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NOTIFICATION

No.H.12017/I/2014-P&AR(GGC), the 24th August, 2015. In exercise of the powers conferred by section 17 of the Mizoram Right to Public Services Act, 2015 (Act No.6 of 2015), the Governor of Mizoram is hereby pleased to make the following rules, namely :-

1. Short title, extent and commencement :

- (1) These rules may be called the Mizoram Right to Public Services Rules, 2015
- (2) It shall have the like extent as the Act
- (3) They shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint

2. Definitions:

- (1) In these Rules, unless the context otherwise requires,
 - (a) "Act" means the Mizoram Right to Public Services Act, 2015 (Act No.6 of 2015);
 - (b) "Department" means the concerned administrative department of the Government of Mizoram;
 - (c) "Revisional Authority" means an Officer nominated by the State Government under Section 12 of the Act;
 - (d) "Section" means Section of the Act.
 - (e) "Form" means the form appended to these rules
- (2) The words and expressions used in these rules and not defined but defined in the Act, shall have the same meanings respectively assigned to them in the Act.

3. Authorization by Designated Officer for receiving application: The Designated Officer may, by order, authorize any subordinate officer or employee of the Department to receive the application made by any eligible person to obtain any notified service under the Act and to issue the acknowledgement thereof to the applicant in Form-1:

Provided that in case any documents as specified in the application found to have not been annexed with the application, then the same shall be clearly mentioned in the acknowledgement and the stipulated time limits shall not be mentioned in such acknowledgements, but on subsequent submission of all the documents as mentioned in the application, the stipulated time limit shall be mentioned in the acknowledgement:

Provided further that, if all the necessary documents as specified in the application have been annexed with the application and the application is found to be complete in all respects, then the stipulated time limit shall be mentioned in the acknowledgement.

4. Public holidays shall not be included in the stipulated time limit: While computing the stipulated time limit for providing notified services, Sundays and all other public holidays shall not be counted.

5. Obligation to display information on Notice Board: The Designated Officer shall, for the convenience of common public, cause to display all relevant information relating to notified services including designation of Designated Officers, First Appellate Authority and Second Appellate Authority, stipulated time limit, documents required to be enclosed with the application and eligibility criteria as applicable on the office Notice Board in Form 2.

6. Exemption from Appeal Fee: No fee shall be levied for first appeal or second appeal or application for revision made under the Act.

7. Contents of application for first or second appeal:

- (1) Name and address of applicant or person preferring first/second appeal;
- (2) To the extent possible, name and address of the Designated Officer or person or agency or the First Appellate Authority against whose action or decision the first/second appeal has been preferred;
- (3) Particulars of the order against which the first/second appeal has been preferred;
- (4) Date of application along with name and address of the Designated Officer if the appeal is made against non-receipt of acknowledgement of the applications;
- (5) Ground for first or second appeal;
- (6) The relief sought for; and
- (7) Any other related information that may be necessary for determining the first/second appeal.

8. Documents to be enclosed with first or second appeal: With every first or second appeal, as the case may be, the following documents shall be enclosed:

- (1) Index of documents enclosed with the first/second appeal;
- (2) Copy of the order against which the first/second appeal is being preferred; and
- (3) Copies of documents mentioned in the application for first/second appeal.

9. Procedure for deciding first or second appeal: While deciding first or second appeal, as the case may be,

- (1) The relevant documents, public records or their copies shall be examined;
- (2) The Designated Officer or appellant may be summoned at the time of hearing of appeal.

10. Serving notice of hearing: The notice of hearing of the first or second appeal, as the case may be, shall be served in any one of the following manners:

- (1) By the party or person himself;
- (2) By hand delivery through special messenger; or
- (3) By registered post with due acknowledgement receipt; or
- (4) Through the department

11. Individual presence of applicant/Designated Officer:

- (1) In all first or second appeals, the date of hearing shall be communicated to the applicant, the Designated Officer and the First Appellate Authority, as the case may be, at least seven working days in advance.
- (2) Where it is clear that circumstances exist due to which an appellant, Designated Officer or First Appellate Authority as the case may be, is unable to be present in the hearing, in those cases, before taking final decision, at least one more chance may be given to the appellant, Designated Officer and First Appellate Authority for appearance or may pass such order as may be deemed fit by the First Appellate Authority or the Second Appellate Authority, as the case may be.
- (3) If any party remains absent after due service of notice of the fixed date of hearing, then the appeal shall be disposed of in his absence or dismissed due to non-appearance.

12. Order in First or Second Appeal:

- (1) The copy of the order passed in the first or the second appeal, as the case may be, shall be communicated to the parties in writing from the First Appellate Authority or Second Appellate Authority.
- (2) Copies of the order of first appeal shall be given to the appellant and the Designated Officer.
- (3) Copies of the order of second appeal shall be given to the appellant, Designated Officer and First Appellate Authority.
- (4) In case of imposition of a penalty under Section 11 of the Act, the First Appellate Authority or Second Appellate Authority, as the case may be, shall endorse a copy of the order to the concerned,
 - (a) Drawing and Disbursing Officer, with the direction to recover the amount of penalty from the salary or honorarium or remuneration or contractual payment of the concerned Designated Officer, First Appellate Authority or person or agency concerned, as the case may be, after final disposal of appeal or expiry of appeal period, as the case may be;
 - (b) Treasury Officer, wherever applicable; and
 - (c) Department concerned.
- (5) In the event of recommendation of disciplinary action against the Designated Officer or the First Appellate Authority, as the case may be, under Section 13 of the Act, the Second Appellate Authority shall send copies of the orders issued by him to the concerned Appointing Authority for necessary action.

- (6) If the Second Appellate Authority passes any order under Section 9(2) of the Act, then he shall send a copy of such order to the First Appellate Authority and officers as specified under sub-rule (4) and (5) of this rule.

13. Procedure for disposal of application for Revision:

- (1) The Revisional Authority shall provide a reasonable opportunity of being heard to the Designated Officer or First Appellate Authority or Second Appellate Authority, as the case may be, before passing an appropriate order Section 12 of the Act
- (2) While deciding an application for revision against an order passed by the Second Appellate Authority in respect of imposition of penalty, the Revisional Authority may
- (a) Require the production of a copy of the order of the Second Appellate Authority and any other relevant documents, orders, public records or their copies for examination;
 - (b) Summon the Designated Officer or First Appellate Authority or Second Appellate Authority, as the case may be, at the time of hearing of application for revision
 - (c) Communicate the date of hearing for revision to the Designated Officer or First Appellate Authority or Second Appellate Authority, as the case may be, at least seven working days in advance and the notice of hearing shall be served in the manner as prescribed in Rule 10
- (3) The Revisional Authority, after hearing all the concerned parties, shall pass an appropriate order either accepting the application for revision or rejecting the revision or modifying the order of the Second Appellate Authority

14. Recovery of penalty: Upon receipt of copy of order for imposing penalty under sub-rule (4) of rule 12, the Drawing and Disbursing Officer shall recover the amount of penalty from the salary or honorarium or remuneration or contractual payment of the concerned Designated Officer, First Appellate Authority or person or agency concerned, as the case may be, after final disposal of appeal or expiry of appeal period, as the case may be and shall deposit it under the Head of Account as shown below and send a copy of the Treasury challan to the concerned First Appellate Authority or Second Appellate Authority, as the case may be.

0070	-	Other Administrative Services
60	-	Other Services
119	-	Penalties for deficiency in Public Services
01	-	Receipts under Mizoram Right to Public Services Act, 2015
00(00)	-	

15. Maintenance of records of all disposed cases under the Act: The Designated Officer, First Appellate Authority and Second Appellate Authority shall maintain records of the cases in Form 3, 4 & 5 respectively.

16. Monitoring and inspection:

(1) Subject to the provisions of the Act and these Rules, the Government may issue directions from time to time for effective implementation of the provisions of the Act, superintendence of the cases filed under the Act and for the inspection of the offices of the Designated Officers, First Appellate Authority and Second Appellate Authority, as the case may be.

16. Monitoring and inspection:

- (1) Subject to the provisions of the Act and these Rules, the Government may issue directions from time to time for effective implementation of the provisions of the Act, superintendence of the cases filed under the Act and for the inspection of the offices of the Designated Officers, First Appellate Authority and Second Appellate Authority.
- (2) The State Government may review services notified under the Act at such time as may be determined by the Government and may include or exclude any service, for the purposes of the Act.
- (3) The Government may 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.
- (2) The State Government may review services notified under the Act at such time as may be determined by the Government and may include or exclude any service, for the purposes of the Act.
- (3) The Government may 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.

17. Publication and dissemination of guidelines: The State Government may, to the extent of availability of financial and other resources and subject to the provisions of the Act and these rules,

- (1) Compile a guideline 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, which shall include,
 - (a) The objects of the Act;
 - (b) The manner and the form in which request for notified services shall be made to the Designated Officer, First Appellate Authority and Second Appellate Authority respectively.
 - (c) All remedies available in the Act regarding delay or denial of notified service, including the manner of filing appeals; and
 - (d) Any additional information which may be required for proper implementation of the Act and these rules.
- (2) Update and publish guidelines referred to in sub-rule (1) at such intervals as may be determined by the Government from time to time.

18. Interpretation: If any question arises relating to interpretation of these rules, the decision of the Government in Personnel & Administrative Reforms Department, in consultation with Law & Judicial Department shall be final.

V.Lalremthanga,
Secretary to the Government of Mizoram.

FORM 1
(See Rule 3)

FORM OF ACKNOWLEDGEMENT

Name of the Designated Officer & Office Address	
Name & address of the applicant	
Date of receiving application in the office of the Designated Officer	
Name of the notified service for which the application is given	
Particulars of the documents which are essential for receiving the service but not enclosed with the application	
Last date of the stipulated time limit	

Place : _____

Date : _____

Signature of recipient

Name & Designation with seal

Note :

- 1) In case all the essential documents for providing the notified service are not enclosed in the application, the last date of the stipulated time limit shall not be specified.
- 2) While computing the stipulated time limit for providing notified services, Sundays and all other public holidays shall not be counted.

FORM 2
(See Rule 5)

FORM OF NOTICE BOARD

Name, Designation and Office Address of the Designated Officer					
Sl. No.	Notified Service	Documents to be annexed with the application	Stipulated time limit for the services	Designation & address of the First Appellate Authority	Designation & address of the Second Appellate Authority
(1)	(2)	(3)	(4)	(5)	(6)

Name of the person authorized to receive application in the office of Designated Officer	
Time limit for filing that appeal	Within 30 days from the decision of the Designated Officer
Time limit for filing second appeal	Within 30 days from the order of the First Appellate Authority

FORM 4
(See Rule 15)

FORM OF REGISTER TO BE MAINTAINED IN THE OFFICE OF THE FIRST APPELLATE AUTHORITY

Name of the Office of the First Appellate Authority					
Sl. No.	Name & address of the appellant	Date of filing first appeal	Name & Designation of the Designated Officer against whose decision the appeal is filed	Date & details of disposal of the first appeal	Amount of penalty imposed, if any
(1)	(2)	(3)	(4)	(5)	(6)

FORM 5
(See Rule 15)

FORM OF REGISTER TO BE MAINTAINED IN THE OFFICE OF THE SECOND APPELLATE AUTHORITY

Name of the Office of the Second Appellate Authority						
Sl. No.	Name & address of the appellant	Date of filing second appeal	Name & Designation of the First Appellate Authority against whose decision the second appeal is filed	Date & details of disposal of second appeal	Amount of penalty imposed, if any	Whether disciplinary action recommended?
(1)	(2)	(3)	(4)	(5)	(6)	(7)