



# The Model State Public Services Delivery Act, 2023

Version 2.0



**Centre for  
CIVIL  
SOCIETY**

SOCIAL CHANGE THROUGH PUBLIC POLICY



## **The Model State Public Services Delivery Act, 2023—Version 2.0**

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**MODEL STATE PUBLIC SERVICES  
DELIVERY ACT, 2023—VERSION 2.0**





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**Dr Fauzia Khan**  
Member of Parliament  
(Rajya Sabha)

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### Foreword

The potential of information is immeasurable, but its true value lies in our capacity to harness it for the purpose of ensuring responsibility in the provision of public services. Kofi Annan, the former Secretary-General of the United Nations, wisely emphasized that transparency, accountability, and adherence to the rule of law are essential for a thriving democracy.

However, accessing government services in India often proves to be a challenging and frustrating experience for citizens. While the Right to Information (RTI) Act of 2005 was a significant milestone in granting access to government information, it alone is inadequate to ensure efficient service delivery.

In this respect, I express my sincere appreciation to the Centre for Civil Society for their unwavering commitment to this cause. Through their dedicated efforts, we can pave the way for profound change and establish a governance system that prioritizes accountability and citizen-centricity.

The introduction of a Model State Public Services Delivery Bill, similar to the one I presented in the Rajya Sabha on 9 December 2022, will represent a crucial step in addressing the challenges faced by our public service delivery system.

Due to the prevalent issue of lack of accountability in accessing government services, where public servants frequently evade responsibility for their actions, resulting in corruption and a feeling of impunity, the proposed bill intends to create a transparent structure for accountability and redressal. It aims to establish a comprehensive framework that clearly outlines the rights and responsibilities of both citizens and public servants, while also providing a mechanism to address disputes and grievances effectively.

Similarly, although Citizen Charters were introduced in 1997 at various levels of the government, their voluntary nature has hindered their effectiveness. In this regard, the Model Bill strives to cultivate a governance culture that gives utmost importance to the needs and interests of the people. It aims to bring about a fundamental shift in the way governance is approached, ensuring that citizens' concerns are addressed promptly and efficiently.

Moreover, corruption, a persistent issue that can be linked to the very beginning of governance systems, continues to pose a significant challenge when it comes to accessing



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government services, particularly for marginalized and vulnerable groups in society. As a result, the proposed bill not only suggests strategies to stop and counter corruption but also introduces a multi-level system for addressing grievances, which allows citizens to lodge complaints and obtain prompt solutions.

In conclusion, the implementation of a comprehensive Model Public Services Delivery Bill is crucial for India's advancement towards a responsible and transparent democracy, encompassing various significant aspects. As accurately stated by the former South African President Thabo Mvuyelwa Mbeki, "Public accountability is the cornerstone of a democratic society." Hence, it becomes the government's duty to give priority to the requirements and concerns of its citizens and to pass this transformative bill. Only then can we bring forth an era where the aspiration of an ideal society materializes into an actuality, fortified by a firmly established legislation of this nature.

*To the Model State Public Services Delivery Act that may be the catalyst that propels India towards a more inclusive, participatory, and responsive democracy—one that genuinely caters to the needs of all its citizens.*

Best Wishes

  
**Dr Fauzia Khan**

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## **STATEMENT OF OBJECTS AND REASONS**

The concept of Citizens' Charters was introduced in 1997 across various levels of government, in both the Union and States. However, these Charters remained ineffective due to their voluntary nature. The improvements in technology and internet penetration in India made for a fertile situation to legislate on timely delivery of services, including those delivered electronically. The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011 and the the Electronic Delivery of Services Bill, 2011 attempted to achieve these goals. However, the Bills lapsed along with the dissolution of the Lok Sabha in 2014.

The Model State Public Services Delivery Act, 2023 aims to institutionalise mechanisms in governance to ensure that citizens and businesses in India get access to speedy, simple, clear, transparent, efficient, accountable, fair, equitable, and time bound delivery of public services. It incorporates best practices to ensure ease of doing business and ease of access to such public services. In establishing the nodal agency and providing it with statutory guidance, the Bill seeks to establish governance methods which ensure removal of process and documentation redundancies, access to deemed approvals, and accountable assessment of public authorities. The mechanisms established through this Bill would synergise India's efforts in meeting the Sustainable Development Goals.



## **Model State Public Services Delivery Act, 2023**

### AN ACT

TO ensure the prompt, efficient, transparent, and accountable delivery of public services to eligible persons by various public authorities of the State Government, and for matters connected therewith or incidental thereto.

WHEREAS public authorities must be guided by principles of objectivity, efficiency, transparency, accountability, simplicity, consolidation, and openness to innovation in the delivery of public services.

AND WHEREAS it is expedient for the Government to provide critical public services directly or through private firms to promote functioning markets and improve ease of living and doing business.

BE it enacted by the State Assembly as follows:

### **CHAPTER I PRELIMINARY**

**Section 1. Short Title, Extent and Commencement** – (1) This Act shall be called the [State] Public Services Delivery Act, 2023.

(2) It extends to the whole of [State].

(3) It shall come into force on the day as notified by the State Government in the Official Gazette.

(4) It shall apply to public authorities which provide public services to eligible persons as per the provisions of any laws, Rules, Notifications, Orders, Government Resolutions, or any other instruments.

### **CHAPTER II DEFINITIONS**

**Section 2. Definitions** – In this Act, unless the context otherwise requires:

- (a) “accountable” means the responsibility of a public servant to answer for any actions, omissions, or commissions that occur during the delivery of public services. It includes being answerable for any mistakes, errors, or misconduct that may arise in the course of performing their duties;
- (b) “Act”, unless otherwise specified, refers to the [State] Public Services Delivery Act, 2023;
- (c) “applicant” means a person applying to a public authority for a public service;
- (d) “Central Application Portal” means the portal established by the Government under Section 34 of this Act;
- (e) “checklist” means the list of documents that need to be submitted along with the application form to avail a service along with a list of steps to be followed by an applicant to avail a public service;
- (f) “Department” means the concerned department of the State Government or of a public authority, as the case may be;
- (g) “Designated Officer” means an official notified as such under Section 30 for providing public service to eligible persons;
- (h) “electronic mode” means any method, process or application to deliver any service electronically including, but not limited to Government to Government, Government to citizen, or Government to business transactions, data interchange and other digital supply transactions whether conducted by email, mobile devices, social media, cloud computing, document management, voice or data transmission or otherwise;
- (i) “electronic service delivery” means the delivery of public service through electronic mode;
- (j) “eligible person” means a person who is eligible for obtaining a public service as specified under Section 1 of this Act;
- (k) “Government” means the State Government;
- (l) “Nodal Agency” means agency constituted under Section 4 of this Act;
- (m) “notification” means a notification published in the Official Gazette of the Government and the word ‘notify’ and ‘notified’ shall be construed accordingly;
- (n) “prescribed” means prescribed by Rules made by the State Government under this Act;
- (o) “public authority” means, —
  - (i) Any department or authority of the State Government;
  - (ii) Any organisation or authority or body or corporation or institution under the administrative control of the State Government or by or under any law made by the State Legislature, or by notification issued by the State Government;
  - (iii) and includes, an institution, a co-operative society, a Government Company or an authority owned, controlled, or financed by the State Government;
- (p) “public service” means any service or part thereof being provided to any person by the State Government or public authority either directly or through any service provider and includes the receipt of forms and applications, issue or grant of any licence, permit, certificate, sanction or approval and the receipt or payment of money, or any other such;

- (q) “scorecard” means a dashboard or matrix which evaluates, quantifies, and compares the performance of public authorities;
- (r) “service” unless otherwise specified means public service;
- (s) “stipulated time limit” means the maximum time as prescribed by the State Government to provide the public service by the public authority or designated officer, as the case may be;
- (t) “transparency” means the duty of a public servant to act in an open manner while exercising powers and discharging functions by, including but not limited to:
  - (i) Holding due consultations with all stakeholders;
  - (ii) Providing eligible persons with all necessary information to avail any service under this Act; and
  - (iii) Making all decisions of the public authority fully documented, explained, and easily available to all stakeholders.
- (u) “unified service delivery” means delivery of services through one combined service delivery mode, preferably an electronic mode such as the Central Application Portal.

**Section 3. Notification of Public Services, Eligibility, and Stipulated Time Limits** - (1) A public authority shall have an obligation to provide public services in accordance with this Act, within the stipulated time, and in the manner so provided in this Act;

(2) No public authority shall deny a public service to an eligible person; and

(3) The Government may, from time to time, specify a public service to which this Act shall not apply, through the procedure established under Section 21 of this Act.

### **CHAPTER III NODAL AGENCY**

**Section 4. Constitution of Nodal Agency** – (1) The Government shall constitute a nodal agency by issuing a notification in the Official Gazette.

(2) The notification shall be issued within six months of the enactment of this Act.

(3) The nodal agency shall be headed by a nodal officer.

(4) The nodal agency shall include secretarial and supervisory staff as may be required to perform its functions and discharge its duties efficiently under this Act.

(5) The nodal agency may engage experts and consultants as prescribed.

(6) The headquarters of the nodal agency shall be notified by the Government.

**Section 5. Objectives of Nodal Agency** – The objectives of the nodal agency shall include, but not be limited to –

- (a) Improving the applicant’s experience of availing a public service;
- (b) Assessing and rationalising the checklist for a service;
- (c) Minimising the complexity of the service delivery process;
- (d) Increasing the level of transparency in accessing public services;
- (e) Reducing administrative burden and costs;
- (f) Adopting best practices for public service delivery;
- (g) Promoting use of technology for streamlining service delivery process and improving efficiency;
- (h) Ensuring equitable access to public services for all citizens, including those with disabilities and those living in underserved areas;
- (i) Providing training and capacity building for public officials to improve their skills and knowledge;
- (j) Continuously monitoring and evaluating the quality of public services to identify areas for improvement;
- (k) Encouraging citizen participation and feedback in the design, delivery, and evaluation of public services; and
- (l) Strengthening inter-agency coordination and cooperation to facilitate seamless delivery of public services.

**Section 6. Functions of Nodal Agency** – The functions of the nodal agency shall include, but not be limited to –

- (1) Recommending services to be exempted to the Government, through the process specified in Section 21;
- (2) Overseeing procedures for equitable, fair, timely, efficient, and cost-effective delivery of public services by –
  - (a) Ensuring adherence to the time-lines and quality of such services through powers specified in Section 11;
  - (b) Periodically auditing the public service delivery by undertaking various studies including a cost compliance analysis and time and motion study, in order to recommend ways to minimise the enforcement costs and compliance costs incurred by various stakeholders under Section 8;
  - (c) Identifying challenges in efficient, fair, and prompt delivery based on data, and assisting the public authority to re-engineer service delivery processes under Sections 7 and 8;
  - (d) Recommending changes in the procedure for delivery of public service to the public authority in order to make the delivery more transparent, efficient, and user friendly through the periodic scorecard specified in Section 7;
  - (e) Assessing the quality and clarity of rules, regulations, and notifications promulgated by various public authorities as specified in Section 7;

- (f) If required, recommend changes to the manual specified in Section 22, the application forms specified in Section 23, and the consultation and review mechanisms specified in Section 25; and
- (g) Organising periodic training for designated officers and officials of public authorities to enhance and ensure time bound delivery of the public service in a transparent and accountable manner, as specified under Section 10.

(3) Ensuring accountability in the delivery of public services by –

- (a) Seeking feedback or responses from the applicants about their experience in availing the services from the public authority and review the same;
- (b) Enforcing the prescribed public service values and principles as enshrined under the Act by using the powers specified under Section 11; and
- (c) Identifying violations and corresponding officials responsible for violations, and report the same to the Government under Section 34.

(4) Ensure cooperation and deliberation among various public authorities in implementing this Act by –

- (a) Mapping interconnections and coordinating among various public authorities, for the purposes of this Act;
- (b) Organising deliberation between relevant public authorities and Departments rendering public services, and –
  - (i) conduct such meetings, at such frequency and through such procedure as it may deem fit;
  - (ii) through deliberation, enhance and streamline public service delivery to achieve the objectives of this Act; and
  - (iii) publish minutes, clearly identifying the statements made by such attendees, at such a meeting publicly within thirty days of the meeting.

(5) Provide technical assistance and advisory opinions to Government, public authority, any Government or court appointed-committee, Parliamentary sub-committee or the Law Commission to review any law, rules, and notifications in such manner as prescribed .

(6) Carry out any other activity to fulfil their mandate under the Act, as may be prescribed.

**Section 7. Publication of a Periodic Scorecard** - (1) The nodal agency shall publish a periodic scorecard as prescribed.

(2) This periodic scorecard shall evaluate, quantify, and compare the performance of a public authority in the delivery of a public service.

(3) The parameters for the periodic scorecard shall be guided by efficiency of procedures, ease of access, and fairness in the delivery of public services. These parameters may include –

- (a) Rate of pendency in processing applications;
- (b) Standardised process flow including overall processing volume and time taken;
- (c) The cost of compliance and enforcement;
- (d) Ease of access to public services by an eligible person or business.

(4) In publishing the periodic scorecard, the nodal agency shall place emphasis on methods, including –

- (a) A comparative analysis between similarly placed public services and public authorities;
- (b) User feedback; and
- (c) Any other method as the nodal agency deems fit.

**Section 8. Process Audit Report** - (1) Based on the findings of the periodic scorecard, the nodal agency shall provide each public authority with a Process Audit Report.

(2) This Process Audit Report shall identify administrative hurdles, bottlenecks, and non-value adding activities.

(3) If applicable, the Process Audit Report shall specify –

- (i) High cost or unclear cost structure;
- (ii) Unnecessary details in the application forms;
- (iii) Unnecessary duplication of documents and applications forms;
- (iv) Long waiting times or bottlenecks;
- (v) Multiple and lengthy approvals; and
- (vi) Non-compliance with regulations; and
- (vii) such other anomalies.

(4) All data, documentation, studies, etc. provided by any experts and consultants shall promptly be made available to the public authority.

**Section 9. Publication and Recognition** – (1) The nodal agency shall publish the scorecard and the process audit report of a public authority on the nodal agency's website along with the methodology, data dashboard, and findings.

(2) The nodal authority shall annually publish a list of best performing public authorities in a manner as prescribed.



(3) The Government may approve monetary endowments for such public authorities, as prescribed.

**Section 10. Periodic Training** – (1) The nodal agency shall organise periodic training of designated officers and public authorities to enhance and ensure time bound delivery of the public service in a transparent and accountable manner.

(2) The training shall be conducted in such a manner as the nodal agency deems fit.

(3) For the purposes of this section, the nodal agency may engage experts and consultants.

**Section 11. Powers of Nodal Agency** - (1) In order to carry out its functions, the nodal agency shall have the power to:

- (a) Collect and store all information regarding the delivery of a public service;
- (b) Access the user data and contact users;
- (c) Conduct checks on a public authority with respect to the delivery of services;
- (d) Investigate the functioning of a public authority with respect to the delivery of services;
- (e) Audit the service delivery mechanisms formed by the public authority;
- (f) Hold responsible any designated officer or any other public official not complying with the Act or the orders of the nodal agency, in accordance with Section 11 (3); and
- (g) Any collection or access to user data shall be subject to any data privacy and protection standards established and prescribed by the Government.

(2) For the purposes of sub-section (1), the nodal agency shall have the power to summon any record, document or witnesses and shall be deemed to be a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:

- (a) Summoning and enforcing the attendance of any person and examining him on oath;
- (b) Requiring the discovery and production of documents or other electronic records;
- (c) Receiving evidence on affidavits;
- (d) Issuing commissions for the examination of witnesses or documents;
- (e) Any other matter which may be prescribed by the Government.

(3) The nodal agency shall identify a designated officer or any other public official who has either—  
(a) failed to discharge the duties assigned to such officer under this Act without reasonable cause, or  
(b) is not in compliance with the provisions of this Act,

(4) The nodal agency shall forward the following in writing to the Government:

- (a) A list of officers identified in sub-section (3);
- (b) Recommendation to initiate disciplinary action against such officers; and
- (c) Appropriate data, evidence, and reasons to substantiate the recommendation under (b).

**Section 12. Funds and Audits** – (1) The Government shall, after due appropriation made by the State Legislature by law, make the nodal agency such grants of such sums of money as the Government may deem fit for being utilised for the purposes of this Act;

(2) The Government shall also constitute a Fund, within three months of the notification of this Act, called the Nodal Agency General Fund (hereinafter, ‘Fund’) and there shall be credited thereto all sums received by the nodal agency from other sources as may be decided upon by the Government;

(3) The Fund shall be applied for meeting –

- (a) the salaries, allowances, and other remuneration of the nodal agency’s secretarial staff;
- (b) the expenses of the nodal agency in the discharge of its functions;
- (c) the expenses on objects and for purposes authorised by this Act.

(4) The nodal agency shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed.

(5) The accounts of the nodal agency shall be audited at such intervals as may be prescribed.

#### **Chapter IV Nodal Officer**

**Section 13. Nodal Officer** – (1) The nodal agency shall be headed by a nodal officer.

(2) Subject to the provisions of the Act, the nodal officer shall hold office for a term of five years.

**Section 14. Eligibility** – (1) A serving officer of the rank of Joint Secretary to the Government of India with at least three years of service in such rank, shall be appointed by the Government.

(2) The appointment shall be made on the basis of the recommendations of the search-cum-selection committee.

**Section 15. Search-cum-Selection Committee** – The search-cum-selection committee shall consist of:

- (a) Chief Justice of the [State High Court] - Chairman;

(b) Chief Secretary of the State Government - Member; and

(c) Chairman of the State Public Service Commission - Member.

**Section 16. Selection Procedure** – The search and selection committee shall create a document outlining the selection process for candidates. This procedure must –

(a) Be fair, transparent, and efficient; and

(b) Ensure the committee widely advertises the vacancy and selection procedure in the most effective way possible.

**Section 17. Vacancy in the Position of Nodal Officer** – (1) A vacancy in the nodal officer position must be filled within six months, following the procedure established in this Act.

(2) When filling a nodal officer vacancy, the selection committee must not consider candidates whose age would prevent them from serving a full five-year term.

**Section 18. Resignation of the Nodal Officer** – The nodal officer may resign from their position at any time by submitting a written resignation to the Government.

**Section 19. Grounds and Procedure for Removal of Nodal Officer** – (1) The nodal officer may be removed from office if such officer has –

(a) been adjudged to be insolvent;

(b) been convicted of an offence involving moral turpitude;

(c) engaged in any other employment during the tenure of appointment, in violation of the terms and conditions of service;

(d) acquired any financial or other interest contrary to their terms and conditions of service that is likely to prejudice their functions;

(e) made any material misrepresentation to the selection committee;

(f) abused their position so as to render their continuance in office prejudicial to the objectives of that nodal agency; or

(g) has become physically or mentally incapable of discharging their duties.

(2) If the Government proposes to remove the nodal officer, on any of the grounds mentioned in this section, it shall constitute an inquiry committee as specified in Section 19(3);

(3) The inquiry committee shall consist of not more than three members, headed by a retired judge of the State High Court;

(4) The inquiry committee must inform the Government, in writing with reasons, whether one or more grounds for removal has been met; and

(5) If the inquiry committee has informed the Government that one or more grounds for removal has been met in accordance with Section 19(4), then the State Government shall remove the nodal officer by publishing a notification consisting of the grounds for removal and facts considered by the Government to arrive at its decision.

## **CHAPTER V PUBLIC AUTHORITY**

**Section 20. Duties of the Public Authority** - (1) A public authority shall provide a public service, unless otherwise exempted under Section 3 read with Section 21, to an eligible person.

(2) The public authority shall be responsible for providing all services in a unified service delivery mode as far as possible.

(3) For fulfilling its duty under sub-section (1), the public authority shall provide all information which is consistent, clear, and complete across all platforms about the public service and the means of availing the service on –

(a) Their electronic portal where they display information about the public authority; and

(b) Physically, by means of information billboards which are prominently displayed in their offices and accessible to the public.

**Section 21. Public Services Exempt from the Act** - (1) A public authority shall write to the nodal agency to request for a public service to be exempt from the Act with reasons in writing.

(2) The nodal agency may recommend the Government to exempt the public service provided by that particular public authority, with reasons in writing.

(3) The Government may, on the basis of such a request, notify the exemption of a public service.

(4) The notification made under sub-section (3) shall be valid for a period of six months and may be renewed by the Government for the same time period.

**Section 22. Service Delivery Manual** – (1) A public authority shall prepare a Service Delivery Manual for each service.

(2) The manual shall contain:

- (a) The process flow;
- (b) Number of officers;
- (c) Roles and responsibilities of an officer;
- (d) Rationale for each step of the process;
- (e) The stipulated time limit for each step of the process; and
- (f) Rationale for each document required.

(3) The Service Delivery Manual may also include any other relevant details recommended by the nodal agency.

**Section 23. Application Forms to Contain the Following Particulars** – (1) In the application form to avail a public service, the public authority shall include:

- (a) Fee chargeable for each service;
- (b) Functions, duties, obligations, and commitments of a public authority for providing public services effectively and efficiently with acceptable levels of standards, and designation of public officials for the delivery of such services;
- (c) Checklist of documents required to avail a service;
- (d) Time period within which a service is to be delivered;
- (e) Procedure and process flow of an application for a service; and
- (f) May include such other information as recommended by the nodal agency.

(2) The application form for each service shall be publicly visible at all the offices of the public authority providing any service and available on the unified service delivery portals and through other mechanisms that deliver any services.

(3) The application forms shall be periodically updated to ensure that any changes made to the information specified in subsection (1) is reflected in the forms.

**Section 24. Faceless Contact Service Delivery** – (1) If a public service is to be provided electronically, a public authority shall not have any face to face contact with the applicant.

(2) In the event that the public authority wants to contact the applicant, the public authority shall only do so through the Central Application Portal in writing.

**Section 25. Obligation to Conduct Consultations and Assessments** – A public authority shall conduct –

- (a) An ex ante public consultation before promulgating any rules and regulations, as prescribed by the Government;
- (b) An ex ante regulatory impact assessment, as prescribed by the Government;
- (c) An ex post regulatory impact assessment of all rules and regulations on a periodic basis, in a manner as prescribed by the Government;
- (d) A review of rules and regulations for observance of due process in public service delivery, in a manner as recommended by the nodal agency.
- (e) In prescribing the manner to conduct Section 25 (a), (b), and (c), the Government shall consult the nodal agency.

**Section 26. Establishing Information and Facilitation Centres** – A public authority shall establish Information and Facilitation Centres including customer care centres, call centres, help desks, and support centres, as prescribed.

**Section 27. Annual Report** – (1) A public authority shall publish an annual report within three months from the end of the financial year.

(2) The annual report shall consist of —

- (a) Details of publicity efforts made and awareness campaigns organised for citizens and businesses;
- (b) Recommendations made by the nodal agency under Section 7 and 8; and
- (c) Actions taken by the public authority to implement the recommendations by the nodal agency;

(3) If the public authority fails to implement the recommendations of the nodal agency, it shall provide reasons for the same in the annual report.

## **CHAPTER VI DESIGNATED OFFICER**

**Section 28. Appointment of Designated Officer** - (1) The Government shall specify an officer within the public authority as the designated officer for each public service.

(2) All transactions and processes for the approval of an application requesting public service shall be deemed to have been made with the permission of the designated officer.

**Section 29. Delivery of Services** – A public service shall be provided by a designated officer to the eligible person, within the stipulated time in a transparent manner.

**Section 30. Public Service Principles and Values** - In order to achieve efficient delivery of services under this Act, a designated officer shall adhere to the following public service principles and values:

- (a) Act in a politically neutral manner;
- (b) Foster a culture of open Government;
- (c) Treat all people fairly, without personal favour or bias;
- (d) Take responsibility and answer for their work, actions, and decisions; and
- (e) Act with integrity and transparency;

**Section 31. Duties of Designated Officer** – A designated officer shall –

- (a) Implement this Act, rules and notifications under this Act;
- (b) Render fast, efficient, convenient, and reliable delivery of a public service;
- (c) Cooperate with the nodal agency for sharing any and all information pertaining to public service as requested by the Nodal Officer;
- (d) Hold the subordinate officers accountable for non-compliance with the Act, with powers as prescribed.

**Section 32. Service Conditions of Designated Officer** –The provisions of this Act shall be deemed to be a part of the service conditions of the designated officer and any person subordinate to them who is authorised to provide the public service;

**Section 33. Breach of Service Conditions** – (1) The designated officer shall be in breach of the service conditions in cases including but not limited to the following –

- (a) Refusal to accept or approve an application without due cause and without following the due process;
- (b) Asking for additional material or information other than those listed in the application form;
- (c) Failure to issue an official receipt on receiving the application;
- (d) Raising piecemeal objections;
- (e) Asking for additional costs not mentioned on the application form;
- (f) Failure to give written reasons to the applicant for rejection of an application;
- (g) Failure to render the public service within the prescribed time period;
- (h) Asking an applicant for a bribe in lieu of delivery of a public service; and
- (i) Any act or omission in violation of any provision of this Act, rules or notification under this Act.

(2) In case the designated officer or any other official of a public authority is found to be in breach of the Act, the nodal agency shall forward an adverse remark to the Government specifying its reasons in writing.

(3) On receiving an adverse remark under sub-section (2) of this Section, the Government may hold an internal inquiry into the matter and inform the nodal agency of the outcome.

(4) The Government shall, within six months of receiving such an adverse remark, update the nodal agency on the action taken by the Government in relation to the same.

## **CHAPTER VII PUBLIC SERVICE DELIVERY**

**Section 34. Central Application Portal** – (1) The Government shall establish a Central Application Portal to accept and process applications for services for unified service delivery.

(2) The Central Application Portal shall be available on the latest and most widely used technological mediums such as websites and mobile applications.

(3) Concerned public authorities shall accept such application forms for processing and issuing required clearances.

**Section 35. Electronic Service Delivery to Enhance Transparency** -- (1) A public authority shall deliver all services by electronic mode within a period of one year from the date of commencement of this Act.

(2) If the public authority believes that a public service cannot be delivered electronically, the public authority shall apply to the nodal agency for an exemption in a format prescribed by the nodal agency;

(3) The application under sub-section (2) shall contain the justification as to why the public service cannot be delivered electronically along with an alternative plan for the delivery of services;

(4) The nodal agency, on receiving the application under sub-section (2) may reject the application with reasons in writing and may recommend a framework and structure for the implementation of the delivery of the services electronically;

(5) The Government shall follow electronic governance standards consistent with the standards as notified by the Union Government.

**Section 36. Processing and Tracking of an Application** – (1) An application for delivery of service shall be allotted a unique number.

(2) The public authority shall create a system to enable the applicant to track the status of the application and shall ensure timely updates on the status of the application.



(3) The designated officer or the person authorised to receive the application shall acknowledge the receipt of each application via an electronic mode of communication. Such an acknowledgement shall include –

- (a) A copy of the filled-up application form, which shall be sent to the applicant, through email in case the applicant has shared an email ID or any other electronic means, while applying for service request;
- (b) Fee receipt for the fees paid to avail the service;
- (c) An acknowledgement of the receipt of the application with the date of receipt; and
- (d) Any other inclusion recommended by the nodal agency.

(4) If the application form is received physically for a service that is not electronically delivered, the acknowledgement of the same shall be given manually.

(5) A designated officer may seek additional clarification on the submitted application before the expiry of the stipulated time limit.

(6) The prescribed time limit shall start afresh from the date of receipt of additional clarification from the eligible person.

**Section 37. Time limit for Processing Applications** – (1) The stipulated time limit for processing an application for a public service shall commence from the date on which a complete application, as required, is submitted to the designated officer or to a person authorised to receive the application through the Central Application Portal or other specified means.

(2) If the application is incomplete, the designated officer or the authorised person shall inform the applicant within a stipulated time, not exceeding seven days, about the deficiencies in the application, and the stipulated time limit shall commence from the date on which a complete application is received.

(3) The time limit for delivering a public service shall be objectively calculated and defined based on the nature of the service, the volume of applications received, and the availability of resources.

(4) In the event of natural calamities or elections, the affected public authority may seek approval from the nodal agency to extend the stipulated time limit for affected services, for a specific period of time not exceeding 6 months.

(5) After approval, the nodal agency shall forward the recommendation to the Government which may notify the same for the affected public authorities.

**Section 38. Deemed Approval** – (1) A public authority, in consultation with the nodal agency, shall specify a list of services for which a deemed approval shall be provided through which a failure to decide an application for a public service within 30 days over the stipulated time shall result in deemed approval.

(2) Upon expiry of the period under sub-section (1), the Central Application Portal shall be automatically updated to reflect deemed approval being granted.

(3) The Central Application Portal shall allow the applicant to access, download, and print the deemed approval granted under sub-section (2).

(4) Subject to the truthfulness of documents submitted, an applicant may, based on deemed approval, avail a public service and reap its benefits without contravening any of the provisions of the Act, rules, bylaws, notifications, standing orders, executive instructions, guidelines, and regulations made by the public authority concerned for such a public service.

**Section 39. Tatkal delivery of services** – (1) All public authorities shall provide an option for tatkal delivery of services.

(2) Under Tatkal delivery, a public authority grants approvals or permits immediately upon receiving an application while reserving the right to verify the details later. If the details are found to be incorrect, incomplete, or the applicant is ineligible, the approval or permit may be provisionally cancelled. The public authority shall communicate the reason for cancellation to the applicant in writing, and provide the applicant an opportunity to be heard before any final decision is taken.

(3) An additional fee not exceeding 50% of the regular service delivery fee may be charged for tatkal service delivery.

**Section 40. Central Database** – (1) The Government shall establish a Central Database that stores all the submitted applications and the relevant personal details including the documents submitted to or issued by various public authorities.

(2) The Central Database shall maintain and store the documents and information for a period as prescribed by the Government.

(3) No public authority shall ask for any document already available on the Central Database.

**Section 41. Presumption of good faith** – Unless proven otherwise, the declarations and documents submitted by applicants shall be presumed to be authentic and true.

## **CHAPTER VIII MISCELLANEOUS**

**Section 42. Power to Make Rules** – (1) The Government may, by notification, and subject to this Act, make rules on the following matters to carry out the provisions of this Act –

- (a) Stipulated time limit under Section 2(s);
- (b) Engagement of experts and consultants under Section 4(5);
- (c) Providing technical assistance and advisory opinions to Government, public authority, any Government or court appointed-committee, Parliamentary sub-committee or the Law Commission to review any law, rules, and notifications for the purpose of Section 6(5);
- (d) Activities to be carried out by the nodal agency to fulfil their mandate under Section 6;
- (e) Publication of periodic scorecard by the nodal agency under Section 7(1);
- (f) Annual publication of list of best performing public authorities by the nodal agency under Section 9(2);
- (g) Approval of monetary endowments for public authorities under Section 9(3);
- (h) Collection or accessing user data under Section 11(g);
- (i) Any other matter for the purpose of Section 11;
- (j) Annual statement of accounts to be maintained by the nodal agency under Section 12(4);
- (k) Auditing intervals for the purpose of Section 12;
- (l) Ex ante public consultations under Section 25(a);
- (m) Ex ante regulatory impact assessment under Section 25(b);
- (n) Ex post regulatory impact assessment of all rules and regulations under Section 25(c);
- (o) Establishing Information and Facilitation Centres under Section 26;
- (p) Powers of designated officers under Section 31(d); and
- (q) Period for storing data in the Central Database under Section 40.

(2) The Government shall make rules within one year from the date of notification of the Act.

(2) The Government, before notifying the rules under sub-section (1) shall place the rules in the public domain for consultation.

(3) The time-period for public consultation shall not be less than 30 days.

(4) All comments received and the Government's response shall be published.

**Section 43. Submission and Review of Rules by the State Legislature** – (1) All rules, notifications, and guidelines created or issued by the State Government under this Act shall be presented to the State Legislature as soon as possible. In the case of a bicameral legislature, the documents shall be submitted to both houses.

(2) The State Legislature shall have a period of 30 in-session days for reviewing the submitted rules, notifications, and guidelines, during which legislators may propose modifications or reject the documents.

(3) If the State Legislature agrees to modify the rule or regulation, or decide that it should not be made before the end of the specified review period, the rule or regulation will take effect in the modified form or have no effect, as agreed upon by the House(s).

(4) If no modifications or rejections are proposed during the specified review period, the submitted rules, notifications, and guidelines shall be considered approved and take effect as originally presented.

(5) Any modification or annulment will not affect the validity of actions taken under the rule or regulation before the changes were made.

(6) The State Legislature or a Committee designated by the State Legislature shall conduct a periodic review of existing rules, notifications, and guidelines every ten years to ensure that they are still necessary and effective in achieving their intended goals.

**Section 44. Overriding Effect of the Act** – Save as when otherwise provided, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any other law being in force.

**Section 45. Power to Remove Difficulties** –

(1) 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, in accordance with the provisions of this Act, as appear to it to be necessary for removing the difficulty.

(2) No order shall be made under this section after expiry of three years from the commencement of this Act.

(3) An order made under this section shall follow the procedure laid down in section 43.









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