



Business Reform Action Plan 2016 Response by Government of Maharashtra

Area 1: Access to Information and Transparency Enablers

11: Ensure that the time-bound service delivery legislation defines clear procedures for applicants to submit grievances relating to non-compliance with the defined timelines

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.

Maharashtra Right to Public Services Act, 2015 sections 8, 9, 10,11 and 12 define clear procedures for applicants to submit grievances relating to non-compliance with the defined timelines

Remarks:

(1) The Public Authority shall appoint an officer not below the rank of Group "B" or its equivalent rank, who is superior in rank to the Designated Officer, to act as First Appellate Authority to hear and decide the appeal filed by an eligible person against rejection of his application or delay in providing public services, after following due procedure as may be prescribed.

(2) The Public Authority shall appoint an officer who is superior in rank to the First Appellate Authority, to act as Second Appellate Authority to hear and decide the appeal filed by an eligible person as well as by the Designated Officer against the order of the First Appellate Authority



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Relevant Screen shots from the legislation:

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| | <p>संज्ञासूची सारणीत सादर केलेल्या अर्थाने वाच्य, नोंदवून घ्या, २०१५/संख्या ३०, मध्मे १११०</p> <p>(2) Every Public Authority shall be duty bound to update the status of all applications regarding public services online, where such system is in operation.</p> |
| Use of Information Technology for delivery of public services. | <p>7. The Government shall encourage and aspire all the Public Authorities to utilize Information Technology to deliver their respective public services within the stipulated time limit.</p> |
| Appointment of Appellate Authorities. | <p>8. (1) The Public Authority shall appoint an officer not below the rank of Group "B" or its equivalent rank, who is superior in rank to the Designated Officer, to act as First Appellate Authority to hear and decide the appeal filed by an eligible person against rejection of his application or delay in providing public services, after following due procedure as may be prescribed.</p> <p>(2) The Public Authority shall appoint an officer who is superior in rank to the First Appellate Authority, to act as Second Appellate Authority to hear and decide the appeal filed by an eligible person as well as by the Designated Officer against the order of the First Appellate Authority.</p> |
| Appeal. | <p>9. (1) Any eligible person, whose application is rejected under subsection (2) of section 5 or who is not provided the public service within the stipulated time limit, may file an appeal before the First Appellate Authority within the period of thirty days from the date of receipt of, order of rejection of the application or, the expiry of the stipulated time limit.</p> <p>Provided that, the First Appellate Authority may, in exceptional cases, admit the appeal even after the expiry of the period of thirty days, subject to the maximum period of ninety days, if it is satisfied that the Appellant was prevented by sufficient cause from filing the appeal in time.</p> <p>(2) The First Appellate Authority may direct the Designated Officer to provide the service to the eligible person within such period as he may specify in his order but which shall not ordinarily exceed the stipulated time limit, or he may reject the appeal within the period of thirty days from the date of filing of the appeal, after recording the reasons in writing for such rejection :</p> <p>Provided that, before deciding the appeal, the First Appellate Authority shall give an opportunity of being heard to the Appellant as well as to the Designated Officer or any of his subordinate duly authorized for this purpose.</p> <p>(3) A second appeal against the order of the First Appellate Authority shall lie to the Second Appellate Authority within the period of thirty days from the date on which the order of the First Appellate Authority is received or after forty-five days from the date of filing of the first appeal in case where the Appellant does not receive any order from the First Appellate Authority:</p> <p>Provided that, the Second Appellate Authority may, in exceptional cases, admit the appeal even after the expiry of the period of thirty days or forty-five days, as the case may be, subject to the maximum period of ninety days, if it is satisfied that the Appellant was prevented by sufficient cause from filing the appeal in time.</p> <p>(4) The Second Appellate Authority may direct the Designated Officer to provide the service to the Appellant within such period as he may specify in his order or he may reject the appeal within the period of forty-five days from the date of filing of the appeal, after recording reasons in writing for such rejection :</p> <p>Provided that, before issuing any order, the Second Appellate Authority shall give an opportunity of being heard to the Appellant as well as to the Designated Officer or any of his subordinate duly authorized for this purpose.</p> |



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प्राथमिक न्याय प्रणाली सुधारणाचा भाग म्हणून, न्यायक ११, २०१५/संख्या ३०, मध्ये १११३

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(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 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*.

(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 and 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.

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.

(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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प्रमाणित प्रमाण प्रदान करणारा व्यक्तीस विना कोणताही वेळापत्रक/समय देऊ, नोटे १९७७

Provided that, if the Competent Authority finds reasonable and justified grounds in favour of the Designated Officer and comes to the conclusion that the delay in delivery of services to the eligible person was not attributable to him, but was attributable to some other Designated Officer, it shall be lawful for the Competent Authority to withdraw the notice against him.

(3) While fixing the responsibility on such Designated Officer under this Act, the Competent Authority shall follow the principles of natural justice before passing the order in that respect and give reasonable opportunity of being heard to the Designated Officer.

Constitution of Maharashtra State Right to Service Commission.

13. (1) The State Government shall, by notification in the *Official Gazette*, constitute for the purposes of this Act, a Commission to be called as "the Maharashtra State Commission for Right to Service" :

Provided that, till the time the Commission is constituted by the State Government, the Government may, by notification in the *Official Gazette*, entrust the powers and functions of the Commission to the Divisional Commissioners in each Revenue Division or any other Government Officer.

(2) The Maharashtra State Right to Service Commission shall consist of,—

(a) the State Chief Commissioner for Right to Service having jurisdiction for Mumbai City District and Mumbai Suburban District ; and

(b) one State Commissioner for Right to Service having jurisdiction for each corresponding Revenue Division, excluding the area of Mumbai City District and Mumbai Suburban District.

(3) The Chief Commissioner and the Commissioners shall be appointed by the Governor on the recommendation of a Committee consisting of,—

- (i) the Chief Minister, who shall be the Chairman of the Committee ;
- (ii) the Leader of Opposition in the Legislative Assembly; and
- (iii) a Cabinet Minister to be nominated by the Chief Minister.

Explanation.— For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the Legislative Assembly has not been recognised as such, the Leader of the single largest group in opposition in the Legislative Assembly shall be deemed to be the Leader of Opposition.

(4) The general superintendence, direction and management of the affairs of the Commission shall vest in the Chief Commissioner who shall be assisted by the Commissioners and he may exercise all such powers and do all such acts which may be exercised or done by the Commission.

(5) The Chief Commissioner and the Commissioners shall be persons of eminence in public life with wide knowledge and experience in administration in Government or Public Authority.

(6) The Chief Commissioner or a Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or hold any other office of profit or connected with any political party or carrying on any business or profession.

(7) The headquarters of the Commission shall be at Mumbai and the offices of the Commissioners shall be at every Revenue Division.