



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XLIV Aizawl, Monday 20.4.2015 Chaitra 30, S.E. 1937, Issue No.156

NOTIFICATION

No.H.12018/236/2014-LJD, the 16th April, 2015. The following Act of the Mizoram Legislative Assembly, which received the assent of the Governor of Mizoram is hereby published for general information.

The Mizoram Right to Public Services Act, 2015
(Act No. 6 of 2015)

{Received the assent of the Governor of Mizoram on the 25th March, 2015}

Zahmingthanga Ralte,
Joint Secretary to the Govt. of Mizoram.

THE MIZORAM RIGHT TO PUBLIC SERVICES ACT, 2015**(ACT NO. 6 OF 2015)****AN
ACT**

To provide for the delivery of notified public services to the people of the State of Mizoram within the stipulated time limit and for matters connected therewith and incidental thereto.

It is enacted by the Legislative Assembly of Mizoram in the Sixty sixth Year of the Republic of India as follows, namely:

1. Short title, extent and commencement:

- (1) This Act may be called the Mizoram Right to Public Services Act, 2015
- (2) It extends to the whole of Mizoram.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Application: This Act shall apply to government servants appointed substantively to any civil services or posts in connection with the affairs of the Government of Mizoram including persons working on deputation basis and to the servants of local bodies and authorities which are owned, controlled or substantially financed by the said Government, but shall not apply to,

- (1) persons appointed on casual or daily rates basis;
- (2) persons employed on contract except when the contract provides otherwise;
- (3) persons whose terms and conditions of services are regulated by or under the provisions of the Constitution; and
- (4) 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.

3. Definitions: In this Act, unless the context otherwise requires:-

- (a) "Application" means a written request by an eligible person to provide notified services under this Act;
- (b) "Designated Officer" means an authority including one belonging to the local self government and organizations, fully or partially funded by the State Government, notified as such for providing the service under sub-section (2) of section 4;
- (c) "Eligible person" means a citizen who is eligible for obtaining the notified service;
- (d) "First Appellate Authority" means an authority including one belonging to the local body who is notified as such under sub section (3) of section 4, who shall be empowered to impose penalty on the Government Servant defaulting or delaying the delivery of services in accordance with this Act;
- (e) "Government Servant" means a person appointed substantively to any civil service or post in connection with the affairs of the State Government including person working on deputation basis; and person appointed in a local body which is owned, controlled or substantially financed by the State Government;

- (f) “Local body” includes any public authority, municipality, Development Councils, Town Planning Authority, Village Councils, autonomous bodies except the Autonomous District Councils, or any other body or authority, by whatever name called, for the time being invested by law to render essential services of public utility within the State or to control, manage or regulate such services within a specified local area thereof;
- (g) “Notification” means a notification published in the Official Gazette;
- (h) “Notified service” means any service notified by the State Government under sub-section (1) of section 4;
- (i) “Prescribed” means prescribed by the rules made under this Act;
- (j) “Right to Public Service” means right to obtain the notified service under this Act from time to time within the stipulated time limit as described under section 5;
- (k) “Rules” means rules made by the State Government under this Act;
- (l) “Second Appellate Authority” means an authority including one belonging to the local body who is notified as such under sub-section (3) of section 4;
- (m) “State Government” means the Government of Mizoram;
- (n) “Stipulated time limit” means maximum time to provide the service by the Designated Officer or to decide the appeal by the First Appellate Authority and Second Appellate Authority as notified under sub-section (1) of section 4;
- (o) “Year” means the calendar year commencing on the 1st day of January of the Year and ending on the 31st day of December.

4. Notification of public services and stipulated time limits, Designated Officers, First Appellate Authority and Second Appellate Authority:

- (1) The State Government may, from time to time, notify the services, to be public services for the purpose of this 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 State Government may, by notification in the Official Gazette, designate suitable Officers who shall be responsible for providing each of such services to the eligible persons and termed such Officers as Designated Officers.
- (3) The State Government may, by notification in the Official Gazette, designate Officers who shall be First Appellate Authority and Second Appellate Authority in respect of each public service.
- (4) The First Appellate Authority so designated for each of the notified services under sub-section (3) shall be higher in grade than the respective Designated Officer. Similarly, the Second Appellate Authority so designated for each of the notified services under sub-section (3) shall be higher in grade than the concerned First Appellate Authority.

5. Right of citizens to obtain 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 sub-section (1) of section 4.

6. Liability of Government Servant to deliver services within the stipulated period:

- (1) The Designated Officer shall provide the notified services under sub section (1) of section 4 to the eligible person within the stipulated time limit.
- (2) 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 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 any contravention of the provisions of this Act, such other officer or employee, whose assistance has been sought, shall be treated as Designated Officer under this Act for such contravention.

7. Providing notified services within stipulated time limit:

- (1) The stipulated time limit shall start from the date when the application for obtaining a required notified service is received by the Designated Officer or by a person subordinate to him so authorized to receive the application. Such application shall be duly acknowledged.
- (2) The Designated Officer on receipt of an application under sub-section (1) shall, within the stipulated time limit, provide the notified service or reject the application and in case of rejection of application, he shall record the reasons in writing and communicate to the person making the application:-
 - (a) the reasons for such rejection;
 - (b) the period within which an appeal against such rejection may be preferred; and
 - (c) the particulars of the First Appellate Authority.

8. First Appeal:

- (1) Any person, whose application is rejected under sub-section (2) of section 7 or who has not been provided the notified service within the stipulated time limit, may file an appeal to the First Appellate Authority within thirty days from the date of rejection of application or the expiry of the stipulated time limit. Filing of such appeal shall be duly acknowledged by the First Appellate Authority by providing the appellant a signed receipt of the same:

Provided that the First Appellate Authority may admit the appeal after the expiry of the period of thirty days but in no case beyond sixty days from the date of rejection of application or the expiry of the stipulated time limit for delivery of that particular notified service, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time

- (2) The First Appellate Authority shall dispose of the appeal preferred under sub-section (1) within a period of 30 (thirty) days from the date of presentation of the appeal

- (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 and in case of rejection of the appeal, the First Appellate Authority shall record the reasons of rejection in his order:

Provided that before passing any order under sub-section (3), the First Appellate Authority shall provide a reasonable opportunity of being heard to the appellant and the Designated Officer.

9. Second Appeal:

- (1) The Designated Officer or the applicant aggrieved by any order of the First Appellate Authority may make a second appeal within thirty days from the date of that order to the Second Appellate Authority.

Provided that the Second Appellate Authority may entertain the second appeal after the expiry of thirty days but in no case beyond sixty days from the date of order of the First Appellate Authority, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (2) The Second Appellate Authority may, within 30 (thirty) 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, as it may deem fit.

Provided that before passing any order under sub section (2), the Second Appellate Authority shall provide a reasonable opportunity of being heard to the appellant and the Designated Officer.

10. Powers of Appellate Authorities:

- (1) The First Appellate Authority 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 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 the appellant, and
 - (c) any other matter which may be prescribed.

11. Penalty;

- (1) (a) Where the First Appellate Authority is of the opinion that the Designated Officer has failed to provide the notified service without sufficient and reasonable cause, he may impose a lump-sum penalty on the Designated Officer which shall not be less than 500 rupees and not more than 5000 rupees.

(b) Where the First Appellate Authority is of the opinion that the Designated Officer has caused delay in providing the notified service without sufficient and reasonable cause, he may impose a penalty at the rate of 250 rupees per day for such delay on the Designated Officer which shall not be more than 5000 rupees.

Provided that the Designated Officer shall be given a reasonable opportunity of being heard before any penalty is imposed on him.

- (2) Where the Second Appellate Authority is of the opinion that the First Appellate Authority has failed to decide the appeal within the stipulated time limit without any sufficient and reasonable cause, he may impose a lump-sum penalty which shall not be less than 500 rupees and not more than 5000 rupees on the First Appellate Authority:

Provided that the First Appellate Authority shall be given a reasonable opportunity of being heard before any penalty is imposed on him.

- (3) The penalty as imposed under the above provisions of the Act shall be charged from the Designated Officer, First Appellate Authority and concerned subordinate staff, as the case may be and in the proportion to be decided by the First Appellate Authority or the Second Appellate Authority, as the case may be, taking in to account, among other factors, the degree of responsibility and extent of negligence.
- (4) The penalty so imposed shall be in addition to that provided in any other Act, rules, regulations and notifications already existing.

12. Revision: The Designated Officer or the First Appellate Authority aggrieved by any order of the Second Appellate Authority in respect of imposing 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, who shall dispose of the application according to the prescribed procedure.

Provided that the Officer nominated by the State Government may entertain the 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 cause.

13. Disciplinary action: In addition to imposition of penalty under section 11, the Second Appellate Authority, if it is satisfied that the Designated Officer or the First Appellate Authority, as the case may be, has failed to discharge the duties assigned to him under the Act, without sufficient and reasonable cause, may recommend disciplinary action against him under the service rules applicable to him.

14. Bar on jurisdiction of Civil Court: 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.

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

16. Overriding effect of the Act: In relation to the notified services under this Act and its implementation, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

17. Power to make rules:

- (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
- (2) Every rule made under this Act by the Government shall be laid, as soon as may be after it is made, before the Legislative Assembly of Mizoram, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of session immediately following the session or the successive sessions aforesaid, the Legislative Assembly agreed to making any modification in the rules or the Assembly agreed that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; however, any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

18. Power to remove difficulties:

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the official gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulties:

Provided that no such orders shall be made after the expiry of a period of two years from the date of commencement of this Act.

- (2) Every order made under this section shall, as soon as may be after it is made, be laid before the Legislative Assembly of Mizoram.

Secretary
Law & Judicial Department
Govt. of Mizoram