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TRIPURA LEGISLATIVE ASSEMBLY
SECRETARIAT
NEW CAPITAL COMPLEX
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NO.F.7(12-16)-LA/2020/3704

Dated, Agartala, 22nd September, 2020.

NOTIFICATION

“ As required under Rule 117 of the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly, “The Tripura Guaranteed Services to Citizens Bill, 2020 (The Tripura Bill No. 22 of 2020)” as introduced in the Assembly on the 21st September, 2020 to be published in the Tripura Gazette.”


(B.P. Karmakar)

Secretary

Tripura Legislative Assembly

THE TRIPURA BILL NO- 22 OF 2020.

THE TRIPURA GUARANTEED SERVICES TO CITIZENS BILL, 2020.

A

BILL

to provide for guaranteed delivery of notified services to citizens in the State of Tripura within the stipulated time limit and for matters connected therewith and incidental thereto.

Whereas, it is expedient to provide for delivery of guaranteed of services to citizens in the State of Tripura within the stipulated time limit and for matters connected therewith and incidental thereto.

BE it enacted by the Tripura Legislative Assembly in the **Seventy-first Year** of the Republic of India as follows: -

1. Short title and commencement. - (i) This Act may be called the “Tripura Guaranteed of Services to Citizens Act, 2020”.

(ii) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint and different dates may be appointed for different service.

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

(a) “Appellate Authority” means an officer appointed by the Government by notification invested with the power to hear appeal against the orders passed by any competent officer under this Act;

(b) “eligible person” means a citizen who is eligible for obtaining the notified service.

(c) “Competent Officer” means an officer appointed by the Government who shall be empowered to impose cost on the public servant defaulting or delaying the delivery of service in accordance with this Act;

(d) "Designated Officer" means an officer who is required to provide citizen related service;

(e) "Notified service" means any service notified by the State Government.

(f) "Government" means the Government of Tripura;

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

(h) "Public Authority" means the Organization or Authority or body or institution or a Local Authority established or constituted, -

(i) by or under the Constitution in the State;

(ii) by any other law made by the State Legislature;

(iii) by notification issued or order made by the Government and includes, -

(iv) body owned, controlled or substantially financed; or

(v) Non-Governmental organization substantially financed; directly or indirectly by the Government.

(j) "Public servant" means a person substantively appointed to any service or post of the public authority;

(k) "Right to service" means right to obtain the citizen related services within the stipulated time specified in the Schedule;

(l) "stipulated time" means the maximum time to provide the service by the designated officer or to decide the appeal by the competent officer or Appellate Authority notified under Section 3.

3. Right to obtain service within stipulated time limit -

(1) Every eligible citizen shall have right to obtain citizen related eligible services in the State in accordance with this Act within the stipulated time specified thereunder;

(2) Every designated officer and his subordinate public servant of the Public Authority shall provide the citizen related services specified in the Schedule

to the citizens eligible to obtain the service, within the stipulated time and also display the same on the notice board of their offices.

4. Notification of services, designated officers, competent officers, appellate authority and stipulated time limits. - The Government may by notification, amend, add or delete the services, designated officers of every public authority or Local Authority under each Secretariat Department, competent officer and appellate authority along with stipulated time limits within which the services are rendered under this Act and may by like notification amend or vary the entries in the rule.

5. Providing services within the stipulated time. - (1) The stipulated time may start from the date when required application is submitted to the designated officer or to a person subordinate to him authorized to receive the application in such manner as may be prescribed in rule. Such application shall be duly acknowledged.

(2) The designated officer on receipt of an application under sub-section (1) shall within the stipulated time either directly provide the service or through an officer duly authorized by him or reject the application and in case of rejection of application, shall record the reasons in writing and intimate to the applicant, the information

about the period of making appeal against the decision and all the details of the competent officer to whom the first appeal lies.

6. Monitoring the status of the application. - (1) Every citizen having applied for any citizen related services may be provided an application number by the concerned Public Authority, or local Authority, as the case may be, and may be entitled to obtain and monitor status of his application online in accordance with such procedure as may be prescribed.

(2) Every public authority or local Authority, as the case may be, may maintain status of all applications governing citizen related services online and may be duty bound to update the status of the same as per the procedure as prescribed by rules in this regard.

7. E-governance of services: -As a part of E-governance, the Government shall endeavour and encourage the public Authorities, to deliver their citizen related services electronically or through

post in a phased manner and in such other manner as may be prescribed subject to payment of such fees as may be prescribed.

8. Payment of compensatory cost to the citizen: -Citizen having applied for such services shall be entitled to seek compensatory cost in accordance with the provisions of this Act and rules made thereunder, in case of delay or default in the delivery of such services beyond the stipulated time.

9. Liability to pay compensatory cost:- Every Appellate Authority or Competent Officer or designated officer or his subordinate public servant who fails to deliver or dispose the citizen related services or appeals of a citizen within the stipulated time shall be liable to pay compensatory cost at the rate of twenty rupees per day for the period of delay subject to a maximum of five hundred rupees per application , in aggregate, if there is no ban or restriction from the Government to provide the same.

Providing that the payment of compensatory cost for delay in disposing of applications could not be imposed on following grounds: -

- i) Matter pending or delayed because of litigation.
- ii) Applicants intention is to earn profit from the compensatory cost.
- iii) The service applied required is not needed by him at that point of time.
- iv) There is manifold increase in applications.
- v) Delayed because of disaster, breakdown of network. Load shedding.

Provided every Department shall ensure that that there are adequate staff for processing and delivery of services.

10. Appointment of competent officer. - (1) The Government shall appoint by notification an officer not below the rank of Group 'B' Officer of the Government or its equivalent rank, in case of other public authority to act as Competent officer to impose cost against designated officer or his subordinate public servant defaulting or delaying the delivery of services in accordance with this Act. (2) Every public authority shall for the purpose of payment of cost, confer on the competent officer,

the power of drawing and disbursing officer in accordance with the law, procedure and rules applicable.

(3) On such demand of compensatory cost by the citizen at the time of delivery of citizen related services, it shall be the duty of the competent officer to pay such cost to the citizen against acknowledgement and receipt in such manner as may be prescribed.

11. Procedure governing fixing of liability. - (1) Within a period of fifteen days of the payment of compensatory cost, the competent officer after conducting preliminary enquiry, shall issue a notice against the public servant found responsible for the delay in delivery of such citizen related services in such manner as may be prescribed, calling upon him as to why the compensatory cost paid to the citizen may not be recovered from him.

(2) The public 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 explanation received, if any, is not found satisfactory, the competent officer shall be entitled to issue debit note directing such defaulting public servant either deposit the cost as stipulated in the debit note or directing the Accounts officer concerned to debit the salary of such public servant for the amount as specified in the debit note: Provided that if the competent officer finds reasonable and justified grounds in favour of public servant and come to the conclusion that the delay in delivery of services to the citizen was not attributable to him, but was attributable to some other public servant, it shall be lawful for the competent officer to withdraw the notice against him and issue fresh show cause notice to such other public servant as found responsible for the delay and shall follow the procedure mutatis mutinies as stipulated in this sub-section and sub-section (1) of this section.

(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.

(4) After giving compensatory cost to the aggrieved citizen and within thirty days thereafter, the competent officer shall update debit note in the HRMS software against the officer found guilty by following the principles of natural justice.

12. Right of appeal by the public servant. - (1) Any public servant aggrieved by the order passed by the competent officer in accordance with sections 10 and 11 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 Act, the Government shall appoint an officer to be the appellate authority to hear and decide appeals against the order passed by the competent officer. The appellate authority shall be an officer not below the rank of the Deputy Secretary to Government or its equivalent rank.

13. Appeal by the aggrieved citizen. - (1) Any person, whose application is rejected under sub-section (2) of section 5 or who is not provided the service within the

stipulated time, may file an appeal to the competent officer within thirty days from the date of rejection of application or the expiry of the stipulated time limit:

Provided that the competent officer may admit the appeal even after the expiry of the period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) The competent officer may order to the designated officer to provide the service within the specified period or may reject the appeal or may impose compensatory cost according to the provisions of section 9.

(3) An appeal against decision of competent officer shall lie to the appellate authority within sixty days from the date on which the decision was made: Provided that the appellate authority may admit the appeal even after the expiry of the period of sixty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(4) The appellate authority may order to the designated officer to provide the service within such period as he may specify or he may reject the appeal.

(5) If the designated officer does not comply with sub-section (1) of section 5, then the applicant aggrieved from such non-compliance may submit an

application directly to the competent officer. This application shall be disposed of in the manner as if it is the first appeal.

(6) If the designated officer does not comply the order of providing the service under sub-section (2) of this section, then the applicant aggrieved from such non-compliance may submit an

application directly to the appellate authority. This application shall be disposed of in the manner of appeal.

(7) The competent officer and the 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 Act 5 of 1908) in respect of the following matters, namely: -

(a) requiring the production and inspection of documents;

(b) issuing summons for hearing to the designated officer and appellant; and

(c) any other matter which may be prescribed.

14. Developing culture to deliver services within fixed period. - (1) The defaults on the part of designated officer 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 any designated officer who is a habitual and wilful defaulter, without any reasonable cause and persistently failed to receive an application or has failed to provide service within the stipulated time or intentionally denied the request for the

service or delayed inordinately, the head of the Public Authority concerned shall be competent to take appropriate disciplinary action after recording a finding to this effect but not before giving a show cause notice and opportunity of hearing to the defaulting officer.

(3) To encourage and enhance the efficiency of the designated officer, a letter of appreciation for not a single default reported may be issued and entered in his Annual Performance Report by the head of the Public Authority.

(4) If, any Designated officer or Competent officer or Appellate Authority fails to deliver the Citizen related service or dispose appeals within the stipulated time for more than seven times, he shall subject to enquiry by the concerned disciplinary Authority and if found guilty, prepare a report against the concerned officer and submit it to the Government. The State Government after considering the report shall take action within one month from the date of receipt of the report.”

15. Deemed service condition. - The provisions of this Act shall be deemed to be part of service conditions of the designated officer including such officer of all Public Authorities.

16. 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 Authority or public authority 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 other public authority concerned.

17. 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.

18. Bar of jurisdiction. - No Civil court shall have jurisdiction in respect of any matter which the competent officer or appellate authority is empowered by or under this Act to determine.

19. Power to make rules. - (1) The Government may, after previous publication, by notification, in the official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made, before the Tripura Legislative Assembly while it is in the session for a total period of fourteen days which may be comprised in one session or in

two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, The Tripura Legislative Assembly agree in making any modification in the rule or the Tripura Legislative Assembly agree that the rule should not be made the rule shall thereafter have effects 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.

20. Power to remove difficulties. - If any difficulty arises, in giving effect to the provisions of this Act, the Government may by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS

The Tripura Guaranteed of Services to Citizens Bill, 2020 (the Tripura Bill No- of 2020) will allow individual guaranteed of services to citizens in the State.

2. At present there is no Act in the State to provide guaranteed of services to citizens of the State. These services include various certificates issued by Public authorities to general public. This is required to provide guaranteed delivery of notified services to the people of the State within the stipulated time limit and for matters connected therewith and incidental thereto.

3. The bill seeks to achieve the above objectives.

Minister-in Charge,
Revenue Department,
Government of Tripura

TECHNICAL REPORT

The subject matter of the Tripura Guaranteed of Services to Citizens Bill, 2020 is relatable to Entry 41 of the State List (List- II) of the 7th Schedule of the Constitution of India, and therefore the State legislature is competent to make a law on the subject.

2. None of the provisions of this Bill is repugnant to any provision of existing central Act on the same subject or the Constitution of India.

3. The Bill does not attract the proviso to clause (b) of article 304 of the Constitution of India and therefore previous sanction of the President of India is not required for introducing or moving of the Bill in the State Legislature.

4. It is not a Money Bill within the meaning of Article 199 of the constitution of India, nor it is not a Financial Bill, as it will not involve any additional expenditure from the Consolidated Fund of the State, if enacted and brought into operation. Therefore, prior recommendation of the Governor under clause (1) or (3) of Article 207 of the Constitution of India, is not required for introduction, moving or consideration of the Bill in the House of the State Legislature.

Secretary,
Law Department,
Government of Tripura

Tripura Gazette, Extraordinary Issue, September 24, 2020 A. D.

FINANCIAL MEMORENDUM

The Bill, if enacted and brought into force, will not incur additional financial implication on the State's consolidated fund.

Secretary,
Revenue Department,
Government of Tripura