

**Rajasthan Guaranteed Delivery Of Public Services  
(Amendment) Act, 2013**

**36 of 2013**

**[15 September 2013]**

CONTENTS

1. Short title and commencement
2. Amendment of Sec. 2, Rajasthan Act No. 23 of 2011
3. Amendment of Sec. 8, Rajasthan Act No. 23 of 2011
4. Insertion of new Sec. 8-A, Rajasthan Act No. 23 of 2011

**Rajasthan Guaranteed Delivery Of Public Services  
(Amendment) Act, 2013**

**36 of 2013**

**[15 September 2013]**

PREAMBLE

An Act to amend the Rajasthan Guaranteed Delivery of Public Services Act, 2011.

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

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

(1) This Act may be called the Rajasthan Guaranteed Delivery of Public Services (Amendment) Act, 2013.

(2) It shall come into force on such, as the State Government may, by notification in the Official Gazette, appoint.

**2. Amendment of Sec. 2, Rajasthan Act No. 23 of 2011 :-**

In Sec. 2 of the Rajasthan Guaranteed Delivery of Public Services Act, 2011 (Act No. 23 of 2011), hereinafter referred to as the

principal Act,-

(a) in clause (j), for the existing punctuation mark "." appearing at the end, the expression "; and" shall be substituted; and

(b) after the clause (j) so amended, the following new clause shall be added, namely:-

"(k) "Commission" means the Commission for Guaranteed Delivery of Public Services constituted under Sec. 8-A".

### **3. Amendment of Sec. 8, Rajasthan Act No. 23 of 2011 :-**

For the existing Sec. 8 of the principal Act, the following shall be substituted, namely:-

"8. Revision.-

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."

### **4. Insertion of new Sec. 8-A, Rajasthan Act No. 23 of 2011 :-**

In the principal Act, after the Sec. 8 so amended and before the existing Sec. 9, the following new sections shall be inserted, namely;-

#### "8-A. Constitution of the Commission.-

(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.

#### 8-B. 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.

8-C. 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-sec. (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.

#### 8-D. 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.

## 8-E. 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 non-implementation of the provisions of the Act are found true after preliminary enquiry;

(h) any other functions assigned by the State Government.

8-F. 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.

8-G. 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."