



KHYBER PAKHTUNKHWA

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RIGHT TO PUBLIC SERVICES COMMISSION (RTPS) GOVERNMENT OF KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 13th September, 2019.

No. SEC/RTPSC/Reg/01/2018(Amendment). In exercise of the powers conferred under Section 27 and Section 17 sub section (2) of the Khyber Pakhtunkhwa Right to Public Services Commission Act, 2014 and in pursuance of the Khyber Pakhtunkhwa Right to Public Services Rules, 2014 the Khyber Pakhtunkhwa Right to Public Services Commission is pleased to make the following regulations namely:-

1. **Short title and commencement.** (1) These regulations may be called the Khyber Pakhtunkhwa Right to Public Services Commission Conduct of Business (amendment) Regulations, 2018".
(2) It shall come into force at once.
2. **Definitions:** (1) In these Regulations, unless the context requires otherwise, the following expressions shall have the meanings hereby respectively assigned to them that is to say;
 - a. "Act" means the Khyber Pakhtunkhwa Right to Public Services Act, 2014 (Act IV of 2014);
 - b. "Assistant Registrar" means an official of the Commission appointed as such in pursuance of sub sections (10) and 11 of section 16 and Rule 13 of the Rules;
 - c. "Chief Commissioner" means the Chief Commissioner appointed under Section 16 sub section (2) and (3) of the Act;
 - d. "Commission" means the Khyber Pakhtunkhwa Right to Public Services Commission, constituted under section 16 of the Khyber Pakhtunkhwa Right to Public Services Act, 2014 (Act IV of 2014);
 - e. "Commissioner" means the Commissioner appointed under sub section (2) and (4) of section of the Act;
 - f. "Government" means the Government of Khyber Pakhtunkhwa;

- g. "Judicial and quasi-judicial proceedings" means the proceedings pertaining to judicial and quasi-judicial matters, as per provisions of regulation 7 of these regulations;
- h. "Province" means the Province of Khyber Pakhtunkhwa;
- i. "Rules" means the Khyber Pakhtunkhwa Right to Public Services Rules, 2014 herein after referred to as Rules;
- j. "Regulations" means the Khyber Pakhtunkhwa Right to Public Services Commission Conduct of Business (amendment) Regulations, 2018;
- k. "Secretary" means an official of Commission, appointed as such in pursuance of sub section (10) or sub section (11) of section 16 of the Act and rule 13 of the Rules;
- l. "Session" means a meeting of the Commission convened with regard to legal, administrative, operational and budgetary matters other than judicial and quasi-judicial matters. It includes a Commission meeting through process of circulation; and
- m. "Working Paper" means self-contained proposal(s), having agenda item(s), containing background and justification.

(2) Words and expressions used but not defined in these Regulations shall have the same meanings as assigned to them under the Act and Rules.

- 3. The Commission may co-opt members for consultation and advice.
- 4. In matters such as operational, budgetary, administrative/developmental, the Chief Commissioner may assign the task to an official or constitute a Committee comprising of such members as may be notified, including co-opted members, for scrutiny, analysis and recommendations to the Commission as the case may be.
- 5. Secretary, Right to Public Services Commission shall act as secretary to the Commission and shall be responsible for facilitating pre-commission meetings, processing Working Paper, recording minutes of meetings, and maintaining records.
- 6. Proceedings of the Commission:
 - (i) Secretary shall process the Working Paper, for approval of Chief Commissioner and through process of circulation.
 - (ii) Chief Commissioner may constitute a pre-commission committee to analyze specific agenda item. Such committee may co-opt members for consultation and advice.

- (iii) The Secretary shall maintain an order sheet of proceedings and give separate numbers to each session.
- (iv) The Commission may, for the purpose of consultation, clarification and to adduce further evidence, defer the agenda item(s).
- (v) The deferred agenda item(s) shall be taken up as continuation of the previous session.
- (vi) Chief Commissioner, due to unavoidable circumstances, or on request of a member, may reschedule the meeting. Secretary to the Commission shall communicate change in date and time to all concerned.
- (vii) In case of urgency, special agenda item may be included or an emergency meeting of the Commission may be convened, on short notice. In case of non-availability of members, the proceedings of the Commission may be finalized through process of circulation.
- (viii) Decisions of Commission shall be with majority and the same shall constitute the quorum.

7. Non-compliance of provisions of the Act, Rules and the Regulations framed under section 2(1), 17(2) and 27 of the Act, *inter alia*, shall include:-

- i. Non-implementation or delayed implementation of decision(s) of Divisional, District and Sub-Divisional Steering Committees;
- ii. Not taking measures and steps for redressal of public grievances in accordance with the provisions of the Act, Rules and the Regulations.
- iii. Non-achievements of the targets set or tasks assigned by the Commission or the Government.
- iv. Administrative inefficiency and the matters connected therewith or incidental there to, including late and deficient reporting, non-reporting of data of services provided, or delayed or no response to the Commission and the Steering Committees.
- v. Failure to ensure rights of eligible persons to public services which includes:
 - 1. Access to public services
 - 2. Not provision of the public services within time
 - 3. Lack of transparency
 - 4. Not meeting any other provisions of the Act

5. Failure in payment of compensation or delay in service

- vi. Non-disposal of appeal within 30 days.
- vii. Non-compliance of orders of Appellate Authority under section 8 and 11 of the Act.
- viii. Non-display of the public services as per provisions of section 9 of the Act and rule 9 of Rules.
- ix. Non-compliance of orders of the Commission regarding disciplinary action against delinquent officials.
- x. Non-compliance of:-
 - a. duties assigned under the Act to the Designated Officer and the Appellate Authorities under sections 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 19, 20, 21, 24 and 28, Rules 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16 and 17 of the Rules and Regulations framed under sub section (2) of section 17 and section 27 of the Act
 - b. Regulation 7 and 8 of the Khyber Pakhtunkhwa Right to Public Services Commission Conduct of Business Regulations, 2018
 - c. Regulation 3 and 4 of the Khyber Pakhtunkhwa Right to Public Services Commission Steering Committee Regulations, 2018
 - d. Orders of the Commission issued under section 19 and 24 of the Act.
 - e. Non-exercise or wrong exercise of the powers vested in any authority and officials under the Act, Rules and Regulations.
 - f. Exercise of powers by the officials not vested under the Act, Rules and the Regulations
 - g. Not recommending disciplinary action, against the official(s) for non-performance, under section 14 of the Act.
 - h. Failure to achieve the task assigned by the Chief Commissioner, Right to Public Services Commission and the Government.

8. With regard to exercising powers, under Rules and section 6(4), 7, 8, 12, 13, 14, 16 and 17 of the Act. Issuing of directions under section 19, inquiry under section 19(2), show cause to the complainant (section 20), forwarding applications to the Appellate Authority directly (section 24), the Khyber Pakhtunkhwa Right to Public Services Commission Conduct of Business Regulations, 2018, the Khyber Pakhtunkhwa Right to Public Services Commission Steering Committee Regulations, 2018 and the Khyber Pakhtunkhwa Right to Public Services (Terms and Conditions of Service) Regulations, 2018 and non-compliance, as mentioned in Regulation 7:

(i) The Assistant Registrar shall process all such cases.

(ii) The Chief Commissioner may nominate one of the Commissioners for judicial and quasi-judicial work. The Commissioner, so nominated, shall draft an order and place before the Commission or to be vetted and signed by the other Commissioner and the Chief Commissioner through process of circulation.

9. The Commission, vide powers conferred on it, under Section 17(I), may review its decisions, directions and orders due to emergence of new facts, an error apparent on the face of record, or facts, legal position, directives and change in policy of the Government.

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(SECRETARY)

KHYBER PAKHTUNKHWA RIGHT TO PUBLIC SERVICES COMMISSION
GOVERNMENT OF KHYBER PAKHTUNKHWA