



## **Business Reform Action Plan 2016 Response by Government of Maharashtra**

### **Area 1: Access to Information and Transparency Enablers**

**10:** Ensure that the time-bound service delivery legislation defines punitive provisions that deter officials from not complying with the defined timelines for services being provided to Industries/ Businesses

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**Response:** **Yes**

#### **Remarks:**

Government of Maharashtra conceptualized and introduced the Aaple Sarkar Portal in 2015, with an objective to provide a single touch point for various Government to Business (G2B) and Government to Citizen (G2C) services. It is a pivotal and essential element of the strategy to achieve Hon'ble Chief Minister's vision of making Maharashtra a digital state by 2019. The Aaple Sarkar portal which is supported by the underlying framework of 'Seva Hami Kayada' or 'The Right to Public Services Act', was enacted on August 21, 2015. The portal ensures transparency, timeliness and accountability in the services rendered by the State to its citizens. Currently, about 224 services offered by various Departments have been notified under the Right to Services Act, 2015. Out of these services the State has so far integrated about 155 services with the Aaple Sarkar portal.

The 'Maharashtra Right to public services Act 2015' – Section 12 defines punitive provisions for officials as follows:

*"The Competent Authority, after receiving an intimation from the Second Appellate Authority about the repeated failures committed by the concerned Designated Officer to provide public services or repeated delays in providing public services as well as repeated failure to comply with the direction of the Appellate Authorities, shall issue a show cause notice to the Designated Officer within a period of fifteen days, **why a disciplinary action should not be initiated against him**. The Competent Authority shall initiate appropriate disciplinary proceedings against the Designated Officer under the Conduct and Discipline Rules as applicable"*

#### **Web link :**

The Right to Public Services Act 2015 document could be accessed at -

[https://aaplesarkar.mahaonline.gov.in/pdf/Right\\_to\\_Service\\_Act.pdf](https://aaplesarkar.mahaonline.gov.in/pdf/Right_to_Service_Act.pdf)



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## Supporting Documents:

Please refer below relevant extracts of the 'Right to service Act' 2015 legislation :

महाराष्ट्र शासन राज्यपाल महापालिका भाग अड, एप्रिल २८, २०१५/वेळार ८, मळे ११२७

(5) The First Appellate Authority and Second Appellate Authority while deciding an appeal under this section, shall have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely :—

- (a) requiring the production and inspection of documents or records;
- (b) issuing summons for hearing; and
- (c) any other matter which may be prescribed.

10. (1)(a) If the First Appellate Authority is of the opinion that the Designated Officer has failed to provide public service without sufficient and reasonable cause, then he shall impose a penalty which shall not be less than rupees five hundred, but which may extend to rupees five thousand, or of such amount as may be revised by the State Government, from time to time, by notification in the Official Gazette. Penalty.

(b) If the Second Appellate Authority is also of the opinion that the Designated Officer has made default in providing the public service within the stipulated time limit without sufficient or reasonable cause, he may confirm or vary the penalty imposed by the First Appellate Authority, after recording reasons in writing:

Provided that, the Designated Officer shall be given a reasonable opportunity of being heard before any penalty is imposed on him by the First Appellate Authority or Second Appellate Authority.

(2) If the Chief Commissioner or the Commissioner is of the opinion that the First Appellate Authority had repeatedly failed to decide the appeal within the specified time without any sufficient and reasonable cause, or unduly tried to protect the erring Designated Officer, then he shall impose a penalty on the First Appellate Authority which shall not be less than rupees five hundred, but which may extend to rupees five thousand, or of such amount as may be revised by the State Government, from time to time, by notification in the Official Gazette :

Provided that, the First Appellate Authority shall be given a reasonable opportunity of being heard before any penalty is imposed on him.

11. The Appellate Authority concerned or the Commission shall communicate to the Designated Officer or the First Appellate Authority, as well as to the Public Authority about the amount of penalty imposed in writing. The Designated Officer or the First Appellate Authority, as the case may be, shall pay the amount of penalty within a period of thirty days from the date of receipt of such communication, failing which the Competent Authority shall recover the amount of penalty from the salary of the concerned Designated Officer or the First Appellate Authority, as the case may be. Procedure for recovery of penalty.

12. (1) The Competent Authority, after receiving an intimation from the Second Appellate Authority about the repeated failures committed by the concerned Designated Officer to provide public services or repeated delays in providing public services as well as repeated failure to comply with the direction of the Appellate Authorities, shall issue a show cause notice to the Designated Officer within a period of fifteen days, why a disciplinary action should not be initiated against him. The Competent Authority shall initiate appropriate disciplinary proceedings against the Designated Officer under the Conduct and Discipline Rules as applicable. Procedure for fixing responsibility on Designated Officer for repeated failures.

(2) The Designated Officer against whom such notice is issued may represent to the Competent Authority concerned, within a period of fifteen days from the date of receipt of such notice. In case no such representation is received by the Competent Authority within the specified period or explanation received is not found satisfactory, the Competent Authority shall proceed with the Departmental inquiry as laid down in the Conduct and Disciplinary Rules of the Public Authority :

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महाराष्ट्र शासन राजपत्र असाधारण भाग भांड, एप्रिल २६, २०१५/वेळार ६, नंके १९२७

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### STATEMENT

Good governance is essential for sustainable development on economic and social arena of public life. The three essential elements of good governance are transparency, accountability and responsiveness of the administration. To improve and strengthen the relationship between the people and the administration, the Government of Maharashtra considers it expedient to make a law to provide for delivery of efficient and timely public services so as to bring accountability, responsibility and transparency in the administration.

2. The salient features of the proposed law are as follows :-

(a) to create a right to an eligible person to obtain public services within stipulated time limit notified by the Public Authority;

(b) to provide for delivery of public services by the Designated Officers to the eligible person within stipulated time limit;

(c) to mandate the Public Authorities to notify the public services, Designated Officers, Appellate Authorities and stipulated time limit under the law;

(d) to provide for giving unique application number to the application made by the eligible person so that he can monitor status online;

(e) to provide for appeals to the First Appellate Authority, Second Appellate Authority and the Commission;

(f) to constitute the Maharashtra State Commission for Right to Service for effective implementation of the law;

(g) to provide for penalties and disciplinary action in respect of officials who have failed to deliver public services within stipulated time limit;

(h) to provide for cash incentives to such officials who are delivering public services before the stipulated time limit and appropriate awards to felicitate the authorities which perform best in achieving the purposes of the law; and

(i) to provide for taking action against an eligible person who obtains public services by deliberately giving false or frivolous information or false documents.

3. The Maharashtra Right to Public Services Bill, 2015 (L. A. Bill No. XXI of 2015), containing the same provisions was introduced in the Maharashtra Legislative Assembly in the Budget Session of 2015 of the State Legislature. However, before the Bill came for consideration in the Maharashtra Legislative Assembly, the session of the State Legislature came to prorogued. However, for the purposes aforesaid, the Government considers it expedient to have such law immediately.

4. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to make special provisions by making a law, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,  
Dated the 27th April 2015.

CH. VIDYASAGAR RAO,  
Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

DR. P. S. MEENA,  
Additional Chief Secretary (A.R.O. and M.)  
to Government.