

Rajasthan Guaranteed Delivery of Public Service Rules, 2011

RAJASTHAN

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Act 23 of 2011

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Rajasthan Guaranteed Delivery of Public Service Act, 2011Act No. 23 of 2011

016.

Statement of objects and Reason Act No. 36 of 2013. - State Government has taken steps to ensure transparent and responsive administration and time bound delivery of public services to the citizens. In this direction the Rajasthan Guaranteed Delivery of Public Services Act, 2011 was enacted. To ensure effective implementation and monitoring of the Act and to give an effective hearing to the aggrieved person for revision of the order of the second appellant authority and imposing penalty on defaulting officers or employees under this Act an independent authority in the form of Commission is to be constituted. Therefore, for this purpose, it has been decided to amend sections 2 and 8 and add new provisions regarding definition of Commission, constitution of Commission and term of office, conditions of service and removal of Chief Commissioner and Commissioner, officers and employees of Commission, functions and powers of Commission and annual and special reports of Commission. The Bill seeks to achieve the aforesaid objectives. Hence the Bill. [Received the assent of the Governor on the 21st day of September 2011] An Act to provide for the delivery of certain services to the people of the State by public authority within stipulated time limits and for matters connected therewith and incidental hereto. Be it enacted by the Rajasthan State Legislature in the Sixty-second Year of the Republic of India, as follows :

1. Short title, extent and commencement.

(1) This Act may be called the Rajasthan Guaranteed Delivery or Public Services Act, 2011, (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 the Official Gazette, appoint.

2. Definitions.

- In this Act unless the context otherwise requires, (a) "designated officer" means an officer notified as such for providing a service under section 3; (b) "eligible person" means a person who is eligible for obtaining a notified service; (c) "first appeal officer" means an officer who is notified as such under section 3; (d) "prescribed" means prescribed by rules made under this Act; (e) "public authority" means the State Government and its deployments and includes any authority or body or institution established or constituted by or under any law made by the State Legislature and power controlled or substantially financed directly or indirectly by the funds provided by the State Government; (f) "right to service" means right to obtain a service within the stipulated time limit under section 4; (g) "second appellant authority" means an officer who is notified as such under section 3; (h) "Service" means any service being provided by a public authority which is notified under section 3; (i) "State Government" means the Government of Rajasthan; (j) "stipulated time limit" means the maximum time allowed to the designated officer for providing a service or to decide an appeal by the first appeal officer as notified under Section 3; and (k) ["Commission" means the Commission for Guaranteed Delivery of Public Services constituted under section 8-A.] [Added by Act No. 36 of 2013, dated 15.9.2013.]

3. Notification of services, designated officers, first appeal officer, second appeal authority and stipulated time limit.

- The State Government may, from time to time notify the services, designated officers, first appeal officer second appeal authority and stipulated time limits to which and to whom this Act shall apply.

4. Right to obtain service within the stipulated time limit

(1) The designated officer shall provide the service notified under section 3 to the person eligible to obtain the service within the stipulated time limit. (2) The designated 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 designated 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 designated officer.

5. Providing a service in the stipulated time limit.

(1) The stipulated time limit shall start from the date when the application required for obtaining a notified service is submitted to the designated officer or to a person subordinate to him authorized to receive the application. Such an application shall be duly acknowledged. (2) The designated officer on receipt of an application under sub-section (1) shall, within the stipulated time limit either provide the service or reject the application and in case of rejection of the application shall record the reasons in writing and inform the applicant.

6. Appeal.

(1) Any person, whose application is rejected under sub-section (2) of section 5 or who is not provided a service within the stipulated time limit, may file an appeal to the first appeal officer within thirty days from the date of rejection of the application or the expiry of the stipulated time limit: Provided that the first appeal officer may admit the appeal after the expiry of the period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. (2) The first appeal officer may order the designated officer to provide the service within the specified period or may reject the appeal. (3) A second appeal against the decision of the first appeal officer shall lie to the second appellate authority within sixty days from the date on which the decision was made: Provided that the second appellate authority may admit the appeal after the expiry of the period of sixty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. (4) (a) The second appellate authority may order the designated officer to provide the service within such period as he may specify or may reject the appeal. (b) Along with the order to provide service, the second appellate authority may impose a penalty according to the provision of section 7. (5) (a) If the designated officer does not comply with sub-section (1) of section 5, the applicant aggrieved by such noncompliance may submit an application directly to the first appeal officer. This application shall be disposed of in the manner of the first appeal. (b) If the designated officer does not comply with the order of providing a service under sub-section (2) of section 6, the applicant aggrieved by such non-compliance may submit an application directly to the second appellate authority. This application shall be disposed of in the manner of the second appeal. (6) The first appeal officer 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) requiring the production and inspection of documents; (b) issuing summons for hearing to the designated officer and appellant; and (c) any other matter which may be prescribed.

7. Penalty.

(1) (a) Where the second appellate authority is of the opinion that the designated officer has failed to provide a service without sufficient and reasonable cause, he may impose a lump sum penalty which shall not be less than five hundred rupees and not more than five thousand rupees. (b) Where the second appellate authority is of the opinion that the designated officer has caused delay in providing a service without sufficient and reasonable cause he may impose a penalty at the rate of two hundred and fifty rupees per day, which shall not exceed five thousand rupees for such delay on the designated officer. (c) The penalty imposed by the second appellate authority under clause (a) or (b) would be recoverable from the salary of the designated officer: 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) Where the second appellate authority is of the opinion that the first appeal officer has failed to decide an appeal within the stipulated time limit without assigning sufficient and reasonable cause he may impose a penalty on the first appeal officer which shall not be less than five hundred rupees and more than five thousand rupees: Provided that the first appeal officer shall be given a reasonable opportunity of being heard before any penalty is imposed on him. (3) The second appellate authority may also order that such an amount be given as

compensation to the appellant from the penalty imposed under sub-section (1) or (2) or both, as the case may be, as shall not exceed the penalty so imposed.(4)The second appellate authority. if it is satisfied that the designated officer or the first appeal officer has failed to discharge the duties assigned to him under this Act. without assigning sufficient and reasonable cause, may recommend disciplinary action against him under the service rules applicable to him

8. [Revision. [Substituted by Act No. 36 of 2013, dated 15.9.2013.]

- Any person aggrieved by an order of the second appellate authority under this Act, may make an application for revision to the Commission within a period of sixty days from the date of that order. The Commission shall dispose of the application in accordance with the prescribed procedure:Provided that the Commission may entertain an application after the expiry of the said period of sixty days, if it is satisfied that the application could not be submitted in time for sufficient reason.]

8A. [Constitution of the Commission. [Inserted by Act No. 36 of 2013, dated 15.9.2013.]

(1)The State Government shall, by notification in the Official Gazette, constitute a Commission to be known as the Commission for Guaranteed Delivery of Public Services to exercise the jurisdiction, powers and authority conferred on under this Act.(2)The Commission shall consist of a Chief Commissioner and as many Commissioners as may be notified by the State Government.(3)The Chief Commissioner and Commissioners shall be appointed by the State Government by notifications in the Official Gazette.(4)The Commission shall observe such rules of procedure in regard to the transaction of business as may be prescribed by the State Government.(5)The general superintendence, direction and management of the affairs of the Commission shall vest in the Chief Commissioner who shall be assisted by the Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the Commission autonomously without being subjected to directions by any other authority under this Act.

8B. Term of office and conditions of service of Chief Commissioner and Commissioner.

(1)The Chief Commissioner and Commissioner shall hold office for a term of five years from the date on which he enters upon the office or until attains the age of sixty five years whichever is earlier.(2)A person shall be qualified for appointment as a Chief Commissioner of the Commission if he is, or has been an officer of the State Government in the rank of the Chief Secretary.(3)A person shall be qualified for appointment as a Commissioner of the Commission, if he fulfils any of the following conditions:-(a)he is or has been an officer of the State Government and holding the rank of the Principal Secretary in the State Government; or(b)he is or has been a District Judge for a period of at least ten years; or(c)an eminent person in the domain of public service or social sector and has worked in those areas at least for a period of fifteen years.(4)The Chief Commissioner or Commissioner may, by notice in writing under his hand addressed to the Governor, resign from his

office at any time.(5)The salary and allowances payable to, and the other terms and conditions of service of, the Chief Commissioner and Commissioner shall be such as may be prescribed by the State Government: Provided that neither the salary and allowances nor the other terms and conditions of service of the Chief Commissioner and Commissioner shall be varied to his disadvantage after his appointment.

8C. Removal of Chief Commissioner or Commissioner from office.

(1)The Chief Commissioner or Commissioner of the Commission may be removed from the office by an order of the Governor, if he-(a)becomes an undischarged insolvent; or(b)engages during his term of office in any paid employment outside the duties of his office; or(c)is unfit to continue in the office by reason of infirmity of mind or body; or(d)becomes of unsound mind and stands so declared by competent court; or(e)is convicted and sentenced to imprisonment for an offence which in the opinion of Governor involves moral turpitude.(2)Subject to the provisions of sub-section (1) the Chief Commissioner or Commissioner of the Commission shall only be removed from his office by an order of the Governor on the ground of proved misbehaviour or incapacity after the High Court on a reference being made to it by the Governor, has on inquiry held in accordance with the procedure prescribed in that behalf by High Court, reported that the Chief Commissioner or Commissioner ought on any such ground to be removed.

8D. Officers and employees of the Commission.

(1)The State Government shall provide the Commission, such officers and employees as may be required for the discharge of its functions under this Act. Such officers and employees shall discharge their functions under the general superintendence of the Chief Commissioner.(2)The salaries and allowances payable to, and the terms and conditions of the service of the officers and employees appointed for the purpose of the Commission shall be such as may be prescribed by the State Government.

8E. Functions of the Commission.

- The Commission shall perform all or any of the following functions, namely:-(a)monitor the implementation of the Rajasthan Guaranteed Delivery of Public Services Act, 2011 (Act No. 23 of 2011);(b)identify problems in implementation of the Act and give suggestions to overcome these problems;(c)to have independent evaluation studies carried out from time to time to assess the realization of the objectives of the Act;(d)networking with NGOs, social volunteers to provide feedback to the Commission on the issues in implementation of the Act;(e)take steps for wide publication of the provisions of the Act to create awareness among the public and enquire into the complaints relating to the implementation of the Act;(f)to hold meetings with officers at the State, Division and District level to review the implementation of the Act;(g)to recommend disciplinary action against officers against whom complaints for nonimplementation of the provisions of the Act are found true after preliminary enquiry;(h)any other functions assigned by the State Government.

8F. Powers of the Commission to enforce attendance and production of documents.

(1)The Commission shall, for the purposes of its functions under this Act, have the same powers as are vested in a civil court 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)requiring the discovery and production of any such document or any other material as may be predicable in evidence;(c)receiving evidence on affidavits;(d)requisitioning any public record;(e)issuing commission for the examination of witnesses;(f)reviewing its decision, directions and orders;(g)any other matter as may be prescribed.(2)The Commission shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908) but shall be guided by the principles of natural justice and subject to the other provisions of this Act and any rules made thereunder, the Commission shall have the power to regulate its own procedure.

8G. Annual and special reports of the Commission.

(1)The Commission shall submit an annual report to the State Government and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.(2)The State Government shall cause the annual and special reports of the Commission to be laid before House of the State Legislature, along with a memorandum of action taken or proposed to be taken on the recommendation of the Commission and the reasons for non-acceptance of the recommendations, if any.]

9. Protection of action taken in good faith.

- No suit, prosecution or other legal proceedings shall be 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. Power to make rules.

(1)The State Government may 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.

11. 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.