



Right to Service Act in Punjab: Implementation and Prospects. Right to Service and Good Governance

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ABSTRACT

The Right to Service Act would ensure time-bound delivery of public services to the people as a matter of right came into force in Punjab from Oct., 2011. Under the Punjab Right to Service Act-2011 RTS, time-bound delivery of 67 citizen-centric services to the public as a matter of right will be ensured. Besides, a provision for punishing civil servants in case they fail to comply with the prescribed time frame has been incorporated. The Act covers services of the departments of local government, transport, housing and urban development, revenue, health, home, social security, food and civil supplies and rural water supply besides the police department. A person eligible to obtain any service under the provisions of this Act shall make an application to the Designated Officer in this regard. If Designated Officer or other Officer failed to provide service without any reasonable cause, it may impose a fine of minimum Rs. 500 subject to a maximum of Rs. 5,000. Under this Act, the First & Second Appellate Authorities have the power of a Civil Court in order to summon to Designated Officer and Applicant, production and inspection of documents and other matters.

KEYWORDS

Introduction

The government of Punjab with a view to provide delivery of service to the people of the state within certain time limits, notified Punjab Right to Service ordinance on 14th of July 2011. The Ordinance came into force w.e.f, 28th July, 2011 when 67 services were notified under its provisions. Soon after, Punjab Right to Service Act-2011(PRTS Act-2011) was passed by the State Assembly and thus, came into effect on 20th October ,2011.1

As per the section 12 of the of the PRTS Act-2011, there is a provision to constitute Punjab Right to service Commission(PRTSC) consisting of 1 chief Commissioner and 4 commissioners who who would look after the task of effective implementation of the Act.

PRTSC has been entrusted with the task of making suggestions to the state government for ensuring better delivery of services. The commission will also hear revision applications against the orders of 2nd Appellate Authority. The commission has been constituted since 23 Nov, 2011.2

Background/ Objective

The PRTS Act -2011 was enacted with the sole objective of providing an effective frame work for time bound delivery of services being provided by various government departments in order to promote transparency and accountability with the expansion of economy, there has been awareness all around and public at large felt that though they are entitled to services under various enactments, yet there was no time limit fixed for delivery of the services.

The PRTS Act -2011 has empowered people to seek services in a hassle free, corruption free, transparent and time bound delivery mechanism .The act will ensure that people take maximum advantage of time bound service delivery system. As on date, 149 services have been notified under the Act. There is a provision in the Act according to which more services can be notified later if indeed.3

Punjab is the first state in the country to form Punjab Right To Service (PRTS) Commission for effective implementation of PRTS Act and the commission will prove its mettle nationwide by ensuring the best implementation of the act. The Act, designed to empower the common man and to tame the wayward amongst the babus, will be implemented in letter and

spirit. Commission will work on twin pronged strategy namely regular assessment of performance of various departments on the basis of disposal of applications within stipulated time frame and at the same time dissemination of information about PRTS Act via vigorous publicity through print and electronic media besides distributing pamphlets and setting up kiosks and hoardings.4

Prominent implementations practiced under this act presently are:

SUVIDHA CENTER:

A SINGLE WINDOW FOR MULTIPLE SERVICES.

SANJH KENDRA

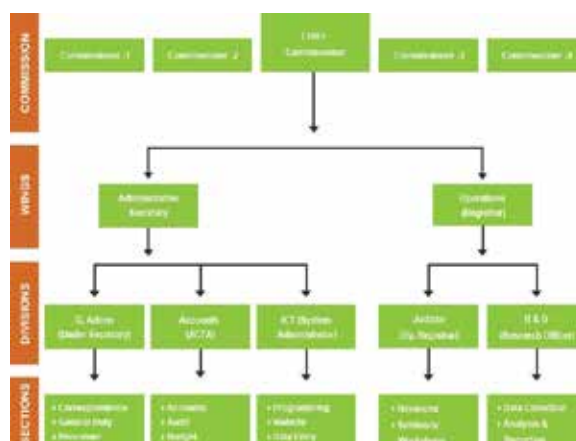
:A SINGLE WINDOW FOR POLICE SERVICES.

FARD KENDRA:

A SINGLE WINDOW FOR REVENUE SERVICES.

Till July 2013, as many as 1.21 crore persons had availed services in various districts of the state under the Act. Around 718 appeals were filed with the 1st Appellate Authority of which 678 were disposed off and nine appeals were filed before the 2nd Appellate Authority of which seven have been disposed off. All 11 revision petitions received too have been disposed off. 5

ORGANISATIONAL STRUCTURE:



Currently, there are 149 services which have been notified in Punjab Right to Service Act, 2011 and these services are provided by 19 different departments, as given below:-

Revenue, Health, Transport, Personnel, Food, Civil Supplies and Consumer Affairs, Housing and Urban Development, Local Govt., Rural Water Supply and Sanitation, Social Security, Home, Welfare of S.C.'s and B.C.'s, Agriculture/ Mandi board, Animal husbandry, School Education, Higher Education, Industries / Punjab Small Industries & Export corporation limited, Power / Electricity, Grievances & Pensions, Town and Country Planning.6

The Act covers services of the departments of local government, transport, housing and urban development, revenue, health, home, social security, food and civil supplies and rural water supply besides the police department. The citizens would be able to get: Copies of birth or death certificates within 2 days,

post-mortem reports within 3 days;

Certified copies of record within 7 days;

Demarcation of land within 21 days;

Attestation of uncontested mutations within 15 days;

Sanction of building plans within 30 days;

Occupation certificate within 15 days;

NOC within 21 days;

Conveyance deed within 15 days;

No Due Certificates within 7 days;

Retransfer of property within 15 days;

Retransfer of property in case of death within 45 days;

Permission to mortgage within 7 days;

Completion certificate within 15 days;

Sanction of water connection and sewage connection in 7 days.

Later, two more services were added in May 2012, taking the number to 69.7

AUTHORITIES UNDER THE ACT

DESIGNATED OFFICER: Under this Act, the govt. shall appoint a Designated Officer in each department, which is subject to RTS. A person eligible to obtain any service under the provisions of this Act shall make an application to the Designated Officer in this regard. The Designated Officer shall accept or reject the application within the specified time period. In case of rejection he/she must duly record the reasons for the rejection and intimate them to the applicant.8

FIRST APPELLATE AUTHORITY: In case of rejection or expiration of time limit, a person can appeal to the First Appellate Authority within 30 days. If the authority finds the grievance genuine, it may ask the Designated Officer to appear before it and give reasons for denial of service. The applicant is also given due hearing. Consequently it may pass an order, accepting or rejecting the application within a maximum period of 30 days. In case of rejection the reasons shall be recorded and communicated to the applicant.9

SECOND APPELLATE AUTHORITY: In case of rejection by First Appellate Authority or expiration of the maximum limit of 30 days, the appeal shall lie with the Second Appellate Au-

thority within 30 days. Second Appellate Authority may either reject the appeal after giving due reasons or direct the Designated Officer to provide the service within the specified period. Opportunity of hearing shall be granted to the applicant and the order shall be communicated to him. The appeal shall be disposed within a maximum of 60 days.10

If the Second Appellate Authority is convinced: that Designated Officer or other Officer failed to provide service without any reasonable cause, it may impose a fine of minimum Rs. 500 subject to a maximum of Rs. 5,000. that Designated Officer or other Officer has caused undue delay in the delivery of Service, it may impose a fine of Rs. 250 per day subject to a maximum of Rs. 5,000. that Designated Officer or other Officer has failed to discharge their duty under this Act, may recommend disciplinary proceedings against them.

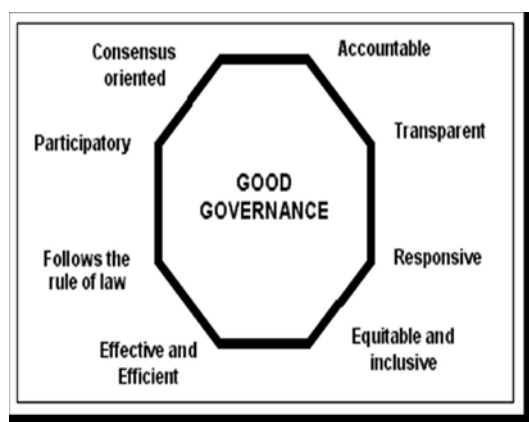
It may also give an amount of compensation to the applicant out of the amount of fine, subject to a maximum of the amount of fine imposed. Under this Act, the First & Second Appellate Authorities have the power of a Civil Court in order to summon to Designated Officer and Applicant, production and inspection of documents and other matters.

RIGHT TO SERVICE COMMISSION: The Appeal to the orders of Second Appellate Authority shall be made to the RTS Commission or within a maximum of 60 days. The Commission may entertain the Application after 60 days in case of a reasonable cause for delay. The commission shall consist of Chief Commissioner and 4 Commissioners appointed by State Govt. in consultation with the Leader of Opposition in Vidhan Sabha.11 SC Agarwal is the incumbent Chief Commissioner of Right to Service Commission. Recently the Commission recommended that 41 new citizen-centric services shall be included under the purview of the RTS Act.

CONCEPT OF GOOD GOVERNANCE:

Good governance is an indeterminate term used in international development literature to describe how public institutions conduct public affairs and manage public resources. Governance is "the process of decision-making and the process by which decisions are implemented (or not implemented)". The term governance can apply to corporate, international, national, local governance or to the interactions between other sectors of society.12

The concept of "good governance" often emerges as a model to compare ineffective economies or political bodies with viable economies and political bodies. The concept centers around the responsibility of governments and governing bodies to meet the needs of the masses as opposed to select groups in society. Because the governments treated in the contemporary world as most "successful" are often liberal democratic states concentrated in Europe and the Americas, those countries' institutions often set the standards by which to compare other states' institutions when talking about governance.



STEPS TAKEN BY THE GOVERNMENT FOR GOOD GOVERNANCE :

The Department of Governance Reforms has been created to improve the internal governance by bringing/introducing reforms in the present system of governance and to achieve good governance through the use of Information Technology (IT) tools.

To assist the department in the process of governance reforms, three key commissions namely Punjab Governance Reforms Commission (PGRC), Punjab Right to Service Commission (PRTSC) and Punjab Right to Information Commission (PRTIC) have been brought under one umbrella, aiming towards inclusive growth and development in the state.

The Department of Governance Reforms is the nodal agency of the State Government for e-Governance initiatives in different departments. Through its Implementing Agency- Punjab State e-Governance Society (PSEGS), the Department of Governance Reforms is executing various e-Governance projects under National e-Governance Programme (NEGP) and State e-Governance programme to improve service delivery to the general public.

Punjab government has initiated workshop and training camp on good governance. Emphasis is put on to reduce the paper work and all the information to be uploaded on the official websites of the respective departments. All the Commissioners of the Commission were also present in the training programme.

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