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PART-IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

NOTIFICATION

The 24th November, 2020.

No.LL(B)55/2013/50.—The Meghalaya Right to Public Services Act, 2020 (Act No. 18 of 2020) is hereby published for general information.

MEGHALAYA ACT NO. 18 OF 2020.

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 20th November, 2020.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 24th November, 2020.

THE MEGHALAYA RIGHT TO PUBLIC SERVICES ACT, 2020.

An

Act

to provide for the delivery of notified public services to the citizens in the State of Meghalaya within the stipulated time limit including liabilities of the government servants, in case of default and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Meghalaya in the Seventy First Year of the Republic of India as follows: -

CHAPTER - I

PRELIMINARY

**Short title, extent
application and
commencement.**

1. (1) This Act may be called the Meghalaya Right To Public Services Act, 2020.
- (2) This Act shall extend to the State of Meghalaya and shall apply to all State Government employees and any other person or Public Authority or Agency providing services on behalf of the State.
- (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires : -
 - (a) "Act" means the Meghalaya Right to Public Services Act, 2020;
 - (b) "Appellate Authority" means an officer appointed by notification by the Government and who is above the rank of the Designated Officer, and invested with the powers to hear appeals against the orders passed by a Designated Officer under this Act;
 - (c) "Chief Commissioner" means the Chief Commissioner of the State Public Service Delivery Commission appointed under clause (a) of sub-section (2) of section 9;
 - (d) "Citizen related services" include the services as notified under sub-section (2) of section 3 of this Act;
 - (e) "Commissioner" means Commissioner of the State Public Service Delivery Commission appointed under clause (b) of sub-section (2) of section 9;
 - (f) "Designated Officer" means an officer appointed by notification by the Government for providing the service as per the provisions of this Act;
 - (g) "Gazette" means the Gazette of the State of Meghalaya;
 - (h) "Government" means the Government of Meghalaya;
 - (i) "Governor" means the Governor of Meghalaya;
 - (j) "Government servant" means a person appointed to any civil service or post in connection with the affairs of the State Government

including a person working on deputation; and a person appointed in a Public Authority which is owned, controlled or substantially financed by the Government;

- (k) "Notification" means a notification published in the Official Gazette;
- (l) "Rule" means a rule under this Act;
- (m) "State Public Service Delivery Commission" means the Commission constituted under sub-section (1) of section 9; and
- (n) "Year" means a financial year commencing on the 1st Day of April and ending on the 31st day of March of the succeeding year.

CHAPTER - II

CITIZEN'S RIGHT TO TIME BOUND DELIVERY OF SERVICES, AND PROCEDURE GOVERNING FIXING OF LIABILITY IN CASES OF DEFAULT.

Right of citizen to obtain time bound delivery of services.

- 3 (1). Every citizen shall have the right to obtain citizen related services in Meghalaya as notified under sub-section (2) of section 3 of this Act.
- (2) The State Government may, from time to time, notify the services and the time period within which the services shall be provided, including the Designated Officer who shall provide the service and the Appellate Authority who shall hear appeals in accordance with the provisions of the Act.
- (3) While computing the stipulated time for providing services, a public or official holiday shall not be counted.

Liability of the designated officer to deliver services within the stipulated period

- 4. (1) Every Designated Officer shall be duty bound to deliver services within the time period as notified sub-section (2) of section 3 of this Act.
- (2) The Designated Officer shall, for the convenience of the general public, cause to display all relevant information related to the notified public services on the notice board of his office and upload it on the official website. This notice shall also include the list of documents required to be furnished along with the application.

Duty of the Designated Officer.

- 5. (1) The Designated Officer shall, on receipt of an application for service by any person, without prejudice to the provisions of any law for the time being in force, provide the service or reject the application within the time period as notified under sub-section (2) of section 3 of this Act.
- (2) In case of rejection, he shall state the reasons for the same in writing and shall intimate it to the applicant forthwith.
- (3) He shall inform the applicant about the period within which an appeal against such denial or delay may be preferred.
- (4) He shall furnish the particulars of the Appellate Authority.

- (5) The stipulated time limit as notified under sub-section (2) of section 3 of this Act shall start from the date on which the application is received complete in all respects by the Designated Officer.

Appeal.

6. (1) Any person, who does not receive the required service within the stipulated time period or whose application is rejected under sub-section (1) and (2) of section 5 of this Act may file an appeal to the Appellate Authority within thirty days from the date of rejection of the application or on the expiry of the stipulated time limit, in such manner and on payment of such fee, as may be prescribed:

Provided that the Appellate Authority may admit the appeal after the expiry of the period of thirty days if the authority is satisfied that the appellant had sufficient cause for not filing the appeal in time.

- (2) The Appellate Authority may direct the Designated Officer to provide the service within a specified period or may reject the appeal.
- (3) An appeal under sub-section (1) shall be disposed of within a period of thirty days from the date of receipt of the appeal.

Filing a Complaint.

7. (1) Any person aggrieved by a decision of the Appellate Authority may prefer an appeal to the State Public Service Delivery Commission within thirty days from the date of decision of the Appellate Authority, in such manner and on payment of such fee, as may be prescribed:

Provided that the State Public Service Delivery Commission may admit the appeal after the expiry of the period of thirty days if that authority is satisfied that the appellant had sufficient cause for not filing the appeal in time but such period shall not exceed a period of sixty days from the date of decision of the Appellate Authority.

- (2) The State Public Service Delivery Commission may direct the Designated Officer to provide the service within a specified period or may reject the appeal.
- (3) Where the State Public Service Delivery Commission finds that sufficient reason does not exist for not providing the service within the stipulated time limit, it may, along with the direction to provide the service, impose penalty as provided in section 8 of this Act, on the Designated Officer.
- (4) An appeal under sub-section (1) above shall be disposed of within a period of thirty days from the date of receipt of the appeal.
- (5) Where the Designated Officer does not comply with the direction given by the Appellate Authority under sub-section (2) of section 6, the person aggrieved by such non-compliance may file an application directly to the State Public Service Delivery Commission and such an application shall be disposed of in the same manner as appeal referred to in sub-section (1) and sub-section (4) of this section.

Penalty and compensation

8. (1) The State Public Service Delivery Commission may impose a lump sum penalty against the Designated officer for failure to deliver or render services to which the applicant is entitled. Such lump sum penalty may extend up to five thousand rupees at the first instance and up to twenty thousand rupees for repeated instances which shall be recovered

from the officer against whom the penalty has been imposed :

Provided that before imposing any penalty under this sub-section, the officer on whom the penalty is proposed to be imposed shall be given a reasonable opportunity of being heard.

- (2) On receiving the order of imposition of penalty under sub-section (1) above the Drawing and Disbursing Officer or the Treasury Officer, as the case may be, shall recover the amount of penalty from the salary of the Designated Officer and deposit the same in the government account and shall send a copy of the challan to the State Public Service Delivery Commission

CHAPTER - III

Constitution of a State Public Service Delivery Commission.

Constitution of a State Public Service Delivery Commission.

9. (1) The State Government shall, by notification in the Official Gazette, constitute a Commission to be known as the "State Public Service Delivery Commission" to exercise the jurisdiction, powers and functions conferred under this Act.
- (2) The State Public Service Delivery Commission shall consist of :-
 - (a) One Chief Commissioner ; and
 - (b) One Commissioner.
- (3) The Chief Commissioner and Commissioner shall be appointed on the recommendation of a two Member Selection Committee consisting of the Chief Minister and a Cabinet Minister nominated by him.

Qualification for Appointment and Term of office of Chief Commissioner and Commissioner.

10. (1) The Chief Commissioner and Commissioner shall be persons of eminence in public life with wide knowledge in public administration and governance, social service, management and science and technology, with at least 25 years of experience in their respective fields to be eligible for the post of the Chief Commissioner and 15 years for the post of the Commissioner.
- (2) The Chief Commissioner or a Commissioner shall not be a sitting Member of Parliament or Member of Legislature of any State or Union territory, or Member of Autonomous District Council or hold any other office of profit, or be connected with any political party, or carrying on any business, or pursuing any profession.
- (3) The Chief Commissioner and Commissioner shall hold office for a term of five years from the date on which they enter office or until they attain the age of sixty- five years, whichever is earlier.
- (4) The Chief Commissioner and Commissioner shall not be eligible for re appointment.
- (5) The salaries and allowances payable to and other terms and conditions of service of :-

- (a) the Chief Commissioner shall be equivalent to that of the Chief Secretary to the Government;
- (b) a Commissioner shall be equivalent to that of the Principal Secretary to the Government:

Provided that if the Chief Commissioner or Commissioner, at the time of his appointment is in receipt of a pension, other than a disability or war injury pension in respect of any previous service under the Government of India or the Government of State, his salary in respect of the service as Chief Commissioner or Commissioner shall be proportionately reduced by the amount of pension, including portion of pension commuted and additional pension if any:

Provided further, that where the Chief Commissioner or Commissioner, if at the time of his appointment, is in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as a Chief Commissioner or Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits.

State Government to provide officers and employees to the State Public Service Delivery Commission and their functions.

11. (1) The State Government shall provide the State Public Service Delivery Commission with such officers and employees as may be required for the discharge of its functions under this Act.
- (2) The officers and employees so appointed under sub-section (1) above shall discharge their functions under the general superintendence, control and discipline of the Chief Commissioner.
- (3) The general superintendence, direction and management of the affairs of the State Public Service Delivery Commission shall vest in the Chief Commissioner who shall be assisted by the Commissioner and he may exercise all such powers and do all such acts which may be exercised or done by the State Public Service Delivery Commission.

Powers of the State Public Service Delivery Commission to be deemed civil court under the Code of Civil Procedure, 1908.

12. (1) For the purposes of its functions under this Act, the State Public Service Delivery Commission shall 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 :-
- (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) discovery and production of any document or other material object liable to be produced as evidence;
 - (c) receiving evidence on affidavits;
 - (d) requisitioning of any public record;
 - (e) issuing summons for examination of witnesses;
 - (f) reviewing its decisions, direction and orders; and
 - (g) any other matter which may be prescribed.

- (2) The State Public Service Delivery Commission 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 State Public Service Delivery Commission shall have the powers to regulate its own procedure.

Proceedings of the State Public Service Delivery Commission to be judicial proceedings.

13. All proceedings before the State Public Service Delivery Commission shall be deemed to be judicial proceedings within the meaning of section 193 and section 228 of the Indian Penal Code and the State Public Service Delivery Commission shall be deemed to be a civil court for the purposes of section 345 and section 346 of the Code of Criminal Procedure, 1973.

**CHAPTER - IV
MISCELLANEOUS**

Jurisdiction to settle, decide or deal.

14. 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 State Public Service Delivery Commission.

Officers & Staffs of State Public Service Delivery Commission to be public servants.

15. The staff and officers of the State Public Service Delivery Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 and clause (c) of section 2 of the Prevention of Corruption Act, 1988.

Acts done in good faith.

16. No suit, prosecution or other legal proceeding shall lie against any person for anything which is done in good faith or intended to be done under this Act or any rule made thereunder.

Monitoring of Implementation.

17. The State Government may introduce a system for centralized monitoring of the timely delivery of notified services, including service delivery through use of Information Communication Technology (ICT) and for monitoring various provisions of this Act.

Dissemination & Training.

18. The State Government or the State Public Service Delivery Commission may take steps to :-
- (i) develop and organize campaigns and programmes to advance the understanding of the citizens, as to how to exercise the rights contemplated under the Act;
 - (ii) encourage public authorities as deemed appropriate to participate in the development and organization of programmes referred to in clause (i) above and also to undertake such programmes themselves;
 - (iii) promote timely and effective dissemination of accurate information by public authorities about the notified services and timelines and the processes for applications, and penalties therein;

- (iv) train the nodal officers and designated officers and other public servants, as the case may be, of their duties under the Act;
- (v) compile a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified under this Act;
- (vi) update and publish guidelines referred to in clause (v) above at regular intervals which shall, in particular and without prejudice to the generality of the clause (v) above, include:-
 - (a) the objectives of the Act;
 - (b) the manner and the form in which application for the services shall be made to the Designated Officer or appeal shall be filed to the Appellate Authorities;
 - (c) any additional regulations or circulars made or issued for obtaining services in accordance with the Act.
 - (d) measures to improve the efficiency in the delivery of citizen related services.

Power to make rules.

- 19.** (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) Without prejudice to the generality of the foregoing powers the rules may provide for :-
- (a) the amount of fees to be provided under sub-section (I) of section 6 and sub-section (1) of section 7 of this Act;
 - (b) any other matter which may by rule be prescribed.
- (3) Every rule made under this section shall, as soon as after it is made, be laid before the Meghalaya Legislative Assembly.

Power to remove difficulty.

- 20.** If any difficulty arises in giving effect to the provisions 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 may appear to be necessary for removing the difficulty for a period of two years from the date of notification of the Act.

L. A. LYNDEN,

Under Secretary to the Govt. of Meghalaya,
Law (B) Department.