No. F 10(53)/Admn./Law/10/Misc.II/P521a/1151-1155.2 Dated: 9/1/10

To
All HODs, Govt. of NCT of Delhi

Sub: “The Public Services (Protection and Regulation) Bill, 2010”

Sir/Madam,

I am directed to send herewith a copy of the tentative Bill titled “The Public Services (Protection and Regulation) Bill, 2010” received from the Additional Secretary (Admn. & Parl.), Ministry of Law & Justice, Legislative Department, Government of India, New Delhi, vide his D. O. letter No. F.27(4)/2009-Leg.III dated the 7th May, 2010 (copy enclosed), with the request that the Bill may be given wide publicity and comments/views of your department on the bill may be furnished directly to the Addl. Secretary (Admn. & Parl.) Ministry of Law & Justice, Legislative Department, Govt. of India under intimation to this department and the tentative bill under reference may also be uploaded on the website of your department for wide publicity.

(Savita Rao)
Jt. Secretary (LJ & LA)

Encl: As above

No. F 10(53)/Admn./Law/10/Misc.II/

Copy to:
OSD to Chief Secretary, Govt. of NCT of Delhi.

(Savita Rao)
Jt. Secretary (LJ & LA)
F.No. 14(9)/LA-2010/Law/27-2

Dated the 30th June, 2010.

Please find enclosed a copy of the tentative Bill titled “the Public Services (Protection and Regulation) Bill, 2010” received from the Additional Secretary (Admn. & Parl.), Ministry of Law & Justice, Legislative Department, Government of India, New Delhi, vide his D.O. letter No. F-27(4)/2009-Leg.III dated the 7th May, 2010 (copy enclosed), requesting that the Bill may be given wide publicity and comments/views of the Govt. of NCT of Delhi furnished to them.

You are requested to take necessary action in the matter and also arrange to upload the copy of the Bill on the website of this Department for giving wide publicity to it. The compliance report in this regard may be furnished to the undersigned at the earliest.

Encl: As above.

Joint Secretary (Law, Justice & L.A.)

(Savita Rao)

The Dy. Secretary (Admn.)
Deptt. of Law, Justice & L.A.

[Handwritten notes added by the sender, indicating priority and follow-up action]
Dear Shri Mehta,

You are already aware that the "Model Public Services Law" was one of the items included in the President's Address to Parliament on the 4th June, 2009. The law is to cover functionaries providing important social services like education, health, rural development, etc., and commit them to their duties and for that purpose, Legislative Department was required to attempt a concept paper in consultation with concerned Ministries and Departments. We are yet to receive necessary policy inputs for giving shape to a proper legislative scheme. However, a tentative Bill titled "the Public Services (Protection and Regulation) Bill, 2010" has been prepared on the basis of in-house deliberations in the Legislative Department and a copy of the same is forwarded herewith.

2. I shall be grateful if you could kindly give wide publicity to the draft and furnish your considered views/comments thereon so that it could be finalised at an early date.

End: As above.

With regards,

Yours sincerely,

(N.K. Nampoothiry)

Shri Rakesh Mehta,
Chief Secretary,
Government of NCT of Delhi,
Delhi Secretariat,
I.P. Estate,
New Delhi – 110002.
[A MODEL LAW ON PUBLIC SERVICES]

THE PUBLIC SERVICES (PROTECTION AND REGULATION) BILL, 2009

A BILL

to secure right to all citizens in the matter of public services provided by public authorities, facilitate transparency in the delivery of such services and to protect their interests by specifying Public Service Performance Standards, establish a Central/State Public Service Authority and a District Public Service Authority for effective management of such public services and for matters connected therewith or incidental thereto.

BE it enacted by Parliament/Legislative Assembly of the State—(Name of the State) in the Sixtieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

| 1. (1) This Act may be called the Public Services (Protection and Regulation) Act, 2009. | Short title, extent and commencement. |
| (2) It extends to the whole of India except the State of Jammu and Kashmir. |
| (3) It shall come into force on such date as the Central Government/State Government may, by notification, appoint and different dates may be appointed for different provisions |
(3) It shall come into force on such date as the Central Government/State Government may, by notification, appoint and different dates may be appointed for different provisions of this Act.

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

(a) "appropriate Government", in relation to a public authority which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly by—

(i) the Central Government or the Union territory administration, means the Central Government;

(ii) the State Government, means the State Government;

(b) "Central/State Ombudsman" means the Ombudsman appointed under section;

(c) "Central/State Public Service Authority" means the Central/State Public Service Authority established under section 8;

(d) "Central/State Public Service Executive Committee" means the Central Public Service executive committee of the Central Public Service Authority constituted under section;

(e) "Central/State Public Service Management Plan" means the public service management plan for the whole of the country/State prepared under section;

(f) "Chairperson" means the Chairperson of the Central/State Public Service Authority appointed under section 8;

(g) "concerned public authority" means the public authority dealing with public service which are under its administrative control;

(h) "District Ombudsman" means the Ombudsman appointed under section;

(i) "District Public Service Authority" means the Central Public Service Authority constituted under section;
(j) “District Executive Committee” means the District Public Service Executive Committee of the State Public Service Authority constituted under section ;

(k) “District Public Service Management Plan” means the public service management plan for the whole of the District prepared under section ;

(l) “local authority” includes panchayati raj institutions, municipalities, a district board, cantonment board, town planning authority, zila parishad or any other body or authority, by whatever name called, for the time being invested by law to render essential services or, to control and manage civic services within a specified local area;

(m) “Member” means Member of the Central/State Public Service Authority appointed under section 8;

(n) “notification” means a notification published in the Official Gazette;

(o) “prescribed” means prescribed by rules made under this Act by the appropriate Government;

(p) “public authority” means any authority or body or institution of self-government established or constituted—

(i) by or under the Constitution;
(ii) by any other law made by Parliament;
(iii) by any other law made by State Legislature;
(iv) by notification issued or order made by the appropriate Government,

and includes —

(A) a body owned, controlled or substantially financed by the appropriate Government; and

(B) a non-Government organisation substantially financed directly or indirectly by funds provided by the appropriate Government;

(g) “public service facility”, in relation to a public service,
means the facility required to be provided under any law for the time being in force;

(c) "Public Service Officer" means an officer of the concerned public authority;

(s) "service deficiency", in relation to public service, means—

(i) non-provisioning of public service facility by the public authority in accordance with the standards set out under section 5;

(ii) non-conformity with the Public Service Performance Standards specified under sub-section (1) of section 4 in the functioning of the public authority;

(iii) any shortcomings in the quality, nature and manner of performance of duties and functions by a public authority—

(A) required to be performed under any law for the time being in force; or

(B) undertaken during appointment contract of employment or otherwise;

(i) "State Government" in relation to a Union territory, means the administrator thereof.

CHAPTER II

PUBLIC SERVICES – FACILITIES, STANDARDS, RIGHTS AND DUTIES

3. (1) For the purposes of this Act, a public service means the service which is listed in the Schedule.

(2) The appropriate Government may, by notification, add any other public service to the Schedule.

(3) Upon listing of a public service in the Schedule, such service shall be delivered, notwithstanding anything contained in any other law for the time being in force, in accordance with the provisions contained in this Act.
4. (1) Subject to the provisions of this Act, all persons shall have a right to public service.

(2) The right referred to in sub-section (1) shall include the right to -

(a) have access to the public service;

(b) receive public service in accordance with the standards set out under section 5;

(c) receive public service in a transparent manner;

(d) demand performance of duties and functions in accordance with the Public Service Performance Standards specified under sub-section (1) of section 6; and

(e) hold the concerned public authority or the public service officer accountable for any service deficiency and seek relief by lodging complaint with respect to such deficiency under section .

5. (1) Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall, within a period of two years, prescribe standards for each public service with respect to number of public service facilities in an area, the distance between each such facility, specifications for each such facility including minimum carpet area, equipments, safety and security measures, number of officers and other staff, working days and hours and such other specifications, as it deems fit.

(2) For the purposes of sub-section (1), the appropriate Government shall have regard to the existing standards, if any, under any other law for the time being in force, the recommendations of the Central/State Public Service Authority, the District Public Service Authority and the local authority and also the Central/State Public Service Management Plan and the District Public Service Management Plan.

6. (1) For the purposes of providing public services in accordance with the standards set out under this Act, the appropriate Government shall be bound to provide necessary
funds thereof, and the concerned public authority shall be bound to comply with such standards:

Provided that in any complaint relating to a public service, non-availability of funds shall not be a ground of defence.

7. (1) With the object of establishing minimum standards in performance of duties by a public service officer and to make such officer accountable for any service deficiency, the appropriate Government shall prescribe Public Service Performance Standards.

(2) The appropriate Government shall ensure that the standards referred to in sub-section (1) shall conform to the objectives specified in sub-section (2) of section 7.

(3) While performing duties and functions under this Act, every public service officer shall adopt and adhere to the Public Service Performance Standards.

8. (1) For the purposes of building potentiality and capability in public service officers to achieve and accomplish the purposes and objectives of this Act and to perform functions and duties commensurate with the standards set out in sections 5 and 7, the appropriate Government shall provide necessary training to such officers.

(2) The appropriate Government shall ensure that such training referred to in sub-section (1) achieves the following objectives, namely:-

(a) establishment of public service as a highly professional, merit based institution for promoting Government policies in an effective manner for good governance;

(b) delivery of public services in such manner as to foster socio-economic development and betterment of public at large;

(c) develops a system of working which is transparent, fair, just, objective, impartial, equitable and free from political interference;

(d) adopting of such mechanisms and incentives as to achieve a high level of integrity, honesty and leadership

and public authority.
qualities;

(e) upholds highest ethical standards and principles underlying the Constitution of India;

(f) ensures high standards in the quality of service, effective management and professional growth resulting in professional excellence, productivity and efficiency;

(g) warrants accountability for decisions and decision making process;

(h) builds up secular approach with due regard to diversities in religion, caste, creed, community, tradition, customs and language and enables discharging of duties without any discrimination;

(i) discourages corruptive practices and misuse of official position and power;

(j) prevents committing breach of trust reposed by public;

(k) ensures usage of public money with the utmost economy and care; and

(m) encourages courteousness and politeness in communications and consultations and to value public satisfaction.

(3) The appropriate Government shall take the assistance of such authorities, agencies or experts, as it deems fit, for the purpose of giving training referred to in sub-section (1).

CHAPTER III

ESTABLISHMENT OF CENTRAL/ STATE PUBLIC SERVICE AUTHORITY

9. (1) With effect from such date as the appropriate Government may, by notification, appoint in this behalf, there shall be established for the purposes of this Act, an authority to be known as the Central/State (name of the State) Public Service Authority.
(2) The Central/State Public Service Authority shall consist of a Chairperson and such number of members, at least one representing each public service, as may be prescribed.

(3) The Chairperson and members referred to in subsection (2) shall be appointed by the President/Governor on the recommendation of a committee consisting of—

(a) the Prime Minister/Chief Minister, who shall be the Chairperson of the committee;

(ii) the Leader of Opposition in the House of the People/Legislative Assembly of the State; and

(iii) a Union/State Cabinet Minister to be nominated by the Prime Minister/Chief Minister:

Provided that the Cabinet Secretary of the Union/State shall act as the convener of the above committee;

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

(4) The Chairperson and Members of the Central/State Public Service Authority shall be persons of eminence in public life having wide knowledge and experience of not less than twenty-five years in the following fields, namely:—

(a) in the case of Chairperson, in public policy, public affairs, social service, law, management, administration and governance;

(b) in the case of Members, in respective public services:

Provided that neither the Chairperson nor the Member shall be a Member of Parliament/Legislature of the State, nor shall hold any other office, including the office connected with any political party or shall have any business connections relating to a public service.