



**SERVICE DELIVERY**

**&**

**ASSAM RIGHT TO PUBLIC SERVICE ACT & RULES  
(ARTPS ACT)**

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# ASSAM RIGHT TO PUBLIC SERVICE ACT

## About Service

Amenities/Issue of Documents/Certificates to Citizens  
By Government machinery  
Some services are notified as RTPS Service

# ASSAM RIGHT TO PUBLIC SERVICE ACT

## Contents of Training

1. Purpose of the Training
2. Background of the RTPS Act
3. Players/Actors in the Act : definitions
4. Roles & responsibilities of DPS/AA/Public Authority
5. RTPS Commission
6. Penal Provisions
7. RTPS Rules: Procedure of application/Appeal

# ASSAM RIGHT TO PUBLIC SERVICE ACT

## **Purpose of the training**

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1. To learn about the Rights of Citizens over service
2. To learn about the duties & responsibilities of Officials
3. To learn how the Act provides Grievance Redressal Mechanism

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## ASSAM RIGHT TO PUBLIC SERVICE ACT

### Reasons why the act was necessary (Background)

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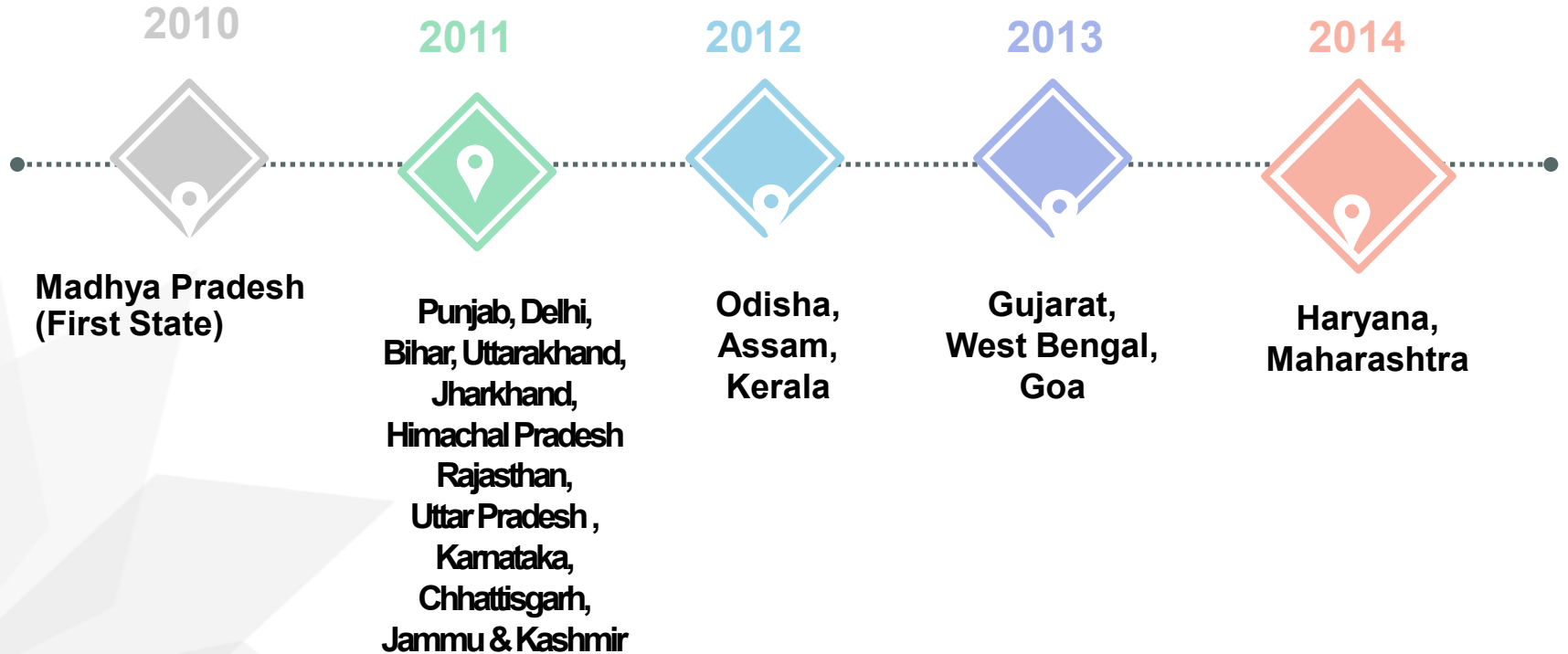
1. No time limit was fixed for service delivery,
2. So service delivery either did not happen or happened at the will of the officials
3. No accountability : what will happen if service is not delivered ?
5. Unethical practice
6. No System for redressal of Grievances

# ASSAM RIGHT TO PUBLIC SERVICE ACT

## Purpose of the Act

1. To ensure delivery of notified services to eligible citizens within stipulated time
2. To fix accountability on Designated Public servants responsible for service delivery
3. To put a mechanism for redressal of grievances

# States Notifying such Act



# ASSAM RIGHT TO PUBLIC SERVICE ACT

## Assam Chapter



- Assam enacted the ARTPS Act in 2012 vide Notification no. LGL 18/2012/57,
- Got the assent of the Governor on 27th April, 2012
- The Act was then amended in 2019
- Rules were framed in 2012 vide Notification no. AR 69/2011/Pt-II on 19-9-2012.
- Assam Govt notified 55 services at the beginning in 2013 vide Notification no. AR 69/2011/Pt-II/98 dated 10-4-2013.
- As of now, more than 400 services notified

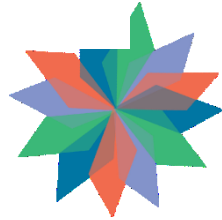


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# Important Sections

Of the Act



# ASSAM RIGHT TO PUBLIC SERVICE ACT



## Short Title ,Extent and Commencement: Sec- 1

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- 1 (1)The Act may be called Assam Right to Public Service Act 2012
- 1(2) It extends to whole of Assam
- 1(3) Will come into force as notified in official Gazette

The Act came into force w.e.f 19<sup>th</sup> April 2013 vide  
[Gazette Notification no. AR 69/2011/Pt-II/95 dated 10-4-2013](#)  
(except the Sixth Schedule districts)

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## To whom this act does not apply: Sec- 2

2(1): Persons appointed on casual or daily rate basis

2(2): Persons employed on contract except when the contract provides otherwise

2(3): Persons whose terms and Conditions are expressly provided in the constitution

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## Main Functionaries

1. Eligible Person
2. Designated Public Servant (DPS)
3. Public Authority
4. Appellate Authority
5. RTPS Commission

**All Definitions in Section 3**

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## **Designated Public Servant** 3(c)



means an authority including one belonging to local self government who is notified under the act for providing the service

As per present provision [Section 4(2)], the concerned Public Authority has to notify a Designated Public Servant

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## Public Authority [3 (f)]

- (i) any Department or authority of the State Govt
- (ii) any Organisation /body/authority /corporation/local authority set up
  - (a) by or under Constitution of India
  - (b) by any other law made by state legislature
  - (c) by notification by state Govt
- (iii) and shall also include:
  - (a) an institution/a co-operative society/a Govt Company or an authority owned or financed by state Govt.
  - (b) any NGO receiving financial assistance from the state Govt

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# ASSAM RIGHT TO PUBLIC SERVICE AC'



## RTPS Commission [3(bb)]

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means Assam State Commission for Right to Public Service set up under section 8(1) of the Act

### Structure:

- Chief Commissioner-1
- Commissioner -4

(Reviewing authority in earlier Act replaced with Commission)

# ASSAM RIGHT TO PUBLIC SERVICE ACT



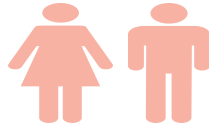
## Competent Authority/Eligible Person

### Competent Authority 3(bc)



means the Disciplinary authority or the Controlling Authority of the DPS

### Eligible Persons [3(d)]



means a person who is eligible to get the service



# ASSAM RIGHT TO PUBLIC SERVICE ACT



## Citizens' Right to Service –Section 5

Every citizen shall have the right to obtain service as notified under section 4(1), within the time bound period.

The State Govt to notify the public services under section 4(1)

# ASSAM RIGHT TO PUBLIC SERVICE ACT



## Notification of Service: Section 4(1)

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State Govt can

Notify Service

- 👍 User Charge
- 👍 Stipulated time and
- 👍 the area to which the act shall apply

# ASSAM RIGHT TO PUBLIC SERVICE ACT



## Notification

### ORDER BY THE GOVERNOR

### NOTIFICATION

Guwahati ,Dated 10<sup>th</sup> April,2013

No.AR 69/2011/Pt-II/98

/In exercise of powers

conferred under section 4 of the Assam Right to Public Services Act, 2012 (Assam Act No IX of 2012), the State Government hereby notifies Designated Public Servant, Appellate Authorities, Reviewing Authorities, stipulated time limit, user charge for delivery of notified Services pursuant to the provisions of the Act, as per enclosed Appendix -2.

*Rajni Bra...*

# ASSAM RIGHT TO PUBLIC SERVICE ACT



## Notification of DPS/AA

### 1. GUWAHATI MUNICIPAL CORPORATION

Sl. No.	Notified public service	Stipulated time limit for providing the service (Days)	Designation of Designated Public Servant	Designation of Appellate Authority	Time limit for disposal by Appellate Authority (Days)	Designation of Reviewing Authority	Time limit for disposal by Reviewing Authority (Days)	Documents to be enclosed with the application	User charge, if any (in Rupees)	Eligibility criteria to obtain service
1	Birth Certificate	15 days	Chief Health Officer, GMC	Joint Commissioner, GMC	30 days	Additional Commissioner, GMC	30 days	i) Information in the form of certificate from Nursing Home / Private Hospital, if born in Nursing Home / Private Hospital within 21 days in Form No. 1 & 3 ii) Information to Registrar from sources other than Nursing Home and Private Hospital within 21 days in form no 1.	1) free up to 21 days 2) fine of Rs. 2/- per day up to 30 days. If not submitted within 21 days	
2	Delayed Birth Certificate	15 days	Chief Health Officer, GMC	Joint Commissioner, GMC	30 days	Additional Commissioner, GMC	30 days	i) Information in the form of certificate from Nursing Home / Private	10/-	

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## Notification of DPS/AA: Section 4

Public Authority to notify  
Designated Public Servant under Section 4(2)  
Appellate Authority under Section 4(3)

**Appellate authority has to be superior to the DPS**

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## Roles and responsibilities of DPS-Section 6



6(1) : DPS to provide notified service to the eligible person within the stipulated time [section 7(2)]

6(2): DPS may seek assistance of any employee / officer for discharge of his duties

6(3): These officials/employees are required to render all assistance. For any contravention of the act, this officer or employee shall be treated as DPS.

### **Display of Information: (Rule 5 of RTPS Rules)**

about DPS/AA/User charge/stipulated time, eligibility criteria to apply for a service etc. in the notice board so that citizens can easily see these information.

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## Stipulated Time : Section 7

7(1) : to start from the date of submission of application for a service.  
(Holidays to be excluded)

*Such an application shall be duly acknowledged.*

7(2): DPS shall provide the service within stipulated time  
Or reject the application

### **In case it is rejected,**

To record the reasons in writing and communicate to the applicant

- (i) *The reason of such rejection*
- (ii) *The period in which an appeal may be preferred*
- (iii) *The particulars of the AA*

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## What can a citizen do if he

- does not get a service within stipulated time
- is aggrieved by the decision of DPS

## Can appeal to the Appellate Authority (Section 9)

- Within 30 days from the date of receipt of such decision or expiry of the stipulated time
- AA may accept the appeal beyond thirty days if satisfied that the appellant was prevented by sufficient cause from filing the appeal



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## Appeal Disposal by AA: Section-8(2):

### Option A

AA may **order** the DPS to provide the service within the stipulated time

### Option B

May **reject** the Appeal- recording the reasons of rejection in the order

**Provided that:**

the appellant as well as DPS are given the opportunity of being heard

### Appeal Disposal Time :Section 8(3)

Within 30 days from the date of submission of appeal : not more than 45 days: (Reasons to be recorded)

# ASSAM RIGHT TO PUBLIC SERVICE ACT



## Second Appeal: Section 8(4)



### Second Appeal: Section 8(4)

: aggrieved by the order of Appellate Authority in the first appeal, may make a second appeal to Commission within 60 days from the date of receipt of the order

Commission may entertain an Appeal beyond 60 days but in no case beyond 90 days [Section 8(5)]

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## Appeal Disposal by Commission: Section 8(5)

Onus of proof on DPS : that the denial of service was justified

Decision of the Commission shall be binding on the DPS and the Appellant

AA /Commission has the power of Civil Court while trying the appeals i.e.

- i) may require production and inspection of documents
- ii) may issue summons for hearing to the DPS

***(No time limit for disposal of appeal)***

# ASSAM RIGHT TO PUBLIC SERVICE ACT

## Powers/Functions of Commission: Section 8(D)



(1) To ensure proper implementation of the act.

It may:

- (a) Entertain and dispose appeal
- (b) Recommend Departmental action against erring officer
- (c) Recommend change in procedure in consultation with depts
- (d) Recommend steps to be taken by Public Authority for delivery of services

(2) To frame rules for regulating its own procedure without affecting the provisions of the Act and Rules

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## Penal provisions: section 9 (Newly substituted)

9(1): If DPS

- has refused to receive an application for notified service
- has failed to deliver service within stipulated time
- has malafidely denied the request for the service
- or obstructed in any manner in providing the service

The Commission may impose **penalty Rs 250 per day from the stipulated date. Maximum Rs 25000/-**

### Provided that:

- ✓ DPS is given opportunity of being heard
- ✓ Burden of Proof on DPS

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## Recovery of Penalty:-Section 10 (Substituted)

Commission to inform the DPS as well as Public Authority about the Penalty in writing.

The DPS to pay the penalty within 30 days through treasury

On failure by the DPS to pay the penalty within 30 days ,Competent authority shall recover the penalty from the salary by issuing necessary order

# ASSAM RIGHT TO PUBLIC SERVICE ACT



## Bar on Jurisdiction of Civil Court:-Section 11

- No Civil Court shall entertain any suit against any order passed under the act
- Only appeal shall lie against the order

## Power of state Govt to send application to AA:-Section 12

- Any application for noncompliance of provisions of the act, if **received by Govt, will be sent to AA**

# ASSAM RIGHT TO PUBLIC SERVICE RULES



**Rule Notified vide No: AR 69/2011/Pt-II on 19/9/2012**

- How applications are to be received
- *How stipulated time is to be calculated*
- *Obligation for DPS to display information*
- *Penalties (Now in the Act)*
- *Exemption of fees for appeal*
- *Procedure for application for appeal*
- *Documents to be enclosed with first/second appeal*
- *Procedure for deciding first & second appeal*
- *Serving notice of hearing*
- *Individual presence of applicant/DPS*
- *Order in First/Second appeal*
- *Recovery of Penalty (Now in the act)*



# ASSAM RIGHT TO PUBLIC SERVICE ACT

## How applications are to be received (Rule 3)



- DPS may authorise his subordinate staff to receive application
- Acknowledgement has to be issued mentioning stipulated time *(if required documents are attached)*
- Stipulated Time shall not be mentioned if required documents are not attached
- Stipulated time shall be mentioned in the subsequent application if required documents are attached.

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## Obligation of DPS to display Information: (Rule 5)

- Display information related to notified service
- Designated Public Servant/AA
- Stipulated Time/User Charge against each service
- Documents required to be enclosed with application
- Eligibility criteria
- *In the Notice Board*

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## Procedure of service of notice: Rule 11 & 12

- Notice may be served:( ( Rule -11)
  - i) by the party or person himself (appellant)
  - ii) by hand delivery or through special messenger
  - iii) through registered Post with due acknowledgement
  - iv) through the department in case of review
- If DPS or Appellant remains absent in hearing, second chance shall be given by appellate authority
- If the party or the DPS is absent even after service of notice, the AA may issue order as he deems fit
- Notice to be served at least seven days ahead of the date of hearing. --Rule 12 (1)

# ASSAM RIGHT TO PUBLIC SERVICE ACT

- Assam Administrative Tribunal to exercise the powers and functions of the Commission till it is set up : Sec 8(A)(1)
- Assam Govt to notify the date in Official Gazette as to which date the AAT to exercise the power of the Commission from : Section 8(A)(1)
- Accordingly Assam Govt has issued notification No AR 39/2017/149 4<sup>th</sup> March 2020 announcing that the AAT shall start the functioning of RTPS Commission with immediate effect
- It was published in the Official Gazette



# Question Hour

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**Thank you**

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