

PUNJAB VIDHAN SABHA

BILL NO. 19-PLA-2021

THE PUNJAB ANTI RED TAPE BILL, 2021

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BILL

to eliminate Red Tape and promote effective administration of public affairs and to reduce the cost and burden of compliances on the citizens and businesses, through simplified, trust based procedures that shall expedite processes and make governance efficient and for the matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Seventy-second Year of the Republic of India, as follows:-

Short title and commencement.

1. (1) This Act may be called the Punjab Anti Red Tape Act, 2021.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

Applicability.

2. This Act shall apply to-

- (a) all offices of the departments of the Government of Punjab and its attached or subordinate offices including all units of local self Government by whatever name called;
- (b) any Public Sector Enterprise owned or controlled by the Government of Punjab;
- (c) any entity established or constituted by the Constitution of India or an Act of Parliament, whose expenditure incurred from the Consolidated Fund of the State;
- (d) any entity or Board or Corporation or Authority or Society or Trust or Commission or Autonomous Body (by whatever name called) established or constituted by an Act of the State Legislature;
- (e) any entity that receives grant or financial aid out of the Consolidated Fund of the State or retains any levy or user

charges or fees collected from the public after being authorized to do so by the State Government and is owned or controlled or managed by the State Government; and

- (f) any other entity which the State Government may, by notification, specify to be designated as such for the purpose of this Act, being an entity that has been designated to provide services to the public on behalf of the State Government:

Provided that all the offices or organizations performing judicial, quasi-judicial and legislative functions are excluded from the application of this Act to the extent of performance of such functions.

Definitions.

3. In this Act, unless the context otherwise requires,-

- (a) "entity" means entity as specified in section 2;
- (b) "G2B Service" means the service provided by an entity to businesses involving requests or applications (whether online or offline) for any benefit, privilege, right, permit, reward, license, concession or for any modification, renewal or extension of the enumerated applications or requests which are acted upon in the ordinary course of business of the entity concerned;
- (c) "G2C Service" means the service provided by an entity to citizens involving requests or applications (whether online or offline) for any benefit, privilege, right, permit, reward, license, concession or for any modification, renewal or extension of the enumerated applications or requests which are acted upon in the ordinary course of business of the entity concerned;
- (d) "Government" means the Government of Punjab in the Department of Governance Reforms and Public Grievances;

- (e) "External Intermediaries" means any individual or agency not officially involved in the delivery of the service and who is not authorized by the State Government but who derives or attempts to derive pecuniary gain or other consideration by facilitating the completion of transactions;
- (f) "Official or Service Provider" means a person employed or deployed in an entity required to perform specific duties and responsibilities related to the provisioning of G2B or G2C Service;
- (g) "prescribed" means prescribed by rules made under this Act; and
- (h) "Process Re-engineering" means the redesign or modification of State Government systems, processes and procedures to achieve improvements in efficiency, processing times and quality of service at optimal cost.

Simplifying processes for G2B and G2C Services.

4. All entities shall within a period of six months from the date of commencement of this Act, undertake a fresh re-engineering of their processes and systems to reduce the burden of compliances by at least fifty percent (50%) or as may be prescribed.

Re-engineering of State Government processes and systems.

5. All entities, which provide G2B or G2C Services shall regularly undertake as prescribed, time and motion studies, performance analysis and undergo evaluation for the purpose of improvement of their systems, simplification of procedures and processes and re-engineer the same to reduce the processing times, cost and burden of compliances to businesses and citizens.

Mandatory online delivery for G2B and G2C Services.

6. All entities shall within a period of one year from the date of commencement of this Act, ensure that all the G2B and G2C Services provided by them are also available Online:

Provided that the Government, for reasons to be recorded in writing, exempt online delivery of a particular G2B and G2C Service.

Deemed extension.

7. All entities shall within a period of six months from the date of commencement of this Act, prescribe a period, upon the completion of which and in the event of failure to act on an application or request for a renewal of a license, permit or authority shall be deemed to have been approved, for a prescribed period until a decision or resolution is rendered on such application or request for renewal:

Provided that the deemed extension shall not apply when the permit, license or authority covers activities, which pose danger to public health, public safety, public morals or to public policy including, but not limited to, natural resource extraction activities:

Provided further that the application or request submitted is complete in all respects, including the submission of payable fees and an undertaking by the applicant to comply with all provisions of applicable Acts or rules, policies, guidelines framed thereunder, and its liability in case of non-compliance thereof.

The deemed extension shall, for all intents and purposes, carry the weight of an approval granted by the entity under the relevant Acts or rules, policies, guidelines framed thereunder.

Trust based governance.

8. All entities shall within the period prescribed ensure that all in-person inspections that may be required under any Acts, rules or policies in respect of any G2B and G2C Services delivery shall be removed and replaced by trust based self-declarations or third-party inspections:

Provided that the Government, for reasons to be recorded in writing, with an objective checklist or parameters being inspected, may allow the continuation of any such in-person inspection in respect of any particular G2B and G2C Services.

Promise to serve.

9. All entities shall define their respective services processes to be known as the 'Promise to Serve' in the form of information boards which should be posted at the main entrance of offices or at the most conspicuous place, in the form of published materials or on the website of the entity and the State Government written in Punjabi and English containing the following details, namely:-

- (a) the procedure to obtain a particular service (both through online and offline mode);
- (b) the person responsible for each step;
- (c) the maximum time to conclude the process;
- (d) the documents to be presented by the citizen or business, if necessary;
- (e) the amount of fees, if necessary; and
- (f) the procedure and the authority for filling complaints.

External
Intermediaries-
Persona Non
Grata.

10. All external intermediaries shall be persona non grata and all entities shall take effective steps within the time prescribed to ensure that no external intermediaries are involved in the supply of G2B and G2C Services.

Penalties.

11. Any violation of the provisions of this Act including collusion with external intermediaries shall make the concerned official of the State Government and the entities, liable for disciplinary proceedings for the major punishment as applicable to him as per the terms and conditions of his service rules:

Provided that any individual hired on contract, after giving an opportunity of being heard and upon proved of committed a violation under this Act, shall be dismissed and be relieved from his duties immediately:

Provided further that an employee of an authorized service provider of G2B or G2C Services, after giving an opportunity of being heard, shall upon proved of committed a violation under this Act, be dismissed by his employer and relieved by him from his duties immediately, and further the service provider shall impose a fine not exceeding rupees fifty thousand (rupees 50,000) in each case of violation, so proved.

Protection of
action taken in
good faith.

12. No suit, prosecution or other legal proceedings shall lie against the Government or its authorities, officers or any employee of the Government for anything which is done or intended to be done in

good faith under this Act or the rules or the regulations made thereunder.

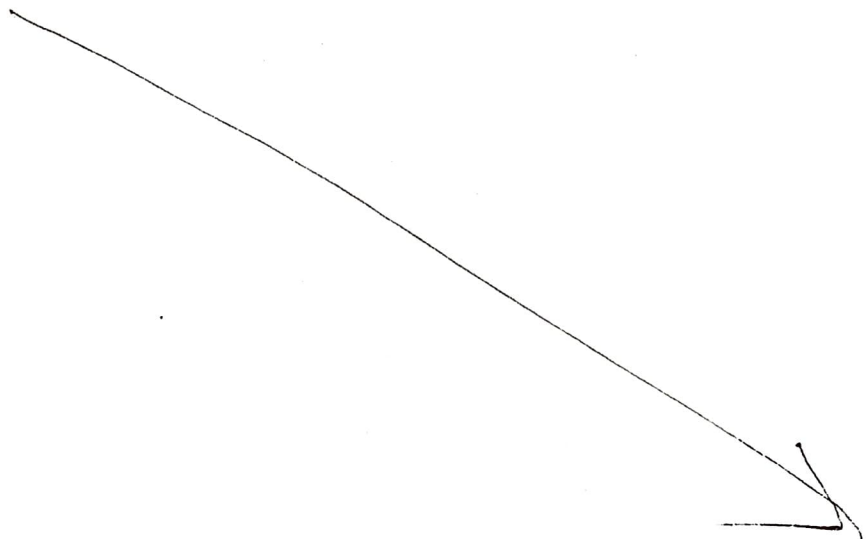
Removal of difficulties.

13. If any difficulty arises in giving effect to any provisions of this Act, the Government may, by a general or a special order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act or the rules or regulations made thereunder, as may be necessary or expedient for the purpose of removing the said difficulty.

Power to make rules.

14. (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

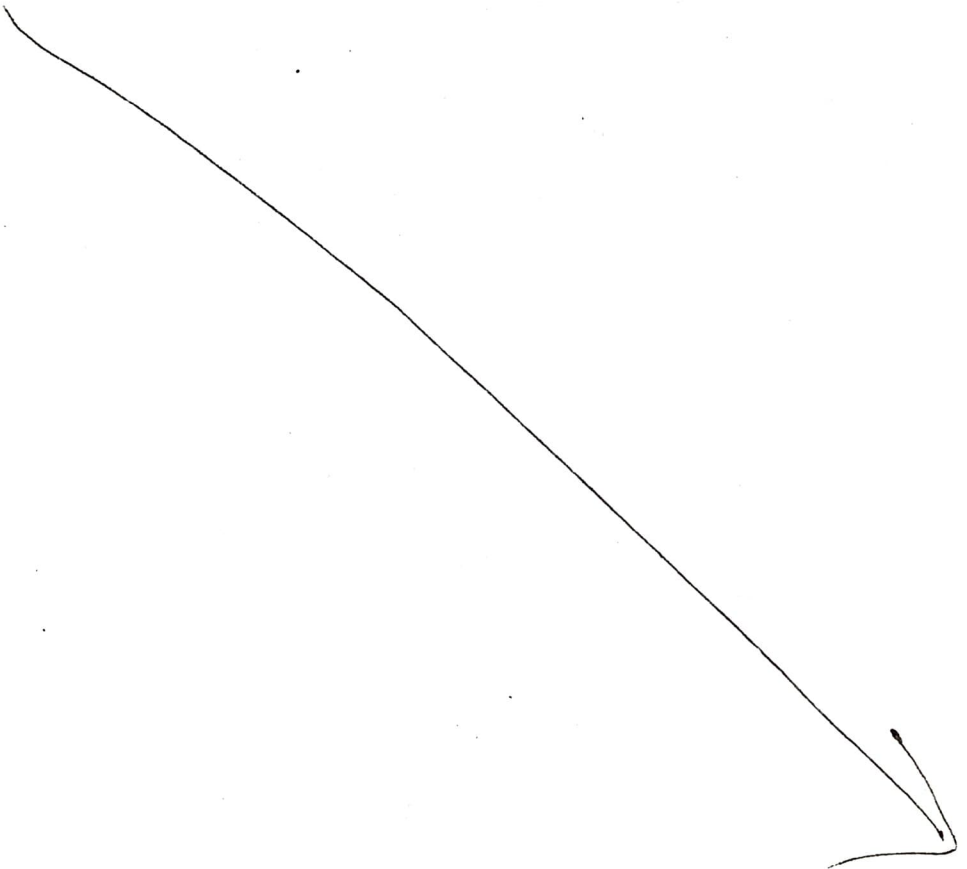
(2) Every rule made by the Government under this Act, shall be laid, as soon as may be after it is made, before the House of the State Legislature, while it is in session, for a total period of ten days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the House agrees in making any modification in the rules or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be. However, any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.



STATEMENT OF OBJECTS AND REASONS

State Government intends to eliminate the Red Tape and promote effective administration of public affairs and reduce the cost and burden of compliances on the citizens and business, through simplified, trust-based procedures that will expedite processes and make governance efficient. The Punjab Anti Red Tape Bill, 2021 is proposed to be enacted to realize this object.

Amarinder Singh,
Chief Minister, Punjab.



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MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 14 of "The Punjab Anti Red Tape Bill, 2021" empowers to the State Government to make rules to carry out the purpose of this Act. The powers sought are necessary for the proper implementation of the provisions of the Act and are normal in nature.

**CHANDIGARH:
THE 8th MARCH, 2021**

**SHASHI LAIKHANPAL MISHRA,
SECRETARY.**

N.B. – The above Bill was published in the Punjab Government Gazette (Extraordinary), dated the 8th March, 2021 under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly).