

Frequently Asked Questions

1. What is West Bengal Right to Public Services Act?

Ans: It is an Act passed by West Bengal Legislative Assembly in September, 2013 to provide public services to the citizens in the State of West Bengal within stipulated time notified by the authority concerned.

2. How does it help the citizen?

Ans: This Act will help the citizen to avail the notified public services within the stipulated time.

3. Who are the public authorities under this Act who will provide the services to the citizen?

Ans: "Public Authority" means any authority or body or institution of self-government established or constituted (i) by or under the Constitution, (ii) by any other law made by the State Legislature (iii) by notification issued or order made by the State Government and includes any –

- (A) Body owned, controlled or substantially financed by the State Government;
- (B) Non-government organization substantially financed by, directly or in-directly by funds provided by the State Government.

State Government from time to time will notify in the **Official Gazette** the public authority, services, Designated Officers, Appellate Officer, Reviewing Officer and stipulated time limit for service for the purposes of this Act.

4. What are the important services brought under this Act?

Ans: Several services are already available under this Act. A few important services are as follows :

- a) SC, ST, OBC Certificate
- b) Registration of Vehicles, Grant of Driving License etc.

- c) New Ration Card; Change of address, age, surname, head of family in Ration Card; Duplicate Ration Card; Surrender and transfer of Ration Card; Revalidation of Ration Card.
- d) Plot information; Certified copy of Record of Right (ROR); Certified copy of orders passed under WBLR & WBEA Act.
- e) Duplicate / correction of Mark-sheet / Admit Card/ Certificate (Secondary / HS); Migration Certificate (Secondary / HS).
- f) Disability Certificate, Janani Suraksha Yojana, Birth Certificate, Death Certificate, Medical Certification of cause of Death, issuance of Drug licenses etc.

State Government from time to time will notify in the **Official Gazette** the public services and stipulated time limit for service for the purposes of this Act.

5. How can a citizen avail of a service under this Act?

Ans: The eligible citizen shall apply to the Designated Officer for obtaining the service in prescribed form for that particular service along with the documents required for providing the service.

6. What will the citizen get after filing of application for the notified service?

Ans: The citizen shall get an acknowledgement in **Form I** after receipt of the application by the Designated Officer or his / her authorised officer.

7. What does the acknowledgement contain?

Ans: The acknowledgement will be issued to the applicant in **Form I** containing the due date of service if all the essential documents are attached with the application. Otherwise the due date of service will not be mentioned.

8. How can a citizen know the status of his/her application?

Ans: The citizen can get the information of the status of the application by giving his No. and Date of receiving application in the office of the Designated Officer, which are mentioned in the acknowledgement.

The information may also be available in the website of the Department concerned.

9. Where shall a citizen get to know the services covered under this Act?

Ans: The Designated Officer shall cause to display all relevant information related to services, stipulated time limit, Designated Officer, Appellate Officer and the Reviewing Officer on the Notice Board of the office for convenience of the public. 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 similarly.

In addition, the Secretary of the Department concerned shall also cause this information to be available on the website of the Department.

10. Who will receive the application in the office of the Designated Officer?

Ans: The Designated Officer can authorise any of his / her subordinate officer to receive the application and issue acknowledgement. The name of the authorised officer will be displayed in the Notice Board.

11. What are the documents necessary to be attached along with the application?

Ans: For each service, the essential documents to be attached along with the application will be displayed on the Notice Board by the Designated Officer. Accordingly, the applicant has to submit the essential documents along with the application to make it complete in all respect. Due date of service will be mentioned by the officer concerned only when the application is complete in all respect.

12. How the applicant comes to know if the Designated Officer fails to provide the service?

Ans: The Designated Officer on receipt of an application shall within the stipulated time limit either provide service or reject the application and in case of rejection of application, shall record the reasons for not providing service in writing and intimate to the applicant.

13. Does the time limit specified for each service includes public holidays?

Ans: No, the public holidays shall not be included in the stipulated time limit for providing the service.

14. Who may file appeal?

Ans: The applicant whose application has been rejected by the Designated Officer or who is not provided with the service within the prescribed time limit may file an appeal.

15. Within how many days the aggrieved applicant can file an appeal against the order of the Designated Officer?

Ans: The applicant can file the appeal within 30 days from the date of receipt of the order of rejection of application or the expiry of the stipulated time limit.

16. Whether there is any fee required for the appeal or revision?

Ans: No fee shall be required for appeals and revisions.

17. How can an applicant file an appeal against the order of the Designated Officer?

Ans: The applicant aggrieved by the order of the Designated Officer may file appeal before the Appellate Officer in **Form II** along with following information /documents :

- a) Name and complete address of the appellant;
- b) Brief description of required service;

- c) Date of the application produced before Designated Officer for providing service;
- d) Self attested copy of the order against which the first appeal or second appeal is being made;
- e) Copies of the documents relied upon by the appellant and referred to in the first appeal or second appeal;
- f) The grounds for appeal;
- g) Relief sought;
- h) Any other information necessary for filing appeal. If appeal is against the refusal of acknowledgement of application by the Designated Officer then the date of the application and the name and address of the Designated Officer to whom the application was presented.

18. What is the function of the Appellate Officer?

Ans: The Appellate Officer may order the Designated Officer to provide the service within the specified period or may reject the appeal.

19. Who will prefer for filing revision?

Ans: An aggrieved appellant may prefer a second appeal against the decision of the Appellate Officer before the Reviewing Officer.

20. What is the time limit for filing revision?

Ans: The appellant aggrieved by the order of the Appellate Officer shall file appeal before the Reviewing Officer within 60 days from the date on which the decision was made.

21. How can an applicant file revision against the order of the Appellate Officer?

Ans: The applicant aggrieved by the order of the Appellate Officer may file appeal before the Reviewing Officer in **Form III** along with following information /documents,.

- a) Name and complete address of the appellant;
- b) Brief description of required service;
- c) Date of the application produced before Designated Officer for providing service;
- d) Self attested copy of the order against which the first appeal or second appeal is being made;
- e) Copies of the documents relied upon by the appellant and referred to in the first appeal or second appeal;
- f) The grounds for appeal;
- g) Relief sought;
- h) Any other information necessary for filing appeal. If appeal is against the refusal of acknowledgement of application by the Designated Officer then the date of the application and the name and address of the Designated Officer to whom the application was presented.

22. What are the processes followed in taking decision on appeal or revision?

Ans: While deciding the application for appeal the Appellate Officer or the Reviewing Officer shall –

- a) inspect relevant documents, public documents or copies thereof;
- b) hear Designated Officer and the applicant or his authorised representative, as the case may be, at the time of hearing of appeal.

23. How shall the date of hearing of appeal and revision be communicated to the party concerned?

Ans: The notice of hearing of application for Appeal or Revision may be served in any of the following manner-

- a) By hand delivery (dasti) through special messenger or process server;
- b) By the registered post with due acknowledgment;
- c) In case of a Government servant, through his controlling officer.

24. How many day's prior notice is required?

Ans: In every case the appellant or applicant at revision shall be intimated of the due date of hearing, at least seven clear days prior to such date of hearing.

25. Is there any provision for communication of the order of Appeal and Revision?

Ans: Yes. The order passed in the first appeal or second appeal shall be in writing. Copy of the order in appeal shall be given to the appellant, Designated Officer or the Appellate Officer, as the case may be.

26. Is there any provision for imposition of penalty upon the Designated Officer or Appellate Officer concerned?

Ans:

- a) If the Reviewing Officer finds that the Designated Officer has failed to provide service without sufficient and reasonable cause, then he may impose a penalty against the Designated Officer which shall not be less than Rs. 250/- and not more than Rs. 1000/-.
- b) Where the Reviewing Officer is of the opinion that the Designated Officer has caused delay in providing the service, then he may impose a penalty at the rate of Rs. 250 /- per day for such delay on the designated officer, which shall not be more than Rs. 1000/-.
- c) Where the Reviewing Officer is of the opinion that the Appellate Officer has failed to decide the appeal within the stipulated time limit without any sufficient and reasonable cause, then he may impose a penalty on Appellate Officer which shall not be less than Rs. 250/- and more than Rs. 1000/-.
- d) The Reviewing Officer, if satisfied that the Designated Officer or the Appellate Officer has failed to discharge the duties assigned to him under this Act, without sufficient and reasonable cause, may recommend disciplinary action against him/ her under the service rules applicable to him / her.

- e) However, the Designated Officer and the Appellate Officer will be given a reasonable opportunity of being heard before any penalty is imposed on him / her.

27. How the penalty will be imposed?

Ans: In the case of imposition of penalty, the Reviewing Officer shall forward a copy of his / her 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 Appellate Officer, as the case may be.

In the event of recommendation for disciplinary action against the Designated Officer or the Appellate Officer, as the case may be, the Reviewing Officer shall forward a copy of the order to the appointing authority concerned.

28. What are the powers of the court of Appellate Officer and Reviewing Officer?

Ans: The Appellate Officer and Reviewing Officer shall while deciding an appeal under this section, have the same powers as are vested in civil court while trying a suit under the Code of Civil Procedure, 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 appellant; and
- (c) Any other matter which may be prescribed.

29. Is there any provision of revision of the order of the Reviewing Officer imposing penalty on the Designated Officer or Appellate Officer?

Ans. The Designated Officer or Appellate Officer aggrieved by any order of Reviewing Officer in respect of imposing penalty under this Act, may make an application for revision of the order to the officer nominated by the State Government who shall be not below the rank of Joint Secretary to the Government or its equivalent rank, within the period of sixty days from the date of that order.

30. Is there any provision of award towards motivation of the officer who provides service to the public unfailingly?

Ans: Yes. The Competent Officer will recommend cash incentive not exceeding one thousand rupees in favour of a Government employee against whom no default is reported in one financial year. On such recommendation, the Government or the local body or the public authority concerned, as the case may be, shall be competent to grant such incentive as it deems fit and proper, not exceeding the amount as recommended by competent officer along with certificate of appreciation which shall be duly recorded in his service book. The State Government will, by order, determine the criteria for awarding cash incentive.