

९. इस अधिनियम या उसके अधीन बनाये गये किसी नियम के अधीन सद्भावपूर्वक की गई या की जाने के लिए आशयित किसी बात के लिए किसी व्यक्ति के विरुद्ध कोई वाद, अभियोजन या अन्य विधिक कार्यवाही नहीं होगी.

सद्भावपूर्वक की गई कार्रवाई का संरक्षण.

१०.(१) राज्य सरकार, राजपत्र में अधिसूचना द्वारा, इस अधिनियम के उपबंधों को कार्यान्वित करने हेतु नियम बना सकेगी.

नियम बनाने की शक्ति.

(२) राज्य सरकार द्वारा इस अधिनियम के अधीन बनाये गये प्रत्येक नियम राज्य विधान-मण्डल के समक्ष रखे जाएंगे.

११. यदि इस अधिनियम के उपबंधों को प्रभावशील करने में कोई कठिनाई उद्भूत होती है तो राज्य सरकार, इस अधिनियम के उपबंधों से असंगत न होने वाले आदेश द्वारा कठिनाई दूर कर सकेगी :

कठिनाइयां दूर करने की शक्ति.

परन्तु ऐसा कोई आदेश इस अधिनियम के प्रारंभ होने से दो वर्ष की कालावधि का अवसान होने के पश्चात् नहीं किया जाएगा.

भोपाल, दिनांक १८ अगस्त २०१०

क्र. ४३०४-३०९-इक्कीस-अ-(प्रा.).—भारत के संविधान के अनुच्छेद ३४८ के खण्ड (३) के अनुसरण में, मध्यप्रदेश लोक सेवाओं के प्रदान की गारंटी अधिनियम, २०१० (क्रमांक २४ सन् २०१०) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,

राजेश यादव, अपर सचिव.

MADHYA PRADESH ACT
No. 24 of 2010.
THE MADHYA PRADESH LOK SEWAON KE PRADAN KI
GUARANTEE ADHINIYAM, 2010

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MADHYA PRADESH ACT
No. 24 of 2010.
THE MADHYA PRADESH LOK SEWAON KE PRADAN KI GUARANTEE
ADHINIYAM, 2010.

[Received the assent of the Governor on the 17th August, 2010; assent first published in the "Madhya Pradesh Gazette (Extraordinary)", dated the 18th August, 2010]

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

Be it enacted by the Madhya Pradesh Legislature in the Sixty-first year of the Republic of India as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Madhya Pradesh Lok Sewaon Ke Pradan Ki Guarantee Vidheyak, 2010.

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

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

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" mean person who is eligible for notified services;
- (c) "first appeal officer" means an officer who is notified as such under Section 3;
- (d) "prescribed" means prescribed by the rules made under this Act;
- (e) "right to service" means right to obtain the service within the stipulated time limit under Section 4;
- (f) "service" means any service notified under Section 3;
- (g) "second appellate authority" means an officer who is notified as such under Section 3;
- (h) "State Government" means the Government of Madhya Pradesh; .
- (i) "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 to which this Act shall apply.

Right to obtain service within stipulated time limit.

4. The designated officer shall provide the service notified under Section 3 to the person eligible to obtain the service, within the stipulated time limit.

Providing service 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, shall record the reasons in writing and intimate to the applicant.

6. (1) Any person, whose application is rejected under sub-section (2) of section 5 or who is not provided 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: **Appeal.**

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 specified period or may reject the appeal.

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

(5)(a) If the designated officer does not comply sub-section (1) of section 5, then the applicant aggrieved from such non-compliance 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 the order of providing the service under sub-section (2) of section 6, then the applicant aggrieved from such non-compliance may submit an application directly to the second appellate authority. This application shall be disposed of in the manner of second 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 (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.

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 a lump sum penalty which shall not be less than 500 rupees and not more than 5000 rupees. **Penalty.**

(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 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 make an application for revision to the officer nominated by the State Government within the period of 60 days from the date of that order, who shall dispose of the application according to the prescribed procedure:

Provided that the officer nominated by the State Government may entertain the application after the expiry of the said period of 60 days, if it 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 proceeding 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.(1) The State Government may, by notification in the official Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made under this Act by the State Government shall be laid before the State Legislature.

Power to remove difficulties.

11. If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order, not inconsistent with the provisions of this Act, remove 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.