

AUTHORITATIVE ENGLISH TEXT

BILL NO. 10 OF 2019

**THE HIMACHAL PRADESH PUBLIC SERVICES GUARANTEE
(AMENDMENT AND VALIDATION) BILL, 2019**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

**THE HIMACHAL PRADESH PUBLIC SERVICES GUARANTEE (AMENDMENT
AND VALIDATION) BILL, 2019**

ARRANGEMENT OF CLAUSES

Clauses :

1. Short title.
2. Amendment of section 1.
3. Validation.

**THE HIMACHAL PRADESH PUBLIC SERVICES GAURANTEE
(AMENDMENT AND VALIDATION) BILL, 2019**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

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BILL

to amend the Himachal Pradesh Public Services Guarantee Act, 2011 (Act No. 34 of 2011) and to validate the things done or actions taken and the notifications etc. issued under the Act on or after 24th September, 2011.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Seventieth Year of the Republic of India as follows:—

1. This Act may be called the Himachal Pradesh Public Services Short title. Guarantee (Amendment and Validation) Act, 2019.

5 2. In section 1 of the Himachal Pradesh Public Services Guarantee Amendment of section 1. Act, 2011 (hereinafter referred to as the “principal Act”), for sub-section (3) the following shall be substituted, namely:—

“(3) It shall be deemed to have come into force on the 24th day of September, 2011.”.

10 3. Notwithstanding anything contained in any law or in any Validation. judgment, decree or order of any court, all the things done or actions taken, notifications and rules etc. notified under the principal Act on or after 24th September, 2011, shall for all purposes be deemed to be and to have always been, validly done, taken or passed as if the principal Act was in force on
15 that date and shall not be called in question before any court, tribunal, commission or authority on the ground of any defect in the commencement of the principal Act.

STATEMENT OF OBJECTS AND REASONS

The Himachal Pradesh Public Services Guarantee Bill, 2011, as passed by the State Legislative Assembly was assented to by the Hon'ble Governor on 21st September, 2011 and accordingly the Himachal Pradesh Public Services Guarantee Act, 2011 was notified in the Rajpatra (e-Gazette) on 24th September, 2011. As per the provision of sub-section (3) of section (1) of the Act *ibid.*, the same was to come into force on such date as appointed by the State Government by notification. However, no such notification was issued and the date of commencement of the Act could not be appointed. Accordingly, the Act did not come into force, yet the actions were taken and the notifications were issued under the Act as if the Act had commenced. The various departments have notified the services under the Act *ibid.* The Himachal Pradesh State Information Commission, which is the second appellate authority under the Act, has passed various orders by exercising the powers under the said Act. Therefore, all the things done or actions taken and notifications and rules notified are required to be validated in order to provide them legality so as to avoid legal complications.

This Bill seeks to achieve the aforesaid objectives.

(JAI RAM THAKUR)
Chief Minister.

SHIMLA :

The...26...08..., 2019

FINANCIAL MEMORANDUM

—Nil—

MEMORANDUM REGARDING DELEGATED LEGISLATION

—Nil—

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(JAI RAM THAKUR)
Chief Minister.

(YASHWANT SINGH CHOGAL)
Pr. Secretary (Law).

SHIMLA:
The 26.08., 2019.

EXTRACT OF THE PROVISIONS OF THE HIMACHAL PRADESH PUBLIC SERVICES GUARANTEES ACT, 2011 (ACT NO. 34 OF 2011) LIKELY TO BE AFFECTED BY THIS AMENDMENT AND VALIDATION BILL.

Section :

(1) **Short title, extent and commencement.**—(1) This Act may be called the Himachal Pradesh Public Services Guarantee Act, 2011.

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

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