

**THE RAJASTHAN GUARANTEED DELIVERY OF PUBLIC SERVICES
ACT 2011**

(act number 23 of 2011)

[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 limit 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 in 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 second appeal 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 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, search other officer or employee, as the case maybe, 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 officers within 30 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 purpose if 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.

Administrative reforms and coordination department

(Group-1)

Notification

Jaipur, October 20, 2011

G.S.R. 84.- In exercise of the powers conferred by sub-section (1) of section 10 of the Rajasthan guaranteed delivery of public services act, 2011 (Act No. 23 of 2011), the State Government hereby makes the following rules, namely:-

1. **Short title and commencement.-** (1) These rules may be called the Rajasthan Guaranteed Delivery of Public Services Rules, 2011.
(2) They shall come into force on and from 14th November, 2011.
2. **Definitions.-** (1) In these rules unless the context otherwise requires,-
 - (a) “Act” means the Rajasthan guaranteed delivery of public services Act, 2011 (Act No.23 of 2011)
 - (b) “Form” means the Form appended to these rules; and
 - (c) “Section” means the section of the Act.

(2) The words and expression used in these rules but not defined shall have the same meaning as assigned to them in the Act.
3. **Authorization by designated officer for receiving the application.-** The designated officer may, by order, authorise any of his sub-ordinate officer or employee to receive the applications and to issue the acknowledgement thereof.
4. **Issuing of acknowledgement to applicant.-** The person authorized under rule 3 shall give acknowledgement to the applicant in Form-1 and if necessary documents have not been annexed with the application, then it shall be clearly mentioned in acknowledgement and in such acknowledgement the stipulated limit shall not be mentioned:

Provided that if the necessary documents are annexed with application then the last date of the stipulated time limit shall be mentioned in the acknowledgement.

5. **Denial or delay in providing service.-** The service shall be provided in stipulated time limit and in the event service is denied or delayed, the designated officer shall communicate to the applicant:-
 - (1) The reasons for such denial or delay;
 - (2) The period within which an appeal against such denial or delay may be preferred; and
 - (3) The particulars, including all available contact information of the relevant Appellate authority.
6. **Computation of stipulated time limit.-** While computing the stipulated time limit for providing services, the public holiday shall not be counted.
7. **Display of information on the notice board.-** The designated officer shall, for the convenience of common public, cause to display all relevant information related to services on the notice board in Form-2, the notice board shall be installed at a conspicuous place of the office. All the necessary documents that are required to be enclosed with the application for obtaining the notified services shall also be displayed on the notice board.
8. **Exemption of fee.-** No fee shall be payable along with memo of first appeal or second appeal and revision application.
9. **Contents of memo of first appeal or second appeal and revision application.-** Every memo of first appeal or second appeal and revision application shall specify the following information,-
 - (i) name and address of the appellant or applicant at revision, as the case may be;
 - (ii) name and address of the designated officer, officer of employee treated as designated officer under the provision of sub-section (3) of section 4 of the Act, first appeal officer or second appellate authority, as the case be, against whose order appeal or revision filed;

- (iii) particulars of the order against which the appeal or revision preferred;
- (iv) if the appeal is against the refusal of acknowledgement of the application by the designated officer, then the date of application and the name and address of the designated officer to whom the application was presented;
- (v) The grounds for appeal or revision;
- (vi) The relief sought, and
- (vii) Any other relevant information which is necessary for the disposal of appeal or revision.

10. Documents to be enclosed with first appeal, second appeal or revision.- The following documents shall be enclosed with memo of appeal or revision application, namely:-

- (i) self attested copy of the order against which the appeal or revision is preferred;
- (ii) the copies of the documents mentioned in the memo of appeal or revision application; and
- (iii) the index of the documents enclosed with the memo of appeal or revision application.

11. Procedure for deciding first appeal, second appeal or revision.-

While deciding the first appeal, second appeal or revision-

- (i) the relevant documents, public documents or copies thereof shall be inspected;
- (ii) any officer may be authorised for appropriate inquiry, if required; and
- (iii) designated officer or first appeal officer, as the case may be, may be heard in revision.

12. Service of notice of hearing.- The notice of hearing of first appeal, second appeal or revision, as the case may be, shall be served in any of the following manner:-

- (i) by the party or person himself;
- (ii) through process server;
- (iii) by the registered post with due acknowledgement: or

(iv) through the department concerned.

13. Personal appearance.- (1) In first appeal, second appeal or revision the appellant and or applicant at revision, as the case may be, shall be intimated with the date of hearing, at least seven clear days prior to such date of hearing.

(2) The appellant or applicant at revision, as the case may be, may present in person in the hearing of appeal or revision, or may opt not to present in the hearing.

(3) If it is satisfied that the circumstances exist due to which the appellant and or applicant at revision is prevented to be present at the hearing, then before taking the final decision one opportunity of hearing shall be given to the appellant or applicant at revision or any other appropriate action may be taken which deems fit.

(4) If any party remains absent after due service of notice of the fixed date of hearing, then the appeal or revision application, as the case may be, shall be disposed in his absence or dismissed due to non-appearance.

14. Order in an appeal or revision.- (1) The order of appeal or revision Shall be pronounced in open proceedings and shall be in writing by the first appeal officer, second appellate authority or revising officer, as the case may be.

(2) The copy of first appeal order shall be given to the appellant and designated officer.

(3) The copy of second appeal order shall be given to the appellant, designated officer and first appeal officer.

(4) In case of imposing penalty, the second appellate authority shall endorse a copy of order to the concerned-

(a) Drawing and Disbursing Officer, with the direction to recover the amount of penalty from next salary of the designated officer or first appeal officer, as the case may be; and

(b) Treasury officer

(5) In case where the second appellate authority recommend for the departmental enquiry against the designating officer or first appeal officer, as the case may be, he shall send the copy of order passed

by him for necessary disciplinary action to the disciplinary authority concerned.

(6) Where in a revision, the order of second appellate authority is revised or modified, the revising officer shall send copy of the said order to the second appellate authority and the officers specified tell sub-rule (4) and (5).

15. Recovery of penalty. - (1) On receiving the order of imposition of penalty under sub-rule (4) of rule 14, the Drawing and Disbursing Officer shall recover the amount of penalty from the next salary of the designated officer or first appellate officer, as the case may be, and deposit the same in the government account and send a copy of challan to the second appellate authority concerned.

(2) If in revision any other passed by the second appellate authority is revised or modified the copy of such order shall be sent to the Drawing and Disbursing Officer and Treasury Officer concerned for compliance.

16. Payment of compensation.- (1) In case of order of payment of compensation to the applicant under sub-section (3) of Section 7, the second appellate authority shall order to make payment within thirty days.

(2) Any amendment in the amount of penalty in revision, shall not affect the payment of amount of compensation.

17. Maintenance of record. - The designated officer, first appeal officer, second appellate authority and revising officer shall maintain the record of the cases in Form-3, Form-4, Form-5 and Form 6.

18. Monitoring of implementation.- The State Government may introduce a system for centralized monitoring of the timely delivery of notified services, including service delivery through use of Information and Communication Technologies, and for monitoring various provisions of this Act.

19. Direction by the State Government.- The State Government may issue directions, from time to time, for effective

implementation of the provisions of the Act, superintendence of the cases filed under the Act and for the inspection of the offices of the first appeal officer, second appellate authority, revising officer and Drawing and Disbursing Officer.

20. Dissemination and training.- The State Government may, to the extent of availability of financial and other resources-

- (i) develop an organize campaigns and programs to advance the understanding of the public, in particular of the disadvantaged communities, as to how to exercise the rights contemplated under the Act;
- (ii) encourage public authorities to participate in the development and organization of programs preferred to in clause (i) above and to undertake such programs themselves;
- (iii) promote timely and effective dissemination of accurate information by public authorities about the notified services and timelines and the processes for applications;
- (iv) train the designated officer, first appeal officer, second appellate authority and revising officer, as the case may be, of their duties under the Act;
- (v) compile a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified under the Act; and
- (vi) update and publish guidelines referred to in clause
- (vii) above at regular intervals which shall, in particular and without prejudice to the generality of the clause (V) above, include:
 - (a) the objects of the Act;
 - (b) the manner and the form in which request for the services shall be made to the designated officer or file appeal to the appellate authorities;
 - (c) any additional regulations for circulars made or issued in relation to obtain the services in accordance with the Act.

Form- I
(See rule 4)
FORM OF ACKNOWLEDGEMENT

Name of the designated officer:.....

Office Address:.....

1. Name and address of the applicant.....
2. Date of receiving application in the office of designated officer.....
3. Name of the service for which the application is given.....
4. Particulars of the documents which are essential for receiving service but are not enclosed with the application
.....
5. Last date of the stipulated time limit.....

Place:.....

Date:.....

Signature of Recipient
Name and Designation with seal

Note: In case all the required documents are not enclosed with the Application, the last date mentioned in point 5 above shall not be given.

Form-2
(See rule 7)
FORM OF NOTICE BOARD

Name of the designated officer.....

Office address.....

S.No.	Notified services	Documents to be enclosed with the application	Stipulated time limits for providing the services	Designation and address of the first appeal officer	Stipulated time limit for the disposal of first appeal	Designation and address of the second appellate authority
1	2	3	4	5	6	7

1. Name of the person authorised to receive application in the office of the designated officer.....
2. Time limit for filing appeal: within thirty days from the date of order passed by the designated officer.
3. Time limit for filing second appeal: within sixty days from the date of order passed by the first appeal officer.

Note: Please obtain acknowledgement of your application compulsorily.

Form-3
(See rule 17)
FORM OF REGISTER TO BE MAINTAINED IN THE OFFICE OF
DESIGNATED OFFICER

Name of the office of the designated Officer:.....

Month.....Year.....

S.N o.	Name and address of applicant	Service for which the application is given	Last date of the stipulated time limit	Application allowed/ disallowed	Date and details of the order passed
1	2	3	4	5	6

Form-4
(See rule 17)
FORM OF REGISTER TO BE MAINTAINED IN THE OFFICE OF
FIRST APPEAL OFFICER

Name of the office of the first appeal officer:.....

S.No.	Name and address of appellant	Date of filing first appeal	Designation of the designated officer (along with the name of office) against the order of whom the appeal is filed	Last date of the stipulated time limit for disposal of first appeal	Date and detail of order in appeal
1	2	3	4	5	6

Form-5
(See rule 17)
FORM OF REGISTER TO BE MAINTAINED IN THE OFFICE OF
SECOND APPELLATE AUTHORITY

Name of the office of the second appellate authority:.....

S.No.	Name and address of appellant	Date of filing second appeal	Designation of the first appeal officer (along with the name of designation officer)	Details of disposal of second appeal (a) dismissal; (b) penalty; (c) recommendation of departmental enquiry; and (d) payment of compensation	Date of recovery of penalty	Date of payment of amount of compensation	Follow up action regarding recommendations of Departmental Enquiry	Date of order of revision

FORM-6
(see rule 17)
FORM OF REGISTER TO BE MAINTAINED IN THE OFFICE OF
REVISING OFFICER

Name and address of the office of the Revising Officer:.....

S.No.	Name designation and address of the applicant at revision	Details of order against which the revision is made	Details of order of revision	Remarks
1	2	3	4	5

[No. 13(1) AR&C/Gr.1/2008.]

By order of the Governor,

डा. आर.पी.जैन,

Principal Secretary to the Government.

Government Central Press, Jaipur.