
Chhattisgarh Lok Sewa Guarantee Act, 2011**23 of 2011****[12 October 2011]****CONTENTS**

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Chhattisgarh Lok Sewa Guarantee Act, 2011**23 of 2011****[12 October 2011]**

An Act to provide for the delivery of certain public services to citizens by the State Government, local bodies, public authorities or agencies within the stipulated time, and to fix the liabilities of persons responsible for delivery of such services in the event of default and for matters connected therewith or incidental thereto. Be it enacted by the Chhattisgarh Legislature in the Sixty-second Year of the Republic of India, as follows:-- * Published in the Chhattisgarh Rajpatra (Asadharan) dated 12-10-2011 Pages 566(6-9).

1. Short Title, Extent, Commencement And Application :-

- (1) This Act may be called the Chhattisgarh Lok Sewa Guarantee Act, 2011.
- (2) It extends to the whole State of Chhattisgarh.
- (3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

(4) This Act shall apply to persons appointed to any civil services or posts in connection with the affairs of the Government of Chhattisgarh, local bodies, public authorities or agencies which are owned, controlled or substantially financed by the Government.

2. Definitions :-

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

- (a) "Appellate Authority" means an officer notified by the Government, local body, public authorities or agencies as the case may be, and invested with the power to hear appeals against the orders passed by any Competent Officer under this Act;
- (b) "Competent Officer" means an officer so notified by the Government, local body, public authority or agency as the case may be, under Section 5 of this Act, and empowered to impose cost for default or delay caused by the person responsible for delivery of Lok Sewa;
- (c) "Department" means a department of the Government or a section, division, branch, office or constituent unit, or by whatever name called, of a local body, public authority or agency as the case may be;
- (d) "Government" means the Government of Chhattisgarh;
- (e) "Local body" means and includes any authority, municipality, panchayat or any other body, by whatever name called, for the time being invested by law to render Lok Sewa within the State of Chhattisgarh or to control, manage or regulate such services within a specified local area thereof;
- (f) "Lok Sewa" means and includes citizen related public service notified under Section 3;
- (g) "Notification" and "Notified", where the context so requires, means and relate to a notification published in the official Gazette;
- (h) "Prescribed" means prescribed by the rules made under this Act;
- (i) "Public authority" means any authority or body or institution of self governance established or constituted by any law made by the Legislature of the State of Chhattisgarh or constituted by a notification issued or order made by the Government; and includes:--
 - (one) a body owned, controlled or substantially financed by the Government;
 - (two) a non-government organization substantially financed, directly or indirectly, by the funds provided by the Government;

and

(three) an organization or body corporate in its capacity as an instrumentality of State as defined under Article 12 of the Constitution and rendering Lok Sewa in the State of Chhattisgarh.

(j) "Rule" means a rule made by the Government under this Act, and notified as such;

(k) "Stipulated time" means the maximum time, notified under Section 3 of this Act, to provide Lok Sewa or to decide the appeal by the appellate authority.

3. Right To Obtain Lok Sewa In Stipulated Time :-

(1) Every person shall have the right to obtain Lok Sewa in the State of Chhattisgarh, within the stipulated time as notified from time to time by the State Government, in accordance with the provisions of this Act.

(2) Every applicant who fails to obtain Lok Sewa within the stipulated time, shall be entitled to receive cost as provided under sub-section (4) of Section 4, in respect of his application, in the manner as may be prescribed.

4. Liability To Deliver Lok Sewa In Stipulated Time, Imposition, Recovery And Payment Of Cost :-

(1) Every department shall designate the person(s) responsible for delivering Lok Sewa from the date of commencement of this Act, and the fact of such designation shall be displayed in some conspicuous part of the department for the information of general public.

(2) Every person responsible for delivering Lok Sewa referred to in sub-section (1) shall deliver such services in accordance with the notification under Section 3.

(3) Every application for Lok Sewa shall be acknowledged by the person responsible for delivering the service or by the department, as the case may be, and every applicant shall be entitled to obtain the status of his application in the manner as may be prescribed.

(4) Every person responsible for delivering Lok Sewa who fails to deliver such services within the stipulated time shall be liable to pay costs at the rate of one hundred rupees for each day during the period of delay, if any, subject to a maximum cost of one thousand rupees, which shall be recoverable from him towards payment to the person applying for Lok Sewa in respect of failure to obtain such service:

Provided that, no costs shall be recovered from the person responsible for delivering Lok Sewa unless he has been served with a notice and has been accorded a reasonable opportunity to be heard by the Competent Officer, in the manner as may be prescribed:

Provided further that, no costs shall be recoverable, where the application for such service is deficient in any manner and such deficiency has been indicated in the acknowledgment referred to in sub-section (3):

Provided also that, no costs shall be recoverable, where the delay in delivering such service is, in the opinion of the Competent Officer, owing to reasons beyond the control of the person responsible for delivering Lok Sewa.

(5) The manner of recovery of costs and payment to the applicant under sub-section (4) shall be as may be prescribed.

5. Appointment Of Competent Officer :-

Every department shall notify one or more persons, not below the rank of the person responsible for delivering Lok Sewa, as competent officer for the purposes of this Act.

6. Liability For Furnishing False Information To Obtain Lok Sewa :-

No person shall submit any application which contains any fact or information, which he knows or has reasons to believe to be false, to obtain any Lok Sewa, and he who furnishes such fact or information may be liable for criminal action under the law for the time being in force.

7. Right Of Appeal :-

(1) Any person who is aggrieved by an order passed by the Competent Officer under this Act, shall be entitled to file an appeal before the Appellate Authority, in the manner as may be prescribed, within a period not exceeding thirty days from the receipt of the impugned order, and the Appellate Authority shall decide the appeal within a maximum period of 45 days from the date of institution of the appeal and while deciding the appeals shall follow the principles of natural justice. The order of the appellate authority shall be final and binding.

(2) Every department shall notify a person not being below the

rank the Competent Officer, to be the Appellate Authority for the purposes of sub-section (1).

(3) A copy of the order made by the Appellate Authority, in respect of a person responsible for delivering Lok Sewa, shall be forwarded to the department having administrative or disciplinary control over such person for being maintained in the records pertaining to the work related performance of the person for taking such administrative action as deemed appropriate by it.

8. Deemed Service Conditions :-

The provisions of this Act shall be in addition to, and not in derogation of, the service conditions, the disciplinary and financial rules and such other service rules and regulations as are applicable to the person responsible for delivering Lok Sewa.

9. Power To Make Rules :-

(1) The Government may, by notification make rules for carrying out the provisions of this Act.

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

(a) the manner in which cost for failure to obtain Lok Sewa is to be received by the applicant under section 3 and its payment is to be made to the applicant under sub-section (5) of Section 4;

(b) the manner in which an application for Lok Sewa is to be acknowledged and its status is to be obtained by the applicant under sub-section (3) of Section 4;

(c) the manner of issuing notice, the procedure for hearing by Competent Officer, and the manner of fixing the liability of cost, and its recovery under sub-section (4) of Section 4;

(d) the manner of preferring an appeal and the procedure governing disposal of such appeal by the appellate authority under Section 7;

(e) any other matter which is required to be, or may be prescribed.

(3) Every rule made under this Act by the Government shall be laid, as soon as may be, after it is made, before the Legislative Assembly of the State.

10. Power To Remove Difficulties :-

(1) If any difficulty arises in giving effect to the provision of this

Act, the Government may, by order published in the official gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulties:

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

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