;
- (vi) the time frame for disposal of appeal under sub-section (4) of section 11;
- (vii) the time frame within which the Appellate Authority shall deliver copies of the decision to the parties concerned under section 12;
- (viii) the time frame within which an appeal shall be made against the decision of the Grievance Redressal Officer or has not received the decision within the time under sub-section (2) of section 11;
- (ix) the manner and the time frame within which the public authority shall publish a report and other particulars for discharge of functions of the public authority under sub-section (2) of section 19; and
- (x) any other matter which is or may be provided by rules under this Act.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the Manipur Legislative Assembly, while it is in session, for a total period of seven days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, the Manipur Legislative Assembly agree in making any modification in the rule or 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, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to
remove
difficulties.

25. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions not inconsistent with the

provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before the State Legislature.

26. (1) The Manipur Public Services Delivery Guarantee Repeal and Ordinance, 2020 (Manipur Ordinance No. 8 of 2020) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

NUNGSHITOMBI ATHOKPAM,
Secretary (Law),
Government of Manipur.

SCHEDULE

(As per Chapter III, Sec. 4 of this Act)

Timelines in respect of services under the Manipur Public Services Delivery Guarantee Act, 2021
(Note: Timelines, unless specifically stated, are in days).

Sl. No	Services under Business Reform action Plan	Timeline
Department of Labour		
1	Approval of application for licence and renewal for contractors under Contracts Labour (Regulation and Abolition) Act, 1970	90
2	Approval of application for registration and renewal of licence under Shops and Establishment Act	30
3	Approval of application for registration of Principal Employer's establishment under Contracts Labour (Regulation and Abolition) Act, 1970	90
4	Approval of application for registration under Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996	30
5	Approval of application for registration of establishment under Inter State Migrant Workmen (RE&CS) Act, 1979	90
6	Online submission of Inspection Report	48 hours
Factories (Textiles, Commerce & industry)		
7	Approval of application for registration, grant and renewal of licence under Factories Act, 1948	90
8	Approval of application for plan and permission to construct/ extend/or take into use any building as a factory	90
9	Approval of application for registration, grant and renewal of licence under Boilers Act, 1923	30
10	Approval of application for boiler manufacturer and renewal under Boilers Act	21
11	Approval of application for boiler erector and renewal of licence under Boilers Act	21
12	Online submission of Inspection Report	48 hours
Partnership (Textile, Commerce & industry)		
13	Registration of Partnership Firm	30
Co-operation		
14	Registration of Societies	30
Registration and Stamps		
15	Document registration and mutation of land	30
Single Window		
16	All approvals to be issued by Single Window Body	30
17	Intent letter, granting sanction and disbursal of applicable incentives under Industrial/ Sectoral Policy	60
18	Queries/clarifications related to investor's application	7
Fire Services		
19	NOC Certificate prior to commencement of construction activities	7
MSPDCL		
20	Charged electricity connection up to 150 KVA	
	(i) where no 'Right of Way' is required	7
	(ii) where 'Right of Way' is required	15

21	Certificate of Electrical Installation	7
PWD		
22	Grant of 'Right of Way' (RoW) permission	30
PHED		
23	Obtaining of water connection	7
IDCs		
24	Land allotment	30
25	Conversion of land/change in land use for outside industrial park	60
MAHUD		
26	Grant of construction permits for	
	(i) all required approvals	45
	(ii) pre-construction	20
	(iii) during construction	20
	(iv) post construction	20
27	Issuance of digitally signed approved building plan	30
28	Building permit	30
	Construction permits	45
	(i) Building Plan approval	30
	(ii) Plinth inspection	7
	(iii) Final completion/occupancy certificate (7 days for inspection + 1 day for issuing the certificate)	8
29	Grant of Trade Licence	10
30	Registration for levies imposed by State and Local Bodies (other than subsumed under GST)	30
Pollution Control Board		
31	Online submission of Inspection Report	48 hours
32	Consent to establish under Water (Prevention and Control of Pollution) Act, 1974	120
33	Consent to establish under Air (Prevention and Control of Pollution) Act, 1981	120
34	Authorisation under Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016	120
35	Consent to operate under Water (Prevention and Control of Pollution) Act, 1974	120
36	Consent to operate under Air (Prevention and Control of Pollution) Act, 1981	120
Taxation		
37	Registration for Professional Tax	1
Health Services		
38	Retail Drug Licence (Pharmacy) and renewal	30
39	Wholesale Drug Licence	30
40	Granting and renewal of Drug Manufacturing Licence	60
Legal Metrology (CAF&PD)		
41	Online submission of Inspection Report	48 hours
42	Registration/Licenses and renewal under Legal Metrology	30