



## The Rajasthan Guaranteed Delivery of Public Services Act, 2011

Act 23 of 2011

### Keyword(s):

Delivery of Public Services, Guaranteed Public Services, Eligible Person, First Appeal Officer, Right to Service, Stipulated Time Limit

Amendment appended: 36 of 2013

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Lok Sevaon Ke Pradan Ki Guarantte Adhinyam, 2011 (2011 Ka Adhinyam Sankhyank 23):-

(Authorised English Translation)

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

(Act No. 23 of 2011)

[Received the assent of the Governor on the 21<sup>st</sup> 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 limits 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 the 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 officer, second appeal authority 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 the 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, such other officer or employee, as the case may be, 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 officer within thirty 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 purposes of 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.

प्रकाश गुप्ता,  
Principal Secretary to the Government.



राजस्थान राज—पत्र  
विशेषांक

RAJASTHAN GAZETTE  
Extraordinary

साधिकार प्रकाशित

*Published by Authority*

भाद्र 25, सोमवार, शाके 1935—सितम्बर 16, 2013  
*Bhadra 25, Monday, Saka 1935—September 16, 2013*

भाग 4 (क)

राजस्थान विधान मंडल के अधिनियम।

विधि (विधायी प्रारूपण) विभाग

(ग्रुप-2)

अधिसूचना

जयपुर, सितम्बर 16, 2013

संख्या प. 2 (56) विधि/2/2013:—राजस्थान राज्य विधान—मण्डल का निम्नांकित अधिनियम, जिसे राज्यपाल महोदया की अनुमति दिनांक 15 सितम्बर, 2013 को प्राप्त हुई, एतद्वारा सर्वसाधारण की सूचनार्थ प्रकाशित किया जाता है।

**राजस्थान लोक सेवाओं के प्रदान की गारंटी (संशोधन) अधिनियम, 2013  
(2013 का अधिनियम संख्यांक 36)**

[राज्यपाल महोदया की अनुमति दिनांक 15 सितम्बर, 2013 को प्राप्त हुई]

राजस्थान लोक सेवाओं के प्रदान की गारंटी अधिनियम, 2011 को संशोधित करने के लिए अधिनियम।

भारत गणराज्य के चौंसठवें वर्ष में राजस्थान राज्य विधान-मण्डल निम्नलिखित अधिनियम बनाता है:-

1. संक्षिप्त नाम और प्रारम्भ.- (1) इस अधिनियम का नाम राजस्थान लोक सेवाओं के प्रदान की गारंटी (संशोधन) अधिनियम, 2013 है।

(2) यह ऐसी तारीख से प्रवृत्त होगा जो राज्य सरकार, राजपत्र में अधिसूचना द्वारा, नियत करे।

2. 2011 के राजस्थान अधिनियम सं.23 की धारा 2 का संशोधन.- राजस्थान लोक सेवाओं के प्रदान की गारंटी अधिनियम, 2011 (2011 का



अधिनियम सं.23), जिसे इसमें आगे मूल अधिनियम कहा गया है, की धारा 2 में,-

(क) खण्ड (ज) में, अन्त में आये विद्यमान विराम चिह्न " । " के स्थान पर अभिव्यक्ति " ; और " प्रतिस्थापित की जायेगी; और

(ख) इस प्रकार संशोधित खण्ड (ज) के पश्चात् निम्नलिखित नया खण्ड जोड़ा जायेगा, अर्थात्:-

"(ट) "आयोग" से धारा 8-क के अधीन गठित लोक सेवाओं के प्रदान की गारंटी आयोग अभिप्रेत है।"

**3. 2011 के राजस्थान अधिनियम सं.23 की धारा 8 का संशोधन.-** मूल अधिनियम की विद्यमान धारा 8 के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात्:-

**"8. पुनरीक्षण.-** इस अधिनियम के अधीन द्वितीय अपील प्राधिकारी के किसी आदेश से व्यथित कोई भी व्यक्ति, उस आदेश की तारीख से साठ दिवस की कालावधि के भीतर-भीतर आयोग को, पुनरीक्षण के लिए आवेदन कर सकेगा। आयोग विहित प्रक्रिया के अनुसार उस आवेदन का निपटारा करेगा:

परन्तु आयोग, ऐसे आवेदन को साठ दिवस की उक्त कालावधि की समाप्ति के पश्चात् ग्रहण कर सकेगा, यदि उसका यह समाधान हो जाता है कि आवेदन पर्याप्त कारण से समय पर प्रस्तुत नहीं किया जा सका था।"

**4. 2011 के राजस्थान अधिनियम सं.23 में नयी धारा 8-क का अन्तःस्थापन.-** मूल अधिनियम में, इस प्रकार संशोधित धारा 8 के पश्चात् और विद्यमान धारा 9 के पूर्व निम्नलिखित नयी धाराएं अन्तःस्थापित की जायेंगी, अर्थात्:-

**"8-क. आयोग का गठन.-** (1) राज्य सरकार, राजपत्र में अधिसूचना द्वारा, एक आयोग का गठन करेगी जिसे लोक सेवाओं के प्रदान की गारंटी आयोग के नाम से जाना जायेगा जो इस अधिनियम के



अधीन उसको प्रदत्त अधिकारिता, शक्तियों और प्राधिकार का प्रयोग करेगा।

(2) आयोग एक मुख्य आयुक्त और इतने आयुक्तों से मिलकर बनेगा जितने राज्य सरकार द्वारा अधिसूचित किये जायें।

(3) मुख्य आयुक्त और आयुक्त, राज्य सरकार द्वारा, राजपत्र में अधिसूचनाओं द्वारा नियुक्त किये जायेंगे।

(4) आयोग, कार्य संचालन के संबंध में, प्रक्रिया के ऐसे नियमों का पालन करेगा जो राज्य सरकार द्वारा विहित किये जायें।

(5) आयोग के कार्यकलापों का साधारण अधीक्षण, निदेशन और प्रबन्ध मुख्य आयुक्त में निहित होगा जिसकी सहायता आयुक्तों द्वारा की जायेगी, और वह ऐसी समस्त शक्तियों का प्रयोग कर सकेगा और ऐसे समस्त कार्य और बातें कर सकेगा, जो इस अधिनियम के अधीन किसी भी अन्य प्राधिकारी के निदेशों के अधीन नहीं रहते हुए, स्वायत्त रूप से की जा सकें।

**8-ख. मुख्य आयुक्त और आयुक्त की पदावधि और सेवा की शर्तें.-** (1) मुख्य आयुक्त और आयुक्त, उस तारीख से, जिसको वे पद ग्रहण करते हैं, पांच वर्ष की अवधि के लिए या जब तक कि वे पैंसठ वर्ष की आयु प्राप्त न कर लें, जो भी पहले हो, पद धारण करेंगे।

(2) कोई व्यक्ति आयोग के मुख्य आयुक्त के रूप में नियुक्ति के लिए अर्हित होगा यदि वह राज्य सरकार के मुख्य सचिव की रैंक का अधिकारी है, या रहा है।

(3) कोई व्यक्ति आयोग के आयुक्त के रूप में नियुक्ति के लिए अर्हित होगा, यदि वह निम्नलिखित शर्तों में से कोई भी शर्त पूरी करता है:-

(क) वह राज्य सरकार का कोई अधिकारी है या रहा है, और राज्य सरकार में प्रमुख सचिव की रैंक धारण करता है या धारण की है, या

(ख) वह कम से कम दस वर्ष की कालावधि से जिला न्यायाधीश है या ऐसी अवधि तक जिला न्यायाधीश रह चुका है, या



(ग) वह लोकसेवा के क्षेत्र या सामाजिक सेक्टर में विख्यात व्यक्ति है या रहा है और उसने उन क्षेत्रों में कम से कम पंद्रह वर्ष की कालावधि तक कार्य किया है।

(4) मुख्य आयुक्त या आयुक्त, राज्यपाल को संबोधित अपने हस्ताक्षर सहित लिखित नोटिस द्वारा किसी भी समय अपने पद से त्यागपत्र दे सकेगा।

(5) मुख्य आयुक्त और आयुक्त को संदेय वेतन और भत्ते, तथा सेवा के अन्य निबंधन और शर्तें ऐसी होंगी, जैसीकि राज्य सरकार द्वारा विहित की जायें:

परन्तु मुख्य आयुक्त और आयुक्त की नियुक्ति के पश्चात् न तो उनके वेतन और भत्तों में और न ही सेवा के निबंधनों और शर्तों में कोई अलाभकारी परिवर्तन किये जायेंगे।

**8-ग. मुख्य आयुक्त या आयुक्त का पद से हटाया जाना.-** (1) आयोग के मुख्य आयुक्त या आयुक्त को, राज्यपाल के आदेश द्वारा, उसके पद से हटाया जा सकेगा, यदि वह-

- (क) अनुन्मोचित दिवालिया हो जाता है; या
- (ख) अपनी पदावधि के दौरान, अपने पद के कर्तव्यों के अतिरिक्त, किसी भी संदत्त नियोजन में लगता है; या
- (ग) मानसिक या शारीरिक शैथिल्य के कारण अपने पद पर बने रहने के अयोग्य है; या
- (घ) विकृत्त चित्त हो जाता है और सक्षम न्यायालय द्वारा इस रूप में घोषित कर दिया जाता है; या
- (ङ) किसी ऐसे अपराध के लिए दोषसिद्ध और कारावास से दण्डादिष्ट हो जाता है जो राज्यपाल की राय में नैतिक अधमता से अन्तर्वलित है।

(2) उप-धारा (1) के उपबंधों के अध्यक्षीन रहते हुए, आयोग के मुख्य आयुक्त या आयुक्त को, साबित किये गये कदाचार या अक्षमता के आधार पर उसके पद से, राज्यपाल के आदेश द्वारा, केवल तब ही हटाया जायेगा जब राज्यपाल द्वारा उच्च न्यायालय को निर्देश किये जाने पर, उच्च न्यायालय ने इस निमित्त विहित प्रक्रिया के अनुसार की



गयी जांच पर यह रिपोर्ट दी हो कि ऐसे किसी आधार पर मुख्य आयुक्त या आयुक्त को उसके पद से हटाया जाना चाहिए।

**8-घ. आयोग के अधिकारी और कर्मचारिवृन्द.-** (1) राज्य सरकार आयोग को इतने अधिकारी और कर्मचारिवृन्द उपलब्ध करायेगी जितने इस अधिनियम के अधीन उसके कृत्यों के निर्वहन के लिए अपेक्षित हों। ऐसे अधिकारी और कर्मचारी मुख्य आयुक्त के साधारण अधीक्षण के अधीन अपने कृत्यों का निर्वहन करेंगे।

(2) आयोग के प्रयोजन के लिए नियुक्त किये गये अधिकारियों और कर्मचारिवृन्द को संदेय वेतन और भत्ते तथा सेवा के निबंधन और शर्तें ऐसी होंगी जैसीकि राज्य सरकार द्वारा विहित की जायें।

**8-ङ. आयोग के कृत्य.-** आयोग, निम्नलिखित कृत्यों में से समस्त या इनमें से किसी भी कृत्य का पालन करेगा, अर्थात्:-

- (क) राजस्थान लोक सेवाओं के प्रदान की गारंटी अधिनियम, 2011 (2011 का अधिनियम सं.23) के कार्यान्वयन को मानीटर करना;
- (ख) अधिनियम के कार्यान्वयन में समस्याओं की पहचान करना और इन समस्याओं से निपटने के लिए सुझाव देना;
- (ग) इस अधिनियम के उद्देश्यों की प्राप्ति के निर्धारण के लिए समय-समय पर स्वतंत्र मूल्यांकन अध्ययन कराना;
- (घ) इस अधिनियम के क्रियान्वयन के मुद्दों पर आयोग को जानकारी उपलब्ध कराने के लिए गैर-सरकारी संगठनों, सामाजिक स्वयंसेवकों से संपर्क रखना;
- (ङ) लोगों के बीच जागरूकता लाने के लिए अधिनियम के उपबंधों का व्यापक प्रचार करने के लिए, और इस अधिनियम के कार्यान्वयन संबंधी परिवादों की जांच करने के लिए कदम उठाना;
- (च) इस अधिनियम के कार्यान्वयन का पुनर्विलोकन करने के लिए राज्य, खण्ड और जिला स्तर पर अधिकारियों के साथ बैठकें करना;
- (छ) ऐसे अधिकारियों के विरुद्ध अनुशासनिक कार्रवाई की सिफारिश करना जिनके विरुद्ध प्रारंभिक जांच के पश्चात्

अधिनियम के उपबंधों का कार्यान्वयन न किये जाने के परिवाद सही पाये जायें।

(ज) राज्य सरकार द्वारा समनुदेशित किये गये कोई भी अन्य कृत्य।

**8-च. हाजिर कराने और दस्तावेज पेश कराने की आयोग की शक्तियां.-** (1) आयोग को, इस अधिनियम के अधीन इसके कृत्यों के प्रयोजनों के लिए, निम्नलिखित मामलों के संबंध में वही शक्तियां होंगी जो सिविल प्रक्रिया संहिता, 1908 (1908 का केन्द्रीय अधिनियम सं.5) के अधीन किसी सिविल न्यायालय में निहित होती हैं, अर्थात्:-

- (क) किसी ऐसे व्यक्ति को समन करना और हाजिर कराना तथा शपथ पर उसकी परीक्षा करना;
- (ख) ऐसे दस्तावेज या अन्य सामग्री, जो साक्ष्य में उपयोगी हो, का प्रकटीकरण करने और उसे पेश किये जाने की अपेक्षा करना;
- (ग) शपथपत्रों पर साक्ष्य प्राप्त करना;
- (घ) किसी भी लोक अभिलेख की अध्यपेक्षा करना;
- (ङ) साक्षियों की परीक्षा के लिए कमीशन जारी करना;
- (च) अपने विनिश्चय, निदेशों और आदेशों का पुनर्विलोकन करना;
- (छ) कोई भी अन्य मामला जो विहित किया जाये।

(2) आयोग, सिविल प्रक्रिया संहिता, 1908 (1908 का केन्द्रीय अधिनियम सं.5) में अधिकथित प्रक्रिया से आबद्ध नहीं होगा किन्तु उसका मार्गदर्शन प्राकृतिक न्याय के सिद्धान्तों से होगा और इस अधिनियम और तदधीन बनाये गये किन्हीं भी नियमों के उपबंधों के अध्यधीन रहते हुए, आयोग को, अपनी स्वयं की प्रक्रिया विनियमित करने की शक्ति होगी।

**8-छ. आयोग की वार्षिक और विशेष रिपोर्ट.-** (1) आयोग, राज्य सरकार को एक वार्षिक रिपोर्ट प्रस्तुत करेगा और ऐसे किसी मामले पर, जो उसकी राय में ऐसी अत्यावश्यकता या महत्व का है कि उसको वार्षिक रिपोर्ट के प्रस्तुतिकरण तक आस्थगित नहीं रखा जाना चाहिए, किसी भी समय विशेष रिपोर्ट प्रस्तुत कर सकेगा।



(2) राज्य सरकार, आयोग की वार्षिक और विशेष रिपोर्टों को, आयोग की सिफारिश पर की गयी या की जाने के लिए प्रस्तावित कार्रवाई और सिफारिशों को अस्वीकार करने के कारण, यदि कोई हों, के ज्ञापन सहित, राज्य विधान-मण्डल के समक्ष रखवायेगी।"।

प्रकाश गुप्ता,  
प्रमुख शासन सचिव।

**LAW (LEGISLATIVE DRAFTING) DEPARTMENT  
(GROUP-II)  
NOTIFICATION**

**Jaipur, September 16, 2013**

**No. F. 2 (56) Vidhi/2/2013.**—In pursuance of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorise the publication in the Rajasthan Gazette of the following translation in the English language of Rajasthan Lok Sevaon Ke Pradan Ki Guarantee (Sanshodhan) Adhiniyam, 2013 (2013 Ka Adhiniyam Sankhyank 36):—

**(Authorised English Translation)**

**THE RAJASTHAN GUARANTEED DELIVERY OF  
PUBLIC SERVICES (AMENDMENT) ACT, 2013**

**(Act No. 36 of 2013)**

[Received the assent of the Governor on the 15<sup>th</sup> day of September, 2013]

*An*

*Act*

*to amend the Rajasthan Guaranteed Delivery of Public Services Act, 2011.*

Be it enacted by the Rajasthan State Legislature in the Sixty-fourth Year of the Republic of India, as follows:-

**1. Short title and commencement.**- (1) This Act may be called the Rajasthan Guaranteed Delivery of Public Services (Amendment) Act, 2013.

(2) It shall come into force on such, as the State Government may, by notification in the Official Gazette, appoint.

**2. Amendment of section 2, Rajasthan Act No. 23 of 2011.-** In section 2 of the Rajasthan Guaranteed Delivery of Public Services Act, 2011 (Act No. 23 of 2011), hereinafter referred to as the principal Act,-

(a) in clause (j), for the existing punctuation mark “.” appearing at the end, the expression “; and” shall be substituted; and

(b) after the clause (j) so amended, the following new clause shall be added, namely:-

“(k) “Commission” means the Commission for Guaranteed Delivery of Public Services constituted under section 8-A.”.

**3. Amendment of section 8, Rajasthan Act No. 23 of 2011.-** For the existing section 8 of the principal Act, the following shall be substituted, namely:-

“**8. Revision.-** Any person aggrieved by an order of the second appellate authority under this Act, may make an application for revision to the Commission within a period of sixty days from the date of that order. The Commission shall dispose of the application in accordance with the prescribed procedure:

Provided that the Commission may entertain an application after the expiry of the said period of sixty days, if it is satisfied that the application could not be submitted in time for sufficient reason.”.

**4. Insertion of new section 8-A, Rajasthan Act No. 23 of 2011.-** In the principal Act, after the section 8 so amended and before the existing section 9, the following new sections shall be inserted, namely:-

“**8-A. Constitution of the Commission.-** (1) The State Government shall, by notification in the Official Gazette, constitute a Commission to be known as the



Commission for Guaranteed Delivery of Public Services to exercise the jurisdiction, powers and authority conferred on under this Act.

(2) The Commission shall consist of a Chief Commissioner and as many Commissioners as may be notified by the State Government.

(3) The Chief Commissioner and Commissioners shall be appointed by the State Government by notifications in the Official Gazette.

(4) The Commission shall observe such rules of procedure in regard to the transaction of business as may be prescribed by the State Government.

(5) The general superintendence, direction and management of the affairs of the Commission shall vest in the Chief Commissioner who shall be assisted by the Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the Commission autonomously without being subjected to directions by any other authority under this Act.

**8-B. Term of office and conditions of service of Chief Commissioner and Commissioner.-** (1) *The Chief Commissioner and Commissioner shall hold office for a term of five years from the date on which he enters upon the office or until attains the age of sixty five years whichever is earlier.*

(2) *A person shall be qualified for appointment as a Chief Commissioner of the Commission if he is, or has been an officer of the State Government in the rank of the Chief Secretary.*

(3) *A person shall be qualified for appointment as a Commissioner of the Commission, if he fulfils any of the following conditions:-*

(a) *he is or has been an officer of the State Government and holding the rank of the*

*Principal Secretary in the State Government; or*

*(b) he is or has been a District Judge for a period of at least ten years; or*

*(c) an eminent person in the domain of public service or social sector and has worked in those areas at least for a period of fifteen years.*

*(4) The Chief Commissioner or Commissioner may, by notice in writing under his hand addressed to the Governor, resign from his office at any time.*

*(5) The salary and allowances payable to, and the other terms and conditions of service of, the Chief Commissioner and Commissioner shall be such as may be prescribed by the State Government:*

*Provided that neither the salary and allowances nor the other terms and conditions of service of the Chief Commissioner and Commissioner shall be varied to his disadvantage after his appointment.*

**8-C. Removal of Chief Commissioner or Commissioner from office.-** (1) The Chief Commissioner or Commissioner of the Commission may be removed from the office by an order of the Governor, if he-

- (a) becomes an undischarged insolvent; or
- (b) engages during his term of office in any paid employment outside the duties of his office; or
- (c) is unfit to continue in the office by reason of infirmity of mind or body; or
- (d) becomes of unsound mind and stands so declared by competent court; or
- (e) is convicted and sentenced to imprisonment for an offence which in the opinion of Governor involves moral turpitude.



(2) Subject to the provisions of sub-section (1) the Chief Commissioner or Commissioner of the Commission shall only be removed from his office by an order of the Governor on the ground of proved misbehaviour or incapacity after the High Court on a reference being made to it by the Governor, has on inquiry held in accordance with the procedure prescribed in that behalf by High Court, reported that the Chief Commissioner or Commissioner ought on any such ground to be removed.

**8-D. Officers and employees of the Commission.-** (1) *The State Government shall provide the Commission, such officers and employees as may be required for the discharge of its functions under this Act. Such officers and employees shall discharge their functions under the general superintendence of the Chief Commissioner.*

(2) *The salaries and allowances payable to, and the terms and conditions of the service of the officers and employees appointed for the purpose of the Commission shall be such as may be prescribed by the State Government.*

**8-E. Functions of the Commission.-** The Commission shall perform all or any of the following functions, namely:-

- (a) monitor the implementation of the Rajasthan Guaranteed Delivery of Public Services Act, 2011 (Act No. 23 of 2011);
- (b) identify problems in implementation of the Act and give suggestions to overcome these problems;

- (c) to have independent evaluation studies carried out from time to time to assess the realization of the objectives of the Act;
- (d) networking with NGOs, social volunteers to provide feedback to the Commission on the issues in implementation of the Act;
- (e) take steps for wide publication of the provisions of the Act to create awareness among the public and enquire into the complaints relating to the implementation of the Act;
- (f) to hold meetings with officers at the State, Division and District level to review the implementation of the Act;
- (g) to recommend disciplinary action against officers against whom complaints for non-implementation of the provisions of the Act are found true after preliminary enquiry;
- (h) any other functions assigned by the State Government.

**8-F. Powers of the Commission to enforce attendance and production of documents.-** (1) The Commission shall, for the purposes of its functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908) in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any such document or any other material as may be predicable in evidence;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record;

- (e) issuing commission for the examination of witnesses;
- (f) reviewing its decision, directions and orders;
- (g) any other matter as may be prescribed.

(2) The Commission shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908) but shall be guided by the principles of natural justice and subject to the other provisions of this Act and any rules made thereunder, the Commission shall have the power to regulate its own procedure.

**8-G. Annual and special reports of the Commission.-** (1) The Commission shall submit an annual report to the State Government and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(2) The State Government shall cause the annual and special reports of the Commission to be laid before House of the State Legislature, along with a memorandum of action taken or proposed to be taken on the recommendation of the Commission and the reasons for non-acceptance of the recommendations, if any.”.

प्रकाश गुप्ता,

**Principal Secretary to the Government.**