

Rajasthan Guaranteed Delivery Of Public Services Act, 2011

23 of 2011

[21 September 2011]

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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 thereto. 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 of 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 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) "right to service" means right to obtain a service within the stipulated time limit under Section 4;
- (g) "second appellate 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.

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 subsection (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 provisions of

section 7.

(5) (a) If the designated officer does not comply with sub-section (1) of section 5, the applicant aggrieved by such non-compliance 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 sub-section, 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 :-

The designated officer or first appeal officer 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 nominated by the State Government within a period of sixty days from the date of that order. The nominated officer shall dispose of the application in accordance with the prescribed procedure:

Provided that the officer 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 application could not be submitted in time for sufficient reason.

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. 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.

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.