

Andhra Pradesh Public Services Delivery Guarantee Act, 2017

ANDHRA PRADESH

India

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Act 6 of 2018

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Andhra Pradesh Public Services Delivery Guarantee Act, 2017(Act No. 6 of 2018)Statement of Objects and Reasons. - Government of Andhra Pradesh is committed to improve the quality of public services in the State by providing transparent, efficient and timely services, and facilitating ease of doing business through efficient public service delivery. To ensure the same and create a culture of ease of doing business in Andhra Pradesh, the Government has prepared the Andhra Pradesh Public Services Delivery Guarantee Bill, 2017 that mandates clear timelines for delivery of public services.2. Broadly, the key provisions of the Andhra Pradesh Public Service Delivery Guarantee Bill, 2017 include :-1. Services. - (a) Every person shall have the Right to obtain Delivery of Services within the stipulated time.(b) The Public Services Delivered by the Public Authority shall be made available online as notified by the Government from time to time.(c) Government may prescribe the services to which this Act shall apply and the stipulated time within which the services shall be provided.(d) The Public Authority shall designate Officer/Officers for providing Public Services under this Bill.2. Delivery of Services. - (a) A person may apply for Delivery of Service online in the prescribed form with necessary particulars and supporting documents.(b) Designated officer to process the application in stipulated time.3. Appeal and Penalty. - (a) Applicant may file an appeal before the appellate authority if service is not delivered within stipulated time.(b) Every Designated Officer who fails to deliver the public service to a person within stipulated time shall be liable to pay compensation to the applicant.4. Monitoring. - (a) One Committee with District Collector and Magistrate as Chairman and General Manager - District Industries Centre as one of the Member alongwith other Members for Industries and Business.(b) One Committee consisting of prescribed number of members at the District Level for other services.(c) Two Committees consisting of prescribed number of members at the State Level.shall monitor the delivery of public services to the applicant.Accordingly, it has been felt necessary to guarantee the delivery of Public Services to the applicant in the State of Andhra Pradesh.As the Legislature was not then in session, having been prorogued, and it has been decided to give effect to the above decision immediately, the Andhra Pradesh Public Services Delivery Guarantee Ordinance, 2017 Andhra Pradesh Ordinance No.3 of 2017 was promulgated by the Governor on the 17th October, 2017.The Bill seeks to replace

the said Ordinance to give effect to the above decision. Received the assent of the Governor on the 2nd January, 2018 and the said assent is hereby first published on the 4th January, 2018 in the Andhra Pradesh Gazette for general information :An Act to provide for Delivery of transparent, Efficient and timely public services to the Eligible Persons in the State of Andhra Pradesh and for matters connected therewith are incidental thereto. Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixty-eighth Year of the Republic of India as follows,-

Chapter I

Preliminary

1. Short title, extent and commencement.

(1) This Act may be called the Andhra Pradesh Public Services Delivery Guarantee Act, 2017. (2) It extends to the whole of the State of Andhra Pradesh. (3) It shall be deemed to have come into force with effect on and from the 18th October, 2017.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a) "Applicant" means a person who is eligible for obtaining a public service including a legal person; (b) "Government" means the Government of Andhra Pradesh; (c) "Local Authority" means any authority, Municipal Corporation, Municipal Council, Nagar Panchayat, Industrial township, Zilla Praja Parishad, Mandal Praja Parishad, Gram Panchayat and other local self Government constituted by law and also includes development authorities; (d) "Notification" means a notification published in the Andhra Pradesh Gazette and the word "Notified" shall be construed accordingly; (e) "Person" shall include any company, or association or body of individuals, whether incorporated or not; (f) "Prescribed" means prescribed by rules made under this Act; (g) "Public Authority" means,-(i) any Department or authorities of the Government; (ii) any organization or authority or body or corporation or institution or a local authority, established or constituted; (a) by or under the Constitution of India in the State; (b) by any other law made by the State Legislature; (c) by notification issued by the Government. (iii) and includes, an institution, a cooperative society, a Government Company or an authority owned, controlled or financed by the State Government. (h) Service means services, including functions, obligations, responsibility or duty, to be provided or rendered by a public authority; (i) "Stipulated time" means the maximum time to provide the service by the public authority, Chapter-II Right to obtain Delivery of Services

3. Right to obtain Delivery of Services within the stipulated time.

- Every person shall have the right to obtain delivery of services within the stipulated time.

4. Right to obtain delivery of services.

- The Public Services delivered by the public authority shall be made available online as notified by the Government from time to time.

5. Notification of Services by the State Government.

- The Government may prescribe the services to which this Act, shall apply and the stipulated time within which the services shall be provided.

6. Designation of officers for providing public services.

- The Public Authority shall designate Officer/Officers for providing public services under this Act. Chapter-III Delivery of Public Services

7. Application for providing public service.

(1) A person may apply for delivery of service online in the prescribed form with necessary particulars and supporting documents. (2) Every application received, shall be given a number by the Designated Officer to enable the applicant to monitor the status of the application online in accordance with such procedure as may be prescribed.

8. Disposal of application.

(1) The Designated Officer, on receipt of the application, shall dispose of the same within the stipulated time. (2) The stipulated time shall start from the date of application for delivery of public service is submitted to the Designated Officer. (3) The Designated Officer shall ensure that there is no physical interface between the applicant and the officers for delivery of public services. (4) The Designated Officer shall give reasons in the order, in case the application is rejected.

9. Failure to deliver service in time.

- Every Designated Officer who fails to deliver the public service to a person within the stipulated time shall be liable to pay compensation to the applicant at such rates as may be prescribed.

10. Appeal by the aggrieved person.

- Any person whose application is rejected under sub-section (4) of Section 8 or who is not provided the service within the stipulated time, may file an appeal before such authority, within such time and in such form as may be prescribed.

11. Revision.

- The Appellate Authority and the Government may at any time for the purposes of satisfying itself or themselves as to the correctness, legality, propriety or regularity of proceeding or order passed by the Designated Officer or Designated Officer and Appellate Authority, as the case may be, either suo motu or on an application made to it or them, call for and examine the records and pass such orders with reference thereto as it or they think fit.

12. Powers of Designated Officer and appellate authority.

(1)The Designated Officer and 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 the following matters, namely, -(i)discovery and production of any document or other material object producible as evidence;(ii)receiving evidence on affidavits;(iii)such other matter which may be prescribed.(2)The 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 thereunder, the authority shall have the power to regulate its own procedure.

13. Committees to monitor the compliance of provisions of the Act.

(1)A Committee with the District Collector and Magistrate as Chairman and General Manager, District Industries Centre as one of the Member alongwith other Members for Industries and Business and another Committee consisting of such number of Members at the District Level, and(2)two State Level Committees consisting of such number of Members at different Levels.as may be prescribed shall monitor the delivery of public services to the applicants/ persons within the stipulated time.

14. Bar of jurisdiction of Courts.

- No Court shall entertain any suit, application a other proceedings in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal or revision under this Act.Chapter-IV Miscellaneous

15. Protection of action taken in good faith.

- No suit, prosecution or proceedings shall lie against an employee of public authority for anything which is done is purported to have been done in good faith in pursuance of the provisions of this Act or the rules made thereunder.

16. Developing culture to deliver public services within the stipulated time limit.

(1)The defaults on the part of Designate Officer/appellate authority in the time bound delivery of public services as defined in this Act shall not be counted towards misconduct as the purpose and object is to enhance and imbibe a culture to deliver time bound public services.(2)In case of any competent authority who is a habitual and willful defaulter, without any reasonable cause and persistently fails to receive an application or has failed to provide the public service within the stipulated time or intentionally denied the request for the public service or delayed inordinately, the committee at State Level, as notified, shall be competent to recommend appropriate action to the competent disciplinary authority after recording a finding to this effect. The competent disciplinary authority shall dispose such recommendations within ninety days and inform the action taken to the recommending authority.

17. Act to override other Laws.

- In relation to the services notified under this Act and its implementation, 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 rules having effect by virtue of any law other than this Act.

18. Power of Government to issue directions.

- The Government may issue to the Public Authority such general or special directions in writing for the purpose of effective implementation of this Act and the Public Authority shall be bound to follow and act upon such directions.

19. Power to remove difficulties.

(1)If any difficulty arises in giving effect to the provisions of this Act, the Government, as occasion arises, by an order published in the Andhra Pradesh Gazette, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty.(2)Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

20. Power to make rules.

(1)The Government may, by notification, make rules to carry out the provisions of this Act.(2)Every rule made by the State Government, under this Act shall be laid, as soon as may be after it is made, before each House of State Legislature, while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making 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; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

21. Repeal of Ordinance No.3 of 2017.

- The Andhra Pradesh Public Services Delivery Guarantee Ordinance, 2017 is hereby repealed.