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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 111]

भोपाल, शुक्रवार, दिनांक 26 फरवरी 2021—फाल्गुन 7, शक 1942

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 26 फरवरी 2021

क्र. 3082-118-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में मध्यप्रदेश लोक सेवाओं के प्रदान की गारंटी (संशोधन) विधेयक, 2021 (क्रमांक 12 सन् 2021) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
आर. पी. गुप्ता, अवर सचिव.

MADHYA PRADESH BILL
NO. 12 OF 2021

THE MADHYA PRADESH LOK SEWAON KE PRADAN KI GUARANTEE (SANSHODHAN)
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MADHYA PRADESH BILL
NO. 12 OF 2021

**THE MADHYA PRADESH LOK SEWAON KE PRADAN KI GUARANTEE
(SANSHODHAN) VIDHEYAK, 2021**

A Bill further to amend the Madhya Pradesh Lok Sewaon Ke Pradan Ki Guarantee Adhiniyam, 2010.

Be it enacted by the Madhya Pradesh Legislature in the seventy-second year of the Republic of India as follows :—

Short title.

1. This Act may be called the Madhya Pradesh Lok Sewaon Ke Pradan Ki Guarantee (Sanshodhan) Adhiniyam, 2021.

Substitution of Section 2

2. For Section 2 of the Madhya Pradesh Lok Sewaon Ke Pradan Ki Guarantee Adhiniyam, 2010 (No. 24 of 2010) (hereinafter referred to as the principal Act), the following Section shall be substituted, namely:—

Definitions.

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

- (a) "application form" means an application which shall be filled on designated portal by the applicant;
- (b) "deemed approval" means an approval generated in accordance with sub-section (3) of Section 5 by the designated portal without the intervention of any person;
- (c) "designated entity" means an entity notified by the State Government for administering the designated portal;
- (d) "designated officer" means an officer so notified for providing the service under Section 3;
- (e) "designated portal" means an electronic system maintained by the designated entity for the purpose of delivering services;
- (f) "eligible person" means any person eligible for receiving notified services;
- (g) "first appeal officer" means an officer who is notified as such under Section 3;
- (h) "fraud" means an act defined under Section 421 of the Indian Penal Code, 1860 (No. 45 of 1860) or under Section 17 of the Indian Contract Act, 1872 (No. 9 of 1872);
- (i) "prescribed" means prescribed by the rules made under this Act;
- (j) "right to service" means right to obtain the service within the stipulated time limit under Section 4;
- (k) "second appellate authority" means an officer notified as such under Section 3;
- (l) "service" which includes permissions, means any service notified under Section 3;
- (m) "State Government" means the Government of Madhya Pradesh;
- (n) "stipulated time limit" means maximum time within which the service is to be provided by the designated officer or the appeal is to be decided by the first appeal officer as notified under Section 3.”.

3. The opening paragraph of Section 3 of the principal Act shall be numbered as sub-section (1) thereof and thereafter the following sub-section shall be added, namely:- **Amendment of Section 3.**

"(2) The State Government may, from time to time, notify services to which provision of deemed approval shall apply."

4. In Section 5 of the principal Act, after sub-section(2) the following sub-sections shall be added, namely:— **Amendment of Section 5.**

"(3) If designated officer fails to take a decision within the stipulated time-limit on the applications received for a service notified under sub-section (2) of Section 3, then the deemed approval for such service shall be generated by the designated portal. Such deemed approval shall have the same force of law as the approval duly granted by the designated officer.

(4) Approval generated under sub-section (3) shall not attract provisions of Section 6 and Section 7 of this Act.

(5) In case where the service was received by fraudulent act or submission of false information, the designated officer shall revoke the same with immediate effect."

5.(1) The Madhya Pradesh Lok Sewaon Ke Pradan Ki Guarantee (Sanshodhan) Adhyadesh (No. 9 of 2021) is hereby repealed. **Repeal and saving.**

(2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The Madhya Pradesh Lok Sewaon Ke Pradan Ki Guarantee Adhiniyam, 2010 (No. 24 of 2010) was enacted by the State Government in the year 2010 to provide services of all the departments of the State Government to the people of the State within a prescribed time limit, by which the right to receive services of various departments were made available to the public.

2. At present there is a provision for providing services under the Act within a specified time period. However, some important services (such as those related to the establishment of investment projects) are not received on time in the cases like appeals, penalties and revision, to the applicants. Therefore, it is proposed to bring this provision for such identified services where the designated office fails to decide the applications received within the stipulated time, then deemed approval for such service can be generated by the designated portal. The State Government may, notify such services, from time to time. In case any service was received by fraudulent act or submission of false information, the designated officer shall revoke the same with immediate effect.

3. Since the matter was urgent and the Legislative Assembly was not in session, The Madhya Pradesh Lok Sewaon Ke Pradan Ki Guarantee (Sanshodhan) Adhyadesh, 2021 (No. 9 of 2021) was promulgated for this purpose. It is now proposed to replace the said Ordinance, without any modifications by an Act of the State Legislature.

4. Hence this Bill.

BHOPAL :
Dated, the 17th February, 2021

DR. ARVIND SINGH BHADORIA
Member-in-Charge.