

BACKGROUND

- The services delivered by the public authorities are “public goods”.
- The supply of these services were governed by various statutory provisions enacted by the legislature and the executive instructions issued by the Government from time to time.
- No time limit is prescribed in the parent Acts/ Rules while delivering the services to the citizens.
- The impact of globalization and liberalization policies of the Government have also induced to deliver basic services to the citizens within a specified time frame.

- It is a part of reduction of supply side bottlenecks and a move to cope up with the rising demand for public services.
- In the absence of any specified time limit, there was rampant corruption in public offices and has negated the very objective of welfare state enshrined in the constitution.
- With the above background, Odisha Right to Public Services Act was enacted by the State Legislature and assented by the Governor on 19/10/2012 and published in the official gazette on 01/11/2012 for general information of the public.

SALIENT FEATURES OF THE ORTPS ACT, 2012:

- The administrative guarantees covered under Citizen's Charters are translated into legal right and justiciable under the provisions of the ORTPS Act, 2012.
- The very objective of the Act is to deliver public services to the Citizen's within a specified time limit.
- For delivery of notified services , there shall be a designated Officer to whom the citizen will make application. It is the responsibility of the designated officer to provide this said services in a time bound manner.
- If the citizen is unable to get the service within the prescribed time limit, he can file appeal before the Appellate Authority.
- Any aggrieved Citizen may file revision petition before the Revisional Authority against the order passed by the Appellate Authority.

- If the Revisional Authority observed that there is delay in providing the service, beyond the stipulated time, he may also impose a penalty not exceeding Rs.250/- per each day of delay.
- The penalty shall be charged from the Designated Officer, Appellate Authority and the concerned subordinate staff, as the case may be and shall be in the proportion, to be decided by the Revisional Authority.
- However, the Designated Officer, Appellate Authority and subordinate staff, will be given a reasonable opportunity of being heard before any penalty is imposed on him/her.
- Non-compliance of the order of the Revisional Authority shall amount to misconduct and make such Government servant liable for disciplinary action.

Various sections of the ORTPS Act, 2012 :

- 1. Short title extent and commencement.
- 2. Definitions
- 3. Notification of Services.
- 4. Providing Services within given time limit.
- 5. Appeal.
- 6. Revision.
- 7. Powers of Appellate Authority and Revisional Authority.
- 8. Penalty.

- 9. Non-compliance amounting to misconduct,
- 10. Bar of jurisdiction of Courts.
- 11' Power of the state Government to send the applications to Appellate Authority directly.
- 12. Protection of action taken in good faith.
- 13. Display in public domain.
- 14. Powers to make rules.
- 15. Power to remove difficulties

ORTPS RULES, 2012

- ORTPC Act is substantive in nature. The procedural provisions are contained in ORTPS Rule, 2012.
- ORTPS Rule, 2012 was enacted by the State Legislature to implement the provisions of the ORTPS Act. It was published in the official Gazette on 07/12/2012.
- ORTPS Rules, 2012 contain 21 rules. Five no. of statutory forms have also been designed for carrying out the provisions of the Act.

Various Rules contained in the ORTPS Rules :

- 1. Short title and commencement
- 2. Definitions.
- 3. Power of Designated Officer to authorize for receiving the applications.
- 4, Issuing acknowledgement to Applicants
- 5. Communication in the event of denial of service etc.
- 6' Public holiday shall not be given in the time limit.
- 7. Display of information on Notice Board

- 8. penalty
- 9. Relaxation in Appeal Fee
- 10. Procedure of application for Appeals and revisions
- 11. Documents to be enclosed with Appeal or revision
- 12. Process in decision on Appeal or revision
- 13. Process of communicating the information of hearing
- 14. Individual presence of application/
Designated officer/ Appellate Authority/
Subordinate Staff

- 15. Order in Appeal or revision
- 16. recovery of Penalty
- 17. Maintenance of records of all disposed cases under the Act
- 18. Dissemination and Training
- 19. Display of information in the public Domain
- 20. Monitoring of Implementation
- 21. Awards

Various statutory forms prescribed under ORTPS Rule are given below

- FORM-1: Form of acknowledgement
- FORM-2: Form of Notice Board
- FORM-3 : Form of register to be maintained in the office of the Designated Officer.
- FORM-4: Form of register to be maintained in the office of the Appellate Authority
- FORM-5: Form of register to be maintained in the office of the Revisional Authority

SERVICES COVERED UNDER ORTPS ACT, 2012

As per the Government Notification No. GAD-AR-DFR-0181-2014(Pt-I)/15005/AR, Bhubaneswar dated 22 June 2015, 324 services of 23 Departments have been notified under Odisha Right To Public Services Act (n ORTPSA).

No.	Department Name	Service
1	Agriculture	6
2	Commerce & Transport	32
3	Co-operation	28
4	Employment and Technical Education & Training	11
5	Excise	2
6	Finance	8
7	Fisheries & Animal Resources Dev	17
8	Forest & Environment	11
9	General Administration	3
10	Health & Family Welfare	2
11	Higher Education	39

No.	Department Name	Service
12	Home	31
13	Housing & Urban Development	30
14	Industries	6
15	Labour & Employees' State Insurance	20
16	Panchayati Raj	2
17	Revenue & Disaster Management	34
18	Rural Development	1
19	Classes Welfare	3
20	School & Mass Education	7
21	Women & Child Development	1
22	Works	1
23	Micro, Small & Medium Enterprise	29

S.No.	Services	Time Limit	Designated Officer
1	Disposal of applications for issue of SC, ST, OBC, SEBC, Legal Heir Certificates	30 days (excluding the period taken for disposal of objections, if any)	Tahasildar/ Addl. Tahasildar
		N.B.: For these certificates citizens should apply in their native tahasils.	
2	issue of Residence & Income Certificate	15 days (excluding the period taken for disposal of objections, if any)	Tahasildar / Addl. Tahasildar
3	Issue of certified copy of RoR	3 days	Tahasildar / Addl. Tahasildar
4	Disposal of uncontested mutation cases	90 days for disposal & 45 days for correction of RoR	Tahasildar / Addl. Tahasildar
5	Disposal of cases u/s 8 (A) of OLR Act	60 Days for disposal (excluding the time taken for payment of premium)	Tahasildar / Addl. Tahasildar concerned
6	agreement of all co-sharers u/s 19 (1) (C) of OLR Act	180 Days	Tahasildar / Addl. Tahasildar
7	Registration of documents	3 days	DSR / SR
8	Issue of Encumbrance Certificate	7 days	DSR / SR

S.No.	Services	Time Limit	Designated Officer
9	previously registered documents	7 days	DSR / SR
10	Registration along with issue of marriage certificate under Special Marriage Act	40 days (where no objection received)/70 working days (where objection received)	DSR/SR
			DR
11	Registration of Societies	90 days where more than one district is involved (State Level Society)	Registrar of Societies(IGR)
		30 Days(where one district is involved)(State Level Society)	Addl. Registrar of Societies (ADM)
12	by tahasildars from the date of receipt of funds and	90 Days	Tahasidar
13	issue of Solvency Certificate for an amount less than	30 days (Excluding the period taken for disposal of objections, if any)	Tahasildar / Addl. Tahasildar
14	issue of Solvency Certificate for an amount of and above	30 days (Excluding the period taken for disposal of objections, if any)	Sub-Collector
15	issue of Guardianship Certificate	45 days (Excluding the period taken for disposal of objections, if any)	Collector
16	document filed u/s 89 of Registration Act, 1908	7 days	DSR/SR
17	Registration of Partnership Firm	90 days	Officer delegated with power

S.No.	Services	Time Limit	Designated Officer
18	Amendment of Registered Partnership Firm	30 days	Officer delegated with power
19	Dissolution of Partnership firm	45 days	Officer delegated with power
20	Certified copy of Certificate of Firm	7 days	Officer delegated with power
21	Amendment of Registered Society (District level)	30 days	Additional Registrar of Societies(ADM)
22	Amendment of Registered Society (State level)	60 days	IGR
23	of Society Registered within last five years (District level)	5 days	Additional Registrar of Societies(ADM)
24	of Society Registered within last five years (State level)	5 days	IGR
25	of Society Registered within last ten years (District level)	7 days	Additional Registrar of Societies(ADM)
26	of Society Registered within last ten years (State level)	7 days	IGR

S.No.	Services	Time Limit	Designated Officer
27	Society Registered within last five years (District level)	5 days	Additional Registrar of Societies(ADM)
28	Society Registered within last five years (State level)	5 days	IGR
29	Society Registered within last ten years (District level)	7 days	Additional Registrar of Societies(ADM)
30	Society Registered within last ten years (State level)	7 days	IGR
31	Memorandum of Society Registered within last five	5 days	Additional Registrar of Societies(ADM)
32	Memorandum of Society Registered within last five	5 days	IGR
33	Memorandum of Society Registered within last ten	7 days	Additional Registrar of Societies(ADM)
34	Memorandum of Society Registered within last ten	7 days	IGR

- **MAJOR ISSUES FOR SUCCESSFUL IMPLEMENTATION OF ORTPS ACT:**

- **Harmonization and unification issues:**

The provisions of the ORTPS Act shall be harmonized with the various substantive and procedural provisions contained in the parent Acts.

- **Application of IT tools:**

The application of IT tools will reduce the scope of discretion and improve the confidence of the citizen's. It is also help in reducing corruption in public offices.

- **Issue of penalty:**

Some research persons are of the opinion that the system of imposing penalty may not be the optimum solution of providing services in the time bound manner particularly at the initial/ implementation stage.

- **Manpower and infrastructural facilities:**

The act presupposes that there is no constraint with regard to manpower and infrastructural facilities. Unless manpower is strengthened and adequate infrastructural facilities are extended, it will be difficult on the part of the public authorities to deliver the services within the specified time limit.

- **Simplification of procedures:**

Procedural hurdles stand as a bar for proper implementation of the ORTPS Act. Unless the procedure contained in the Parent Acts are simplified , it is difficult to provide the services to the citizen in the prescribed time limit.

- **Specialist approach:**

The public authority shall not be overburdened with multifarious nature of duty. His duty should be well defined and should be limited to a particular service or services depending on the quantity of application to be disposed of. Efficiency of any public authority can be judged only if he is entrusted with a particular nature of duties.

- **Issue of acknowledgement receipt:**

This is the first step towards implementation of the ORTPS Act. Non issuance of acknowledgement slips stands as a bar for implementation of the Act. The public authority shall be suitable trained for issue of acknowledgement slip. If it is not issued , then all other provisions of the Act become redundant for the Citizen.

- **Issue of transaction cost:**

This again relates to procedural aspect. If the transaction cost involved in obeying the law is quite high , then we are operating in a quasi legal / illegal environment.

- **Up gradation of Server capacity:**

Server capacity is required to be upgraded to handle huge database generated during the process of service delivery. Our Govt. has successfully implemented e-District programme in the entire State. There has been complain regarding delay in delivery of services due to low server capacity.

- **Cyber Crime:**

The Public authority shall be very careful while delivering the services by using IT tools. He should have thorough knowledge about the computer and should take all steps to protect the database and to avoid fraud and manipulation of records.