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GENERAL ADMINISTRATION (AR) DEPARTMENT

NOTIFICATION

The 7th December, 2012

No.28889-GAD-AR-DRF-0181-2012/AR,—In pursuance of Section 14 of the Odisha Right to Public Services Act, 2012 (Odisha Act 8 of 2012), the State Government do hereby make the following rules for carrying out the purposes of the said Act, namely: —

1. Short title and commencement.—(1) These rules may be called The Odisha Right to Public Services Rules, 2012.

(2) They shall come into force on the date of their publication in the official Gazette of the State.

2. Definitions.—(1) In these rules, unless the context otherwise requires:—

- (a) 'Act' means the Odisha Right to Public Services Act 2012;
- (b) 'Form' means form appended to these rules;
- (c) 'Prescribed Format' means formats prescribed by the concerned department delivering a notified service under the Act; and
- (d) 'Section' means Section of the Act;

(2) The words which have been used but not defined in these rules shall have the meaning as respectively assigned to them in the Act.

3. Power of Designated Officer to authorize for receiving the applications. — The Designated Officer shall have the power to authorize by order any of his/her subordinate officer/staff for receiving the applications and giving acknowledgement.

4. Issuing acknowledgement to Applicants. — The Authorized person under rule 3 shall give acknowledgement to applicant in the prescribed format and in case any necessary documents have not been enclosed with the application then the same shall be clearly mentioned on the acknowledgment and in such acknowledgments given time limits shall not be mentioned:

Provided that if all necessary documents have been enclosed with the application and the application is complete in all respects, then the given time limit shall be mentioned.

5. Communication in the event of denial of services, etc.— In the event a service is denied or delayed the Designated Officer shall communicate to the person eligible and/or applying for the service:

- (a) The reasons for such denial or delay;
- (b) The period within which an appeal against such denial or delay be preferred; and
- (c) The particulars including all available contact information of the relevant Appellate Authority under the provisions of the Act.

6. Public holidays shall not be included in the given time limit. — Public holidays shall not be included in the given time limit for providing the services. That is, the time limit will be days specified plus the number of public holidays.

7. Display of information on Notice Board.— Designated Officer shall, for the convenience of common public, cause to display all relevant information related to services on the notice board in odia language that has been put up in the office for easy view. All the necessary documents that are required to be enclosed with the application for receiving the notified services shall be displayed on the Notice Board. In addition to the details in the prescribed format, the Notice Board shall also include the details of how an appeal or revision can be made, as also all the necessary documents which shall be attached to an appeal or revision, as the case may be.

8. Penalty.— A penalty that is imposed under the Act will be recovered from the salary/ honorarium/ remuneration of the concerned Designated Officer or Appellate Authority or subordinate staff. The penalty amount under the Act is to be deposited in the Head of Account “0070-Other Administrative Services-60-Other Services-800-Other Receipts-0097-Misc. Receipts-02214-Fines under Odisha Right to Public Services Act”.

9. Relaxation in Appeal Fee.— No fee shall be levied for appeals or revisions.

10. Procedure of application for Appeals and Revisions.—

Following information shall be included with application for any Appeals to Appellate Authority, or Revisions to Revisional Authority, i.e.

- (1) Name and address of applicant or person asking for Appeals and Revisions.
- (2) To the extent possible, name and address of Designated Officer/ Appellate Authority/ Revisional Authority against whose decision the Appeal/Revision has been presented.
- (3) Gist of the order against which the Appeal or Revision lies.
- (4) Date of application along with name and address of the Designated Officer if the appeal is made against non-receipt of acknowledgement of the applications.
- (5) Basis for Appeal or Revision.
- (6) Relief asked for.
- (7) Any other related information that may be necessary for determining the Appeal or Revision.

11. Documents to be enclosed with Appeal or Revision.—

With every Appeal or Revision following documents shall be enclosed:—

(1) Table of Contents of documents enclosed with Appeal or Revision.

(2) Self attested copy of the order against which the Appeal or Revision is being made.

(3) Copies of documents mentioned in the application for Appeal or Revision.

12. Process in decision on Appeal or Revision.— In the decision on Appeal or Revision,

(1) Concerned documents, public records or their copies shall be reviewed.

(2) In exceptional circumstances, any officer may be authorized for required investigation.

(3) The Designated Officer or Appellate Authority or Subordinate staff may be summoned at the time of review for a hearing.

13. Process of communicating the information of hearing.—

Information of hearing of the application for Appeal or Revision shall be communicated in one of the following manners—

(1) By the party himself/herself.

(2) By hand delivery through special messenger.

(3) By registered post with acknowledgment.

14. Individual presence of applicant/Designated Officer/Appellate Authority/Subordinate staff.—

(1) In all situations, the hearing date shall be communicated to applicant/ Designated Officer/ Appellate Authority/ Subordinate staff at least seven days in advance.

(2) As the case may be, an applicant/ Designated Officer/ Appellate Authority/ Subordinate staff shall make himself present during the hearing of Appeal or Revision application or may take the option of not attending.

(3) Where it is clear that such circumstances exist due to which an applicant/ Designated Officer/ Appellate Authority/ Subordinate staff, as the case may be, is/ are not able to be present in hearing, in those cases before taking a final decision one more chance shall be given to the applicant/ Designated Officer/ Appellate Authority/ Subordinate staff or such necessary action shall be taken as is deems fit.

(4) If any party remains absent on the date of hearing even after due information of hearing duly executed to him/ her, then the application for Appeal or Revision, as the case may be, shall be decided in absentia.

15. Order in Appeal or Revision.—

(1) Appeal or Revision order, as the case may be, shall be read during the hearing and shall also be in writing.

(2) Copy of appeal order shall be given to applicant and Designated Officer.

(3) Copy of revision order shall be given to applicant, Designated Officer, Subordinate staff and Appellate Authority.

(4) In the case of imposition of penalty, Revisional Authority shall mark copy of such order to the concerned authority with instructions to deduct the amount from the salary/honorarium/remuneration of the Designated Officer/ Appellate Authority/ Subordinate staff as the case may be.

(5) In the event of recommendation for departmental enquiry against Designated Officer or the Appellate Authority or Subordinate staff, as the case may be, the Revisional Authority shall send orders issued against him/her to the concerned appointing authority.

(6) Where the Revisional Authority makes any amendment in the order of the Appellate Authority then he/ she shall send a copy of such order to the Appellate Authority and officers notified under sub-rule (4).

16. Recovery of Penalty.—

(1) The concerned authority shall cause to recover the penalty from the next month salary/ honorarium/ remuneration of the Designated Officer or the Appellate Authority or officers and sub-ordinate staff as decided by the Revisional Authority, as the case may be, upon receipt of copy of order for imposing penalty under sub-rule (4) of rule 15 and shall deposit it under the concerned head and send a copy of challan to concerned Revisional Authority.

(2) In case any amendments are made in the Revisional Authority's order during revision, then the concerned authority shall cause to ensure that such orders are implemented.

17. Maintenance of records of all disposed cases under the Act.— The Designated Officer, Appellate Authority, and Revisional Authority shall maintain records of all the cases in the prescribed formats.

18. Dissemination and Training.—

(1) The State Government may have to as per availability of financial and other resources: —

- (i) Develop and organize campaigns and programmes to advance the understanding of the public, in particular of the disadvantaged communities, as to how to exercise the rights contemplated under this Act;
- (ii) Encourage public authorities to participate in the development and organization of programmes as above and to undertake such programmes themselves;

- (iii) Promote timely and effective dissemination of accurate information by public authorities about the notified public services and timelines, and the processes for applications;
- (iv) Train concerned staff, Designated Officers, Appellate and Revisional Authorities, as the case may be, of their duties under the Act; and
- (v) Compile guidelines 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 this Act.

(2) The State Government shall, if necessary, update and publish guidelines referred to in item (v) above at regular intervals which shall, in particular and without prejudice to the generality of item (v) above, include: —

- (i) the objects of the Act;
- (ii) the manner and the form in which request for services shall be made to the Designated Officer or Appellate Authority or Revisional Authority;
- (iii) all remedies in law available regarding a delay or denial of service, including the manner of filing appeals or revisions; and
- (iv) any additional regulations or circulars made or issued in relation to obtaining services in accordance with the Act.

19. Display of information in the Public Domain.—

The Secretary of the Department shall display the information on Public Services and the Given Time line to be covered under the Act in the official website of the Department concerned for wide publicity.

20. Monitoring of Implementation.—

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

21. Awards.—

The State Government may give a reward to the officer against whom no default is reported in one year so as to encourage and enhance the efficiency of the government servants. For this, the competent authority shall recommend such names to the State Government at the end of a year. The officer to be rewarded shall be selected as per the criteria to be fixed by the State Government. The award shall be cash incentive not exceeding Rupees Five thousand in aggregate along with a certificate of appreciation.

FORM - 1

(See Rule 4)

FORM OF ACKNOWLEDGEMENT

Sl. No.	Details	
1	Name of the Designated Officer and Office Address	
2	Name and Address of the applicant	
3	No. and Date of receiving application in the office of Designated Officer	
4	Name of the service for which the application is given	
5	Particulars of the documents which are essential for receiving service, but are not enclosed with the application	
6	Last Date of the given time limit	

Place:

Date:

Signature of the Receiving Officer

Name and Designation with seal

Note: In case of not receiving all the documents with the application, the last date of the given time limit shall not be specified.

FORM - 2

(See Rule 7)

FORM OF NOTICE BOARD

Name, Designation and Office of the Designated Officer							
Sl. No.	Notified Public Service	Documents to be annexed with the application	Given time limit	Designation and Address of the Appellate Authority	Stipulated time limit for disposal of appeal	Designation and Address of the Revisional Authority	Stipulated time limit for disposal of revision
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							

Sl. No.	Details	
1	Name of the person authorised to receive application in the office of Designated Officer.	
2	Time limit for filing appeal	Within thirty days from the order passed by the Designated Officer.
3	Time limit for filing revision	Within thirty days from the order passed by the Appellate Authority.

FORM - 3

(See Rule 4)

FORM OF REGISTER TO BE MAINTAINED IN THE OFFICE OF DESIGNATED OFFICER

Name of the Office of the Designated Officer					
Month					
Year					
Sl. No.	Name and Address of the applicant	Service for which the application is given	Last date of the given time limit	Application allowed/ disallowed	Date and details of the order passed
(1)	(2)	(3)	(4)	(5)	(6)

FORM - 4

(See Rule 10)

FORM OF REGISTER TO BE MAINTAINED IN THE OFFICE OF APPELLATE AUTHORITY

Name of the Office of the Appellate Authority					
Month					
Year					
Sl. No.	Name and Address of the appellant	Date of filing the appeal	Name & Designation of the Designated Officer against whose order the appeal is filed	Last date of the stipulated time limit	Date and details of the order of the appeal
(1)	(2)	(3)	(4)	(5)	(6)

FORM - 5

(See Rule 10)

FORM OF REGISTER TO BE MAINTAINED IN THE OFFICE OF REVISIONAL AUTHORITY

Name of the Office of the Revisional Authority								
Month								
Year								
Sl. No.	Name and Address of the applicant/ Designated Officer in revision	Date of filing the revision	Name & Designation of the Appellate Authority against whose order the revision is filed	Last date of the stipulated time limit	Date and details of the order of the revision	Details of the officers for deposition of penalty	Date of recovery of the penalty	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

By Order of the Governor
VIJAY ARORA

Special Secretary to Government