

Ministry of Law and Justice
(Legislative Department)
F-27(4)/2009-Leg.III

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 has attempted a tentative Bill titled the Public Services (Protection and Regulation) Bill, 2010

Considered views/comments thereon are invited to finalise the same at an early date. The Bill is attached.

	<p style="text-align: center;">[A MODEL LAW ON PUBLIC SERVICES]</p> <p style="text-align: center;">THE PUBLIC SERVICES (PROTECTION AND REGULATION) BILL, 2009</p> <p style="text-align: center;">A BILL</p> <p>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.</p> <p>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:—</p>	
	<p style="text-align: center;">CHAPTER I</p> <p style="text-align: center;">PRELIMINARY</p>	
	<p>1. (1) This Act may be called the Public Services (Protection and Regulation) Act, 2009.</p> <p>(2) It extends to the whole of India except the State of Jammu and Kashmir.</p> <p>(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.</p>	<p>Short title, extent and commencement.</p>
	<p>2. In this Act, unless the context otherwise requires,—</p>	<p>Definitions.</p>

(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 8** ;

(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 8** ;

(e) "Central/State Public Service Management Plan" means the public service management plan for the whole of the country/State prepared under **section 8** ;

(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 8** ;

(i) "District Public Service Authority" means the Central Public Service Authority constituted under **section 8**;

(j) "District Executive Committee" means the District Public Service Executive Committee of the State Public Service Authority constituted under **section 8** ;

(k) "District Public Service Management Plan" means the public service management plan for the whole of the District prepared under **section 8** ;

(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;

(q) "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;

(r) "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

	<p>manner of performance of duties and functions by a public authority-</p> <p>(A) required to be performed under any law for the time being in force; or</p> <p>(B) undertaken during appointment contract of employment or otherwise;</p> <p>(t) “State Government” in relation to a Union territory, means the administrator thereof.</p>	
	<p>CHAPTER II</p> <p>PUBLIC SERVICES – FACILITIES, STANDARDS, RIGHTS AND DUTIES</p>	
	<p>3. (1) For the purposes of this Act, a public service means the service which is listed in the Schedule.</p> <p>(2) The appropriate Government may, by notification, add any other public service to the Schedule.</p> <p>(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.</p>	Public Service.
	<p>4. (1) Subject to the provisions of this Act, all persons shall have a right to public service.</p> <p>(2) The right referred to in sub-section (1) shall include the right to -</p> <p>(a) have access to the public service;</p> <p>(b) receive public service in accordance with the standards set out under section 5;</p> <p>(c) receive public service in a transparent manner;</p> <p>(d) demand performance of duties and functions in accordance with the Public Service Performance Standards specified under sub-section (1) of section 6; and</p> <p>(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 .</p>	Right to Public Service.

<p>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.</p> <p>(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.</p>		Standards for public service facilities.
<p>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:</p> <p>Provided that in any complaint relating to a public service, non-availability of funds shall not be a ground of defence.</p>		Duty of appropriate Government and public authority.
<p>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.</p> <p>(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.</p> <p>(3) While performing duties and functions under this Act, every public service officer shall adopt and adhere to the Public Service Performance Standards.</p>		Public Service Performance Standards.
<p>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.</p>		Service specific training to public authorities.

(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 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	
	<p>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.</p> <p>(2) The Central/State Public Service Authority shall consist of a Chairperson and such number of members, atleast one representing each public service, as may be prescribed.</p> <p>(3) The Chairperson and members referred to in sub-section (2) shall be appointed by the President/Governor on the recommendation of a committee consisting of—</p> <p style="padding-left: 40px;">(a) the Prime Minister/Chief Minister, who shall be the Chairperson of the committee;</p> <p style="padding-left: 40px;">(ii) the Leader of Opposition in the House of the People/Legislative Assembly of the State; and</p> <p style="padding-left: 40px;">(iii) a Union/State Cabinet Minister to be nominated by the Prime Minister/Chief Minister:</p> <p style="padding-left: 40px;">Provided that the Cabinet Secretary of the Union/State shall act as the convener of the above committee;</p> <p><i>Explanation.</i>—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.</p> <p>(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:-</p> <p style="padding-left: 40px;">(a) in the case of Chairperson, in public policy, public affairs, social service, law, management, administration and governance;</p>	Establishment of Central/ State Public Service Authority.

	<p>(b) in the case of Members, in respective public services:</p> <p>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.</p> <p>(5) The general superintendence, direction and management of the affairs of the Central/ State Public Service Authority shall vest in the Chairperson who shall exercise all such powers and do all such acts and things which may be exercised or done by such Central/State Public Service Authority, autonomously, without being subjected to directions by any other authority under this Act or otherwise.</p>	
	<p>10. (1) The Chairperson or the Member shall hold office for a term of five years from the date of entering upon the office and shall not be eligible for reappointment:</p> <p>Provided that no person shall hold office as such after attaining the age of sixty-five years.</p> <p>(2) The Chairperson or the Member may, at any time, resign from office by writing under his or her hand addressed to the President/Governor:</p> <p>Provided that the Chairperson or the Member may be removed from office in the manner provided in section 10.</p> <p>(3) The salaries and allowances payable to, and other terms and conditions of service of-</p> <p>(a) the Chairperson of the Central Public Service Authority shall be the same as that of the Chief Election Commissioner and that of a Member shall be the same as that of the Election Commissioner;</p> <p>(b) the Chairperson of the State Public Service Authority shall be the same as that of the Election Commissioner and that of a Member shall be the same as that of the Chief Secretary of the State Government:</p> <p>Provided that where the Chairperson or the Member of the Central/State Public Service Authority, at the time of appointment, is in receipt of a pension, other than a disability or wound pension, in respect of any previous service under the Government of India or the Government of a State, his or her salary in respect of the service as such Chairperson or Member of the Central/State Public Service</p>	<p>Term of office and conditions of Chairperson and Member.</p>

	<p>Authority shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:</p> <p>Provided further that where the Chairperson or the Member of the Central/State Public Service Authority, at the time of appointment, is in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or the State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as such Chairperson or the Member of the Central/State Public Service Authority shall be reduced by the amount of pension equivalent to the retirement benefits:</p> <p>Provided also that the salaries, allowances and other conditions of service of the Chairperson or the Member of the Central/State Public Service Authority shall not be varied to their disadvantage after their appointment.</p>	
	<p>11. (1) Subject to the provisions of sub-section (2), the Chairperson or the Member, as the case may be, of the Central/State Public Service Authority shall be removed from office only by an order of the President/Governor on the ground of proved misbehaviour or incapacity after the Supreme Court/High Court, on a reference made to it by the President/Governor, has, on inquiry, reported that the Chairperson or the Member, as the case may be, of the Central/State Public Service Authority, ought, on such ground, be removed.</p> <p>(2) The President/Governor may suspend from office and if deemed necessary, prohibit the Chairperson or the Member, as the case may be, of the Central/State Public Service Authority from attending office during the inquiry under sub-section (1), until the President/Governor passes an order on the basis of the report received from the Supreme Court/High Court on such reference.</p> <p>(3) Notwithstanding anything contained in sub-section (1), the President/Governor may, by order, remove the Chairperson or the Member, as the case may be, of the Central/State Public Service Authority from office if, he or she —</p> <p>(a) is adjudged an insolvent; or</p> <p>(b) has been convicted of an offence which, in the opinion of the President/Governor, involves moral turpitude; or</p>	<p>Removal of Chairperson or Member.</p>

	<p>(c) engages during his or her term of office in any paid employment outside the duties of his or her office; or</p> <p>(d) is, in the opinion of the President/Governor, unfit to continue in the office by reason of any infirmity of mind or body; or</p> <p>(e) has acquired such financial or other interest as is likely to affect prejudicially his or her functions as the such Chairperson or the Member.</p>	
	<p>12. (1) The Central/State Public Service Authority shall meet as and when necessary and at such time and place as the Chairperson may think fit.</p> <p>(2) The Chairperson shall preside over the meetings of the Central/State Public Service Authority.</p> <p>(3) If, for any reason, the Chairperson is unable to attend any of the meetings of the Central/State Public Service Authority, a Member chosen from amongst themselves shall preside over such meeting.</p>	<p>Meetings of Central/State Public Service Authority.</p>
	<p>13. (1) The appropriate Government shall provide the Central/State Public Service Authority with such officers, consultants and employees, as it may deem necessary, for the efficient performance of its functions under this Act.</p> <p>(2) The salaries and allowances payable to, and the terms and conditions of service of, the officers, consultants and other employees of the Central/State Public Service Authority shall be such as may be prescribed.</p>	<p>Officers and other employees of Central/State Public Service Authority.</p>
	<p>14. (1) Subject to the provisions of this Act, the Central/State Public Service Authority shall have the responsibility for laying down policies, plans and guidelines for effective delivery, standard performance, accountability, efficient monitoring and proper social and financial auditing of public services for its overall development and management of public service for the whole of the area under its jurisdiction.</p> <p>(2) Without prejudice to generality of the provisions contained in sub-section (1), the Central/State Public Service Authority may —</p> <p>(a) lay down policies on public service management;</p> <p>(b) approve the Central/State Public Service Management Plan prepared by concerned Central/State Public Service Executive Committees with the assistance of concerned</p>	<p>Powers and functions of Central/State Public Service Authority.</p>

	<p>public authority;</p> <p>(c) lay down guidelines to be followed by the Central/State Public Service Executive Committees and concerned public authority in drawing up the Central/State Public Service Management Plan;</p> <p>(d) lay down guidelines to be followed by concerned public authorities for the purpose of integrating of measures to be adopted by them for achieving effective delivery, standard performance, accountability, efficient monitoring and proper social and financial auditing of public services;</p> <p>(e) coordinate enforcement and implementation of its policy and plan for public service management;</p> <p>(f) make recommendations with respect to the standards for public service facilities and the Public Service Performance Standards;</p> <p>(g) make recommendations with respect to provisioning of funds by the appropriate Government for the purpose of research and development of public service management;</p> <p>(h) review development plans in respect of each public services, measures taken for enforcement and implementation of its policy and plan, capacity building of concerned public service officers and guidelines issued by it for such purposes and take necessary remedial measures;</p> <p>(i) lay down broad policies and guidelines for the functioning of the Central/State Institute for Public Service Management; and</p> <p>(j) take such other measures for the development and promotion of good public service management, as it may consider necessary;</p>	
	<p>15. (1) The Central/State Public Service Authority may constitute an advisory committee consisting of experts with wide knowledge and practical experience in the field of public service management at the national, state or district level to make recommendations on different aspects of public service management.</p> <p>(2) The members of the advisory committee shall be paid such allowances as may be prescribed in consultation with the Central/State Public Service Authority.</p>	<p>Constitution of advisory committee by Central/State Public Service Authority.</p>
<p>CHAPTER IV</p>		

	<p style="text-align: center;">CENTRAL/STATE PUBLIC SERVICE EXECUTIVE COMMITTEE AND CENTRAL/STATE PUBLIC SERVICE MANAGEMENT PLAN</p>	
	<p>16. (1) The appropriate Government shall, immediately after issue of notification under sub-section (1) of section 8, constitute a Central/State Public Service Executive Committee in respect of each public service to assist the Central/State Public Service Authority in the performance of its functions under this Act.</p> <p>(2) Each of the Central/State Public Service Executive Committee shall consist of the following members, namely:—</p> <p style="padding-left: 40px;">(a) the Member of the Central/State Public Service Authority of the concerned public service, who shall be the Chairperson;</p> <p style="padding-left: 40px;">(b) the Secretary to the Government of India/State Government in charge of the Ministry or Department having administrative control of the concerned public service, who shall be the Vice-Chairperson, ex officio;</p> <p style="padding-left: 40px;">(c) two senior most officers not below the rank of Joint Secretary to the Government of India/State Government in charge of the Ministry or Department having administrative control of the concerned public service, members, ex officio;</p> <p style="padding-left: 40px;">(d) three eminent persons having experience in public service.</p> <p>(3) The Chairperson of the Central/State Public Service Executive Committee may invite such other officers of the concerned public authority for taking part in any of its meetings as may be deemed necessary and shall exercise such powers and perform such functions as may be prescribed in consultation with the Central/State Public Service Authority.</p> <p>(4) The procedure to be followed by the Central/State Public Service Executive Committee in exercise of its powers and discharge of its functions shall be such as may be prescribed.</p>	<p>Constitution of Central/State Public Service Executive Committees.</p>
	<p>17. (1) Each Central/State Public Service Executive Committee may, as and when it considers necessary, constitute one or more sub-committees, for efficient discharge of its functions.</p> <p>(2) The Chairperson of the sub-committee shall be appointed</p>	<p>Constitution of sub-committees.</p>

	<p>by the Central/State Public Service Executive Committee from amongst its members.</p> <p>(3) Any person associated as an expert with any sub-committee may be paid such allowances as may be prescribed.</p>	
	<p>18. (1) The Central/State Public Service Executive Committee shall assist the Central/State Public Service Authority in the discharge of its functions and have the responsibility for implementing policies and plans of the Central/State Public Service Authority and ensure compliance of directions issued by the appropriate Government for the purpose of public service management.</p> <p>(2) Without prejudice to the generality of the provisions contained in sub-section (1), the Central/State Public Service Executive Committee may, —</p> <p>(a) act as a coordinating and monitoring body for public service management;</p> <p>(b) prepare the Central/State Public Service Management Plan, with the assistance of concerned public authority and get the same approved by the Central/State Public Service Authority;</p> <p>(c) coordinate and monitor the implementation of the Central/State Public Service Management Plan;</p> <p>(d) provide necessary technical assistance to the concerned public authority in the preparation of the Public Service Management Plan in accordance with the guidelines laid down by the Central/State Public Service Authority and carrying out their functions accordingly;</p> <p>(e) monitor the implementation of guidelines laid down by the Central/State Public Service Authority to be followed by concerned public authority for the purpose of integrating of measures to be adopted by them for achieving effective delivery, standard performance, accountability, efficient monitoring and proper social and financial auditing of public services;</p> <p>(f) coordinate, monitor and give necessary directions to concerned public authority for the implementation of the Central/State Public Service Management Plan approved down by the Central/State Public Service Authority;</p> <p>(g) ensure provisioning of funds by appropriate Government for the purpose of research and development</p>	<p>Powers and functions of the Central/State Public Service Executive Committee.</p>

	<p>of public service management;</p> <p>(h) implement the policies and guidelines laid down by the Central/State Public Service Authority for the functioning of the Central/State Institute for Public Service Management and coordinate and monitor its functioning;</p> <p>(i) engage experts and consultants in the relevant field of public services to provide advice and assistance to it;</p> <p>(j) plan and coordinate specialised training programme for concerned public service officers in respect of concerned public service and its management;</p> <p>(k) promote general education and awareness amongst general public with regard to their rights with respect to the public service and plan such other awareness programmes as may be necessary; and</p> <p>(l) perform such other functions as may be required by the Central/State Public Service Authority:</p> <p>Provided the State Public Service Executive Committee shall also integrate the District Public Service Management Plan into its plan relating to public services and its management in that district.</p>	
	<p>19. (1) The Central/State Public Service Executive Committee shall, having regard to the policy laid down by the Central/State Public Service Authority and with the assistance of concerned public service authority and experts in the field of public service management, draw up a Central/State Public Service Management Plan to be approved by the Central/State Public Service Authority.</p> <p>(2) The Central/State Public Service Management Plan shall include —</p> <p>(a) measures for promoting Government policies in an effective manner for good governance;</p> <p>(b) measures for delivery of public services in a manner which fosters socio-economic development and betterment of public at large;</p> <p>(c) measures for proper management of public services, human resources, financial resources and technical resources;</p> <p>(d) measures for capacity building of public service</p>	<p>Central/State Public Service Management Plan.</p>

	<p>officers;</p> <p>(e) measures for providing public services in accordance with the standards laid by the appropriate Government;;</p> <p>(d) measures for social auditing of public services for the purpose of reviewing effective implementation of public services and necessary remedial measures;</p> <p>(4) The Central/State Public Service Management Plan shall be reviewed annually and necessary corrective measures shall be taken accordingly.</p> <p>(5) The appropriate Government shall, in compliance of the provisions of section 6, make, or ensure making of, necessary financial provisions for implementing various measures under the Central/State Public Service Management Plan.</p>	
	<p>20. The concerned public authorities at the Central/State level shall –</p> <p>(a) coordinate preparation and implementation of the Central/State Public Service Management Plan by the Central/State Public Service Executive Committee at the Central/State level;</p> <p>(b) give necessary inputs and help Central/State Public Service Executive Committee to review and update the Central/State Public Service Management Plan;</p> <p>(c) follow the standards prescribed by the appropriate Government for public service facilities.</p>	<p>Duties of concerned public authorities at Central/State level.</p>
	<p>CHAPTER V</p> <p>DISTRICT PUBLIC SERVICE AUTHORITY</p>	
	<p>21. (1) The State Government shall, as soon as may be after the issue of notification under sub-section (1) of section 8, by notification, establish a District Public Service Authority for each district, with such name as may be specified in that notification.</p> <p>(2) The District Public Service Authority shall consist of-</p> <p>(a) the Collector of the district (by whatever name called), who shall be the Chairperson, ex officio; and</p> <p>(b) the following Members, namely:-</p>	<p>Establishment of District Public Service Authority.</p>

	<p>(i) elected representatives of the local authority, one each from the panchayati raj institutions, municipalities, district board, cantonment board, town planning authority and zila parishad, if exists in the district, to be appointed by the State Government, Members, ex officio:</p> <p>Provided that in respect of the Tribal Areas referred to in the Sixth Schedule to the Constitution, elected representatives of the District Council, Regional Council and village councils of the autonomous district and autonomous regions, appointed by the State Government, shall be the Members, ex officio;</p> <p>(ii) the Superintendent of Police, Member, ex officio;</p> <p>(iii) the Chief Medical Officer of the district, Member, ex officio;</p> <p>(iv) one expert from each public service, having experience of not less than twenty years, to be appointed by the State Government, in consultation with the State Public Service Authority, Members.</p> <p>(3) The Members referred to in sub-clause (iv) of clause (b) of sub-section (2) shall hold office for a term of five years from the date of entering upon the office:</p> <p>Provided that such Members shall not hold office after attaining the age of fifty-eight years.</p> <p>(4) The salaries and allowances payable to, and other terms and conditions of service of the Members referred to sub-section (3) shall be such as may be prescribed by the State Government.</p>	
	<p>22. The Chairperson or a Member of the District Public Service Authority may, at any time, resign from office or may be removed from office if, he or she —</p> <p>(a) is adjudged an insolvent; or</p> <p>(b) has been convicted of an offence which, in the opinion of the President/Governor, involves moral turpitude; or</p> <p>(c) engages during his or her term of office in any paid employment outside the duties of his or her office; or</p> <p>(d) is, in the opinion of the State Government, unfit to</p>	<p>Removal of Chairperson or Member of District Public Service Authority.</p>

	<p>continue in the office by reason of any infirmity of mind or body; or</p> <p>(e) has acquired such financial or other interest as is likely to affect prejudicially his or her functions as the such Chairperson or the Member.</p>	
	<p>23. (1) The District Public Service Authority shall meet as and when necessary and at such time and place as the Chairperson may think fit.</p> <p>(2) The Chairperson shall preside over the meetings of the District Public Service Authority.</p> <p>(3) If, for any reason, the Chairperson is unable to attend any of the meetings of the District Public Service Authority, a Member chosen from amongst themselves shall preside over such meeting.</p>	<p>Meetings of District Public Service Authority.</p>
	<p>24. (1) The State Government shall provide the District Public Service Authority with such officers, consultants and employees as it may deem necessary for the efficient performance of its functions under this Act.</p> <p>(2) The salaries and allowances payable to, and the terms and conditions of service of, the officers, consultants and other employees of the District Public Service Authority shall be such as may be prescribed by the State Government.</p>	<p>Officers and other employees of District Public Service Authority.</p>
	<p>25. (1) The District Public Service Authority shall act as the planning, coordinating and implementing body for public service management in the district and take all necessary measures for such purpose in accordance with the guidelines laid down by the State Public Service Authority.</p> <p>(2) Without prejudice to generality of the provisions contained in sub-section (1), the District Public Service Authority may, —</p> <p>(a) prepare a District Public Service Management Plan for the district;</p> <p>(b) coordinate and monitor implementation of the State policy, the policy and plan of the State Public Service Authority and the District Public Service Management Plan;</p> <p>(c) identify areas of the district which lack public service facilities and ensure that necessary measures for provisioning of such facilities are undertaken in the district</p>	<p>Powers and functions of District Public Service Authority.</p>

by concerned public service authorities and officers at the district level;

(d) ensure that the guidelines laid down by the State Public Service Authority for the purpose of integrating measures to be adopted by the concerned public service authorities and officers for achieving effective delivery, standard performance, accountability, efficient monitoring and proper social and financial auditing of public are followed by them at the district level;

(d) lay down guidelines for, and give necessary directions to the concerned public service authorities and officers to take such other measures for effective enforcement and implementation of the District Public Service Management Plan in the district;

(e) lay down guidelines to be followed by concerned public service authorities and officers at the district level for integration of measures under the State Public Service Management Plan and the District Public Service Management Plan for effective enforcement and implementation of public service management in the district;

(f) monitor implementation of measures referred to in clauses (d) and (e);

(g) review development plans in the district in respect of each public services, measures taken for the enforcement and implementation of its policy and plan in the district and guidelines issued by it for such purposes and take necessary remedial measures;

(j) organize and coordinate specialised training programmes for different levels of concerned public service officers and employees in the district;

(k) facilitate community training and awareness programmes relating to public service facilities and their rights in respect of such public services, with the support of governmental and non-governmental organisations;

(l) prepare, review and update the District Public Service Plan and guidelines;

(m) provide necessary technical assistance to, and give advise to, concerned public service officers in the district for carrying out their functions;

	<p>(n) provide necessary information to the State Public Service Authority relating to the public service management;</p> <p>(o) encourage involvement of non-governmental organisations and voluntary social-welfare institutions working at the grassroots level in the district for effective public service management; and</p> <p>(p) perform such other functions as the State Government or the State Public Service Authority may assign to it, or as it deems necessary, for effective public service management in the District.</p>	
	<p>26. (1) The District Public Service Authority shall, having regard to the policy laid down by the State Public Service Authority, the State Public Service Management Plan and requirements of that district, prepare a District Public Service Management Plan for the district with the assistance of concerned public authorities and officers, and experts in the field of public service management, at the district level.</p> <p>(2) The District Public Service Management Plan shall include —</p> <p>(a) measures to be taken by the concerned public authorities and officers at the district level;</p> <p>(b) the capacity building of public service officers at the district level and measures required to be taken by them for effective public service management at the district level;</p> <p>(c) special needs, if any, of backward areas of the district with respect to public service facilities;</p> <p>(d) measures for delivery of public services in a manner which fosters socio-economic development and betterment of public in the district;</p> <p>(e) measures for proper management of public services, human resources, financial resources and technical resources in the district;</p> <p>(f) measures for providing public services in the district in accordance with the standards laid by the appropriate Government;</p> <p>(g) measures for social auditing of public services for the purpose of reviewing effective implementation of public services at the district level;</p>	<p>District Public Service Management Plan.</p>

	<p>(3) The District Public Service Management Plan shall be reviewed and updated annually by the District Public Service Authority and necessary corrective measures shall be taken accordingly.</p> <p>(4) The copies of the District Public Service Management Plan shall be made available to the concerned public service officers in the district.</p> <p>(5) The District Public Service Authority shall forward copies of the District Public Service Plan to the State Government and the State Public Service Authority.</p> <p>(6) The District Authority shall review, from time to time, the implementation of the District Public Service Management Plan and issue such instructions to the concerned public authorities and officers in the district, as it may deem necessary, for the implementation of such plan effectively.</p> <p>(7) The appropriate Government shall provide necessary financial provisions for implementing various measures under the District Public Service Management Plan.</p>	
	<p>27. The concerned public authorities and officers at the district level shall –</p> <p>(a) coordinate preparation and implementation of the District Public Service Management Plan by the District Public Service Authority at the district level;</p> <p>(b) give necessary inputs and help the District Public Service Authority to review and update the District Public Service Management Plan;</p> <p>(c) the concerned public authorities shall follow the standards laid down for public service facilities and the concerned public service officers shall follow the Public Service Performance Standards prescribed by the appropriate Government in performance of their duties and functions.</p>	<p>Duties of concerned public service officers at district level.</p>
	<p>28. The District Public Service Authority may, by order, require concerned public authorities, the concerned public service officers and the local authority in the district to take such measures for effective implementation of the District Public Service Management Plan or remedial measures thereof, as may be necessary, and such officers shall be bound to carry out such order.</p>	<p>Requisition by District Public Service Authority</p>

	RESPONSIBILITIES OF APPROPRIATE GOVERNMENT	
	<p>29. Subject to the provisions of this Act, the appropriate Government shall take the following measures, namely:-</p> <p>(a) coordination of actions and plans of all authorities, committees, officers and non-governmental organisations concerned with public service management within the area of its jurisdiction;</p> <p>(b) ensure integration of measures for effective implementation and monitoring of policies and plans at all levels within the area of its jurisdiction;</p> <p>(c) ensure appropriate allocation of funds for provisioning of public service facilities, maintenance of standards, capacity-building of public authorities, execution of plans and for research and development of public service management within the area of its jurisdiction;</p> <p>(d) ensure that the public authorities take necessary measures for prompt and effective implementation and monitoring of policies and plans at all levels within the area of its jurisdiction;</p> <p>(e) establish institutions for research, training, and developmental programmes in the field of public service management;</p> <p>(f) prescribe standards for public services facilities and also the Public Service Performance Standards for proper functioning of public authorities;</p> <p>(g) such other matters as it deems necessary or expedient for the purpose of securing effective implementation of the provisions of this Act.</p>	Appropriate Government to take certain measures.
	<p>30. (1) The local authority shall comply with all the directions issued by the District Public Service Authority in relation to public service management and ensure that its officers and employees also comply with the same.</p> <p>(2) The local authority shall aid and assist the District Public Service Authority in the public service management and take such other measures as may be necessary.</p>	Duties of local authority.

**NATIONAL INSTITUTE OF PUBLIC SERVICE
MANAGEMENT**

31. (1) With effect from such date as the appropriate Government may, by notification in the Official Gazette appoint in this behalf, there shall be constituted an institute to be called the Central/State Institute of Public Service Management.

(2) The Central/State Institute of Public Service Management shall consist of such number of members as may be prescribed by the appropriate Government.

(3) The term of office of, and vacancies among, members of the Central/State Institute of Public Service Management and manner of filling such vacancies shall be such as may be prescribed.

(4) There shall be a governing body of the Central/State Institute of Public Service Management which shall be constituted by the appropriate Government from amongst the members of the Central/State Institute of Public Service Management in such manner as may be prescribed.

(5) The governing body of the Central/State Institute of Public Service Management shall exercise such powers and discharge such functions as may be prescribed.

(6) The procedure to be followed in exercise of its powers and discharge of its functions, and the term of office of, and the manner of filling vacancies amongst members of, the governing body of the Central/State Institute of Public Service Management shall be such as may be prescribed.

(8) Subject to the provisions of this Act, the Central/State Institute of Public Service Management shall function within the broad policies and guidelines laid down by the Central/State Public Service Authority and be responsible for planning and promoting training and research in the area of Public Service Management.

(9) Without prejudice to the generality of the provisions contained in sub-section (8), the Central/State Institute of Public Service Management, for the discharge of its functions, may —

(a) develop training modules relating to each public service encompassing objectives set out in sub-section (2) of section 8;

	<p>(b) organise training programmes concerning each public service for concerned public service officers in related Public Service Management;</p> <p>(c) undertake research in Public Service Management;</p> <p>(d) undertake training, from time to time, of faculty members in Public Service Management;</p> <p>(e) provide such assistance to the appropriate Governments as may be required by them for capacity-building of concerned public service officers at all levels within the area of its jurisdiction;</p> <p>(f) develop educational materials required for giving training in public service management including crash courses in public service management and personality development courses;</p> <p>(h) undertake, organise and facilitate conferences, lectures, seminars to promote the objectives relating to public service management;</p> <p>(i) undertake and provide for publication of journals, research papers and books and establish and maintain library in furtherance of objectives relating to public service management;</p> <p>(j) undertake any other function as may be assigned to it by the appropriate Government.</p>	
	<p>32. The appropriate Government shall provide the Central/State Institute of Public Service Management with such officers, consultants and other employees, as it considers necessary for carrying out its functions.</p>	<p>Officers and other employees of Central/State Institute of Public Service Management.</p>
	<p>CENTRAL/STATE PUBLIC SERVICE OMBUDSMAN</p>	
	<p>33. (1) For carrying into effect the purposes of this Act, the appropriate Government shall appoint such number of Central/State Public Services Ombudsman, in respect of each public service, to function at such places, as may be prescribed.</p> <p>(2) Each Ombudsman, in respect of a public service shall be appointed by the appropriate Government on the basis of</p>	<p>Appointment of Central/State Public Services Ombudsman.</p>

	<p>recommendations of a selection committee consisting of-</p> <p>(a) the Chairman of the Central/State Public Service Authority;</p> <p>(b) the Member of the Central/State Public Service Authority, representing concerned public service;</p> <p>(c) the Secretary to the Government of Indis/State Government of concerned public service.</p> <p>(3) The Ombudmen shall be a person of eminence having wide knowledge and experience of not less than fifteen years in the concerned public service or from judicial service.</p> <p>(4) The Ombudsman shall be appointed for a term of three years and shall be eligible for re-appointment:</p> <p>Provided that no person shall be appointed after he attains the age of sixty years.</p>	
	<p>34. (1) The appropriate Government may, by notification, decide the territorial jurisdiction of each Ombudsman.</p> <p>(2) The Ombudsman may hold sitting at various places within his area of jurisdiction in order to expedite disposal of complaints.</p> <p>(3) The manner of receiving complaint, hearing of complaint and disposal of complaint shall be in such manner as may be prescribed.</p>	Territorial jurisdiction of Ombudsman
	<p>FUNDS, ACCOUNTS AND AUDIT</p>	
	<p>35. The appropriate Government may, after due appropriation made by Parliament/ the Legislature of the State by law in this behalf, make in each financial year such contribution to the Central/State Public Service Authority as it may think necessary to enable that Authority to perform its functions under this Act.</p>	Contributions by appropriate Government.
	<p>36. (1) The Central/State Public Service Authority shall have its own fund, and all sums which may, from time to time, be paid to it by the appropriate Government and all other receipts by way of grants, donations or otherwise of that Authority shall be carried to the fund of the Central/State Public Service Authority and all payments by the Central/State Public Service Authority shall be made therefrom.</p> <p>(2) The Central/State Public Service Authority may expend such sums as it thinks fit for performing its functions under this Act or under any other law for the time being in force</p>	Fund of Central/State Public Service Authority.

	relating to a public service, such functions and such sums shall be treated as expenditures payable out of the funds of the Central/State Public Service Authority.	
	37. The Central/State Public Service Authority may, with the consent of, or in accordance with, the terms of any general or special authority given to it by the appropriate Government, borrow money from any source by way of loans or issue of bonds, debentures or such other instruments, as it may deem fit, for the performance of all or any of its functions under this Act.	Borrowing Powers of Central/State Public Service Authority.
	38. The Central/State Public Service Authority and the District Public Service Authority shall, during each financial year, prepare, in such form and at such time as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipt and expenditure, and copies thereof shall be forwarded to the appropriate Government.	Budget.
	39. (1) The Central/State Public Service Authority and the District Public Service Authority shall, during each financial year, prepare, in such form as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the appropriate Government within four months from the last date of the previous financial year and the appropriate Government shall cause every such report to be laid before both Houses of Parliament/State legislatures within nine months from the last date of the previous financial year.	Annual Report.
	MISCELLANEOUS	
	40. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government may, for the purpose of facilitating public service management, issue such direction as it deems appropriate.	Power to issue direction.
	41. 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 law other than this Act.	Act to have overriding effect.
	42. The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—	Power of appropriate Government to make rules.

	<p>(a) the Public Service Performance Standards under sub-section (1) of section 7;</p> <p>(b) the number of members of the Central/State Public Service Authority under sub-section (2) of section 9;</p> <p>(c) the salaries and allowances payable to, and the terms and conditions of service of, the officers, consultants and other employees of the Central/State Public Service Authority under sub-section (2) of section 13;</p> <p>(d) the allowances payable to the members of the advisory committee sub-section (2) of section 15;</p> <p>(e) the powers and functions of the Chairperson of the Central/State Public Service Executive Committee under sub-section (3) of section 16;</p> <p>(f) the procedure to be followed by the Central/State Public Service Executive Committee under sub-section (4) of section 16;</p> <p>(g) allowances payable to the expert under sub-section (2) of section 17;</p> <p>(h) the number of members of the Central/State Institute of Public Service Management under sub-section (2) of section 31;</p> <p>(i) the term of office of, and vacancies among, members of the Central/State Institute of Public Service Management and the manner of filling such vacancies under sub-section (2) of section 31;</p> <p>(j) the manner of constituting the governing body of the Central/State Institute of Public Service Management under sub-section (4) of section 31;</p> <p>(k) the powers and functions of the governing body of the Central/State Institute of Public Service Management under sub-section (5) of section 31;</p> <p>(l) the procedure to be followed by, the term of office of, and the manner of filling vacancies amongst members of, the governing body of the Central/State Institute of Public Service Management under sub-section (6) of section 31;</p> <p>(m) the number of Central/State Public Services Ombudsman to be appointed in respect of each public service and the places where they may function under sub-section (1) of section 33;</p>	
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	<p>(n) the manner of receiving complaint, hearing of complaint and disposal of complaint under sub-section (3) of section 34;</p> <p>(o) the form and time for preparation of budget under section 38;</p> <p>(p) the form for preparation of annual report under section 39;</p>	
	<p>43. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—</p> <p>(a) the salaries and allowances payable to, and other terms and conditions of service of the Members under sub-section (4) of section 21;</p> <p>(b) the salaries and allowances payable to, and the terms and conditions of service of, the officers, consultants and other employees of the District Public Service Authority under sub-section (2) of section 24;</p>	<p>Power of State Government to make rules.</p>
	<p>44. Every rule made by the appropriate Government and the State Government shall be laid, as soon as may be after it is made, before each House of Parliament or the State Legislature, while it is in session, for a total period of thirty days which may be comprised of one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses or the State Legislature agree in making any modification in the rule or regulation or both Houses or the State Legislature agree that the rule or regulation should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</p>	