

# The Rajasthan Right to Hearing Act, 2012

RAJASTHAN

India

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### Act 22 of 2012

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The Rajasthan Right to Hearing Act, 2012(Rajasthan Act No. 22 of 2012)Statement of Objects and Reasons. - Many grievances and problems of the common men are related to the governance, which needs to be addressed by the Government. Therefore, it is imperative that public grievances and problems are heard and redressed with sympathy and responsiveness. Proper and timely hearing facilitates expeditious disposal of public grievances, if such hearing is provided at the point where they originate then it saves energy and expense of the common men. Therefore, it is proposed to provide for a mechanism to ensure that the grievances of citizens are heard effectively and in a time bound manner at their nearest places. For this purpose provisions have been proposed for appointment of Public Hearing Officers and prescribing maximum time limits for disposal of complaints made by the citizens. Provisions have also been proposed for appeal against the orders of the Public Hearing Officers as well as against any inaction on their part. The Second Appellate Authority has been empowered to impose penalty on the delinquent Public Hearing Officers. He has also been empowered to recommend disciplinary action against the Public Hearing Officers and First Appellate Authority, in case they fail to discharge their duties effectively under the proposed Bill. To facilitate the citizens in getting their grievances redressed, provisions are also proposed to be made for establishment of Information and Facilitation Centers, Customer Care Centers, Call Centers, Help Desks and People's Support Centers. These Centers will be equipped with modern techniques of information technology so that the citizen may get their grievances redressed speedily at their doorsteps. The Bill seeks to achieve the aforesaid objectives. Hence the Bill. Statement of Objects and Reasons - (Act No. 2 of 2014). - The Rajasthan Right to Hearing Act, 2012 was enacted to provide for mechanism to ensure that the grievances of citizens are heard effectively and in a time bound manner at their nearest places. In clause (a) of section 2 of the aforesaid Act the word "complaint" was defined inter-alia to mean any application made regarding any matter arising out of failure in the functioning or violation of any law. However the matters under the Right to Information Act, 2005 and the Rajasthan Guaranteed Delivery of Public Services Act, 2011 had been excluded from the definition of complaint. This definition was construed at implementation level to the effect that complaint under the aforesaid Acts can not be received at the Facilitation Centres i.e. Look Sunwai Sahayata Kendras (LSSKs) established under the Rajasthan Right to Hearing Act, 2012. To ensure that complaints under the aforesaid Acts are also received at the facilitation Centres

i.e. Lok Sunwai Sahayata Kendars (LSSKs) established under the Rajasthan Right to Hearing Act, 2012 and the citizens may be provided hearing in all cases of failure in functioning or violation of any law except in cases in which any Court or Tribunal has jurisdiction or where any appeal is pending before a quasi-judicial authority, the definition of "complaint" was proposed to be amended suitably. Since the Rajasthan Legislative Assembly was not in session and circumstances existed which rendered it necessary for the Governor of Rajasthan to take immediate action, she therefore, promulgated the Rajasthan Right to Hearing (Amendment) Ordinance, 2013 (Ordinance no. 21 of 2013) on 21st September, 2013, which was published in the Rajasthan Gazette, Extraordinary, Part-IV(B), dated 21st September, 2013. The Bill seeks to replace the aforesaid Ordinance. Hence the Bill. [Dated. 21.5.2012.] An Act to provide the right of hearing to the people within stipulated time limits and to provide for the matters connected therewith and incidental thereto. Be enacted by the Rajasthan State Legislature in the Sixty third Year of the Republic of India, as follows:-

## **1. Short title, extent and commencement.**

(1) This Act may be called the Rajasthan Right to Hearing Act, 2012. (2) It shall extend to the whole of the State of Rajasthan. (3) It shall come into force on such date, as the State Government may, by notification in Official Gazette, appoint.

## **2. Definition.**

- In this Act, unless the context otherwise requires, -(a) [ "complaint" means any application made by a citizen or a group of citizens to a Public Hearing Officer for seeking any benefit or relief relating to any policy, programme or scheme run in the State by the State Government or the Central Government, or in respect of failure or delay in providing such benefit or relief, or regarding any matter arising out of failure in the functioning or violation of any law, policy, order, programme or scheme in force in the State by, a public authority but does not include grievance relating to the service matters of a public servant, whether serving or retired, or relating to any matter in which any Court or Tribunal has jurisdiction or relating to any appeal pending before a quasi-judicial authority; ] [Substituted by Act No. 2 of 2014, dated 26.2.2014.] (b) "right to hearing" means an opportunity of hearing provided to the citizens on a complaint within the stipulated time limit and right to get information about the decision made in the hearing on the complaint ; (c) "Public Hearing Officer" means a Public Hearing Officer notified under section 3; (d) "Information and Facilitation Centre" means an Information and Facilitation Centre, including customer care centre, call centre, help desk and people's support centre established under section 5; (e) "public authority" means the State Government and its departments and includes any authority or body or institution established or constituted by or under any law made by the State Legislature and owned, controlled or substantially financed, directly or indirectly, by the funds provided by the State Government; (f) "first appellate authority" means an officer or authority notified as such under section 3; (g) "second appellate authority" means an officer or authority notified as such under section 3; (h) "stipulated time limit" means the maximum time allowed to Public Hearing Officer for providing an opportunity of hearing on a complaint, or to the first appellate authority or the second appellate authority for deciding an appeal, or to the aforesaid authorities for informing the complainant or appellant, as the case may be, of the decision on such complaint or appeal, as the

case may be;(i)"days" means the working days, referred to as time limit;(j)"decision" means a decision taken on a complaint or appeal or revision by the Public Hearing Officer or appellate authority or revision authority notified under this Act and includes the information sent to the complainant or the appellant, as the case may be;(k)"prescribed" means prescribed by the rules made under this Act; and(l)"State Government" means the Government of Rajasthan.

### **3. Notification of Public Hearing Officers, first appellate authority, second appellate authority and revision authority and stipulated time limit.**

- The State Government may notify from time to time, the Public Hearing Officer, first appellate authority, second appellate authority and revision authority and stipulated time limits.

### **4. Right to get opportunity of hearing on complaint within the stipulated time limit.**

(1)The Public Hearing Officer shall provide an opportunity of hearing on a complaint filed under this Act within the stipulated time limit.(2)The Public Hearing Officer may seek the assistance of any other officer or employee as he considers it necessary for the proper discharge of his duties under sub-section (1).(3)Any officer or employee, whose assistance has been sought under sub-section (2), shall render all assistance to the Public Hearing Officer seeking his assistance and for the purposes of any contravention of the provisions of this Act, such other officer or employee, as the case may be, shall be treated a Public Hearing Officer.(4)The stipulated time limit shall start from the date when a complaint is filed to the Public Hearing Officer or to a person authorized by him to receive the complaints. Receipt of a complaint shall be duly acknowledged.(5)The Public Hearing Officer on receipt of a complaint under sub-section (1) shall, within the stipulated time limit, provide an opportunity of hearing to the complainant and after hearing the complainant, decide the complaint either by accepting it or by referring it to an authority competent to grant the benefit or relief sought for or by suggesting an alternative benefit or relief available under any other law, policy, order, programme or scheme or by rejecting it for the reasons to be recorded in writing and shall communicate his decision on the complaint to the complainant within the stipulated time limit.

### **5. Establishment of Information and Facilitation Centre.**

(1)For the purposes of the efficient and effective redressal of grievance of the people and to receive complaints under this Act, the State Government shall establish Information and Facilitation Centers which may include establishment of customer care centers, call centers, help desks and people's support centers.(2)The State Government may, by notification, make rules in relation to Information and Facilitation Centers.(3)Every public authority shall be responsible for the development, improvement, modernization and reform in redressal of grievance system including redressal of grievance through information technology.

## 6. Appeal.

(1) Any person who is not provided an opportunity of hearing within the stipulated time limit or who is aggrieved by the decision of the Public Hearing Officer, may file an appeal to the first appellate authority within thirty days from the expiry of the stipulated time limit or from the date of the decision of the Public Hearing Officer: Provided that the first appellate authority may admit the appeal after the expiry of the period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. (2) If the Public Hearing Officer does not comply with the provision of section 4, any person aggrieved by such noncompliance may submit complaint directly to the first appellate authority which shall be disposed of in the manner of a first appeal. (3) The first appellate authority may order the Public Hearing Officer to provide the opportunity of hearing to the complainant within the period specified by it or may reject the appeal. (4) A second appeal against the decision of the first appellate authority shall lie to the second appellate authority within thirty days from the date of the decision of the first appellate authority: Provided that the second appellate authority may admit the appeal after the expiry of the period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. (5) An aggrieved person may file an appeal directly to the second appellate authority, if the Public Hearing Officer does not comply with the order of first appellate authority under sub-section (3) or the first appellate authority does not dispose of the appeal within the stipulated time limits which shall be disposed of in the manner of a second appeal. (6) The second appellate authority may order the Public Hearing Officer or the first appellate authority to provide an opportunity of hearing to the complainant or dispose of the appeal, as the case may be, within the period specified by it or may reject the appeal. (7) Along with the order to provide an opportunity of hearing to the complainant, the second appellate authority may impose a penalty on Public Hearing Officer in accordance with the provisions of section 7. (8) The first appellate authority and second appellate authority shall, while deciding an appeal under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908) in respect of the following matters, namely:-(a) summoning and enforcing the attendance of any person and examining him on oath; (b) discovery and production of any document or other material object producible as evidence; (c) receiving evidence on affidavits; (d) requisitioning of any public record; (e) issuing commission for the examination of witnesses; (f) reviewing its decisions, directions and orders; and/or (g) any other matter which may be prescribed.

## 7. Penalty.

(1) Where the second appellate authority is of the opinion that the Public Hearing Officer has failed to provide an opportunity of hearing within the stipulated time limit without sufficient and reasonable cause, it may impose on him a penalty which shall not be less than five hundred rupees but which shall not exceed five thousand rupees: Provided that before imposing any penalty under this subsection, the person on whom penalty is proposed to be imposed shall be given a reasonable opportunity of being heard. (2) The penalty imposed by the second appellate authority under sub-section (1) shall be recoverable from the salary of the Public Hearing Officer. (3) The second appellate authority, if it is satisfied that the Public Hearing Officer or the first appellate authority has failed to discharge the duties assigned to him under this Act, without assigning sufficient and

reasonable cause, may recommend action against him under the service rules applicable to him.

## **8. Revision.**

- The Public Hearing Officer or first appellate authority aggrieved by an order of the second appellate authority in respect of imposing of penalty under this Act may make an application for revision to the officer or authority nominated by the State Government within a period of sixty days from the date of that order. The nominated officer or authority shall dispose of the application in accordance with the prescribed procedure: Provided that the officer or authority nominated by the State Government may entertain an application after the expiry of the said period of sixty days, if he is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time.

## **9. Protection of action taken in good faith.**

- No suit, prosecution or other legal proceedings shall lie against any person for anything which is done or intended to be done in good faith under this Act or any rules made thereunder.

## **10. Bar of jurisdiction of courts.**

- No civil court shall have jurisdiction to hear, decide or deal with any question or to determine any matter which is by or under this Act required to be heard, decided or dealt with or to be determined by the Public Hearing Officer, first appellate authority, second appellate authority or the officer nominated by the State Government.

## **11. Provisions to be in addition to existing laws.**

- The provisions of this Act shall in addition to, and not in derogation of, any other law for the time being in force.

## **12. Power to make rules.**

(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act. (2) All rules made under this section shall be laid, as soon as may be, after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days, which may be comprised in one session or in two successive sessions and if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any such rules or resolves that any such rule should not be made, such 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 thereunder.

### **13. Removal of difficulties.**

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in the Official Gazette, do anything, not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for removing the difficulty: Provided that no order under this section shall be made after the expiry of two years from the commencement of this Act. (2) Every order made under this section shall be laid, as soon as may be, after it is so made, before the House of the State Legislature.