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GOVERNMENT OF ARUNACHAL PRADESH
LAW, LEGISLATIVE AND JUSTICE DEPARTMENT
ARUNACHAL PRADESH CIVIL SECRETARIAT
ITANAGAR

NOTIFICATION

The 11th May, 2016

No. LAW/LEGN-04/2015.—The following Act of the Arunachal Pradesh Legislative Assembly which was passed in the Eighth Session of the Sixth Legislative Assembly and received the assent of the Governor of Arunachal Pradesh is hereby published for general information.

(Received the assent of the Governor on 28th April, 2016)

THE ARUNACHAL PRADESH RIGHT TO PUBLIC SERVICES ACT, 2016

(ACT NO. 3 OF 2016)

An

Act

to provide for the delivery of notified services to the general public within the stipulated time limit and for matters connected therewith and incidental thereto ;

Whereas, it is expedient to provide for the delivery of services to the general public within the stipulated time limit ;

Be it enacted by the Legislative Assembly of Arunachal Pradesh in the Sixty-seventh Year of the Republic of India as follows,-

1. **Short title and commencement** : (1) This Act may be called the Arunachal Pradesh Right to Public Services Act, 2016.

(2) It shall extend to the whole of the State of Arunachal Pradesh.

(3) This Act shall apply to the Government Servants appointed substantively to any Civil Services or posts in connection with the affairs of the Government of Arunachal Pradesh and to servants of Local Bodies and Authorities which are owned, controlled or substantially financed by that Government.

(4) 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) "Act" means the Arunachal Pradesh Right to Public Service Act, 2016 ;

(b) "Designated Officer" means an officer designated as such Officer for providing services under sub-section (2) of Section 4 ;

(c) "Eligible person" means person who is eligible to receive any notified service under sub-section (1) of Section 4 ;

(d) "First and Second Appellate Authority" means officers who are designated as such Authority under Section 7 ;

(e) "Government" means the Government of Arunachal Pradesh ;

(f) "Prescribed" means prescribed by the rules made under this Act ;

(g) "Service" means any service notified under Section 4 ;

(h) "Local Body" means any Public Authority, Municipal Body, Public Sector Undertaking, Corporation, Owned, controlled or substantially financed by the Government by whatever name called, for the time being invested by law to render essential services of Public utility within the territory of Arunachal Pradesh or control, manage or regulate such services within a specified local area thereof ;

(i) "State" means State of Arunachal Pradesh ;

3. **Right to Services** : (1) Subject to provisions of the Act, every eligible person in the State shall have a right to Public Services.

(2) The right referred to in sub-section (1) shall include the right to, -

- (a) have access to the public service ;
- (b) receive the public service within the specified time limit ;
- (c) receive public service in a transparent manner ;
- (d) demand performance of duties and functions in accordance with the Act ;
- (e) hold the concerned designated officer accountable for any service deficiency ; and
- (f) seek compensation with respect to non-providing of service or deficiency in service.

4. **Notification of Public Services and time limit** : (1) The State Government or the Local body as the case may be, may from time to time notify the services to be the Public Services for purposes of the Act, and shall specify the time limit within which such services shall be provided to the eligible persons.

(2) For providing services specified under sub-section (1), the Government may, for different areas and for different services, designate officers who shall be responsible for providing each service to the eligible person.

5. **Providing public service within specified time limit and Designated Officers** : (1) It shall be obligatory on the designated officer to provide public services to the eligible person within the time specified in sub-section (1) of Section 4.

(2) The specified time limit shall start from the date when an application is received by the designated officer or by a person subordinate to him authorized to receive the application.

(3) All applications received under sub-section (2) by the designated officer or the authorised person shall be duly acknowledged specifying the number, date and time of receipt of such application. The Department or local body as the case may be, shall maintain status of all applications concerning citizen related services online and shall be duty bound to update the status of the same as per the procedure as prescribed by rules in this regard.

(4) On receipt of application under sub-section (3), the designated officer shall, within the specified time limit, either provide the service or reject the application;

Provided that in case of rejection of application, the designated officer shall record in writing reasons therefore and intimate the same to the applicant.

(5) The designated Officer may seek the assistance of any other officer or employee connected with the delivery of that particular notified service as he may consider necessary for the discharge of the duties under sub-section (1).

(6) Any officer or employee, whose assistance has been sought under sub-section (5), shall render all assistance to the designated officer seeking his assistance; and for any contravention of the provisions of this Act, such other officer or employee, whose assistance has been sought shall be treated a designated officer under this Act for such contravention.

6. **Appeal** : (1) Any person, who does not receive the required service within the stipulated time or whose application is rejected under sub-section (4) of Section 5 may file an appeal to the first Appellate Authority within 30(thirty) days from the date of rejection of the application or on the expiry of the stipulated time limit, in such manner and on payment of such fees as may be prescribed:

Provided that the first Appellate Authority may admit the appeal after the expiry of the period of 30(thirty) days and in no case beyond 60(Sixty) days from the date of rejection of application or the stipulated time limit for delivery of the notified service, if the authority is satisfied that the appellant was prevented by sufficient cause for filing the appeal in time.

(2) The first Appellate Authority may direct the designated officer to provide the service within a specified period or may reject the appeal.

(3) An appeal under sub-section (1) shall be disposed of within a period equivalent to that of the stipulated time limit for delivery of the service.

(4) The Appellant aggrieved by a decision of the first appellate authority may prefer an appeal to the second Appellate Authority within 30 (thirty) days from the date of decision of the first Appellate Authority in such manner and on payment of such fee as may be prescribed ;

Provided that the second Appellate Authority may admit the appeal after the expiry of the period of 30 (thirty) days and in no case beyond 60 (sixty) days from the date of the decision of the first Appellate Authority, if that authority is satisfied that the appellant had sufficient reason for not filling the appeal in time.

(5) The second Appellate Authority may direct the designated officer to provide the service within the specified period or he may reject the appeal with specific order.

(6) Where the second Appellate Authority finds that there is no sufficient reason for not giving the service within the stipulated time limit, he may, along with the direction to provide the service, impose penalty as provided in Section 9.

(7) An appeal under sub-section (4) shall be disposed of within a period equivalent to that of the stipulated time limit for delivery of service.

(8) where the designated officer does not comply with the direction given by the first appellate authority under sub-section (2) of this Section, the person aggrieved by such non-compliance may file an application to the second Appellate Authority and such an application shall be disposed of in the same manner in which a second appeal is to be disposed of under this Act.

7. **Designation of Appellate Authorities** : The Government may by notification designate the first Appellate Authority and the second Appellate Authority in respect of each public service. The Local body may appoint in the like manner the first Appellate Authority and the second Appellate Authority in respect of the services rendered by the said Local body.

Provided that the second Appellate Authority shall be an Officer outside the concerned department, who is higher in status to the First Appellate Authority.

8. **Powers of Appellate Authorities** : The first Appellate Authority and the second Appellate Authority, while deciding an appeal under the Act, shall 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 .

9. **Penalty** : (1) Where the second Appellate Authority finds that the designated officer has failed to provide the service without sufficient and reasonable cause, the second Appellate Authority may, by an order in writing stating the reasons, impose a fine on the designated officer at the rate of ₹ 100 (Rupees one hundred) per day for each day's delay the sum of which shall not exceed five thousand rupees in the first occasion, but the limit of the fine shall not be applicable in subsequent occasions:

Provided that the designated officer shall be given a reasonable opportunity of being heard before imposing such penalty.

(2) where the second Appellate Authority finds that the first Appellate Authority has failed to decide the appeal within the time limit specified in sub-section (3) of Section 6 without sufficient and reasonable cause, he may, by an order in writing stating the reasons, impose fine on the first Appellate Authority which shall not be less than five hundred rupees and not more than five thousand rupees:

Provided that the first appellate authority shall be given a reasonable opportunity of being heard before imposing such penalty.

(3) The second Appellate Authority may, if he is satisfied that the designated officer or the first Appellate Authority has without sufficient cause failed to discharge the duties assigned to him under this Act, recommend disciplinary action against the said designated officer/first Appellate Authority under the service rule applicable to him. The disciplinary Authority shall inform the outcome of the disciplinary action so initiated against the designated officer or the first Appellate Authority from time to time. The second Appellate Authority can call for the record of action taken from the Disciplinary Authority and assess the veracity of the matter.

10. **Bar of jurisdiction of Civil Courts** : No civil court shall entertain any suit, application or other proceedings in respect of any order issued under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.

11. **Liability cost for delay** : On imposition of fine under Section 9 the second Appellate Authority may, by order direct that such portion of the fine imposed under this Section as it may deem fit shall be awarded to the appellant as liability for delay ;

Provided that the amount of such award shall not exceed fifty percent of the fine imposed under the said Section and the remaining amount will be deposited against the appropriate Head of Account as Government revenue.

12. **Protection of action taken in good faith** : No suit, prosecution or other legal proceedings shall lie against any person or officer for anything which is done in good faith or intended to be done in good faith under this Act or any rule made hereunder.

13. **Power to make rules** : (1) The Government may, by notification in the Government Gazette, make rules to carry out the provisions of the Act.

(2) Every rule made under this Act shall, as soon as may be after it is made, be laid before the Arunachal Pradesh Legislative Assembly.

14. **Display of services and given time limit** : The services and the given time limit shall be displayed locally and on website by the Secretary of the Department concerned for information of the public.

15. **Power to remove difficulties** : (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removal of the difficulty .

(2) Every order made under this Section shall, as soon as may be after it is made, be laid before the Arunachal Pradesh Legislative Assembly.

Onit Panyang, IAS
Secretary to the
Government of Arunachal Pradesh,
Itanagar.