

GENERAL ADMINISTRATION DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya
Mumbai 400 032, dated the 16th November 2016

NOTIFICATION

MAHARASHTRA RIGHT TO PUBLIC SERVICES ACT, 2015.

No. Misc.2015 / C.R. 135 / 18 (O & M).—In exercise of the power conferred by sub-section (1) of section 28 of the Maharashtra Right to Public Services Act, 2015 (Mah. XXXI of 2015), the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (i) of section 28 of the said Act namely :—

1. *Short title.*—These rules may be called the Maharashtra Right to Public Services Rules, 2016.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Maharashtra Right to Public Services Act, 2015;

(b) “Form” means the forms appended to these rules;

(c) “section” means section of the Act.

(2) Words and expressions used, but not defined in these rules and defined in the Act, shall have the same meanings, respectively, assigned to them in the Act.

3. *Display of information on notice board.*—(1) Every Public Authority shall display or cause to display the list of public services to be rendered by it, stipulated time limit, names of Designated Officers, First Appellate Authorities and Second Appellate Authorities, Form or fee, if any, on the notice-board of its office and also on its website or portal of the Government or Department or office, if any.

(2) List of documents that are required to be enclosed with the application form or forms for receiving the service and the forms appended to these rules shall also be displayed on the notice board of its office and also on website or portal of the Government or Department or office.

(3) Such display shall be in Marathi language and where needed in English language and shall be placed at conspicuous place so that visitor is able to notice it easily.

(4) In the event of non-display of such information in the public domain or office or website or portal, the Chief Commissioner or the concerned Commissioner may take *suo moto* cognizance and initiate appropriate action against the concerned office or Department or Designated Officer.

4. *Extending stipulated time limit during period of election as well as natural calamities.*—The concerned administrative department, with the concurrence of the General Administration Department may, by an order, extend the stipulated time limit for notified public services under section 3 of the Act for specific period of time mentioned in the order, if necessary, during elections of local authorities, State Legislature, Parliament or in the event of natural calamities like earthquake, flood, fire or any other such natural calamity.

5. *Authorisation by Designated Officer for receiving application.*—The Designated Officer may authorise, by order, any of his subordinate officer or employee to receive the applications made by the eligible persons to obtain any notified service under the Act and issue the acknowledgment thereof to the applicant. The name of such subordinate officer or employee who is duly authorised to receive the applications shall also be displayed on the notice board or on website or portal of the Department or office.

6. *Issue of acknowledgement to applicant.*—On receipt of an application for public service by an eligible person, the Designated Officer or the authorised subordinate officer or employee, as the case may be, shall give acknowledgment to the applicant in Form I. In case, any document required for providing the service has not been enclosed with the application, the same shall be

clearly mentioned in the acknowledgement and the stipulated time limit for providing such service shall start from the date of production of the required document.

7. *Format of application, necessary documents to be attached thereto.*—(1) Every Public Authority shall prepare the Form of Application for obtaining public service in case the same is not provided under the provisions of the concerned Act, Rules, Notifications, Orders, Government Resolutions or any other Instrument.

(2) The Application Form shall be in Marathi and English language. The list of documents to be furnished along with the Application Form should be mentioned in the form itself.

(3) The Application Forms shall be easily available at the office of the Designated Officer and at the office of in charge of SETU Suvidha Kendra, Mah E-seva Kendra, Sangram Centre and any other Citizen Service Centres. Copy of the said application forms shall also be made available on the website of the office or Department or Aaple Sarkar portal which could be downloaded on mobile apps or online.

(4) The Designated Officer shall ensure that only necessary information for receiving public services is sought from the applicant.

(5) The Designated Officer shall ensure that, as far as possible, only the complete applications with necessary documents are accepted at the time of submission of the application. Application submitted online shall also be accepted by the Designated Officer.

(6) The application shall be duly acknowledged by the Designated Officer or its sub-ordinate officer or employee authorised by him, specifying date, time and place of receipt, unique identification number, name of the employee receiving the application, stipulated time within which the public services will be provided.

(7) If the application is received manually the acknowledgement of the same shall be given manually. If the application is received through online portal facility, the acknowledgement shall be through email or SMS or any other electronic means. Online acknowledgement will also be treated as acknowledgement given to the applicant.

8. *Payment of fee.*—The applicant is required to make payment of a fee, if any, for each service as notified by the concerned authority from time to time, either directly to the Authority or through electronic facility available online for availing of service.

9. *Intimation of rejection of application.*—In case, where the concerned Designated Officer, for valid reasons comes to the conclusion that the notified public services cannot be provided to the applicant, the same shall be intimated to the applicant with the reasons, in writing, within a stipulated time limit provided to give the particular service for which the application has been made. Along with the intimation of rejection, the name and designation of Appellate Authority, its address along with all available contact information of the Appellate Authority, time limit within which the appeal may be made shall also be mentioned. If the application is made online then rejection order shall be sent to the applicant online or on mobile apps.

10. *Mechanism to monitor status of application.*—(1) The Public Authority shall, as far as possible, create a mechanism for monitoring the status of applications using the unique identification number provided to the applicant.

(2) The Public Authority shall, as far as possible, create a mechanism through which timely updates on the status of application can be sent to the eligible person through SMS or email or through any other means so that the eligible person who has applied for the services will be able to monitor the status of his application online.

11. *Procedure for appeal.*—(1) An appeal to the First Appellate Authority under sub-section (1) of section 9 shall be filed in Form II, either manually or online.

(2) An appeal to the Second Appellate Authority under sub-section (3) of section 9 shall be filed in Form III, either manually or online.

12. *Documents to be attached with appeal.*—(1) Along with the first or second appeal, the appellant shall enclose the following documents, namely :—

- (a) List of documents enclosed with the appeal.
- (b) Self attested copy of the order against which the first or second appeal is being made.
- (c) Copies of the documents relied upon and referred to by the appellant in the first or second appeal.

13. *Service of notice of hearing.*—The notice of hearing of the first or the second appeal, as the case may be, shall be served in any of the following manners :—

- (i) by hand delivery through special messenger or process server;
- (ii) by registered post with due acknowledgement;
- (iii) online through email or SMS or Mobile Apps;
- (iv) in case of Government Servant, through his controlling officer or online or email or SMS or Mobile Apps.

14. *Individual presence of applicant or Designated Officer.*—(1) In all first or second appeals, the date of hearing shall be communicated to the appellant and the Designated Officer as well as to the First Appellate Authority in case of Second Appeal, at least seven clear days in advance.

(2) If any party remains absent even after due service of notice of hearing, then the appeal shall be disposed of in his absence.

15. *Procedure for deciding appeal.*—While deciding the appeal, the Appellate Authority shall,—

- (i) summon the Designated Officer and appellant at the time of hearing of Appeal;
- (ii) scrutinise the relevant documents or copies thereof ;
- (iii) hear the Designated Officer and the appellant at the time of hearing of the appeal.

16. *Order in first or second appeal.*—(1) The order in the first or second appeal shall be in writing.

(2) Copy of the order in appeal shall be given to the appellant who has filed the appeal, Designated Officer or the First Appellate Authority, as the case may be.

17. *Maintenance of register of cases under Act.*—The Designated Officer, the First Appellate Authority and the Second Appellate Authority shall maintain Register of the cases in Form IV, either manually or in electronic form.

18. *Appeal filed with Commission.*—The appeal against the order of the Second Appellate Authority shall be filed to the Commission in Form V.

19. *Salaries and allowances, terms and conditions of service of officers and other employees appointed on deputation to office of Chief Commissioner or Commissioners.*—(1) The officers and employees appointed on deputation to office of Chief Commissioner or Commissioners from any Department of the State Government, Board, Corporation or other statutory body of the State Government, shall be paid such salaries and allowances as admissible to them under the rules applicable to them and they shall be governed under the said rules and relevant instructions issued by the State Government, from time to time.

(2) The rules governing conditions of service and disciplinary matter of the State Government employees shall, *mutatis mutandis*, apply to the other officers and other employees of the Commission.

(3) The term of office of the other officers and other employees shall be such as the State Government may specify by order :

Form I
(See rule 6)

Acknowledgement

From

.....

.....

..... (The Designated Officer / Authorised Officer)

To

.....

.....

..... (Name and address of the eligible person)

Ref:—Your application dated

I hereby acknowledge your application referred above.

The following defects in the application may be rectified, urgently:

(Specify defects, if any)

(1)

(2)

(3)

The following required documents or NOC's may please be submitted immediately:-

(1)

(2)

(3)

Place :

Date :

Yours sincerely,
(Designated Officer / Authorised Officer)
(Office Seal)

FORM II

[See rule 11(1)]

Form of first appeal to the First Appellate Authority.

Before the (Designation and office address of the First Appellate Authority)

..... (Name and address of the eligible person)

.....

..... (Name and address of the Designated Officer)

(1) Date of application produced before Designated Officer for providing service	:	
(2) Date of acknowledgement	:	
(3) Date of production of documents, if any	:	
(4) Details of public service required	:	
(5) Decision of the Designated Officer	:	
(6) Stipulated time limit	:	
(7) Date of intimation of rejection of application received by the eligible person.	:	
(8) Grounds for Appeal	:	
(i) Public service not provided within stipulated time; or	:	
(ii) Rejection of Application	:	
(9) Relief sought		
(10) Any other information necessary for filling appeal		

List of Documents enclosed.

(1)

(2)

Declaration

The particulars given above are true and correct to the best of my knowledge, information and belief.

Dated the day of 20 (year)

Signature of the eligible person.

FORM III

[See rule 11(2)]

Form of second appeal to the Second Appellate Authority.

Before the (Designation and office address of the First Appellate Authority)

.....

..... (Name and address of the eligible person)

.....

..... (Name and address of the Designated Officer)

.....

..... (Name and address of the First Appellate Authority)

(1) Date of application to the Designated Officer	:	
(2) Date of acknowledgement	:	
(3) Details of public service required	:	
(4) Decision of the Designated Officer	:	
(5) Decision of the First Appellate Authority	:	
(6) Stipulated time limit	:	
(7) Date of first appeal	:	
(8) Date or expected date to receive any order from the First Appellate Authority	:	
(9) Grounds for Appeal	:	
(i) No decision on first appeal; or	:	
(ii) Rejection of appeal or	:	
(iii) Order on first appeal not satisfactory (reasons)	:	

List of Documents enclosed.

(1)

(2)

Declaration

The particulars given above are true and correct to the best of my knowledge, information and belief.

Dated the day of 20.....(year)

Signature of the eligible person /
Designated Officer.

FORM IV

(See rule 17)

Register of cases.

A. To be maintained by the Designated Officer.

Sr. No.	Date of receipt of application	Date of acknowledgement of the application	Name and address of the eligible person	Public service requested	Date on which application/appeal is disposed of/ If rejected the reasons thereof.
(1)	(2)	(3)	(4)	(5)	(6)

B. To be maintained by the First Appellate Authority.

Sr. No.	Date of receipt of first appeal	Date of acknowledgement of first appeal	Name and address of the eligible person	Public service requested	Date on which application is disposed of/ If rejected the reasons thereof	Details of fine, if any imposed or collected
(1)	(2)	(3)	(4)	(5)	(6)	(7)

C. To be maintained by the Second Appellate Authority.

Sr. No.	Date of receipt of second appeal	Date of acknowledgement of second appeal	Name and address of the eligible person/ Designated Officer / First Appellate Authority	Public service requested	Date on which second appeal is disposed of/ If rejected the reasons thereof	Details of fine, if any imposed or collected
(1)	(2)	(3)	(4)	(5)	(6)	(7)

FORM V
(See rule 18)

Form of Appeal to Maharashtra State Commission for Right to Public Service.

To,

Before the (Maharashtra State Commission for Right to Public Service /
Divisional Commissioner / Government Officer entrusted powers of the Commission)

.....
..... (Name and address of the eligible person with
contact number and e-mail address, if any)

.....
..... (Name and address of the Designated Officer)

..... (Name and address of the First Appellate Authority)

.....

..... (Name and address of the Second Appellate Authority)

.....

(1) Date of making application to the Designated Officer	:	
(2) Date of acknowledgement	:	
(3) Details of public service sought	:	
(4) Name of the Department / office from which service sought		
(5) Date of disposal of application by the Designated Officer	:	
(6) Date of filing of first appeal	:	
(7) Date of acknowledgement of first appeal		
(8) Date of decision of first appeal and its acknowledgement		
(9) Date of filing of second appeal		
(10) Date of disposal of second appeal	:	

Grounds for filing appeal before Commission (in brief) :

.....
.....
.....

Relief sought:

.....
.....
.....

Date:

(Signature of the eligible person /

Place:

Designated Officer)

Note:—Certified copy of the order against which the appeal has been filed by the eligible person shall be enclosed herewith.

Declaration

The particulars given above are true and correct to the best of my knowledge, information and belief.

Dated the day of 20.....(year)

Signature of the eligible person /
Designated Officer.

By order and in the name of the Governor of Maharashtra,

DR. BHAGWAN SAHAI,
Additional Chief Secretary (A. R. and O & M),
Government of Maharashtra.