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Rajasthan Right to Hearing Act: Law to Lend an Ear to Citizens



Rajasthan Government has implemented the Right to Hearing Act, 2012 wef 1st August, 2012, with the aim of providing a time-bound hearing and disposal of complaints. Rajasthan is the first one to ensure a right to hearing for the common man. The Act in itself is unique and aims to ensure that all complaints of the common man with regard to governance are addressed and disposed in a time-bound manner. This Act would further strengthen the Rajasthan Guaranteed Delivery of Public Services Act, 2011 which was implemented in November last year. This RTH Act is another consequential effort of State Government in the line of RTI and RTPS Act. This paper is an effort to analyze the Rajasthan RTH Act with socio-legal, political and administrative perspective.

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Rajasthan Government has implemented the Right to Hearing Act, 2012 from 1st August, 2012. The BIMARU state is the first one to ensure a right to hearing for the citizens. The Rajasthan Right to Hearing (RRTH) Bill, 2012 and Rajasthan Transparency in Public Procurement (RTPP) Bill, 2012 were passed in the Rajasthan Legislative Assembly during the last budget session of 2012. The Act in itself is special in nature and aims to ensure that all complaints of the common man are to be disposed of in a definite time-bound manner. Under the Right to Hearing Act, the state government has appointed Public Hearing Officers and Appellate Authority at gram-panchayat, tehsil, and sub-block, district and division levels for hearing the complaints within a stipulated time limit of 15 days. The Act has the provision of first and second appellate authority along with the revision authority. The Act also has provisions for establishment of information and facilitation centre including citizen care centre and help desk for effective implementation. The complainant can appeal to the first appellate authority against the decision of public hearing officer if he is not satisfied. Provision of penalty from Rs 500 to 5,000 has been made in the Act. The Act is a step taken by the state government, which aims at providing sensitive, transparent and accountable governance. However, while the state government has introduced the Act, it is as important that the common-man is made aware about it and makes the most of it. In several cases, not all are able to make the most of a right provided to them.

This Act was simultaneously launched at all the 33 district headquarters on 5th August, 2012. Information and facilitation centres, citizen's care centres and call centres have also been set up for the purpose. There is also a provision for second appeal. The Government wants to ensure that every possible infrastructure facilities are in place, so the schemes could deliver the goods as envisaged by the Government. Government is targeting to set up Rajiv Gandhi Service Centre at all the 10,000 panchayat headquarters and 250 panchayat samiti head quarters. Common men

can easily get documents related to agriculture land, death and birth certificate from these centre, which would be connected by broadband internet connections through cyber connectivity.

Main Features of RRTH Act:

Aims And Objects: Routine problems and grievances of the common men are related to the governance, which needs to be addressed by the Government. Therefore, it is imperative that public grievances and problems are heard and redressed with sympathy and responsiveness. Proper and timely hearing facilitates expeditious disposal of public grievances, if such hearing is provided at the point where they originate, then it saves energy and expense of the common man. Therefore, it is proposed to provide for a mechanism to ensure that the grievances of citizens are heard effectively and in a time bound manner at their nearest places. For this purpose provisions have been proposed for appointment of Public Hearing Officers and prescribing maximum time limits for disposal of complaints made by the citizens. The purpose of the bill is to provide the right of hearing to the people within stipulated time limits and to provide for the matters connected therewith and incidental thereto.

Title and Commencement: This Act may be called the Rajasthan Right to Hearing Act, 2012. It shall extend to the whole of the State of Rajasthan. It shall come into force on such date, as the State Government may, by notification in Official Gazette, appoint.

Definitions: In this Act, unless the context otherwise requires: (a) "complaint" means any application made by a citizen or a group of citizens to a Public Hearing Officer for seeking any benefit or relief relating to any policy, program or scheme run in the State by the State Government or the Central Government, in respect of failure or delay in providing such benefit or relief.

RIGHT TO HEARING: An opportunity of hearing provided to the citizens on a complaint within the stipulated time limit and the right to get information.

INFORMATION AND FACILITATION CENTRES: Customer care centre, Call centre, Help desk and Peoples support centres. **PUBLIC AUTHORITY:** State Government and its departments, any authority or body or institution established or constituted by or under any law made by the State Legislature Owned, controlled or substantially financed, directly or indirectly, by the funds provided by the State Government.

FIRST APPELLATE AUTHORITY: Means an officer or authority notified as such under section; Second appellate authority means an officer or authority notified as such under section 3.

Right to Get Opportunity of Hearing on Complaint Within the Stipulated Time Limit:

(1) The Public Hearing Officer shall provide an opportunity of hearing on a complaint filed under this Act within the stipulated time limit. (2) The Public Hearing Officer may seek the assistance of any other officer or employee as he considers it necessary for the proper discharge of his duties under sub-section (1). (3) Any officer or employee, whose assistance has been sought under sub- section (2), shall render all assistance to the Public Hearing Officer seeking his assistance and for the purposes of any contravention of the provisions of this Act, such other officer or employee, as the case may be, shall be treated a Public Hearing Officer. (4) The stipulated time limit shall start from the date when a complaint is filed to the Public Hearing Officer or to a person authorized by him to receive the complaints. Receipt of a complaint shall be duly acknowledged. The Public Hearing Officer may seek the assistance of any other officer or employee as he considers it necessary for the proper discharge of his duties under sub-section (1). Any officer or employee, whose assistance has been sought under sub-section (2), shall render all assistance to the Public Hearing Officer seeking his assistance and for the purposes of any contravention of the provisions of this Act, such other officer or employee, as the case may be, shall be treated a Public Hearing Officer.

Stipulated Time Limit: It shall start from the date when a complaint is filed to the Public Hearing Officer or to a person authorized by him to receive the complaints. Receipt of a complaint shall be duly acknowledged. The Public Hearing Officer on receipt of a complaint under sub-section (1) shall, within the stipulated time limit, provide an opportunity of hearing to the complainant and after hearing the complainant, decide the complaint either by accepting it or by referring it to an authority competent to grant the benefit or relief sought for. By suggesting an alternative benefit relief available under any other law, policy, order, program or scheme, by rejecting it for the reasons to be recorded in writing and shall communicate his decision on the complaint to the complainant within the stipulated time limit.

Information and Facilitation

Centres: For the purposes of the efficient and effective redressal of grievance of the people and to receive complaints under this Act, the State Government shall establish Information and Facilitation Centers which may include establishment of customer care centers, call centers, help desks and peoples' support centers. Every public authority shall be responsible for the development, improvement, modernization and reform in redressal of grievance system including redressal of grievance through information technology.

Appeal: Any person who is not provided an opportunity of hearing within the stipulated Time limit or who is aggrieved by the decision of the Public Hearing Officer may file an appeal to the first appellate authority within thirty days from the expiry of the stipulated time limit or from the date of the decision of the Public Hearing Officer. Provided that the first appellate authority may admit the appeal after the expiry of the period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. If the Public Hearing Officer does not comply with the

Conclusion



Rajasthan is the largest State of India. India is the largest successful democracy in the world. We are moving towards participatory and direct democracy. In our constitution, part-4 has provided Directive Principles of State Policy (DPSP) which have imposed responsibilities on state to provide appropriate services to citizens. RRTH Act, 2012 will really prove as a tool in the direction of SMART (Spontaneous, Moral, Accountable, Responsible and Transparent) Governance in India and in Rajasthan undoubtedly. The main features and points of the Right to Hearing Act are- (1) Citizens will get the chance for hearing their grievance near their residence. (2) They will be heard at the gram panchayat, tehsil, sub-division or district level. (3) For this, public hearing officers and appellate authorities have been formed. (4) It is mandatory to hear the complaints and dispose them within a stipulated time. (5) The complainant has the right to appeal up to two levels; if not satisfied, Public hearing officers have to dispose off the complaint within 15 days. (6) If the complaint is rejected, the reason must be stated in writing. (7) First appeal can be registered against the decision of public hearing officer. This has to be disposed off within 21 days- After this; a provision has been made for a second appeal. The Act is an advance step taken by the state government which aims at providing sensitive, transparent and accountable governance. The Act in itself is unique and aims to ensure that all complaints of the common man with regard to governance are addressed and disposed in a time-bound manner. This Act would further strengthen the Rajasthan Guaranteed Delivery of Public Services Act, 2011 which was implemented in November last year.

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