

THE UTTAR PRADESH JANHIT GUARANTEE ADHINIYAM, 2011

[U. P. Act No. 3 of 2011]

ARRANGEMENT OF SECTIONS

SECTIONS

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THE UTTAR PRADESH JANHIT GUARANTEE ADHINIYAM, 2011¹

[U. P. Act No. 3 of 2011]

[In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Janhit Guarantee Adhiniyam, 2011 (Uttar Pradesh Adhiniyam Sankhya 3 of 2011) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 03, 2011.]

AN

ACT

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

IT IS HEREBY enacted in the Sixty-Second Year of the Republic of India as follows :—

Short title,
extend and
commencement

1. (1) This Act may be called the Uttar Pradesh Janhit Guarantee Adhiniyam, 2011.

(2) It shall extend to the whole of Uttar Pradesh.

(3) It shall be deemed to have come into force on January 14, 2011.

Definitions

2. In this Act, unless the context otherwise requires —

(a) "designated officer" means an officer notified as such for providing the service under section 3 ;

(b) "eligible person" means a person who is eligible for notified services ;

(c) "first appeal officer" means an officer who is notified as such under section 3 ;

(d) "right to service" means right to obtain the service within the stipulated time limit under section 4 ;

(e) "service" means any service notified under section 3 ;

(f) "second appellate authority" means an officer who is notified as such under section 3 ;

(g) "stipulated time limit" 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,
officers 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 authority and stipulated time limits therefor.

1. For SOR see at the end of this Act.

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

4. The designated officer shall provide the service notified under section 3 to the eligible person.

**Providing
services in
stipulated
time limit.**

5. (1) Stipulated time limit 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 either provide service or reject the application and in case of rejection of application, he shall record the reasons in writing and intimate the applicant.

Appeal

6. (1) Any person, whose application is rejected under sub-section (2) of section 5 or who is not provided with 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 period specified in the order or may reject the appeal.

(3) A second appeal against the decision of the first appeal 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) The second appellate authority, may along with the order to provide services impose penalty according to the provisions of section 7.

(5) (a) If the designated officer or the authorized officer as the case may be does not acknowledge the application under sub-section (1) of section 5, then the applicant 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 with the order of providing the service under sub-section (2), then the applicant may submit an application directly to the second appellate authority. This application shall be disposed of in the manner of first appeal.

(6) The first appeal officer 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 (Act no. 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 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 appeal 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 appeal officer which shall not be less than 500 rupees and not more than 5000 rupees :

Provided that the first appeal 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 appeal officer has failed to discharge the duties assigned to him under this Act without sufficient and reasonable cause, may recommend disciplinary action against him under the service rules applicable to him.

Revision

8. The designated officer or first appeal officer aggrieved by any order of second appellate authority in respect of imposing penalty under this Act, may take an application for revision to the officer nominated by notification by the State Government within the period of 60 days from the date of that order, who shall dispose of the application in such manner as may be prescribed ;

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

**Protection of
action taken
in good faith**

9. No suit, prosecution or other legal proceedings 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**

10. The State Government may, by notification in the *Gazette*, make rules for carrying out the provisions of this Act.

**Powers to
remove
difficulties**

11. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order published in the *Gazette*, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing 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.

(2) The provisions made by any order under sub-section (1) shall have effect as if enacted in this Act and any such order may be made so as to be retrospective to any date not earlier than the date of commencement of this Act.

(3) Every order made under sub-section (1) shall as soon as may be after it is made, be laid before both houses of the State Legislature and the provisions of sub-section (1) of section 23-A of the Uttar Pradesh General Clauses Act, 1904 shall apply as they apply in respect of rules made by the State Government under any Uttar Pradesh Act.

**Repeal and
saving**

12. (1) The Uttar Pradesh Janhit Guarantee Adhyadesh, 2011 is hereby repealed.

**U.P.
Ordinance
no. 1 of 2011**

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinances referred to in sub-section (1) shall be deemed to have been done or taken under this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

For the delivery of Public services providing by various departments of the Uttar Pradesh Government generally no time-limit was fixed and neither the competent officers for delivery of such services within stipulated time-limit were properly designated nor their responsibilities were fixed, due to which the people of the State were facing difficulties. It was, therefore, decided to make a law to provide for the delivery of services to the people of the State within stipulated time-limit and for matters connected therewith or incidental thereto.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Janhit Guarantee Adhyadesh, 2011 (U. P. Ordinances no. 1 of 2011) was promulgated by the Governor on January 13, 2011.

This Bill is introduced to replace the aforesaid Ordinance.