

## RAJASTHAN SOCIAL ACCOUNTABILITY BILL, 2018

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### STATEMENT OF OBJECTS AND REASONS

The Rajasthan Social Accountability Bill is being brought, *inter alia*, to

(i) ensure transparency, free flow of information and sharing of the information with public at large in a seamless manner using modern electronic and information technology tools,

(ii) seek accountability of public functionaries and authorities for timely delivery of goods both individual and public in terms of citizens' entitlement and as per job charts of various authorities and public functionaries.

(iii) setup a well-structured grievance redress mechanism, from the grass root level (starting from Panchayats and Villages) and

(iv) enable public hearings in delivery system with widest possible scope so as to cover not only welfare measures and policies by the state but also regulatory, symbolic and extractive functions of the state at grass root level.

The Bill aims to create democratic, decentralized and participative setup approach to enable wider public participation and to initiate monitoring of programs and policies, public good delivery through instrumentality of community score cards, citizens report card, expenditure tracking meaningful social audit and its dissemination to all concerned at the top of administration.

The Bill further aims to create a mechanism for obtaining feedback for effective policy and decision making by all branches of the government (viz., Executive, Legislature and Judicial).

This Bill covers all public functionaries at all level, to bring transparency and accountability in discharging public functions. The rustic delivery system at local level, the custodial and protectionist functionaries also brought within its ambit for transparency, objectivity and accountability .

## RAJASTHAN SOCIAL ACCOUNTABILITY BILL, 2018

### PREAMBLE

*A bill to ensure transparency in Government programmes and accountability of public officials to the people. Citizens Charters and Job Charts, will help create a framework to ensure that citizen's entitlements are effectively delivered. The Bill provides for independent facilitation to citizens by creating Information and Facilitation Centres across the State. An independent structure at the District, Division and State level will provide oversight and hear appeals related grievance redress process. Institutionalized mechanisms of collective monitoring by citizens are provided through social audits, communities score cards and rating, expenditure tracking and participatory budget making, weekly and fortnightly public hearings. The Bill aims at ensuring provision of quality individual goods and public goods and services in a time bound manner. The Bill envisions gross root democracy in a meaningful manner to make it a reality.*

Be it enacted by Rajasthan Legislative Assembly:—

### CHAPTER I PRELIMINARY

#### 1. Short title, extent and commencement. -

- (1) This Act may be called the Rajasthan Social Accountability Act, 2019
- (2) It extends to the whole of Rajasthan.
- (3) It shall come into force within 60 days of the Act being passed by the State Assembly and receiving the assent of the Governor of Rajasthan.

#### 2. Definitions. -

In this Act, unless the context otherwise requires, —

- (1) "action taken report" means a report furnished to the complainant by the Grievance Redress Officer, the District Grievance Redress Authority, the Divisional Grievance Redress Authority or the Rajasthan Social Accountability Commission, as the case maybe, in response to a complaint or appeal, as the case may be, specifying
  - (a) in detail the action taken to date to redress the complaint or appeal;
  - (b) compensation due to be paid to the complainant; and
  - (c) action taken/penalty imposed on the functionary held responsible for failing to fulfil his/her obligations under this Act;
- (2) "appeal" means an appeal filed by an individual against the order or decision of a Grievance Redress Officer, District Grievance Redress Authority, or Divisional Grievance Redress Authority, as the case maybe; This will also include a petition filed for ensuring compliance with the provisions of this Act by a public authority or a petition for discharge of duties and obligations by an official under this Act . Appeal may admitted be in the of electronic form also.
- (3) "appropriate Government" means in relation to a public authority, functioning in the territory under the State of Rajasthan, which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly by the Government of Rajasthan, or Government of India, and in all other matter of Government of Rajasthan within its permitted /territorial jurisdiction.
- (4) "Chief Commissioner" means the Chief Commissioner of the Rajasthan Public Grievance Redress Commission appointed under this Act;
- (5) "Citizens Charter" means a document declaring the functioning, obligations, duties, commitments of a public authority under any law, policy, programme, order or scheme, for the time being in force, for providing goods and services effectively and efficiently with reasonable levels of standards, time limits and designation of public servants for delivery and grievance redress, that necessarily includes all the information that is mandated to be disclosed pro-actively as per Section 4 of the Right to Information Act, 2005;

- (6) “complaint” means an application filed by a person/group of persons regarding the failure of any public authority or any concerned official to comply with the provisions of this Act;
- (7) “grievance” means any application made by a person, or a group of persons, for registering a violation with regard to the functioning of Citizens Charter and Job Chart of public officials as published under this Act, any law, policy, order, programme or scheme in force in the State by a public authority, or a failure to provide any service or obligation as laid out under Section 4 of the Right to Information Act 2005, but does not include grievance relating to the service matters of a public servant, whether serving or retired, except on matters relating to information concerning himself/herself
- (8) "days" means the working days, referred to as the timeline;
- (9) "Commission" means the Rajasthan Social/Public Accountability Commission constituted under this Act;
- (10) “District Grievance Redress Authority” means a district level authority set up by the Government of Rajasthan under the Act, which will have jurisdiction to hear complaints under Section XX and appeals against grievances, pass orders, award compensation and impose penalty in relation to all public authorities located within the district;
- (11) “Divisional Grievance Redress Authority” means a Division level authority set up by the Government of Rajasthan under the Act, which will have jurisdiction to hear complaints under Section XX, appeals against grievances related to District Level Officials, pass orders, award compensation and impose penalty in relation to all public authorities located within the Division;
- (12) "Grievance Redress Officer" means as defined under Section XX of this Act;
- (13) "Head of the Department" means an officer designated as such by the appropriate Government, as the head of a Government Department or Commissioner of the department or public authority;
- (14) "Information and Facilitation Centre" means a Centre as defined under Section XX;
- (15) "notification" means a notification published in the Official Gazette;
- (16) "prescribed" means prescribed by the rules made under this Act;
- (17) "public authority" means any authority or body or institution of self-government established or constituted.—
- (a) by any law made by Parliament to be implemented in part or in whole by the State Government;
  - (b) under any other law made by the Rajasthan Legislative Assembly;
  - (c) by a notification issued or order made by the appropriate Government, and includes any organisation or body corporate in its capacity as an instrumentality of “State” as defined under article 12 of the Constitution and rendering services of public utility in India; including those non-governmental organizations owned, controlled or substantially financed by the appropriate Government, directly or indirectly
  - (d) a State Public Sector Undertaking as defined under the Companies Act, 2013 any other entity which is engaged in supplying public goods by an agreement or memorandum of understanding between the Government and any private entity as Public-Private Partnership or otherwise;
  - (e) set up by Central Government to function within the State of Rajasthan and partially or wholly providing public goods and services provided there is consent of the Central Government.
  - (f) Judicial Bodies include courts and tribunals created under state legislation where personnel are appointed by the Governor of the State
  - (g) includes any entity or body, which is under the control of the Government of Rajasthan or the Governor of Rajasthan or High Court of Rajasthan;

- (h) Any entity or body set up by Central Government exclusively but deals with providing individual or public goods to the people of Rajasthan, with the consent/authorization of Central Government.
  - (i) includes any public authority, Municipality, Rajasthan Cantonment Board, Rajasthan Jal Board, Town Planning Authority, Rajasthan Development Authority, Rajasthan Police, Commission, Trust or any other body or authority, by whatever name called, for the time being invested by law to render essential services of public utility within the territory of Rajasthan or to control, manage or regulate such services within a specified local area thereof OR to provide public goods in the form of justice, infrastructure, convenience, facilities, individual goods, custodial protection and welfare, education, dispute resolution, recruitment, disbursement of subsidies or welfare measures announced by appropriate Govt either at Centre or State or Local Govt or any such service which makes the life of ordinary human being better and convenient and results into enhancement of his life chance , freedom and wellbeing;
  - (j) Includes courts, tribunals, commissions authorities created under law whether State or Parliamentary, and working at grass root level under the administrative and judicial control and supervision of High Court but excludes High Court;
  - (k) All statutory bodies created under any law and working at grass root level under supervision n control of any agency by law, engaged in provision of public goods by way of regulatory , distributive , symbolic and extractive functions like taxation will come under the purview of this Act for grievance redress and grant of relief , public hearings and social Audit.
- (18) “Public hearing” or “*Jan Sunwai*” means the public hearing to be held by \_\_\_\_\_, at block, district and divisional levels, on a weekly basis.
- (19) "public goods, services and obligations" those that an individual or group of individuals is/are entitled, individually and commonly to, from the government under the constitution, under any law, rule, policy or any other instrument of the government, including schemes, programmes, plans.

For removal of any doubts, the scope of public goods, services and obligations includes provision of services meant for collective use by the community in a Gram Panchayat /Panchayat samiti (Block)/Tehsil /municipal town /District/ Division like road , infrastructure , drainage , schools , hospitals , shelter homes , hostels , custodial institutions and jails , police stations , court premises and infrastructure , civic amenities, education , health , justice , law and order and services provided by various statutory , judicial and administrative bodies and includes services , benefits and dispensation of determination of rights by public authorities

- (20) “urgent” means any matter that could affect the life and liberty or access to services of a person/group of persons and which must be disposed off immediately, not later than 48 hours since the date of complaint.

### **3. Application of the Act. -**

- (1) Notwithstanding anything contained in any other law being in force, the provisions of this Act shall apply to all public authorities as defined under this Act, and all public servants carrying out public functions, including such officials working on contractual basis, either full time or part time, under the State Government or its functionaries and includes private entities, voluntary organisations, and such other bodies performing public functions in partnership with State Government for delivery of public goods and services, or fulfilling any obligation imposed under this Act.
- (2) The Act shall apply to grievances of any person relating to time-bound delivery of any public good, service or entitlement, including enforcement of any obligation in relation thereto, as envisaged in any law, policy, program, scheme and budgetary announcement of the Central, State or Local Governments, as the case maybe.
- (3) The Act would cover certain critical and emergent areas of public concern as notified by appropriate government for special procedures to be prescribed by Rules made under the Act by the Government

**4. Revision and Reference. -**

- (1) Wherever an issue arise involving a question of law, or discretion conferred to any authority or official, arising out of the provisions of this Act, shall be examined by the Commission by way of Reference.
- (2) Wherever an issues arise involving exercise or non exercise of jurisdiction of appropriate public authority shall be referred to the State Government for its decision.
- (3) Review of an order will be possible only on the grounds of omission of law or error apparent on face of records. Review is available only to DRAs and State Commission within 7 days of passing of an order .

*CHAPTER II*

**RIGHT TO ACCOUNTABILITY AND ENFORCEMENT OF OBLIGATIONS**

**5. Rights under this Act. -**

- (1) Subject to the provisions of this Act, every person/group of persons shall have the right to time bound delivery of goods and provision of services, of the prescribed measure and quality.
- (2) Every person/group of persons shall have the right to be informed of the goods and services that they shall receive through a notified and well disseminated Citizens Charter as per the provisions of the Act.
- (3) Every person/group of persons shall have the right to be informed of the obligations and duties of public officials in the delivery of goods and services, and redress of grievances through a notified and well disseminated Job Chart as per the provisions of the Act.
- (4) Every person/group of persons shall have the right to be mandatorily informed about the planning, implementation and expenditure of delivery of all goods and services through a comprehensive and open architecture for information dissemination as prescribed under this Law, including Section 4 of the Right to Information Act.
- (5) Every person/group of persons shall have the right to file a grievance, obtain a dated acknowledgement receipt and ensure the redress of such grievances as per provisions of this Act.
- (6) Every complainant shall have the right to participate in a Block level open public hearing in the presence of concerned officials within 14 days of filing the grievance.
- (7) Every complainant shall have the right to disposal of the grievance and the receipt of a written Action Taken Report within 30 days of filing the grievance.
- (8) Every complainant shall have the right to appeal against the decision taken on his/her grievance to an independent appellate authority at the District/Divisional and State Level.
- (9) Every complainant shall have the right to demand protection from intimidation and harassment relating to the complaint from the Public Authority and the independent appellate authority at the District/Divisional and State Level.

**6. Obligations on public authorities. -**

- (1) Every public authority engaged in delivery and provision of public services and public goods covered under this Act shall be under obligation to redress grievances as defined under the provisions of this Act.
- (2) Every public authority engaged in delivery and provision of public services and public goods covered under this Act shall be under obligation to publish and update citizen's charter and job charts as prescribed under this Act ,
- (3) Every public authority engaged in delivery and provision of public services and public goods covered under this Act shall be under obligation to ensure participatory budget making, expenditure tracking, community score cards, citizens' ratings subject to rules framed under this Act.

- (4) Every public authority engaged in delivery and provision of public services and public goods covered under this Act shall be subject to mandatory social audit as prescribed under this Act and as per rules made in this behalf by the appropriate Govt. and Auditing Standards of Social Audit as laid out by the Comptroller and Auditor General of India.
- (5) Every public authority and appellate body at the District/Division, State level shall have an obligation to order protection by the Police and any other appropriate agency on an application from a complainant should they find a cause for extending such protection, upon examination of the application.

### *CHAPTER III*

## **PUBLICATION AND DISSEMINATION OF CITIZENS CHARTER AND GURANTEED DELIVERY OF PUBLIC GOODS AND SERVICES**

### **7. Publication of Citizens' Charter. -**

- (1) Every public authority shall publish, within one month of the commencement of this Act, a Citizens' Charter, as defined in sub-section (e) of section 2, specifying therein all the category of goods( both individual and public goods) supplied and services rendered by it, the nature , extent and time within which such goods shall be supplied or services be rendered including the budget provided to it by financial and other resources.
- (2) Without prejudice to the generality of the provisions contained in sub-section (1), the Citizens Charter shall provide information on all of the following matters, namely:—
  - (a) the details of all the goods supplied and services rendered by the public authority including details of functions, obligations, responsibility or duty that the public authority is required or reasonably expected to provide;
  - (b) the name, designation and contact details of person or agency through which such goods are supplied or services rendered
  - (c) the name, designation, contact details and addresses of individuals responsible for the delivery of goods or rendering of services
  - (d) the time frame within which goods have to be supplied or services rendered
  - (e) the roles and responsibilities of every officer or employee of the public authority;
  - (f) the conditions under which a person becomes entitled for goods or services, and the class of persons who are entitled to receive such goods and avail such services;
  - (g) the quantitative and tangible parameters (including weight, size, frequency) of the goods and services available to the public;
  - (h) the qualitative standards of the goods and services available to the public;
  - (i) the details and processes through which a person/group of persons can obtain their rights and the methodology laid down by the public authority to fulfil the corollary obligations
  - (j) any public authority empowered and mandated with a regulatory function, shall publish the norms, processes, periodicity and institutional mechanisms by which beneficiaries can monitor the regulatory process
  - (k) any public authority empowered and mandated to regulate management of natural commons shall provide details of its plans for preservation and use for the benefit of the people of the State and future generations
  - (l) Budget allocation, funds spent and all corresponding financial transactions of the public authority
  - (m) A timeline followed by the Public Authority in the preparation of Departmental budgets and enumerate institutionalized mechanisms by which persons can participate in the budget preparation process
  - (n) details of the complaint redress mechanism including:



- (i) the timeframe within which complaints are to be disposed of, depending on the nature of complaints, including timeframe for redress of complaints of an urgent or immediate nature.

Provided that the timeframe shall not exceed the timeframe defined in section 9 and section 11 of this Act.

- (ii) the person/authority to whom such complaint may be made;
  - (iii) the name, designation, contact details and addresses of the Grievance Redress Officers of the public authority;
- (o) any other information relevant to delivery of goods or provision of services, including those obligations disclosed as per the requirements of section 4 of the Right to Information Act 2005, or such other information as may be prescribed.
- (3) The appropriate Government may, by notification, make rules in relation to Citizens' Charter and grievance redress procedures. These rules shall be subject to review of directions by the Government of Rajasthan or Union Government /Local Govt at the advice of Rajasthan Social Accountability Commission.

## **8. Obligation on public authorities**

- (1) The Head of the Department in each public authority, or an officer designated by him for the purpose, shall be responsible for developing, publishing, updating and verifying the Citizens' Charter every year and the accuracy of the contents thereof.
- (2) It shall be the responsibility of the Head of the Department of every public authority, or an officer designated by him for the purpose, to ensure that the process of preparation of Citizens' Charter is open to suggestions from the public, so that a draft Citizens Charter is widely disseminated and discussed and suggestions are taken into account before finalization of the same
- (3) It shall be the responsibility of the Head of the Department of every public authority, or an officer designated by him for the purpose, to take steps in accordance with section 4 of the Right to Information Act, 2005 to proactively provide relevant information to the public to enable them to exercise their rights mandated under this Act. This will include but not be restricted to
- (i) Barring exemptions contained under Section 8 of the RTI Act, every Department must use the State portal for grievance redressal open to all known as the Janta Information System (JIS) or Sampark or the name to be specified by the State Govt.

This will include every financial transaction made by the Department on a real time basis. No financial transaction may take place without it being routed through this platform so that all citizens are aware of all financial transactions (inward and outward) and their details as they take place.

All official communication and correspondence shall be filed online and made available to the public.

All committees, their meetings, decisions and their minutes shall be placed online and action taken as and when executed shall also be proactively disclosed through this platform.

All budgetary matters, financial sanctions, under consideration and approved, shall be classified and made available in a user friendly fashion

The transfer policy of the Department and list of all employees in a public authority shall be disclosed on the platform.

Details of disciplinary action and of penalties imposed on public servants of the Department under this Act with regard to the discharge or failure to discharge their obligations under the Act.

- (ii) Any public grievance registered with the Department shall be linked to and registered on the main public grievance redress portal, and follow the same transparent process of disposal as mandated by the Rules of the State Public grievance Redress portal to be

maintained and monitored by the State Government and State Public Grievance Redress Commission.

- (4) Every Head of the Department of every public authority, or an officer designated by him for the purpose, shall ensure that all material be disseminated taking into consideration the local language and the most effective method of communication in that local area free of cost.

*Explanation.*— For the purposes of this section the expression "disseminated" means making known and communicating the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority by any citizen.

- (5) Every Head of the Department of every public authority, or an officer designated by him for the purpose, shall to the extent possible, ensure that the Citizens' Charter is made available at the website of the public authority and approved by State Government and in other electronic forms like electronic display boards, television etc. and shall be available free of cost at all block and/or ward level offices and all other offices of the public authority.
- (6) Every Head of the Department of every public authority, or an officer designated by him for the purpose, shall ensure that a copy of the Citizens' Charter of the public authority duly certified by him is submitted to appropriate bodies, including the Rajasthan Social Accountability Commission, when it is published and subsequently, every time that it is modified, updated or amended.
- (7) The Citizen Charter shall be reviewed, monitored and audited by the State Accountability Commission which shall impose penalties and initiate Departmental action against HoD for non compliance. Complaints for non compliance of preparation, updation and dissemination of Citizens Charter can be filed by complainants with the SAC.

#### *CHAPTER IV* **PUBLICATION OF JOB CHART**

#### **9. Scope. -**

- (1) Every public authority and every public servant shall have a job chart which will be in the public domain.
- (2) The Job Chart shall be available in public domain of departmental and appropriate Government Portal.

#### **10. Obligation to prepare and publish Job Chart. -**

The Head of Department shall be responsible for ensuring the preparation and publication of the job chart, and update from time to time, in line with current roles and responsibilities.

#### **11. Contents of Job Chart. -**

The Job Chart shall include

- (a) the responsibilities to be carried out by the public authority and public official, in order to ensure the effective delivery of goods and services, within time, standards and norms, as prescribed in the Citizens' Charter;
- (b) the hours of work of the official concerned, the timing, and the place/places of work;
- (c) the responsibilities for ensuring transparent functioning of the public official/authority and his/her/their duties for mandatory pro-active disclosure of information;
- (d) the terms of service and obligations of the public official, including responsibilities of supervision, that are contained in any Act, Scheme, Programme, Rules, Orders and/or executive instructions, and shall contain the specific responsibility of that official in order to carry out the task of that public office;
- (e) the mechanisms for public interaction that the public official must adhere to in the execution of his/her duties;
- (f) the reporting responsibilities of the public official;

*CHAPTER V*  
**REGISTRATION OF GRIEVANCE**

**12. Registration of complaint. -**

- (1) Any individual, having a grievance in relation to provision of any public good, service or benefit, can submit a grievance to the Grievance Redress Officer of the concerned public authority.

For removal of doubts, a 'grievance' shall include non-registration of FIR, in which case the GRO shall immediately forward to concerned police officer for entry. Police officer in charge will send a copy back to GRO for onward transmission.

- (2) All complaints shall be made in writing, either in English, Hindi, or any other official language of the area, through any means, including electronic, telephonic or such means as may be prescribed.
- (3) The Grievance Redress Officer shall acknowledge the receipt of complaint within 14 days from the date of receipt of the complaint, and specify the unique grievance number, details of the complainant and the stipulated time frame for redressal of complaint specified in the concerned Citizens' Charter.
- (4) The Grievance Redress Officer shall render reasonable assistance to individuals who are unable to submit the complaint in writing, and reduce the same in writing.
- (5) Upon receiving a complaint from an individual under Sub-sections (1) and (4), the Grievance Redress Officer shall forward a copy of the grievance to the Information and Facilitation Centre as soon as possible, and in no case later than 24 hours from the receipt.
- (6) The procedure specified under Sub-sections (1) and (2) shall also apply to complaints received at the Information and Facilitation Centre under Section XX of this Act.

**13. Appointment of Grievance Redressal Officers. -**

- (1) The Head of the Department of every public authority shall, within 30 days from the date of enactment of this Act, designate or appoint as many officers as may be necessary as Grievance Redress Officers in all administrative units or offices at the State, Divisional, District, Ward and Panchayat levels, to receive, enquire and redress complaints of citizens.

Provided that the Grievance Redress Officer so designated shall be at least one level above and be deemed to have supervisory control on the individual designated to deliver goods or render services as per the Citizens Charter.

- (2) Every public authority shall, immediately on designation of a Grievance Redress Officer, display, at each of its offices, customer care centre, help desk, point of service, website, the name of the Grievance Redress Officer, their addresses and telephone numbers, e-mail addresses, facsimile numbers and other means of contacting them, in respect of each area for which the Grievance Redress Officer have been appointed or designated.
- (3) Every public authority shall appoint or designate such number of Grievance Redress Officer under sub-section (1) and for such areas, as it may consider appropriate, to ensure their accessibility and availability for the general public.
- (4) In case of non appointment of Head of the Department, the appropriate Government shall designate such superior officer as the Head of the Department for the purposes of carrying out the provisions under this Act.

**14. Establishment and facilities at Information and Facilitation Centres.-**

- (1) The State Government shall establish an Information and Facilitation Centre in every Block, Municipal Ward and Gram Panchayat, as the case may be, for efficient and effective delivery of services and monitoring of grievance redressal.
- (a) This will function as a single window for receiving grievances and applications related to all government schemes, programmes and departments. The IFCs shall be inter

linked with a network of other customer care centres, call centres, help desks and web based processing and tracking platforms of the State.

- (b) That every gram panchayat will have such centre to be declared by the State Government which may be either sewa kendras or any utility centre fully equipped and staffed with atleast one full time person to be called the soochna aur sahayata sewak, who will be independent of any implementing agency, and answerable to the DGRA, and the State Commission. Effort must be made to link every village with IFC for grievance redress by available means physical or electronic.
- (2) Every Information and Facilitation Centre shall have an officer, designated as Sookhna Aur Sahayata Sewak, to receive complaints and appeals directly from persons, directly, or through post, electronic and telephonic communications and such other means as may be prescribed
  - (3) Every Information and Facilitation Centre shall be adequately equipped with electricity, computers and internet connectivity.
  - (4) All grievance shall be made in writing or through electronic means or through text message or through telephone or through any other means that may be prescribed and shall be acknowledged by a receipt, issued in writing or through electronic means or through text message or through any other means as may be prescribed, specifying the date, time, place, date of next hearing which shall be no earlier than 5 days and no later than ten days, unique grievance number and particulars of receiver of grievance of concerned Grievance Redress Officer, along with the stipulated time frame in accordance with its Citizens Charter within which the grievance will be redressed.
  - (5) The Information and Facilitation Centre shall register complaints and applications filed by citizens as soon as possible, and in no case later than 24 hours from the time of receipt, and forward such complaint or appeal, as the case maybe, to the appropriate Grievance Redress Officer. e- transmission for the sevak at the IFC will be mandatory.
  - (6) The Information and Facilitation Centre shall register appeals and complaints filed by citizens and shall as soon as possible, and no later than 24 hours of receipt of the appeal and/or complaint, forward each appeal and/or complaint to the appropriate District Grievance Redress Authority or the Rajasthan Social Accountability Commission immediately or as the case may be, within 24 hours of receipt of an appeal and/or complaint.
  - (7) The Information and Facilitation Centre shall provide all necessary assistance to citizens in writing and filing grievance where necessary and by assisting citizens in tracking their grievances using the unique complaint number.
  - (8) The IFC shall proactively keep track of the applications filed and the actions taken or inaction in respect thereof
  - (9) Every Information and Facilitation Centre should have a citizen friendly facility with adequate facility for people to be seated and attended to.
  - (10) The IFC will serve as an online centre equipped with online repository of information on all Government Laws, programmes, schemes, policies, under which citizens are entitled to delivery of goods and services and shall provide frequent and relevant information to citizens about the schemes, programmes, citizens charters, job charts, entitlements received by beneficiaries and status of complaints of different departments.
  - (11) Copies of all social audit reports shall be deposited by the SAU at the IFC within one week of the social audit. All social audit findings shall be treated as the conclusion of a preliminary inquiry and be presented to the Chair of the subsequent public hearing and Departments concerned for necessary orders and directions.
  - (12) Where a complainant is unable to make a grievance in writing, the Information and Facilitation Centre shall render all reasonable assistance to the person making the request orally to reduce the same in writing.
  - (13) The staff and the Coordinator of the Information and Facilitation Centre shall be appointed by the State Govt at the advice of Commission through the DGRAs as may be prescribed. It shall be ensured that the staff will be representative with at least half the members being women, and atleast half drawn from Dalits and tribals. All staff of DPS and existing IFC will automatically become the staff and officials of the IFC under this Act .

- (14) DPS/Commission will be able to requisition the services of personnel of any department public authority for this purpose and such personnel will be treated as on deputation to the DPS/ Commission Such deputation will not exceed year in this regard for an individual personnel .
- (15) The IFC and the facilitator will file all appeals/complaints through e-filing with the complaint being entered in the accountability portal and forwarded by the Sevak to the appropriate GRO.

**15. Grievance against officers of Information and Facilitation Centre.-**

Any person, aggrieved by the actions and inactions of officers at the Information and Facilitation Centre, and such other grievance in relation thereto, can file a complaint with the District Grievance Redress Authority.

*CHAPTER VI*

**ENQUIRY INTO COMPLAINTS AND RIGHT TO PUBLIC HEARING**

**16. Process of enquiry.-**

An enquiry into a complaint by the Grievance Redressal Officer, , shall adhere to the process given below

- (1) gather together all necessary records to help establish whether the grievance as stated by the complainant is reflected in the records
- (2) Give the complainant an opportunity to be heard in person at the fortnightly public hearing at the Block level, and during the process of enquiry as far as possible
- (3) establish whether the grievance as stated took place, and undertake immediate measures for the redress of the grievance
- (4) identify reasons for failure or any procedural shortcomings or concerns of the complainant resulting in denial of any public good, service or entitlement, and take appropriate measures to correct the same;
- (5) In instances where the functionary concerned is shown to have wilfully neglected his/her duty to provide public good, service and obligation and/or has refused/failed to undertake remedial measures as directed by the GRO, the GRO shall recommend penalties to be imposed on the concerned functionary and/or compensation to be provided to the complainant in his/her Action Taken Report

Provided that all enquiries must be conducted within the stipulated time frames and as far as possible and while giving the complainant and other involved parties, an opportunity to be heard and in the presence of the complainant and the other parties involved.

Provided further that ordinarily the functioning of the grievance redress mechanism provided in this Act should be transparent, however, in issues relating to the privacy of individuals or groups of individuals especially children or other vulnerable groups, the process of enquiry and investigation must be carried out in a manner such that their privacy and security is adequately protected.

**17. Duty to provide a hearing to the complainant. -**

- (1) The Grievance Redress Officer shall, on receipt of a grievance, enquire as per the process laid down above and provide an in person hearing to the complainant, close to the location of the complainant and also visit the site of the grievance, as far as possible
- (2) The Grievance Redress Officer must be present at the fortnightly public hearing at the Block/Sub Divisional/Municipal Ward level to respond to grievances already received and grievances registered during the public hearing.
- (3) At the fortnightly Block/Sub Divisional/Municipal Ward level public hearing, it shall be the duty of the Grievance Redress Officer to provide a preliminary response based on the process of enquiry carried above to each grievance registered and allow an opportunity for the complainant to publicly explain the nature of the grievance as well as present any appropriate information related to the matter. The response of the complainant shall be duly recorded in the proceedings of the hearing.

- (4) The Grievance Redress Officer shall be bound to take into account the recommendations of the “Chair of the Public Hearing” in the course of discussing the status of the grievance concerned. In case the GRO is unable to follow recommendations he/she must record reasons in writing.
- (5) In case the matter is disposed at the public hearing, the complainant may be given a copy of the Action Taken Report. The ATR should contain an appropriate space for the complainant to record his/her level of satisfaction on disposal.
- (6) All proceedings, grievances and action taken reports must be entered on to the web portal at the end of the public hearing and no later than 48 hours.

#### **18. Public hearing of grievances. -**

Every person/group of persons who files a grievance under the provisions of this Act, shall be entitled to a collective public hearing (Jan Sunwai) within 14 days of the grievance being filed.

- (1) For this purpose a fortnightly Jan Sunwai will take place at the Block/Tehsil level where all complainants will get an opportunity to participate. The hearing must be held in a public place of the area with adequate space to seat all those who want to participate.
- (2) The hearing will be open to all and all proceedings will take place on the mic so that all present can observe and participate.
- (3) All those who come to the Jan Sunwai will be issued a dated receipt and their applications will be taken up sequentially. Those who come to the Jan Sunwai with dated receipts issued prior to the hearing shall be heard first.
- (4) The hearing will be chaired by the Sub Divisional Magistrate who will oversee the hearing and proceedings. It shall be the responsibility of the Sub Divisional Magistrate to ensure that all requirements for the smooth functioning of the hearing such as shade, water, recording, mike, stationary, desks etc are met. Public Hearing will be open to all.
- (5) The hearing will be presided over by a panel of five persons and will be chaired by the SDM. The remaining four members will consist of one Panchayat Samiti member, one Municipal Ward member, one CSO representative nominated by the District Collector one District Level Official also nominated by the District Collector. Policy of rotation after every quarter will be followed in representation from the Panchayat Samiti and Municipal Ward. after every quarter. All recommendations must be on consensus/majority basis.
- (6) Separate desks will be set up for different Departments so that preliminary discussion can take place on the grievance with an objective of redressing the grievance as per norms.
- (7) All Grievance Redress Officers, including Block Resource Persons of the SAU and other community workers of the area will be present at the Jan Sunwai. Appropriate action may be taken against absenteeism by recommending a penalty or adverse entry in their APAR.
- (8) SDM shall prepare a report of attendance of all officials required to be present in jan sunwai and submit the same to the District Collector and uploaded on the web portal.
- (9) The Grievance Redress Officer and the complainant will give their preliminary response and statement on the status of the grievance. They will be informed of the date of the next hearing and the date by which the final response will be provided.
- (10) For those matters where a final decision has been taken, the Department concerned will announce the decision publicly. The complainant will be provided an opportunity to respond. The proceedings will be recorded in the minutes. An Action Taken Report will be provided in writing to the applicant.
- (11) For all matters that have been concluded where the applicant is not satisfied, the applicant will be informed of the appeal process with the DGRA.
- (12) Complainants may choose not to attend the Jan Sunwai. However all applications will come up for consideration in the **fortnightly** Jan Sunwai. In such a situation where the complainant is not present, the grievance will be read out and addressed by the department concerned. The hearing will take into account material presented with the grievance and information available with the department and ensure that the matter is publicly discussed.

- (13) The chair can make recommendations to the department to ensure that all avenues are explored to redress the grievance. For grievances disposed between public hearings, the Action Taken Report must be given to the complainant and placed on record, in the subsequent public hearing uploaded. If there is a difference of opinion in the panel on action to be recommended, decision will be taken with a majority of three out of five.
- (14) Coordinators of the Information and Facilitation Centre at the Block level will be present at the Public Hearing to provide support to the applicants.
- (15) The proceedings will be recorded and reviewed by the Chair of the Public Hearing and uploaded in the web portal as per the prescribed format.
- (16) The DGRA will be provided access to the proceedings of the Jan Sunwais, while disposing appeals.
- (17) Grievances filed with a request for confidentiality will not be brought to the Jan Sunwai. All social audit findings shall be taken as preliminary findings to be addressed for action at the public hearing. The chair will ensure that the department concerned provides redress as ordered within one week. A report will be sent to the person concerned and the District representative of the SAU.
- (18) Gram Panchayats will be empowered to organize their special Jan Sunwais on the recommendation of the elected members of the Gram Panchayat. GROs concerned with complaints related to their Department made in the Gram Panchayat will be required to be present. The Jan Sunwais will not clash with the Block level Jan Sunwai.

#### **19. Duty to provide an Action Taken Report. -**

The Grievance Redress Officer after conducting an enquiry into the complaint shall;

- (1) Pass an order within 21 days from the date of registration of the grievance specifying the nature of action taken to initiate redress and the time period within which the same will be remedied. In case a grievance cannot be redressed by the GRO the written response must record the reason for the inability of the same.
- (2) Forward a copy of the written response to the HoD and upload it on to the portal Any responses from the Grievance Redress Officer stating a denial of redress may be endorsed and/or corrected by the HoD before communicating the Action Taken Report to the complainant within 30 days

Provided that grievance of an urgent or immediate nature shall be disposed of within two days from the date of receipt of the complaint,

Provided further that any failure to provide an Action Taken Report within 30 days will be considered a violation of the Act and the matter will automatically be registered as an appeal with the District Grievance redress Authority or the Divisional Grievance Redress Authority as the case may be.

- (3) The Action Taken Report of the Grievance Redress Officer shall record;
  - (a) the reason for the occurrence of the grievance as identified by the GRO and the responsibility of the defaulting office or individual as fixed by the GRO and whether the grievance is redressed within the defined time frame, from the date of receipt of the complaint by the public authority;
  - (b) where the grievance has occurred as a result of a deficiency, negligence or malfeasance on the part of an office or individual, the Grievance Redress Officer must in writing bring the same to the notice of the concerned Head of the Department and record the same in the ATR.
  - (c) where the Grievance Redress Officer finds that the individual responsible for the delivery of the goods and services has wilfully neglected to deliver the goods or services, or has delayed such delivery beyond the prescribed time without any good reason, or has delivered goods or services that do not meet the prescribed standards of quality or measure, or there exist prima facie grounds for a case under the Prevention of Corruption Act, 1988, the Grievance Redress Officer shall make an observation to

that effect in the ATR along with a recommendation for the penalty and/ or compensation to be paid to the complainant.

- (d) The HOD will, get appropriate action taken including where necessary a case registered under Prevention of Corruption Act, 1988.

**20. Officers to act in aid and assistance for conduct of enquiry.-**

The Grievance Redress Officer may seek the assistance of any other officer required for the proper discharge of his duties or may direct any other officer to take action to redress a grievance.

- (1) Any officer, whose assistance has been sought under sub-section (2), shall render all assistance to the Grievance Redress Officer seeking his assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be deemed to be a Grievance Redress Officer for the purposes of this Act.
- (2) If a Grievance Redress Officer receives a grievance that relates to matters that are partly or wholly dealt with by another Grievance Redress Officer or Public Authority then the receiving Grievance Redress Officer will transfer the complaint to the appropriate Grievance Redress Officer and Public Authority within two days and send intimation to the complainant and the Information and Facilitation Centre. Where two or more Grievance Redress Officers or Public Authorities are involved in any grievance, copies of the grievance will be transferred to all the relevant Grievance Redress Officers and Public Authorities.
- (3) While transferring the grievance, the Grievance Redress Officer shall record in writing why the matter does not partly or wholly relate to his/ her jurisdiction. The Grievance Redress Officer who receives the grievance transferred in part or in whole will be deemed to be a Grievance Redress Officer as per the provisions of this Act. The deemed Grievance Redress Officer shall dispose of the transferred grievance within the time frame stipulated in the Citizens Charter, not exceeding twenty days, from the date of receipt by the Public Authority.
- (4) Such multiple Grievance Redress Officer concerned shall immediately be reported to Head of Department and District Grievance Redress Officer.

**CHAPTER VII  
SOCIAL AUDIT**

**21. Duty to conduct Social and Performance Audit of every public authority.-**

- (1) The State Government shall facilitate and enable conduct of statutory social audit of all social sector and public welfare programmes, along with the provision of public goods as defined under this Act, as per the standards laid down by the CAG in the auditing standards of social audit.
- (2) In addition, there shall be performance audit conducted by the social audit unit of policies; , administration of criminal justice , justice delivery , custodial and institutional protection programs, critical areas of public interest declared by the State Govt , exercise of administrative discretion vested in authorities by law , compliance with the law , judicial decisions , directions and bye laws or any such programs undertaken and implemented by the State Government in every Gram Panchayat and/or ward, /Panchayat in urban towns . districts and Divisions at least once in a year, in the manner prescribed. The performance social audit will also cover all Central schemes and programs whether the State is contributor or not .

**22. Establishment of Social Audit Facilitation Centres.-**

- (1) The State Government shall identify or establish an independent organization (hereinafter referred to as the Social Audit Facilitation Unit) to facilitate conduct of social audits within 60 days after this Act.
- (2) The SAFU shall be headed by a director, and identified by an independent search and selection process. The Director shall be assisted by independently selected staff at the state, District and block levels. Every social audit will be facilitated by village/ ward level resource persons who will be trained to facilitate the conduct of social audits in their neighbouring panchayats / wards. The Directorate of the SAFU will:
- (a) create a list of all the departments/schemes/programmes to be audited



- (b) develop appropriate protocol for carrying out a social audit of the Department/scheme/programme
  - (c) Create a calendar so that social audit of each department/Scheme/programme is carried out at least once a year, there could be concurrent social audit as well.
  - (d) Calendar to be on public domain.
  - (e) Ensure that a requisite number of social audit facilitators and resource persons are made available
- (3) The SAFU will:
1. report to the Commission
  2. District and block level full time resource persons
  3. wherever possible, create block and GP level units of citizens and public representatives, and social workers who will help in concurrent monitoring and feedback processes between annual social audits.
  4. Purpose of social audit is dialogic so that it is designed not only to assist in the identification of deficiencies and lacunae in implementation as per the social audit standards, but also to enable on the spot corrections, and examination of the levels of efficiency in the provision of public goods and services and effective collective grievance redress functioning. Social audit reports shall be uploaded in a prescribed time frame and format in order to bring the same to the public domain.
  5. Departments shall be responsible for all grievance redress, and follow up action including providing an ATR in a given time frame. The ATR shall also be uploaded by the department on the web site in the prescribed time frame of two weeks. It shall also contain comments by the departments of corrective measures undertaken ..
  6. A feedback loop will be created through the social audit process.

**23. Establishment of Social Audit Advisory Board.-**

- (1) The State Government shall constitute a Board, known as the Social Audit Advisory Board, consisting of:
- (a) representative from the civil society representatives
  - (b) representatives of local bodies, both rural and urban;
  - (c) representatives from such independent bodies, viz., State Human Rights Commission, State Commission for Women, Lokayukta, SC/ST Commission, Child Rights Commission, and
  - (d) such other officers to be nominated by State Government in consultation with the Leader of Opposition and the Commission.
- (2) There will be a 15 member Social Audit Advisory Board at the State level.

**24. Responsibilities of Social Audit Units.-**

For each social audit cycle, it shall be the responsibility of the Social Audit Unit to:

- (1) Build capacities of citizens for conducting social audit; and towards this purpose identify, train and deploy suitable resource persons at village, block, district and state level, drawing from primary stakeholders and other civil society organizations having knowledge and experience of working for the rights of the people. The resource persons deployed for facilitating social audit in a panchayat, shall not be residents of the same panchayat;
- (2) Prepare social audit reporting formats, resource material, guidelines and manuals for the social audit process of each Department/scheme/programme;

- (3) Create awareness amongst the beneficiaries about their rights and entitlements under various public programmes;
- (4) Facilitate verification of records with primary stakeholders and visits to sites concerned;
- (5) Facilitate smooth conduct of social audits for reading out and finalizing decisions after due discussion; and
- (6) Host the social audit reports including action taken reports in the public domain and have them placed before the Gram Sabha of the relevant GP.

**25. Conduct of social audit.-**

- (1) The social audit shall be a process independent of any process undertaken by the implementing agency of the scheme. The implementing agency shall at no time interfere with the conduct of social audit
- (2) Notwithstanding anything contained in sub rule \_ the implementing agency of the scheme shall provide requisite information to the officer incharge of overseeing the implementation of the programme at the Block level for making it available to the social audit unit at least 15 days prior to the date of commencement of the audit.
- (3) The social audit unit shall at the beginning of the year, frame an annual calendar to conduct at least one social audit in each Gram Panchayat every year, and a copy of the calendar shall be sent to all the District Collectors for making necessary arrangements.

**26. Facilitation of social audit.-**

For facilitating conduct of social audit by citizens, the resource persons deployed by the Social Audit Unit, along with primary stakeholders shall verify:

- (1) All primary documents recording expenditure made in the programme/scheme concerned, by contacting the beneficiaries whose names are recorded in the same the site of work/asset created and assess the quantity with reference to records and also quality and usefulness of work done;
- (2) Cash book, bank statements and other financial records to verify the correctness and reliability of financial reporting;
- (3) The invoices, bills, vouchers or other related records used for procurement of materials to testify such procurement was as per the estimate, as per the procedure laid down and was economical;
- (4) Any other payment made by the implementing agency from the funds of the programme/scheme concerned;
- (5) Correctness of the selection of beneficiaries, as per pre-conditions laid down in the programme/scheme concerned

**27. Duty to inform about social audits.-**

The beneficiaries and the village community shall be informed about the Social Audit by the Resource Persons as well as the administration to ensure full participation

**28. Venue.-**

As part of the social audit process, a Social Audit public meeting will be held at a location appropriate to the institution/programme being audited in the Panchayat/Ward level to discuss the findings of the verification exercise and also to review the compliance on transparency and accountability, fulfilment of the rights and entitlements of labourers and proper utilization of funds.

**29. Attendance of public officials.-**

All elected members of the Panchayat and staff involved in implementing the schemes/programmes being audited (including staff of non-governmental organizations, self help groups and payment disbursing agencies) shall be present at the Social Audit public meeting and respond to queries.

**30. Duty to inform public about schemes, programmes.-**

- (1) Social Audit may also be used as a platform for ensuring adequate publicity of the provisions of various Government schemes and programmes and provide an opportunity for people to apply for them.
- (2) The Social Audit shall provide a platform to all villagers to seek and obtain further information and responses from all involved in the implementation of the programme/scheme concerned. It will also provide a platform to any person who has any contribution to make and relevant information to present

### **31. Chairperson of Social Audit**

The District Collector shall attend the Social Audit public meeting, or nominate an official of appropriate level for smooth conduct of the same. The Social Audit shall be chaired by a representative/nominee of the DGRA.

### **32. Language of Social Audit**

The social audit reports shall be prepared in local language by the Social Audit Unit and displayed on the notice board of the Gram Panchayat

### **33. Action taken reports. -**

The action taken report relating to the previous social audit shall be read out at the beginning of the meeting of each social audit

### **34. Maintenance of records.-**

The administration at the Block level shall ensure that all the required information and records of all implementing agencies such as registers; gram sabha resolutions; administrative, technical and financial sanctions; work estimates; bills and vouchers; measurement books and all documents relating to receipts and expenditure of any Government scheme/programme being implemented in the GP, including any other document that the social audit unit requires to conduct the social audit process, are properly collated in the requisite formats and provided along with photocopies to the Social Audit Unit for facilitating conduct of social audit at least fifteen days in advance of the scheduled date of meeting of the Social Audit.

### **35. Dissemination of information.-**

The information shared with the social audit unit shall be made publicly available at the same time through appropriate measures such as availability of photocopies, summary reports, annual reports, pamphlets and wall paintings which contain the details of expenditure made and benefits provided under the particular scheme.

### **36. Responsibilities of District Collector.-**

Every District Collector or any official on his behalf shall

- (1) ensure that all records for conduct of social audit are furnished to the Social Audit Unit by implementing agencies through the officer identified for the purpose
- (2) Ensure that corrective action is taken on the social audit report
- (3) Take steps to recover the amount embezzled or improperly utilized and issue receipts or acknowledgement for amount so recovered
- (4) Return monies/goods due to beneficiaries found to be misappropriated, within seven days of the recovery of such amount
- (5) Maintain a separate account for amounts recovered during the social audit process
- (6) Ensure that the appropriate action (including initiating criminal and civil proceedings or termination of services) is initiated against individuals or class of individuals or persons who mis- utilised or embezzled the amount meant for the programmes/schemes

### **37. Responsibilities on the State Government.-**

The State Government shall be responsible to take follow up action on the findings of the social audit and issue general directions for smooth conduct of social audit to achieve the purposes of this Act .

**38. Annual Reporting.-**

A summary of findings of such social audits conducted during a financial year shall be submitted by the State Government to the Comptroller and Auditor General of India

- A copy of the social audit report shall be submitted by the SAFU to the IFC at the Block level for necessary action.
- B. Apart from the social audit report of the Gram panchayat / municipal ward, the SAFU will consolidate and summarise reports through an MIS to share with the CAG. The SAFU shall also prepare an annual report of key findings and recommendations (if any) for each department to be submitted to government, so that the quantum of grievances might reduce, the effectiveness of the programmes might increase, and the performance might improve from year to year. The departments shall prepare their responses and ATRs to submit to the AGs office and government. The report shall also contain an amalgamation of best practices found, and an evaluation of transparency, accountability, and participation measures in the department.

Social Audit report shall be part of annual report of Commission to be submitted to the Assembly

**39. Citizens' Report Card.-**

- (1) Based on participation by citizens in the public hearing, the grievance is registered and redress provided, the social auditors will prepare a citizens report card in the format prescribed by the State Government in this regard
- (2) Based on citizens' report card, participatory budgeting and expenditure tracking, the quantum and quality of public goods and services provided, the community and individual satisfaction achieved by way of grievance redress, the social auditors will prepare community ratings and score card for every panchayat, block, urban town, and division. These will be based on parameters prescribed by the Commission after evaluating the performance of various redress authorities. These will be displayed and disseminated on monthly, quarterly and yearly basis.

*CHAPTER VIII*

**OBLIGATIONS OF THE DISTRICT AND DIVISIONAL GRIEVANCE REDRESS AUTHORITY**

**40. Appeals against an order of Grievance Redress Officer. -**

- (1) An appeal against an order made by the GRO may be made to the District Grievance Redressal Officer, if
  - (a) there is a failure to communicate the ATR to the complainant within 30 days from the date of registration of grievance; or
  - (b) the complainant is not satisfied by the order passed by the Grievance Redressal Officer.
- (2) An appeal must be filed in writing, and submitted within a period of 90 days from the date of receipt of decision from the Grievance Redressal Officer, or from the date of expiry of 301 day period, as the case maybe,

Provided that the District Grievance Redress Authority may admit the appeal after the expiry of ninety days if it is satisfied that the individual was prevented by sufficient cause from filing the appeal in time.

Provided further that where there is a failure to submit and upload the ATR by the GRO and the Department within 30 days there shall be an automatic escalation to be deemed as an appeal to the District Grievance Redress Authority or the Divisional Grievance Redress Authority as the case may be, who shall initiate proceedings accordingly

**41. Appeals against complaints at the District level. -**

- (1) An appeal against an order made by the GRO pertaining to grievances related to District Level Officers may be made to the Divisional Grievance Redressal Officer, if

- (a) there is a failure to communicate the ATR to the complainant within 30 days from the date of registration of grievance; or
  - (b) the complainant is not satisfied by the order passed by the Grievance Redressal Officer.
- (2) An appeal must be filed in writing, and submitted within a period of 90 days from the date of receipt of decision from the Grievance Redressal Officer, or from the date of expiry of 30 day period, as the case maybe,

Provided that the Divisional Grievance Redress Authority may admit the appeal after the expiry of ninety days if it is satisfied that the individual was prevented by sufficient cause from filing the appeal in time.

Provided further that where there is a failure to submit and upload the ATR by the GRO and the Department within 30 days there shall be an automatic escalation to be deemed as an appeal to the Divisional Grievance Redress Authority, who shall initiate proceedings accordingly

**42. Complaints to the District/Divisional Grievance Redress Authority . –**

Subject to the provisions of this Act, it shall be the duty of the District or Divisional Grievance Redress Authority, as the case may be, to receive and inquire into a complaint from any person for violations of this Act related to –

- (a) Inability to submit grievances and/or appeals either by reason that no such functionary has been appointed under this Act, or because GRO or Information and Facilitation Center, as the case may be, has refused to accept his or her grievance and/or appeal
- (b) Orders of the GRO or the appellate authority have not been followed as per the time frame mentioned
- (c) Failure to develop and update the Citizens Charter and Job Chart as per the provisions of the Act
- (d) Failure to conduct social audits as per provisions of this Act
- (e) Failure to hold fortnightly public hearings as per the provisions of the Act  
Failure to proactively disclose information as per the provisions of this Act
- (f) Threat, intimidation, harassment faced by a complainant
- (g) Or any other violation of this Act by any particular authority

Provided any Grievance Redress Officer, staff of Information and Facilitation Center and/or any other functionary involved in discharging duties as per this Act shall be free to file a complaint with the District and Divisional Grievance Redress Authority as the case may be, who shall immediately pass appropriate order to extend protection upon ascertainment of facts and take appropriate action against the person engaging in intimidation

All grievance redress authorities at District and Divisional level will be multi member bodies .

**43. Acknowledgment. -**

The receipt of the appeal and/or complaint under Sections XX, XX and XX shall be duly acknowledged by the office of the District Divisional Grievance Redress Authority, or Divisional Grievance Redress Authority, as the case may be, by way of a dated receipt.

**44. Procedure and powers of the District/Divisional Grievance Redressal Authorities -**

- (1) The District and Divisional Grievance Redress Authority shall, for the purposes of its functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—
- (a) summoning and enforcing the attendance of any person and examining him on oath;
  - (b) discovery and production of any document or other material object producible as evidence;
  - (c) receiving evidence on affidavits;
  - (d) requisitioning of any public record;
  - (e) issuing commission for the examination of witnesses;
  - (f) reviewing its decisions, directions and orders;
  - (g) any other matter which may be prescribed.
- (2) The District and Divisional Grievance Redress Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Authority shall have the power to regulate its own procedure.
- (3) For the purpose of inquiring into appeals and/or complaints, the The District and Divisional Grievance Redress Authority shall as far as possible hold hearings in open court in different parts of the District/Division, and may consider holding them close to the location of the complainant and visit the site of the complaint, and will be assisted by a technical panel of experts empowered to conduct an enquiry on the orders of the The District and Divisional Grievance Redress Authority. Hearings related to award of penalty may be held at the District/Divisional Office.

**45. Disposal. -**

Every appeal and/or complaint before the District and Divisional Grievance Redress Authority, as the case may be, shall be disposed off within thirty days from the date of receipt of such appeal or complaint:

Provided that an appeal or complaint is of an urgent or immediate nature, the Redressal Authorities shall dispose off the grievance within forty eight hours of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than thirty days from the date of receipt of the appeal.

Provided further that matters that concern the life and liberty of the complainant / appellant may be filed straight with the DGRA, and may be disposed off immediately.

**46. Dissemination of orders, directions. -**

The District and Divisional Grievance Redress Authority shall arrange to deliver copies of the decisions to the parties concerned, including through electronic means through the IFC, within a period of five working days from the date of such decisions.

**47. Nature of proceedings.-**

An enquiry into a complaint and/or appeal by the District/Divisional Grievance Redress Authority, or in appeal proceedings before the District and Regional Grievance Redress Authority, as the case may be, shall adhere to the following:

- (1) Establish whether the functionaries responsible for redress of grievance have conducted their enquiry as per provisions of this Act
- (2) Identify any procedural shortcomings or concerns of the complainant including by the GRO resulting in denial of any public good, service or obligation or in a failure by the GRO to redress the grievance
- (3) Examine the recommendations of the GRO, proceedings of the fortnightly public hearing and the observations made by any HoD in determining the reasons for failure of the concerned official in providing the public good, service and obligation
- (4) Pass appropriate orders for the immediate redress of the grievance in case a legitimate grievance has been established and still not redressed,

- (5) Make a recommendation and forward to the State Commission, HoD and the ARD in case the failure is because of a shortcoming at a level higher than the District/Division as the case may be, note the establishment of the grievance
- (6) Determine penalties to be imposed on the concerned functionary for instances where the functionary concerned is shown to have wilfully neglected his/her duty to provide public good, service and obligation and/or has refused/failed to undertake remedial measures as directed by the GRO, the DGRA shall order
- (7) Determine the quantum of compensation to be given to the complainant and other remedial measures to be taken

Provided that the proceedings are held in open court and all concerned are given an opportunity to be heard

Provided further that ordinarily the functioning of the grievance redress mechanism provided in this Act should be transparent, however, in issues relating to the privacy of individuals or groups of individuals especially children or other vulnerable groups, the process of enquiry and investigation must be carried out in a manner such that their privacy and security is adequately protected.

#### **48. Powers to issue directions.-**

The District and Divisional Grievance Redress Authority shall, upon adjudication of an appeal or complaint, have the powers to issue directions requiring the concerned officers of the public authority to take such steps as may be necessary to secure compliance with the provisions of this Act and to enforce the Charter and Job Chart.

#### **49. Powers and duties of the District Grievance Redressal Authority.-**

On an appeal against the order of Grievance Redressal Officer has been allowed, partly or in full, the District or Regional Grievance Redressal Authority shall

- (1) Issue appropriate directions to the concerned officials to redress the grievance expeditiously, and in no case later than **10 days**.
- (2) Issue appropriate directions to the concerned official to facilitate the appellant to remove any minor shortcoming, if any, resulting in denial of entitlements.
- (3) Recommend the Head of the Department to initiate appropriate disciplinary and departmental action against any officer who is found to be responsible for deficiency owing to negligence or malfeasance.
- (4) Request the concerned Head of the Department to submit a report on the disciplinary and administrative action initiated against the concerned officer within 30 days to the District Grievance Redressal Authority.
- (5) Where the District Grievance Redress Authority finds that the individual responsible for the delivery of the goods and services has wilfully neglected to deliver the goods or services, or has delayed such delivery beyond the prescribed time without any good reason, or has delivered goods or services that do not meet the prescribed standards of quality or measure, or there exist prima facie grounds for a case under the Prevention of Corruption Act, 2018, or the Grievance Redress Officer did not submit a written response to the complainant within 21 days or the Grievance Redress Officer did not ensure redress within the time frame stipulated as per the written response submitted by him/her to the complainant, the District Grievance Redress Authority shall make an observation Rajasthan Grievance Redress Commission to that effect along with a recommendation for the penalty and/ or compensation to be paid to the complainant,

#### **50. Penalties. -**

- (1) The District and Divisional Grievance Redress Authority may impose penalty on the Grievance Redress Officer and/or the staff or coordinator of the Information and Facilitation Centre, in deciding an appeal against the concerned officer for acting in a mala fide manner or having failed to discharge their duties without any sufficient and reasonable cause or for violating the provisions of this Act:

Provided that the concerned officers of the public authority shall be given a reasonable opportunity of being heard before any penalty is imposed on them.

The District and Divisional Grievance Redress Authority, at the time of deciding any appeal, shall impose a lump sum penalty against the Grievance Redress Officer, or any other officer of the public authority, the Staff or Coordinator of the Information and Facilitation Centre, for refusing to receive a complaint or appeal, or acting in a mala fide manner or having failed to discharge his duties without any sufficient and reasonable cause or for violating the provisions of this Act, which may extend up to fifty thousand rupees which shall be recovered from the salary of the official against whom penalty has been imposed.

- (2) The District and Divisional Grievance Redress Authority, at the time of deciding any appeal, shall impose a penalty of two hundred and fifty rupees each day against the Grievance Redress Officer, or any other officer of the public authority, for not disposing the complaint within the stipulated timeframe as per the provisions of this Act which shall be recovered from the salary of the official against whom penalty has been imposed. and the penalty shall extend till the complaint is redressed, however, the total amount of such penalty shall not exceed fifty thousand rupees;

Provided that for subsections (1) and (2) the concerned officers shall be given a reasonable opportunity of being heard before any penalty is imposed on them under this Act.

#### **51. Compensation. -**

- (1) The District and Divisional Grievance Redress Authority shall mandatorily, in deciding an appeal, award compensation to the complainant for any loss or other detriment suffered.
- (2) The DGRA while disposing off an appeal may award compensation to the complainant as per the norms of this Act and provisions contained in any other Act.
- (3) The total amount of compensation awarded by the DGRA shall not exceed Rs 25,000 in any single case.
- (4) However the DGRA may recommend a higher level of compensation which will be considered and disposed off by the Commission within one month for a final decision. Any compensation awarded under this Act shall be paid by the public authority. The compensation amount may be recovered from the concerned official (16) The order for compensation made by the DGRA shall be carried out within two weeks and shall not be subject to appeal. However while deciding any other appeal the commission may award a compensation which shall be in addition to any other compensation that the DGRA may have awarded.
- (5) Any penalty imposed on an official under sub sections (1), (2), (3) or (4) shall be entered in the service record of such official. Any official against whom the penalty is imposed by the DGRA may chose to file an appeal with the commission within one month.
- (6) Any disciplinary action against an official under sub section (6) shall be entered in the service record of such official.

#### **52. Reference to criminal proceedings. -**

Where it appears to the District and Divisional Grievance Redress Authority that the grievance complained of is, *prima facie*, indicative or representative of a corrupt act or practice in terms of the Prevention of Corruption Act, 2018, or a violation of any other criminal Act or law in force on the part of the individual officer of the public authority complained against, then, it shall record in writing such evidence as may be found in support of such conclusion and shall recommend in writing to Head of the Department or appropriate authority to initiate action with the authority competent to inquire into and act on corruption or other criminal matters. An Action taken Report must be sent by the Department within 30 days.

#### **53. Miscellaneous. -**

- (1) The District and Divisional Grievance Redress Authority would also make recommendations where appropriate, about systemic changes which may have to be made to prevent recurrence of grievances.
- (2) The District Grievance Redress Authority will be provided with such officers and employees as the Rajasthan Social Accountability Commission may think fit and prescribe, including



technical staff and a panel of experts whose expertise the District Grievance Redress Authority may utilise while disposing of appeals.

- (3) Appointment, transfer and/or removal of the District and Divisional Grievance Redress Authority shall be done by the Rajasthan Social Accountability Commission , who would also be the competent authority for writing their annual confidential reports and the District and Divisional Grievance Redress Authority shall be subordinate to the Rajasthan Social Accountability Commission .
- (4) An officer appointed as the District Grievance Redress Authority, shall be equivalent in, or above the rank of a Deputy Commissioner of a district.
- (5) Where the District Public Grievance Redressal Commission, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry suo-moto in respect thereof.
- (6) Any complainant who is threatened or attacked or intimidated will be free at any point to approach the District Grievance Redress Authority or the State Public Grievance Redress Commission who shall provide an immediate hearing and issue appropriate orders to law and order agencies to ensure the security of the complainant.
- 7) The State Commission while deciding an appeal or reference may impose appropriate penalties and award compensation.

*CHAPTER IX*  
**RAJASTHAN SOCIAL ACCOUNTABILITY COMMISSION**

**54. Establishment of Rajasthan Social Accountability Commission.-**

The State Government shall establish, by notification, with effect from such date as maybe specified, a Commission to be known as the Rajasthan Social Accountability Commission to exercise the jurisdiction, power and authority conferred under this Act.

**55. Composition of the Commission.-**

(1) The Commission shall consist of,—

- (a) The Chief Commissioner; and
- (b) such number of Commissioners, as may be prescribed but not less than 7.

Provided that the number of Commissioners to be appointed shall be determined on the basis of

- (i) the number of complaints and appeals being received by the Commission; and
  - (ii) the number of cases that a Commissioner is required to dispose of, as specified under regulations framed by Commission.
- (2) Other Statutory Commissions at the State Level will be nominated by the State Govt as Members Commissioners of the State Accountability Commission and these may include State HRC , WC , SCST Commission , Minorities Commission or any Central Commission to be decided by the state govt.

**56. Appointment and selection of Commissioners.-**

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

- (a) the Chief Minister, who shall be the Chairperson of the Committee;
- (b) the Leader of Opposition in the Legislative Assembly; and
- (c) a sitting judge of the High Court to be nominated by the Chief Justice of Rajasthan
- d) a minister to be nominated by Chief Minister
- e) Speaker of the Assembly

- (2) The selection committee shall select out of a panel of three eligible candidates for each vacancy which shall be finalised by a search committee consisting of such members as may be prescribed.
- (3) The Search Committee shall consist of such persons of standing and having special knowledge and expertise in the matters relating to grievance redress policy, public administration, policy making and management, or in any other related matter.
- (4) Subject to the provisions of sub-sections (1) and (2), the Selection Committee may regulate its own procedure.

**57. Qualifications.-**

A person shall not be qualified for appointment as a Chief Commissioner or a Commissioner of the Rajasthan Social Accountability Commission unless,—

- (a) he/she is, or has been an officer of the State Government and has held the post in the rank of Addl Chief Secretary to that Government for at least two years for Chief Commissioner and as Principal Secretary for five years at least ; or
- (b) he/she is or has been a District Judge for at least 15 years; or a High Court Judge for 5 years
- (c) he/she is or has been a Judge of the High Court of the State; or
- (d) he/she is an eminent person recognised for his work towards public service in the area and who has worked for at least fifteen years in the social sector, in academia or journalism or other sectors relevant to the prevention or redress of grievances:

Provided that not more than half the members of the commission at any time be from among (a), (b) and (c)

Provided further that the Chief Commissioner of the Rajasthan Social Accountability Commission shall be from sub sections (a), (c) or (d) above.

**58. Term of Office.-**

The Chief Commissioner and the Commissioners shall hold office for a term of five years from the date on which he/she enters upon his office and shall not be eligible for reappointment.

**59. Salaries and allowances of Commissioners.-**

The salary and allowances payable to, and the other terms and conditions of service of,—

- (a) the Chief Commissioner shall be the same as that of the Chairman of State Human Rights Commission
- (b) the Commissioners shall be the same as that of the Member of the State HRC

Provided that if the Chief Commissioner or Commissioner, at the time of his 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 State, his salary in respect of the service as Chief Commissioner or Commissioner 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 or retirement gratuity:

Provided further that where the Chief Commissioner or Commissioner, if at the time of his 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 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 a Chief Commissioner or the Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that neither the salary and allowances nor the other terms and conditions of service of the Chief Commissioner or Commissioner shall be varied to their disadvantage after appointment.

**60. Resignation and removal.-**

- (1) Any member of the Rajasthan Social Accountability Commission may, by notice in writing under his hand addressed to the Governor of the State with a copy to the Chief Commissioner, resign his office.
- (2) Notwithstanding anything contained in sub-section (1), the Governor may by order remove from office the Chief Commissioner or any Commissioner if the Chief Commissioner or a Commissioner, as the case may be,—
  - (a) is adjudged an insolvent; or
  - (b) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or
  - (c) engages during his term of office in any paid employment outside the duties of his office; or
  - (d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or
  - (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Commissioner or as a Commissioner.
- (3) The State Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the aforesaid Chief Commissioner or Commissioners.

**61. Officers of the Commission.-**

- (1) The Rajasthan Social Accountability Commission shall appoint such staff and personnel as deemed necessary for the discharge of its functions under this Act and may take the help of the RPSC or any other appropriate organisation in appointing staff and personnel.
- (2) The officers and employees so appointed under sub-section (1) shall discharge their functions under the general superintendence of the Chief Commissioner.

**62. Recruitment of Staff.-**

- (1) The service conditions of the staff of Commission shall be regulated by appropriate regulations specified by the the State Government
- (2) The officials of Directorate Public Services, Economics and Statistics and Inspection Directorate will form the core staff of the Commission.
- (3) The Commission shall recruit staff and officials
  - (a) on deputation, from various Central, State, Central and Local Self-Bodies for a term of two years, and subject to maximum period of five years; or
  - (b) by direct recruitment, subject to rules prescribed by the State Government in this regard.
- (4) The staff will be entitled for a deputational allowance as prescribed by the Commission.

6 All SDGRA , DGRA and Div GRA will be deemed to be in the service of and on deputation to Commission and disciplinary powers shall vest in the Commission for such staff for functions under the Act. The Commission shall regulate these staff under over all supervision and control of the Gov and general directions issued by the Govt in this regard.

**63. Public servants.-**

The staff and officers of the Rajasthan Social Accountability Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

**64. Appeal.-**

Any person who, does not receive a decision within the time specified in Chapter XX and/or Chapter XX, or is aggrieved by a decision of the District or the Divisional Grievance Redress

Authority, may within ninety days from the expiry of such period or from the receipt of such a decision prefer an appeal to the Rajasthan Social Accountability Commission :

Provided that the Commission may admit the appeal after the expiry of ninety days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time.

**65. Complaint.-**

Any individual aggrieved by the failure of the public authority or concerned official to publish, update or disseminate the Citizens Charter and Job Chart as per the provisions of this Act, or the failure of the public authority or concerned official in complying with the provisions of this Act, if he/she so desires, prefer a complaint to the Rajasthan Social Accountability Commission

**66. Suo-motu cognizance of complaint.-**

The Commission may, *suo motu*, take notice of failure to deliver goods and services in accordance with the provisions of this Act and refer such cases for disposal to the District Grievance Redress Authority and in such cases, an action taken report shall be sent by the District Grievance Redress Authority to the Commission within thirty days from the date of such reference.

**67. Procedure and powers of the Commission.-**

(1) The Rajasthan Social Accountability Commission shall, for the purposes of its functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) discovery and production of any document or other material object producible as evidence;
- (c) receiving evidence on affidavits;
- (d) requisitioning of any public record;
- (e) issuing commission for the examination of witnesses;
- (f) reviewing its decisions, directions and orders;
- (g) any other matter which may be prescribed.

(2) The Commission shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Commission shall have the power to regulate its own procedure.

**68. Jurisdiction. -**

The decision of the Rajasthan Social Accountability Commission under this Act shall be binding on the public authority and officials of a public authority.

**69. Deemed to be judicial proceedings.-**

All proceedings before the Rajasthan Social Accountability Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

**70. Procedure for deciding appeals and complaints.-**

(1) An appeal under section XX, and complaint under Section XX, shall be disposed of within sixty days from the date of filing of the appeal:

Provided that an appeal of an urgent or immediate in nature shall be disposed of within five days of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than five days from the date of receipt of the appeal.

(2) In all proceedings before the Commission, the burden of proof to establish that a grievance has been redressed properly, adequately and within the stipulated time frame shall be on the concerned Grievance Redress Officer and other concerned officials.

(3) The Rajasthan Social Accountability Commission shall arrange to deliver copies of the decision to the parties concerned within a period of five days from the date of such decision.

## 71. Penalties.-

- (1) The Rajasthan Social Accountability Commission may impose a lump sum penalty, while deciding an appeal, against the District and Divisional Grievance Redress Authority, Head of the Department, Grievance Redress Officers, or any other officer of the public authority, the staff or coordinator of the Information and Facilitation Centre, for refusing to receive a complaint or appeal, for acting in a mala fide manner or having failed to discharge his duties without any sufficient and reasonable cause or for violating the provisions of this Act, which may extend up to fifty thousand rupees which shall be recovered from the salary of the official against whom penalty has been imposed.
- (2) The Rajasthan Social Accountability Commission, at the time of deciding any appeal, may impose a penalty of two hundred and fifty rupees each day against the District and Divisional Grievance Redress Authority, Head of the Department, Grievance Redress Officers, or any other officer of the public authority, the staff or coordinator of the Information and Facilitation Centre, for not disposing the complaint within the stipulated timeframe as per the provisions of this Act which shall be recovered from the salary of the official against whom penalty has been imposed. and the penalty shall extended till each day till the complaint is redressed, so however, the total amount of such penalty shall not exceed fifty thousand rupees;

Provided that for sub sections (3) and (4) the concerned officers shall be given a reasonable opportunity of being heard before any penalty is imposed on them under this Act.

- (3) Any penalty imposed on an official under sub sections (1), (2), (3) or (4) shall be entered in the service record of such official.

Provided that the concerned officers shall be given a reasonable opportunity of being heard before any penalty is imposed on them under this Act.

## 72. Compensation.-

- (1) The Rajasthan Social Accountability Commission shall mandatorily award compensation to the complainant in case of any loss or other detriment if a citizen does not receive an entitlement as per the stipulated time frame or has faced violation of any provision of this Act including norms for time frame, quality and quantity.
- (2) Quantum of compensation payable may include the costs incurred by the complainant to access his/her entitlement beyond the stipulated time frame.
- (3) Any compensation awarded under this Act shall be paid by the public authority. The compensation amount may be recovered from the concerned official (16) The order for compensation made by the DGRA shall be carried out within two weeks and shall not be subject to appeal. However while deciding any other appeal the commission may award a compensation which shall be in addition to any other compensation that the DGRA may have awarded.
- (4) If any public servant is found guilty under sub-sections (1), (2), (3) or (4), the disciplinary authority shall initiate disciplinary proceedings against such officer of the public authority, who if proved to be guilty of a *mala fide* action in respect of any provision of this Act, shall be liable to such punishment including a penalty as the disciplinary authority may decide.
- (5) Any disciplinary action against an official under sub section (6) shall be entered in the service record of such official.

## 73. Powers to issue directions.-

- (1) The Rajasthan Social Accountability Commission shall, upon adjudication of an appeal or complaint, as the case maybe, have the power to issue directions,—
  - (a) requiring the public authority to take such steps as may be necessary to secure compliance with the provisions of the Citizens Charter or with the provisions of this Act;
  - (b) requiring the timely creation, updation and wide dissemination of the Citizens Charter of the public authority
  - (c) requiring the appointment of Grievance Redress Officers

- (d) requiring the establishment of Information and Facilitation centres
- (2) It shall be the duty of the Rajasthan Social Accountability Commission to receive and inquire into an appeal from any person,—
  - (a) who has been unable to submit an appeal to the District Grievance Redress Authority
  - (b) who has been refused redress of complaint under this Act;
  - (c) whose complaint has not been disposed of within the time limit specified;
  - (d) who has been denied access to the Citizens Charter of the public authority either because the Charter was not created by the public authority or is inadequate in any regard or it is not widely disseminated to make people aware of it or has not been updated or published as per the provisions of this Act;
  - (d) who has been unable to submit a complaint to the Information and Facilitation Centre or the Grievance Redress Officer;
  - (e) in respect of any other matter relating to registering and redressing of a complaint or appeal under this Act.
  - (f) in respect of any other matter relating to violation of this Act.

**74. Responsibility to establish grievance redressal portal.-**

- (1) The Commission shall be responsible for establishing a state public grievance redress portal to accept, process and track grievances. The IFC shall be responsible for updating the portal with grievances registered and action taken therein. State Government must ensure integration of all programme specific web platforms and information systems with this portal.
- (2) The Commission must ensure that the web platforms are able to process data and present information so that citizens can easily seek information about their entitlements and track the status of their complaint.

**75. Reference to Vigilance Enquiry.-**

Where it appears to the Rajasthan Social Accountability Commission that the grievance complained of is *prima facie* indicative of a corrupt act or practice in terms of the Prevention of Corruption Act, 2018, on the part of the responsible officer of the public authority complained against then it shall record such evidence as may be found in support of such conclusion and shall refer the same to the appropriate authorities with a recommendation for initial criminal proceedings. An Action taken Report must be sent by the Department within 30 days.

Any complainant who is threatened or attacked or intimidated will be free at any point to approach the State Accountability Commission who shall provide an immediate hearing and issue appropriate orders to law and order agencies to ensure the security of the complainant.

**76. Powers to enforce orders and directions of the Commission.-**

Every order made by the Rajasthan Social Accountability Commission may be enforced by the Rajasthan Social Accountability Commission in the same manner as if it were a decree or order made by a court in a suit pending therein and it shall be lawful for the Rajasthan Social Accountability Commission to send, in the event of its inability to execute it, such order to the court within the local limits of whose jurisdiction,—

- (a) in the case of a public authority not falling under clauses (b) and (c), the place at which the main office of such public authority is situated; or
- (b) in the case of an order against a public authority being a company, the registered office of the company is situated; or
- (c) in the case of an order against any other person, the place where the person concerned voluntarily resides or carries on business or personally works for gain is situated, and thereupon, the court to which the order is so sent, shall execute the orders as if it were a decree or order sent to it for execution.

*CHAPTER X*  
**Reporting of Redress of Complaints and Review of Complaints By Head Of Departments And Chief Secretary**

**77. Record keeping.-**

- (1) Every public authority shall ensure that every Grievance Redress Officer keeps a record of complaints made to it and the decisions on such complaints and appeals and that its website contains a system for citizens to track the progress on the complaints and appeals filed by them using the unique complaint number awarded to their complaint.
- (2) Every public authority shall publish on its website, by the 15th day of every month or at such shorter intervals, as may be prescribed, a report mentioning therein—
  - (a) the list and number of complaints and appeals received;
  - (b) the list and number of complaints and appeals pending; and the officers at which it is pending
  - (c) the list and number of complaints and appeals disposed of; including the details of officers by which it was disposed and
  - (d) such other particulars, as may be prescribed, for discharge of its functions under this Act.
- (3) Every Information and Facilitation Centre shall ensure that their web based tracking system can be used to help the complainant track his/ her complaint.
- (4) The District and Divisional Grievance Redress Authority and the Rajasthan Social Accountability Commission shall ensure that a record of complaints made to it or appeal therein and the decisions on such complaints and appeals is maintained and shall ensure that their websites contain a system for citizens to track the progress on the complaints and appeals filed by them using the unique complaint number awarded to their complaint.
- (5) The designated authority and the Rajasthan Social Accountability Commission shall publish on its website, by the 15th day of every month or at such shorter intervals, as may be prescribed, a report mentioning therein—
  - (a) the list and number of complaints and appeals received;
  - (b) the list and number of complaints and appeals pending; and details of the officers at which it is pending
  - (c) the list and number of complaints and appeals disposed of; including the details of officers by which it was disposed and
  - (d) such other particulars, as may be prescribed, for discharge of its functions under this Act.
- (6) The Head of the Department of every public authority shall conduct quarterly reviews of the functioning of the public authority in relationship to compliance with the Act, status of complaints and appeals received by the Public Authority and if required, take disciplinary action for repeated violations by concerned officials in accordance with conduct rules and departmental procedures.
- (7) The Head of the Department shall, once every three months, send a report to the Department of ARPG of Rajasthan on the performance of the Public Authority in relationship to the implementation of the Act.
- (8) The Department of AR PG Rajasthan shall periodically review the functioning of the government departments in relationship to compliance with the Act and wherever required, take action to address systemic problems. The Department shall review the adequacy of financial, human and material resources required by each Public Authority to meet with their obligations under the Act and shall review the performance of Public Authorities in implementing the Act and shall, if required, shall be competent to take disciplinary action for repeated violations by concerned officials by imposing departmental or pecuniary penalties .

- (9) Certain sectors would be earmarked so that it would be a violation under this Law to allocate to them budgets, and staff, which is less than or different from what has been determined to be the requirements to meet with the public entitlements. To determine the financial and staffing needs, a Task Force would be set up by the Commission which would examine the quantum and nature of demands in each of the earmarked sectors, determine the budget and staffing required to meet these demands, publicly disclose this and based on public comments received submit these recommendations to the State Commission. The Commission would after examining these recommendations communicate in a final form to the Government. In case any changes are introduced by the State Commission, these will be reported with reasons in writing.

*CHAPTER XI*  
**MISCELLANEOUS**

**78. Who can file a complaint**

- (1) A complainant under this law shall not be required to establish that he/ she is personally affected by the grievance. Individual, collective, and public interest will be accepted as cause of action.
- (2) A complaint can be filed under this law on behalf of anybody else provided that the person on whose behalf the complaint is being filed does not have any objections and will have the right to be heard.
- (3) No fee will be charged for the filing of grievance or filing of appeal
- (4) The various authorities and Information and Facilitation centre will render all possible assistance to a complainant for drafting and filing a complaint/ appeal and for any other matter related to this Act
- (5) The provisions of this Act shall be deemed to be part of service conditions of the officials of public authorities.

**79. Act not in derogation of any other law.-**

This Act in no way derogates from or takes away the lawful authority of any agency , institution or authority except subjecting them to transparency , accountability and creating an obligation to fulfilment of norms of this Act.

**80. Inherent powers to hold social audits.-**

In the process of enquiry, the District/Divisional Grievance Redress Authority or the Rajasthan Social Accountability Commission may use whatever means it thinks appropriate, including the conducting of social audits, special audits, grievance redress camps, etc. The District/Divisional Grievance Redress Authority or the Rajasthan Social Accountability Commission may direct the concerned public authority to organize these or do so on its own.

**81. Feedback. -**

The Grievance Redress Officer, District/ Divisional Grievance Redress Authority and Rajasthan Social Accountability Commission s may close a matter on the basis of positive written feedback from the complainant.

**82. Bar on suits.-**

No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by the Grievance Redress Officer or the District/Divisional Grievance Redress Authority or the Rajasthan Social Accountability Commission .

**83. Protection of whistleblowers.-**

The Grievance Redress Officer, District/ Divisional Grievance Redress Authority and the Rajasthan Social Accountability Commission shall exercise the powers and cautions contained in the relevant laws for the protection of whistleblowers.

**84.**



The State Government may designate with the concurrence of the Commission, the Divisional/District Grievance Redress Authority or the Rajasthan Social Accountability Commission as an appellate authority for any of the Grievance Redress processes under any other law or scheme.

**85. Acts done in good faith.-**

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

**86. Repeal.-**

RTH and RGPSA shall stand incorporated to the extent compatible with the purposes and objects of this Act and rest of the provisions stand repealed. Proceedings started under these two Acts prior to this Act will remain valid and protected.

**87. Powers to frame rules.-**

- (1) The State Government may, by notification, make rules for carrying out the provisions of this Act on the advice of the Rajasthan Social Accountability Commission .
- (2) Every rule drafted by the Government shall be made available on the website of the government and the Rajasthan Public Grievances Commission for a total period of thirty days for people to read and give feedback, prior to the rule coming into force .
- (3) Every rule made by the Government under the Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Rajasthan, for a total period of thirty days which may be comprised in 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.

**88. Powers to remove difficulties.-**

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 not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

**89. Budget.-**

The budget of the Rajasthan Social Accountability Commission and its staff including the District/Divisional Grievance Redress Authority and Information Facilitation Centers, Social Audit Facilitation Unit shall be prepared by State Govt in consultation with the Rajasthan Social Accountability Commission and shall be voted upon directly by the Legislative Assembly of Rajasthan.

**90. Fiscal obligations.-**

There shall be a dedicated fund not more than 1% of the budgets of all departments providing public goods like infrastructure and public service delivery, including health, education, public works department, women and child, Panchayati Raj and Rural development , social welfare , skill development , etc to be used for all measures for furthering transparency, accountability, proactive disclosures, public consultations and grievance redress . Upto 50% of the fund may be allocated to departments for institutionalizing processes of internal monitoring and maintenance of MIS amongst others. At least 50% of the fund shall be made available for implementing the provisions of the Law.

**91. Laying of rules.-**

The Rajasthan Social Accountability Commission shall, as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of this Act during that year and forward a copy thereof to the Government of Rajasthan, which shall lay it before Assembly. The Report of commission shall include an amalgamation of social audit reports at the gram panchayat and municipal ward levels.

**92. Powers to issue directions.-**

The Commission and Authority shall be subject to general directions of the Govt and rules made by the State govt not inconsistence with the object and purposes of this Act to ensure transparency and accountability in provision of public goods and services and grievance redress.

**93. Audit.-**

The implementation of the Social Accountability Bill will be subject to a performance audit of the Comptroller and Auditor General of India once in 5 years.