

No. 155/XXXVI(3)/2023/12(1)/2023

Dated Dehradun, April 25, 2023

NOTIFICATION

Miscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of 'The Uttarakhand Right to Service (Amendment) Act, 2023' (Act No. 10 of 2023).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 20th April, 2023.

**THE UTTARAKHAND RIGHT TO SERVICE (AMENDMENT)
ACT, 2023**

(Uttarakhand Act No. 10 Of 2023)

AN

ACT

to further amend the Uttarakhand Right to Service Act, 2011,

Be it enacted by the Uttarakhand State Legislative Assembly in the Seventy-Fourth Year of the Republic of India as follows

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| Short title and Commencement | 1. | (1) This Act may be called the Uttarakhand Right to Service (Amendment) Act, 2023
(2) It shall come into force at once. |
| Amendment of section 2 | 2. | In the Uttarakhand Right to Service Act, 2011 (here in after referred to as principal Act) clause (i) of Section 2 shall be substituted as follows, namely-
"Second Appellate Authority' means commission; " |
| Amendment of section 3 | 3. | In Principal Act, sub section (2) of section 3 shall be substituted as follows, namely-
"(2) The State Government may by notification prescribe the Designated Officer, First Appellate Authority and the given time limit for the purposes of this Act." |
| Amendment of section 7 | 4. | In Principal Act, section 7 shall be substituted as follows, namely-
"(1) Any eligible person, whose appeal for obtaining service is rejected or who is not provided the service within the time specified by the First Appellate Authority under section 6, may file an appeal to the Second Appellate Authority within thirty days from the date of rejection of such order or the expiry of the time specified by the First Appellate Authority: |

Provided that the second appellate authority may accept any application after the expiry of the prescribed period if it is satisfied that the application could not be made within the prescribed time limit for sufficient reasons.

(2) On receipt of an appeal under sub-section (1), the Second Appellate Authority may consider the matter and if in his opinion right of eligible person are appropriate than he may directs the Designated Officer to provide service to the eligible person within such period as may be specified and in case of any error may direct to present before him in person and clarify his reason:

Provided that before rejecting the appeal, as opportunity of hearing to the eligible person shall be granted by the Second Appellate Authority:

Provided further that an order made by the Second Appellate Authority under this section shall be communicated to the eligible person :

Provided further also that the appeal made under sub-section (1) shall be decided by the Second Appellate Authority, as far as possible, within a period of fourty five days from the date of receipt of appeal."

Amendment of section 8

5.

In Principal Act, section 8 shall be substituted as follows, namely-

"The first Appellate Authority shall while deciding an appeal under the provisions of this Act, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (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 the appellant; and
- (c) any other matter which may be prescribed."

Omission of section 10

6.

In Principal Act, section 10 shall be omitted.

Amendment of section 13

7.

In Principal Act, sub section (1) of section 13 shall be substituted as follows, namely-

"The Commission shall consist of a Chief Commissioner and two Commissioners and their appointment shall be made by the State Government in consultation with the leader of opposition in the uttarakhand vidhan sabha."

Amendment of section 15

8.

In Principal Act, sub section (1) of section 15 shall be substituted as follows, namely-

"The chief commissioner and the commissioners shall hold office for a term of three year from the date on which they enter upon the respective offices, or until they attain the age of sixty five years, whichever is earlier and they shall not be entitled for reappointment."

Amendment of section 17	9.	In Principal Act, in section 17, (i) clause (a) of sub section (1) shall be omitted. (ii) clause(b) and (c) of sub section (1) shall be substituted as follows, namely-
		“(b) take suo moto notice of failure to deliver service in accordance with this Act and refer such cases for disposal to first Appellate Authority or designated officer or may dispose matter suo moto;
		(c) carry out inspections of offices entrusted with the delivery of services and the offices of the First Appellate Authority;”
	(iii)	new clause (g) in sub section (1) shall be inserted as follows, namely-
		“(g) may entertain and dispose of appeal under section 7;”
	(iv)	sub section (3) shall be substituted as follows, namely- “(3) The Commission shall, while inquiring into any matter under this section or disposing of the appeal under section 7, 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) summoning and enforcing the attendance of persons, compelling them to give oral or written evidence on oath and producing documents or things;
		(b) requiring the discovery and inspection of documents;
		(c) receiving evidence on affidavits;
		(d) requisitioning any public records or copies thereof from any court or office;
		(e) issuing summons for examination of witnesses or documents; and
		(f) any other matter which may be prescribed.”
Insertion of section 19.A	10.	In principal Act after Section 19 new Section 19.A shall be inserted as follows, namely-
		“Prohibition of Jurisdiction of Court No 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 under this Act.”
Amendment of Section 20	11.	In Principal Act, in sub section (2) of Section 20 :- (i) clause (b) shall be omitted; (ii) new clause, after clause (c) shall be inserted as follows, namely- “(c.c) the procedure for disposing of an appeal made under section 6 and 7.”

By Order,

SHAHANSHAH MUHAMMAD DILBER DANISH,
Secretary.

Statement of Objects and Reasons

The Right to Service Act, 2011 was enacted by the state government to make available important services related to the general public in a timely manner and to prevent possible corruption. It is proposed to amend the Act for the purpose of empowering the commission constituted for the implementation of the said Act.

2. In the proposed amendment bill, setting the time limit for disposal of second appeal at 45 days, it has been proposed to provide the right of second appeal, the right to Uttarakhand service commission and the power to impose penalty.

3. Along with this, the Chief Commissioner and two Commissioners are to be appointed by the State Government in consultation with the Leader of the Opposition in the Uttarakhand Legislative Assembly. The term of service of the Commissioners is to be three years or 65 years whichever is earlier and the right of service is to be notified to the Commission. Like the commission, the right to bar the jurisdiction of the courts is to be provided.

4. The proposed amendment bill is to fulfill the above objective.

Pushkar Singh Dhami
Chief Minister.