

# अधिसूचना

30 सितम्बर, 2011

संख्या एल०जी०-17/2011-173/लेज०- झारखण्ड विधान मंडल द्वारा यथा पारित और राज्यपाल द्वारा दिनांक 28 सितम्बर, 2011 को अनुमत झारखण्ड राज्य सेवा देने की गारंटी अधिनियम, 2011 का निम्नांकित अंग्रेजी अनुवाद झारखण्ड राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद 348 के खंड (3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जाएगा।

## [Jharkhand Act, 20, 2011]

### JHARKHAND RAJYA SEWA DENE KI GUARANTEE ACT, 2011

An Act to provide for the delivery of services to the people of the State within the stipulated time and for matters connected therewith and incidental thereto.

#### Short title, extent and commencement.

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

#### Definitions.

2. In this Act, unless the context otherwise requires :-
  - (a) "designated officer" means an authority including one belonging to the local self govt. notified as such for providing the service under Section 3;
  - (b) "eligible person" means person who is eligible for notified service;
  - (c) "first appeal officer" means an authority including one belonging to the local self govt. who in notified as such under Section 3;
  - (d) "prescribed" means prescribed by the rules made under this Bill;

- (e) "right to service" means right to obtain the service within the stipulated time limit under Section 4;
- (f) "service" means any service notified under Section 3;
- (g) "second appellate authority" means an authority including one belonging to the local self govt. who is notified as such under Section 3;
- (h) "State Government" means the Government of Jharkhand;
- (i) "stipulated time" means maximum time to provide the service by the designated officer or to decide the appeal by the first appeal officer as notified under Section 3;

**Notification of services, designated officer, first appeal officers, second appellate authority and stipulated time limits.**

3. The State Government may, from time to time, notify the services, designated officers, first appeal officers, second appellate authorities and stipulated time limits, area of the State to which this Act shall apply.

**Right to obtain service within stipulated time limit.**

4. The designated officer shall provide the service notified, under Section 3 to the person eligible to obtain the service, within the stipulated time limit.

**Providing services in stipulated time limit.**

5. (1) Any application being filed for obtaining services notified under the Act will be treated as application under the Act. Stipulated time limit, if not explained otherwise in the notification under sec-3 shall start from the date when required application for notified service is submitted to the designated officer or to a person subordinate to him authorized

to receive the application, such application shall be duly acknowledged.

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

### **Appeal.**

6. (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 limit, may file an appeal to the first appeal officer within thirty days from the date of rejection of application or the expiry of the stipulated time limit.

Provided that the first appeal officer may admit the appeal 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 first appeal officer may order to the designated officer to provide the service within the specified period or may reject the appeal.

(3) A second appeal against decision of first appeal officer shall lie to the second appellate authority within 60 days from the date on which the decision was made:

Provided that the second appellate authority may admit the appeal after the expiry of the period of 60 days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

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

(b) Along with the order to provide service, the second appellate authority may impose penalty according to the provisions of section 7.

(5)(a) If the designated officer does not comply sub-section (1) of section 5, then the applicant aggrieved from such non-compliance may submit an application directly to the first appeal officer. This application shall be disposed of in the manner of first appeal.

(b) If the designated officer does not comply the order of providing the service under sub-section (2) of section 6, then the applicant aggrieved from such non-compliance may submit an application directly to second appellate authority. This application shall be disposed of in the manner of second appeal.

(6) The first appellate and second appellate authority shall while deciding an appeal under this section, have the same powers as are vested in civil court while trying a suit under the Code of Civil Procedure, 1908 (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.

**Penalty.**

7. (1)(a) Where the second appellate authority is of the opinion that the designated officer has failed to

provide service without sufficient and reasonable cause, then he may impose a lump sum penalty which shall not be less than 500 rupees and not more than 5000 rupees.

(b) Where the second appellate authority is of the opinion that the designated officer has caused delay in providing the service, then he may impose a penalty at the rate of 250 rupees per day for such delay on the designated officer, which shall not be more than 5000 rupees.

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

(2) Where the second appellate authority is of the opinion that the first appellate officer has failed to decide the appeal within the stipulated time limit without any sufficient and reasonable cause, then he may impose a penalty on first appellate officer which shall not be less than 500 rupees and more than 5000 rupees.

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

(3) The second appellate authority may order to give such amount as compensation to the appellant from the penalty imposed under sub-section (1) or (2) or both, as the case may be, which shall not exceed to the imposed penalty.

(4) The second appellate authority, if it is satisfied that the designated officer or the first appellate officer has failed to discharge the duties assigned to him under this Bill, without sufficient and reasonable

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

(5) The penalty so imposed will be in addition to that prescribed in any other act, rules, regulations and notifications already existing.

**Penalty amount to be deducted from the salary.**

8. The penalty so imposed under 7(1) or 7(2) will be deducted from the salary of the designated officer and the first appellate officer and their concerned subordinate staff in the proportion as decided by the Department having jurisdiction relating to the service. The concerned Departments will issue standing instructions detailing for this purpose the proportion of penalty to be borne by the designated officer and the first appellate officer and their subordinate staff.

**Revision.**

9. The designated officer or first appellate officer aggrieved by any order of second appellate authority in respect of imposing penalty under this Bill, may make an application for revision to the officer nominated by the State Government within the period of 60 days from the date of that order, who shall dispose of the application according to the prescribed procedure:

Provided that the officer nominated by the State Government may entertain the application after the expiry of the said period of 60 days, if he is satisfied that the application could not be submitted in time for the sufficient cause.

**Constitution of State Public Delivery Service Commission**

10. The state government may constitute a State Public Service Delivery Commission by notification in an official gazette, having a prescribed composition, and may assign to it functions for achieving the

objectives of the Act or may also empower an existing Commission to carry out for achieving the objectives of the Act.

11. Notwithstanding the other provision of the Act, the government, if it gets an application alleging non compliance of the provisions, may send the same directly to the Second Appellate Authority for taking further actions as per the Act.

**Protection of action taken in good faith**

12. 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.

**Powers to make rules**

13. (1) The State Government may, by notification in the official Gazette, make rules to carry out the provisions of this Act.

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

**Power to remove difficulties**

14. If any difficulty arises in giving effect to the provisions of this Act, the State 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 commencements of this Act.

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झारखण्ड राज्यपाल के आदेश से,

पंकज श्रीवास्तव,

सरकार के सचिव-सह-विधि परामर्शी

विधि (विधान) विभाग, झारखण्ड ।