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# Making Governance Citizen-friendly

Section I :  
Framework For Citizen-Centric  
Governance





**DRAFT DOCUMENT**  
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# **MAKING GOVERNANCE CITIZEN-FRIENDLY**

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## PREFACE

For this workshop, an attempt has been made to compile procedural amendments and simplified proformas relating to selected range of citizen-centric services to have a focused discussion. These services range from need-based demand-driven services, such as, residence, income, rural area certificates, etc., need-based supply-driven services, such as, approvals, permissions, water supply connections, etc., and policy-driven regulatory services, such as, prevention of food adulteration, quality education, etc.

These have been taken out from a huge volume of interrelated work documented since 2010. We are focussing on selected services relating to procedural amendments. However, only simplified proformas relating to some of the high volume services have been listed here.

But, then, there is a mismatch. The framework for procedural amendments particularly relating to cumbersome rules and processes have been delineated from a few selected services implemented by the Government of Punjab. In Section I, only those services in which rules, procedures and processes have been amended have been mentioned. However, a large number of other recommendations under the consideration of the Government have not been listed here.

Notwithstanding this, the simplification of proformas was undertaken on all the 206 services covered under Punjab Right to Service Act, 2010. The procedural amendments for civic services, particularly need-based services, were framed by Sh. R.N. Gupta, IAS (Retd.) and Sh. J.R. Kundal, IAS (Retd.). And, for police services reforms were contributed by Sh. S.K. Sharma, IPS, DGP (Community Policing), Punjab. The recommendations on violence against women were contributed by Dr. R. Dagar. Justice K.S. Grewal (Retd.) made incisive recommendations on prosecution and fast track justice-delivery.

In Section 2, the simplification of proformas based on the framework evolved was conceptualised by the team led by Ms. Alaknanda Dayal, IAS, and consisting of Mr. Harvinder Singh, Joint Director, PGRC, Jaspal Singh Kapil, Senior Research Officer, PGRC.

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**SECTION I**  
**FRAMEWORK FOR CITIZEN-CENTRIC**  
**GOVERNANCE**

## FRAMEWORK FOR CITIZEN-CENTRIC GOVERNANCE

Governance! For whom and for what? This legitimate question normally gets lost in the processes, procedures and application of technology. These rules of exchange in many spheres do not protect the rights and the entitlements of the people on the margins besides treating a fairly large section of the citizenry in an undignified manner. Rules of governance have become so overtly obstructionist that the system has been rendered non-functional.

This is more pronounced in developing societies specifically post-colonial, where the norms and procedures continue to function as colonial constructs causing a visible disconnect between the people and the State. The political and constitutional changes could not transform the activated into a participating civil society. And, at the same time, the State conferred citizenship on the colonial subjects and the poor in a formal sense, but its substance in many ways provided continuity to some of the retrograde practices.

In other words, the substance of citizenship is related to the evolution of the State. The developing and the post-colonial States continued to rely on the processes and procedures treating citizens as subjects. The perpetuation of these practices reduced the whole conception of citizenship as 'deficient'.

For realisation of full citizenship, 'activated nation' is yet to be fully transformed into a civil society. Therefore, the legal rights conferred on the citizens could not be fully realised in actual practice and the State failed to respond to the needs of the individual citizens. However, there are certain 'practical values' that have come to be associated with the idea of citizenship. In this sense, there are two sets of values through which people connect as citizens with the State: first, value of welfare as reflected in the dole-giver and dole-receiver interaction and, second, the value of political power and material wealth. The value of power position and possession of material wealth enable them to realise their claims. The value of hierarchical power position and material wealth builds a collaborative arrangement between those who govern and those who are governed that has been rightly phrased by Korten, as 'coalition of indifference'.<sup>1</sup>

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<sup>1</sup> David Korten (1983), *Bureaucracy and the Poor: Closing the Gaps*, Kumarian London, pg. 32.

And, these privileged sections become custodians of the State and, not only appropriate their claims and even rights as citizens (that are denied to others), but misappropriate privileges and power. However, intense explorations with cross sections of people have uncovered certain commonalities in their experience of interactions with the State. It is in this context, governance reforms programme addresses concerns of all citizens irrespective of their class, ethnic, or religious position.

## **FRAMEWORK FOR CITIZEN-CENTRIC GOVERNANCE**

It took about five years to do the plumbing work of identifying tardy procedures, processes and rules and proposed amendments by more than 20 reputed academics, civil and police administrators and civil society activists. We produced eight volumes of work dealing with citizen's day to day interaction with the government. To briefly summarise, we listed the existing processes and procedures and proposed changes in relation to rules, regulations and procedures.

### **Change in Rules of the Game**

Public service delivery context has changed. As we all know, governance is the rule of the game that regulates citizen's interaction with the government. The problem is that these rules are overtly violated. And these violations have become more visible because, in the 21<sup>st</sup> century, the game has changed.

### **Revitalisation of the System instead of merely dealing with Symptoms**

For tardy delivery of public services, an easy explanation often offered is the prevalence of corruption, high transaction costs and lack of transparency. An interesting fact is that even **bribery has ceased to perform its foremost function, i.e., facilitation and efficiency as exemplified by Commonwealth Games**. A clear message emerged that the system has ceased to be functional. Historically, governance has become a prisoner of the colonial non-faith citizen-government exchange.

## **Maximum Governance and Minimum Government**

It is not merely the question of maximum governance and minimum government, rather, it is question of transforming the interaction between the citizens and the government which is trust, dignity and productivity deficit. And, to make the same more citizen participatory and change the rules and procedures to make it engaged governance.

Engaged governance means ‘politically more engaging and developmentally more equitable’. Enabling conditions to achieve this was to empower the citizens. The post-colonial State has failed to transform the status of people from colonial subjects to citizens”. It has been very aptly described by Nicholas Dirks when he termed the colonial States as ethnographic States. In other words, the States do not seek participation of the citizens in decision making, but claim to provide for the welfare of population. This made governance less a matter of politics and more of administrative policy. The foremost ingredient of this has been mistrust in the subjects or the populace. The focus, therefore, was to reduce the mistrust between citizens and government. In other words, to eliminate all those procedures that make right to identity citizen-restrictive.

## **Easy Answer Found in E-Governance**

Notwithstanding this, we have become confident that ‘technology’ has an answer to all this – just by prefixing ‘e’ to an infinite range of abstract nouns it becomes good governance. Undoubtedly, the application of unique ID number and so-called business re-engineering shall provide efficiency, but only to the existing undignified exchange.

The need is not only e-governance, but engaged governance.

***The main thrust of reforms ought to be convergence of engaged governance (i.e. to meet trust, dignity, productivity and citizen engagement deficits) with e-governance (transparency, efficiency and accountability).***

## **WHAT IS TO BE DONE?**

### **Governance Reform to Meet Trust Deficit**

First, the condition was to engage the citizens into governance. Engaged governance means ‘politically more engaging and developmentally more equitable’. Enabling conditions to achieve this was to empower citizens. To put in the words of Hannah Arendt, “Right to have

Rights. The post-colonial State has failed to transform the status of people from colonial subjects to citizens". The focus, therefore, was to reduce the mistrust between the citizens and the government. In other words, to eliminate all those procedures that make right to identity citizen-restrictive. This colonial legacy is pervasive in almost every interaction of the citizens with the government initiative taken by the latter all along these years.

To illustrate: the extent to which this mistrust prevails can be seen from the fact that even to prove their name, they have to seek affirmation from a gazetted officer. For declarations relating to their profession, income, caste, residence proof, etc. the particulars are given on legal papers sworn before a Magistrate or Public Notary. Even to procure ration card, electricity, sewerage, water connection, birth and death certificates, admission to educational institutions, etc., affidavit attested by the gazetted officer, public notary or Magistrate is to be given. Well, most of these have been replaced by self-declaration with corresponding accountability.

### **Meeting Dignity Deficit**

Secondly, to protect the dignity of the citizens by identifying spaces, policies, processes and practices which perpetuate undignified exchange between the citizens and the State. Through regular interaction, it was observed that the citizens value their dignity over and above efficiency and it was exemplified by referring to their exchange with police, revenue and district collector that was undignified and corrupt. Whereas, the exchange with health, education, bank, electricity board was termed as **dignified**, even though corrupt. They preferred the latter.

**Table 1**  
**Nature of exchange between citizens and administration**

<b>Exchange undignified and corrupt</b>	
Police	58.32
Revenue	44.05
District Collector	41.86
<b>Exchange corrupt but 'Dignified'</b>	
Electricity Board	36.53
Health	36.33
Education	35.74
Bank	34.70
Irrigation	34.20
Animal Husbandry	33.75

Source: PGRC Survey, 2010

This was more pronounced in the case of police (58 per cent), revenue department (44 per cent) and district collector's office (41 per cent). The departments like electricity board, health, education, irrigation and veterinary were considered corrupt, but dignified by one-third of the respondents.

To reverse this trend, the Commission made recommendations to strengthen internal accountability and to make these departments directly accountable to the citizens.

### **PRODUCTIVE ENGAGEMENT**

A third set of the prerequisites relates to the productivity, i.e. to engage people with the system in a productive manner and provide conducive conditions to nurture people's capacity to be productive and their ability to exercise some degree of control over their lives. Instead of productive engagement of the citizen, a culture of sharing of spoils has been in vogue.

For benefits of social security schemes to reach the poor and deserving, special attention is required. Only few recommendations were made to check leakages in Shagun Scheme, Old-age Pension, scholarships for the poor. There is need to restructure Social Welfare, Women and Child and other related departments to introduce efficiency and accountability.

**Table 2**

**Existence of effective complaint redressal system against working of Government/Public agencies**

<b>Responses</b>	<b>Frequency</b>	<b>Percent</b>
Yes	482	32.13
No	1018	67.87
Total	1500	100.00

Source: PGRC Survey, 2010

Most of the respondents were of the view that there was no system of redressing complaints. Around one-third did mention the multiple grievance redressal available ranging from political leaders to judiciary to consumer forum etc. (See Table 2). In view of this, *Saanjh* shall also have facility for lodging complaints against the working of the police personnel and transparent disposal of complaints lodged. The action taken on these complaints have to be placed before community policing committees, that have been authorised to seek re-enquiry if not satisfied. The proposed system shall strengthen the internal control and integrate it with external oversight for transparent delivery of justice.

**BUILDING PARTNERSHIP**

The fourth boundary condition was to transform these claims relating to exchange between the citizens and the public functionaries from patron-client or *Ria Mai Baap* to public servants–citizen partnership.

In order to achieve the desired objective, the Commission proposed to empower the citizens through a legislation titled ‘Punjab Right to Services Act, 2011’.

**BASIC SERVICES: CHALLENGES AND WAY OUT**

Service-delivery is more a kind of contract than favour. For delivery of each service, the deficits referred above have to be filled up keeping in view the nature of service. For administrative purposes, each service has to be treated as a separate envelop involving varied levels of risk of misuse by the citizens, and (mis)use of discretion by the officials. Similarly, transaction costs may be more important than efficiency or vice versa. To illustrate, procurement of birth, death, marriage certificates and revenue records involves high transaction costs.

Moreover, each service may have a different clientele, structure of transactions, citizen needs and corresponding governance considerations, i.e., transparency, responsiveness and equity. Therefore, a uniform model may not be feasible for all services even within specific category.

Nevertheless, the basic principles of 'Engaged Governance', i.e., trust, dignity, productivity and citizens' engagement and E-governance i.e. transparency, accountability and efficiency have to be made integral to the service-delivery modules. And, these have to be architected into practical aspects like transaction costs including multiple visits, opportunity costs, fees which in certain contexts may be more relevant than even corruption. The factors like information deficit, absence of transparency, access to grievance redressal mechanisms and greater control (more reports and verifications) to check misuse may make the process cumbersome and corruption-prone. The competition to have access to service coupled with citizen's engagement may act as a check on the distortions in service-delivery.

Technology is no panacea. But, it can certainly facilitate implementation of reformed models with reduced discretion of the officials. In a way it can help to reduce obsession of the system to give discretionary powers to the gazetted officers rather than other functionaries at the grassroots' level. Technology can also provide level playing field to people residing in urban or rural areas belonging to different castes, minorities, etc.

For purposes of citizen-centric governance, the nature of the various services required by the citizens varies across different sectors and, even though watertight categorization may not be feasible, these can be broadly classified in three groups on the basis of

- (i) Opportunities and benefits accrued to the citizens. The benefits and opportunities are variables depending upon the changes in policy, market demand and preferences.
- (ii) The intensity and frequency of interaction between the official and the citizens varies from service to service. Some of the services are one-off transactions - interaction is complete with specific delivery of the service, for example, Scheduled Caste certificate required for admission in colleges for access to reservation in jobs etc. In other cases, the transactions may be the starting point of further recurring interactions with the

public authorities (applications for old age pension, leading to sanction and monthly payments).

- **Need-Based Demand Driven Services**

**Examples:** Residence, Kandi area certificates, affidavits, counter signature, etc.

These services are demand-driven and pre-requisites for availing of these opportunities, but the delivery of services has no direct relationship to economic or other benefits, as there may be other barriers for availing of benefits under the public policies (for example, to get admission to educational institutions, one needs to qualify and compete academically). Even, for example, in the case of old age pension where sanction of pension leads to regular payments (as all eligible persons are covered under the State policy), there is no exclusion once eligibility can be proved and the focus still remains on access.

These services, thus, are in the nature of pre-conditions for exercising rights and entitlements, but are not by themselves sufficient for this purpose. These one-off transactions are a part of the continuing interactions for establishing eligibility for availing of social and economic opportunities provided by the government.

#### **Main Characteristics and Features**

- Demand driven without any limitation or quota of supply.
- Not subjected to competing pressures, possibility of exclusion and discrimination.
- Equity and economic efficiency are not the core consideration.
- Moderation of risk of misuse due to competition and multiple barriers
- Not much problem of 'shadow' transaction costs – corruption- though other transaction costs can be substantial

The main issue remains process and procedural reform for facilitating universal access.

- **'Need based' Supply-Driven Services**

**Examples:** Permissions, approvals for buildings, water supply connection, driving licence, etc.

These are not driven by citizen demand, on the contrary, the regulations in the case of approval of building plans, water supply connections, driving license, etc. are made to modify and control citizen's behaviour. In these services, the 'consumer surplus' is substantial, and high transaction costs may be tolerated by the citizens. The systems need to redesign processes and rules to encourage self-regulation by creating proper incentives as it is impossible to control risks through direct official control and intervention and citizens are liable to seek 'short cuts' to regulation compliance. There is no exclusion or issue of equity in these processes as everybody is eligible to avail the services and facilities, subject to the fulfilment of some conditions (for example, proof of ownership in case of permission for construction).

### **Main Characteristics and Features**

- Formal regulations emanating from public and social obligations.
  - High consumer surplus and, therefore, scope for corruption.
  - Accountability of the officials appears to be a major issue.
- **Public Policy Regulatory Services**

**Examples:** Prevention of food adulteration, quality education, etc.

This category of services is entirely driven by public policy objectives, such as, prevention of food adulteration, quality education, sanitation, cleanliness, etc. Risks of non-compliance are high, and incentives for compliance low. These need a different structure of incentives with more focus on non-economic incentives.

## **Main Characteristics and Features**

- Rational ignorance or disinterest on the part of the public. It is not worthwhile for individuals to incur the cost of making efforts to achieve the objectives or to prevent others from appropriating public goods;
- Principal problem remains about the omnipresence of the 'agents' due to high incentives from (lack of) enforcement
- Difficult to outsource implementation

## **SOME EXAMPLES OF NUTS AND BOLTS OF INTERVENTIONS**

There is a need to amend number of rules and procedures relating to **Ease of Doing Business**, Registration of Marriage, Plying Rickshaw, and to Procurement of Birth or Death and other certificates. All of these have been amended. Along with this, all the proformas have been redesigned with Aadhar, voters and BPL cards. Main features of these reforms are:

- **Strengthening Internal Controls Rather Than Multiplying External Oversight**

Easy solution to check distortions and violations is found in adding on external oversight rather than eliminating process distorting procedures and strengthening internal controls to check perverse incentives and discretions. The assumption is that these external oversight shall not be engulfed by systemic dysfunctionality.

- **Discretion Reduction Procedural Changes**

The core element of governance is trust deficit between citizens and the government. This gives a pretext to the regulatory State functionaries to become arbitrators between the government and the citizens and draw perverse incentives on account of trust deficit. To eliminate perverse incentives, inefficiencies and citizens harassment, the need is to changeover to those procedures that are incentive compatible.

To illustrate, for a dignified interaction with the Revenue Department, easy access to revenue services, online copies of jamabandis, simplified process for settlement of

contested mutations, withdrawal of discretionary powers of *tehsildar* regarding calculation of construction cost and its replacement with flat rate have been introduced.

- **Incentive Compatible Procedural Change**

To bring about those changes in procedures and processes that can act as incentives per se. This will lead to check in delays and prevalence of perverse incentives. To illustrate, for Birth and Death Registration and Certificates, at present, approval of the District Registrar-CMO is needed for a delay beyond one month and citizens missing the registration deadline may be kept waiting for 5 to 10 years. An incentive compatible procedural amendment has been proposed in which the 'Asha' worker has been made the Notifier instead of the family and ANM has been made the local registrar, authorised to issue birth certificates.

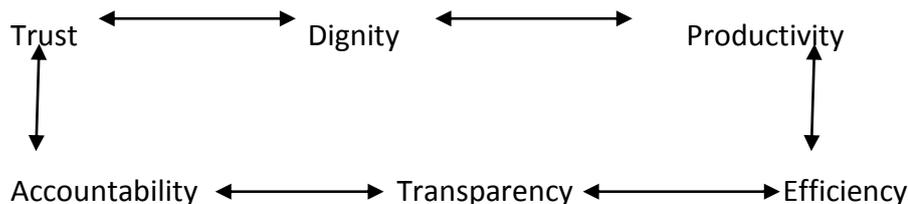
- **Disaggregate Delivery Mechanism**

The main thrust of these reforms is to deliver a particular service through multiple agencies and each one to act as an oversight for the other to fix accountability. In Transport, a disaggregate delivery mechanism was proposed in which registration of vehicles was transferred to the authorised dealers, issuing of learner driving licence to the principals of government colleges, and procurement of fitness certificate of vehicles from a service station.

### **CONVERGENCE OF ENGAGED GOVERNANCE WITH E-GOVERNANCE**

The convergence of engaged and e-governance has been central to the approach followed in bringing about reforms in governance. As mentioned earlier, engaged governance means 'politically more participatory and developmentally more equitable' and this cannot be achieved without making the system accountable, transparent and efficient.

#### **Engaged Governance Convergence with E-Governance**



The processes, procedures and rules are suited to meet trust, dignity, productivity deficits and, simultaneously, capacity of the system is to build around core elements of e-governance, i.e., efficiency, accountability and transparency. The main focus remained:

- a) To make systems more accountable in terms of costs, conduct and performance.
- b) To enhance efficiency to make it more accessible through availability of equal services to the people in equal needs (supply side). And, also to ensure quality and reduce transactions costs through checking perverse incentives, non-statutory and discretionary powers, amending inappropriate rules leading to inefficiency and corruption.
- c) To make interaction between the citizens and the government more participatory leading to transparency.

To make these reforms sustainable, efforts were made to overcome do-gooder personality-centric ad-hoc initiatives through formalisation of reforms by rule amendments, procedural changes, redefining the role and duties of the stakeholders. These have been integrated into sustainable plans and budget lines.

And, above all, stakes of the citizens were built into these reforms by following right-based approach. For example, in the Right to Service Act, 2011 the emphasis has been to change the nature of interaction from patron-client relationship to partners in governance with rights.

Further, these reforms have been located in local context to be responsive to the citizens' needs and systems have been proposed to meet global standards.

Parameters of accountability have been redefined through strengthening of the internal controls rather than multiplying external oversights. For instance, to check police misconduct, an online complaint system has been suggested with internal accountability to hierarchical chain of command, thus, making it transparent at the level of citizens' oversight attached with community policing centres.

The ambiguity in fixing accountability due to non-statutory discretions has been reduced and, at the same time, statutory autonomy proposed to be strengthened.

## SUM UP

Having recognised the need to transform the status of colonial subjects to subjects, the relevance of across-the-board notion of full citizenship has to be made integral to governance. Further, this notion of full citizenship has to be mediated by overcoming constraints based on gender, caste, ethnicity and religious identities.

These values and rights can be realised only if the actions reflect the political will and ensure opportunities along with provisions of conditions to avail these and insistence of the institutionalisation of the processes and procedures for the citizens' engagement.

The pursuit of 'engaged governance' has to be based on democratic principles with attributes like participation, representation, distributive justice, accountability and fairness. Engaged governance has been aptly described as,

an institutional arrangement that links citizens more directly into the decision-making processes of a State so as to enable them to influence the public policies and programmes in a manner that impacts more positively on their social and economic life.<sup>2</sup>

The values and rights can be implemented if the structural constraints emanating from the post-colonial nature of the State and society, a priori, to the socio-economic conditions and legal impediments are recognised and moderated. These structural constraints of identity, dignity and productivity have a bearing on the realisation of the principle of equity that is a core concept for the Commission. For a limited purpose of this Commission, equity of access is defined from the supply side consideration. In other words, equal services are to be made available to the citizens in equal need. It also implies to have a critical look at the functioning of the supply side institution of the delivery of services to ensure full citizenship and guarantee rights to the marginalised sections. The distinction between variations in the services made available and services availed have to be captured to locate these into systemic inequities suffered by the identifiable groups of citizens.

The concept of need is ideological as also the capacity to avail these services. For the purpose of the Commission, in the first stage, the needs should be assessed in the context

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<sup>2</sup> Khan Adil, M. (2005), *Engaged Governance: A Strategy for Mainstreaming of Citizens into the Public Policy Process*, Economic and Social Affairs, United Nations, p. 20

of social environment in which the individual lives and, thereafter, the task to formulate the policies relating to availability, quality, costs, information etc.

- Availability: certain services may not be available to some population groups, or delivery personnel may have different propensities to offer services to individuals with identical needs from different population groups.
- Quality: the quality of certain services offered to identical needs may vary between the population groups.
- Costs: the delivery system may impose costs (financial or otherwise) which vary between the population groups.
- Information: the delivery services may fail to ensure that the availability of certain services is known with equal clarity by all the population groups.

Along with availability, it is utilisation that reflects the process through which 'potential access' is converted into 'realised access'. The 'realised access' shall largely depend upon the linkages of delivery policy with delivery system and its resource structure and strata-wise nature and level of the utilisation of services.

# **UNIFIED CITIZEN SERVICE DELIVERY CENTRES**

PGRC

# **E-GOVERNANCE INITIATIVE – SETTING UP OF UNIFIED CITIZEN SERVICE DELIVERY CENTRES IN URBAN AND RURAL AREAS FOR DELIVERY OF SERVICES TO CITIZENS**

## **Objective**

- To deliver citizen centric services in a hassle free, time bound manner in “anytime anywhere” basis
- To provide the services of all departments at a single point with a coverage to adequate population

## **Introduction**

The primary purpose of governance is the welfare of citizens. While one aspect of governance relates to safeguarding the legal rights of all citizens, an equally important aspect is concerned with ensuring equitable access to public services in a time bound manner in “anytime anywhere” basis.

Although the ultimate goal is to make the services available on-line so that citizens can avail these services sitting in their home on ‘anytime anywhere’ basis, need of physical Front-End Delivery Centres cannot be ruled out completely due to factors like lack of internet penetration, digital literacy, data digitisation and back-end computerisation of Departmental workflow.

Currently, various State Departments are involved in providing several services to the citizens across the state. There are multiple delivery points available across the State for availing these services. Following front-end channels have been established by various government/ entities for delivering various set of services:

- i. 157 SUWIDHA (Single User Window Disposal Help Line for Applicants) in offices of all Deputy Commissioners / SDMs for 36 services and 24 services respectively
- ii. 280 Saanjh Kendras by Police for 27 services
- iii. 163 Fard Kendras by Department of Revenue for land records related services

- iv. 22 State Transport Service Counters by Department of Transport for 19 services
- v. 2112 Gram Suwidha Kendras (as part of Citizen Service Centres scheme of National e-Governance Plan)
- vi. 229 Citizen Facilitation Centres (CFCs) by Local Government (in process)

### **Need for Unified Front-End Delivery Centres**

- **Inadequate Geographical reach of Front End Delivery Centre**

In total, there are around 622 Front-End Delivery centres (comprising SUWIDHA, Saanjh, Fard and Transport centres) delivering the Department specific services across the State. These centres are mostly located in the Urban/ Sub Division/ Tehsil level. Due to poor reach of front-end delivery centres, citizens are required to travel a long distance to avail the services from these existing centres.

The number of services currently being delivered through existing centres is quite limited. The Government has notified 149 services under Right To Service Act (RTS), 2011. Department of Governance Reforms has undertaken a study of citizen centric services being delivered by various departments and it has been identified that about 223 services involving significant transaction volumes can be delivered through these front-end delivery centres. These 223 services will provide a critical mass for making significant impact on the lives of ordinary citizens.

With the existing available front end delivery centres, the average population served by per centre is around 45000, which is too high.

During peak seasons e.g. school/ college admission time, these centres face huge rush due to sudden increase of service delivery demand which causes delay in delivery of services to the citizens as waiting time per service request increases. Since existing front-end delivery centres are not adequate to accommodate this kind of increasing load of service delivery, it results in dissatisfaction regarding Government functioning and efficiency. Allegations of corruption, encouragement to touts/ agents and harassment to citizens are quite common.

- **Deficiency in the existing Multiple Front-End Service Delivery Centres**

Many department-specific front-end delivery centres have been established and they are working in silos. Further, many more departments are also planning to have their own front-end delivery centres. Some front-end delivery centres may have high volume of transactions whereas some are not been able to utilise optimally. This kind of isolated working leads to lack of standardisation, non-branding and the net result is that their impact remains non-visible.

Establishing the department-specific front-end delivery centres causes duplication of physical infrastructure, manpower wastage, overloading as well as under-utilisation of resources. Apart from inconvenience to the citizens, there is economic loss also by not making optimum utilisation of the resources deployed.

Basic objective of delivering services close to the door step of the citizens is defeated. Presently, citizens have to visit different front-end delivery centres like SUWIDHA, Saanjh, Fard Kendra and Transport centres located at various locations in the city for getting different services, which causes inconvenience as well as monetary loss to the citizens in the form of wastage of time, loss of wages and productivity, cost of transportation, etc.

Utilisation of available common infrastructure cannot be augmented due to isolated model of service delivery. Further, given the scattered delivery mechanisms, it is difficult to exploit and channelise the technology-driven solutions.

- **Plan of Action and Structural Reforms**

- 1) In order to provide Governance to the Citizen services effectively and efficiently, the State Government has decided to set up 2174 Unified Citizen Service Delivery Centres (UCSDCs), in both rural (1750 centres ) as well as urban (424 centres) areas, for providing services rendered by various departments of the Government in an integrated manner across the counter under one roof.
- 2) These Front-end centres shall be planned taking into consideration the geographical conditions and population density of the respective area so that citizens can be served nearer their home in a hassle free manner with minimum waiting time.

- 3) Based on the initial assessment, one Service Delivery Centre in rural area for a cluster of villages having population of 8000 to 10000 may be setup. As per 2011 census, on an average, 5 to 6 villages form a cluster of 8000 to 10000 population. The location of rural delivery centre may be decided considering parameters such as headquarters of a Gram Panchayat, having post office, market within 1Km radius and having major connecting road with bust stand, etc.
- 4) In urban areas, one centre may be planned at the radius of 1.5 to 2.5square kilometer area based upon the population density.
- 5) All existing Front-End delivery channels have to be harmonised and integrated in order to bring about uniformity in terms of standardised façade, uniform working culture, data sharing, saving in basic infrastructure cost and better monitoring mechanism.
- 6) The Department of Governance Reforms, through its implementing agency i.e. Punjab State e-Governance Society (PSeGS) has been entrusted with the responsibility of establishing these centres and operating these centres.
- 7) However, till the time back-end processing is computerised, services shall be provided manually in existing manner as is being currently done at SUWIDHA Centres i.e. service requests shall be received and delivered at the UCSDCs only and back-end processing shall be done manually in the concerned department. All departments will utilise core common infrastructure created and provided by the Department of Governance Reforms.
- 8) The Deputy Commissioners in the District will be the nodal official to steer the program in the respective districts. They will coordinate with the local authorities of the Department of Local Government, the Department of Rural Development and Panchayat and other government departments/ agencies to facilitate the implementing agency i.e. the Punjab State E-Governance Society.

## **RATIONALISATION OF AFFIDAVITS**

# REFORMING PUBLIC SERVICE DELIVERY SYSTEMS IN INDIA

## Rationalisation of Affidavits

### INTRODUCTION

In this segment, the following issues are covered:

- Affidavits.
- Self-attestation of original documents.
- Need-Based Services - System of Reports/Verifications by Revenue Officials/Lambardars/Municipal Commissioners/Sarpanchs (for issuance of area/residence/SC/Income certificates etc.).
- Issuance of Residence/Domicile/Area/Income/Identity Cards/ Other Misc. Certificates (e.g. dependant/marriage status etc.) – Designating Appropriate Authorities.
- Verification of Character and Antecedents: Central and State Governments.

### I. AFFIDAVIT: DO WE NEED THEM?

Historically, governance has been a prisoner of the colonial non-faith citizen-government exchange. The interaction of the State vis-à-vis citizens continues to remain divergent, even antagonistic, in terms of realisation of the claims, entitlements and the basic rights. The institutions, norms and procedures continue to function as colonial constructs, causing a visible disconnect between the State and the people. However, denial of key values such as, identity and dignity to the large sections of the population results into an 'exclusion' experience. In this case, they remain 'deficient citizens'.

- Affidavits are required in support of facts given by the applicants for issue of various certificates, (residence etc.). Affidavits are affirmations by the applicants (supported in some cases by third parties). For example, in the case of delayed registration of births up to one year, an affidavit by an applicant is sufficient, whereas, in the case

of income certificates, affidavits of third parties are required. The practice is also prevalent in public utility services and affidavits may be required for getting new power connections, water and sewerage connections/new constructions. An affidavit, thus, is an important pre-requisite for most of the need-based services. Generally, affidavits require stamp paper/stamp fee and need to be sworn before a Magistrate or a Public Notary.

- **Cost to Citizens**

Affidavits impose their own cost on the citizens - buying stamp paper, locating a deed writer, payment to the Notary for attestation and, of course, the time and efforts consumed in these processes. On the other hand, affidavits have no particular sanctity in law and the same function can be easily performed by declarations.

- In Punjab alone, it is estimated that at least half the households file affidavits annually for one service or the other. Extrapolating this figure to India, the total number may be more than 20 crore citizens/affidavits and assuming a cost of Rs.400/- per affidavit (one day wages plus stamps, fees and charges), the total expenses incurred by the citizens in India could well be to the extent of Rs. 8,000 crores approximately (Reproduced in Annexure 1).

## **SYSTEM OF AFFIDAVITS FOR NEED-BASED SERVICES**

### **Self-Declaration: A Valid Alternative**

#### **Existing Practice**

At present, affidavits of the applicants/guardians are required for the various need-based certificates – residence/domicile/Kandi area/S.C./B.C. etc. In some cases, affidavits are prescribed under some statutory Rules and Acts. In some cases, Public Notaries are allowed to attest the same whereas in the case of others, only Executive Magistrates are empowered.

Affidavit is a declaration, and as such, a declaration in itself is adequate for the purposes of law. Attestation by the officials, thus, does not appear to be necessary. The applicant/signatory continues to be responsible for the statement made. An advantage that the public agencies have is that they can also impose penal liability for making wrong statements in terms of suspension of the services (suspension of ration card facilities, disconnection of power supply etc.).

Affidavits, therefore, need to be replaced by Self-Declarations for all services in the public utilities/agencies. This will save a lot of bother and sizeable expenses to the citizen, having to procure stamps/stamp paper that is mostly not available at the place where the affidavit is to be submitted. Some of the Central Government agencies (passport, income tax etc.) have already adopted this practice.

There appears to be no legal problem in adopting this practice. The Indian Penal Code contains a number of Sections such as 177, 193, 197, 198, 199 and 200. These Sections specifically deal with the implications of any false information/evidence/disclosure/declaration made by the deponents and, any such instances have been included to be subjected to the imposition of penalties, fines, registration of criminal cases and even imprisonment. These are reproduced in Annexure I.

In fact, Self-Declaration is nothing but a self-attested affidavit given on a plain piece of paper.

There are cases where supporting affidavits of third parties (Sarpanch, Lambardar etc) are required as evidence before issuance of certain certificates – e.g. income certificates. In these cases also, declarations should be accepted in place of affidavits. It has also been proposed that the citizen declarations should be adequate for the third party verification. In such cases, problem of establishing the identity of third party can be attended to by establishing third party's Aadhar Card. This will reduce the number of bogus attestations as the beneficiary-applicant will anyhow remain liable.

## Decisions to be taken by the Government

- Self-declaration to be accepted in place of affidavits in all cases where affidavits are not required as per any statutory provisions. (See Annexure-II)
- In cases where statutory rules provide for affidavits (e.g. byelaws for the approval of new construction/water supply connection in Municipal areas), the bye-laws may be amended.
- In cases where affidavits are required under any Act, In-charge of the Suwidha Centre/officials designated by the Deputy Commissioner, at the district or sub-division level, may be authorised to attest the same.
- Format for self-declaration would provide for the liability of the person making a wrong declaration on the lines indicated in the Annexure II.
- This decision will cover all affidavits presently required for the issuance of Residence/Domicile/Kandi area/S.C./B.C./Income Certificates, Ration Cards and for seeking permission for new sewerage, water and electricity connections.

## Action required and concerned authorities

- Deputy Commissioners: To switch to the new system within a month by displaying and providing revised formats for self-declaration at all Suwidha Centres/Service Providers. **The system of affixing photograph of the applicant may, however, be continued for self- declaration.**

## Secretaries of Departments

- All Secretaries, especially those dealing with education, health, technical education, social security, irrigation and power departments etc., where affidavits are required for establishing eligibility for admission/employment, shall ensure that all institutions/agencies change over from the existing system of filing affidavits and provide for the new system.

- All departments should display to the public the list of affidavits that have since been substituted by self-declaration and another list of subjects/areas where affidavit system is proposed for continuance due to some statutory/other compulsions.

### Action by Central Government

- At present, the affidavits have to be filed by the parties in cases and petitions etc. in the Courts under CPC/CrPC/High Court Rules and Orders. The parties incur substantial costs in terms of money as well as time in having to file affidavits at almost every stage of the case. The appropriate laws – CPC/CrPC/Evidence Act/High Court Rules and Orders – would need to be amended to permit self-declarations to be accepted as evidence. Attestation by the witnesses, who are not public authorities, can be provided in place of Notaries wherever considered necessary.
- Births and Deaths Registration Act – requires affidavits in case of applications filed after one year of the event.
- Central Ministries may be requiring affidavits for different services, welfare programmes and social security schemes

The present practice and the proposed process are indicated herewith:-

Services	Present	Proposed
<b>Affidavit</b>	<ul style="list-style-type: none"> <li>▪ Affidavit is required to be attested by Executive Magistrate.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Allow self-declaration by the applicant.</li> <li>▪ In cases where attestation is considered to be necessary, Suwidha Centres to be authorised to attest the same.</li> </ul>
<b>Contents of the affidavit</b>	<ul style="list-style-type: none"> <li>▪ No warning or caution for filing wrong declaration.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The signatory is liable for action under sections 199 and 200 of IPC in case of wrong declaration.</li> </ul>
<b>Court fee/stamp</b>	<ul style="list-style-type: none"> <li>▪ It adds to transaction costs/delay, without any compensating revenue considerations.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Self-declaration will be a part of the application form.</li> </ul>
<b>Photograph</b>	<ul style="list-style-type: none"> <li>▪ Not required except in Suwidha Centres.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The practice of having a photograph of the applicant can be continued in the Suwidha Centres, even under the revised procedure of self-declaration for purpose of freezing the identity of the applicant.</li> </ul>

## **II. SELF-ATTESTATION OF ORIGINAL DOCUMENTS**

Present position: These documents are required to be attested by Notary/Executive Magistrate, and that itself leads to unnecessary delay. In most of the cases, copies are required only for checking the eligibility (e.g. for admission in educational institutions) where, in any case, the original documents are checked again finally for the shortlisted candidates.

In cases where attestation is considered necessary, In-charge of Suwidha Centre needs to be authorised to attest affidavits instead of having to send them to the Executive Magistrate, thus, making the single window also a one-stop window.

### **Decisions to be taken by the Government**

- Self-attestation of documents should be permitted in case of documents required for seeking domicile/Kandi area/S.C./B.C./Income Certificates/Ration Cards, Electricity, Water Connections & similar services and for the applications for seeking admission to the educational institutions/employment.
- In cases where attestation by the 3rd party is considered to be necessary, In-charge Suwidha Centre or designated official or third person holding Aadhar Card is authorised to attest the documents.
- Agencies responsible for making admissions in educational institutions and for offering employment should accept self-attested copies and call for original documents only from the shortlisted/finally selected candidates.

## **III. FROM GOVERNMENT APPROVALS AND INSPECTIONS TO SELF-CERTIFICATION OF RIGHTS AND ENTITLEMENTS**

Self-Certification is the third 'S' for citizen empowerment - (the other two are Self-Declaration and Self-Attestation). This is not only ideologically relevant – governments do keep referring to empowerment of citizens – but it can be very helpful in reducing substantial transaction costs incurred by the citizens and the government agencies, in the course of delivery of public services.

## **Verification by Public Agencies – a Colonial Legacy**

Citizens need documents such as residence, caste and income certificates for availing of opportunities and entitlements provided by the State. An SC Certificate for example is required to avail of reservation in jobs and for higher education. In most of these cases, they are expected to self-certify the entitlement and then get the same verified and endorsed by revenue as well as PRI officials. Such official verification of facts and information provided by citizens is basically just a ritual. Officials have neither the motivation nor the inclination nor even the information to do the job properly, even assuming such checks are required. In the case of verification by elected officials, electoral compulsions make routine endorsements very likely. The manifestations of this ritualistic endorsement by the public officials are noticeable in various public services. Entire village population flaunts income certificates certifying them to be BPL families; old age pensions are claimed by 50% more families than warranted by the socio economic data about eligibility; population reflected in the ration cards exceeds the census population. All this, despite the elaborate official verification processes!

Acceptance of the concept in principle, however, is not enough. What self-certification should mean in concrete terms has to be determined in the context of different services depending on factors such as risk (of misuse), incentives and transaction costs for the citizens as well as the government.

The two major areas that need different sets of rules in this regard are:

Self-Certification for Need Based 'Contingent Services'

Self-Certification in social and economic regulations

## **I. Self-Certification for Need Based Contingent Services:**

This covers various documentation services involving issue of various certificates such as residence, caste, income etc.

### **Problems under present system of official verification**

- **High Transaction Costs:** The verification processes involve movement of papers from the front desk to the verifying officials and back. In many cases physical tracking is required to be done by the applicants. This results in substantial transaction costs not only for the citizens especially in terms of time but also the officials. Costs may be much more than in the case of affidavits, in terms of multiple visits and travel to different offices.
- **Uneven treatment:** Rural applicants are subjected to two sets of verification in most of the cases, involving the revenue department and the PRI officials whereas in the urban areas only the elected officials are entrusted with verification.
- **Verification a ritual due to lack of information and incentives:** In the case of elected officials especially, there is conflict of interest – they have political interests and may be unable to do an independent scrutiny. This makes the reliability of verification process suspect. In case of revenue officials, there is little incentive or motivation in the absence of information and they mostly bank upon reports of the elected officials thus completing the ‘cascade’ of ignorance.

### **Why Self-Certification?**

#### **Officials responsible for verification:**

- don't have the necessary information;
- don't have the time;
- don't have motivation or incentives.

**Self-Certification means Self-incrimination:** A self-certifying citizen is himself or herself the beneficiary of the wrong statement or facts. The remarkable thing about self-certification is that it can be the direct evidence for misuse, by itself, wherever detected or investigated.

**Low Risk:** Most of the basic services don't carry, to use an economic term, high 'consumer surplus'; incentives for misuse are, therefore, low.

### **Services for which self-certification by the applicant can be accepted**

Various Certificates: Domicile, income, residence, area, dependent, birth, senior citizen and many other similar certificates.

### **For High Risk Services: Citizen –Friendly Third-party Certification**

The practice of third party citizen certification in place of official verification can be useful for certificates and documents having **more risk of misuse** (e.g. **SC certificates/OBC etc. used for employment/admissions in professional colleges**) where consumer utility and prospects of gain are deemed to be too high to make it prudent to bank upon beneficiary self-declaration alone; in such cases, self-certification can be supported by **authentication/endorsement** by third parties - citizens. **Needless to say, third parties would need proper identification (e.g. Aadhar)**. Such kind of third party certification can substitute the process of official verifications and enquiries.

Neighbours and friends have the information and the (dis)incentives; very few will tell a lie to help a friend get a false certificate. User-friendly verification involving third party known to the citizens is in fact, likely to be more reliable than verification by unmotivated and ignorant officials.

The system of citizen friendly third party verification can be adopted in place of verification by public officials for issuance of S.C./B.C. certificates, old age pensions and other services of a similar nature with a higher risk of misuse.

## **Implementation Process for Citizen-Friendly Verification**

- The system of verification and field reports for issuance of various certificates needs to be discontinued. Supporting declaration by one or two citizens (holding Aadhar Card or Passport providing unique ID) should be considered sufficient.
- Proper identification of supporting witness is to be ensured (Aadhar Card, Passport).
- Photographs of the supporting witnesses need to be affixed, as in case of self-declaration.
- As in the case of self-declaration by the applicant, the supporting declaration should provide for liability for action under section 199/200 IPC in case of wrong declaration.

## **II. Self-Certification: Economic and Social Regulations:**

This area provides a different set of problems but with similar solutions.

Numerous clearances, inspections and visits are required for factories/other economic units for occupation and use, approval/licence to operate and start a business and so on. Prior approvals and clearances are required for environment, local byelaws for construction, labour (multiple issues of EPF/ESI/Industries Act) and so on. Sometimes multiple visits may be required – first for no objection and subsequently, for approval.

### **Why Inspections?**

Violation of social and economic regulations is mostly the result of rational and conscious acts, whereas approvals and licences are based on the compliance of peripheral conditions, many of which may not have any correlation with the regulatory outcomes. Factories may have pollution control equipment, but rarely operate it; fire safety equipment in most of the urban structures may be ascribed as 'dummy'. Inspection under Electricity Act is an example where officials do not have information or skills and have only very mild incentives, if at all, to do their job. Complex regulations will always be a step ahead of the skill sets of the street level inspectors.

## Unproductive Checks and Inspections

Prior inspections and scrutiny pose a number of problems.

- **Laws are opaque and complex:** Even a well-meaning Drug Inspector cannot recall all the clauses of the GMP (Good Manufacturing Practices) under Drugs Control Act; these are difficult if not impossible to comply. That is why the law does not require compliance in letter but it still can provide an excuse for objections. What we need is routine clearance unless a limited number of simple requirements are violated – a ‘default rule’ for approval, rather than refusal.
- **Knowledge Deficit of Officials:** Production processes and equipment are sophisticated and may be beyond the skill and capacity sets of an average inspector. Enforcement officials of the factories department, for example, know much less about boilers or installation of hazardous machines than the owner or the supplier.
- **Inspections, ‘Rents’ and Outcomes:** Economic regulations are primarily concerned with socially positive outcomes – unadulterated drugs and food, use of standard weights and measures. Violators are punished or penalised e.g. for adulteration of drugs, compensation to labour for factory accidents. Socially harmful outcomes of production processes and penalties are, however, rarely a function of compliance with regulations regarding the layout and design of a factory or equipment. These are without doubt important for the economics and profitability of the enterprise, but are not a constraint on the production of deficient goods and below par production quality. An excellent 5 star drug factory can as easily (or probably even more easily) produce substandard drugs as any other. A biscuit factory has to be geared to produce good biscuits even though it may not really do so. Pre commissioning inspection of premises would not matter either way. Approvals are mostly a ritual and a function of speed money.

## Inspection in Informal Trade

The process of official visits is especially damaging to informal business and trade which, unlike the organised sector, does not have the resources and the wherewithal to negotiate official procedures and processes – e.g. licences for rickshaws, street vendors.

Pre-commissioning Inspections and Visits appear to be unproductive and wasteful and provide, therefore, an opportunity for ‘rents’; in any case, any violation noticed later can always lead to cancellation of licences etc.

**Inspections in Business and Commerce:** Unlike prior pre-commissioning inspections, these may be necessary, but need to be advisory except when conducted in response to complaints/specific information, as almost all the clients may be non-compliant as in the case of most of the labour regulations. Penalties may only lead to entrepreneurs making obvious and ‘human’ choices between costs of compliance (very high) and the probability of penalty/punishment (very little); people are known to have aversion to losses.

### Recommendations

- Discontinue verification and reports from public officials or government officials.
- Declaration by applicant in lieu of affidavit, field report and verification.
- In case third party verification is considered necessary, accept declaration from citizens.
- Same day delivery.
- Tehsildar/Naib Tehsildar/Suwidha Centre In-charge to be the deciding authority.
- Sub-Divisional Magistrate to be the grievance redressal authority.

## Decision to be taken by the Government

- The system of verification and field reports for issuance of various certificates is discontinued. Supporting declaration by 2 citizens (holding Aadhar Card) (including government officials/elected officials) would be considered sufficient.

- Proper identification of supporting witness is to be ensured (EPIC, Ration Card, Aadhar Card, etc.).
- As in the case of self-declaration by the applicant, the supporting declaration should provide for liability for action under section 199/200 IPC in case of wrong declaration; photographs of the supporting witnesses need to be affixed, as in case of self-declaration.

## **STRATEGY ADOPTED TO IMPLEMENT THIS REFORM: PUNJAB**

### **Assessment phase**

- Conducted field surveys in district and SDM offices for following:
  - To discover list of services, where the authorities ask for submission of an affidavit from a citizen;
  - To ascertain whether a local invention or mandatory as per law;
  - To find out the nature and extent of problem on the basis of feedback from general public.
- Generated matrix of services, pertaining to furnishing of affidavit.
- List of such services includes – Admission in school and college for caste, income (BPL), Residence and Rural Area Certificates, recruitment, loan, driving license, ration card, employment certificates, etc.
- Based on survey reports, series of meetings were held with the concerned line departments at HQ.
- Studied the corresponding provisions in Act, laws, rules for following:
  - To find out the relevant legal provisions for affidavit submission
  - To determine the reasons for furnishing an affidavit.
- Prepared a comprehensive report indicating two sets of services:
  - Where mandatory as per law;
  - Local practice, not provisioned in law
- Analysed the possible alternatives for replacing the requirement of an affidavit for services, where not required.

- Measured probably consequences in case of omitting the submission of affidavit for such services.
- Explored the associated legal complications, which may arise while doing away with affidavit.

### Planning phase

- The Government could identify only 12 services, where an affidavit is mandatory under State and Central laws:

S. No.	Name of Service
1.	New Arms License
2.	Late Renewal Arms Licence
3.	Addition of Weapon
4.	Entry/Deletion of Weapon
5.	Disposal of Death Case (Arms Licence)
6.	Admission in Colleges/Schools (low income)
7.	Unmarried Certificate
8.	Late Death Certificate (current year)
9.	Sale of vehicles
10.	For Appointment Letter
11.	Complaint cases
12.	Misc. (Court cases/Central Government)

- The Government identified 89 services where affidavit could be dispensed with:

S. No.	Name of Service	No. of services
1.	Various kinds of certificates	16
2.	Issuance of licenses and related matters	2
3.	Property Transaction and building plans	14
4.	Related to implementation of schemes	13
5.	Education/Admission related issues	3
6.	Employee-Employer relationship	19
7.	Rations Card related issues	5
8.	NOCs	5
9.	Municipal Services	5
10.	Miscellaneous	5
	Total	89

- After extensive examination of the problem, the Government accepted the suggestion of Punjab Governance Reforms Commission (PGRC) for shifting to self-certification of documents for identified 89 services.

### **Preparation Phase**

- Three specimens of self-declaration were also finalised:
  - For getting government services from departments/local bodies/autonomous institutions.
  - For getting admission in educational institutions
  - For getting employment in government/local bodies/autonomous organisations.
- Application forms were drafted containing an undertaking/declaration that facts stated are true and correct to best of knowledge and belief in three areas.
- Formulated the Government Order (GO) for replacing affidavit with self-attestation as no legal bindings were associated in identified 89 services (Annexure III).

**Notification of Government Order (GO)** – Government order was issued by Chief Secretary, Government of Punjab on 10<sup>th</sup> March, 2010 (Annexure IV)

### **Sensitisation of all stakeholders**

- Meeting of Chief Secretary with all Administrative Departments, all Vice Chancellors of Universities, Administrative Secretaries in charge of Colleges (Technical and General), School Education were also organised and conducted.
- Awareness campaigns – Awareness campaigns were conducted through Media and Deputy Commissioners. Special directives were issued to recruitment agencies like “The Punjab Public Service Commission” and “Subordinate Staff Selection Board”.
- To know the prevalence of Affidavits, an instruction was issued on 22<sup>nd</sup> November, 2010 seeking MIS report regarding the number of Stamp Papers issued for preparing affidavits; and the amount of Revenue collected for that purpose. This information is available with the Deputy Commissioners as the licensing authorities for Supervisors. This information is also available from the Treasuries and Sub

Treasuries as Revenue with respect to Stamp Papers are also monitored by the finance department.

## **RESULT OF ABOLITION OF AFFIDAVIT REFORM**

The benefit of change is obvious if the figures, as given below, are introspected:

### **Reduction in submission of affidavit:**

<b>S.No.</b>	<b>Year</b>	<b>Total no. of services disbursed by the Suwidha Centres</b>	<b>Total no. of services relating to affidavits in (lacs.)</b>	<b>Total services relating to affidavits in (%)</b>
1.	2009-10	22,68,429	14,88,053	65.60
2.	2012-13	32,70,715	3,20,963	9.81
3.	2013-14	68,70,808	5,78,025	8.41
4.	2014-15	82,35,540	6,72,031	8.16

### **Benefits to the Citizens**

There is a saving to the citizens in terms of the monetary cost of getting the affidavits and the opportunity cost of loss of productivity and wages. The citizens have used the money and time saved for more productive ways thereby, enhancing general welfare.

<b>Benefits to citizens</b>
<ul style="list-style-type: none"> <li>• Monetary cost</li> <li>• Travel cost</li> <li>• Opportunity cost – Loss of wage for a day or two</li> <li>• Freedom from hassle</li> <li>• Restoring trust and dignity</li> </ul>

### **Benefits to Youth and Students**

The requirement of attestation by a Gazetted officer from school students seeking admission in various colleges is to be discontinued and replaced with self-attestation. As per data, approximately 8 lakh students appear in Senior Secondary (12<sup>th</sup>) Class from Punjab School Education Board (PSEB), Central Board of Secondary Education (CBSE) and Indian Certificate of Secondary Education (ICSE) every year to get admission in colleges.

Students are required to get their documents duly attested by Gazetted Officer. The requirement of giving certified copies of documents at the time of admission in colleges or submitting application for recruitment to various posts in the government/PSUs has been dispensed with.

### **Sustainability**

- To sustain this practice the concerned stakeholders were given training on the overall concept of this reform.
- Timely audit were conducted to check prevalence and adaptation to this practice.
- Monthly monitoring of collection of data analysis of implementation of reform was done regularly.
- Surprise checks in various Suwidha Centres are also conducted by Administrative Secretaries.

### **Take-Aways**

- Punjab experience may be replicated in Central Ministries, organisations and in other states.
- Leveraging technology to rationalise and to do away with third party verification.

S.No.	Services	Present	Proposed
1.	<b>Residence/Area Certificates - Application forms</b>	<ul style="list-style-type: none"> <li>As prescribed by the authority (e.g. by educational institutions) or as per the prescribed format.</li> </ul>	<ul style="list-style-type: none"> <li>Form to be placed on the Suwidha Centre website and should be downloadable.</li> <li>Hard copy should also be available with the vendors, Suwidha Centres, other concerned offices as at present.</li> <li>The form must contain instructions and appropriate information on check list etc. in clear and user-friendly manner and language.</li> <li>No court fee or other stamp fees should be levied. Form to be available free, except at Suwidha Centres where a nominal service charge can be levied.</li> </ul>
2.	<b>Documentation or Reports – Affidavit</b>	<ul style="list-style-type: none"> <li>Affidavit by the applicant or by the parent or guardian in case of minor.</li> <li>The affidavit is required to be attested by the Executive Magistrate.</li> </ul>	<ul style="list-style-type: none"> <li>Self-declaration to be allowed.</li> <li>The declaration should provide for the applicant's responsibility for giving correct information. (<b>"The information given by me in the form/enclosures is true and I am solely responsible for its accuracy and liable for action under sections 199/200 of the IPC in case of wrong declaration/information"</b>).</li> </ul>
	<b>Residence Proof</b>	Attested photocopy by Gazetted Officer or Notary: <ul style="list-style-type: none"> <li>Ration Card</li> <li>Voter Card</li> <li>School Certificate</li> <li>(Only required for rural area certificate)</li> </ul>	<ul style="list-style-type: none"> <li>Self-attested copies to be accepted.</li> </ul>
	<b>Field Reports</b> <b>a) Recommendations/Certificates by MC/ Sarpanch/Revenue Staff</b>  <b>b) Attestation of Originals</b>	<ul style="list-style-type: none"> <li>Required</li> <li>Attestation by notary or Executive Magistrate</li> </ul>	Discontinue verification by the revenue staff. Discontinue verification by MC or Sarpanch; Accept supporting declaration by two residents of the village or town, subject to proper identification. <ul style="list-style-type: none"> <li>Permit self-attestation</li> </ul>
	<b>Authority to whom application is to be submitted</b>	<ul style="list-style-type: none"> <li>Suwidha Centres or Tehsildar/specified authority.</li> </ul>	<ul style="list-style-type: none"> <li>No change</li> </ul>
	<b>Competent authority for Issue/Signature</b>	<ul style="list-style-type: none"> <li>Tehsildar or SDM.</li> <li>Sub-Tehsil not authorised.</li> <li>Officer-in-charge of Suwidha Centre needs to be empowered to issue as the process is not discretionary.</li> <li>Naib-Tehsildar or Tehsildar should be authorised in place of SDM. Sub-tehsils should also entertain applications and issue these certificates.</li> </ul>	<ul style="list-style-type: none"> <li>Officer-in-charge of Suwidha Centre or Tehsildar or Naib-Tehsildar.</li> </ul> <b>Standard Format:</b> Standard format of the certificate to be adopted by all the institutions.

## **LEGAL PROVISIONS**

### **Section 177. Furnishing false information**

Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both; or, if the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

### **Section 193. Punishment for false evidence**

Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine, and whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

### **Section 197. Issuing or signing false certificate**

Whoever issues or signs any certificate required by law to be given or signed, or relating to any fact of which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in any material point, shall be punished in the same manner as if he gave false evidence.

### **Section 198. Using as true a certificate known to be false**

Whoever corruptly uses or attempts to use any such certificate as a true certificate, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

### **Section 199. False statement made in declaration which is by law receivable as evidence**

Whoever, in any declaration made or subscribed by him, which declaration any Court of Justice, or any public servant or other person, is bound or authorized by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.

### **Section 200. Using a true such declaration knowing it to be false**

Whoever corruptly uses or attempts to use as true any such declaration, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence. Explanation.—A declaration which is inadmissible merely upon the ground of some informality, is a declaration within the meaning of sections 199 to 200.

**PROFORMA FOR SELF-DECLARATION**

**A) Self-declaration for getting services from Government Departments/Local Bodies/Autonomous Institutions under the State Government.**

The written declaration as given hereunder will be included at the end of the application form for seeking the services:

I \_\_\_\_\_ Son/Daughter of \_\_\_\_\_ Sh.  
Age \_\_\_\_\_ Year \_\_\_\_\_  
resident of \_\_\_\_\_ District \_\_\_\_\_ Punjab,  
hereby declare that the information given above and in the enclosed documents is true to the best of my knowledge and belief and nothing has been concealed therein. I am well aware of the fact that if the information given by me is proved false/not true, I will have to face the punishment as per the law. Also, all the benefits availed by me shall be summarily withdrawn.

**B) Self-declaration for getting admission in the educational institutions under the State Government:**

The written declaration as given hereunder will be included at the end of the application form for getting admission:

I \_\_\_\_\_ Son/Daughter of \_\_\_\_\_ Sh.  
Age \_\_\_\_\_ Year \_\_\_\_\_  
resident of \_\_\_\_\_ District \_\_\_\_\_ Punjab,  
hereby declare that the information given above and in the enclosed documents is true to the best of my knowledge and belief and nothing has been concealed therein. I am well aware of the fact that if the information given by me is proved false/not true, I will have to face the punishment as per the law. Also, all the benefits availed by me shall be summarily withdrawn.

**C) Self-declaration for getting employment in Local Bodies/Autonomous Bodies under the State Government:**

The written declaration as given hereunder will be included at the end of the application form for getting employment:

I \_\_\_\_\_ Son/Daughter of \_\_\_\_\_ Sh.  
Age \_\_\_\_\_ Year \_\_\_\_\_  
resident of \_\_\_\_\_ District \_\_\_\_\_ Punjab,  
hereby declare that the information given above and in the enclosed documents is true to the best of my knowledge and belief and nothing has been concealed therein. I am well aware of the fact that if the information given by me is proved false/not true, I will have to face the punishment as per the law. Also, all the benefits availed by me shall be summarily withdrawn.

**LIST OF 89 SERVICES FOR WHICH AFFIDAVITS HAVE BEEN WAIVED**

1. Issuance of Certificate of Nambardari.
2. Issuance of Un-married Certificate.
3. Issuance of Marriage Certificate.
4. Issuance of Duplicate Registration Certificate.
5. Duplicate License.
6. Cancellation of Higher Purchase Agreement.
7. Sanction of Aids under National Horticulture Mission.
8. Sanction of Aids under National Agriculture Scheme.
9. National Agriculture Scheme - Release of subsidy on agriculture tools
10. For handicap scheme
11. Sanction of loan under Prime Minister Rozgar Yojana.
12. Declaration for condonation of shortage of lectures by college students.
13. Sanction of grant under Shagun Scheme.
14. Issuance of Backward Area Certificate.
15. Issuance of Rural Area Certificate.
16. Issuance of Kandi Area Certificate.
17. Issuance of SC/BC Certificate.
18. Issuance of No Due Certificate regarding loan against land.
19. Issuance of Freedom Fighter Certificate.
20. Issuance of Dependent Certificate.
21. Addition or deletion of name in Ration Card.
22. Issuance of New Ration Card.
23. Registration of Marriage
24. Registration of Document
25. No Objection Certificate from both the parties in case of joint property
26. Sanction of Tubewell connection under priority category.
27. Declaration at the time of admission of students.
28. Issuance of Duplicate Ration Card.
29. Counter signatures on translated copies of Ration Card.

30. Sanction of License for new fair price shop (Ration Depot) or Duplicate copy of the same.
31. Issuance of Licence for Brick Kiln or duplicate copy of the same
32. Issuance of change of land use as per master plan.
33. Change of title in case of water connection
34. Change of name regarding House Tax,
35. For waiver of House Tax
36. For Commercial Electricity Connections
37. Amendment in Birth and Death Certificate
38. Late registration of Death and Birth
39. Permission for construction of basement
40. Regarding non-litigation in case of property
41. Regarding construction as per approved Building Plan
42. Regarding completion certificate of building
43. Regarding vacation of Government land
44. Issuance of Survivors Certificate or Succession Certificate
45. NOC of marriage palaces
46. NOC of video Parlour
47. Title of Printing Press/Newspaper
48. Regarding Character Certificate (Media related)
49. Issuance of Residence Certificate
50. Sanction of benefits under family planning scheme
51. Police Clearance Certificate
52. Release of subsidy in Schemes of Fisheries Department
53. Digging up of new Pond
54. Renovation of old Pond
55. For providing feed and food to fishes
56. For providing 16 Marla free of cost land for setting up of new Tubewell
57. Sanction of Ex-India leave
58. Sanction of final payment of GPF.
59. Medical Reimbursement
60. Issuance of Surviving family member certificate
61. Employment on compassionate ground
62. Availing of Leave Travel Concession

63. Sanction of proficiency step up under assured progression scheme(ACP)
64. Sanction for approval for higher education
65. Issuance of NOC for Passport to the employees
66. Declining of promotion by an employee
67. Sanction of GPF/CPF advance to the employees
68. Joining of employees after availing long leave
69. Sanction of pension after retirement
70. All other matters relating to GPF of employees
71. Allotment of residential houses to the employees appointed on contract basis
72. Sanction of advance of House Building and Vehicles
73. Sanction of ex-gratia and other benefits on the death of an employee
74. Regarding voluntary retirement
75. Reimbursement of Medical Bills to the retired employees
76. Clearance of probation period of employees
77. Declaration before joining Government service
78. Declaration of Inter-district transfers
79. Permission to sale after conveyance deed (NOC) by allottee
80. Transfer of plot/house/commercial site (before CD) by allottee
81. Issue of Conveyance Deed
82. No Due Certificate and copies of documents
83. For duplicate copies of documents
84. Issue of reallocation letter/transfer of ownership letter
85. Issue of permission to mortgage
86. Issue of Certificate of Registration as an Estate Agent
87. Issue of Certificate of Registration as promoter
88. Permission for professional consultancy
89. STD services in residential houses

GOVERNMENT OF PUNJAB  
DEPARTMENT OF PERSONNEL  
(TRAINING BRANCH)

To

All Heads of Departments,  
Commissioners of Divisions,  
Registrar, High Court of Punjab and Haryana,  
Deputy Commissioners and Sub Divisional Officers (Civil).

Memo No. 3/7/2010-Trg.(3)/1007  
Dated Chandigarh the 10<sup>th</sup> March, 2010.

**Subject : Implementation of the recommendations of the Punjab Governance Reforms Commission, regarding;**

Punjab Governance Reforms Commission was set up on 8<sup>th</sup> January, 2009 under the Government orders. The Commission has already submitted two Reports to the Government. The proposed recommendations of the Commission were considered carefully by the Government and it was decided that the recommendations will be considered by the Empowered Committee under the Chairmanship of Chief Secretary and, thereafter, the Department of Personnel, in consultation with the concerned Secretaries, will be responsible for getting the Government decisions implemented regarding the recommendations of the Commission.

The recommendations of the Commission were carefully considered. The following orders were issued regarding the specific recommendations related to affidavits and attestations.

All concerned are requested to immediately act in accordance with the revised procedures within the defined time frame.

**1. Attestation system related to need based services:**

1.1 Presently, the applicants/guardians have to submit affidavits to get various need based certificates such as Residence/ /Kandi Area/SC/BC etc. In some cases, affidavits are required due to some rules, sub rules etc. under the authority of some specific law. For such cases, these are attested by Public Notary while in other cases, attestation rests with the Executive Magistrates.

- a. The view of the Government is that by asking for affidavits, the citizens are put to unnecessary harassment and as such, attestation should be replaced by self-declaration in majority of the cases because there is a provision for stern action

under the law for making wrong declaration. Therefore, it has been decided that no Government Department or organisation will ask for affidavits from the applicants except in those cases where affidavits are required under law. In place of having affidavits, self-declaration has been accepted and this system will be implemented with effect from 1<sup>st</sup> April, 2010 onwards. It will be ensured by the Deputy Commissioners of the State that the self-declaration forms will be available at all the Suwidha Kendras to the citizens. Though, the self-declaration will carry a photograph of the applicant.

1.3 All the Secretaries of the Departments, especially, Education, Health, Technical Education, Irrigation and Power etc. and others where affidavits are required for seeking admission or employment, will ensure that all organisations/agencies will replace the existing system of submission of affidavits with self-declaration and implement the changed system within the time frame.

1.4 All the Departments will submit a list of affidavits which have been replaced by self-declaration to the P.G.R. Cell of Department of Personnel and another list of the subjects where affidavits are required to continue due to legal formalities or on account of any other reasons. This list should be submitted by 30<sup>th</sup> April, 2010.

## **2. Attestation of Documents:**

2.1 Presently, the applicants seeking admission in educational institutions and employment in Government Departments are required to prove their eligibility to submit the attested copies of certificates. In some cases, the applicants are required to have the particulars mentioned in the applications duly attested by the Executive Magistrates.

2.2 The Government has decided that the applicants while submitting documents for admission in educational institutions and for seeking employment will be permitted to submit self-attestation with effect from 1<sup>st</sup> April, 2010 onwards.

2.3 For admission to educational institutions and for providing employment, the concerned agencies should accept the self-attested copies from the applicants and the original certificates should be called only from finally selected candidates

## **3. Action to be taken by the Authorities:**

3.1 The Administrative Secretaries of the Departments of Education, Higher Education, Medical Education and Research and Technical Education are requested to ensure the implementation of the Government decision in all the educational institutions. The format of the application form is, thus, required to be revised properly before seeking applications for admission by the applicants during the Academic Session of 2010-11.

3.2 Chairmen of the Punjab Public Service Commission and Subordinate Services Selection Board are requested to ensure the implementation of the decision while making recruitments. The recruitments which are not covered by the above two authorities, the Administrative Secretaries and Heads of Departments concerned are required to take appropriate steps in the Departmental Selection Committees.

3.3 The Deputy Commissioners of the State are required to ensure that the decision will be disseminated through the District Suwidha Centres by publicising the same widely and

prominently. While doing so, due attention may also be drawn to the relevant provisions of The Indian Penal Code for willfully filing wrong declaration (Annexure-1).

3.4 Self-declaration format will also be properly included in the applications for employment being provided by various organisations under the control of the State Government.(Annexure -2).

S. C. Agrawal.

Chief Secretary, Government of Punjab.

Endst.No.3/7/2010-Trg.(3)/1008 Dated Chandigarh the 10<sup>th</sup> March, 2010.

Copy is forwarded to Shri Satish Chandra, IAS, Principal Secretary, Health & Family Welfare, Planning and ex-officio Member Secretary, Punjab Governance Reforms Commission & Chairman, Core Implementation Committee for information and necessary action.

Sd/-

Under Secretary Personnel

Endst. No. 3/7/2010-Trg.(3)/1009 Dated Chandigarh the 10<sup>th</sup> March, 2010.

Copy is forwarded to the following for ensuring early follow up action:-

- 1) Chairman, Punjab Public Service Commission;
- 2) Chairman, Subordinate Services Selection Board, Punjab;
- 3) Vice Chancellor, Guru Nanak Dev University, Amritsar;
- 4) Vice Chancellor, Punjabi University, Patiala;
- 5) Vice Chancellor, Baba Farid Medical University of Health Sciences, Faridkot;
- 6) Vice Chancellor, Punjab Technical University, Jalandhar;
- 7) Vice Chancellor, Central University, Punjab, Bathinda;
- 8) Vice Chancellor, Guru Angad Dev Veterinary and Animal Science University, Ludhiana;
- 9) Vice Chancellor, Rajiv Gandhi National University of Law, Patiala; and
- 10) Vice Chancellor, Punjab Agriculture University, Ludhiana.

Sd/-

Under Secretary Personnel

# **RIGHT TO SERVICE ACT**

## RIGHT BASED APPROACH FOR DELIVERY OF SERVICES

### ‘A case of Punjab’s Right to Service Act’

‘Governance! For whom and for what!’ is the legitimate question that normally gets lost in the processes, procedures and application of technology. To illustrate, the application of unique ID numbers, no doubt, shall provide efficiency, but only to the existing process of undignified and exploitative exchange between the citizens and the government. These rules of exchange in many spheres do not protect the rights and the entitlements of the people on the margins besides treating a fairly large section of the citizenry in an undignified manner.

Why Right to Service Act?	What is the purpose of the Act?
<ul style="list-style-type: none"> <li>• Sixty-four years after Independence citizens were not trusted by the government.</li> <li>• Services were provided as doles or <i>kherat</i>. And, citizens were treated like <i>Ria</i> and administration as <i>Mai Baap</i>.</li> <li>• Bribes and corruption became rampant and blatant</li> <li>• No institutional system of complaint redressal.</li> </ul>	<ul style="list-style-type: none"> <li>• To empower the citizens to claim government services as a matter of Right.</li> <li>• To restore dignity of the citizens.</li> <li>• To repose trust in citizens through procedural changes and technology application.</li> <li>• To initiate the process of democratic governance by making administration accountable to the citizens.</li> <li>• To put in place institutional mechanism to perform the function of Lok Pal for lower rung of bureaucracy by taking suo-motu notice of any corrupt practices and harassment in the delivery of these services.</li> </ul>

In a major initiative before implementation of Right to Service Act, the Punjab Government in 2010, decided to do away with filing of affidavits except in cases where it is mandatory by law. Affidavits impose their own cost on citizens – buying of stamp paper, locating a deed writer, payment to Notary for attestation besides harassment caused to the citizens. Most of these have been replaced by self-declaration leading to trust building, but, at the same time, introducing corresponding accountability.

Another sphere that requires intervention a priori to the implementation of Right to Service Act aimed at transforming everyday interactions of the people with the government, one that is characterised by lack of respect and dignity. The narrative of people irrespective of their caste, religion, social status uncovers a strong feeling of lost dignity in their interactions with government, particularly the police, revenue collection agencies, and district administration.

A third set of prerequisites relates to the productivity, i.e., to engage people with the system in a productive manner and provide conducive conditions to nurture people's capacity to be productive and their ability to exercise some degree of control over their lives. Instead of productive engagement of the citizens, a culture of sharing of the spoils is reinforced.

The fourth boundary condition was to transform these claims relating to exchange between the citizens and the public functionaries from patron-client or *Ria Mai Baap* to public servants–citizen partnership. 'Punjab Right to Services Act, 2011' has been introduced to make Citizens' interactions with the Government dignified with their claims to be considered as a matter of right.

#### **DISTINCT AND DIFFERENT**

To make these reforms sustainable, efforts were made to overcome do-gooder personality-centric ad-hoc initiatives through formalisation of reforms by rule amendments, procedural changes, redefining the role and duties of the stakeholders. These have been integrated into sustainable plans and budget lines. And above all, stakes of the citizens were built into these reforms by following right-based approach.

Further, these reforms have been located in local context to be responsive to citizens needs and systems have been proposed to meet global standards. The parameters of accountability have been redefined through strengthening of the internal controls rather than multiplying external oversights. The ambiguity in fixing accountability due to non-statutory discretions has been reduced and at the same time statutory autonomy proposed to be strengthened.

## **PURPOSE OF THE ACT**

The Right to Service Act, 2011, intended to empower the citizens to claim government services as a matter of Right. It aimed to restore dignity of the citizens and repose trust in citizens through procedural changes and technology application. The Act wanted to initiate the process of democratic governance by making administration accountable to the citizens and to put in place institutional mechanism to perform the function of Lok Pal for lower rung of bureaucracy by taking *suo motu* notice of any corrupt practices and harassment in the delivery of these services.

## **HOW WAS THE ACT DEVELOPED?**

This ordinance was implemented on July 26, 2011, and later in October, it was made an Act. This is not merely a piece of legislation.

- An extensive backroom work was done for at least two years at three levels;
- Procedures were changed to repose trust in the citizens – like doing away with Affidavits for availing these services. It has not only saved money, but provided citizens' right to make Self-Declarations.
- Process reengineering was undertaken to do away with unnecessary procedures. For example, in the case of property registration, discretionary powers of the tehsildar regarding calculation of construction cost has been replaced with flat rate.
- Similarly, for approval of Building Plan, empanelled architects have been authorised. It will bring efficiency, without a doubt, but also make professional competence of architects integral to governance. This is not merely, business re-engineering.
- To plan and construct dignified delivery spaces like Fard Kendras, Saanjh Kendras and Suvidha Centres.

This Act shall provide statutory backing for ensuring delivery of services to the citizens within stipulated time limits. It is indeed a dynamic Act that has sufficient scope to include new services, amend time schedules and adapt new technology innovations with long administrative procedures. It has a built-in mechanism of grievance redressal. The main thrust is to provide services first and, thereafter, start proceedings against erring officials. The overall thrust is to make administration transparent and accountable and provide

services to citizens as a matter of right. Under this Act, it has been made obligatory to inform citizens the stipulated time limits even for those services which have not been included in the Act.

**PUNJAB RIGHT TO SERVICE ACT, 2011**

The Right To Service Act got Notified on 20<sup>th</sup> October 2011 and for ensuring proper implementation of the Act, Punjab Right to Service (RTS) Commission was set up on 20<sup>th</sup> November 2011. Initially, 67 services were notified under RTS Act on 28<sup>th</sup> July 2011. Subsequently, on 30<sup>th</sup> May 2012 two more services were added and another 80 services on 04<sup>th</sup> September 2013. Additional 57 services were notified on 2 March 2015 taking total to **206 services**. Further the Act was amended to empower the Punjab Right to Service Commission (PRTSC) to impose penalty on defaulting employees.

**ROLE OF THE GOVERNMENT**

The government must notify services that are to be covered under the Act and provide stipulated timelines for each service covered by the notification. It also needs to designate officers who are responsible for delivery of each service in the given timeline. In addition, the government needs to provide for two levels of appeal to the citizen in case

Role of the Government
<ul style="list-style-type: none"> <li>• Notify services that are to be covered under the Act;</li> <li>• Provide timelines for each service covered by the notification;</li> <li>• Designate officers responsible for delivery of each service within timeline;</li> <li>• Provided two levels of appeal to the citizen in case the service is not provided in the given time, or is deficient in any manner;</li> <li>• Empower the first appellate to get the service delivered within stipulated time and the second appellate authority to impose penalty on the defaulting officer;</li> <li>• Compensation to the aggrieved citizen out of the amount recovered as penalty;</li> <li>• Constitute a Commission to oversee and supervise the implementation of the Act and to act as the highest forum of revision or appeal under the Act; and</li> <li>• To give <i>suo motu</i> powers to appellate authorities and RTS Commission to take note of corrupt practices</li> </ul>

the service is not provided in the given time, or is deficient in any manner. It must empower the second appellate authority to impose penalty on the defaulting officer if the service has been refused or delayed without sufficient reason. Further, provide for compensation to the aggrieved citizen out of the amount recovered as penalty. Finally, to oversee and supervise

the implementation of the Act and to act as the highest forum of revision or appeal under the Act, a separate Commission should be created.

### FEATURES OF THE RTS ACT

The Right to Service Act is a dynamic Act that has provided statutory backing for ensuring delivery of services within stipulated time limits. It has sufficient scope to include new services, amend time schedules and adopt new technology innovations without long administrative procedures. Its main thrust is to provide

Main features of the Act
<ul style="list-style-type: none"> <li>• Act has provided statutory backing for ensuring delivery of services within stipulated time limits.</li> <li>• It is a Dynamic Act. It has sufficient scope to include new services, amend time schedules and adopt new technology innovations without long administrative procedures.</li> <li>• Main thrust is to provide services first and then start proceedings against erring officials.</li> <li>• Easy complaint mechanism for grievance redressal without much time and material costs.</li> <li>• Transparent and accountable administration. Even those services which are yet to be included in the Act, it has been made obligatory on the part of the concerned departments to make public stipulated time limits for their delivery.</li> </ul>

services first, and then start proceedings against erring officials. With an easy complaint mechanism for grievance redressal without much time and material costs, the Act wants to ensure transparent and accountable administration. Even those services that are yet to be included in the Act, it has been made obligatory on the part of the concerned departments to make public stipulated time limits for their delivery.

### **Punjab is the only State of the country that has included twenty police services in this Act.**

This has led to an empowered citizenry in order to claim services as its Right. More importantly, through procedural changes and technology, the Act has been able to repose trust in citizens.

An ordinance for enacting the Right to Service Act was promulgated in July, 2011 that was converted into an Act and The Right To Service Act got Notified on 20<sup>th</sup> October 2011. For ensuring proper implementation of the Act, Punjab Right to Service Commission was set up on 20<sup>th</sup> November 2011. Initially, 67 services were notified under RTS Act on 28<sup>th</sup> July 2011. Subsequently, on 30<sup>th</sup> May 2012 two more services were added and another 80 services on 04<sup>th</sup> September 2013. Additional 57 services were notified on 2 March 2015 taking total to

**206 services.** Further the Act was amended to empower the Punjab Right to Service Commission (PRTSC) to impose penalty on defaulting employees.

### **ROLE OF THE GOVERNMENT**

The government must notify services that are to be covered under the Act and provide stipulated timelines for each service covered by the notification. It also needs to designate officers who are responsible for delivery of each service in the given timeline. In addition, the government needs to provide for two levels of appeal to the citizen in case the service is not provided in the given time, or is deficient in any manner. It must empower the second appellate authority to impose penalty on the defaulting officer if the service has been refused or delayed without sufficient reason. Further, provide for compensation to the aggrieved citizen out of the amount recovered as penalty. Finally, to oversee and supervise the implementation of the Act and to act as the highest forum of revision or appeal under the Act, a separate Commission should be created.

### **PUNJAB RIGHT TO SERVICE COMMISSION**

Punjab is amongst the first few States in the country that has not only brought about this legislation but also constituted a Punjab Right to Service Commission to oversee the effective implementation of this legislation. The Commission can take *suo motu* notice of failure to deliver service in accordance with this Act and refer such cases for decision to the First Appellate Authority or the Second Appellate Authority or pass such order itself as may be appropriate apart from carrying out inspections of offices entrusted with the delivery of services and the offices of the First Appellate Authority and the Second Appellate Authority. It can also recommend Departmental action against any officer or employee of the State Government who has failed in due discharge of function cast upon him under the Act and in addition impose a penalty on the Designated Officer or any other officers or officials involved in the process of providing service under the Act, if the Commission is of the opinion that the person concerned has failed without sufficient cause in due discharge of the duty cast on him.

### **MONITORING**

The Punjab Governance Reform Commission is dynamically pursuing rapid follow ups and reviews of the delivery of services and working of the delivery centres. The Chief Secretary

has included the review of the services delivery at the top of the agenda in the video conferencing with the Deputy Commissioners. The RTS Commission, apart from doing its statutory work, has been holding awareness camps for the citizens' benefit. A Help Desk for providing information to General Public regarding the services being rendered by the Commission, procedure for obtaining these services and other queries relating to the complaints/requests made to the Commission has been set up with telephone No. 0172-2790182

## **OUTCOME**

Until now 4,36,07,454 applicants have been provided notified services since the inception of Punjab Right to Service Act, 2011. 66 Officers/Officials have been penalized for causing undue delay in providing the services within the notified time lines and also awarded compensation in few cases out of the amount of penalty so imposed. This has led to an empowered citizenry in order to claim services as its Right. More importantly, through procedural changes and technology, the Act has been able to repose trust in citizens.

**BASIC CIVIC SERVICES AND CIVIC REGULATORY SERVICES**

## **BASIC CIVIC SERVICES AND CIVIC REGULATORY SERVICES**

### **I. AREA/RESIDENCE/DOMICILE CERTIFICATES**

Various institutions and organizations ask for residence certificates which are mostly needed for the purposes of employment and education. Generally, the certificates are issued on the basis of compliance with the prescribed conditions – e.g. some institutions may ask for residence certificate on the basis of residence/domicile for the last five years whereas others may be content with a certificate regarding the applicant being ‘ordinarily resident’.

#### **Field Reports / Verification**

These are required from Municipal Commissioner/Sarpanch and in addition from Patwari and Kanungo. At present, therefore, elected officials as well as revenue officials are required to report in case of rural areas. While the Working Group on the BPR in Government has recommended discontinuation of the practice of applicants obtaining reports from MC/Sarpanch directly, this may need to be continued, if at all necessary. It is much more convenient for the public, rather than having to wait for the reference and response cycle to be completed by the officials. *In any case, reference to the public officials appears to be unnecessary, as such facts are mostly not within the personal knowledge of the elected officials and substantial wastage of time is involved in the applicant especially by the under privileged in contacting the elected officials.*

Ideally, since the MC’s/Sarpanch are not custodians of information about the applicant nor do they have any standard means of enquiry, self-declarations should be adequate in most of the cases. In practice, public men by nature of their position – which is dependent on the constituent’s good will, can rarely afford to refuse on grounds of lack of personal knowledge, and the endorsement by the public men is generally a ritual without much relevance to correctness of the stated facts.

### **Verification by Government Officials**

Patwari and Kanungos who are concerned with land matters, also do not have custody of information regarding residence. The practice of verification by them, therefore, in any case, needs to be discontinued. There is little logic in making the process more onerous for the rural areas, just because revenue officials happen to be available there.

*It appears more appropriate to*

- (i) Ensure proper identification of the applicant,*
- (ii) Allow any two citizens (including government officials) in place of or in addition to the public officials to provide supporting declarations.*
- (iii) Ensure proper identification (e.g. EPIC, Ration Card with photo etc.) of supporting citizens; and*
- (iv) Provide for liability for action in case of wrong declaration.*

### **Period of stay required for residence proof**

It is understood that the Punjab government requires proof of residence for 5 years. This is unreasonable if we take note of the labour mobility. The proof of residence should be the same as for elections- a person is only required to be 'ordinarily resident'. In any case, certificates can be issued on the basis of two year stay at the address given, as is generally the practice for issue of passports.

### **Lack of uniformity**

Different institutions have prescribed different criteria for residence/ area certificates. Some even require certificates of residence by birth; others need at least five years proof of residence and so forth. At least within Punjab, all the institutions should follow a common pattern -- residence proof based on two year stay.

### **Discretion of officers**

The systems and processes are routine and non-discretionary. There may, however, be cases where some documents are not available or are inadequate due to unavoidable reasons (e.g. recent shifting of family). In such cases, the applicant may be allowed to lead supportive evidence/witnesses by the competent authority and the case with recommendations referred to the next higher authority for decision. Instructions should provide for scope for discretion at defined levels superior to the deciding authority.

### **Risk Factors**

Wrong issue of certificate due to the acceptance of bogus documents, etc., is unlikely as the applicant continues to be responsible for wrong information. Self-attestation also means self-incrimination. Self-attestation and verification are allowed for Passport and Income Tax matters and there should be no problem in allowing it for these services. The risks can be minimized by displaying the list of certificates already granted. Sheer competitive pressure will lead to reduced risk of misuse, once the list of persons issued various certificates is displayed on the website.

### **Processing of applications**

Processing of applications which is an internal matter of the public agency can be as per the practice or as per the instructions issued in regard to the functioning of Suvidha Centres.

**Application/Software Package** - Already available in Suvidha Centres; In case of difficulty, IT Department can assist.

### **Data Management and Monitoring**

Certificates/files entertained by NT/Tehsildars/SDMs directly should be sent every month to the district Suvidha Centres for electronic entry as for applications entertained at Suvidha Centres. This will be a permanent record and enable issue of duplicates etc. without having to maintain physical record and enable monitoring even for off line transactions. *The district Suvidha Centres (SCs) should be the custodians of all these records- electronic / paper files, for the district, for the present and start maintaining only electronic records as soon as practicable.*

The present practice/instructions and the reformed changes required are indicated below.

S.No	Services	Present	Reformed
1.	<b>Residence/Area Certificates - Application forms</b>	<ul style="list-style-type: none"> <li>As prescribed by the authority (e.g. by educational institutions) or as per the prescribed format.</li> </ul>	<ul style="list-style-type: none"> <li>Form to be placed on the Suvidha Centre website and should be downloadable.</li> <li>Hard copy should also be available with the vendors, Suvidha Centres, other concerned offices as at present.</li> <li>The form must contain instructions and appropriate information on check list etc. in clear and user-friendly manner and language.</li> <li>No court fee or other stamp fees should be leviable. Form to be available free, except at Suvidha Centres where a nominal service charge can be levied.</li> </ul>
2.	<b>Documentation or Reports – Affidavit</b>	<ul style="list-style-type: none"> <li>Affidavit by the applicant or by the parent or guardian in case of minor.</li> <li>The affidavit is required to be attested by the Executive Magistrate.</li> </ul>	<ul style="list-style-type: none"> <li>Self-declaration to be allowed.</li> <li>The declaration should provide for the applicant’s responsibility for giving correct information. <b>(“The information given by me in the form/enclosures is true and I am solely responsible for its accuracy and liable for action under sections 199/200 of the IPC in case of wrong declaration/information”).</b></li> </ul>
	<b>Residence Proof</b>	<p>Attested photocopy by Gazetted Officer or Notary:</p> <ul style="list-style-type: none"> <li>Ration Card</li> <li>Voter Card</li> <li>School Certificate</li> </ul> <p>(Only required for rural area certificate)</p>	<ul style="list-style-type: none"> <li>Self-attested copies to be accepted.</li> </ul>
	<b>Field Reports</b> <b>a)Recommendations/Certificates by MC/Sarpanch/Revenue Staff</b>  <b>b)Attestation of Originals</b>	<ul style="list-style-type: none"> <li>Required</li> <li>Attestation by notary or Executive Magistrate</li> </ul>	<ul style="list-style-type: none"> <li>Discontinue verification by the revenue staff.</li> <li>Discontinue verification by MC or Sarpanch;</li> <li>Accept supporting declaration by two residents of the village or town, subject to proper identification.</li> <li>Permit self-attestation</li> </ul>
	<b>Authority to whom application is to be submitted</b>	<ul style="list-style-type: none"> <li>Suvidha Centres or Tehsildar/specified authority.</li> </ul>	<ul style="list-style-type: none"> <li>No change</li> </ul>

S.No	Services	Present	Reformed
	<b>Competent authority for Issue/Signature</b>	<ul style="list-style-type: none"> <li>▪ Tehsildar or SDM.</li> <li>▪ Sub-Tehsil not authorized.</li> <li>▪ Officer-in-charge of Suvidha Centre needs to be empowered to issue as the process is not discretionary.</li> <li>▪ Naib-Tehsildar or Tehsildar should be authorized in place of SDM. Sub-tehsils should also entertain applications and issue these certificates.</li> </ul>	<ul style="list-style-type: none"> <li>• Officer-in-charge of Suvidha Centre or Tehsildar or Naib-Tehsildar.</li> </ul> <p><b>Standard Format:</b> Standard format of the certificate to be adopted by all the institutions in Punjab.</p>
	<b>Complaint Authority</b>	<ul style="list-style-type: none"> <li>▪ Not specified</li> </ul>	<ul style="list-style-type: none"> <li>• Sub-Divisional Magistrate</li> <li>• Deputy Commissioner.</li> </ul>

<b>Procedural Reforms</b>
<ul style="list-style-type: none"> <li>• Discontinue verification and reports from public officials or government officials.</li> <li>• Declaration by applicant in lieu of affidavit, field report and verification.</li> <li>• In case third party verification is considered necessary, accept declaration from citizens.</li> <li>• Same day delivery.</li> <li>• Tehsildar/Naib Tehsildar/Suvidha Centre in charge to be the deciding authority.</li> <li>• Sub-Divisional Magistrate to be the grievance redressal authority.</li> </ul>

## II. BIRTH AND DEATH CERTIFICATES

This process is governed by the relevant act and rules made thereunder. The certificates do not lead to any direct benefit but may be necessary for obtaining other facilities/entitlements (passport, as age of proof for admission etc.). As the requirement of certificates may not be immediate at the time of registration, people rarely obtain the copy at the time of registration, even though that is most convenient and can be easily provided by the Local Registrar. People tend to come up with requests for such certificates as and when required, which may be much after the event.

### Main Provision of the Births and Deaths Registration Act

The Act provides for appointment of Local Registrars and Sub-Registrars to assist the District Registrar. Section 8 (1) (a) declares it the duty of the household to give intimation but Section 8 (2) also authorizes the government to notify any other agent for the purpose of providing information. Section 12 provides that extracts of entries be given immediately on registration. Section 13 provides for a simple process of registration within 21 days, registration by the Local Registrar within 21-30 days provided a notarized affidavit is given and with the written permission of the prescribed authority. After one year orders of the Executive Magistrate are required and the Magistrate is expected to verify the correctness of the event. Thus upto a period of one year, the process is simple whereas after one year a number of formalities (not found certificate, evidence of knowledgeable persons etc.) are required to be completed to the satisfaction of the competent authority.

Different States have notified authorities, such as, Panchayat, Health, Revenue Officials for local registration purposes and for delayed registration. In Andhra Pradesh, Mandal Revenue Officer is competent for delayed registration up to one year. Custody of records remains with the Local Registrar up to one year (counted from the end of relevant calendar year) and after that these are transferred to Executive Officer in case of Municipal Committees and the concerned Registrar in case of Panchayats. In Maharashtra, records after 1996 are digitized. One can search for registration of record; and CFCs (Citizen Facilitation Centres) run through PPP mode, are authorized to issue certificates. The BDO in rural areas is authorized to make late registration (30 days to one year) whereas the authority for entry in record beyond that period is the SDM. In Delhi, authorities for

registration are the Health Centres in rural and urban areas; proof of birth/ residence and affidavit regarding place, time/date of birth is required in case of delayed registration.

## **Punjab**

The issue was discussed with Secretary, Director and other officers concerned in the department as also the officials in the districts concerned with recording the entries and issuing copies etc. The registration of births was not compulsory till 1989. Chowkidar in the village used to be the 'notifier' in rural areas and SHO was the local registrar but from 1<sup>st</sup> January 2004, head of the family was made responsible for reporting the incidence and Chowkidar job is mostly to collect the forms and hand it over to the Panchayat Secretary who is now the Local Registrar. The registrations are sent for the calendar year to the Chief Medical Officer of the district who is the District Registrar and is responsible for maintenance of records. In urban areas, in case of births which are at the health institutions, the responsibility for reporting is of health institutions concerned. The family is responsible for reporting in other cases. Generally recording of births is said to be 100 percent. The main problems are:

### **Functioning of Local Registrar:**

Panchayat Secretaries: so far as the Local Registrar is concerned, the Panchayat Secretary has no fixed place of working, is rarely available for handing over all forms collected by the Chowkidar and in most of the cases entries in the register are not made immediately by the Panchayat Secretary. In some cases, the registers have not been handed over to the District Registrar even after expiry of two years. The reason is stated to be frequent transfers and changes in the jurisdiction of Panchayat Secretaries especially when delimitation of village Panchayats is taken up. The records are required to be handed over to successors but this is not done.

### **Entry of Names**

Another issue is of entries of names. This can only be done within one month of the event, but due to ignorance or lack of anticipation, people do not come forward to have the entry made and only realize its significance when the need arises, which may be much later. The

problem is that generally in Indian tradition, naming ceremony is held sometime after birth and therefore, the process of entry of name is generally detached from the event of birth. The rules need to take an account of this cultural tradition. The department has moved a proposal to the Central Government for allowing a window of one year for making the entry of names in all past cases, but the matter is still pending.

### **Record Maintenance**

Maintenance of records by the District Registrar is a big problem. There is urgent need for digitizing the record. The department is not very clear whether these would be better scanned or the data re-entered in computers and digitised.

### **Delayed Registration of Births**

One major problem relates to entry of birth after a period of thirty days. The law provides that entries can be made by the local registrar up to one year with approval of the district registrar. After one year, SDM is the competent authority. *As the availability of the Chief Medical Officer and the process of the entry is unclear and uncertain, people prefer to wait and approach the Suvidha Centres after one year as the process is simple. Some districts are reporting over 40 percent of entries made after one year!* On the other hand there are chances of misuse in cases of unduly delayed applications, especially those made by adults and consequently very elaborate procedures are required to be gone through by the applicants in case of registration request after one year of the event.

After careful consideration of all the issues, it is recommended as follows:-

### **Notifier/Local Registrar- ASHA/ANM**

In the given structure of local governance in rural areas, it may not be appropriate to continue with the Panchayat Secretary as Local Registrar. Village Panchayats will continue being reconstituted, Panchayat Secretaries being frequently transferred and not handing over the record (unlike Himachal Pradesh where a gram Karmi – village assistant is provided to Panchayat Secretary, no such help is available in Punjab). It may be appropriate to streamline the system and to give authority to the health department personnel for proper coordination. The two options are ANM (she is at the sub centre – average population 5000)

-or ASHA workers-average population 2000. The problem with entrusting the job to the ANM is that her jurisdiction is in terms of population and may not cover with specific village or panchayat boundaries. ASHA worker's clientele is fixed - whether village or part of the village - and they are supposed to precisely look after the issue of mother and child care and also encourage institutional deliveries. It is felt that a) responsibility for notifying the events of Births and Deaths can be given to ASHA workers (Section 8(2) (b), ANM's jurisdiction for revenue villages can be defined if required at the local level and ANM declared the local registrars; (C) The birth and death registers can be collected by the PHC in charge and sent to the District Registrar – CMO after one year as per law. This will improve registrations within time and ANM's being under Health Department control, proper upkeep and timely transfer of records to the CMO's will be insured. as and when the administrative infrastructure in village panchayats is adequate, the status quo ante can be restored.

#### **Delayed Registrations – within one year**

To overcome the problem of rather difficult procedure of registration within one year as compared to registration after one year, as noted above, it is felt that *the local registrar - ANM as suggested should be authorized to make entries with the approval of the PHC in charge who should be notified as competent authority/district registrar only for this purpose. Except for the affidavit as provided under the act, no other evidence should be asked for (misuse is highly unlikely in the case of infants).*

#### **Delayed Registration – after one year of event**

There is a likelihood of misuse in the case of adults facing problems in establishing identity and discrepancy in documents and much more care may be necessary in such cases. In case of registration requests received, say within 10 years of birth however misuse is highly unlikely and these are likely to be genuine cases of late registration. It is suggested that for applications received within 10 years of birth, the process applicable to the one year process should be followed without insisting on detailed supportive evidence. *Thus, the complex procedure (not found certificate, evidence of Dai, Sarpanch) should be only for cases where requests are made 10 years after the event.*

### **Entry of names in time barred cases**

The issue of entry of name in time-barred cases needs to be taken up and suitable amendments made in cases where the State Government is competent or the matter may be referred to the Central Government. *It appears odd that while births can be registered at any time (there is no limitation), the secondary process of entry of names should be subject to limitation of time.* This seems to be a serious anomaly in law. As such, it is suggested that the basic registration should be subject to the limitation of 15 years or the simpler and secondary process of the entry of name should be permitted without any limitation.

### **Digitization of records**

The department is waiting for the project taken up under the e-governance programme of the State Government which currently covers only two districts. Some districts have taken suo moto initiative and have already digitized the record through Suvidha Centres. It appears appropriate to (a) authorize Suvidha Centres at the district level to digitize the record (b) to declare the in-charge of the Suvidha Centre as Additional Registrar for the purpose of maintenance of digitized record and issue of copies( after one year) through sub divisional/district centres. The advantage of entrusting the work to Suvidha Centre is obvious as that these centres are located at all the sub-divisions and even though a certificate may be issued in a sub-division or at the district headquarters, records can be kept at one place (District Suvidha Centre), thus eliminating the problem of repeating the process afresh when duplicate certificates/ additional copies are to be issued. The District Suvidha Centres should be the custodian of digitized records of births and deaths in the district.

The issue of digitization also needs to be de-linked from e-governance project as it is not clear as to how long the same will take to cover the whole State. In any case, the funds required will remain the same whether it is done under one project or another. In fact, some districts have already completed the work successfully, and, as such, most of them may not need any funds for this purpose.

## Fees

Another issue is of the levy of late fee etc. While these are nominal, it is difficult for the village functionaries to keep accounts and it is *suggested that no fee should be charged up to one year* and the notional liability should be carried by the State Government.

Present and reformed procedures and changes to be made are indicated hereunder:

Services	Present	Reformed
<b>Procedure for registration</b>	Can be registered with the notified functionary- Panchayat Secretary is the local registrar- by any member of the family within 21 days of birth and within 30 days period, with late fee. In case not registered within 30 days period, local registrar can make entry with the approval of the District Registrar; and in case of delay in registration beyond one year, SDM is the competent authority.	No Fees
<b>Local Registrar</b>	Panchayat Secretary	ANM
<b>Notifier</b>	Family	ASHA (for rural areas) to be notified under Section 8(2).
<b>Issue of Certificate</b>	Rules provide certificate to be given immediately by the Local Registrar. Not in practice.	The Local Registrar (ANM as proposed) to ensure that extracts of the entry are given to the family immediately on registration
<b>Documents required</b>	None in case of registration within 30 days and an affidavit if registration is after 30 days but within one year. After one year - report of Dai, Sarpanch, Lambardar, Chowkidar- any two. Other evidence – Not found the certificate, proof of identity (not provided in the rules but followed in practice).	30 days to one year: no other evidence; ANM to enter with approval of PHC-in-charge who should be notified for this purpose. After one year and up to 10 years- same procedure as for 30 days to one year- affidavit, no other evidence After 10 years – as per present practice; rigorous scrutiny.

## PROCEDURAL REFORMS

- **Notifier - ASHA**
- **Local Registrar - ANM**
- **Waving late fees – upto one year**
- **Sub Divisional/ District Suvidha Centres as the single window for applications for entries and giving copies after one year;**
- **Procedure of registration – one year to ten years – on the basis of affidavit only**
- **More than 10 years – as per the present practice.**
- **Suvidha Centre in charge to be declared Additional Registrar for maintenance of digitised records (to eliminate parallel jurisdiction) for all entries after one year and for receipt of applications/issue of certificates for rural areas/urban areas which are unable to digitize records.**
- **Delivery (except in case of applications made after ten years): same day**
- **Electronic records to be maintained in lieu of manual records received from local registrars starting from 1989 by the ULBs/Suvidha Centres. Government to make available the requisite funds.**

### III. MARRIAGE REGISTRATION CERTIFICATE

The Law requires the following formalities to be completed for issue of the Marriage Certificate:

- (i) Hindu/Special marriage Application from duly signed by both husband and wife.
- (ii) Hindu/Special marriage documentary evidence of date of birth of parties (Matriculation Certificate). Minimum age of both parties is 21 years at the time of registration under Special Marriage Act.
- (iii) Residential proof of husband and wife.
- (iv) Affidavit by both the parties stating place and date of marriage, date of birth, marital status at the time of marriage and nationality.
- (v) Two passport size photographs of both the parties and one marriage photograph.
- (vi) Marriage invitation, marriage card, if available.
- (vii) Hindu If marriage was solemnized in a religious place, a certificate from the priest is required who solemnized the marriage.

The practice in most of the districts, however, is to ask for evidence which is not compulsory under the rules. This requires, in addition to evidence required under the Law,

- (i). Affidavits from parents of the bride and bridegroom.
- (ii). Affidavits from public men – Lambardar, Sarpanch, Municipal Commissioner etc. whereas evidence of any citizen is acceptable under Law.

**Only formalities as prescribed under rules to be complied with; obligation of producing affidavits of parents should be dispensed with and affidavits from any two witnesses who are residents of the area and have proof of identity should be considered adequate.**

### IV. IDENTITY CARD – SENIOR CITIZENS/FREEDOM FIGHTERS ETC

This service needs to be a one stop delivery and Suvidha Centres should be the only window for issue of such cards. As in Chandigarh, Suvidha Centres should be authorized to issue after checking the necessary documents (age, proof of residence, entitlement proof) in original, keeping photo copies/scanned copies as appropriate.

- **Powers to the In-charge Suvidha Centre to issue I- cards.**
- **Same day delivery for I- Cards.**

**PROCEDURAL AMENDMENTS:  
URBAN CIVIC SERVICES**

## PROCEDURAL AMENDMENTS: URBAN CIVIC SERVICES

The services covered are construction/approvals for buildings and sanitation, water supply, sewerage connections.

### **Permission/approval for construction/plans**

There are common regulations in Punjab which provide for (a) application for construction; required documents mostly are construction plans, ownership proof, and copies of plans. (b) prescribing a period – 30 days - for approval of the plan, (c) in some cases providing for intimation about commencement of construction/inspection after completion of plinth area, (d) making an application in prescribed form for completion certificate, (d) similar application for occupation certificate. This requires inspection by the building staff regarding compliance of the construction with the plans filed and in case of change, filing of revised plan.

The building bye laws provide for compulsory un-covered area at front and back, detailed regulation for basements, height of floors etc. that in any case have to be complied with.

BPR group had obtained views of the concerned department on simplification in this regard and made certain recommendations for reducing the number of internal processing points/officials involved and reducing documentation considered un-necessary. The problem with making administrative changes in internal procedures is that it is difficult to ensure that they would be fully and uniformly followed and sooner or later things revert to status quo ante. This has been the fate of most of such innovations (Ahmed Nagar experiment) and what may be required are substantive changes in the rules which bind all parties and have legal force. In fact, it is understood that there is no compliance in overwhelming majority of the cases in respect of compliance with the schedule for approval of plans – 30 days - and changes in internal procedures are not likely to make things better. *The main issue here is that individuals have incentives to seek short cuts and are not likely to be in sympathy with the public interest directed regulations due to this asymmetry between public safety directed supply side objectives and private interest in putting the building to use as early as possible. It is also unlikely at least in most of the cases where construction is taken up for self-occupation, that individuals will ignore issues of structural safety of the*

*buildings*. The law has to take note of these issues especially of the huge ‘consumer surplus’ that encourages citizens to seek short cuts in respect of compliance with these regulations, while at the same time ensuring that safety of their family is not jeopardized. The parameters of sanction therefore, for a high rise building taken up by a developer for sale to individuals have to be on a different footing as compared to construction on small plots, with more detailed controls on high rise buildings, and but focus on compliance only with the material building regulations (frontage etc.) in case of others. For example, it appears unnecessary to insist on compliance with minimum dimensions of bathrooms, etc., that are difficult to check and unlikely to be deliberately violative of norms – people want to have houses in which they would live comfortably and safely.

### **Responsibility of Architects**

The regulations do not put any onus on the architect for compliance with the regulations whereas owners who carry the responsibility in law have little knowledge of the details and have to depend on professional advice. The present position is that most of the architects are charging only for preparing plans and most of the owners do not even provide for their formal visits to the sites but depend instead on informal payments to get over the difficulties of inspection by officials. In other words, the architects sign the documents for completion without any liability for compliance. *Things may change dramatically if they are held accountable for compliance with the regulations. There is a need to shift the onus of responsibility on the professionals for compliance with the regulations – using ‘third party enforcement’.*

### **Inspection during Construction**

Provision of spot visits by officials before constructions/mid-way should be dispensed with, in case of residential construction on small plots, say 1 kanal. There does not appear any need for inspection on completion of construction upto plinth level.

### **Completion/Occupation Certificate**

The logic of two separate certificates one for completion and one for occupation is not clear. Probably these provisions were necessary when sewerage connections were sanctioned

after the issue of completion certificate but before the occupation certificate was given (after connection for sewerage). That position however is changed now and water supply (in case not applied for earlier) as well as sewerage connections are given independently, after issue of completion certificate. There needs to be only one application for certificate for completion and this should result in grant of only one certificate.

The proposal is that certificates should be given without provision of site visits if possible but in any case architect should be primarily responsible for compliance with the rules. To overcome the problem of violations made later by the owner (for which the architect is not liable), that responsibility should be at least carried by the architect till the grant of completion certificate.

### **Filing of revised plans at the stage of completion**

As against the present position, the revised plans should be necessary only where the construction violates specific bye laws/rules and not otherwise. If e.g. somebody wants to construct a bigger bed room and a smaller bathroom than provided in the approved plan and there is nothing in regulations prohibiting the changed size, he/she should be allowed to do so. There is no sense in providing for filing of revised plans if the revised plan is otherwise in consonance with the building bye laws.

*The focus in these supply-driven services, therefore, has to be on indirect enforcement through third party-architect in this case- enforcement (e.g. external audit certification of companies).*

Keeping these aspects and views, the proposals are given in Table 1 hereafter.

**Table - 1**  
**Simplifying rules: Building Regulations**

<b>Existing Rules / Stages</b>	<b>Present Practice/Law</b>	<b>Reformed Procedures</b>
Sanction for new construction/time	Centralization-. – Scrutiny rarely done (mostly on paper)	Registered architect / draftsman to be - responsible for compliance with rules - Architect certificates to be accepted for three storey buildings upto one kanal or whatever limit is considered to

Existing Rules / Stages	Present Practice/Law	Reformed Procedures
		be appropriate for issue of sanction.
Time for approval	Thirty days; rarely observed in practice.	Time is adequate ;
Mid Construction Inspection	Required at plinth level	To be dispensed with
Post Construction Inspection	Required before issue of completion certificate.	Discontinue in case of three storey building upto 1 kanal- or whatever limit considered appropriate.
Revised Plans	Required even if no material change	Only for material changes – to be specified.
Grant of occupation/ completion certificate	Both certificate required.	Only one certificate should be necessary. Architect certificates to be accepted for three storey buildings upto one kanal for issue. Architect to be liable for compliance of rules. Surprise visits by officials on strictly random basis only for compliance with essential regulations.
Other issues Registration of architects	Process of registration of architects not streamlined	Transparent system for registration of architects and laying down qualifications required for different categories of buildings.
Rain Water harvesting/earthquake proofing	Required; little compliance; people ignorant of technical and financial parameters	Simple pamphlets on technical and financial aspects for information of the public. Information to be put on the website.

*Note:* The changes need to be made in consultation with the architect associations, preferably at the State level.

### **Water and Sewerage Connections**

Generally, systems differ across different States. Hyderabad Corporation, e.g., has taken the responsibility for providing connections. In North India, especially Punjab, however, the practice is to issue sanctions after spot visits by the officials whereas actual physical connection is done by the plumber engaged by the owner. Road fee is collected as a part of the connection fee and the concerned agency is expected to repair the road cutting. The rules are complied with only on paper, spot inspections are rare in practice and agency responsible for repairing road cuts rarely does the job.

As in the case of buildings, one course will be to ensure compliance through third party enforcement – i.e. putting the onus of compliance on the licensed plumber and dispensing

with the paper provision of spot inspection at the time of connection. Connections need to be given on the basis of a compliance certificate given by the plumber to the owner. Random inspections may be done as a deterrent to plumbers

It seems that while filing an application, an affidavit is also required to be given in Punjab. This can be dispensed with at least in case of new construction where completion certificate is available.

### Road cutting and repair

Possibly one simple solution to delayed repairs of road cuts can be to outsource this service to private parties who may be paid the fee collected or a part thereof based on the dimensions of the road cut (length etc. /material required) calculated on the basis of length and width of road cuts to be repaired (generally the depth of the cut is standard).

**Table - 2**

**Simplifying rules: Water supply and Sewerage connections**

Existing Procedures/Stages	Present Practice	Reformed Procedures
Issue of sanction	Site visits by officials an exception (not even feasible)	Licensed plumbers to be <ul style="list-style-type: none"> <li>- Made responsible for compliance with rules</li> </ul> The department to <ul style="list-style-type: none"> <li>- Accept their certificates</li> </ul> Do away with provision of site visits / inspections in case of new construction.
Time for Approval <ul style="list-style-type: none"> <li>- Seven days : for processing, site inspection by the department</li> </ul>	Site visits by officials an exception (not even feasible)	Sanction for <b>new connection</b> for <b>new approved construction</b> to be given on the day of application.
Other Issues Licensing	Favouritism in the process of licensing.	The process of licensing should be streamlined and competition created to ensure proper services to the consumer.

**PROCEDURAL AMENDMENTS: REVENUE**

## PROCEDURAL AMENDMENTS: REVENUE

### COPIES OF LAND RECORDS

The department of revenue is concerned with a variety of services covering the spectrum indicated in the section on nature of services. At one end are the purely contingency/need based services, such as, supply of copies of land records; at the other are fundamental services related to the property rights (registration of sale/purchase) which serve public as well as private interest. The contingency based service covered in the report is supply of copies of land records.

Revenue Department maintains land records through jamabandi, mutations and the revision of the records of rights, based on mutations, every four years. Copies of records are required by the citizens for various purposes (domicile, income) and, as noted in section I, this service attracted a lot of criticism from the public on grounds of harassment as well corruption.

A number of States in India have digitized the land records and simplified process of issue of copies. In Punjab the Government has also gone forward in this regard. The jamabandi records are mostly digitized and the main problem is updating the digitalization and incorporating mutation entries. At present, copies of the digitized records are available only in select sub tehsils. It appears that due to major substantive, technical and organizational problems, the process of authentication of updated digitized jamabandi may not be completed soon. Nevertheless, *without waiting for this process to be completed, the Fard Kendras/tehsil can be made functional and empowered to issue copies of digitized jamabandies including entries in the remarks column which indicate changes if any.* As the duty Patwaris at the fard centres are authorised to issue copies, this will remove a major problem faced by the landholders – having to locate the Patwaris, making frequent visits for getting copies.

- ***All tehsils in Panjab should start issuing copies of the digitized jamabandies alongwith entries in the remarks column as soon as possible, latest within six months.***

## Systems and Practices for Sanction and Approval of Farm Loans

It appears that in the case of crop loans (that is the main focus of the Report involving as this does a very large number of transactions annually) as well as other loans for investment, the following procedures, steps and documentation are broadly required:

(a) **Membership of PACS for Crop Bank Loans:** The farmers have to be members of the Cooperative Society. The membership was earlier required to be approved in the General Body Meeting of the PACS (Primary Agricultural Cooperative Societies). This used to delay the process of availing loans. This was rectified about 15 years back and now the approval of the Executive Committee alone is required;

(b) **Documentation:** The loan application to the concerned bank is required to be filed. There are a number of pre-requisites of documentation, namely:

- **Copy of the *Jamabandi*:** This is required to show the title of the land-holding and is necessary. While banks have been allowed to create a mortgage by deposit of the title deeds for agricultural loans, most of the farmers don't have these documents as the ownership is transferred in case of inheritance/partition through the process of mutation that is reflected only in the *Jamabandi* entry. The farmers would need to approach the *Patwari* for getting a copy of the *Jamabandi* but as and when the *Fard Kendra* system get going, these would be available easily at the *Tehsil* itself.
- **Copy of the *Girdawari*:** This is not required in the case of loans by the Cooperative Banks but generally Commercial Banks insist on it, for somewhat debatable reasons. For this purpose also, an interaction with the *Patwari* is required as in the case of *Jamabandi*.
- **Creation of mortgage in favour of bank and registration thereof:** Under law, all mortgages exceeding Rs.100 value are required to be registered.
- **Transfer of Property Act 1882: Section 59**
- **Mortgage when to be by assurance –** *Where the principal money secured is one hundred rupees or upwards, a mortgage, other than a mortgage by*

*deposit of title-deeds, can be effected only by a registered instrument dully signed by the mortgagor and attested by at least two witnesses.*

- *Where the principal money secured is less than one hundred rupees, a mortgage may be effected either by a registered instrument signed and attested as aforesaid, or (except in the case of a simple mortgage) by delivery of the property.*
- The Government has exempted registration fee as well as stamp duty on mortgages for agricultural loans (Notification dated 21 June, 2001 – Annexure-I) but registration is still compulsory. This process requires attestation of the mortgage deed by two witnesses and the presence of all the parties at the time of registration. Again, there is disparity in practice. In case of the crop loans, the Cooperative Banks don't ask for any mortgage and the system is simple. However, the Commercial Banks ask for mortgage deeds and, consequently, these have to be registered.

(c) **Entry of mortgage in the 'ROR's:** The documents after the registration are sent to the *Patwari* for making an entry in the diary before the disbursement of loan.

(d) **Non-encumbrance certificate:** The Commercial Banks also require a non-encumbrance certificate for the mortgaged land and the same has to be issued by the *Tehsildar*.

### **Problems in speedy sanction and disbursement of farm loans**

Due to these systems and procedures, the process of obtaining even crop loans is subject to a large number of problems, discontinuity and harassment. Undoubtedly, banks have to ensure the security of their loans and may legitimately ask for documents/procedures to be compiled with. It may be appropriate to see, however, whether the documentation and procedures for securing this objective are really necessary. If these processes are insisted upon simply due to the status quo mentality, some of the requirements can be modified, re-engineered or even abandoned.

- **Copy of *Jamabandi*:** This is necessary, without a doubt. With the ROR's being compiled and updated at the *Tehsil* level, a copy can be obtained now on the date of application itself and the farmer need not waste any days in getting the same.

- **Copy of *Girdawari*:** Cooperative Banks do not require a copy of the *girdawari* entries while the Commercial Banks as a matter of past practice, do insist on the same. As a letter from Commissioner, Patiala Division indicates, it is not necessary as all relevant information is already contained in the *Jamabandi*. We have indicated in the earlier Report the reasons why we feel the institution of *Girdawari* should be dispensed with. This is a typical instance of a defective system generating a vicious cycle of demand for something (copy of *girdawari*) that need not be there in the first place.
- **Registration of Mortgage:** Registration Fee and Stamp Duty have been exempted by the Government but not the registration. Registration requires time and money. About 25% of the total deeds in Punjab appear to be of this nature. The number is much less than it would be if the mortgages were to be asked for in each case/loans. However, in the case of loans by the Commercial Banks, the old mortgages continue to be valid for the same customer. It is estimated, therefore, that at least one lakh cases out of these would be only for crop loans (others would cover long-term agricultural loans). The opportunity cost and money involved will be about Rs.20 crore annually (the cost of time of two working days for a total of three persons at average wages of Rs.300 per day + scribe and other fees Rs.1000). An individual loan payer is poorer by approximately Rs.2000 and a substantial percentage will be those who have an average loan of Rs.10000 (thus accounting for 20% of the loan as the transaction cost). It is interesting to note that till the 1950's, agricultural loans were given mostly by the Government under the Agriculturist Loans Act of 1884 and the same were exempted from registration. It is ironic that what the old British system had given more than 125 years back was withdrawn under the new loaning system and we are still seeking to reintroduce that concession.
- Thus, the obvious thing to do is to exempt at least all crop loan mortgages from the requirement of registration. It has been suggested that the exemption should extend even to the investment loans of a long-term nature and should cover all agricultural loans already exempted from fees as well as exemption to be granted to the cash credit loans. This proposal is reported to have been agreed to in a meeting held by Punjab's Chief Minister. The Cooperative Department suggested covering all agricultural loans, including cash credit, under the provision proposed for exemption from registration.

However, in any case, crop loans that involve a large number of farmers and the Cooperative Banks do not even ask for mortgage need to be exempted from the requirement of registration so as to facilitate agricultural loans by the Commercial Banks.

- **Non-encumbrance certificate:** This is also required only by the Commercial Banks. Technically, it may be necessary for each transaction but 'street level' shortcuts have been devised by the bureaucracy in the Banks and the Revenue Departments to get over the cumbersome procedures required for strict compliance. The practice in the field in most of the cases is for the *Tehsildar* to accept the affidavit of the borrower and issue the certificate instead of referring the matter to the *Patwari* for detailed report (Annexure-I). Naturally, sometimes, the process would need to be adequately greased by the customer. In any case, the requirement of a non-encumbrance certificate in the case of agricultural land is pointless. First, unlike urban property, all such transactions have to be entered into the record of rights through the process of mutation. The latest copy of *jamabandi*, therefore, will (in any case, now post computerisation of land records) indicate the latest status including any encumbrance and a copy thereof would be sufficient for this purpose.
- Secondly in the case of crop loans, the amount borrowed is only a fraction of the value of land mortgaged. Even ignoring the periodic write-offs for the pending loans, there is little possibility of any Bank having to invoke the mortgage for the recovery of such loans.

It appears, therefore, that:

- The practice in Commercial Banks of asking for a copy of *girdawari* and a non-encumbrance certificate for farm loans is neither necessary nor practicable since all the relevant information about the land can be obtained from the latest copy of the *jamabandi*.
- Cooperative Banks do not ask for mortgage of land for crop loans or for non-encumbrance certificate and, as such, there is no reason why the Commercial Banks should insist on the same.

- The requirement of registration of the mortgage in the absence of any revenue receipts to the Government has little purpose in the case of mortgage without possession for agricultural lands, especially, for crop loans. This is a typical negative sum game where all parties – Banks, clients, Tehsil staff (at least from the Government point of view) are losers in respect of time and effort involved on their part. The Government is also not a gainer as it does not get any revenue. Moreover, there is little likelihood of any fraudulent mortgages as one of the parties – the Bank- is a public institution. On the other hand, the private mortgages will and should continue to be registered and be subjected to legal duties/fees. That is the reason, there is need to exempt all farm loans from the process of registration of mortgage of land.
- Transaction costs for crop loans due to such procedures are very high – 20% of the average farm loan.

It is felt that the following suggestions should adequately address these problems.

- (a) Commercial Banks should be advised not to ask for a copy of girdwari in the case of agricultural loans as the latest copy of jamabandi is adequate and can be easily obtained from the Fard Kendras and the same carries all the relevant entries of mutation etc. and proper indication of the legal status of land. The matter needs to be taken up by the Government in the State Level Credit Coordination Committee.
- (b) Similarly, the Commercial Banks should be advised not to ask for a non-encumbrance certificate for agricultural loans. This matter should also be taken up with the State Level Credit Coordination Committee.
- (c) Mortgage of agricultural land for all agricultural including crop loans should be exempted from registration (See Appendix I).

## **REGISTRATION OF PROPERTY**

There are, however, two main problems – valuation problems and pre-audit that cause harassment.

## **Pre-audit**

*The pre-audit needs to be dispensed with as it is nothing but a route to extract informal commission and other payments. Any shortfall in the duty can be recovered from the buyer at the time of the next sale, if not earlier. A note should be attached in the abstract of the record to this effect. It is understood that pre-audit has already been discontinued in practice.*

## **Valuation of Property**

The issue of making valuation system transparent and easily understandable needs to be looked into by the Department, especially by avoiding vague description and complex/classifications, that lead to corruption due to the opacity/ambiguity. The system has already been rationalized to a great extent and cent percent khasra numbers are listed under the specific valuation groups for transparency. This is a good initiative. The only problem is that the software does not accept more than a particular number of characters for a specific valuation group and it may not be possible to enter, say, one thousand khasra numbers in one valuation group. The solution to this problem may be to enter the khasra numbers in a series (say 1 to 150) in a specific group and to group the odd khasra numbers, not a part of the group but in a separate miscellaneous group.

The second issue relates to the vague description of the valuation groups, especially in the urban areas, where the localities/grouping for valuations are somewhat vague ('near bus stand', 'near the road' etc.). There is a need to be more specific and concrete in giving the location of the property.

The third issue is regarding the standard format introduced for the sale deed. This may need to be simplified. The ideal solution will lie in the proposed integrated application thereby grouping together the valuation, property number, spatial mapping and registration but the suggestions given are likely to help in the meantime.

*The fourth problem is the determination of the **valuation of the built property**. The Registering authority should have no discretion in the matter, whatsoever.*

The value of construction is now a major irritant and the suggestions put forth here are likely to be helpful being revenue neutral as the value of the constructed property should be linked to value of land based on circle rate (See Annexure I).

## **RECORD OF RIGHTS - JAMABANDIS AND MUTATIONS**

### **Present System**

The record of rights is maintained in the form of jamabandi in two copies. One copy is maintained by the Patwari and the other by the Tehsil. The jamabandis are updated every five years. The changes approved through the process of sanctions of the mutations are entered by the Patwari in the remarks column (12) of the existing Jamabandi. Only brief details regarding the mutation number, nature of mutation etc. are given in this column. The Tehsil copy is not, however, updated simultaneously and the effect of these mutations is incorporated in the Jamabandi to be revised after 5 years with the assistance of the details provided in the mutation register. The institution of mutation, thus, takes care of the changes in the rights of parties – through sale, inheritance, partition, tenancy agreement, court orders etc. A party wanting a change in the record of rights is required to file an application with the Patwari who enters the mutation in the mutation register. The mutation can only be sanctioned after public hearing by the authorized revenue officer. The contested mutations can only be decided by the SDO (Civil). There is a provision for filing appeals to the Collector/Commissioner/FC(R) (Appeals). The parties can also approach the High Court against these orders and, in any case, if the dispute regarding the title is raised, the civil courts can be approached at any time as it is a well settled law that the revenue authorities cannot decide the issues of title.

After sanction of the mutation, a copy of the mutation order is retained at the Tehsil whereas the mutation register is retained by the Patwari and this register is used at the time of revision of the Jamabandi. 'Parat sarkar' (Tehsil copy) remains in the Tehsil but is not used practically for any purpose or for making entries in the Tehsil copy of the Jamabandi.

### **Issues and Problems**

- The appellate system for the contested mutations is elaborate and tortuous as indicated earlier and has no finality anyhow;
- Patwaris are rarely available at their headquarters and even physical delivery of the application for mutation to the Patwari– a prerequisite for sanction - may take months. Patwaris have no fixed place of work and even where the Patwarkhana exists, even well

intentioned Patwaris may not find it possible to be available due to the various duties that keep them busy such as elections, census, miscellaneous reports etc.

- Registered sales of land are also subjected to the same procedure even though these can be sanctioned straightaway on the basis of registry, especially when the mutation fee is charged at that time and the rules also seem to permit the same.

### **Recommendations**

- Applications for mutations should only be accepted at the Tehsil where full time staff is available, a proper receipt can be given and the progress in sanctioning of the mutation can be monitored. This will be easier, once the record is digitized and the particulars of the application can be straightaway entered digitally, even though for the present, the mutations may not be decided online.
- Once a mutation is sanctioned, suitable entries can be made in the Jamabandi at the Tehsil itself.
- So far as the registered sales etc. are concerned, these can be straightaway sanctioned as mutations on the day of the registration on the basis of the registry.
- The system of successive appeals needs to be discontinued and, instead, only one appeal to the District Collector should be permitted after which any aggrieved party should be free to approach the Civil Court.
- As indicated above, the format of the mutation module should be adopted for all future mutations and all the sanctioned mutations should be digitized immediately on sanction at the Tehsil level.

### **MUTATIONS/JAMABANDIS**

- Only one appeal should be provided in the case of contested mutations.
- Powers of revision exercised by the higher authorities should be withdrawn.
- Applications for the copies of RORs/Mutations should be entertained only at Tehsil level. The copies will be provided only at the Fard Centres at the Tehsil.
- Sale of registered deeds/mutations should be automatically sanctioned at the Tehsil on the basis of registry (*See Annexure II*).

PUNJAB GOVT GAZ. (EXTRA.), MARCH. 15, 2011 9  
(PHGN 24, 1932 SAKA)

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**GOVERNMENT OF PUNJAB**

DEPARTMENT OF REVENUE, REHABILITATION AND  
DISASTER MANAGEMENT

**Notification**

The 11th March, 2011

**No. G.S.R. 11/C.A.2/1899/S.75/Amd.(6)/2011.**—In exercise of the powers conferred by section 75 of the Indian Stamp Act, 1899 (Central Act No. 2 of 1899), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules further to amend the Punjab Stamp (Dealing of Under Valued Instruments) Rules, 1983, namely :—

**RULES**

1. (1) These rules may be called the Punjab Stamp (Dealing of Under-Valued Instruments) (2nd Amendment) Rules, 2011.

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

2. In the Punjab Stamp (Dealing of Under-Valued Instruments) Rules, 1983, in rule 3-A, for clause (c), the following clause shall be substituted, namely :—

“(c) In the case of buildings,—

- (i) for ground floor, ten per cent of the cost of land ; and
- (ii) for every consecutive floor, five per cent of the cost of land.”

A. R. TALWAR,

Financial Commissioner, Revenue and  
Secretary to Government of Punjab,  
Department of Revenue, Rehabilitation  
and Disaster Management.

PUNJAB GOVT GAZ. (EXTRA.), APRIL 26, 2011 47  
(VYSK 06, 1933 SAKA)

**PART-I**

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

**Notification**

The 26th April, 2011

**No. 19-Leg./2011.**—The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 20th April, 2011 and is hereby published for general information :—

**THE PUNJAB LAND REVENUE (AMENDMENT) ACT, 2011**  
(Punjab Act No: 15 of 2011)

AN

ACT

*further to amend the Punjab Land Revenue Act, 1887.*

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

1. (1) This Act may be called the Punjab Land Revenue (Amendment) Act, 2011. Short title and commencement.

(2) It shall come into force at once.

2. In the Punjab Land Revenue Act, 1887 (hereinafter referred to as the principal Act), in section 13, in clause (c), in item (ii), at the end, for the sign “.”, the sign “;” shall be substituted, and thereafter, the following items shall be added, namely :— Amendment in section 13 of Punjab Act XVII of 1887

“(iii) no authority, except the first appellate authority, shall remand the case to the lower authority to decide the case afresh ; and

(iv) no appeal shall lie against any interim order passed by a Revenue Officer under this Act.

*Note.*—The provisions of items (iii) and (iv) shall not be applicable to the authorities mentioned under section 16 of this Act.”.

3. In the principal Act, for section 16, the following section shall be substituted, namely :— Substitution of section 16 of Punjab Act XVII of 1887.

“16. (1) A Commissioner may call for the record of any case pending before, or disposed of by any Revenue Officer under his control and pass such orders, as he thinks fit.  
Power to call for, examine and revise proceedings of Revenue Officers.

## **PROCEDURAL AMENDMENTS: TRANSPORT**

PGRC

## **PROCEDURAL AMENDMENTS: TRANSPORT**

### **AUTHORIZING DEALERS TO ISSUE REGISTRATION CERTIFICATES TO NON-TRANSPORT VEHICLES ON FIRST STAGE**

#### **Mission**

To empower as Registering Authority any dealer who fulfills the terms and conditions as may be specified from time to time by the Govt. for the purpose of registration of non-transport vehicles on first stage under sub sections (3) (5) and (6) of section 41 of the Motor Vehicles Act 1988 (59 of 1988).

#### **Objectives**

To initiate Governance reforms, particularly at the level of public-Government inter-face, with a view to mitigating the hardships, difficulties, delays, arising from out-dated procedures and processes.

#### **Scope**

The dealer as Registering Authority shall effect registration of non-transport vehicles on first sale, made only by him and manufactured only by the manufacturer whose dealership he holds. He shall register only that make/category/class of vehicles for which he is empowered by the Govt. in the Transport Department. This condition has to be specifically observed by such dealers who hold dealership of more than one manufacturer.

#### **Obligations of dealer acting as registering authority**

The dealer shall obtain trade certificates from the Transport Department and have the same renewed as prescribed, so that at no point of time, the dealer carries on operation without a valid trade certificate.

- ✓ The dealer shall have full responsibility for proper compilation of record required to be maintained by the Registering Authority under the Motor Vehicle Act, 1988 and rules framed thereunder for each vehicle registered by him. The said record shall be

submitted to the relevant office of the Transport Department by the dealer with a covering letter in duplicate so as to facilitate second sale, issued of duplicate registration certificate and transfer, migration etc. as and when applied for, in respect of the vehicles registered by him by that office.

The dealer shall file monthly returns in the prescribed format to the Transport Department regarding the vehicles sold and registered by him in floppies.

- ✓ The dealer shall be responsible to collect and deposit the prescribed registration fees and other statutory levies with the Transport Department periodically within the stipulated time.
- ✓ The dealer shall deposit one month advance of the road tax and registration fee based on the expected number of vehicles to be registered by the dealer on the basis of past quarterly trends dealership with accounts branch of Transport Department.
- ✓ The dealer shall be liable for any shortfall in the amounts deposited as against the vehicles registered during the week.
- ✓ The dealer shall be bound to follow the rules and regulations framed by the Transport Department under the MV Act 1988 from time to time.

#### **Obligations of Transport Department-**

- ✓ The Transport department will issue appropriate notification to empower dealer as registering authority to register non-transport vehicles on first sale.
- ✓ The Transport Department shall assist the manufacturer and the dealer in effectively discharging the functions of Registering Authority from time to time.
- ✓ The Transport Department shall clearly specify the documents to be maintained and changes therein from time to time to all the dealer to facilitate registration of non-transport vehicles on first sale by the registering authority.

- ✓ The Transport Department shall advise the dealer on the changes in procedure, documentation and other related issues from time to time for efficient discharge of their functions.
- ✓ The Transport Department shall provide the pre-printed serialized blank registration certificate free of cost to the dealer on the basis of his quarterly requirement.

### **Action Plan**

The notification (Annexure-1) as well as the terms and conditions for the dealers to act as Registering Authority will be issued after following the due process of law and approval of the competent authority after the code of conduct is withdrawn.

### **Present Status**

Authorized Vehicle sale dealers in the State for registration of new vehicles and pass on all relevant documents to concerned DTO for further necessary action and issue of registration certificate (RC).

**GOVERNMENT OF PUNJAB  
DEPARTMENT OF TRANSPORT  
(TRANSPORT-II BRANCH)**

**Notification**

The 2009

No -----

In exercise of the powers conferred by clauses (b) and (d) of sub section (2) of Section 65 and sub section (2) of Section 111, read with Section 212 of the Motor Vehicles Act 1988 (Central Act 59 of 1988) and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules further to amend the Punjab Motor Vehicles Rules 1989:-

**RULES**

1. (i) These rules may be called Punjab Motor Vehicles (\_\_\_\_\_ Amendment) Rules, 2009.  
  
(ii) They shall come into force on and with effect from the date of their publication in the Official Gazettee.
2. In the Punjab Motor Vehicles Rules, 1989 (hereinafter referred to as the said rules), in rule 33, after sub-rule(1) the following sub-rule shall be inserted namely:-

“(1-A) For the purpose of registration of non-transport vehicles on first sale under sub-sections (3) (5) and (6) of section 4 of the Motor Vehicles Act, 1988, the Government may empower as registering authority a dealer holding valid trade certificate subject to such terms and conditions as may be specified by it from time to time.

**D S JASPAL**

Principal Secretary to Government of Punjab  
Department of Transport

**ADMINISTRATIVE REFORMS IN TRANSPORT SECTOR – ISSUING OF LEARNER’S LICENSES TO STUDENTS FOR MOTOR VEHICLES – APPOINTING PRINCIPALS OF COLLEGES AS LICENSING AUTHORITY**

**Overview of the Proposal**

<b>Mission</b>	To initiate Governance reforms, particularly at the level of public-Government inter-face, with a view to mitigating the hardships, difficulties, delays, arising out of out-dated procedures and processes.
<b>Objectives</b>	To usher in an experiment, probably, for the first time ever, whereby not only the Government processes are decentralized but the civil institutions of society are empowered with authority of the state in order to deliver services through simplified procedures without intermediate interventions.
<b>Plan</b>	With the assistance of Information Technology, the department of Transport proposes to authorize selected colleges having the requisite infrastructure to issue Learners Driving Licenses to their students under the signatures of the head of institution. The National Informatics Centre (NIC) will provide the software applications for ensuring on-line connectivity over State Wide Area Net Work (SWAN) between the authorized institutions and the office of the District Transport Officer under whose jurisdiction the institution falls. This measure will save time of students in obtaining learner driving licenses and at the same time ensure that the driving licenses are issued only to eligible and qualified persons, the onus of which will now rest on designated institutions and the designated authority.
<b>Critical Factors</b>	<ol style="list-style-type: none"> <li>1. Computerization of DTO offices.</li> <li>2. Providing hardware for DTO offices not computerized as yet and also in providing software applications in ensuring SWAN connectivity between the institutions and the concerned DTO office. Detailed proposal in this regard has been finalized separately.</li> <li>3. Due diligence in selection of institutions which must be equipped with proper computer and IT infrastructure along with SWAN connectivity.</li> </ol>
<b>Plan Implementation</b>	<ol style="list-style-type: none"> <li>1. To be initially introduced in two districts, i.e., Ropar and Mohali where the offices of DTO are already computerized with SWAN connectivity.</li> <li>2. NIC to provide software for introduction of this system in these two districts</li> <li>3. Ministry of Road Transport and Highways (MoRTH) to be requested to provide hardware for computerization of the</li> </ol>

	remaining DTO offices at the earliest for introduction of this project in the remaining districts.
<b>Implementation Agency</b>	<p>It is proposed to implement this project through the Punjab State Road Safety Council (PSRSC) for the following reasons:-</p> <ol style="list-style-type: none"> <li>1. The issue of learner driving licenses, after proper verification and test, is a prime requisite for enhancing Road Safety standards.</li> <li>2. In the meeting of Transport Ministers and Transport Secretaries of States held on 27.1.2009 under the Chairmanship of Union Transport Minister, it was decided that the Government of India will provide funding to any viable project of public interest which will be submitted by the Road Safety Council. The PSRSC will thus be in a position to access funds and grants from the Government of India and implement the project without any delay.</li> </ol>
<b>Present Scenario</b>	Learner License is a temporary license valid up to 6 months and is issued to learn driving of Motor Vehicles.

## ELIGIBILITY FOR OBTAINING A LEARNER'S LICENSE:

### Non-commercial Vehicles

Sr. No.	Type of Motor vehicle	Minimum age for eligibility	Other requirements
1.	Without gear or up to 50 cc engine	16 years	(i) With the consent of parents/guardian;  (ii) Acquaintance with elementary Traffic rules & regulations
2.	Light Motor Vehicles (Motor cycles Scooters and Cars etc.)	18 years	Acquaintance with elementary Traffic rules & regulations

### Commercial Vehicles

Sr. No.	Type of Motor vehicle	Minimum age for eligibility	Other requirements
1.	Light Motor Vehicle	20 years	(i) Pass in 8th standard  (ii) Acquaintance with elementary traffic rules & regulations
2.	Heavy Motor Vehicle	After one year experience of driving Light Motor Vehicle (Commercial)	(i) Pass in 8th standard  (ii) Acquaintance with elementary traffic rules & regulation

## ELIGIBILITY FOR PERMANENT DRIVING LICENSE

One becomes eligible for permanent license after expiry of 42 days from the date of issue of the learner's license. It is renewable as long as the applicant get it renewed prior to the date of its expiry. Existing Procedure

### 1. Existing Procedure

- (i) Currently Learner's License is issued by the DTOs and SDMs
- (ii) The documents required with the learner's driving license application form are as follows:
  - (a) Residence Proof – attested copy of any of the following:
    - ✓ Ration card
    - ✓ Life Insurance Policy
    - ✓ Pass port
    - ✓ Voter Identity card
    - ✓ Pay slip issued by any office in the Central /State or a local body
    - ✓ The consent from parents in blood relation can be treated as residence proof, if parents enclose their residence proof.
    - ✓ Other authentic proof acceptable by MLO/MVI
  - (b) Age Proof – attested copy of any of the following:
    - ✓ School certificate
    - ✓ Passport
    - ✓ Birth Certificate
    - ✓ Certificate from Central/State Govt. or a local body
    - ✓ Identity card/voter list
    - ✓ PAN of Income Tax card
    - ✓ Other authentic proof acceptable by M.L.O / MVI
  - (c) Application for learner license with pass port size photo graph.

- (d) Medical fitness certificate from Registered Medical Practitioner/ authorized doctor of the Transport Department
  - (e) Learner license form with photographs
- (ii) After verification of all the documents applicant has to go through a learner test with regard to the eliminatory traffic rules and regulations. The learning license is issued to the applicant who has passed this test. It is issued on the same date. If the applicant does not qualify the learner test, he is given chance after one-week time.
- (iii) The learner's license holder has to display symbol-L in Red colour that should be visible from a distance.
- (iv) In addition to practical training, the learner's license holder should also learn about the vehicles' mechanism, road symbols and signs etc.
- (v) A person holding learner's license of a two -wheeler, cannot carry any other person on the pillion except his instructor.

## **2. Gaps and Concerns**

In the offices of all DTOs/ SDMs a considerable workload in the license section relates to issuing of learner licenses. If this function is assigned to some other authority the workload of the DTOs/SDMs can be considerably reduced resulting in better utilization of their services.

In offices of the DTOs/ SDMs, malpractices exits in issuance of Learner's License on e of which is issuing the learner's License in certain cases without actually taking the test

In offices of the DTOs/ SDMs, students face hassles and delays while applying for learner's License. Applicants have to make repeated visits to the offices of the DTOs/ SDMs

In spite of obtaining the learner's license, licensees are generally not fully aware of the road safety norms and traffic signals.

### **3. Recommendation**

The authority to issue learner's license to be given to the Principals of recognized College, having requisite internet connectivity enabled infrastructure by declaring them licensing authority for the purpose, in addition to DTOs/ SDMs with jurisdiction to issue such licenses to their own eligible students thereby considerably reducing the workload of DTOs/ SDMs resulting in better utilization of their recourses in other activities. In addition malpractices in issuance of learners; license would be eliminated and the applicant will not have to make repeated visits to the offices of the DTOs/ SDMs. Still further the licensees shall be made fully aware of the road safety norms and traffic signals in the revised arrangements which will include a proper written test.

### **4. Requirement for Implementation of Revised System**

The Department of Transport to issue notification under rule 3 of the Punjab Motor Vehicles Rules, 1989, delegating authority to Principals of designated College having SWAN connectivity enabled infrastructure to process, sign and issue Learner License in favour of their own eligible students (in addition to the DTOs/SDMs). With the assistance of the PSRSC, literature on elementary Traffic rules & regulations, road safety, over speeding and consequences of drunken driving, etc., to be made available to the students of the Institution.

### **5. System Workflow**

Before processing of applications for license, the College will verify the contents of the applications with the computerized record of the local DTO through SWAN connectivity for any discrepancy. The prescribed fee shall be collected from the applicant. The College would then conduct test for Learner's License. For successful candidates, the Principal would issue Learner's License certificate. The data relating to the documents submitted and license issued would be sent in a specific format to the DTO concerned through internet connectivity. This will facilitate be preserved for a period of 5 years by the college concerned. The DTO shall provide all required guidance in the above regard to the college authorities and monitor the process.

The fee collected will be deposited in the Govt. account major head 0041-minor head 102 through challan within 24 hours of its collection. The SO of the office of the DTO shall conduct monthly audit of the fees recovered and deposited in the above account for issuing learner's licenses.

## **6. Infrastructure**

- Hardware (Computer, printer biometrics like Digital Cameras, Digital Signatures Board and Thumb Impression Recorder etc.) (By Institution)
- Pre-printed Stationary for Certificate and application. (By Institution)
- The Software would be provided by State Transport Department free of cost while the Hardware cost is to be borne by the College. The application form along with other documents be provided by the College for which they may recover Rs. 25/- per applicant to defray expenses connected with providing this facility.

## **7. Financial Impact**

- By offloading the total process of issuance of LL DTOs would be in a position to save substantial recurring cost both in terms of manpower and infrastructure.

## **8. Strengths & Opportunities**

- In the envisaged scenario, license would be provided to the students of the college/schools in the College premises itself.
- Workload of the DTOs/ SDMs would be considerably reduced resulting in better utilization of their services in other critical activities.
- Waiting time of applicants and indirect cost of obtaining a Learner License would stand reduce drastically.

## **9. Present Status**

Authorized Principals of recognized College(s), to issue learner's license to applicants with an aim to reduce the workload of DTOs/ SDMs, resulting in better utilization of their recourses in other activities.

Department of Transport (16)		
Problem/Constraint	1) Electoral roll to be used for proof of residence and age	
Present system of the DTO being the authority for accepting applications entails unnecessary transactions costs on owners and workload on officials	2) RC-Outsource to dealers for new vehicles.	
Present system of challan encourages bribery especially for outstation vehicles as they would need to make another visit for payment/release of documents.	3) Compounding Traffic Offences – Powers to Police Department. 4) Authorising colleges to issues Learners Driving Licenses. 5) Qualified instructors of ITIs may be authorized for inspection of vehicles & taking driving test. 6) Discontinue ante diluvon practice of, 'passing' new vehicles prior to issuing of registration certificate.	
	<b>Agreed/under implementation</b>	
	<ul style="list-style-type: none"> <li>• Harness volunteers for conducting driving test.</li> </ul>	
<p>*MVI's not equipped to handle the numbers involved. It is a simple cycle of payment of Fee, speed money and tamping.</p> <p>*Authorized service stations are better equipped, subject to more professional oversight and have less incentives for corruption practices.</p>	<ul style="list-style-type: none"> <li>• Fitness certificate – authorize major authorized service stations to verify.</li> <li>• Introduce accreditation of driving schools for certifying driving skills.</li> <li>• Driving Licence: Reduce time for completion of driving test processes to a norm of 3 hours if necessary by engaging volunteers.</li> <li>• Commercial Vehicles Fitness Certificate: Accept test/fitness certificates given by authorized dealers of vehicles, for issue of official approval/certificate.</li> </ul>	

**DEPARTMENT OF SOCIAL SECURITY AND  
WOMEN AND CHILD DEVELOPMENT**

# SOCIAL SECURITY AND WOMEN AND CHILD DEVELOPMENT

## Social Security Pension Schemes

Financial assistance is being provided by the Social Security, Women and Child Development Department under various schemes -orphan children below the age of 21 years, old age pension -65 years for men and 60 years for women, widows, persons with disability etc.

## Fixing Eligibility Thresholds

This has been covered already and income criteria per unit of family suggested– Rs. 650 per month for rural and Rs. 800 per month for urban areas.

If economic thresholds are determined with reference to consumption estimates,, it will ensure better targeting and coverage, as approximate numbers of qualifying population can be estimated.

In view of the above, the eligibility criteria requires to be streamlined and made simple, less tedious and absolutely transparent that would hardly leave any elbow space for the field functionaries to play the game on their own terms for seeking ill-gotten financial gains.

## Other Economic/Social Criteria

Instructions provide under some schemes for restrictions besides income. In case of old age pensions a person may be eligible physically and from income point of view but is barred in case son is a gazetted officer or is a professional/income tax payee. *In the present social set up where government has to enact laws for ensuring that earning children maintain their parents it seems irrational to exclude persons on the ground of their sons economic condition. An uncomplicated criterion of income must be used in all cases where social security assistance is provided as per suggestions given above.*

## Maintenance of Records

The is need to have electronic records for all schemes of individual assistance on a common platform suitably classified village/name wise so that when required the information can be

cross checked and overlap/duplication avoided and mistakes rectified. This should not be difficult as the record has to be digitized only once and suitable MIS developed for use by different departments for purposes such as cross verification or when any complaint is received. It is suggested that the format in which digitized data should be maintained be on the following lines:-

- 1) Name of the beneficiary.
- 2) Husband/wife, if included in the family.
- 3) Total family members.
- 4) Address.
- 5) Village/town.
- 6) Family income per head.

This information should be digitized in respect of each scheme for all current cases, new cases added periodically and an MIS developed for each scheme - location/village pattern of income etc., to enable assessment of impact, overlap and coverage.

- **Dispense with affidavits and have self-declarations**
- **Discontinue field reports/verification by public officials**
- **Use standard format (Annexure A of Chapter 3); all details to be filled in**
- **Digitize records and develop MIS**
- **Department to assess potential beneficiaries and be accountable for inefficiency and wastage of resources**
- **Old Age Pension : Age limit: 60 years for men and women.**
- **Old Age Pension : Medical Certificate to be dispensed**
- **Evidence of EPIC/ voter list/ ration card to be accepted.**
- **Income Criteria: Per head family income of Rs. 650 per month for rural and Rs. 800 per month for urban areas.**

**PEOPLES' POLICE STATIONS: DEPARTMENT OF  
POLICE**

## PEOPLE'S POLICE STATIONS: DEPARTMENT OF POLICE

Police stations are the nerve centres of policing. However, service delivery at the cutting edge level has not been the focus of police reforms. And there exists disconnect between outside space and the police station. This spatial disconnect is because the citizens feel that in the police stations they might be 'detained, physically assaulted, insulted and coerced to pay bribes'. This kind of perception, poor management practices lack of accountability and transparency and the often prejudiced response have contributed to the underreporting of crime besides many other distortions.

Police station gives a feeling of being an alien space, unlike school or Panchayat office or government dispensary. It also brings out clearly the impact that the indifferent environment in the police station has on the visitors resulting into loss of identity and dignity. Interaction with the police and consequent loss of dignity has been described succinctly in the Fifth Report of the National Police Commission (November 1980). The Commission expressed anguish that the 1902 Fraser Commission's observation that 'people' now may not dread the police, but they certainly dread getting involved with it in any capacity, continues to be valid.

The language of power is different from the language of justice. The institutions of justice delivery understand with clarity the language of power and material resources rather than listening to the feeble voices of the dispossessed.

Along with the loss of identity and dignity, the access to police services becomes tardy and inconsistent. The inconsistency in recording FIRs in cases of cognizable offences, apart from the substantive problem of recording of reports and complaints especially against the mighty and the powerful, has eroded the legitimacy of the police system.

To reverse this trend, there is a need to strengthen internal accountability as also to make police directly accountable to the citizens they serve. This will lead to the restoration of hierarchy, performance based incentives, posting and transfers and insulation of the police from external partisan interference.

Second parameter is to build the capacities of the police stations to maintain law and order and ensure that police services are meeting the community needs. Police stations have to be equipped in terms of human resources, equipment and technology to function as per the local specificities, for instance, in Amritsar religious pilgrimage etc. It may be more appropriate to set up police stations commensurate with the citizen needs, locational specificities and the likely nature of crime rather than any political considerations.

Third parameter is to put in place an institutional mechanism to make the **police stations responsive** to the needs of gender, dalits, migrants, workers and children.

Fourth parameter is to make police service delivery transparent through institutionalisation of community-police partnership (for instance, establishment of Police Station Outreach Centres).

Punjab would be the first State in India to implement community policing at such a large scale in an institutionalised manner. This has become possible because political leadership has taken the lead and police leadership has responded to it. Around four-hundred centres shall provide counselling services to resolve disputes related to domestic violence, dowry-related and various other crimes related to women. These will also have facility for lodging complaints against the working of the police personnel along with transparent disposal of the complaints so lodged. These centres shall also provide services which shall include copies of FIRs, untraced reports, no objection certificates for armed licences, permission for religious and political functions and processions, verification of tenants, registration of servants etc. These centres shall be run in partnership with the representatives of the community.

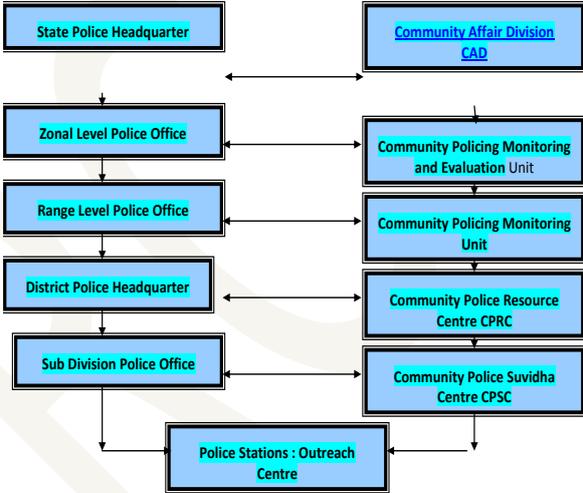
## MAKING GOVERNANCE CITIZEN FRIENDLY: THE PUNJAB EXPERIMENT

### Engaged Governance through Community Policing

Existing	Implemented	Expected Outcomes
<b>Systems of Reporting</b>		
<ul style="list-style-type: none"> <li>Inconsistency in reporting complaints and recording FIRs</li> </ul>	<ul style="list-style-type: none"> <li>Online registration of complaints</li> <li>Issuance of unique number for follow up</li> <li>Status of progress online/SMS/visitors enquiry counters</li> </ul>	<ul style="list-style-type: none"> <li>Reduction in harassment and corruption</li> <li>Basis for grievance redressal</li> </ul>
<ul style="list-style-type: none"> <li>Performance is measured on the number of complaints received</li> </ul>	<ul style="list-style-type: none"> <li>Performance to be measured as per ratio between petty crimes and heinous crimes</li> </ul>	<ul style="list-style-type: none"> <li>Increase the confidence of the people in Police</li> </ul>
<ul style="list-style-type: none"> <li>Non-reporting of complaints</li> </ul>	<ul style="list-style-type: none"> <li>For gender-related complaints a non-formal justice delivery system has been institutionalised in CPC</li> </ul>	<ul style="list-style-type: none"> <li>Non-stigmatised redressal of domestic violence, dowry and other gender-related cases</li> </ul>
<b>Other Issues</b>		
<ul style="list-style-type: none"> <li>Disproportionate allocation of staff in police stations. Districts with disproportionate police-population ratio have an unsatisfactory performance index</li> </ul>	<ul style="list-style-type: none"> <li>Redeployment of staff as per need of the area. Dedicated team for investigation work in police station. One inspector to be dedicated for delivery of police services and community policing work.</li> </ul>	<ul style="list-style-type: none"> <li>Quality of investigation to be improved</li> </ul>
<ul style="list-style-type: none"> <li>Diversity representation in police is inadequate</li> </ul>	<ul style="list-style-type: none"> <li>Five-year plan to increase to 10 per cent women representation in total civil and armed police strength</li> </ul>	<ul style="list-style-type: none"> <li>Promote gender justice</li> </ul>
<ul style="list-style-type: none"> <li>Deployment of police station/CPC staff for the security of individuals</li> </ul>	<ul style="list-style-type: none"> <li>Discontinued the deployment of the CPC staff for security duty</li> </ul>	<ul style="list-style-type: none"> <li>Shall enhance citizen delivery of service and reinforce centrality of community policing</li> </ul>

Existing	Implemented	Expected Outcomes
<ul style="list-style-type: none"> <li>Verification including documents like passport, character, arms license, etc. testimonies of neighbour, Panchayat member, municipal commission are required</li> </ul>	<ul style="list-style-type: none"> <li>In place of testimonies self-declarations and declarations by any two persons of the area, supported by documents. Accepted and forward to concerned agencies for approval.</li> </ul>	<ul style="list-style-type: none"> <li>Enhance citizens trust, reduces perverse incentives and dignified access</li> </ul>
<ul style="list-style-type: none"> <li>Police clearance certificate, issue of residence permits and visa extension for foreigners through SSP Office</li> </ul>	<ul style="list-style-type: none"> <li>All these cases to be dealt with district CPRC and action taken will be notified online.</li> </ul>	<ul style="list-style-type: none"> <li>Transparent and harassment-free delivery</li> </ul>
<ul style="list-style-type: none"> <li>Reporting of missing persons, missing articles at the police station – not transparent</li> </ul>	<ul style="list-style-type: none"> <li>Missing persons report to be entertained at CPC, available online, SMS and counter of CPC. Weekly updates available.</li> </ul>	<ul style="list-style-type: none"> <li>Reduces harassment and promote accountability</li> </ul>

Existing	Implemented
<b>Community Policing</b>	
<ul style="list-style-type: none"> <li>Ad-hoc in nature</li> <li>In the shape of programmes and schemes like neighborhood watch scheme, Village Defence Committees and Peace Committees etc.</li> </ul>	<ul style="list-style-type: none"> <li>Implemented as a philosophy and not as a programme</li> <li>“In this philosophy the police and community collaborates with each other with a view to identify the needs and problems of community and jointly work towards finding solutions to the community problems while meeting the aspirations of the community”</li> <li>Newly created community police centers: <ul style="list-style-type: none"> <li><b>SAANJH KENDER/CPRC</b>(Community Policing Resource Centre) at the district level</li> <li><b>SAANJH KENDER/CPSC</b> (Community Policing Suvidha Centre) at sub division level and</li> <li><b>SAANJH KENDER/PSOC</b> (Police Station Outreach Centre) at Police Station level</li> </ul> </li> <li>Service delivery to the common public</li> <li>Dispute/conflict resolution mechanism</li> <li>Committees</li> <li>IT platform</li> </ul>

Existing	Implemented
<b>Institutional Structure</b>	
<ul style="list-style-type: none"> <li>• State Police Headquarters</li> <li>• Zonal Level Police Office</li> <li>• Range Level Police Office</li> <li>• District Police Headquarters</li> <li>• Sub-division Police Office</li> <li>• Police Station</li> </ul>	<p style="text-align: center;"><b>INSTITUTIONAL STRUCTURE OF SAANJH PROGRAMME</b></p> <p style="text-align: center;"><b>Police Organisation Structure and Community Centres</b></p>  <pre> graph TD     SPHQ[State Police Headquarter] &lt;--&gt; CAD[Community Affair Division CAD]     ZLO[Zonal Level Police Office] &lt;--&gt; CPMEU[Community Policing Monitoring and Evaluation Unit]     RLO[Range Level Police Office] &lt;--&gt; CPMEU     DPHQ[District Police Headquarter] &lt;--&gt; CPRC[Community Police Resource Centre CPRC]     SDPO[Sub Division Police Office] &lt;--&gt; CPSC[Community Police Suvidha Centre CPSC]     SPHQ --&gt; ZLO     ZLO --&gt; RLO     RLO --&gt; DPHQ     DPHQ --&gt; SDPO     SDPO --&gt; POC[Police Stations : Outreach Centre]     CAD --&gt; CPMEU     CPMEU --&gt; CPMEU     CPMEU --&gt; CPRC     CPRC --&gt; CPSC     CPSC --&gt; POC   </pre>
<b>Engaged Governance in Police</b>	
<ul style="list-style-type: none"> <li>• Spatial disconnect</li> <li>• Ad-hoc and non-interactive police-community relationship, particularly in post-terrorism</li> </ul>	<ul style="list-style-type: none"> <li>• Redefined space with dignified access</li> </ul>

**CPRC****Functions and activities to be performed by the CPRC**

- Grievance Redressal Unit
- Community Services cum Information Unit
  - NRIs & Foreigner Counter
  - Crime Information Counter
  - Verification and Permission Counter
  - RTI Counter
  - Traffic Management and Information Counter
- Legal Aid and Victim Relief Unit
- Sensitisation and Dispute Resolution Unit
  - Gender Dispute Resolution Cell
  - Economic Dispute Resolution Cell
  - Social and Political Conflict Resolution Cell
- District Level Committees

**CPSC****Functions and activities to be performed by the CPSC**

- Community Services cum Information Unit.
- NRIs and Foreigner Counter.
- Gender Dispute Resolution Unit.
- Sub-division level committee

**PSOC****Functions and activities to be performed by the PSOC**

- Community Services and Information Unit
- Gender Dispute and Social Conflict Resolution Unit
- Thana level committee

Existing	Implemented
<ul style="list-style-type: none"> <li>• Non-conductive structure, procedures and cumbersome processes</li> </ul>	<p>Procedures simplified and integrative structure institutionalised</p> <ul style="list-style-type: none"> <li>• Statutory provision in The Punjab Police Act 2007</li> <li>• Integrated into State Plan and Police Budget</li> <li>• Registered in Societies Act</li> </ul>
<ul style="list-style-type: none"> <li>• Police Management system not transparent less accountable and efficient</li> </ul>	<ul style="list-style-type: none"> <li>• Tenure fixed (two years)</li> <li>• Performance based on appraisal report</li> <li>• Compulsory training</li> <li>• No deployment for any other duty</li> <li>• Fixed hours of work</li> </ul>
<ul style="list-style-type: none"> <li>• Non-transparent control on police conduct</li> </ul>	<ul style="list-style-type: none"> <li>• Strengthening of internal controls to monitor police conduct.</li> <li>• Receipt of complaints against police misconduct in CPC.</li> <li>• Action taken on these complaints to be placed before the CPC committees.</li> </ul>

#### Steps For Establishing Community Police Centers

<b>First Level</b>	<p><b>Community Affairs Division (CAD) and State level Coordination and Review Committee (SLCRC)</b>  Step 1: The Community Affairs Division (CAD)  Step 2: State Level Coordination and Review Committee (SLCRC)</p>
<b>Second Level</b>	<p><b>Community Policing Monitoring and Evaluation Unit: Zonal Level</b></p>
<b>Third Level</b>	<p><b>Community Policing Monitoring Unit: Range Level</b></p>
<b>Fourth Level Committee</b>	<p><b>Community Police Resource Centers (CPRC) and District Level Committee</b>  Step 1: Constitution of District Level Committee  Step 2: Registering CPRC/ CPSC/ PSOC as NGO's  Step 3: Establishing Community Police Resource Centers (CPRC) and Different Units</p>
<b>Fifth Level</b>	<p><b>Community Police Suvridha Centers and Sub Division Level Committee</b>  Step 1: Sub-Division Level Committee  Step 2: Establishing Community Police Suvridha Centres (CPSC) at the Subdivision Level</p>
<b>Sixth Level Groups</b>	<p><b>Police Station Outreach Centers and formation of Community Liaison Groups</b>  Step 1: Police Station Level Committee  Step 2: Police Station Outreach Centre (PSOC)</p>

## CRIME AGAINST WOMEN

### Three Pronged Strategy

In order to curb crimes against women, a three pronged strategy has been accepted and is being implemented. Three-pronged strategy includes access to justice, delivery of justice and prevention of crime:

- (a) Reporting of crime-** For women to seek Police assistance without any fear, SAANJH KENDRAS at the police station level, sub-division level and district level have been made available and are jointly run by the civil society and the police. ***These centres are authorised to register complaints and receipts are given to the complainant.*** These complaints have to be dealt in a time-bound manner. To make SHO accountable – it has been included the time-bound disposal in the Right to Service Act.
- (b) Transparent and Speedy Registration-** The Commission recommended to speed up the process of registration online as well as in SAANJH KENDRAS at the *thana*, sub-division and district levels thereby facilitating registration of complaints without going to police stations particularly for crimes against women.
- (c) Services for Victims-** basic services like medical aid with the presence of a lady medical doctor should be available to the victims for them to feel less humiliated and cared for at the SAANJH KENDRAS at the *thana*, sub-division and district levels.

### Recording of Statement of Victim

- Gender violence victim's statement should be recorded by a woman police officer.
- Victim's medical examination should be conducted by a woman medical officer.
- Victim should be provided immediate medical aid for any physical injuries suffered.
- Victim should also be provided immediate counselling for the psychological trauma suffered by her.

## **Compensation for Victims**

- Victims should be provided immediate compensation under section 357A CrPC through District Legal Service Authority (DLSA) but on the condition that she supports the prosecution case.

## **Legal Aid**

- DLSA should provide a legal aid counsel to the victim, preferably a woman lawyer. If necessary the victim should be safe-housed as a witness protection measure and provided a pseudo identity during the course of the trial.

## **Institutional Framework for Victim Relief**

- Victim Relief Centre should be activated in each Saanjh Kendras catering to the need of the victims, their rights, needs and expectations. Particular efforts have to be made to improve the police response to the victims of sexual and violent crime. There is need for specially trained women officers to avoid insensitive questioning. It should be possible to enlist the help of the society, NGOs and voluntary agencies for this purpose. The reservoir of knowledge and experience of the retired officers from the Judiciary, Police, Revenue and other departments could also be tapped for the purpose.

Specially trained volunteers should handle counselling and other victim support schemes – right to be heard, right to be kept informed about the progress of ‘their case’, to provide information, to be protected by the law enforcement agencies, and to receive respect, recognition and support.

## **Fast Delivery of Justice**

The investigation in crimes against women remains quite slow; it is suggested that a departmental task group should monitor and take action against carelessness of the concerned officials for not investigating complaints in a time-bound manner. It has been noticed that charge-sheet rate is very low. A monitoring system needs to be set up to ensure time-bound filling of charge-sheet in the courts.

## QUALITY AND EFFICIENCY IN INVESTIGATION

To improve the quality and efficiency in investigation the following steps should be taken;

- (a) Each police station should have a separate Investigation Wing.
- (b) Each district should have an **Advance Investigation Wing** with latest technology to investigate heinous crimes in a professional and scientific manner.

## QUALITY INVESTIGATION

- **Well-equipped Forensic Lab**

All police districts must have access to well-equipped and well-staffed forensic labs where scientific evidence can be quickly analyzed and results conveyed to the investigators in shortest possible time.

- **Trained Investigators**

The investigation wing must recruit more women at the Assistant Sub-Inspector level for gender balance and should be generally sensitised to women issues.

- **Investigation and Prosecution**

Co-ordination between the investigator and the prosecutor during the course of the investigation should be an integrated one as a team.

- **Strengthening Prosecution Wing**

Prosecution remains the weakest link in our criminal justice system and in rape cases it (prosecution) must be strengthened by improving the service conditions of Prosecutors. Their over-all work load should be rationalized and their skills enhanced through induction training and continued legal education. National Judicial Academy and State Judicial Academies should develop training programmes for prosecutors. Each prosecutor should be provided computers and a decent law library. The Trial Judge should also be required to appraise the performance of the prosecutors and provide their comments to the reporting officers at the time of preparation of their ACRs.

- **Prosecutor-General**

Presently, no one takes the blame if the prosecution does not end in conviction which is why every state should appoint a Prosecutor-General of the same rank as Director-General of Police, to head the prosecution department and be responsible and accountable for failure of prosecution. Prosecutor-General should be a well-trained criminal lawyer, strong, independent and impartial. Prosecutor-General should also be empowered to withdraw prosecution in appropriate cases.

- **Efficient Trial: Fast Track Courts**

Need of the hour is to set up fast track courts to speedily dispense crime related cases against women.

(i) **Sentencing Guidelines** must be developed to enable trial courts to uniformly award appropriate sentences in cases of rape and molestation. When a person accused of rape is charged with committing a series of offences then he should be sentenced to consecutive terms and not concurrent terms as is the common practice nowadays.

(ii) **Criminal Case Monitoring System** should be developed to enable victims, investigators, prosecutors, judges and even the defence counsel to keep a track of the movement of cases through the criminal justice system from the time of FIR till the conclusion of trial/appeal and release of the convict after completing sentence.

## **PREVENTION OF GENDER CRIME**

### **(a) Tracking Potential Offenders**

Persons charged with or convicted of offences should be tracked and their neighbours informed of the presence of such persons in the neighbourhood so that no woman falls an unwitting prey to such men.

### **(b) Restatement of Law**

The entire case law in cases relating to crimes against women requires to be re-stated by a responsible group of jurists under the aegis of National Judicial Academy or Indian Law Institute, so that the current criminal jurisprudence is clearly understood by trial judges, police investigators, public prosecutors and the criminal bar bringing about uniformity in its application.

### **(c) Suspension of State Incentives**

As a deterrent, it is proposed that the accused where the charges have been framed in the courts against the accused relating to rape and sexual harassment should not be entitled to state's incentives till the person is acquitted by the court. These entitlements include various verifications by police like character, no objection to travel abroad, income, caste certificates leading to renewal or issuance of driving, passport and other licenses.

### **(d) Code of Conduct**

Each institution like school, college, government department, private enterprise, public and private transport have to implement revised **Model Gender Code of Conduct** to check sexual harassment. The model gender code of conduct needs to be prepared in consultation with the various stakeholders.

### **(e) Mapping Crime Spots**

Each city should map black spots where possibility of crime against women is high. Accordingly, a plan to check these violations should be put in place. The plan may include regular police patrol, spread of beat system and installation of CCTV cameras for regular monitoring.

### **(f) Public Transport System**

(i) The public and private bus transport needs to be equipped with the GPRS system to monitor their movement. Efforts should be made to replace normal taxis with the Radio-Taxis in the cities for regulation.

(ii) Traffic rules to be strictly imposed to check intimidation of women on the road.

### **(g) Civil Society Engagement**

State-wide community-police oversights proposed to be activated to build public pressure on the anti-social elements not to indulge in such activities and launch awareness campaigns. In Punjab, these community-police oversights are in existence and attached with each police station, Deputy Superintendent of Police Office at the sub-division level and SSP level at the district.

### (h) Cyber Crime Tracking

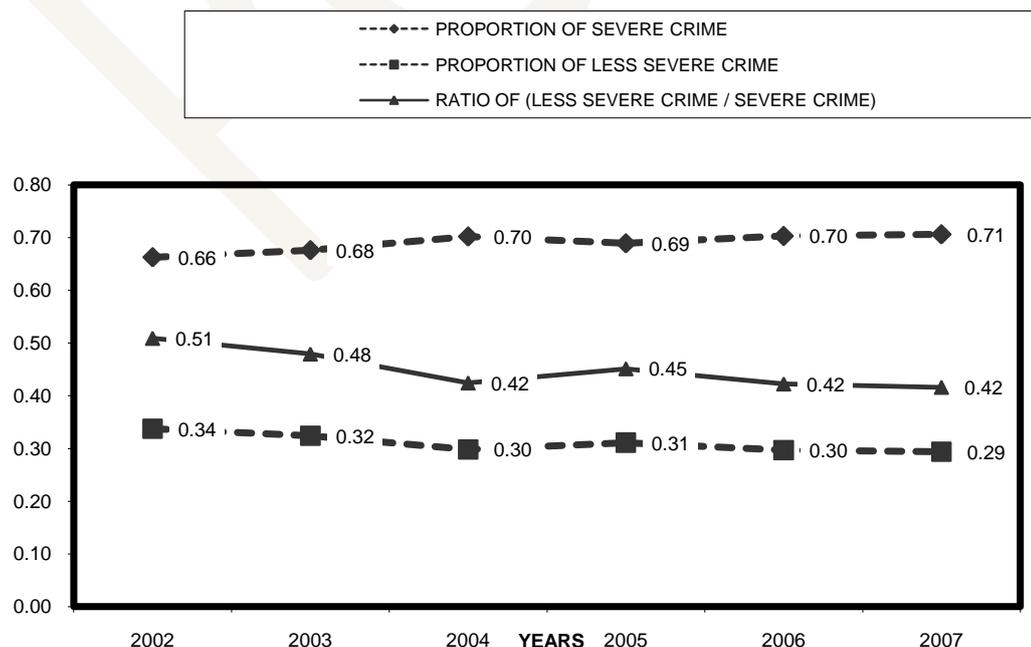
The cyber-crime unit should start an online complaint system to track the obscene messages and calls leading to mental harassment of women. Strict action should be taken and the violator should be deprived of any telephone connection for one year. For the necessary procedural amendments may be introduced at earliest.

### REGISTRATION OF COMPLAINTS OF CRIMES

One problem, however, is the inconsistency in the recording of FIRs in the case of cognizable offences apart from the substantive problem of recording of reports/complaints especially against the mighty and the powerful. The public generally is inclined to believe that the recording of FIRs is not done properly and promptly even though the law requires the authorized officials to take note of the information/report in this regard, irrespective of the mode of communication. The first priority, therefore, is to ensure that all the police stations and the officials deployed there follow uniform standards and comply with the law in recording FIRs. The incidences of petty crimes are on the increase, whereas it is not finding reflection in the registration of crimes.

**Graph - 1**

**RATIO AND PROPORTION OF MAJOR AND PETTY OFFENCES IN REPORTING OF TOTAL IPC OFFENCES (Source: Crime in India)**



According to an IDC study, the ratio between petty crimes and the heinous ones is on the decline. For instance, in Punjab the decline shows that for people, the cost (both material and harassment) of reporting petty crime is higher than the outcomes (see Graph 1).

Therefore, it is worthwhile to measure the performance in terms of the ratio between petty crimes and heinous crimes. If this ratio shows increasing trend, it means that the people are reposing greater confidence in the police for the redressal of their grievances. Performance of police should be measured not in terms of the number of crimes registered, but the ratio between the severe and petty crimes overtime.

### **Steps for Registration of Complaints of Crimes**

1. Saanjh (Community Policing Centres) have been authorised to register complaints relating to crimes (see order Annexure I).
2. These centres are attached to each police stations managed by police in plain clothes and run by a committee consisting of local citizens.
3. The complaint of crimes can be registered in any Saanjh Kendra. For instance, if a violation has happened in Bathinda, the complaint can be registered in Mohali.
4. The complainant will be given a unique ID number as an acknowledgement receipt to ensure delivery of justice (see Annexure II and III).
5. For ensuring action on complaint registered, it has been included in the Right to Service Act. If designated officer is unable to take action within stipulated time, he will be held accountable and penalised.

## Office Order

Office of The  
Director General of Police  
HRD & CP, Pb. Chandigarh



Community Policing Wing

ਦਫਤਰ  
ਡਾਇਰੈਕਟਰ ਜਨਰਲ ਪੁਲਿਸ,  
ਐਚ.ਆਰ.ਡੀ ਅਤੇ ਸੀ.ਪੀ, ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ।

### Order

27 District Saanjh Kendras, 114 Sub Division Saanjh Kendras and 146 Police Saanjh Kendras have been providing 41 services related with Police Department to the public. All these services are timelined under Punjab Right to Service Act, 2011. There are two services related with complaints namely "**Acknowledgment of Complaint**" and "**Action taken on Complaint**". The following protocol shall be followed with respect to the complaints:-

- 1) All complaints shall be received at Saanjh Kendras.
- 2) An acknowledgment, having system generated Unique Identification Number (UID), will be given immediately to the applicant.
- 3) Then complaint will be sent immediately to the authority to which the complaint is addressed.
- 4) The concerned authority shall look into the complaint and final report shall be given to the complainant within 21 days as stipulated under Right to Service Act, 2011.
- 5) The final report may be in the shape of :-
  - a. FIR.
  - b. Complaint is found false, hence filed.
  - c. Matter is of civil nature.
  - d. Complaint relates to other authority, etc.
- 6) Action taken on complaint shall be immediately reported to the complainant by the Designated Officer.
- 7) If the complainant is not satisfied with the final report of his complaint then he may give fresh complaint to the higher authority.

**POLICE VERIFICATION FOR ISSUE/RENEWAL OF PASSPORT**

**I. STRUCTURE**

- 1) Regional Passport Office (RPO) deals only with the District Police/Commissionerates. The Police Station Outreach Centres (Saanjh Kendras) are the front end of the police stations (for this purpose).
- 2) CPs/District SSPs will identify/earmark the requisite number of officers depending upon the workload who shall carry out the physical verification (PV).
- 3) The officers so selected by the CP/SSP will be stationed at the concerned PSOC.
- 4) The passport branch of every unit shall be stationed in the CPRC.

**II. RECEIPT OF APPLICATION**

On receipt of a verification request from the passport office, the following steps shall be taken by Passport branch in CPRC:-

- i. Reference be sent to the Police Officer earmarked for this purpose at the PSOC.
- ii. Reference be sent to the Intelligence Wing for a report.
- iii. Intimation be sent to the applicant via SMS (Template-1).

**III. VERIFICATION**

- 1) By Intelligence Wing: CID Record shall be sent directly to the passport branch of the CPRC within 3 working days. (SP/Hqrs. to coordinate).
- 2) By the Verifiers at PSOC: The following steps be taken:-
  - i. The verifiers shall check the record regarding the antecedents of the applicant from the police station (coordination with MHC/SHO).
  - ii. Carry out physical verification. The physical verification shall involve the following steps:-

- a) Outreach official will ring up the applicant for fixing a visit to his/her residence and further request him/her to inform the references mentioned in the verification along with neighbours and respectable to be present at his/her residence.
- b) Immediately thereafter, send a confirmatory SMS (Template-2 a).
- c) Send an SMS informing about facilitation charges (Template-2 b).
- d) Physically visit at the appointed time and carry out steps as per the following check list:-
  - i. Verify the identity through references.
  - ii. Verification of address, period of stay
  - iii. General reputation.
  - iv. Appraisal from neighbourhood and verification of antecedents.
  - v. Click photographs which include the applicant, the Verifier, the references and local respectable (permanent record).

**IV. On receipt of the report from the CID as well as the Verifier, CPRC will take the following steps:-**

- 1) Verification report be submitted to the Passport Office duly signed by the designated officer (SP/Hqrs/Addl. DCP without any delay.
- 2) Wherever the verification is found to be in order, send SMS (Template-3)
- 3) Where verification has not been found to be in order, send SMS (Template-4)

**V. CONCLUSION OF SERVICE**

After 24 hours of dispatch of the final report/recommendation to the RPO, CPRC shall send an SMS (Template-5).

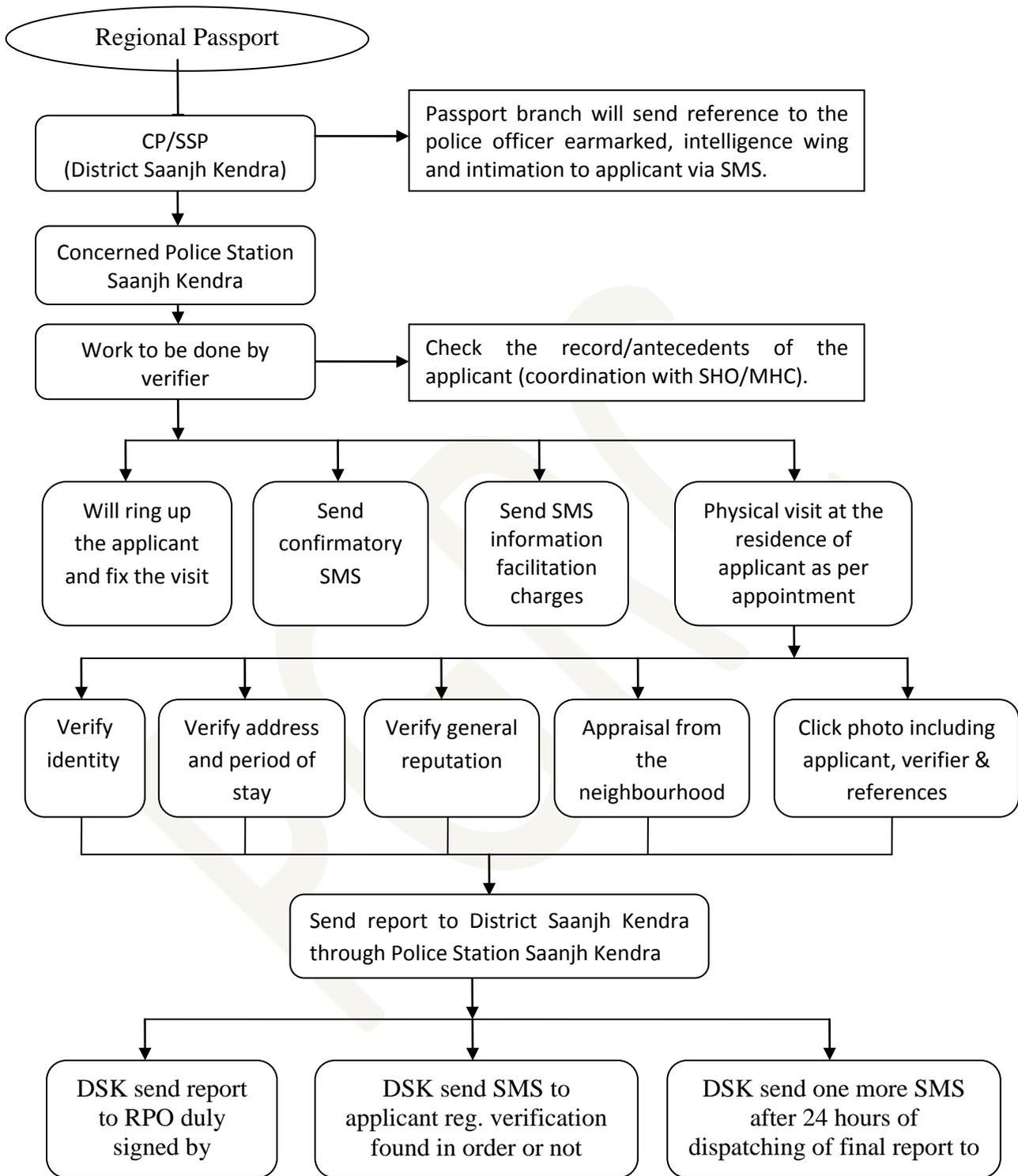
**VI. RANDOM CHECKS**

CPs/SSPs shall carryout random visits to the residences of the applicants to get first hand feedback about satisfaction level of the applicants. They must also ensure that undesirable agents do not have access to the police stations/PSOCs.

**Sequence of Actions Concerning Interaction/Exchange of Information – Police Verification for Issue/Renewal of Passport**

<b>S.No.</b>	<b>Event</b>	<b>Action</b>	<b>Action By</b>	<b>Remarks</b>
<b>1.</b>	Receipt of application by verifier at PSOC or police station	Send SMS (template-1) to applicant	Verifier at PSOC/Police Station	It is likely that the applicant may call back on the number. The official must explain entire procedure politely and patiently.
<b>2.</b>	Within 3 days of receipt of application	A phone call to be made to the applicant to fix time for visiting his residence for verification	Verifier at PSOC/Police Station	
<b>3.</b>	On the day of visit	SMS 2A and 2B to be sent to applicant.	Verifier at PSOC/Police Station	
<b>4.</b>	After clearance of passport verification	Send SMS (template-3) to applicant	CPRC	
<b>5.</b>	15 minutes after above action at S.No. 4	Send SMS (Template-5)	CPRC	
<b>6.</b>	After 1 hour of above action at S.No. 5	Send information to RPO	CPRC	
<b>7.</b>	Rejection of passport verification	Send SMS (Template-4)	CPRC	

## Process of verification in case of Passport



**REFORMS IN INFORMAL SECTOR:  
CYLCE RICKSHAW, STREET VENDORS AND  
HAWKERS**

# REFORMS IN INFORMAL SECTOR – CYCLE RICKSHAW, STREET VENDORS AND HAWKERS

## INTRODUCTION

### **Cycle Rickshaw**

Cycle rickshaw based intermediate public transport is advantageous to society. This kind of carrier reduces pollution, eliminates fuel consumption, is low-cost, ensures road safety and increases employment and promotes small scale industries. It is estimated that more than 3 lakh cycle rickshaws are operational in the State of Punjab. According to the 2011 Census, population of Punjab is 2.74 Crores that is living in 54.1 Lakh households which generates about 55 million passenger trips per day. 37.5% of the total population resides in urban areas. In Punjab, as per the last census, from a total 214 urban agglomerations only 3 cities have inter- city public transportation system. Remaining 211 cities largely rely on their own modes of transport and on cycle rickshaw and auto rickshaw. Directly and indirectly these operations are a source of income for more than 3.2 lakh mainly, urban poor families of the state. Viewing the population base with an average family size of five, livelihood to 16 lakh (1.6 million) persons is being provided by the rickshaw, that makes it 6% of the total population of Punjab is catered by the intermediate public conveyer. Cycle rickshaw emerged as one of the safest mode of transportation in 2009(with two fatal incidents reported on rickshaw).

### **Street vendors and Hawkers**

Another important segment of the informal sector is the street vendors and hawkers, providing consumers with convenient and accessible retail options. On an average 750 vendors/hawkers provide services mainly to urban and rural Punjab. This makes a sizeable segment of the population's livelihood dependent upon vending and hawking. As per estimates, 208075 vendors and hawkers are operational in Punjab. Around 2 Lakh households' main source of income is linked with vending and hawking.

Presently, cycle rickshaw, vending hawking is one of the largest employment generators in informal sector that needs immediate attention of the state government. On an average

one cycle rickshaw help to commute 20 people per day and it is a preferred mode of travel especially by ladies and elders for short distance traveling (< 3km). Street vendors and Hawkers exist only because the consumers want them. A total of five lakh poor families are involved in this informal sector. People in this business are land less labour and the urban poor.

Informal sector provides citizen friendly, valuable services and addresses the following noteworthy benefits:

- Service of citizen friendly passenger and retail goods transportation at door step.
- Livelihood
- Environment and sustainable development
- Social Inclusion and citizen-friendly services

In addition proving useful goods and food article at door step via non-polluting ways, vending itself add safety and security to social life. Poorly lit stretches and parks, and narrow footpaths make women feel insecure and vulnerable but presence of vendors and hawkers make them feel safe in public places.

**Table : Estimated Numbers of Vendors and Hawkers in Punjab**

<b>Vendors and Hawkers Families</b>	<b>Cycle Rickshaw Families</b>	<b>Total Families</b>	<b>Livelihood of People would be Impacted</b>
2 Lakhs	3 Lakhs	5 Lakhs	25 Lakhs

Cycle Rickshaw is socially, environmentally and financially equitable mode of transportation. One cycle rickshaw saves about 3 litre of fuel per day and a vendor/hawker average directly and indirectly also saves about 3.5 litre of fuel per day. **To burn one litre of fuel, 15.2kg of fresh air is required. Looking into the total environmental calculations, cycle rickshaw, vendor hawkers in Punjab save about 16 lakh liter of fuel per day.**

Every day, a total of about 5.5 Crores (550 million) commuter trips are generated, out of which 60 lakhs (6 million) are being catered to by cycle rickshaws alone. It takes care of about 11% of the total passenger trips.

### **a. Age Limit**

Presently, the applicable Acts restrict the age limit for rickshaw operations between 45 and 50 years. Whilst in contrast to Motor Vehicles Act 1988, a person of age 16-18 years can drive a car or motor vehicle, apart from commercial vehicles. In the case of Motor vehicles, it is purely linked with the Medical fitness of the driver. We all understand the motor vehicle operations involve greater risk and danger as compared with driving cycle rickshaw that has a maximum speed of 20km/hr. Evidently, many rickshaw operators are 60 years and above in age and despite being healthy become victims of law due to restricting age limit. Incidentally, cycling is a healthy exercise that keeps you fit even in older age. Such impractical imposition through the Act made the very existence of many rickshaw operators, illegal and that further involved their harassment by Police and Municipal Authorities. The upper age limit in the Act can be linked with the medical fitness of rickshaw driver.

### **b. Registration not Licensing**

Instead of licensing, simple registration mechanism can be adopted like as in the case of cars/motorcycle and other motor vehicles. Fee based regulation of numbers is required rather than licensed based quotas along with providing year round open registration system. For example, in Delhi, as per Municipal Act, the quota for cycle rickshaw has been restricted to 90,000 in 1980 and was not revised even after 33 years. No rational basis is available for this magical number. However, even if fixation of number of rickshaw needs to be restricted, it should be based upon the Population Base of the city, overall mobility plan and futuristic demands.

Similarly, in the case of Vending and Hawking, licenses are not issued at various municipalities. Due to this in Mohali Municipal Corporation alone, As per the survey conducted by IDC in 2014, it is estimated about 3000 operational vendors and hawkers, pay an average rupees 650/- per month as bribe to municipal authorities to run their business. That makes it about 20 lakh per month. However this situation is more prevalent in corporation towns.

### c. Rental and Fleet operations

Municipal body can grant or renew license to an institution to be plied through any person. But the rickshaw cannot be used for hire. The present Act, does not allow anyone to hold more than one rickshaw. This means that person who is born as a rickshaw puller has to die as a one as well! He cannot make further investment to buy another rickshaw. The licenses to widows, disabled and institutions can be given based upon their needs but maximum up to five.

Presently, the Act does not provide flexibility of any kind, for renting/handing over a rickshaw to anyone else besides the owner; the rickshaw driver has to be the owner.

***“When the owner of an airline acquires an additional fleet of planes, or a truck owner manages to expand his fleet to several hundred vehicles, he is celebrated as a successful entrepreneur. But when a person comes to acquire a few dozen or a few hundred rickshaws, owner gets to be stigmatized as a mafia don” – Manushi***

The law prohibits a person from owning more than one rickshaw and by insisting that “owner must also be puller”. In fact, the existing Act legislated that:

- A person who begins his life as a puller, must die as a puller;
- The poor must remain manual labourers all their lives;
- The poor are not allowed to become even petty entrepreneurs.

Further, the Act itself is a violation of the Fundamental Right under Sub Clause (g) of Clause (l) of Article 19 of the Constitution to carry on occupation or business. Since a similar restriction is not imposed on taxi drivers, buses, three wheeler auto rickshaw drivers and other vehicles plying for public hire, the present Rickshaw Act and bye Laws violate the fundamental rights guaranteed by Articles 14 and 16 of the Constitution.

In the case of vendor and hawkers, they need to take prior license from Municipal Authorities. In Mohali no license has been issued post 1988, this is hugely unfair on the part of Municipal Corporation that is running an enforcement drive in the absence of issuing license(s). Survey result found that all 102 respondents were without license.

#### **d. Redefining “Rickshaw Puller”**

The present Act specifies rickshaw driver as “Rickshaw Puller”, puller was old terminology, that is no more applicable in the three - wheeled cycle-rickshaw driven by a manual pedal power and includes all its components and accessories. Rickshaw puller terminology more was applicable to the old rickshaws that were operated on two wheels and in the front a one or two manual labour used to pull by hands. The existing three-wheeled cycle rickshaw design is a modified version of the same, in which human traction power is being used as like his one of the skill, and through manual 0.25 horse power mechanical energy generated is being used for rickshaw running. These peddle Indian soldiers are no more “Puller” but traction men or rickshaw/Eco-cab drivers. This definition needs amendment in act.

#### **e. Confiscation and Destruction of Rickshaws and *Rehris***

In the case of rickshaw, and *rehris* as applicable per Punjab Municipal Act 1911 and Cycle Rickshaw Act 1976, Municipal Authorities can confiscate and destroy the rickshaw instead of just booking for fines. This needs immediate amendments in the existing Act. In the case of Motor Vehicle they can only fine and can't confiscate. Supreme Court of India has already declared this act on part of the municipality, as unconstitutional.

#### **f. Vending and Hawking Zones**

Present planned city concept does not provide any space for the organic development of this eco-friendly community based upon local demand. Western model of city planning, where an important constitute of Indian cities “street food” is missing. This planning mistake makes presence of each vendor and hawker illegal and negative in the eyes of Public and enforcement authorities.

### **PLAN OF ACTION**

#### **Deliverables**

1. Providing them with “Sewa Card”, that will facilitate along with a Photo Identity and unique ID allowing them to avail other facilities. An online databank created via Suvidha Centre will keep record of their Permanent and Local address along with their other

socio-economic data. This card will facilitate them to run their vending hawking business by paying suitable fee and for rickshaw pullers the same shall be made available at nominal fee of Re 1.

2. Extension of Rashtriya Swasth Bima Yojna to the Informal Sector, may or may not be having BPL Cards
3. Facilitation to get License to run food business from Health Department under Prevention of Food Adulteration Act, 1954; the same service may be notified under Right to Service Act.
4. Facilitation for Swalambhan Pension Scheme, under New Pension Scheme, as on demand.
5. Setting up of Grievance Redressal cell for the informal sector. The membership of which includes representatives of civil society, administration and representations of informal sectors and their unions.
6. Close User Group (CUG) for Mobile Connection – Free Inter calling
7. Improvement of Last Mile Connectivity Services by planning cycle rickshaw and auto rickshaw as feeder service to city bus service via Dial-a Rickshaw facility.
8. Extension of Atta-Dal Scheme to 5 Lakh Vendor, Hawkers and Cycle Rickshaw Operators. Most of them are covered under various schemes already.
9. Bus Pass for the Travel with 50% concession.
10. Waiver for House Tax and Water Supply Bills those who have houses here.
11. Arrangement of Credit/Loan Facility to Vendor, Hawker and Cycle Rickshaw operators via DRI Schemes.
12. Digital Empowerment: facilitating them with mobile phone at 50% subsidized rates
13. Free Night Shelters facility for the sleeping homeless.

Four essential vending services be allowed in each residential area (unless and until high security zone) under mandatory services for city life.

- a) Dhobi –Ironing
- b) Basic Cycle Repair-No Sale
- c) Cobbler for Shoe Repair
- d) Tandoor for (Packing and Not Sitting and Standing)

### **6.1 Structural Reforms**

1. In order to promote food culture in every city, creation of Night Food Street by dedicating one area for street vending. This includes creating of Drinking Water, Sanitation facility along with sitting area. Preferable this can be done by selecting one of the natural market areas mostly exists in all cities of Punjab. Facilitation of natural market where sellers and buyers have traditionally congregated for more than a specified period for the sale and purchase of specific products or services and has been determined as such by the local authority.
2. Dedicated Cycle Rickshaw and Auto Rickshaw parking facility with all Bus Shelters of City Bus Service for the improvement of Last mile connectivity.
3. For the Inclusive planning and allow organic development of the city, a city Planning guidelines under PUDA act to facilitate vending, hawking and cycle rickshaw operation.
4. Construction of state of the art “*Rain Basera*” for homeless population working in informal sector
5. Provision to provide them new rickshaw and hand pulled cards on easy loan or under welfare schemes. Pictures are shown in the next section of this report.

### **6.2 Policy Level Reforms**

6. At present VAT of cycle rickshaw tyre tube is 12.5% and VAT on Cycle Rickshaw as a unit is about 6.05%. Since these are the green modes of transportation, exemption of any

form of such tax on the purchase of new vehicle and spares mainly tyre and tube, which needs replacement after every 6 months, needs to be given.

7. Under Punjab Cycle Rickshaw Act 1976, waiving the upper age limit of 45 for rickshaw driving and linking it with Physical fitness of driver like motor vehicle act. First registration up to age of 50 and then subsequent renewal after every 10 years.

8. Scrapping of Licensing system and facilitation with Easy online registration system under Punjab Municipal Law 1911 via Suvidha Centre and registration service shall be made compulsory Under Right to Service Act.

**9. Section 34 of the Police Act No person shall cause obstruction in any street or public place by –**

- Allowing animals or vehicle
- Leaving any vehicle standing or fastening any cattle in the street or in the public place
- Using any part of a street or public place as a halting place for vehicles or cattle
- Leaving any box, bale package or other things whatsoever upon a street for an unreasonable length of time or contrary to any regulation
- By exposing anything for sale or setting out anything for sale in or upon any stall, booth, and board cask basket or in any other way whatsoever.

1.4 These two provisions create the contradiction between a legal 'licensed' vendor and 'illegal' obstruction or causing nuisance resulting in physical eviction of even licensed vendors. The report recommends that Punjab Police shall amend the Police Act Rules/Regulations there under and add a rider as follows:

“Except in case of street vendors / hawkers and service providers with certain reasonable regulations”

10. The policy emphasizes In Municipal Laws so that stationary vendors should be allocated space /stall either open or covered on license basis after photo census / survey for initial period of 10 years which may be extended to another 10 years.
11. Inclusion under *Swaran Jyanti Shehri Rojgar Yojan* for building Houses and Residential Colonies for Homeless/Vendors/Hawkers.
12. Notification of Prevention of Food Adulteration Act, 1954 under Right to Service Act for providing them license to run business within 24 hours of application under “Sewa Card”

### **Workable Possibilities**

- In order to attract registration, a simple Registration Process for Vendor, Hawker and Cycle Rickshaw Operators at Suvidha Kendra with Nominal Fee as Token money and Service of Registration certificate for Cycle Rickshaw/Vendor/Hawker may be notified under Right to Service Act.
- Vending & Hawking Master Plan with Zoning of the city in consultation with stakeholders mainly Vendor and Hawkers
- Creation of Special Purpose Vehicle (SPV) comprises of the municipal commissioner, representatives of street vendors, local authority, planning authority, local police, resident welfare association and other traders associations in the form of Society for the smooth operations of the system. This will eventually act as Town/City Vending Committee (TVC).

The registration card will enable them to avail various services likes, Mobile Connection, Health Insurance, credit facility and other welfare schemes benefit by Government.

THE PUNJAB AGRICULTURAL CREDIT  
OPERATIONS AND MISCELLANEOUS  
PROVISIONS (BANKS) ACT, 1978  
(Act 5 of 1979)

ALONGWITH

COPY OF AMENDMENT IN THE ACT  
ISSUED BY NOTIFICATION NO. 13-Leg./2014  
DATED 30<sup>TH</sup> JUNE, 2014

ALSO

THE PUNJAB AGRICULTURAL CREDIT  
OPERATIONS AND MISCELLANEOUS  
PROVISIONS (BANKS) RULES, 1979

*The Punjab Agricultural Credit Operations  
and Miscellaneous Provisions (Banks) Act, 1978.*

*Act 5 of 1979*

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*Received the assent of the President of India on the 7th March, 1979 and was published in the Punjab Gazette (Extra.) Legislative Supplement, Part I, dated March 27, 1979/Bhadra 6, 1897.*

**An act to make provisions to facilitate adequate flow of credit for agricultural production and development through banks and other institutional credit agencies and for matters connected therewith or incidental thereto.**

Be it enacted by the Legislature of the State of Punjab in the Twenty-ninth Year of the Republic of India as follows :-

CHAPTER I  
*Preliminary*

**1. Short title, extent and commencement.** - (1) This Act may be called the Punjab Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1978.

(2) It extends to the whole of the State of Punjab.

(3) It shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed for different provisions of this Act and for different areas of the State.

## ✓ NOTE

**Statement of Objects and Reasons** - One of the main objectives of the Legislation relating to social control of banks in 1968 and the nationalisation of fourteen major Indian Commercial Banks in 1969 was to ensure that adequate proportion of commercial bank credit goes to the agricultural sector and other priority sectors. An examination of the State Laws has shown that there are certain provisions therein which inhibit the entry of commercial banks into the field of financing of agriculture. It will, therefore, be necessary to modify these laws for the purpose of enabling commercial banks to undertake financing of agriculture on a large scale. An Expert Group constituted by the Reserve Bank of India to study the enactments having a bearing on commercial banks leaning to agriculture suggested the modification of certain provisions in the State Law to facilitate the smooth and efficient operation of commercial banks in the sphere of agricultural credit. The Expert Group also suggested that instead of amending the various State Laws, it would be preferable if a single consolidated legislation incorporating the various amendments suggested by it is enacted. This approach not only facilitates expeditious action but also provides for laying down a clear and unambiguous statutory framework for the agricultural credit business of commercial Banks. Further, facilities available to the Co-operative/Land Development Banks could be extended to other institutional credit agencies only through a separate legislation. The proposed Bill is, therefore, being enacted to en-

able commercial banks and other institutional credit agencies to serve expeditiously as an effective instrument of national policy.

**2. Definitions.** - In this Act, unless the context otherwise requires, -

- (a) "agriculture" and "agricultural purpose" shall include making land fit for cultivation, cultivation of land, improvement of land including development of sources of irrigation, raising, protecting and harvesting of crops, horticulture, forestry, planting and farming, cattle breeding, animal husbandry, dairy farming, seed farming, pisciculture, apiculture, sericulture, piggery, poultry farming and such other activities as are generally carried on by agriculturists, dairy farmers, cattle breeders, poultry farmers and other categories of persons engaged in similar activities including marketing of agricultural products, their storage and transport and the acquisition of implements and machinery in connection with any such activity;
- (b) "agriculturist" means a person who is engaged in agriculture;
- (c) "Agro-Industries Corporation" means a company or other body corporate, one of the principal objectives of which is to undertake activities connected with or intended for the development of agriculture and not less than fifty one per centum of the paid up share capital of which is held by the Central Government or by any State Government or Governments or partly by the Central Government and partly by one or more State Governments;
- (d) "bank" means -
  - (i) a banking company as defined in the Banking Regulation Act, 1949;
  - (ii) the State Bank of India constituted under the State Bank of India Act, 1955;
  - (iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959;
  - (iv) any of the banks mentioned in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;
  - (v) any banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949;
  - (vi) the Agricultural Refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963;
  - (vii) the Agro-Industries Corporation as defined in clause (c);
  - (viii) the Agricultural Finance Corporation Limited, a company incorporated under the Companies Act, 1956; and
  - (ix) any other financial institution notified by the State Government in the Official Gazette as a bank for the purposes of this Act;
- (e) "co-operative society" means a co-operative society as defined in clause (c) of section 2 of the Punjab Co-operative Societies Act, 1961, the object of which is to provide financial assistance as defined in clause (f) of this section to its members and includes the co-operative land mortgage bank;

- (f) "financial assistance" means assistance granted by way of loans, advances, guarantee or otherwise for agricultural purpose;
- (g) "Registrar" means the Registrar as defined in clause (j) of section 2 of the Punjab Co-operative Societies Act, 1961.

## CHAPTER II

### Rights of Agriculturists to Create Charge on Land and Interests Therein In Favour of Banks

**3. Charge on crop and other moveable property in favour of bank.** - (1) It shall be lawful for an agriculturist to create a charge on the moveable property owned by him or on the crops raised by him, standing or otherwise, to the extent of his interest therein, in favour of a bank, to secure financial assistance from that bank, notwithstanding that he may not be the owner of the land on and from which the crop is raised.

(2) Notwithstanding anything to the contrary contained in the Punjab Co-operative Societies Act, 1961, or any other law for the time being in force, no charge in respect of financial assistance extended by a co-operative society to an agriculturist shall have priority over a charge on the crops raised by him, standing or otherwise, or any other moveable property in respect of any financial assistance given to him by a bank:

Provided that the financial assistance made by the bank is -

- (a) prior in point of time to that of the financial assistance extended by the co-operative society; and
- (b) on a certificate, in the form prescribed, from the co-operative society or co-operative societies in the area where the agriculturist resides.
- (3) A co-operative society in the area where the agriculturist holds land shall on demand by him issue a certificate referred to in sub-section (2).
- (4) The Registrar or any other person appointed by him in this behalf shall prepare a list of co-operative societies registered under the Punjab Co-operative Societies Act, 1961, and publish the same in the Official Gazette after such interval as may be prescribed.

(5) A bank may destrain and sell through an official of the State Government, designated in this behalf by the State Government, the crop or other produce or other moveables charged, to that bank to the extent of the agriculturist's interest therein and appropriate the proceeds of such sale towards all money due to the bank from the agriculturist.

**4. Creation of charge on land in favour of bank by declaration.** - (1) Where an agriculturist creates a charge on land, or any other immoveable property which he owns or in which he has an interest in respect of any financial assistance given to him by a bank, he may make a declaration on the lines of the form set out in the Schedule or as near thereto as circumstances permit, declaring that thereby he creates, in favour of the bank, a charge on such land or other immoveable property or his interest therein, as the case may be; to secure the financial assistance given to him by the bank.

(2) A declaration made under sub-section (1) may be varied from time to time by the agriculturist with the consent of the bank in whose favour the declaration has been

made and every such variation shall take effect as if it had been an original declaration.

## CHAPTER III

### Charges and Mortgages in Favour of Banks and their Priorities

**5. Removal of disability in creation of charges and mortgages.** - Notwithstanding anything to the contrary contained in the Punjab Co-operative Societies Act, 1961, or any other law for the time being in force and notwithstanding that any land or interest therein stands already charged or mortgaged to a co-operative society, it shall be lawful for an agriculturist to create a charge or mortgage on such land or interest therein in favour of a bank as security for any financial assistance given to the agriculturist by that bank.

**6. Priority of charges and mortgages in favour of Government, bank and Co-operative society.** - (1) Notwithstanding anything to the contrary contained in any law for the time being in force but subject to any prior claim of the State Government in respect of land revenue :-

- (a) no charge or mortgage created on any land or interest therein after the commencement of this Act, in favour of the State Government or a co-operative society shall have priority over a charge or mortgage on such land or interest created by an agriculturist in favour of a bank as security for financial assistance given to the agriculturist by the bank after the commencement of this Act and prior to the charge or mortgage in favour of the State Government or the co-operative society; and
- (b) any charge or mortgage created on any land or interest therein in favour of a bank in respect of financial assistance given to an agriculturist by that bank shall have priority over any other charge or mortgage that may have been created over such land or interest in favour of any person other than the State Government, a co-operative society or any other bank, prior to the date on which the charge or mortgage was created in favour of the bank.

(2) Where different charges or mortgages over the same land or interest therein have been created by an agriculturist in favour of the State Government, a co-operative society or a bank or more than one bank, any such charge or mortgage created as security for financial assistance given by the State Government, Co-operative society or the bank or banks by way of term loans for development purposes shall have priority over the other charges or mortgages created in favour of the State Government, co-operative society or any of the banks, provided prior notice of any such financial assistance by way of term loan for development purposes had been given to the State Government, co-operative society or bank and the State Government, co-operative society or bank has concurred in such financial assistance, and where more than one such charge or mortgage is as security for financial assistance given by way of term loan, the charges or mortgages by way of security for term loan for development purposes will rank for priority in accordance with the dates of their creation.

*Explanation.* - For the purposes of this section "term loan for development purposes" shall mean financial assistance which would generally lead to improvement of agriculture or building up of assets in agriculture but shall not include financial assistance for meeting working capital, expenses for seasonal agricultural operations and marketing of crops.

(3) Nothing contained in this section shall apply to borrowings only from one or more co-operative societies including land mortgage banks.

7. Restrictions on creation of tenancy by agriculturist borrower. - (1) Notwithstanding anything contained in any law for the time being in force, an agriculturist who has availed himself of financial assistance from a bank by creating a charge or mortgage on land or interest therein, shall not, so long as the financial assistance continues to be outstanding, lease or create any tenancy rights on such land or interest therein without prior permission in writing of the bank if he has not already leased or created tenancy rights thereon at the time of availing of the financial assistance from the bank.

(2) Any lease granted or tenancy rights created in contravention of this section shall be void.

#### CHAPTER IV

##### Arrangements For Recovery of Dues by Banks

8. Recovery of dues of bank through prescribed authority. - An official of the State Government notified by the State Government as the prescribed authority for the purpose of this section may, on the application of a bank, make an order against any agriculturist or his heir or legal representative, directing the payment of any sum due to the bank on account of financial assistance availed of by the agriculturist, by the sale or any land or any interest therein upon which the payment of such money is charged or mortgaged.

Provided that no order shall be made by the prescribed authority under this section for the sale of any land or any interest therein or any other immovable property upon which the payment of money is charged or mortgaged unless the agriculturist or his heir or legal representative of the agriculturist, as the case may be, has been served with a notice by the prescribed authority calling upon him to pay the amounts due.

(2) Every order passed by the prescribed authority under sub-section (1) shall be deemed to be a decree of a civil Court and shall be executed in the same manner as a decree of such Court.

(3) The bank shall pay to the State Government such fee as may be prescribed for the services rendered by the State Government in connection with the recovery of dues of the bank.

(4) Nothing contained in this section shall debar a bank from seeking to enforce its rights in any other manner open to it under any other law for the time being in force.

9. Right of bank to acquire and dispose of immovable property. - (1) Notwithstanding anything contained in any law for the time being in force, a bank shall have the power to itself acquire agricultural land or interest therein or any other immovable property which has been charged or mortgaged to it by an agriculturist in respect of any financial assistance availed of by him, provided the said land or interest therein or any other immovable property has been sought to be sold by public auction and no person has offered to purchase it for a price which is sufficient to pay to the bank the moneys due to it.

(2) A bank which acquires land or interest therein or any other immovable property in exercise of the power vested in it under sub-section (1) shall dispose it of by sale, within a period to be specified by the State Government in this behalf.

(3) If the bank has to lease out any land acquired by it under sub-section (1), pending

sale thereof as indicated in sub-section (2), the period of lease shall not exceed one year at a time and the lessee shall not acquire any interest in that land or property notwithstanding any provision to the contrary contained in any other law for the time being in force.

#### CHAPTER V

##### Financing of Co-operative Societies by Banks

10. Bank eligible to become member of co-operative society. - Notwithstanding anything contained in the Punjab Co-operative Societies Act, 1961, or any law for the time being in force, it shall be lawful for a bank to become a member of a co-operative society.

11. Power of Co-operative societies to borrow from bank. - Notwithstanding anything contained in the Punjab Co-operative Societies Act, 1961, it shall be lawful for any co-operative society to borrow from a bank.

12. Inspection of books of co-operative society by bank. - (1) A bank shall have the right to inspect the books of any co-operative society which has either applied to the bank for financial assistance or is indebted to the bank on account of financial assistance granted earlier.

(2) The inspection may be carried out by an officer or any other member of the paid staff of the bank with the previous sanction in writing of the Registrar.

(3) The officer or any other member of the paid staff of the bank undertaking such inspection, shall, at all reasonable times, have access to the books of accounts, documents, securities, cash and other properties, belonging to or in the custody of the co-operative society inspected by him, and shall also be supplied by such society such information, statements and returns as may be required by him to assess the financial condition of the society in order to ensure the safety of financial assistance to be made or already made to it.

13. Disputes between bank and co-operative society. - (1) Notwithstanding anything contained in any other law for the time being in force, any dispute touching the constitution, management or the business of a co-operative society, between a bank financing a co-operative society and the co-operative society so financed other than dispute regarding the disciplinary action taken by the society or its committee against a paid employee of the society, shall be referred by either of the parties to the dispute to the Registrar for decision.

(2) Where any question arises whether, for purposes of sub-section (1), a matter referred to for decision is a dispute or not, the question shall be decided by the Registrar whose decision shall be final.

14. Settlement of disputes. - (1) If the Registrar is satisfied that any matter referred to him or brought to his notice is a dispute within the meaning of section 13, the Registrar shall decide the dispute himself or refer it for disposal to the nominee or a board of nominees appointed by him.

(2) Where any dispute is referred under sub-section (1) for decision to the Registrar's nominee or board of nominees, the Registrar may, at any time, for reasons to be recorded in writing, withdraw such dispute from his nominee, or board of nomi-

nees and may decide the dispute himself or refer it again for decision to any other nominee or board of nominees appointed by him.

(3) Notwithstanding anything contained in section 13, the Registrar may if he thinks fit, suspended proceedings in regard to any dispute if the question at issue between a co-operative society and a bank is one involving complicated questions of law and fact, until the question has been tried in a regular suit instituted by one of the parties to the dispute, but if such suit is not instituted within two months from the Registrar's order suspending proceedings, the Registrar shall take action as is provided in sub-section (1).

**15. Procedure for hearing of disputes.** - The Registrar or his nominee or board or board of nominees shall hear the dispute under section 14 in the manner prescribed by the Registrar in this behalf.

**16. Decision of Registrar or his nominee or board of nominees.** - When the dispute is referred for decision, the Registrar or his nominee or the board of nominees may, after giving a reasonable opportunity to the parties for the dispute to be heard, make an award on the dispute, on the expenses incurred by the parties to the disputes in connection with the proceedings and fees, expenses payable to the Registrar or his nominee or as the case may be, to the board of nominees. Such an award shall not be invalid merely on the ground that it was made after the expiry of the period fixed for deciding the dispute by the Registrar and shall be binding on the parties to the dispute.

**17. Recovery of money awarded.** - Every award given by the Registrar or his nominee or the board of nominees under section 16, shall, if not carried out, on a certificate signed by the Registrar, be deemed to be a decree of a civil Court and shall be executed in the same manner as a decree of such Court.

**18. Powers of banks to proceed against defaulting members or co-operative society.** - (1) If a co-operative society is unable to pay its debts to a bank from which it has borrowed, by reason of its members defaulting in the payment of the money due by them, the bank may direct the committee of such society to proceed against such members by taking action under the Punjab Co-operative Societies Act, 1961.

(2) If the committee of the co-operative society fails to proceed against its defaulting members within a period of ninety days from the date of receipt of such directions from the Bank, the bank may itself proceed against such defaulting members in which event the provisions of the Punjab Co-operative Societies Act, 1961, the rules and bye-laws made thereunder shall apply as if all references to the society or its committee in the said provisions, rules and bye-laws were references to the bank.

(3) Where a bank has obtained a decree or award against a co-operative society indebted to it, the bank may proceed to recover such moneys firstly from the assets of the co-operative society and secondly from the members of the co-operative society to the extent of their debts due to the society.

**19. Audit, inspection and inquiry reports of societies to be available to banks.** - The Registrar shall draw the attention of the bank financing a co-operative society to the defects noticed in every audit, inquiry or inspection of such society conducted under the provisions of the Punjab Co-operative Societies Act 1961, and shall also supply a copy of such audit, inquiry or inspection report, if demanded in writing by the bank.

## CHAPTER VI Miscellaneous

**20. Exemption from legislations relating to money-lending and agriculturist's debt relief.** - Noting in any law for the time being in force dealing with money-lending or agriculturist's debt relief shall apply to financial assistance availed of by an agriculturist from a bank.

**21. Mortgages executed by managers of joint Hindu families.** - (1) Notwithstanding anything contained in any law for the time being in force, mortgages executed after the commencement of this Act by the manager of a joint Hindu family in favour of a bank for securing financial assistance for an agricultural purpose shall be binding on every member of such joint Hindu family.

(2) Where a mortgage executed in favour of bank is called in question on the ground that it was executed by the manager of a joint Hindu family for a purpose not binding on the members (whether such members have attained majority or not) thereof, the burden of proving the same shall lie on the party alleging it.

**22. Modified application of section 8 of Central Act 32 of 1956.** - Section 8 of the Hindu Minority and Guardianship Act, 1956, shall apply to mortgages in favour of a bank subject to the modification that reference to the Court therein shall be construed as reference to the Collector or his nominee and the appeal against the order of the Collector or his nominee shall lie to the Commissioner.

**23. Power to make rules.** - (1) The State Government may make rules to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act and all such rules shall be published in the Official Gazette.

(2) The rules framed under sub-section (1) shall be subject to previous publication.

(3) Every rule made under this section 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 in which it is so laid or the successive sessions aforesaid, the House agrees in making any modification in the rule 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 so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

## SCHEDULE

## Declaration under Section 4(1)

I, \_\_\_\_\_ (aged \_\_\_\_\_ years) residing at \_\_\_\_\_, being desirous of availing myself of financial assistance from the \_\_\_\_\_ bank, make this declaration as required by sub-section (1) of section 4 of the Punjab Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1978, that I, \_\_\_\_\_ own land/other immovable property/have interest as a tenant in the land specified below, and I hereby create a charge on the said land, other immovable property, interest in land in favour of the bank for securing the financial assistance which the bank may make and for all future assistance, if any, which the bank may make to me together with interest and costs and expenses thereon.

Name of Revenue Estate	Name of Tehsil	Name of District	Khasra Number	Boundaries South, North, East, West	Area in Acres
1	2	3	4	5	6
Encumbrances, if any					

Encumbrances, if any

Assessment Rs. P.	Approximate	Nature	Amount	Remarks, if any

In witness whereof, I, \_\_\_\_\_ hereunder set my hand this \_\_\_\_\_ day of \_\_\_\_\_ in the year one thousand nine hundred and \_\_\_\_\_

Witnesses :

Signed and delivered by the above named in the presence of -

- (1)
- (2)

Signature of Declarant.

## The Punjab Agricultural Credit Operations and Miscellaneous Provisions (Banks) Rules, 1979

Published vide No. GSR-159/PAS/79/S/23/79 dated 14th November, 1979

### ✓ NOTIFICATION

This notification is as under :-

With reference to Punjab Government Department of Agriculture and Forests, Notification No. GSR 114/PA 5/79/S. 23/79, dated the 30th July, 1979 and in exercise of the powers conferred by sub-section (1) of section 23 of the Punjab Agricultural Credit and Miscellaneous Provisions (Banks) Act, 1978 (Punjab Act No. 5 of 1979), the Governor of Punjab is pleased to make the following rules namely :-

### CHAPTER I Preliminary

1. **Short title.** - These rules may be called the Punjab Agricultural Credit Operations and Miscellaneous Provisions (Banks) Rules, 1979.

2. **Definitions.** - In these rules, unless the context otherwise requires, -

- (a) "Act" means the Punjab Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1978 (Punjab Act No. 5 of 1979);
- (b) "designated officer" means an officer designated by the State Government under sub-section (1) of section 3;
- (c) "prescribed authority" means an official of the State Government notified as such by the State Government under sub-section (1) of section 8;
- (d) "Form" means a form appended to these rules;
- (e) "section" means a section of the Act.

### CHAPTER II Distraint and Sale of Movable

3. **Action to be taken by the bank prior to the making of application referred to in rule 4.** - If an agriculturist fails to repay to the bank, the whole or part of the financial assistance obtained by him on or before the due date, the bank shall serve him or his heir or legal representative with at least fifteen days clear notice, informing him that if he fails to pay the amount due within the period specified in the notice, the crops or other produce or movables charged to the Bank to the extent of the agriculturist's interest therein (hereinafter referred to as the property charged) shall be distrained and sold through the designated officer.

4. **Application by bank for distraint.** - (1) On the agriculturist failing to make the payment of moneys due to the bank within the period specified in the notice under rule 3, the bank may apply to the designated officer within whose jurisdiction the agriculturist resides or holds the property for distraint and sale of the property.

(2) Every application under sub-rule (1) shall be in Form "A".

(3) A copy of the document creating the charge duly certified by an officer of the bank authorised by it in this behalf shall be filed along with the application referred to in sub-rule (1).

5. **Notice of demand.** - If the designated officer is satisfied that the application is in order, he shall cause to be served on the agriculturist or his heir or legal representative a written notice of demand in Form "B" calling upon him to pay the sum specified in the notice within fifteen days from the date of service thereof, or to show cause, why the property charged be not distrained and sold.

6. **Mode of service of notice.** - The notices referred of in rules 3 and 5 shall be served by delivering a copy to the agriculturist or his heir or legal representative or to any adult male member of his family at his usual place of residence or to his authorised agent, or when such service cannot be effected, by affixing a copy of the notice on some conspicuous part of his residence.

7. **Procedure where no cause is shown against distraint.** - If the amount specified in the notice referred to in rule 5 is not paid within the time allowed therefor, or if no cause is shown, or where cause shown is considered by the designated officer to be insufficient, he shall distraint the property charged.

8. **Custody of distrained property.** - The designated officer shall make proper arrangements for custody and preservation of the distrained property during the interval between distraint and sale thereof. The applicant or any officer of the bank concerned, if so authorised by the applicant, shall if required by the designated officer, undertake the custody and preservation of the property distrained.

9. **Time when the distraint can be made.** - The distraint shall be made at any time between sun rise and sun set.

10. **Distraint of crops or ungathered produce.** - If crops or ungathered produce of the land belonging to the agriculturist or his heir or legal representative are distrained, the designated officer may cause them to be sold when fit for reaping or gathering, or at his option may cause them to be reaped or gathered in due season and stored in proper place until sold.

11. **Entry of distrainer, on private premises for distraining.** - (1) Wherever the designated officer has information or reason to believe that -

- (a) any portion of the property to be distrained under the Act and the rules has been concealed or is likely to be concealed;
- (b) any person who has been required to produce or cause to be produced, any books, accounts, documents, or other information in his custody or power has omitted or failed to produce or cause to be produced, such books, accounts, documents or other information; or
- (c) any books, accounts, receipts, vouchers, certificates, reports or other documents relating to any property to be distrained are likely to be tampered with, falsified or fabricated.

It shall be lawful for the designated officer or any official authorised by him to effect the search or inspection under this rule.

(2) Whenever any place liable to search or inspection under sub-rule (1) is closed, any person residing in, or being in charge of such place, shall on demand by the officer or official conducting the search and on production of authority to conduct the search in question, allow free ingress thereto, and afford all reasonable facilities for search therein.

(3) If ingress to such place cannot be obtained under sub-rule (2), it shall be lawful, in any case for the officer or official conducting the search or inspection to enter such place and search therein : and in order to effect entrance into such place to break open the lock of any door, box, safe, almirah or other receptacle for exercising the powers conferred by sub-rule (1), where the keys thereto are not available, and if after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain the admittance.

Provided that, if any such place is an apartment in the actual occupancy of a female who, according to custom, does not appear in public, such officer or official shall before entering such apartment give notice to such female that she is at liberty to withdraw and shall afford her every reasonable opportunity for withdrawing before he breaks open the apartment and enters it.

(4) Before making a search under this rule, the officer or official shall call upon two or three independent respectable inhabitants of the locality in which the place to be searched is situated, or of any other locality if no such inhabitant of such locality is available or is willing to be a witness to the search, to attend and witness the search and may issue an order in writing to them or any of them so to do.

(5) The search shall be made in the presence of the witnesses referred to in sub-rule (4) and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer and signed by such witnesses; but no person witnessing a search under this rule shall be required to attend the Court as a witness of the search unless specifically summoned by it.

(6) The occupant of the place searched, or some person on his behalf shall, in every instance, be permitted to attend during search and a copy of the list prepared under this rule, signed by the said witnesses, shall be delivered to such occupant or person and when any person is searched under this rule, a list of all things taken in possession shall be prepared and a copy thereof shall be delivered to such person.

(7) Any person who, without reasonable cause, refuses or neglects to attend and witness search under this rule, when called upon to do so by an order in writing delivered or tendered to him, shall be deemed to have committed an offence under section 187 of the Indian Penal Code.

12. **Sale of distrained property by public auction.** - (1) The designated officer may sell or cause to be sold by public auction any property distrained under rule 7 or such part thereof as may in his opinion be necessary to satisfy the demand together with expenses of the distraint and the costs of the sale.

(2) The distrainer shall at any time before the date of sale cause proclamation of the date and place of the intended sale to be made by beat of drum in the village in which the agriculturist or his heir or legal representative resides or the distrained property is kept and in such other place or places as the designated officer may consider necessary to give due publicity to the intended sale.

(3) The designated officer may in his discretion adjourn the sale to a specified date recording the reasons for such adjournment. Where a sale is adjourned for a period longer than fifteen days, a fresh proclamation under sub-rule (2) shall be made unless the agriculturist or his heir or legal representative consents to waive it.

13. **Recovery of sale proceeds from purchasers.** - The purchaser shall not be per-

mitted to carry away any part of the property until he has paid for it in full. If the purchaser fails to pay the purchase money the property shall be resold.

**14. Utilisation of sale proceeds.** - (1) Where any crop, produce or other moveable property is distrained and sold in accordance with these rules, the amount due to the bank and the expenses incurred for distraint and sale shall be deducted from the sale proceeds and the balance, if any shall be paid to the agriculturist concerned.

(2) The agriculturist or his heir or legal representative shall be given a receipt for the amount appropriated from the sale proceeds.

**15. Release of distrained property on payment of the amount due by the agriculturist or by any person claiming interest in the property.** - Where prior to the date fixed for the sale the agriculturist or his heir or legal representative or any person acting on his behalf or any person claiming an interest in the property distrained pays the full amount due, including interest, and other expenses incurred in the distraint and sale of the property charged, the distrainer shall not proceed with the sale and shall release the property forthwith.

**CHAPTER III**  
*Sale of Land or any interest therein*

**16. Action to be taken by bank prior to any action under section 8.** - If an agriculturist has defaulted in the repayment of three consecutive instalments the bank shall serve a registered notice on the defaulter calling upon him to pay the sum due to the bank within one month from the date of issue of the notice and if the borrower does not pay it within the stipulated period a second notice giving him a further period of one month shall be served upon him through registered post.

**17. Application under section 8.** - (1) After the expiry of the period mentioned in the second notice referred to in rule 16, the Branch Manager of the bank may make an application under sub-section (1) of section 8 in Form "C" to the prescribed authority within the local limits of whose jurisdiction the whole or any part of the land or any interest therein upon which the payment of any sum due to the bank on account of financial assistance is charged or mortgaged, is situate for initiating action under section 8.

(2) A copy of the original document creating the charge or mortgage duly certified by an officer of the bank authorised in this behalf, shall be filed alongwith the application referred to in sub-rule (1).

**18. Service of notice under section 8.** - On receipt of application referred to in sub-rule (1) of rule 17, the prescribed authority shall cause to be noted thereon the date of the presentation and if he is satisfied that the application is in order, a notice in Form "D" shall be served on the agriculturist or his heir or representative, as the case may be.

**19. Issue of order by the prescribed authority.** - If the agriculturist or his heir or legal representative fails to pay the sum due to the bank within thirty days from the date of service of the notice referred to in rule 18, the prescribed authority shall pass orders for the payment of sum due to the bank on account of financial assistance by the sale of his land or any interest therein upon which the payment of such money is charged or mortgaged.

**20. Supply of certified copy of the order passed by the prescribed authority to the aggrieved party.** - Any person affected by any order passed by the prescribed authority under rule 19, shall be entitled to be furnished with a certified copy thereof and any other connected document on application duly made in that behalf.

**21. Time within which the bank has to dispose of the property under section 9.** - Any agricultural land or interest therein or any other immovable property acquired by a bank under sub-section (1) of section 9 shall be disposed of by it within 3 years from the date of such acquisition or such further period as the State Government may allow.

**22. Notice, summons etc. to be issued under the Act or rules.** - Every order, notice, summons or intimation issued by any authority under the Act or under these rules shall bear the signatures of such authority or such other authority as may be duly authorised in this behalf, and shall be authenticated by the such authority.

**FORM A**  
[See rule 4(2)]

Before \_\_\_\_\_  
(Designated officer)

Tehsil \_\_\_\_\_ District \_\_\_\_\_  
Applicant \_\_\_\_\_  
Versus \_\_\_\_\_  
Opposite Party (Agriculturist)

Application under sub-section (5) of the section 3 of the Punjab Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1978 (Punjab Act No. 5 of 1979) for the distraint and sale of crop, produce or other movable property.

1. Name and address of the Agriculturist (if the agriculturist is dead, the name of his heir or legal representative should also be stated).
2. The amount of the financial assistance.
3. Date when the charge was created.
4. Date when the financial assistance was actually given.
5. The nature of the transaction and the terms of financial assistance.
6. Total amount due (including interest).
7. Payment, if any, made by the agriculturist alongwith the date of such payment.
8. Net amount due on the date of application (excluding cost).
9. Description of the property charged.

It is, therefore, requested that the property hereinbefore mentioned may be distrained and sold and the amount due be paid to the bank.

Agent/Officer Incharge  
bank \_\_\_\_\_ dated \_\_\_\_\_

**FORM B**

[See rule 5]

Before the designated officer Tehsil \_\_\_\_\_  
District \_\_\_\_\_

Notice under rule 5 of the Punjab Agricultural Credit Operations and Miscellaneous Provisions (Banks), Rules, 1979.

To \_\_\_\_\_

Shri \_\_\_\_\_

Where as Shri \_\_\_\_\_ secured financial assistance of Rs. \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_\_ from \_\_\_\_\_ (bank) \_\_\_\_\_ (Branch) (District) \_\_\_\_\_ by creating a charge on the crops, produce or other movables specified below :

And whereas the amount due to the said bank has not yet been paid, and the bank has made an application (copy enclosed) that the property specified below be distrained and sold :

You are, therefore, called upon to pay the sum of Rs. \_\_\_\_\_ within a period of fifteen days from the date of service of this notice and/or to show cause why the property specified below be not distrained and sold, and the sum due be not paid to the bank from the sale proceeds thereof.

Description of the crop, produce or other movable property.

\_\_\_\_\_

(Designated officer)

Dated \_\_\_\_\_

**FORM C**

[See rule 17(1)]

Before the prescribed authority \_\_\_\_\_ Applicant  
(Bank \_\_\_\_\_)

versus,

Opposite party (Agriculturist or his heir or legal representative).

Application under section 8 of the Punjab Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1978 (Punjab Act No. 5 of 1979) for the sale of land or interest therein upon which the payment of such money is charged or mortgaged.

1. Name of the Agriculturist to whom financial assistance was granted (if the agriculturist is dead, the name of his heir or legal representative should also be stated).
2. The sum due on account of financial assistance.
3. Date when the deed was executed.
4. Date when the deed was registered.

5. Date when the financial assistance was actually availed.

6. The nature of the transaction and the terms of the availing financial assistance.

7. Total sum due (including interest)

8. Payments, if any, made by the agriculturists alongwith the date(s) of such payments.

9. Net sum due on the date of application (excluding cost).

10. Description of the property charged/mortgaged as per certified relevant documents available with the bank.

It is, therefore, requested that the sum due to the bank may be directed to be paid by the sale of the property hereinbefore mentioned.

Agent/Officer-in-charge  
Bank

Dated \_\_\_\_\_

**FORM D**

[See rule 8]

Before the prescribed authority \_\_\_\_\_

Notice under section 8 of the Punjab Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1978 (Punjab Act No. 5 of 1979).

To \_\_\_\_\_

Shri \_\_\_\_\_

Whereas, Shri \_\_\_\_\_ availed a sum of Rs. \_\_\_\_\_ on account of financial assistance from \_\_\_\_\_ (bank) \_\_\_\_\_ (Branch) (district) \_\_\_\_\_ on the basis of a deed of charge/mortgage executed on \_\_\_\_\_ in respect of the land or any interest therein (hereinafter referred to as the property) specified below :-

And whereas, the sum due to the said bank has not yet been paid and the bank has made an application (copy enclosed) that the property specified below be sold.

Now, therefore, in exercise of the powers under the proviso to section 8 of the Act, you are hereby called upon to pay the entire sum due to the said bank, within a period of thirty days from the date of service of this notice.

Please take notice that in the case of default the property specified below shall be sold in accordance with the provisions of the Act and Rules made thereunder -

Description of the property charged/mortgaged.

Dated \_\_\_\_\_ 19 \_\_\_\_\_

Seal \_\_\_\_\_

Enclosures \_\_\_\_\_

(Prescribed authority)

PART I  
GOVERNMENT OF PUNJAB  
DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB  
NOTIFICATION  
The 30th June, 2014

No. 13-Leg./2014.-The following Act of the Legislature of the State of Punjab received the assent of the president of India on the 20th Day of June, 2014, is hereby published for general information:-

THE PUNJAB AGRICULTURAL CREDIT OPERATIONS AND  
MISCELLANEOUS PROVISIONS (BANKS)  
(AMENDMENT) ACT, 2013  
(Punjab Act No. 12 of 2014)  
AN  
ACT

Further to amend the Punjab Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1978.

Be it enacted by the Legislature of the State of Punjab in the Sixty-fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Agricultural Credit Operations and Miscellaneous Provisions (Banks) (Amendment) Act, 2013.  
Amendment in section 2 of the Punjab Act 5 of 1979.

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

2. In the Punjab Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1978 (hereinafter referred to as the principal Act), in section 2, in clause (d),-

(i) in sub-clause (viii), the word "and" appearing at the end, shall be omitted; and

(ii) in sub-clause (ix), for the sign ";", appearing at the end, the sign and word "; and" shall be substituted and thereafter, the following sub-clause shall be added, namely:-

"(x) the Punjab State Co-operative Bank, the Central Co-operative Banks, Urban Co-operative Banks, Primary Co-operative Agriculture Development Banks, Primary Co-operative Societies granting financial assistance to its members, registered under the Punjab Co-operative Societies Act, 1961;"

Short title and commencement

Amendment in section 2 of the Punjab Act 5 of 1979.

3. In the principal Act, after section 4, the following sections shall be inserted, namely:-

"4-A. (1) Notwithstanding anything contained in the Registration Act, 1908 (Central Act 16 of 1908), a charge in respect of which a declaration has been made under sub-section (1) of section 4 of this Act or in respect of which a variation has been made under sub-section (2) of section 4 of this Act, shall be deemed to have been duly registered in accordance with the provisions of that Act with effect from the date of such charge or variation, as the case may be, provided that the bank sends to the Sub-Registrar or Joint Sub-Registrar within the local limits of whose jurisdiction the whole or any part of the property charged is situated, within a period of sixty days, through a registered post acknowledgement due or in person, a copy of the document creating such charge or variation duly certified to be true copy by an employee of the bank authorized to sign on its behalf.

(2) The Sub-Registrar or the Joint Sub-Registrar, as the case may be, receiving the declaration referred to in sub-section (1), as immediately as practicable on receipt thereof, record in a register to be maintained in this behalf, the fact of the receipt of such declaration or variation.

4-B. Wherever a charge is created on the land in favour of a bank by an agriculturalist under section 4 of the Act, the bank may give intimation in writing to the Tehsildar or Naib-Tehsildar within the local limits of whose jurisdiction the whole or any part of the property charged is situated or such other revenue official as may be designated in this behalf by the State Government, of the particulars of the charge in its favour. The Tehsildar, Naib-Tehsildar or other revenue official shall make a note of the particulars of charge in the record of rights relating to the land over which the charge has been created."

H.P.S. MAHAL,  
Secretary to Government of Punjab,  
Department of Legal and Legislative Affairs.



