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अण्डमान तथा निकोबार प्रशासन  
ANDAMAN AND NICOBAR ADMINISTRATION  
सचिवालय/SECRETARIAT  
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Port Blair, dated the 12<sup>th</sup> February, 2021.

**PRESS NOTE**

It is brought to notice of all concerned that the Draft Regulation namely 'The Andaman and Nicobar Islands (Right of Citizen to time Bound Delivery of Services) Regulation,2021' is uploaded by this Administration in the Administration website [www.andaman.gov.in](http://www.andaman.gov.in) inviting claims/objections (if any) from the stakeholders on the Draft Regulation. The claims/objections or comments may be submitted to the undersigned within 30 (thirty) days from the date of publication of this Press Note. No claim and objection will be entertained after 30 (thirty) days of publication of this Press Note.

Yours faithfully,

Assistant Secretary (AR & Trg.)

Copy to :-

1. P.A., to Secretary (AR&Trg.), A&N Administration for kind information of the Secretary (AR&Trg.).
2. The Chief Editor Daily Telegrams, Port Blair with the request to publish the Press Note in the 'Daily Telegram' for 02 (two) consecutive days on 15/02/2021 and 16/02/2021 & two copies of the edition may be forwarded to undersigned for reference and records.
3. The Executive Officer (SOVTECH), DBRAIT Campus, Dollygunj, Port Blair with the request to upload the above PRESS NOTE alongwith draft Regulation in the website [www.andaman.gov.in](http://www.andaman.gov.in).

Assistant Secretary (AR & Trg.)

**ANDAMAN AND NICOBAR ADMINISTRATION**

**सचिवालय/SECRETARIAT**

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**DRAFT NOTIFICATION**

**THE ANDAMAN AND NICOBAR ISLANDS (RIGHT OF CITIZEN TO TIME BOUND DELIVERY OF SERVICES) REGULATION-2021**

Promulgated by the President in the seventy first year of the Republic of India.

A Regulation to provide for the delivery of services to the citizens in the Union Territory of Andaman and Nicobar Islands within the stipulated time limit, including liabilities of the government servants, in case of default and for matters connected therewith or incidental thereto.

In exercise of the power conferred by clause (1) of Article 240 of the constitution. The President is pleased to promulgate the following Regulation made by him-

**CHAPTER-I**

**PRELIMINARY**

**1. Short title and commencement: -**

- (i) This Regulation may be called the Andaman and Nicobar Islands (Right of Citizen to Time Bound Delivery of Services) Regulation, 2021.
- (ii) It shall come into force on such date, as the Government may, by notification, appoint.

**2. This Regulation shall apply to government servants appointed substantively to any civil services or posts in connection with the affairs of the Government of Union Territory of Andaman and Nicobar Islands and to the servants of local bodies and authorities which are owned, controlled or substantially financed by that Government, but shall not apply to:-**

- (i) Persons appointed on casual or daily rates basis;
- (ii) Persons employed on contract except when the contract provides otherwise;
- (iii) Persons whose terms and conditions of services are regulated by or under the provisions of the constitution.

**3. Definitions: -** In this Regulation, unless the context otherwise requires,-

- (a) "Appellate Authority" means an officer appointed by the Administration or local body, as the case may be, by notification, invested with the power to hear appeals against the orders passed by any competent officer under this Regulation:

- (b)** “Citizen related Services” include the services as specified in the Schedule:
- (c)** “Competent Officer” means an officer appointed by the Administration or local body, under section 9 of this Regulation, by notification, who shall be empowered to impose cost on the government servant defaulting or delaying the delivery of services in accordance with this Regulation;
- (d)** “Administration” means the Lieutenant Governor of the Union Territory of Andaman and Nicobar Islands appointed by the President under Article 239 of the Constitution;
- (e)** “Government Servant” means a person appointed substantively to any civil services or post in connection with the affairs of the Administration including, person working on deputation basis; and person appointed in a local body which is owned, controlled or substantially financed by the Administration;
- (f)** “Local body” includes any public authority, municipal Council, Town Planning Authority, Port Blair Development Authority 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 Andaman and Nicobar Islands or to control, manage or regulate such services within a specified local area thereof;
- (g)** “notification” means a notification published in the official Gazette;
- (h)** “public authority” means any authority or body or institution of self-governance established or constituted (i) by or under the Constitution; (ii) by any other law made by Parliament; (iii) by any law made by the legislature of a State or Union territory; (iv) by a notification issued or order made by the Government or Administration; and includes (a) a body owned, controlled or substantially finance by the Government; (b) a non-government organization substantially financed, directly or indirectly, by the funds provided by the Government; and (c) an organization or body corporate in the capacity as an instrumentality of “Union Territory” as defined under article 12 of the Constitution and rendering services of public utility in Andaman and Nicobar Islands;
- (i)** “rule” means a rule made by the Administration under this Regulation, by notification;
- (j)** “Schedule” means the Schedule appended to this Regulation;
- (k)** “Years” means a calendar year commencing on the 1<sup>st</sup> day of January and ending on the 31<sup>st</sup> day of December.

**CHAPTER-II**  
**CITIZEN'S RIGHT TO TIME BOUND DELIVERY OF SERVICES,**  
**AND PROCEDURE GOVERNING FIXING OF LIABILITY IN CASE OF**  
**DEFAULT, ETC.**

- 4.** Right of citizen to obtain time bound delivery of services: - Every citizen shall have the right to obtain the citizen related services in Andaman and Nicobar Islands in accordance with this Regulation within the time bound as stipulated in the Schedule:  
Provide that the Administration shall be entitled to amend and revise the Schedule from time to time by notification.
- 5.** Liability of government servant to deliver services within the stipulated period.- Every government servant shall be duty bound to deliver citizen related services as specified in the schedule within the time period as stipulated in the Schedule.
- 6. Monitoring the status of the application:-**
- (i)** Every citizen having applied for any citizen related services shall be provided an application number by the concerned department, or local body, as the case may be, and shall be entitled to obtain and monitor status of his application online in accordance with such procedure as may be prescribed.
- (ii)** The department or local body, as the case may be, shall maintain status of all applications governing citizen related services online and shall be duty bound to update the status of the same as per the procedure as prescribed by rules in this regard.
- 7. E-governance of services through mutual understanding: -** This Administration shall endeavour and encourage all the departments, local bodies and authorities of the Administration to enter by mutual understanding to deliver their respective citizen related services in a stipulated time period as part of e-governance.
- 8. Liability to pay cost: -** Every government servant who fails to deliver the citizen related services to a citizen within the stipulated time as stipulated in the Schedule, shall be liable to pay cost at the rate of ten rupees per day for the period of delay subject to maximum of two hundred rupees per application, in aggregate, which shall be payable by him to the citizen as compensatory cost.

**9. Payment of compensatory cost to the citizen:-** At the time of delivery of citizen related services, the citizen having applied for such services shall be entitled to seek compensatory cost in accordance with the provisions of the Regulation and the rules made thereunder, in case of delay in the delivery of such services, beyond the period prescribed in the Schedule.

**10. Appointment of competent officer:-**

- (i) The Administration and in the case of a local body, the local body concerned, shall appoint, by notification an officer not below the rank of Deputy Secretary or its equivalent rank in the case of local body to Regulation as competent officer empowered to impose cost against the government servant defaulting or delaying the delivery of services in accordance with this Regulation.
- (ii) The Administration of the local body concerned, as the case may be shall for the purpose of payment of cost, confer on the competent officer the powers of drawing and disbursement officer in accordance with the law procedure and rules as applicable.
- (iii) On such demand of compensatory cost by the citizen, at the time of delivery of citizen related service, it shall be the duty of the competent officer to pay such cost to the citizen against acknowledgement and receipt as per the format as prescribed in the rules.

**11. Procedure governing fixing of liability: -**

- (i) Within a period of fifteen days of the payment of such compensatory cost, the competent officer, after conducting preliminary enquiry, shall issue a notice against the government servant found responsible for the delay in delivery of such citizen related services, calling upon him as to why the compensatory cost paid to the citizen may not be recovered from him.
- (ii) The government servant against whom such notice is issued may represent within a period of seven days from the date of receipt of such notice. In case no such representation is received by the competent officer within the prescribed period of the explanation received, if any, is not found satisfactory the competent officer shall be entitled to issue debit note directing such defaulting government servant either to deposit the cost as stipulated in the debit note or directing the accounts officer concerned to debit the salary of such government servant for the amount as mentioned in the debit note:

Provided that if the competent officer finds reasonable and justified grounds in favour of such government servant and comes to the conclusion that the delay in the delivery of services to the citizen was not attributable to him but was attributable to some other government servant as found responsible for the delay and shall follow the procedure mutatis-mutandis as stipulated in this sub-section and sub-section (1) of this section.

- (iii) While fixing the liability under this Regulation, the competent officer shall follow the principles of natural justice before passing the order in that respect.

### **CHAPTER-III**

#### **RIGHT OF APPEAL AGAINST THE ORDER FIXING LIABILITY**

##### **12. Right of appeal:-**

- (i) Any government servant aggrieved by the order passed by the competent officer in accordance with section 9 and 10 shall be entitled to file an appeal to the Appellate Authority against such order within a period not exceeding **thirty days** of the receipt of the impugned order. The order of the Appellate Authority shall be final and binding.
- (ii) For the purpose of this section, the Administration or the local body concerned, as the case may be, shall appoint an officer to be the Appellate Officer to hear and decide appeals against the order passed by the competent officer. The Appellate Officer shall not be below the rank of Joint Secretary of the Government or its equivalent rank in the case of a local body.

### **CHAPTER-IV**

#### **MISCELLANEOUS**

##### **13. Developing culture to delivery services within fixed period:-**

- (i) The defaults on the part of government servant in the timer bound delivery of citizen related services as defined in this Regulation shall not be counted towards misconduct as the purpose and object is to sensitize the public servant towards the citizen and to enhance and imbibe a culture to deliver time bound services to the citizens.
- (ii) **In case of habitual defaulter:-** The competent officer shall be competent to take appropriate administrative action after recording a finding to this effect, but not before giving a show cause notice and opportunity of hearing to the defaulting servant.

**Explanation:-** For the purpose of this sub-section, a government servant shall be deemed to be habitual defaulter in case he incurs more than twenty five defaults in one year.

**(iii)** To encourage and enhance the efficiency of the government servants, it shall be lawful for the competent officer to recommend cash incentive not exceeding five thousand rupees in aggregate in favour of a government servant against whom no default is reported in one year. On such recommendation, the Administration of the local body concerned, as the case may be, shall be competent to grant such incentive as it deem fit and proper not exceeding the amount as recommended by competent officer, along with certificate of appreciation.

**14. Deemed service condition:** - The provision of this Regulation shall be deemed to be part of service conditions of the government servants including such servants of local bodies of the Government.

**15. Supplement:** - The provisions of this Regulation shall be supplemented to the disciplinary and financial rules and such other services rules and regulations as applicable to the employees of the Administration or local body concerned, as the case may be, and not in derogation to such service rules and regulations governing the services condition of the government employees or the employees of the local body concerned.

**16. Power to make rules:** -

- (i) The Administration may, by notification, make rules for carrying out the provisions of this Regulation.
- (ii) In particulars, and without prejudice to the generality of the forgoing power, such rules may provide for all or any of the following matters, namely:-
  - (a) The manner and the forms of giving notice under this Regulation; The procedure governing preliminary enquiry and adjudication by the competent officer governing fixing of liability of cost;
  - (b) The procedure governing adjudication of appeals by the appellate authority;
  - (c) The procedure pertaining to application governing citizen related services;
  - (d) The procedure governing generation of application number online;
  - (e) The procedure governing managing, maintaining, operating of online status of the applications of citizen related services;
  - (f) Any other matter which is required to be, or may be prescribed.

- (iii) Every rule made under this Regulation shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, or 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 session immediately following the session or the successive sessions as aforesaid both Houses Agree for making any modification in the rules or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**17. Power to remove difficulties:-**

- (i) If any difficulty arises in giving effect to the provisions of this Regulation, the Administration may, by order published in the official gazette, make such provisions not inconsistent with the provisions of this Regulation, as appear to it to be necessary or expedient for removing the difficulties.

Provided that no such orders shall be made after the expiry of a period of two years from the date of commencement of this Regulation.

- (ii) Every order made under this section shall, as soon as may be, after it is made, be laid before the Administrator of Andaman & Nicobar Islands.

**By order of the President**

**Secretary to the Govt. of India**