

Frequently Asked Questions
on
Odisha Right to Public Services Acts/ Rules
(Training Materials)

Question: What is the objective of Odisha Right to Public Services Act?

Answer: It is an Act passed by Odisha Legislative Assembly in September, 2012 to provide public services to the citizens in the State of Odisha within pre-determined time frame.

Question: How does it help to a citizen?

Answer: This Act will help a citizen to get the notified public services within the stipulated time frame.

Question: What will the applicant get after filing of application for the notified service?

Answer: The citizen shall be supplied with an acknowledgement after filling of the application before the Designated Officer or his/her authorized representative.

Question: What does the acknowledgement contain?

Answer: The acknowledgement shall be issued to the applicant in the prescribed format containing the last date of the given time limit to tender notified services, if all the essential documents are attached with the application. Otherwise the last date of the given time limit shall not be mentioned.

Question: How can a citizen know the status of his/her application?

Answer: The citizen can get the information of the status of the application by giving his Application No. and Date of receiving application in the office of the Designated Officer, which are mentioned in the acknowledgement slip.

Question: How a citizen can know which services are covered under this Act?

Answer: Each Public Office who is providing services under this Act shall display all information relating to Public Services, given time limit, Appellate Authority and Revisional Authority in the Notice Board in Odia language for convenience of the public.

Question: Who will receive the application in the office of the Designated Officer?

Answer: The Designated Officer can authorize any of his/her subordinate staff to receive the application and issue acknowledgement. The name of the authorized officer has to be displayed in the Notice Board of Designated Officer.

Question: What are the documents necessary to be attached along with the application?

Answer: For each service, the essential documents to be attached along with the application are to be displayed on the Notice Board by the Designated Officer. Accordingly, the applicant has to submit the essential documents along with the application to make it complete in all respect. Last date for time limit for providing services will be mentioned by the Officer concerned only when the application is complete in all respect.

Question: If the Designated Officer denied or delayed-to provide the service, what are information that shall be communicated to the applicant?

Answer: The Designated Officer shall communicate the applicant describing following aspects:-

- a. The Reasons for such denial or delay.
- b. The Period within which an Appeal against such denial or delay he preferred.
- c. The particulars including all available contact information of the Appellate Authority.

Question: Whether the time limit specified for each Service includes the public Holidays?

Answer: No, the public holidays shall not be included in the given time limit for providing the service.

Question: Who can file Appeal?

Answer: The applicant whose application has been rejected by the Designated Officer or who is not provided with the service within the given time limit can file an Appeal against such rejection or non-providing of services.

Question: Within how many days the aggrieved applicant can file an Appeal against the order of the Designated Officer?

Answer: The applicant shall file the Appeal, within 30 days from the date of receipt of the order of rejection of application or the expiry of the given time limit. Further, the Appellate Authority can admit the appeal within 90 days if he is satisfied that the Appellant was prevented by the sufficient cause for not preferring the appeal in time.

Question: How can an applicant file an Appeal against the order of the Designated Officer?

Answer: The applicant aggrieved by the order of the Designated Officer shall file Appeal before the Appellate Authority alongwith following information.

1. Name and address of applicant or person seeking for Appeals.
2. To the extent possible, name and address of Designated Officer against Whose decision the Appeal has been presented.
3. Gist of the order against which the Appeal preferred.
4. Date of application along with name and address of the Designated Officer if the appeal is made against non-receipt of acknowledgement of the applications.
5. Basis for Appeal.
6. Relief sought for.
7. Any other related information that may be necessary for determining the Appeal.

Question: What are the documents required to be enclosed along with the application for Appeal?

Answer: The following documents are required to be enclosed with the Appeal.

1. Table of Contents of documents enclosed with Appeal (Index).
2. Self attested copy of the order against which the Appeal is being made.
3. Copies of documents mentioned in the application for Appeal.

Question: Is there any prescribed-time limit to dispose Appeal by the Appellate Authority?

Answer: The Appellate Authority shall dispose of the Appeal within 30 days from the date of filing of the Appeal and can issue direction to the Designated Officer to provide the required service within the time limit mention in the order.

Question: Can an applicant file an application directly to the Secretary of the Department or the State Government?

Answer: Yes, an applicant can file an application directly to the Secretary of the Department or the State Government, In this case the application shall be transmitted directly to the concerned Appellate Authority and the Appellate Authority shall dispose off the application in the same manner as in case of Appeal.

Question: Who can prefer for Revision?

Answer: An appellant aggrieved by the order of the Appellate Authority can prefer Revision before the Revisional Authority.

Question: What is the time limit for filing Revision?

Answer: The appellant or the Designated Officer aggrieved by the order of the Appellate Authority shall file Revision before the Revisional authority within 30 days from the date of that order or the expiry of date line for disposal of Appeal as the case may be:

Further, the Revisional Authority may entertain the Revision within 60 days if he is satisfied that the petitioner is being prevented by sufficient cause for not preferring the Revision in time.

Question: How can an applicant file Revision against the order of the Appellate Authority?

Answer: The applicant aggrieved by the order of the Appellate Authority can file Revision before the Revisional Authority alongwith following information.

1. Name and address of applicant or person seeking for Revisions.
2. To the extent possible, name and address of Designated Officer/Appellate Authority against whose decision the Revision to be filed.
3. Gist of the order against which the Revision to be filed.
4. Date of application along with name and address of the Designated Officer if the appeal is made against non-receipt of acknowledgement of the applications.
5. Basis for Revision.
6. Relief sought for.
7. Any other related information that may be necessary for determining the Revision.

Question: What are the documents required to be enclosed along with the application of Revision?

Answer: The following documents are required to be enclosed with the Revision.

1. Table of Contents of documents enclosed with Revision.(Index)
2. Self attested copy of the order against which the Revision is being made.
3. Copies of documents mentioned in the application for Revision.

Question: What is the process to be followed in taking decision on Appeal or Revision?

Answer: The following process to be followed for taking decision on Appeal or Revision:-

1. Concerned documents, public records or their copies shall be reviewed.
2. In exceptional circumstances any officer may be authorized for investigation and report.
3. The Designated Officer or Appellate Authority or Sub-Ordinate staff may be summoned at the time of review for a hearing.

Question: How the date of hearing of Appeal and Revision to be communicated to the party concerned?

Answer: Information of hearing of the application for Appeal or Revision shall be communicated in one of the following manners:-

- a. By the party himself/ herself.
- b. By hand delivery through special messenger.
- c. By Regd. Post with A.D.

Question: How many days prior notice is required to present before the Appellate Authority and Revisional Authority?

Answer: In all situations, the hearing date shall be communicated to applicant/ Designated Officer/ Appellate Authority/ Subordinate staff at least seven days prior to the date of hearing fixed.

Question: Whether there is provision for communication of the order of the Appeal and Revision?

Answer: Yes, there is provision for communication of the order of the Appeal and Revision.

1. Appeal or Revision order, as the case may be, shall be read out during the hearing and shall also be reduced to writing.
2. Copy of Appeal order shall be given to Applicant and Designated Officer.
3. Copy of Revision order shall be given to Applicant, Designated Officer, Sub-ordinate staff and Appellate Authority.

Question: Is there any provision for imposition of penalty upon the Designated Officer concerned who failed to provide the service?

Answer: While hearing the Revision, the Revisional Authority may impose a penalty upon the Designated Officer and the Appellate Authority for failure to provide the service without sufficient and reasonable cause. Further he may impose penalty for delay in providing public services.

Question: What is the amount of penalty?

Answer:-

- a. On Designated Officer not exceeding Rs. 5000/- if he failed to provide service without sufficient and reasonable ground.
- b. On Designated Officer not exceeding Rs. 250/- per day for each day of delay if he failed to provide service within time limit without sufficient and reasonable ground.
- c. On Revisional Authority not exceeding Rs. 5000/- if he failed to decide appeal within time limit without sufficient and reasonable ground.
- d. Penalty can be imposed joining on Designated Officer, Appellate Authority and sub-ordinate staff and extent of liability of penalty will be decided by Revisional Authority.

Question: How the penalty will be recovered?

Answer: The penalty imposed under the Provisions of this Act shall be recovered from the salary/ honorarium/ remuneration of the concerned Designated Officer, or Appellate Authority or concerned subordinate staff as the case may be.

The Head of Account for depositing amount of penalty as determined by the Finance Department is "0070-Other Administrative Services-60-Other Services-800-Other Receipts-0097-Mist. Receipts-Mitzi-Fines under Odisha Right to Public Service Act"

Question: What are the powers of the court of Appellate Authority and Revisional Authority?

Answer: The Appellate Authority and the Revisional Authority shall have the same Powers as are vested in the Civil Court while deciding an Appeal and Revision under this Act.

1. Requiring the production and inspection of documents;
2. Issuing summons for hearing to the Designated Officer and Appellant;
and
3. Any other matter which may be prescribed from time to time.

Question: Whether there is any fee required for the Appeal or Revision?

Answer: No fee shall be charged for Appeals and Revisions.

Question: What will happen if the order of the Revisional Authority is not implemented by the concerned officer?

Answer: Non compliance of the orders of Revisional Authority shall amount to misconduct and accordingly Revisional Authority may recommend for disciplinary action.

Question: Whether any civil court can intervene in the orders of Appellate authority and Revisional authority?

Answer: No Civil Court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an Appeal as specified under this Act.

Question: Is there any provision of award towards motivation of the officer who provided service to the public unflinchingly?

Answer: The State Government may give a reward to the officer against whom no default is reported in one year so as to encourage and enhance the efficiency of the government servants. The award shall be in shape of cash incentive not exceeding Rupees Five Thousand in aggregate along with a certificate of appreciation.

Question: Whether the records relating to this act are to be Preserved?

Answer: The Designated Officer, Appellate Authority and Revisional Authority shall maintain records of all the cases in the prescribed formats.