



PRESENTATION ON
MIZORAM RIGHT TO PUBLIC
SERVICES ACT, 2015

OBJECTIVES OF THE ACT

- It's main objective is to provide notified public services to the citizens within a stipulated time limit
- It aims at ensuring an accountable and responsive administration to its citizens especially at the grassroots level
- The Act is an important piece of legislation for reforming the public service delivery systems in the State

MAIN FEATURES OF THE ACT

- Provisions for notifying public services to be covered under the Act along with the power to specify time limits for each of such notified services [Sec 4(1)]
- Provisions for notifying Designated Officers to be responsible for providing such services [Sec4(2)] and the appellate authorities for hearing appeals [Sec4(3)]
- Right of citizens to obtain notified public services in a time bound manner [Sec 5]

MAIN FEATURES OF THE ACT

- Liability of Government servants to deliver notified public services within the stipulated time limit [Sec 6]
- Provisions for first appeal [Sec 8] and second appeal [Sec 9] in case of rejection/delay in providing notified public services
- Penalties for failure/delay in providing notified public services [Sec 11]
- Disciplinary action in case of failure to discharge duties under the Act [Sec 13]
- Bar on jurisdiction of civil courts [Sec 14]

MAJOR INITIATIVES IN OTHER STATES

- Madhya Pradesh is the pioneer State in enacting an Act on timely delivery of public services
- “*Madhya Pradesh LokSewaon KePradan Ki Guarantee Adhinyam*” implemented w.e.f 18.08.2010
- Other States which have implemented similar laws includes Uttar Pradesh, NCT of Delhi, Jammu & Kashmir, Bihar, Rajasthan, Uttarakhand, Himachal Pradesh, Punjab, Jharkhand, Assam, Karnataka, Odhisa, Kerala, Chhatisgarh and Haryana

SIGNIFICANCE OF THE ACT

- It empower citizens by providing them rights to obtain notified public services within a stipulated time frame
- It provides an opportunity to enable government officials with a legal and technical framework for providing public services efficiently
- The legislation making public service delivery legally binding on the government displays a strong political will to make citizens active agents within administrative processes rather than mere recipients of services.

SIGNIFICANCE OF THE ACT

- The legislation will definitely be an important tool to check corruption and make the administration more responsive and inevitably more accountable
- The legislation will give the much needed legal backing and ensure more tooth to the Citizens Charter published by various Departments

EXTENT OF THE ACT

- The Mizoram Right to Public Services Act, 2015 extends to the whole of Mizoram [Sec 1(2)]
- It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint [Sec 1(3)]
- The Governor of Mizoram has subsequently notified 01.12.2015 as the date of commencement of the Act

APPLICABILITY

- The Act is applicable to all Government servants under the Government of Mizoram [Sec 2]
- It is also applicable to Government servants under local bodies and authorities which are owned, controlled or substantially financed by the State Government [Sec 2]
- The Act is NOT applicable to
 - *persons appointed on casual or daily rates basis;*
 - *persons employed on contract except when the contract provides otherwise;*
 - *persons whose terms and conditions of services are regulated by or under the provisions of the Constitution; and*
 - *persons whose terms and conditions of service are regulated by or under the provisions of any law made under the Sixth Schedule to the Constitution [Sec 2]*

NOTIFICATION OF PUBLIC SERVICES

- The State Government can notify, from time to time, public services to be covered under the Act and specify the time limits for provision of such notified public services [Sec 4(1)]
- In other words, public services can be notified from time to time by an executive order duly published in the Official Gazette
- The State Government can designate suitable Officers viz. Designated Officers who shall be responsible for providing such notified public services to citizens [Sec 4(2)]

NOTIFICATION OF PUBLIC SERVICES

LIST OF PUBLIC SERVICES NOTIFIED UNDER MIZORAM RIGHT TO PUBLIC SERVICES ACT, 2015
(See sub-section (1) of Section (4))

Sl.No	Name of Public Services	Name of Department	Designated officer	Stipulated time limit (in days)	First Appellate Authority	Second Appellate Authority
1	2	3	4	5	6	7
1	Issue of Ration Card	Food, Civil Supplies & Consumer Affairs	District Civil Supply Officer of the concerned District	2 days	Director, FCS&CA	Secretary, FCS&CA
2	Issue of Duplicate Ration Card	Food, Civil Supplies & Consumer Affairs	District Civil Supply Officer of the concerned District	2 days	Director, FCS&CA	Secretary, FCS&CA
3	Addition/Deletion in a Ration Card	Food, Civil Supplies & Consumer Affairs	District Civil Supply Officer of the concerned District	2 days	Director, FCS&CA	Secretary, FCS&CA
4	Transfer of Ration Card from one Fair Price Shop to another Shop	Food, Civil Supplies & Consumer Affairs	District Civil Supply Officer of the concerned District	5 days	Director, FCS&CA	Secretary, FCS&CA
5	Transfer of Ration Card from one District to another District	Food, Civil Supplies & Consumer Affairs	District Civil Supply Officer of the concerned District	5 days	Director, FCS&CA	Secretary, FCS&CA
6	Job Card under MGNREGA	Rural Development Department	Block Development Officer/Programme Officers in each R.D. Block	15 days	Project Director, DRDA in concerned District.	Deputy Commissioner of the concerned District
7	Payment of unemployment allowance under MGNREGA	Rural Development Department	Block Development Officer/Programme officer in each R.D. Block	15 days	Project Director, DRDA in concerned District.	Deputy Commissioner of the concerned District
8	Grievance Redressal under IAY	Rural Development Department	Block Development Officer in each R.D. Block	7 days	Project Director, DRDA in concerned District.	Secretary, R.D. Department

NOTIFICATION OF PUBLIC SERVICES

Sl.No	Name of Public Services	Name of Department	Designated officer	Stipulated time limit (in days)	First Appellate Authority	Second Appellate Authority
1	2	3	4	5	6	7
17	Certificate of Registration in Form 'B' to dealers under Central Sales Tax Act, 1956	Taxation Department	Commissioner of Taxes	5 days	Secretary, Taxation	Chief Secretary
18	Registration Certificate in Form-II under the Mizoram Societies Registration Act, 2005	Taxation Department	Registrar, Firms & Societies	5 days	Secretary, Taxation	Chief Secretary
19	Partnership Firm Registration under Indian Partnership Act, 1932	Taxation Department	Registrar, Firms & Societies	5 days	Secretary, Taxation	Chief Secretary
20	Driving Licence with Smart Card	Transport Department	District Transport Officer of the concerned District	4 days	Joint Director (MV). Transport in Aizawl District/Addl.DC in other District	Director, Transport
21	Duplicate Driving Licence with Smart Card	Transport Department	District Transport Officer of the concerned District	2 days	Joint Director (MV). Transport in Aizawl District/Addl.DC in other District	Director, Transport
22	Renewal of Driving Licence with Smart Card	Transport Department	District Transport Officer of the concerned District	2 days	Joint Director (MV). Transport in Aizawl District/Addl.DC in other District	Director, Transport
23	Change of address in Driving Licence with Smart Card	Transport Department	District Transport Officer of the concerned District	2 days	Joint Director (MV). Transport in Aizawl District/Addl.DC in other District	Director, Transport
24	International Driving Permit with Smart Card	Transport Department	District Transport Officer of the concerned District	1 day	Joint Director (MV). Transport in Aizawl District/Addl.DC in other District	Director, Transport

DISPLAY OF PUBLIC SERVICES

- The Designated Officer shall display all relevant information relating to notified services for public convenience in **Form 2** which shall include:
 - Designation of Designated Officer
 - First Appellate Authority
 - Second Appellate Authority
 - Stipulated time limit
 - Documents required to be enclosed with the application [Rule 5]

**FORM 2
(See Rule 5)**

FORM OF NOTICE BOARD

Name, Designation and Office Address of the Designated Officer					
Sl. No.	Notified Service	Documents to be annexed with the application	Stipulated time limit for the services	Designation & address of the First Appellate Authority	Designation & address of the Second Appellate Authority
(1)	(2)	(3)	(4)	(5)	(6)



Name of the person authorized to receive application in the office of Designated Officer	
Time limit for filing first appeal	Within 30 days from the decision of the Designated Officer
Time limit for filing second appeal	Within 30 days from the order of the First Appellate Authority

TIME BOUND DELIVERY OF SERVICES

- Every eligible person shall have the right to obtain the services in accordance with this Act within the time bound period as notified under Sec 4(1) [Sec 5]
- The Designated Officer shall provide the notified public services under Sec 4(1) to the eligible person within the stipulated time limit [Sec 6(1)]
- The Designated Officer may seek the assistance of any other officer connected with the delivery of that particular notified service [Sec 6(2)]

TIME BOUND DELIVERY OF SERVICES

- Any Officer whose assistance has been sought to render all assistance to the Designated Officer and shall also be treated as Designated Officer under this Act [Sec 6(3)]
- The stipulated time limit shall start from the date when the application for obtaining a notified public service is received by the Designated Officer or by a person sub-ordinate to him so authorized to receive the application. [Sec 7(1)]
- The Designated Officer, on receipt of an application, shall provide the notified public service or reject the application within the stipulated time limit [Sec 7(2)]

RECEIPT OF APPLICATION FOR SERVICES

- The Designated Officer may receive or may, by order, authorize any subordinate officer or employee of the Department to receive the application made by any eligible person to obtain any notified service
- He shall also issue the acknowledgement receipt to the applicant in **Form-1** [Rule 3]

FORM 1
(See Rule 3)

FORM OF ACKNOWLEDGEMENT

Name of the Designated Officer & Office Address	
Name & address of the applicant	
Date of receiving application in the office of the Designated Officer	
Name of the notified service for which the application is given	
Particulars of the documents which are essential for receiving the service but not enclosed with the application	
Last date of the stipulated time limit	

Place : _____

Date : _____

Signature of recipient

Name & Designation with seal

RECEIPT OF APPLICATION FOR SERVICES

- In case all the essential documents for providing the notified service are not enclosed in the application, the last date of the stipulated time limit shall not be specified. [Rule 3]
- While computing the stipulated time limit for providing notified services, Sundays and all other public holidays shall not be counted. [Rule 4]
- “Public holiday” implies Sundays and any other day declared by the Government, by notification in the Official Gazette, as a public holiday [Explanation to Sec 25 of Negotiable Instruments Act, 1881]

REJECTION OF APPLICATION FOR SERVICES

- In case of rejection of an application, the Designated Officer shall record the reasons in writing and communicate to the person making the application
 - *the reasons for such rejection;*
 - *the period within which an appeal against such rejection may be preferred; and*
 - *the particulars of the First Appellate Authority [Sec 7(2)]*

FORM 3
(See Rule 15)

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 & address of the applicant	Service for which the application is given	Date of receiving application	Last date of the stipulated time limit	Whether application allowed or rejected?	Date & details of the order passed
(1)	(2)	(3)	(4)	(5)	(6)	(7)

APPELLATE AUTHORITIES

- The State Government may designate Appellate Authorities in respect of each notified public service for hearing appeals under the Act [Sec 4(3)] viz.
 1. First Appellate Authority (FAA)
 2. Second Appellate Authority (SAA)
- The First Appellate Authority so designated for each of the notified services shall be higher in grade than the respective Designated Officer [Sec 4(4)]
- Similarly, the Second Appellate Authority so designated for each of the notified services shall be higher in grade than the concerned First Appellate Authority [Sec 4(4)]

APPELLATE AUTHORITIES

- The Appellate Authorities shall have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:-
 - ✓ *requiring the production and inspection of documents;*
 - ✓ *issuing summons for hearing to the Designated Officer and the appellant, and*
 - ✓ *any other matter which may be prescribed [Sec 10]*

FIRST APPEAL

Who can file First Appeal?	What are the grounds for making an Appeal?	Time limit for making an appeal	To whom can the first appeal be made?
A person making an application for notified public services	Rejection of an application OR failure to provide notified public services within time limit	30 days <i>(60 days in case appellant prevented by sufficient case from filing an appeal)</i>	First Appellate Authority

FIRST APPEAL

- The First Appellate Authority shall dispose of the appeal within a period of 30 days from the date of presentation of the appeal [Sec 8(2)]
- First Appellate Authority shall provide a reasonable opportunity of being heard to the appellant and the Designated Officer before passing orders [Sec 8(3)]
- The First Appellate Authority may order the Designated Officer to provide the notified service within such time as it may specify OR may reject the appeal [Sec 8(3)]
- No fees for making first appeal [Rule 6]

SECOND APPEAL

Who can file Second Appeal?	What are the grounds for making an Appeal?	Time limit for making an appeal	To whom can the second appeal be made?
Designated Officer OR A person making an application for notified public services	Grievance with the order of the First Appellate Authority	30 days <i>(60 days in case appellant prevented by sufficient case from filing an appeal)</i>	Second Appellate Authority

SECOND APPEAL

- The Second Appellate Authority shall provide a reasonable opportunity of being heard to the appellant and the Designated Officer [Sec 9(2)]
- The Second Appellate Authority may, within 30 days from the date of presentation of the appeal, pass an order directing the Designated Officer to provide the public service within such time as it may specify OR may pass such other order including rejection of the appeal
- No fees for making second appeal [Rule 6]

PROCEDURE FOR DECIDING APPEALS

- The relevant documents, public records or their copies shall be examined
- The Designated Officer or appellant may be summoned at the time of hearing of appeal [Rule 9]
- The notice of hearing of the first or second appeal, as the case may be, shall be served in any one of the following manners:
 - 1) By the party or person himself;
 - 2) By hand delivery through special messenger; or
 - 3) By registered post with due acknowledgement receipt; or
 - 4) Through the department [Rule 10]

PROCEDURE FOR DECIDING APPEALS

- In all first or second appeals, the date of hearing shall be communicated to the applicant, the Designated Officer and the First Appellate Authority, as the case may be, at least seven working days in advance
- Where it is clear that circumstances exist due to which an appellant, Designated Officer or First Appellate Authority as the case may be, is unable to be present in the hearing, in those cases, before taking final decision, at least one more chance may be given to the appellant, Designated Officer and First Appellate Authority for appearance [Rule 11]

PROCEDURE FOR DECIDING APPEALS

- If any party remains absent after due service of notice of the fixed date of hearing, then the appeal shall be disposed of in his absence or dismissed due to non-appearance [Rule 11]
- The copy of the order passed in the first or the second appeal, as the case may be, shall be communicated to the parties in writing from the First Appellate Authority or Second Appellate Authority. [Rule 12]

PENALTY

- Two cases wherein First Appellate Authority can impose penalty [Sec 11(1)]:

Reasons for imposition of penalty	Amount of penalty	Upon whom penalty can be imposed
Failure to provide notified services without sufficient and reasonable cause	Between Rs 500/- and Rs 5,000/-	Designated Officer
Delay in providing notified services without sufficient and reasonable cause	Rs 250/- per day for such delay but not more than Rs 5,000/-	Designated Officer

PENALTY

- Second Appellate Authority can impose the following penalty [Sec 11(2)]:

Reasons for imposition of penalty	Amount of penalty	Upon whom penalty can be imposed
Failure to decide appeal by FAA within time limit without sufficient and reasonable cause	Between Rs 500/- and Rs 5,000/-	First Appellate Authority

- The penalty so imposed shall be in addition to that provided in any other Act, rules, regulations and notifications already existing [Sec 11(4)]

PENALTY

- In case of imposition of a penalty under Section 11 of the Act, the First Appellate Authority or Second Appellate Authority, as the case may be, shall endorse a copy of the order to the concerned:
 - ✓ **Drawing and Disbursing Officer**, with the direction to recover the amount of penalty from the salary or honorarium or remuneration or contractual payment of the concerned Designated Officer, First Appellate Authority or person or agency concerned, as the case may be, after final disposal of appeal or expiry of appeal period, as the case may be;
 - ✓ **Treasury Officer**, wherever applicable; and
 - ✓ **Department concerned.** [Rule 12]

PENALTY : HEAD OF ACCOUNT

0070	-	Other Administrative Services
60	-	Other Services
119	-	Penalties for deficiency in Public Services
01	-	Receipts under Mizoram Right to Public Services Act, 2015
00(00)	-	

FORM 4
(See Rule 15)

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

Name of the Office of the First Appellate Authority					
Sl. No.	Name & address of the appellant	Date of filing first appeal	Name & Designation of the Designated Officer against whose decision the appeal is filed	Date & details of disposal of the first appeal	Amount of penalty imposed, if any
(1)	(2)	(3)	(4)	(5)	(6)

REVISION

- Designated Officer or First Appellate Authority aggrieved by the orders of the Second Appellate Authority regarding imposition of penalty can make an application for REVISION to the Officer nominated by State Government [Sec 12]
- Application for revision can be made within a period of 60 days
- No fees for making revision of cases
- Revision application can be accepted even after 60 days if application could not be submitted in time due to sufficient cause

REVISIONAL AUTHORITY

Revisional Authority	Remarks
Chief Secretary	When the Chief Secretary himself or the Secretary of the Department concerned is notified as the Second Appellate Authority under Section 4 of the Act
Secretary of the concerned Department	When the Head of Department or an Officer lower in grade than the Head of Department concerned is notified as the Second Appellate Authority under Section 4 of the Act

DISCIPLINARY ACTION

- The Second Appellate Authority may recommend disciplinary action against the Designated Officer or the First Appellate Authority in addition to imposition of penalty under Sec 11
- Failure to discharge the duties under the Act without sufficient and reasonable cause will be sufficient ground for recommendation of disciplinary action [Sec 13]

MISCELLANEOUS PROVISIONS

- There is a bar on jurisdiction of Civil Court for any orders made under this Act [Sec 14]
- Protection of action taken in good faith under this Act [Sec 15]
- The Act to have overriding effect in respect of notified public services notwithstanding anything inconsistent therewith in any other law for the time being in force [Sec 16]

CHALLENGES AHEAD

- More number of public services that are beneficial for citizens may be notified for time bound delivery under Section 4 of the Act
- Develop an IT based mechanism for online monitoring of implementation of the Act
- Generate greater awareness among the public about their rights to obtain notified public services in a time bound manner
- Develop a mechanism for holding review meetings at the Chief Secretary/Secretary level for review of the field implementation of the Act



THANK YOU