

**FREQUENTLY ASKED
QUESTIONS
ON
MAHARASHTRA RIGHT TO
PUBLIC SERVICES ACT, 2015
AND
MAHARASHTRA RIGHT TO
PUBLIC SERVICES RULES,
2016**

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Maharashtra Right to Public Services Act
Your Service is Our Duty

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Preface

The Maharashtra Right To Public Services Act, 2015 has received tremendous response from the citizens. More than 10 crore online applications for public service have been received and the disposal within stipulated time period has improved significantly. Over 32,000 number of Aaple Sarkar Seva Kendra in the state facilitate online receipt and delivery of public services. In order to help the citizens in better understanding of the Maharashtra Right To Public Services Act and Rules, a compilation of Frequently Asked Questions (FAQs) and answers is being made available. This excellent compilation has been done by Shri. Annasaheb Chavan, Former Deputy Secretary, Maharashtra State Commission for Right To Public Services. Citizens are requested to avail of the online facility for services by applying on RTS Maharashtra mobile app or Aaple Sarkar RTS portal or through any Aaple Sarkar Seva Kendra.

(Swadheen S. Kshatriya)

State Chief Commissioner

For Right To Public Services

A) Important Provisions of the Act and Rules

1. What is the name of the Act which was enacted for ensuring timely delivery of public services?

Ans : The name of the Act is “Maharashtra Right to Public Services Act,2015” (Maharashtra Act No. XXXI of 2015)

2. What is the name of the Rules which were enacted for ensuring timely delivery of public services?

Ans : The name of the Rules is “Maharashtra Right to Public Services Rules,2016”

3. What is the extent of ‘the Act’?

Ans : The Act extends to the whole of the State of Maharashtra.

4. When did the Act came into force?

Ans : The Act shall be deemed to have come into force on the 28th April,2015.

5. To whom shall the Act apply?

Ans : The Act shall apply to such Public Authorities and Local Bodies which provide Public Services to the Eligible Persons as per the provisions of any Law, Rules, Notifications, Orders, Government Resolutions or any other instruments. It applies to the services notified under the MRTPS Act.

6. What are the objectives for enacting such a law?

Ans : The Act was enacted to provide for delivery of TRANSPARENT, EFFICIENT and TIMELY public services to the eligible persons and to bring TRANSPARANCY and ACCOUNTABILITY in the departments and agencies of the Government and other public authorities which provide public services.

7. What is the meaning of “Eligible Person”?

Ans : “ Eligible Person”, means a person who is eligible for obtaining a Public Service and also includes a legal person.

8. How is the eligibility of a person decided?

Ans : The eligibility of a person to obtain a Public Service is decided as per the provisions of the Law, Rules, Notifications, Orders, Government Resolutions or any other instrument applicable for rendering such Public Service.

9. Are only the citizens residing in the State of Maharashtra eligible to obtain Public Services under this Act?

Ans : No. The eligibility to obtain a Public Service under this Act is NOT restricted to the citizens residing in the State of Maharashtra, but it is open to all the “Eligible Persons”.

10. Can a Foreign Citizen avail a public Service under this Act?

Ans : Yes. A Foreign Citizen may avail a Public Service under this Act provided he is an “Eligible Person” for such service.

11. The MRTPS Act is applicable to which Public Services?

Ans : The MRTPS Act is applicable to such services as may be notified by the Public Authority under Section-3 of the Act. Presently there are 486 Public Services which have been notified under this Act.

12. What is the meaning of “Right to Service”?

Ans : “Right to Service” means right of an eligible person to obtain the Public Services within the stipulated time limit as notified by the Public Authority.

13. What is the meaning of “Public Authority”?

Ans : “ Public Authority” means –

- (a) Any department or the authority of the Government
- (b) Any organisation or authority or body or corporation or institution or local authority, established or constituted,-
 - (i) By or under the Constitution of India, in the State;
 - (ii) By any other law made by the State Legislature;
 - (iii) By notification issued by the State Government;
- (c) And includes,-
 - (i) An institution, a co-operative society, a Government Company or an authority owned, controlled or financed by the State Government; or
 - (ii) Any non-governmental organisation receiving financial assistance from the State Government.

14. What is the meaning of “ Local Authority”?

Ans : “Local Authority” means, any authority, Municipal Corporation, Municipal Council, Nagar Panchayat, Industrial Township, Planning Authority, Zilla Parishad, Panchayat Samiti, and Village Panchayat and other Local Self Governments constituted by law, and also includes Development Authorities or other statutory or non-statutory bodies.

15. What is the meaning of “Stipulated Time Limit”?

Ans : “ Stipulated Time Limit” means, the time limit as notified under Section-3 of the Act, within which the Public Service is to be provided by the Designated Officer to any Eligible Person. Every notified Public Service has prescribed time limit within which period it has to be provided.

16. What is the meaning of “Designated Officer”?

Ans : “Designated Officer” means, an officer who is required to provide Public Services to the Eligible Person. He is the Competent Authority to decide whether the service may be provided or rejected.

17. How can I obtain the copies of the Act and Rules ?

Ans : The copies of the Act and Rules can be downloaded from the Aaple Sarkar Portal or RTS Maharashtra Mobile App for free.

B) Role of Public Authorities

1. What is expected to be done by the Public Authorities for the implementation of the Act?

Ans : The Public Authority shall, within a period of three months from the date of commencement of the Act, and thereafter from time to time, notify the Public Services rendered by it, alongwith Designated Officers, First and Second Appellate Authorities and Stipulated Time Limit.

2. Which Public Authority can issue such notification?

Ans : The Government Department as well as any of the Public Authorities and Local Authorities mentioned in Section-2, Sub Section (i), (j) & (l) can issue notification under Section-3(1) regarding the services being rendered by them.

3. How does an eligible person come to know about the Notified Services and details thereof?

Ans : The notifications are required to be published in the official gazette of the State of Maharashtra. In addition, the Public Authority shall display on the notice board of the office and also on its website or portal, if any, the list of the Public Services rendered by it alongwith the details of the Stipulated Time Limit, Form or Fee, if any, Designated Officers and the First and Second Appellate Authorities.

4. How does an Eligible Person come to know about the documents required for a Public Service?

Ans : The Public Authorities are required to display the List of Documents that are to be enclosed with the Application Form for receiving the service, on the notice board of its office and also on the website or portal of the Government or Department or Office.

5. What are the conditions for such Display of Information?

Ans : Such Display of Information shall be in Marathi language and where needed in English language and shall be placed at conspicuous place so that visitor is able to notice it easily.

6. What are the provisions if such information is NOT displayed by any Public Authority?

Ans : In the event of non-display of such information in the Public Domain or Office or Website or Portal, the Chief Commissioner or the Concerned Commissioner may take *Suo-Motu* cognizance and initiate appropriate action against the concerned Office or Department or Designated Officer.

7. Can the Public Authorities add, alter, amend or denotify the services in due course of time?

Ans : Yes. The Public Authorities may add, alter, amend or denotify the services in due course of time with justifiable reasons to keep the list updated and exhaustive.

8. Who appoints the Appellate Authorities?

Ans : The Public Authorities shall appoint the First Appellate Authorities

and the Second Appellate Authorities from the Officers within the Department. The Chief Commissioner and the Commissioners are appointed by the Governor of Maharashtra and they are the Third Appellate Authorities for their respective jurisdictions.

9. What are the provisions to reduce the requirement of various certificates, documents, affidavits, etc. for obtaining the Public Service?

Ans : The Act requires all the Public Authorities to take time bound effective steps to reduce the demand from an eligible person to submit various certificates, documents, affidavits, etc. for obtaining Public Services.

10. What are the Provisions about the information required from other departments to avail a Public Service?

Ans : The Act requires all the Public Authorities to make concerted efforts to obtain requisite information directly from the Other Departments or Public Authorities.

11. Who is competent to take administrative action on the Designated Officer who is a repeated defaulter to perform his duties under this Act?

Ans : The Head of the Public Authority concerned shall be competent to take appropriate administrative action on the Designated Officer who is a repeated defaulter to perform his duties under this Act.

C)How to Apply for a Public Service

1. Who has the Right to obtain Public Services within Stipulated Time Limit?

Ans : Every Eligible Person shall have a right to obtain a Public Service in the State in accordance with the Act, within Stipulated Time Limit.

2. Is the Right to obtain Public Service exclusive?

Ans : No. The Right of an Eligible Person to obtain Public Services within the Stipulated Time Limit, is subject to the Legal, Technical and Financial feasibility.

3. What is the duty of a Designated Officer?

Ans : It is the duty of every Designated Officer to provide the Public Service to the Eligible Person, within Stipulated Time Limit or reject the application giving reason.

4. Can the Stipulated Time Limit be extended in exceptional circumstances?

Ans :Yes. The Stipulated Time Limit may be extended by the State Government during the period of Elections as well as in Natural Calamities.

5. To whom an Eligible Person shall apply for obtaining a Public Service?

Ans : An Eligible Person shall apply to the Designated Officer for obtaining a Public Service.

6. Is it mandatory for the Designated Officer to acknowledge a receipt of an application for a Public Service?

Ans : Yes. It is mandatory for the Designated Officer to acknowledge a receipt of an application for a public service in writing.

7. Is there any common form of Application under this Act for obtaining a Public Service?

Ans : No. There is No a common form of Application. The Form prescribed by law, rules or procedural guidelines will be applicable for obtaining the specific service. Every Public Authority is required to prepare the form of Application for obtaining a Public Service, if the same is not provided under the provisions of the concerned law, rules, notifications, orders, Government Resolutions or any other instrument in that behalf.

8. Is there any form prescribed for the issue of acknowledgement to the Applicant?

Ans :Yes. The Acknowledgement of the application shall be given in prescribed "Form-I" appended to the Rules.

9. Who is responsible to give acknowledgement of the Application received?

Ans :The Designated Officer or the subordinate officer or employee authorised by the Designated Officer for receiving the applications, is responsible to give acknowledgement of the Application received for a Public Service.

10. What if the Application is found to be incomplete at the time of submission?

Ans : In case, any document required for providing the Public Service has not been enclosed with the application, the same shall be clearly mentioned in the acknowledgement and the Stipulated Time Limit for providing such service shall start from the date of production of the required document.

11. From Where can Application Form and the List of Documents be availed by the Eligible Person?

Ans : The Application Form shall be made easily available at the office of the Designated Officer and the Offices of in Charge of the Aaple Sarkar Seva Kendras. Copy of the said Application Forms shall be also made available on the website of the Office or Department or Aaple Sarkar Portal which could be downloaded on Mobile Apps or Online. The List of Documents to be furnished alongwith the Application Form should be mentioned in the Form itself.

12. Can the Designated Officer deny the Application Forms submitted Online?

Ans : No. The Applications submitted Online shall be accepted by the Designated Officer.

13. How can each and every Application be identified and tracked?

Ans : Every Application received shall be given a “Unique Identification Number (UIN)”, hence it can be identified and tracked easily.

14. What are the provisions about acknowledgement of the Applications submitted Online and Offline ?

Ans : If the Application is received manually the acknowledgement of the same shall be given manually. If the application is received through Online Portal Facility, the acknowledgement shall be through email or SMS or any other electronic means. Online acknowledgement will also be treated as acknowledgement given to the applicant.

15. What is the mode of Payment of Fees for availing the Public Service?

Ans : The Applicant is required to make payment of the Fee, if any, either directly to the Authority or through Electronic Facility available Online, for availing the Public Service.

**D)Service Delivery : Aaple Sarkar Service Portal, RTS
Maharashtra Mobile App and Aaple Sarkar Seva Kendras
(ASSK)**

1. Is there any Common Platform available to apply “Online” for any Public Service?

Ans : Yes. “Aaple Sarkar Service Portal” is a common platform available for the Eligible Persons to apply “Online” for any Public Service of various departments.

2. What is the “URL” of the “Aaple Sarkar Service Portal”?

Ans : The “URL” of the “Aaple Sarkar Service Portal” is –

<https://aaplesarkar.mahaonline.gov.in>

3. What if any Eligible Person has no access to Computers?

Ans : An Eligible Person may access the Public Service by using a Computer *OR* Mobile Phones *OR* through over 32000 “Aaple Sarkar Seva Kendras” spread across all Districts of Maharashtra where he will be assisted by technical persons to submit his Application Online.

4. Which Mobile Application (App) can be used to avail Public Services?

Ans : The Mobile Application (App) named “RTS Maharashtra” can be used to avail Public Services. It is bilingual- applicant can choose either Marathi or English option.

5. How to download the “RTS Maharashtra” Mobile App?

Ans : The Android as well as *i*-Phone users can easily download the “RTS Maharashtra” Mobile App from Google Play Store or Apple App Store for FREE.

6. What are the “ Aaple Sarkar Seva Kendras”?

Ans : “ **Aaple Sarkar Seva Kendras**” are the Centres recognised by the Government of Maharashtra to help and assist the Eligible Persons to avail Online Public Services at their doorstep, without going to the concerned offices.

7. Where are the “ Aaple Sarkar Seva Kendras” located?

Ans : The “Aaple Sarkar Seva Kendras” are usually located at all the Tahsil Offices, Offices of the Gram Panchayats, Urban local Bodies like Municipal Corporations and Municipal Councils and also at some private places.

8. How can anyone locate the “Aaple Sarkar Seva Kendra” nearby him?

Ans : Anyone can search and locate the “Aaple Sarkar Seva Kendra” nearby him from the link named “ **Seva Kendra**” provided on the Aaple Sarkar Portal as well as on the Mobile App. The District and Taluka wise lists of such Kendras alongwith their addresses, email id and phone numbers will be available immediately. Such lists are also available on the Websites of the District Collectors.

9. Is it necessary to submit hard copies of the Application and the Documents after submitting an application Online?

Ans : No.

10. What are the language options available on the Portal and App?

Ans : The “Aaple Sarkar Service Portal” and the “RTS Maharashtra” Mobile App can be operated both in **Marathi** as well as in **English** language.

11. Is Registration of the user necessary to use the Portal & the App?

Ans : Yes. Registration is necessary only once. Applicant can create a self profile and register. Once Applicant is registered he can avail online facilities for any notified services anytime, by using the same profile. Applicant can register by giving his UID (Aadhar) number also.

12. Is facility of uploading the documents and payment of fees available on the Portal and the App?

Ans : Yes.

13. How can the user get the service in the form of a Certificate or Document?

Ans : The Service in the form of a Digitally Signed Certificate or Document is granted (if eligible and approved) in Applicant’s registered profile and one copy is forwarded to the “**Digital Locker**”.

14. Can the Applicant track the progress of his Online Application?

Ans : Yes. The Applicant can track the progress of his Online Application using the link - “**Track Your Application**” using the **UIN** (Unique Identification Number)

15. Can the Applicant call for any help needed while submitting his Online Application?

Ans : Yes. The Applicant can call the **24 X 7 Citizen Call Centre number 1800 120 8040** which is a toll free number.

16. Can the applicant file an Online Appeal?

Ans : Yes. The Applicant can file his First, Second as well as Third appeal Online.

17. Is the Registration Process simple?

Ans : Yes. The Registration Process is very simple. You have two options; either you register with your Aadhar Number & register a mobile number *OR* you have to fill in the details correctly.

18. Whether the Applicant has to pay any additional service charges at the “Aaple Sarkar Seva Kendras”?

Ans : The Applicant shall pay **ONLY** the fees approved by the Government and displayed at conspicuous place at the Centre as required by the law. This is inclusive of service charges of the “ Aaple Sarkar Seva Kendras”.

19. Who is the competent authority to take action against the “Aaple Sarkar Seva Kendra” not functioning as per law?

Ans : The Collector of the concerned District and the Sub Divisional Officer of Revenue Sub Division in that District are competent to take action against the “ Aaple Sarkar Seva Kendra” not functioning as per law.

20. Does the “ Aaple Sarkar Seva Kendras” at the Gram Panchayats provide the Public Services only related to the Rural Development Department?

Ans : No. All the “ Aaple Sarkar Seva Kendras” (including the kendras at Gram Panchayat, Municipal Councils or Tahsil Offices as well as privately run ASSK’s) **SHALL** provide all public services of all departments available on the Portal.

21. Who sanctions the new “ Aaple Sarkar Seva Kendras” for private persons?

Ans : The Collectors of the District are empowered to sanction “**Aaple Sarkar Seva Kendra**” to be run privately, subject to the norms prescribed by the Government in this behalf.

E) Appeals

1. Who can file an Appeal?

Ans : Any 'Eligible Person', whose application is rejected OR who is not provided the public service within the stipulated time limit, may file an appeal before the first appellate authority.

2. What is the maximum time limit to file the first appeal?

Ans : First appeal shall be filed within the period of thirty (30) days from the date of receipt of order of rejection of the application, OR the expiry of the stipulated time limit.

3. Can the eligible person file his first appeal after 30 days with a request of condonation of delay?

Ans : Yes. The first appellate authority may, in exceptional cases, admit the appeal even after the expiry of the period of 30 days, subject to the maximum period of 90 days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

4. What action is supposed to be taken by the first appellate authority ?

Ans : The first appellate authority may direct the Designated Officer to provide the service within certain period or he may reject the appeal.

5. Is there certain time limit to decide the first appeal?

Ans : Yes. The first appellate authority shall decide the first appeal within 30 days from the date of filing the appeal.

6. Is it possible for the eligible person to present his case personally before the first appellate authority?

Ans : Yes. The first appellate authority is required to give an opportunity of being heard to the appellant as well as the designated officer or any of his subordinate duly authorised for this purpose.

7. How does the appellant come to know about the decision of his appeal?

Ans : As per law, the order in the appeal shall be in writing and a copy of the same shall be given to the appellant.

8. Are there any forms prescribed for the appeals?

Ans : Yes. The first appeal, second appeal and the third appeal shall be filed in "Form-II", "Form-III" and "Form-V" respectively. These forms are appended to the Rules.

9. What is the procedure for filing the appeals?

Ans : The appeals can be filed either manually or Online.

10. Are there any documents required to be attached with the appeals?

Ans : Yes. The appellant shall enclose the following documents with the appeals :-

- (a) List of documents enclosed with the appeal
- (b) Self attested copy of the order against which the first or second appeal is being made
- (c) Copies of the documents relied upon and referred to by the appellant in the first or second appeal.

11. What is the procedure of service of the notice of hearing of the appeals?

Ans : The notice of hearing of the appeals shall be served either by hand delivery or by registered post with due acknowledgement or online through email or SMS or Mobile Apps.

12. Is any affidavit required to be sworn in for filing the appeals?

Ans : No.

13. Is it mandatory to file an appeal and represent the case through an Advocate?

Ans : No.

F) PENALTY

1. What is the penalty to be levied on the designated officer for failure to provide public service within the stipulated time limit ?

Ans : If the designated officer has failed to provide public service within stipulated time limit, without sufficient and reasonable cause, then he may be imposed with a penalty which shall not be less than rupees five hundred (500), but which may extend to rupees five thousand (5000).

2. Who can impose the penalty on the designated officer?

Ans : The first appellate authority may impose the penalty after hearing the appeal made in this regard.

3. Can the second appellate authority vary the penalty imposed by the first appellate authority?

Ans : Yes. The second appellate authority may confirm or vary the penalty imposed by first appellate authority after recording the reasons in writing.

4. Can a penalty be imposed on the First appellate authority in certain cases?

Ans : Yes. If the Chief Commissioner or the Commissioner is of the opinion that the first appellate authority had failed to decide the appeal within the specified time limit without any sufficient and reasonable cause, or unduly tried to protect the erring designated officer, then he may impose a penalty on the first appellate authority which shall not be less than rupees five hundred (500), but which extend to rupees five thousand (5000).

5. What is the procedure to recover the penalty?

Ans : The designated officer or the first appellate authority, as the case may be, is directed to pay the amount of penalty within a period of 30 days failing which the competent authority shall recover the amount of penalty from the salary of the concerned designated officer or first appellate authority.

6. Is there any provision for a disciplinary action against the designated officer?

Ans : Yes. The competent authority may initiate appropriate disciplinary proceedings against the designated officer for the reason of the repeated failures to provide public services or repeated delays in providing public services as well as repeated failures to comply with the directions of the appellate authority.

7. What is meant by “ Repeated Defaulter”?

Ans : A designated officer shall be deemed to be a repeated defaulter, if he commits ten per cent defaults in total eligible cases he has received in a year.

G) About RTS Commission

1. What are the provisions about constitution of the Commission?

Ans : As per the provisions of Section - 13 (1) of the Act, the State Government shall, by notification in the official gazette, constitute a Commission to be called as “the Maharashtra State Commission for Right to Service”.

2. What is the constitution of the Commission?

Ans : The Maharashtra State Commission for Right to Service shall consist of :-
The State Chief Commissioner for Right to Service having jurisdiction for Mumbai City District and Mumbai Suburban District, *and* One State Commissioner for Right to Service having jurisdiction for each corresponding revenue division, excluding the area of Mumbai City District and Mumbai Suburban District.

3. Who appoints the State Chief Commissioner and other Commissioners?

Ans : Hon'ble. Governor of Maharashtra appoints the State Chief Commissioner and other Commissioners

4. Where is the headquarter of the Commission?

Ans : The headquarter of the Commission is at -

“ Seventh Floor, New Administrative Building, opposite Mantralaya Hutatma Rajguru Chowk, Madam Cama Road, Mumbai -400 032”.

5. What is the email id of the Commission ?

Ans : The email id of the commission is ccrts@maharashtra.gov.in

6. What are the phone numbers of the Commission ?

Ans : The Phone numbers of the Commission are 022- 22832346 and 022- 22022347

7. What are the provisions for the powers and functions of the Commission?

Ans : The powers and the functions of the commission are explained in Section-16 of the Act.

8. Is the Commission entitled to take *suo motu* notice of failure to deliver public services in accordance with the Act and refer such cases for disposal?

Ans : Yes.

9. How does the Commission supervise the delivery of services by various offices?

Ans : The Commission supervise the delivery of services by various departments through regular monetary and review, monthly reports, review meetings, evaluation of performance, ranking of departments, interaction with Collectors and Secretaries. The Commission may carry out inspections of the offices entrusted with the delivery of public services and also the offices of the First Appellate Authorities and Second Appellate Authorities.

10. What action does the Commission recommend after noticing failure in due discharge of functions?

Ans : The Commission may recommend Departmental Enquiry against any Designated Officer OR Appellate Authority who have failed in due discharge of the functions cast on them under the Act.

11. Can the Commission recommend any changes in procedures for delivery of Public Services?

Ans : Yes. The Commission may recommend changes in procedures for delivery of Public Services to make the delivery more transparent and easier. The Commission may also recommend steps to be taken by the Public Authorities for efficient delivery of Public Services.

12. Are the recommendations of the Commission required to be responded by the Government?

Ans : The State Government shall consider the recommendations made by the Commission under Clause - (c), (d) & (e) of Sub Section- (1) of Section - 16 and send information to the Commission of action taken.

13. Who can file an appeal to the Commission?

Ans : The Eligible Person or the Designated Officer aggrieved by an order of Second Appellate Authority may file an appeal before the Commission.

14. What is the time limit to file an appeal before the Commission?

Ans : An appeal before the Commission shall be filed within the period of Sixty (60) days from the date of receipt of the order of Second Appellate Authority.

15. Is there any time limit for disposal of the appeal by the Commission?

Ans : The Chief Commissioner or the Commissioner, shall dispose of appeals within a period of Ninety (90) days from the date of receipt of the appeal.

16. What action is expected by the Commission on the Appeals?

Ans : The Commission may impose the penalty on the Designated Officer *OR* First Appellate Authority *OR* vary *OR* cancel the penalty imposed and may order to refund such penalty paid, if any.

Disclaimer :

These “Frequently Asked Questions” alongwith their answers are drafted and published with a view to enlighten and educate the ‘Eligible Persons’ seeking public services as well as the ‘Designated Officers’ and the ‘Appellate Authorities’ who discharge the public services, about their rights and responsibilities and to popularise the law. It is advised to follow the “Act” and the “Rules” for any kind of legal reference and shall not rely on these FAQ’s solely. If any ambiguity in the interpretation of the law is observed, the Act and Rules shall prevail.