

ODISHA RIGHT TO PUBLIC SERVICES ACT, 2012

Executive Summary

The citizens of Odisha have been seeking getting of hassle free Public Services within specified time period. Rampant corruption, harassment and lack of transparency in delivery of Government services had made citizens sceptical and distancing them from Government. The development of such an attitude among citizens is undemocratic. Delivery of important services in a time bound manner is the hallmark of Good Governance. With the change in Government in the State in the year 2000 shifting the focus on citizen-centric Good Governance and Government's proactive critical role in empowering citizen to assert their legitimate rights in service delivery process. Odisha is now leading the way in innovative solutions to citizens' problems.

Odisha Right to Public Services Act, 2012 (ORTPSA) is an Act which will improve Transparency, Accountability and Timeliness in public Service delivery. The Odisha Right to Public Services Act, 2012 in Odisha is an exemplary initiative by the State Government to check corruption in public service delivery. The law enables the citizens to demand public services as a right and also includes a provision for penal action against officials failing to provide the services within the stipulated time.

State Cabinet place the Odisha Right to Public Services Bill 2012 on 16th June 2012. The Odisha Right to Public Services Act 2012 bill placed in the monsoon session of the 14th Odisha Legislative Assembly and the bill passed by the OLA on 6th September, 2012. The Bill has been assented by Hon'ble Governor. The Act Published in the Odisha Gazette on 1st November, 2012 and the Rules published in the Odisha Gazette on 7th December, 2012. The ORTPS Rules has been sent to Odisha Legislative Assembly to lay before the OLA on 21st December, 2012. The Act implemented on 2nd January 2013.

Initially there were 34 services introduced to this Act with 7 Departments. Notification of these 34 services was done in the month of January 2013. Another 22 services with addition of Home Department added to this Act in the month of March 2013. The 1st 34 services have been implemented on 01.01.2013 and 2nd 22 services have been implemented on 30.03.2013. Now 10 Administrative Department providing 63 services.

Information and Communication Technology (ICT) tools have been utilised to make the process of implementation and monitoring streamlined, corruption-free, centralized and less labour intensive. Primary components of this ICT system are - service delivery and monitoring software; mechanisms for tracking applications.

Many parts of the programme are still in the development stage and some enhancements are in planning. The ORTPSA has cut down the need to make multiple rounds to Government offices, bribe officials, or face harassment in terms of loss of their files and such like.

An Exclusive Project Monitoring Unit (PMU) having Techno managerial skills has been created to provide continuous support to the beneficiaries.

The PMU is having one Project Coordinator (having technical and managerial qualification and experience), one Dy.Project Coordinator, two asst. Project Coordinators, one Senior Program Officer(capacity building), two Software Engineers.

METHODOLOGY

The introduction of the Odisha Right to Public Services Act needs to be seen in conjunction with a move in many states — Punjab, Jharkhand, Kerala, UP—to ensure better governance and public service delivery mechanisms. The ORTPSA was inaugurated by Hon'ble Chief Minister at State Secretariat on 2.1.2013. Various capacity building programmes are being organized in State level/ District level/Sub Divisional level/PRI level across Odisha.

Workshop and Training programmes

A Capacity building Workshop on knowledge sharing on implementation of Odisha Right to Public Services Act and its challenges was organised on 23rd November, 2012 with the support of UNDP & World Bank at Hotel Mayfair, Bhubaneswar. Capacity building Training programmes at State level/ District level/Sub Divisional level/PRI level is being conducted by PAN Odisha. Well experienced and highly qualified Master Trainers are appointed to impart training in all levels.

Followings are the Training details under ORTPSA;

For advertisement, sunboards/hoardings/newsletter are being displayed and distributed across Odisha. Apart from this, visit to different tahsils/blocks are also being made and a detail report pertaining to major findings is submitted in this regard.

Information Education Communication(IEC)

Sunboard

To spread Awareness, display of sunboards of size 7'x4' of 1000 quantity both in English and Odia have been designed and are being distributed to different Districts in Collectorate/ Sub-collectorates/ Blocks/ Tahsils /Municipalities / Municipal Corporations/ NACs/CDMOs/DWO offices. As of now 14 sunboards have been displayed in Bhubaneswar. Distribution to other Districts are in progress and is about to get completed by 10th July 2013.

Hoarding

Different sizes of hoardings (10'x10', 20'x10', 20'x15', 20'x20', 30'x30', 30'x20', 40'x20' etc.) of 56 numbers both in English and Odia are being installed in different areas of the State/District. In Bhubaneswar-12 numbers, Cuttack – 15 numbers and in other 29 Districts-29 number of hoardings are being installed.

Newsletter “SUniti”

Monthly Newsletter of A4 size of 2000 quantity are under process to be published which shall cover all relevant issues, activities, views of officials, success stories, service related story, media coverage, training / workshop details, best performing Districts ranking etc.

As of now out of 63000 Odia and English handbooks, 57000 books have been dispatched to different Districts for training purpose.

PROGRAMME DESIGN

The unique aspect of the ORTPS is the extensive employment of ICT tools to assist and monitor the implementation of the programme. Various provisions of the Act have been effectively woven with technological innovations with the aim to (a) modernise administrative processes, (b) reduce manual work, and (c) ensuring transparency and accuracy in public service delivery by giving citizens the means to track their application at every stage.

The ORTPS currently covers services provided by 9 Departments, which include Commerce & Transport, Finance, Health & Family Welfare, Home, Housing & Urban Development, Revenue & Disaster Management, Rural Development, ST & SC Development, Minorities & Backward Classes Welfare, Women & Child Development.

It covers provision of 56 services like issue of Driving License, Disposal of application for 'C' forms, 'F' forms, 'H' forms & Waybills, Birth/Death Certificate, NOC for Passport Verification, Building Plan Approval, Issue of Certified copy of RoR, Repair of Hand pump/Tubewell, Sanction and Disbursement of Post Matric scholarship to eligible ST & SC Students, Assistance under National Family Benefit Scheme (NFBS)

The major components of the ICT-facilitated ORTPS are:

- i. Service delivery and monitoring software
- ii. Use of print and electronic media for generating awareness regarding ORTPS among people.

The software has been designed by CMGI technical team. The URL to access the ORTPSA software is www.ortpsa.in

The key features of the software include ;

- Training data feed
- Data feed of Application received, disposed and pending
- Report generation district-wise
- Import Application pertaining to applicant details

Following features are under process;

- Consumer data can directly be entered on the application form.
- Generation of an acknowledgement receipt along with a Unique ID (UID)- The UID is coded in a manner that it facilitates instant recognition of the district, block, department, office and the service for which the application has been filed.
- Generation of monitoring reports for services at the block, sub-divisional, district and state level
- Every DO has access only to the data related to the level of jurisdiction (s) he is responsible for. For instance, a Block Development Officer (BDO) has access to data related to his/her block only. A district Collector (DC) can see data concerning all the blocks within that particular district.

PROCESS FLOW

Application for services under ORTPS;

- For delivery of each service notified, there shall be a Designated Officer to whom the citizen can make an application. The Designated Officer will provide the said service in a time bound manner.
- In case a citizen is unable to get the said services within the prescribed time limit, he/she may file an appeal before an Appellate Authority. The Appellate Authority will consider the case and pass necessary order.
- Any citizen aggrieved with the order of the Appellate Authority or in case of delay in providing the service within the prescribed time limit, may file a revision petition before the Revisional Authority.
- If the Revisional Authority found that the Designated Officer has failed to provide the service without sufficient and reasonable cause, he may impose a penalty against the Designated Officer not exceeding Rs.5000/-.

- If the Revisional Authority observed that there is delay in providing the service, beyond the stipulated time, he may also impose a penalty not exceeding Rs.250/- per each day of delay.
- The penalty shall be charged from the Designated Officer, Appellate Authority and the concerned subordinate staff, as the case may be and shall be in the proportion, to be decided by the Revisional Authority.
- However, the Designated Officer, Appellate Authority and subordinate staff, will be given a reasonable opportunity of being heard before any penalty is imposed on him/her.
- Non-compliance of the order of the Revisional Authority shall amount to misconduct and make such Government servant liable for disciplinary action.

The time limit for provision of service differs from service to service, ranging from 7 to 45 days. The applicant can file the First Appeal with the Appellate Authority in case of refusal, delay and failure on part of the DO to deliver service. If the Appellate Authority finds the DO in question guilty, the latter can be penalized and deducted from his/her remuneration. The particular DO can apply to the Review Authority for revocation of the penalty. On part of the applicant, if his/her First Appeal is rejected, a Second Appeal can be filed with the Review Authority. In case the Second Appeal is also rejected, a new application will need to be filed.

CHALLENGES IN IMPLEMENTATION

Since the programme has only been in operation for 6 months, it is difficult to ascertain definite challenges to it. Since the primary objective of the Act is to provide the most remote and poor section of the population a mechanism for accessing public services, the restricted reach of the programme as it stands today would defeat the purpose.

THE WAY FORWARD

The Government of Odisha has recognised the need to make changes in the existing administrative system with regard to new systems and processes. ORTPS will subsequently be up-scaled to include more services and departments.

PROPOSALS AHEAD FOR PUBLIC AWARENESS

Awareness proposals are to be organised in near future in form of;

- ROAD SHOWS/STREET PLAY/PALA ACTIVITY
- FM RADIO/TELEVISION
- SOCIAL WEBSITES
- SIGNATURE CAMPAIGN
- DISTRIBUTION OF LEAFLETS/BROCHURES/POSTERS
- EXHIBITION/STALL
- CAMPAIGN IN SCHOOLS/COLLEGES
- ADVERTISEMENT IN TRANSPORT/LOCAL AUTO etc.

To study the impact of ORTPSA, set of questionnaire is to be prepared and distributed among the public.

CONCLUSION

The ORTPSA is an exemplary initiative by the state government to check corruption in public service delivery. The law enables the citizens to demand public services as a right and also includes a provision for penal action against officials failing to provide the services within the stipulated time. The idea is to generate a demand for services and to provide citizens with a platform for getting their grievances redressed. Employment of technology in implementation of the programme will work to ensure that manual paper work is kept to the minimum, applicants are given instant receipts for their applications, a consolidated report as well as daily reports are maintained, there are multiple levels of checks on the data fed. With the enhancements planned and some currently under limited operation, the reach of ORTPS has tremendous potential to expand and include use by an even larger number of people.

The Government of Odisha under the leadership of Shri Naveen Patnaik has imbibed processes which take care of Citizens' right on top priority. Now the people of Odisha have been vested with the invaluable right to get notified services within a specified time limit. The time-bound services to be provided as per the Odisha Right To Public Services Act, 2012 as declared by the Government has been enumerated below:-

Commerce & Transport (Transport) Department

Temporary Registration	3 days
Registration of Vehicles	7 days
Tax Clearance Certificate (TCC) in Form-D	4 days
NOC in Form-28	4 days (after receipt of Police Clearance Report)
Addition/Deletion of Hire Purchase/Mortgage entry	4 days (after receipt of confirmation from Financer)
Transfer of ownership of vehicle	4 days (after appearance of both seller and purchaser)
Issue of Learner's License for Driving License	3 days from the date of appearance for test
Issue of Driving License	5 days (after passing in the test)
Renewal of Driving License	5 days
Issue of Duplicate Driving License	5 days
Issue of Trade Certificate	30 days
Issue of Transporting Agent's License	30 days after receipt of clearance from Mining Department wherever necessary
Issue of Fitness Certificate for Transport Vehicle	3 days (after production of vehicle for inspection & compliance to rules)

Revenue & Disaster Management Department

Disposal of misc. certificate cases for SC, ST, OBC, SEBC and Legal Heir Certificates	30 days (excluding the period taken for disposal of objections, if any) N.B. -For these certificates citizens should apply in their native Tahasils.
Disposal of misc. certificate cases for Residence and Income Certificates	15 days (excluding the period taken for disposal of objections, if any)
Issue of certified copy of RoR	3 days
Disposal of uncontested mutation cases	3 months for disposal and 45 days for correction of RoR
Disposal of cases u/s 8 (A) of OLR Act	2 months for disposal (excluding the time taken for payment of premium)
Partition of land on mutual agreement of all co-sharers u/s 19(1)(C) of OLR Act	6 months
Registration of documents	3 days
Issue of Encumbrance Certificate	7 days
Issue of certified copy of previously registered Documents	7 days

Registration along with issue of Marriage Certificate under Special Marriage Act	40 days (where no objection received) 70 days (where objection received)
Registration of Societies	30 months where more than one district is involved (State Level Society) One month (where one district is involved)
Disbursement of ex-gratia by Tahsildars from the Date of receipt of funds and approval	3 months
Finance Department	
Disposal of application for registration under VAT/CST Act	30 days
Disposal of application for amendment of registration Certificates	15 days
Disposal of application for 'C' forms, 'F' forms, 'H' forms & Waybills	7 days
Home Department	
NOC For Passport Verification	30 Days
Character / Antecedent verification	30 Days
Disposal of application for registration of foreigners	7 Days
Disposal of application for extension of residential permit of foreigners	15 Days
Supply of copy of FIR to the complainant	1 Day
Disposal of application for use of loudspeakers (for Commissionrate Police area of Bhubaneswar and Cuttack)	10 Days
Disposal of application for NOC for fairs/ mela/ exhibition, etc. (for Commissionrate Police area of Bhubaneswar and Cuttack)	10 Days
Disposal of application for final form for road accident/ stolen vehicles/ theft cases	5 days
Supply of copy of fire report	3 Days
Supply of copy of Fire certificate for Fire incident without Insurance	7 Days
Supply of copy of Fire certificate for Fire incident in insured premises (below 10 lakhs)	30 days
Supply of copy of Fire certificate for Fire incident with damage of property worth more than 10 lakhs (irrespective of insurance)	30 Days
Disposal of application for fire safety NOC for factories/ industries/ storage godowns/ explosive premises	45 Days
Disposal of application for fire safety NOC for non-high rise building (below 15 Mtrs of height)	45 Days
Disposal of application for fire safety NOC for high rise building (above 15 Mtrs of height)	60 Days
Health & Family Welfare Department	
Registration of Birth/Death	30 days
For getting Birth/Death Certificate	7 days

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Rural Development Department

Repair of Hand pump/Tube well	7 days (minor repair) 14 days (major repair except replacement) 28 days for replacement
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Women & Child Development Department

Assistance under National Family Benefit Scheme (NFBS)	30 days
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Housing & Urban Development Department

Building Plan Approval	60 Days
Issue of Occupancy Certificate	30 Days
Marriage Certificate	7 Days
Trade License	15 Days
Pipe Water Connection	45 Days
Correction of Water Bill	30 Days
Repair of Tube Wells	7 days for minor repair; 14 days for major repair

SC & ST Development, Minorities & Backward Classes Welfare Department

Sanction and Disbursement of Post Matric scholarship to eligible ST & SC Students	30 Days
Disposal of Grievance Petitions received from ST & SC students in relating to Post Matric Scholarship	30 Days

School & Mass Education Department

Issues of Original High School Certificate-cum-Mark Sheet	7 Days(from the date of publication of results by the BSE, Odisha)
Issue of duplicate copy of High School Mark sheet	15 Days
Issue of duplicate copy of High School Certificate	15 Days
Issue of Transfer Certificate for Elementary Schools	3 Days
Issue of Conduct Certificate for Elementary Schools	3 Days
Issue of Transfer Certificate for Secondary Schools	3 Days
Issue of Conduct Certificate for Secondary Schools	3 Days

N:B :- Total Administrative Department 10, providing 63 services.