

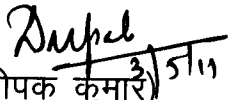
बिहार सरकार  
सामान्य प्रशासन विभाग

॥ अधिसूचना ॥

पटना, दिनांक .....०३.....मई, 2011

संख्या -3/एम०-72/2011.....1354/ अधिसूचना सं०.....1353 दिनांक.....०३ मई, 2011  
का निम्नलिखित अँगरेजी अनुवाद बिहार राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है जो भारत-संविधान के अनुच्छेद 348 के खंड(3) के अधीन अँगरेजी भाषा में इसका प्राधिकृत पाठ समझा जायेगा।

बिहार राज्यपाल के आदेश से,

  
(दीपक कुमार)  
सरकार के प्रधान सचिव।

Govt of Bihar  
General Administration Department

॥ Notification ॥

Patna 15, dt...०३...May, 2011

No. - 3/M - 72/2011.....1353/ In exercise of the powers conferred by Section-13(1) of the Bihar Right to Public Services Act, 2011 (Bihar Act 04 of 2011) the Government of Bihar is pleased to make the following Rules:-

**Bihar Right to Public Services Rules, 2011**

1. **Short title and commencement.** —

- (1) The short title of these rules shall be Bihar Right to Public Services Rules, 2011
- (2) These shall come into force from **the date of notification in the official Gazette.**

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

- (a) 'Act' means the Bihar Right to Public Services Act 2011;
- (b) 'Format' means format annexed with these Rules;
- (c) 'Prescribed Format' means formats prescribed by the concerned department delivering a notified service under the Act;
- (d) 'Section' means Section of the Act;

(2) The meaning of words and explanations which have been used in these Rules but not defined shall be that which has been given for them in the Act.

3. **Power of Designated Public Servant to authorize for receiving the applications.**— The Designated Public servant shall have the power to authorize by order any of his/her subordinate officer/staff for receiving the applications and giving acknowledgement.
4. **Issuing acknowledgement to Applicants.**— The Authorized person under Rule 3 shall give acknowledgement to applicant in the prescribed format and in case any necessary documents have not been enclosed with the application then the same shall be clearly mentioned on the acknowledgment and in such acknowledgments stipulated time limits shall not be mentioned.

However, if all the necessary documents have been enclosed with the application and the application is complete in all respects, then the stipulated time limit shall be mentioned.
5. In the event a service is denied or delayed the Designated Public Servant shall communicate to the person eligible and/or applying for the service:
  - a. The reasons for such denial or delay.
  - b. The period within which an appeal against such denial or delay be preferred; and
  - c. The particulars, including all available contact information of the relevant Appellate Authority under the general provisions of this Act or any other Act as per Section 6(1) as the case may be.
6. **Public holidays shall not be included in the stipulated time limit.**— Public holidays shall not be included in the stipulated time limit for providing the services. That is, the time limit will be days specified plus the number of public holidays.
7. **Display of information on Notice Board.**— Designated Public servant shall, for the convenience of common public, cause to display all relevant information related to services on the notice board that has been put up in the office for easy view. All the necessary documents that are required to be enclosed with the application for receiving the notified services shall be displayed on the Notice Board. In addition to the details in the prescribed format, the Notice Board shall also include the details of how an appeal can be made, as also all the necessary documents that should be attached to an appeal.

In the event of non-display of such information in the public domain, the authority shall initiate appropriate action against the Designated Public Servant.
8. **Penalty.**— With reference to section 7 (1) (a) of the Act, the penalty will be a lump sum amount that shall not be less than 500 rupees and not more than 5000 rupees.

With reference to Section 7 (1) (b) the penalty will be Rs.250 per day of delay, with the proviso that the total penalty in any one case shall not exceed Rs.5000.

With reference to Section 7 (2) of the Act, the penalty will be a lump sum amount not less than Rs.500 and not exceeding Rs.5000.

A penalty that is imposed under the Act will be recovered from the salary/ honorarium/ remuneration of the concerned Designated Public Servant or Appellate Authority. The head for depositing amount of penalty shall be determined after obtaining concurrence of the office of the Accountant General.

9. **Relaxation in Appeal Fee.**— No fee shall be levied for first appeals or second appeals.

10. **Procedure of application for First and Second Appeals.**—

Following information shall be included with application for any First and Second Appeals to Appellate Authority, or Reviewing Authority i.e.,

- (1) Name and address of applicant or person asking for First and Second Appeals.
- (2) To the extent possible, name and address of Designated Public Servant/ Appellate Authority against whose decision the First or Second Appeal has been presented.
- (3) Gist of the order against which the First or Second Appeal lies.
- (4) Date of application along with name and address of the Designated Public Servant if the appeal is made against non-receipt of acknowledgement of the applications.
- (5) Basis for First or Second Appeal.
- (6) Relief asked for.
- (7) Any other related information that may be necessary for determining the First or Second Appeal.

11. **Documents to be enclosed with First or Second Appeal.**—

With every First or Second Appeal following documents shall be enclosed:

- (1) Table of Contents of documents enclosed with First or Second Appeal.
- (2) Self attested copy of the order against which the First or Second Appeal is being made.
- (3) Copies of documents mentioned in the application for First or Second Appeal.
- (4) The Designated Public Servant or the Appellate Authority should provide proof of deposit of penalty in case of application for second appeal; without such proof no application, if is presented for appeal, shall be accepted.

12. **Process in decision on First or Second Appeal.**—

In the decision on First or Second Appeal,

- (1) Concerned documents, public records or their copies shall be reviewed.
- (2) In exceptional circumstances, any officer may be authorized for required investigation.

- (3) The Designated Public Servant or Appellate Authority may be summoned at the time of review for a hearing.

**13. Process of communicating the information of hearing.—**

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

- (1) By the party himself/herself.
- (2) By hand delivery through special messenger.
- (3) By registered post acknowledgment receipt.
- (4) Through the department, in case of review.

**14. Individual presence of applicant/Designated Public Servant/Appellate Authority.—**

- (1) In all situations, the hearing date shall be communicated to applicant/Designated Public Servant/Appellate Authority at least 7 days in advance.
- (2) As the case may be, an applicant/Designated Public Servant/Appellate Authority shall make himself present during the hearing of First or Second Appeal application or can take the option of not attending.
- (3) Where it is clear that such circumstances exist due to which an applicant/Designated Public Servant/Appellate Authority,, as the case may be, is/are not able to be present in hearing, in those cases before taking a final decision one more chance shall be given to the applicant/Designated Public Servant/Appellate Authority or such necessary action shall be taken as is deemed fit.
- (4) If any party remains absent on the date of hearing even after the information of hearing being duly executed to him/her, then, the application for First or Second Appeal, as the case may be, shall be decided in absentia.

**15. Order in First or Second Appeal.—**

- (1) First or Second Appeal order, as the case may be, shall be read during the open hearing and shall be in writing from Appellate Authority or Reviewing Authority.
- (2) Copy of first appeal order shall be given to applicant and Designated Public Servant.
- (3) Copy of second appeal shall be given to applicant, Designated Public Servant and Appellate Authority.
- (4) In the case of imposition of penalty Appellate/Reviewing Authority shall mark copy of such order to the concerned authority with instructions to deduct the amount from the salary/honorarium/remuneration of the Designated Public Servant/Appellate Authority as the case may be.
- (5) In the event of recommendation for departmental enquiry against Designated Public Servant or the Appellate Authority, as the case may be, the Reviewing Authority shall send orders issued against him/her to the concerned appointing authority.
- (6) Where the Reviewing Authority makes any amendment in the order of the Appellate Authority then he/she shall send a copy of such order to the Appellate Authority and officers notified under sub rule (4).

**16. Recovery of Penalty. —**

- (1) The concerned authority shall cause to recover the penalty from the next salary/honorarium/remuneration of the Designated Public Servant or the Appellate Authority or officers and staff as decided by the Appellate/Reviewing Authority, as the case may be, upon receipt of copy of order for imposing penalty under sub-rule (4) of rule 15 and shall deposit it under the concerned head and send a copy of challan to concerned Appellate/Reviewing Authority.
- (2) In case any amendments are made in the Appellate Authority's order during review then the concerned authority shall cause to ensure that such orders are implemented.

**17. Maintenance of records of all disposed cases under the Act.—** The Designated Public Servant, Appellate Authority, and Reviewing Authority shall maintain records of all the cases in the prescribed formats.

**18. Dissemination and Training.—**

The State Government may, to the extent of availability of financial and other resources

- (1) Develop and organize campaigns and programmes to advance the understanding of the public, in particular of the disadvantaged communities, as to how to exercise the rights contemplated under this Act.
- (2) Encourage public authorities to participate in the development and organization of programmes referred to in clause 18 (1) above and to undertake such programmes themselves.
- (3) Promote timely and effective dissemination of accurate information by public authorities about the notified services and timelines, and the processes for applications, and
- (4) Train Designated Public Servants, Appellate and Reviewing Authorities, as the case may be, of their duties under the Act.
- (5) The State Government may compile a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified under this Act.
- (6) The State Government shall, if necessary, update and publish guidelines referred to in sub section (5) above at regular intervals which shall, in particular and without prejudice to the generality of the sub-section (5) above, include:
  - (i) the objects of this Act;
  - (ii) the manner and the form in which request for services shall be made to the designated public servant or appellate authorities;
  - (iii) all remedies in law available regarding a delay or denial of service, including the

manner of filing appeals;

(iv) any additional regulations or circulars made or issued in relation to obtaining services in accordance with this Act;

**19. Monitoring of Implementation.—**

The State Government shall introduce a system for centralized monitoring of the timely delivery of notified services, including service delivery through use of Information and Communication Technologies, and for monitoring various provisions of the Act.

By the order of the Governor of Bihar

  
(Deepak Kumar)

Principal Secretary to Govt.

ज्ञापांक - 3/एम० -72/2011.....1354...../

पटना 15, दिनांक..23.....मई, 2011

प्रतिलिपि- अधीक्षक, सचिवालय मुद्रणालय, गुलजारबाग, पटना को बिहार राजपत्र के असाधारण अंक में प्रकाशनार्थ और उसकी 1000 मुद्रित प्रतियाँ इस विभाग को उपलब्ध कराने हेतु प्रेषित।

  
सरकार के प्रधान सचिव।