THE KERALA STATE RIGHT TO SERVICE BILL, 2012

(As passed by the Assembly)

A

BILL

to provide for the delivery of services to the general public within the stipulated time limit and for matters connected therewith and incidental thereto.

Preamble.—WHEREAS, it is expedient to provide for the delivery of services to the general public within the stipulated time limit;

Be it enacted in the Sixty-third Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Kerala State Right to Service Act, 2012.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “designated officer” means an officer designated as such under section 3 for providing the services as per the provisions of this Act;

(b) “eligible person” means a person who is eligible for the services notified under section 3;

(c) “first appellate authority” means an officer notified as such under section 3;

(d) “Government” means the Government of Kerala;

(e) “prescribed” means prescribed by rules made under this Act;

(f) “right to service” means the right of an eligible person to obtain a service within the stipulated time limit;

(g) “service” means any service to be provided under the provisions of any law for the time being in force or as per Government orders issued from time to time, to the general public by or under any Department of the Government or by a Local Self Government Institution or by a State Public Sector Undertaking or by a Statutory Body, as may be notified under section 3;

(h) “second appellate authority” means an officer notified as such under section 3;

(i) “stipulated time limit” means the maximum time limit notified under section 3 to provide the service by the designated officer or to dispose of an application for such service.

KNPP. 1087/2012.
3. **Power to notify services, stipulated time limit, designated officer etc.**—Save as otherwise provided in any other law for the time being in force, every Department of the Government, every head of Department, every Local Self Government Institution and every statutory body shall within six months of the commencement of this Act, notify in the Gazette the services that will be rendered by each of them, the designated officers, the first appellate authority, the second appellate authority and the stipulated time limit for the purposes of this Act.

4. **Right to obtain services.**—Every eligible person shall have the right to obtain the services notified under section 3 within the stipulated time limit.

5. **Duty of the designated officer.**—(1) The designated officer shall on receipt of an application for service by an eligible person, without prejudice to the provisions of any law for the time being in force, provide the service or reject the application within the stipulated time limit. In case of rejection, he shall state the reasons for the same in writing and shall intimate it to the applicant forthwith.

   (2) An application received under sub-section (1) shall be duly acknowledged by the designated officer or by the officer authorised by him to receive such application.

   (3) The stipulated time limit shall start from the date on which the application is received.

6. **Appeal.**—(1) Any person, who does not receive the required service within the stipulated time or whose application is rejected under sub-section (1) of section 5, may file an appeal to the first appellate authority, within thirty days from the date of rejection of the application or on the expiry of the stipulated time limit, in such manner and on payment of such fee, as may be prescribed:

   Provided that the first appellate authority may admit the appeal after the expiry of the period of thirty days if the authority is satisfied that the appellant had sufficient cause for not filing the appeal in time.

   (2) The first appellate authority may direct the designated officer to provide the service within a specified period or may reject the appeal.

   (3) An appeal under sub-section (1) shall be disposed of within a period equivalent to that of the stipulated time limit.

   (4) Any person aggrieved by a decision of the first appellate authority may prefer an appeal to the second appellate authority within sixty days from the date of decision of the first appellate authority, in such manner and on payment of such fee, as may be prescribed:
Provided that the second appellate authority may admit the appeal after the expiry of the period of sixty days if that authority is satisfied that the appellant had sufficient cause for not filing the appeal in time.

(5) The second appellate authority may direct the designated officer to provide the service within a specified period or he may reject the appeal.

(6) Where the second appellate authority finds that there is no sufficient reason for not giving the service within the stipulated time limit he may, along with the direction to provide the service, impose penalty as provided in section 8.

(7) An appeal under sub-section (4) shall be disposed of within a period equivalent to that of the stipulated time limit.

(8) Where the designated officer does not comply with the direction given by the first appellate authority under sub-section (2) of this section, the person aggrieved by such non-compliance may file an application directly to the second appellate authority and such an application shall be disposed of in the same manner in which a second appeal is to be disposed of under this Act.

(9) Where the designated officer does not comply with the direction for providing the service under sub-section (5) of this section, then the person aggrieved by such non-compliance may file an application directly to the second appellate authority and such an application shall be disposed of in the same manner in which a second appeal is to be disposed of under this Act.

7. Procedure to be followed in appeal.—The first appellate authority and the second appellate authority, while deciding an appeal under this Act, shall have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) in respect of the following matters, namely :—

(a) requiring the production and inspection of documents;

(b) issuing summons for hearing the designated officer and the appellant; and

(c) any other matter which may be prescribed.

8. Penalty.—(1) Where the second appellate authority finds that,—

(a) the designated officer has failed to provide the service without sufficient and reasonable cause, the second appellate authority may by an order in writing, stating the reasons, impose a fine on the designated officer which shall not be less than five hundred rupees and not more than five thousand rupees;
(b) the designated officer has caused delay in providing the service, the second appellate authority may, by an order in writing, stating the reasons, impose a fine on the designated officer, at the rate of two hundred and fifty rupees per day for each day’s delay the sum of which shall not exceed five thousand rupees:

Provided that the designated officer shall be given a reasonable opportunity of being heard before imposing such penalty.

(2) Where the second appellate authority finds that the first appellate authority has failed to decide the appeal within the time limit specified in sub-section (3) of section 6 without sufficient and reasonable cause, he may by an order in writing, stating the reasons, impose a fine on the first appellate authority which shall not be less than five hundred rupees and not more than five thousand rupees:

Provided that the first appellate authority shall be given a reasonable opportunity of being heard before imposing such penalty.

(3) The second appellate authority may, if he is satisfied that the designated officer or the first appellate authority has without sufficient cause, failed to discharge the duties assigned to him under this Act recommend disciplinary action against him under the service rules applicable to him.

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

10. Bar of jurisdiction of Civil Courts.—No civil court shall entertain any suit, application or other proceeding in respect of any order issued under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.

11. Power to make rules.—(1) The Government may, by notification in the Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any
modification in the rule or decides 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; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

12. **Power to remove difficulties.**—(1) Where any difficulty arises giving effect to the provisions of this Act, the Government may, by order published in the Gazette, as occasion may require, do anything, which are considered necessary for them and not inconsistent with the provisions of this Act or the rules made thereunder, for the purpose of removing such difficulty:

Provided that no such order shall be issued under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order issued under sub-section (1) shall be laid before the Legislative Assembly as soon as may be after it is issued.
GOVERNMENT OF KERALA

Personnel and Administrative Reforms (AR-12) Department

NOTIFICATION


S. R. O. No. 750/2012.—In exercise of the powers conferred by sub-section (2) of section 1 of the Kerala State Right to Service Act, 2012 (18 of 2012), the Government of Kerala hereby appoint the 1st day of November, 2012 as the date on which the said Act shall come into force.

By order of the Governor,

T. J. Mathew,
Secretary to Government.
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Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Sub-section (2) of section 1 of the Kerala State Right to Service Act, 2012 (18 of 2012) empowers the Government to appoint the date of commencement of the said Act. The Government have decided to bring the Act into force with effect from the 1st day of November, 2012.

The notification is intended to achieve the above object.
GOVERNMENT OF KERALA

Personnel and Administrative Reforms (AR-XII) Department

NOTIFICATION


S. R. O. No. 751/2012.—In exercise of the powers conferred by sub-section (1) of section 11 of the Kerala State Right to Service Act, 2012 (18 of 2012), the Government of Kerala hereby make the following rules, namely:

RULES

1. Short title and commencement.—(1) These rules may be called the Kerala State Right to Service Rules, 2012.

   (2) They shall come into force at once.
2. **Definitions**.—(1) In these Rules, unless the context otherwise requires,—

(a) “Act” means the Kerala State Right to Service Act, 2012 (18 of 2012);

(b) “authorised officer” means an officer or staff authorised as such by the designated officer under rule 3.

(c) “Form” means the Forms appended to these rules;

(d) “Section” means a 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. **Power of designated officer to authorise other officers to receive applications.**—The designated officer shall have the power to authorise, by order, any of his/her subordinate officer or staff for receiving the applications and giving proper acknowledgement.

4. **Issue of acknowledgement to the Applicant.**—On receipt of an application for service by an eligible person, the designated officer or the authorised officer, as the case may be, shall give acknowledgement to the applicant in Form No. 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 such service shall start from the date of production of the document.

5. **Public holidays shall be excluded from the stipulated time limit.**—Public holidays shall be excluded from the stipulated time limit for providing the services.

6. **Display of information on the Notice Board.**—The designated officer shall, for the convenience of general public, cause to display all relevant informations related to services, stipulated time limit, designated officer, first appellate authority and the second appellate authority on the Notice Board of the office. All documents that are required to be enclosed with the application for receiving the service and the Forms appended to these Rules shall also be displayed on the Notice Board.

7. **Recovery and remittance of fine.**—The fine imposed under section 8 shall be recovered from the salary, honorarium or other remuneration of the designated officer or of the first appellate authority, as the case may be, and remitted to the Head of Account “0070 other administrative services 60 other services 800 other receipts 27 Receipts under Kerala State Right to Service Act 2012” by the officer empowered to do so.
8. **Exemption from payment of appeal fee.**—No fee shall be levied for filing the first or second appeal under section 6.

9. **Appeal.**—(1) An appeal to the first appellate authority under sub-section (1) of section 6 may be filed in Form No. II or in any other format containing the particulars mentioned in the said Form.

(2) An appeal to the second appellate authority under sub-section (4) of section 6 may be filed in Form No. III or in any other format containing the particulars mentioned in the said Form.

10. **Documents to be enclosed with the appeal.**—Along with the first or second appeal, the appellant shall enclose the following documents, namely:—

   (i) List of documents enclosed with the first or second appeal.

   (ii) Self attested copy of the order against which the first or second appeal is being made.

   (iii) Copies of the documents relied upon by the appellant and referred to in the first or second appeal.

11. **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, designated officer or the first appellate authority, as the case may be.

   (3) In the case of imposition of fine, the second appellate authority shall forward a copy of such order to the authority concerned, with instructions to deduct the amount of fine from the salary/honorarium/remuneration of the designated officer or of the first appellate authority, as the case may be.

   (4) In the event of recommendation for disciplinary action against the designated officer or the first appellate authority, as the case may be, the second appellate authority shall forward a copy of the order to the appointing authority concerned.

   (5) Where the second appellate authority makes any amendment in the order of the first appellate authority, then he/she shall forward a copy of such order to the first appellate authority and the designated officer and to the appellant.

12. **Maintenance of register of cases under the Act.**—The designated officer, the first appellate authority and the second appellate authority shall maintain Register of all the cases in Form No. IV.
ACKNOWLEDGEMENT

From

................................................
...................................................(The Designated Officer/Authorized Officer)

To

................................................
...................................................(Name and address of the Applicant)

Sub.—The Kerala State Right to Service Act, 2012—Acknowledgement of application—Reg.

Ref.—Your application dated ..........................................................

I hereby acknowledge your application cited.

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

(Specify defects, if any)

(1) ..............................................................

(2) ..............................................................

Place: ..............................................................

Yours faithfully,

Date: ..............................................................

Designated Officer/Authorised Officer

(Office Seal)
FORM NO. II
[See Rule 9(1)]
FORM OF APPEAL TO THE FIRST APPELLATE AUTHORITY

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

............................................................. (Name and address of the Applicant/Appellant)

............................................................. (Name and office address of Designated Officer/Respondent)

1. Date of application : 
2. Date of acknowledgement : 
3. Date of resubmission of the application : 
   after rectifying the defects, if any
4. Details of service required : 
5. Decision of the designated officer : 
6. Eligibility for the service : 
7. Stipulated time limit : 
8. Grievances : 

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

Signature of the Applicant/Appellant
FORM NO. III

[See Rule 9(2)]

FORM OF APPEAL TO THE SECOND APPELLATE AUTHORITY

Before the ...........................................(Designation and office address of the Second Appellate Authority)

........................................... (Name and address of the Applicant/Appellant)

........................................... (Name and office address of the Designated Officer/1st Respondent)

........................................... (Name and office address of the 1st Appellate Authority/2nd Respondent)

1. Date of application : 
2. Date of acknowledgement : 
3. Details of service required : 
4. Decision of the designated officer : 
5. Decision of the 1st Appellate Authority : 
6. Eligibility for the service : 
7. Stipulated time limit : 
8. Grievances : 

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

Signature of the Applicant/Appellant
### REGISTER OF CASES

#### A. To be maintained by the Designated Officer

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<th>Sl. No.</th>
<th>Date of receipt of application</th>
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<th>Name and address of the applicant</th>
<th>Nature of the service requested</th>
<th>Date on which application is disposed of. If rejected the reasons there of</th>
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#### B. To be maintained by the First Appellate Authority

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<th>Sl. No.</th>
<th>Date of receipt of first appeal</th>
<th>Date of acknowledgement of first appeal</th>
<th>Name and address of the applicant</th>
<th>Nature of the service requested</th>
<th>Date on which appeal is disposed of. Rejection of the appeal and its reasons</th>
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C. To be maintained by the Second Appellate Authority

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<th>Date of acknowledgement of Second appeal</th>
<th>Name and address of the applicant</th>
<th>Nature of the service requested</th>
<th>Date on which appeal is disposed of. Rejection of the appeal and its reasons</th>
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By order of the Governor,

T. J. Mathew,
Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Section 11 of the Kerala State Right to Service Act, 2012 (18 of 2012), empowers the Government to make rules to carry out the provisions of this Act. Accordingly, the Government have decided to make the rules in this regard.

The notification is intended to achieve the above object.