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**A
BILL**

*to amend the Khyber Pakhtunkhwa Right to Public Services Act,
2014*

WHEREAS it is expedient to amend the Khyber Pakhtunkhwa Right to Public Services Act, 2014 (Khyber Pakhtunkhwa Act No. IV of 2014) and for purposes hereinafter appearing.

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. Short title and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Right to Public Services (Amendment) Act, 2025.

(2) It shall come into force at once.

2. Amendment of section 2 of the Khyber Pakhtunkhwa Act No. IV of 2014.---In the Khyber Pakhtunkhwa Right to Public Services Act, 2014 (Khyber Pakhtunkhwa Act No. IV of 2014), hereinafter referred to as the said Act, in section 2,-

(a) for clause (a), the following shall be substituted, namely:

“(a) “Appellate Authority” means the Appellate Authority mentioned in clause (b) of sub-section (1) of section 4 of this Act;”;

(b) in clause (k), the words and comma “by Government,”, appearing after the word “notified”, shall be deleted; and

(c) after clause (k), as so amended, the following new clause shall be inserted, namely:

“(k-i) “reasonable accommodation” means necessary and appropriate modification and adjustments, made for delivery of public services, and not imposing a disproportionate or undue burden on a particular person or a class of persons, to ensure the enjoyment of public services on an equal basis with other citizens under this Act;”.

3. Amendment of section 3 of the Khyber Pakhtunkhwa Act No. IV of 2014.---In the said Act, in section 3, after sub-section (2), the following new sub-section shall be added, namely:

“(3) Government, Commission, Appellate Authority, Department and the designated officer shall ensure to make reasonable accommodation for the senior citizens, women, transgender persons and persons with disabilities.”.

4. Substitution of section 4 of the Khyber Pakhtunkhwa Act No. IV of 2014.---In the said Act, for section 4, the following shall be substituted, namely:

“4. Public services and time limit.---(1) Every Department shall, within a period of three years from the date of commencement of the Khyber Pakhtunkhwa Right to Public Services (Amendment) Act, 2025, by notification in the official Gazette, notify any service to be a public service for the purpose of this Act and such notification shall also specify the time limit within which such services, containing the following particulars and descriptions, are to be provided:

- (a) designated officer entrusted with responsibility for delivery of the public service; and
- (b) Appellate Authority for hearing of appeals:

Provided that a service, once notified as a public service, shall not be de-notified, except with the approval of Government:

Provided further that the time limit, for delivery of a public service, as determined under this sub-section, may be enhanced with prior approval of Government.

(2) Subject to section 10 of this Act, the concerned Department shall also, for the purpose of public services, notified under sub-section (1), within five years from the date of commencement of the Khyber Pakhtunkhwa Right to Public Services (Amendment) Act, 2025, provide the public services electronically as part of e-governance, including the delivery of public services at the doorstep of eligible persons, in such period, mode and manner as may be prescribed.

(3) For compliance with the requirements of sub-sections (1) and (2), the Commission shall, in consultation with the concerned Department, determine milestones and fix timelines for achievement of such milestones, in such mode or manner as may be prescribed by regulations.

(4) The Commission shall periodically review the timelines, given under this section, and take necessary steps to ensure compliance by the concerned Department or the designated officer with the same, as the case may be, in such mode or manner as may be prescribed by regulations.

(5) Till such time that a notification is issued under this section, anything done, action taken, notification or order issued under any erstwhile, amended or substituted provision of this Act, shall be deemed to have been done, taken, made or issued under this Act and shall, unless withdrawn, rescinded, substituted or amended, continue to have effect accordingly.”.

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5. **Amendment of section 5 of the Khyber Pakhtunkhwa Act No. IV of 2014.**---In the said Act, in section 5,-

- (a) in sub-section (1), for the figure and brackets “(2)”, the figure and brackets “(1)” shall be substituted;
- (b) in sub-section (3), for the comma and words “ , on the duplicate copy of such application”, appearing at the end, the words and commas “and provide an acknowledgment receipt to the applicant, containing an application reference number or the electronic code, as the case may be” shall be substituted; and
- (c) after sub-section (3), the following new sub-section shall be inserted, namely:

“(3A) In case of an incomplete application, the designated officer, receiving the application, may ask for any additional documents or further information as may be necessary for disposal of the application on merits, as opposed to rejection on technical grounds.”.

6. **Insertion of new sections 8A, 8B, 8C, 8D and 8E in the Khyber Pakhtunkhwa Act No. IV of 2014.**---In the said Act, after section 8, the following new sections shall respectively be inserted, namely:

“8A. **Monitoring the status of application and appeal.**---(1) Every person, who has filed an application or an appeal, shall be entitled to obtain and monitor status of his application or appeal online in accordance with such procedure as may be prescribed by regulations.

(2) The Department, Appellate Authority or the Commission, as the case may be, shall maintain the status of all applications and appeals, filed under this Act, online and shall be duty bound to update the status of the same in accordance with such procedure as may be prescribed by regulations:

Provided that all necessary arrangements for online monitoring of the applications and appeals shall be put in place as soon as practicable, but not later than the period of five years as specified in sub-section (2) of section 4 of this Act.

8B. Record keeping.---(1) Any designated officer, Department, Appellate Authority, involved in the provision of public services under this Act, shall keep and maintain, in English or Urdu, the following records:

- (a) date of institution and decision of an application or an appeal, as the case may be;
- (b) summary of subject-matter and reasoning of the decision;

- (c) status of an application or an appeal, as the case may be, under sub-section (2) of section 8A of this Act;
- (d) list of pending cases; and
- (e) any other information as required or prescribed under this Act.

(2) All the records, maintained under sub-section (1), shall be updated as soon as possible, but not later than the period of fortnight.

(3) The Commission shall upload and store the records on its data bank, maintained under section 8C.

8C. Data bank.---(1) The Commission shall create, collect and maintain a data bank, manually or electronically, containing information in any form, necessary to achieve the purposes of this Act.

(2) The Commission shall have the power to share its data, relating to the public services under this Act, with or obtain and require data from any Department, designated officer and Appellate Authority.

(3) The Commission shall take all necessary measures for the security and safety of its data bank and keep its organizational use to serve the purposes of this Act and it may, in this regard, specify usage protocols and standard operating procedures for compliance by its own officers or officials and by the Department, designated officer and Appellate Authority.

8D. Removal and disposal of unnecessary record or data.---The unnecessary record or data, so maintained under this Act, may be removed or disposed of, in such manner and within such time, as may be prescribed by regulations.

8E. Annual and special reports.---(1) The Commission shall prepare an annual report of its activities and present it to Government for laying before the Provincial Assembly of Khyber Pakhtunkhwa.

Explanation: For the purpose of this section, the term "activities" include, but not limited to, the overall trend of public service delivery, performance and ranking of the Departments, performance of the Commission in improving the public service delivery and actions initiated for enforcing the provisions of this Act.

(2) In addition to the preparation of an annual report under sub-section (1), the Commission may also prepare special reports on monthly, quarterly, half yearly or any other basis, if deemed fit and appropriate.

(3) For the purposes of sub-sections (1) and (2), all the designated officers, Departments and Appellate Authorities shall be required to furnish any information as demanded by the Commission for preparation of the report.

(4) Any report, prepared under this section, shall include the recommendations given by the Commission to Government and the speaking response of the Government with regards to such recommendations.”.

7. **Amendment of section 10 of the Khyber Pakhtunkhwa Act No. IV of 2014.**---In the said Act, in section 10, the existing provision shall be numbered as sub-section (1), and thereafter, the following new sub-section shall be added, namely:

“(2) As far as practicable, the e-governance shall be used for the following:

- (a) filing or hearing of complaints and appeals;
- (b) delivery of public services at the doorstep of eligible persons;
- (c) data collection and record-keeping;
- (d) performance assessment and monitoring; and
- (e) meet any other proper and necessary purpose under this Act.”.

8. **Amendment of section 16 of the Khyber Pakhtunkhwa Act No. IV of 2014.**---In the said Act, in section 16, for sub-section (7), the following shall be substituted, namely:

“(7) The process of appointment of Chief Commissioner or the Commissioner, as the case may be, shall be initiated one hundred and twenty (120) days prior to the completion of tenure of the outgoing Chief Commissioner or the Commissioner, and the process shall be completed before the expiry of tenure of outgoing Chief Commissioner or the Commissioner, as the case may be:

Provided that in the event of the absence or incapacity of the Chief Commissioner or any of the Commissioners, or if that office is vacant, as the case may be, and if the appointment process, under this sub-section, is not completed within the time period, as specified hereunder, an additional charge of the post of Chief Commissioner shall be granted to one of the existing Commissioners or any civil servant, not below the rank of BPS-20, and in case of the Commissioner, an additional charge of the post of Commissioner shall be granted to any civil servant, not below the rank of BPS-20, to hold that office for an interim period, not exceeding six (06) months, with the approval of Chief Minister.”.

9. **Amendment of section 24 of the Khyber Pakhtunkhwa Act No. IV of 2014.**---In the said Act, in section 24, the full-stop, appearing at the end, shall be replaced by a colon and thereafter, the following proviso shall be added, namely:

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“Provided that no application shall be sent to the Appellate Authority, where the eligible person is aggrieved by the actions of the Appellate Authority.”.

STATEMENT OF OBJECTS AND REASONS

It is desirable to amend the Khyber Pakhtunkhwa Right to Public Services Act, 2014 (Khyber Pakhtunkhwa Act No. IV of 2014), for the purpose to simply notifying Public Services, coordination between the Commission and Departments, clarification of the vague provision for e-governance, provision for public oversight and accountability of the Commission. Moreover, provision of reasonable accommodation has been added to achieve international benchmarks by providing statutory provision for facilitation of the marginalized segments of the society.

This Bill empowers the departments to expand the range of their services within three (03) years. Similar authority can be seen in almost all Acts of the Indian states. However, the authority to de-notify public services has been made subject to approval of the cabinet only. Similarly, departments have been given five (05) years to provide their services online which will encourage department to think about innovations in public services like doorstep delivery. It will also create counter obligation on the Commission to assist, support and coordinate in providing technical input to the departments in adopting technology in the domain of service delivery. It will further empower the service seekers to monitor the service timeline so that the service provider may be held accountable.

In addition to all of the above, this Bill is intended to clarify the authority to allow interim arrangements and empower the Chief Minister, Khyber Pakhtunkhwa, to expedite the appointment of Chief Commissioner or Commissioners and to assign additional charge in the event of vacancy in the office of the Chief Commissioner and Commissioners in the Khyber Pakhtunkhwa Right to Public Services Commission. Hence, this Bill.



MINISTER-IN-CHARGE.

Peshawar,
dated the
, 2025.