



उत्तराखण्ड शासन

सूचना का अधिकार अधिनियम-2005

मैनुअल – 17

अन्य उपयोगी जानकारियां

सिंचाई विभाग, उत्तराखण्ड
देहरादून

अध्याय-1

1. कृपया हस्त पुस्तिका की पृष्ठभूमि पर प्रकाश डालें (सूचना का अधिकार अधिनियम-2005)
यह अधिनियम 15 जून 2005 को प्रवृत्त हुआ। भारतीय नागरिकों को सूचना प्राप्त करने के लिए और अधिक तथा कारगर पहुंच देने के लिए प्रवृत्त किया गया है।
- 1.2 हस्त पुस्तिका का उद्देश्य
सूचना के अधिकार अधिनियम 2005 की पूर्ण जानकारी देने हेतु ताकि राजकीय या अर्द्धशासकीय कार्यों में पारदर्शिता उपलब्ध रहे।
- 1.3 यह हस्त पुस्तिका किन व्यक्तियों/संस्थानों/संगठनों आदि के लिए उपयोगी है।
यह जम्मू एवं कश्मीर को छोड़कर भारत के समस्त नागरिकों के लिये है।
- 1.4 हस्त पुस्तिका का प्रारूप-
उत्तराखण्ड सिंचाई विभाग
- 1.5 परिभाषायें-जैसा कि अधिनियम-2005 की धारा-2 में दिया गया है।
- 1.6 अधिक जानकारी के लिए सम्पर्क व्यक्ति-
सिंचाई विभाग के मुख्य अभियंता एवं विभागाध्यक्ष देहरादून (उत्तराखण्ड) कार्यालय के वरिष्ठ स्टाफ अधिकारी/अधीक्षण अभियंता/अधिशासी अभियंता।
- 1.7 हस्त पुस्तिका में उपलब्ध जानकारी के अतिरिक्त सूचना प्राप्त करने की विधि एवं शुल्क-
जैसा उत्तराखण्ड सरकार द्वारा निर्धारित किया जाये।

मैनुअल-17
अन्य उपयोगी जानकारियां

17.1 लोक प्राधिकरण से जनमानस द्वारा सामान्यतः पूछे जाने वाले प्रश्न व उनके उत्तर-

“सूचना का अधिकार अधिनियम-2005” प्रवृत्त होने के पश्चात जनमानस द्वारा किसी प्रकार के भी प्रश्न तथा सूचना, जिसकी कल्पना की जा सकती है, पूछी जा सकती है। सिंचाई विभाग एक तकनीकी विभाग है तथा नहरों व नलकूपों को छोड़कर अन्य जगहों पर सामान्यतः लोक व्यवहार नहीं है। सूचना का अधिकार अधिनियम के प्रवृत्त होने के पश्चात जनता को इसकी जानकारी होने पर किसी प्रकार की सूचना अथवा किसी प्रकार के प्रश्न पूछे जा सकते हैं।

17.2 सूचना प्राप्त करने के संबंध में-

आवेदन पत्र-

एकरूपता रखने के लिए इसे राज्य सरकार द्वारा तय किया जा रहा है।

शुल्क-

आवेदन पत्र के साथ देय तथा राज्य सरकार द्वारा निर्धारित।

सूचना आवेदन पत्र पर किस तरह मांगी जाये-कुछ टिप्स-

- (अ) सूचना किस स्थान/कार्यालय/सैक्शन/उपखंड/खंड/मंडल/मुख्य अभियंता से प्राप्त होगी यह ज्ञात करना आसान होना चाहिये।
- (ब) विशिष्ट रूप से जिस सूचना की आवश्यकता है, केवल उसे ही लिखें।
- (स) यह स्पष्ट करें कि क्या यह कार्यालय अभिलेख है, अथवा मैनुअल, आदेश, अनुदेश, नियम या रेखाचित्र है।
- (द) क्या किसी अभिलेख/स्थल के निरीक्षण की आवश्यकता है?

सूचना न देने व अपील करने के संबंध में नागरिक के अधिकार व अपील करने की प्रक्रिया-

जब कभी किसी को सूचना से वंचित किया जाता है तो वह नागरिक 30 दिनों के भीतर अधिनियम की धारा 19 के अन्तर्गत अपील कर सकता है।

17.3 लोक प्राधिकरण द्वारा जनता को दिये जाने वाले प्रशिक्षण के संबंध में मीडिया के द्वारा, अखबार के द्वारा तथा सूचना के अन्य माध्यमों से।

17.4 लोक प्राधिकरण द्वारा दिये जाने वाले प्रमाण पत्र, अनापत्ति प्रमाण पत्र आदि के संबंध में जोकि मैनुअल-13 में न सम्मिलित हो। यह सिंचाई विभाग से संबंधित नहीं है।

- 17.5 लोक प्राधिकरण में होने वाले पंजीयन के संबंध में
1. पंजीयन का उद्देश्य—जनता को सूचना की उपलब्धि।
 2. आवेदक की पात्रता—पंजीयन के लिये कोई भी भारतीय नागरिक सुपात्र है।
 3. पूर्वापेक्षाएँ—कोई नहीं।
 4. आवेदन करने के लिए कहां/किससे सम्पर्क करे—मैनुअल-16 के अनुसार किसी लोक सूचना अधिकारी को। इन्हें प्रत्येक कार्यालय के नोटिस बोर्ड पर दर्शाया जाना चाहिये।
 5. (अ) आवेदन शुल्क— 10/- रु0
(ब) अन्य शुल्क— उत्तराखण्ड राज्य सरकार द्वारा निर्धारित नियमों के अनुसार।
 6. आवेदन पत्र का प्रारूप (यदि आवेदन सादे कागज पर होता है तो उसका उल्लेख करते हुए यह बतायें कि आवेदनकर्ता आवेदन करते समय किन बातों का वर्णन करे)—वर्तमान में कोई निर्धारित प्रपत्र नहीं है। आवेदन सादे पत्र पर प्राप्त किया जायेगा। भविष्य में अनुभव के आधार पर निर्धारित प्रपत्र पर विचार किया जायेगा।
 7. संलग्नकों की सूची—इसमें इंडेक्स के साथ संलग्नकों की सूची दर्शायी जायेगी।
 8. संलग्नकों का प्रारूप— राज्य सरकार द्वारा निर्धारित होगा।
 9. आवेदन करने की प्रक्रिया—आवेदन लोक सूचना अधिकारी को सम्बोधित होगा तथा जिस कार्यालय से सूचना प्राप्त करनी है उसके लोक सूचना अधिकारी को दिया जायेगा।
 10. आवेदन करने के बाद लोक प्राधिकरण में होने वाली प्रक्रिया (यहां पर उस प्रक्रिया का विवरण दें जो आवेदक द्वारा सारी प्राथमिकतायें पूरी करने के पश्चात लोक प्राधिकरण द्वारा की जाती है)—
जैसे ही लोक सूचना अधिकारी के द्वारा सूचना के लिये आवेदन प्राप्त होता है वह उसे पंजीकृत करेगा तथा संबंधित सूचना को अपने कार्यालय में निकलवाने की कार्यवाही करेगा। यदि उस सूचना के लिये और शुल्क की आवश्यकता है तो आवेदक को शुल्क जमा कराने को कहेगा। यह अतिरिक्त शुल्क जमा होने के 30 दिन के भीतर वह आवेदक को तत्संबंधी सूचना उपलब्ध करायेगा अथवा सूचना न देने की दशा में आवेदक को तदनुसार सूचित करेगा तथा साथ ही यह भी सूचित करेगा कि यदि आवेदक को अपील करनी है तो वह किसके यहां व कब तक कर सकता है। सूचना उपलब्ध न कराये जाने की स्थिति अधिनियम की धारा 8 व 9 के अनुसार होगी।
 11. प्रभावी रहने की समय सीमा (यदि हो तो)—जैसा राज्य सरकार निर्धारित करे।
 12. नवीनीकरण की प्रक्रिया (यदि हो तो)— जैसा राज्य सरकार निर्धारित करे।
- 17.6 लोक प्राधिकरण (निगम, ट्रेड टैक्स, मनोरंजन कर आदि) द्वारा टैक्स लेने के संबंध में— सिंचाई विभाग से संबंधित नहीं।

- 17.7 लोक प्राधिकरण द्वारा नागरिकों को दी जाने वाले बिजली/पानी के कनेक्शन, कनेक्शन, को अस्थाई/स्थाई रूप से विच्छेदन आदि के संबंध में—सिंचाई विभाग से संबंधित नहीं।
- 17.8 लोक प्राधिकरण द्वारा नागरिकों को दी जाने वाली अन्य सेवाओं का विवरण—सिंचाई विभाग से संबंधित नहीं।

सिंचाई अनुभाग
जन-सामान्य तक सूचनाओं एवं अभिलेखों की पहुँच

सूचना का अधिकार अधिनियम, 2005 (परिशिष्ट-I)	1.	प्रत्येक लोक प्राधिकारी के कार्यकरण में पारदर्शिता और उत्तरदायित्व के संवर्धन के लिये, लोक प्राधिकारियों के नियंत्रणाधीन सूचना तक पहुँच सुनिश्चित करने के लिए नागरिकों के सूचना के अधिकार की व्यवहारिक शासन पद्धति स्थापित करने के उद्देश्य से सूचना का अधिकार अधिनियम 2005, दिनांक 12 अक्टूबर 2005 से अस्तित्व में है।
लोक सूचना का अधिकार सहायक लोक सूचना अधिकारी एवं अपीलीय अधिकारी (परिशिष्ट-II)	2.	सि० विभाग की समस्त प्रशासनिक इकाईयों में अधिनियम की धारा 5(1), धारा 5(1) एवं धारा 19(1) के अन्तर्गत क्रमशः लोक सूचना अधिकारियों, सहायक लोक सूचना अधिकारियों एवं विभागीय अपीलीय अधिकारियों का नामांकन किया गया है।
सूचना हेतु प्राप्त अनुरोध पत्रों का पंजीकरण एवं निस्तारण	3.	नागरिकों से प्राप्त सूचना के अनुरोधों का पंजीकरण यथास्थिति पार्श्वकित शासनादेश में दिये गये किसी एक प्रारूप में किया जायेगा। सहायक लोक सूचना अधिकारी स्तर पर सूचना के अनुरोध को प्राप्त करने की स्थिति में, उन लोक सूचना अधिकारी को शीघ्रताशीघ्र परन्तु विलम्बतः 5 दिन के अंदर निर्धारित प्रारूप को अग्रेषित करेगा।
	3.1	अनुरोधकर्ता को सूचना का अनुरोध का प्राप्ति पत्र आवेदन शुल्क की रसीद सहित दिया जायेगा। यदि अनुरोधकर्ता गरीबी रेखा से निम्न आय वर्ग का हो तो उससे किसी प्रकार का शुल्क नहीं लिया जायेगा।
शासनादेश सं० 146/सु०/XXXI(3)G/2006 दिनांक 22 मार्च, 2006 (परिशिष्ट III)	3.2	अधिनियम की धारा 6 के अधीन सूचना का अनुरोध प्राप्त होने पर लोक सूचना अधिकारी यथासम्भव शीघ्रता से और किसी भी दशा में अनुरोध प्राप्ति के तीन दिन के भीतर ऐसी फीस के संदाय पर जो विहित की जाये या तो सूचना उपलब्ध करायेगा या धारा 8 और धारा 9 में विनिर्दिष्ट कारणों में से किस कारण से अनुरोध को अस्वीकार करेगा। यदि लोक सूचना अधिकारी विनिर्दिष्ट अवधि के भीतर सूचना के लिये अनुरोध पर विनिश्चय करने में असफल रहता है, तो यह समझा जायेगा कि उसने अनुरोध को नामंजूर कर दिया है।
सूचना का अधिकार (फीस एवं लागत का विनियमन) नियम, 2005	4.	अधिनियम की धारा 6 की उपधारा (1) के अधीन सूचना मांगे जाने हेतु आवेदन पत्र के साथ देय फीस एवं अभिलेखों की छायाप्रतियां अनुरोधकर्ता को उपलब्ध कराने हेतु पार्श्वकित अधिसूचना के अनुसार शुल्क देय होगा।
अधिसूचना ए०-266/XXII/205-9 (31) दिनांक 13 अक्टूबर 2005 एवं संशोधित अधिसूचना सं० 165/मू/XXXI(13) G-(2)/2006 दिनांक 31 मार्च, 2006	5.	यदि लोक सूचना अधिकारी के पास किसी ऐसी सूचना दिये जाने का अनुरोध प्राप्त होता है तो जो तीसरे पक्षकार से सम्बन्धित है और तीसरे पक्षकार द्वारा उसे गोपनीय माना गया है, तो ऐसी दशा में लोक सूचना अधिकारी अनुरोध प्राप्त होने से पांच दिनों के भीतर, ऐसे तीसरे पक्षकार को इस तथ्य की लिखित स्वयं से सूचना देगा और इस बारे में कि सूचना प्रकट की जानी चाहिये या नहीं लिखित रूप में या मौखिक रूप में निवेदन करने के लिये तीसरे पक्षकार को आमंत्रित करेगा एवं सूचना के प्रकटन के बारे में कोई निर्णय करते समय तीसरे पक्षकार के उत्तर को ध्यान में

(परिशिष्ट -IV एवं परिशिष्ट-V)		रखेगा।
पर व्यक्ति सूचना	5.1	तीसरे पक्षकार को ऐसी सूचना के प्रस्तावित प्रकटन के विरुद्ध अभ्यावेदन करने का अवसर दिया जायेगा। लोक सूचना अधिकारी द्वारा तीसरे पक्षकार को संबंधित सूचना के अनुरोध प्राप्त होने के पश्चात 40 दिन के भीतर इस बारे में निर्णय लिया जायेगा कि उक्त सूचना या अभिलेख या उसके भाग का प्रकट किया जाये या नहीं और अपने निर्णय की सूचना लिखित में तीसरे पक्षकार को भी देगा, लोक सूचना अधिकारी तीसरे पक्षकार को यह भी सूचित करेगा कि उसे निर्णय से असंतुष्ट होने पर विभागीय अपीलीय अधिकारी के यहां 30 दिन के अन्दर अपील करने का अधिकार है।
	6.	अपील करने वाला व्यक्ति सूचना प्राप्ति के लिए निर्धारित समय सीमा की समाप्ति की तिथि से 30 दिन के अंदर अथवा लोक सूचना अधिकारी के आदेश की प्राप्ति की तिथि से 30 दिनों के अंदर विभागीय अपीलीय अधिकारी के समक्ष अपील कर सकता है। संबंधित अपीलीय अधिकारी को यदि यह विश्वास हो जाता है कि किन्हीं अपरिहार्य कारणों से अपीलकर्ता अपनी अपील की याचिका निर्धारित समय में प्रस्तुत करने में असमर्थ रहा हो तो वह उक्त समय सीमा के बाद भी अपील स्वीकार कर सकता है।
प्रथम अपील धारा 19 (1)	6.1	लोक सूचना अधिकारी द्वारा अधिनियम की धारा 11 के अन्तर्गत यदि तीसरे पक्ष से संबंधित सूचना अनुरोधकर्ता को देने के संबंध में निर्णय दिया गया है तो इस आदेश से प्रभावित तीसरा पक्ष, आदेश की तिथि से 30 दिनों के अंदर विभागीय अपीलीय अधिकारी के यहां अपील कर सकता है।
	6.2	विभागीय अपीलीय अधिकारी द्वारा अपील का निस्तारण, याचिका की तिथि से 30 दिनों के अंदर किया जायेगा।
सूचनाओं का स्वैच्छिक प्रकटन	7.	अधिनियम की धारा 4(1) (ख) के अधीन विभाग की सभी प्रशासनिक इकाईयां जो लोक प्राधिकारी घोषित हैं, के द्वारा 17 बिंदुओं पर सूचनायें संकलित कर प्रत्येक बिन्दु पर मैनुअल बनाये जायेंगे, उक्त सभी मैनुअल पर सीडी तैयार कर राष्ट्रीय सूचना केन्द्र को उपलब्ध कराई जायेगी। विभाग के प्रत्येक लोक प्राधिकारी स्तर पर उक्त मैनुअल की हार्ड प्रति एवं सॉफ्ट प्रति उपलब्ध रहेगी।
(उत्तरांचल सूचना आयोग परिपत्र सं० 65/उ०सू० आ०/मु०सू०आ०/2005 दिनांक 6 दिसम्बर, 2005) (परिशिष्ट- VI)	7.1	उक्त मैनुअल यथास्थिति प्रत्येक वर्ष के अन्त में अद्यावधिक किये जायेंगे तथा मैनुअल सूचना के अधिकार अधिनियम के अन्तर्गत जन साधारण अवलोकनार्थ बराबर उपलब्ध रहेंगे।
मासिक प्रगति प्रतिवेदन	8	सूचना के अधिकार अधिनियम की धारा 25(3) के अधीन उपलब्ध (क) से (ड़) के संबंध में 5 बिंदुओं पर सिंचाई विभाग की प्रत्येक लोक प्राधिकारी इकाई मासिक प्रगति प्रतिवेदन अपने उच्च लोक प्राधिकारी को प्रेषित करेंगे। सिंचाई विभाग के निदेशालय स्तर से ऐसे प्राप्त प्रगति प्रतिवेदन को संकलित कर उत्तराखण्ड सूचना आयोग को प्रत्येक माह दसवीं तारीख तक प्रेषित किया जाना

		होगा।
	8.1	सूचना आयोग इन मासिक प्रगति प्रतिवेदन का उपयोग अपनी वार्षिक रिपोर्ट तैयार करने में करेगा।
सूचना पटों को प्रदर्शित करना	9.	जन सामान्य की सुविधा हेतु प्रत्येक लोक प्राधिकारी स्तर पर अपने कार्यालय व प्रमुख स्थान पर नामित लोक सूचना अधिकारी, सहायक लोक सूचना अधिकारी एवं अपीलीय अधिकारी के नाम पदनाम तथा दूरभाष नम्बर प्रदर्शित करते हुए सूचना पट्ट लगाये जायेंगे।
लोक प्राधिकारियों द्वारा आयोग स्तर से प्राप्त शिकायतों एवं अपीलों पर कार्यवाही	10.	आयोग में धारा 18(1) के अधीन प्राप्त शिकायतों एवं धारा 19(3) के अन्तर्गत प्राप्त दूसरी अपील पर लोक प्राधिकारी को जारी नोटिस को प्रत्येक लोक प्राधिकारी स्तर पर एक पृथक पंजिका में दर्ज किया जायेगा। इस पंजिका में प्राप्त शिकायतों एवं अपीलों पर लोक प्राधिकारी स्तर पर समय-समय पर की गई कार्यवाही का दिनांक सहित अंकन किया जायेगा।
द्वितीय अपील राज्य सूचना आयोग (अपील प्रक्रिया) नियम, 2005 अधिसूचना सं० 305/XXII/2005-9 (33) 2005 दिनांक 13 दिसम्बर, 2005 (परिशिष्ट-VII)	11.	अधिनियम की धारा 19 (3) में राज्य सूचना आयोग को द्वितीय अपील दायर करने हेतु राज्य सूचना आयोग (अपील प्रक्रिया) नियम 2005 का पालन किया जायेगा।

प्रेषक,

एम० रामचन्द्रन
मुख्य सचिव,
उत्तरांचल शासन।

सेवा में,

समस्त प्रमुख सचिव/सचिव
उत्तरांचल शासन।

सामान्य प्रशासन अनुभाग

दिनांक 22 मार्च, 2005

विषय : सूचना के अनुरोधों पर समुचित कार्यवाही हेतु प्रक्रिया सम्बन्धी दिशा निर्देश।

सूचना का अधिकार अधिनियम 12 अक्टूबर 2005 से प्रभावी हो गया है। शासन स्तर पर इसके क्रियान्वयन के लिए व्यापक तैयारियां पहले ही की जा चुकी हैं। विभागों व अन्य लोक प्राधिकरणों में अधिनियम के प्राविधानों के अनुसार लोक सूचना अधिकारी, सहायक लोक सूचना अधिकारी और विभागीय अपील अधिकारियों का नामांकन हो चुका है। सभी स्तरों पर अधिकारियों का अधिनियम के प्राविधानों की जानकारी देने के लिए कार्यशालाएं आयोजित की गयी हैं। इसके अतिरिक्त अधिकारियों की सुविधा के लिए शासन सूचना का अधिकार अधिनियम-2005 मार्गदर्शिका का भी प्रकाशन किया गया है। जिसकी प्रतियां सभी विभागों को प्रेषित कर दी गयी हैं।

इन तैयारियों को दृष्टिगत रखते हुए लोक प्राधिकारियों द्वारा सूचना के अनुरोधों का निस्तारण सुगमता से किये जाने की अपेक्षा की गयी है, लेकिन प्रारम्भिक अनुभवों से प्राप्त जानकारी के अनुसार अधिनियम के अन्तर्गत सूचना उपलब्ध कराने में कुछ कठिनाईयां आ रही हैं जिनका मुख्य कारण प्रक्रिया की अस्पष्टता व विभाग एवं लोक प्राधिकारी स्तर पर इस संबंध में समुचित व्यवस्था का नहीं होना माना जा रहा है। इसलिए यह आवश्यक समझा गया कि सूचना के अनुरोधों पर व्यवस्थित, तत्काल व सुगम कार्यवाही करने की कार्यविधि सम्बन्धी निर्देश जारी किये जाएं जिससे इस संबंध में किसी भी तरह की अनिश्चितता न बनी रहे और सूचना के अधिकारी अधिनियम के प्राविधानों के अनुरूप निम्न बिन्दुओं पर कार्यवाही सुनिश्चित कर प्रक्रिया से संबंधी अस्पष्टता दूर हो सके। इस संदर्भ में कृपया अपने अधीन लोक प्राधिकारी इकाइयों एवं लोक सूचना अधिकारियों व सहायक लोक सूचना अधिकारियों के स्तर पर निम्नानुसार कार्यवाही सुनिश्चित करें।

1. सूचना के अनुरोधकर्ताओं के लिए सुविधा कक्ष की स्थापना:

अधिकांश शंकायें सूचना के इच्छुक व्यक्तियों से वार्ता कर दूर की जा सकती हैं। सम्भव है कि बातचीत के बाद सूचना के औपचारिक अनुरोध की आवश्यकता ही न पड़े। इसके लिए प्रत्येक कार्यालय में जहां भी लोक सूचना अधिकारी या सहायक लोक सूचना अधिकारी

नामांकित हैं, सूचना के अनुरोधकर्ताओं की सुविधा के लिए सूचना का अधिकार नाम का एक पृथक मार्गदर्शक या सुविधा कक्ष (Facilitation Counter) की स्थापना की जानी आवश्यक है। जिन कार्यालयों में स्वागत कक्ष पहले से ही स्थापित हैं उनमें इन्हीं स्वागत कक्षों में सूचना का अधिकार सम्बन्धी जानकारी देने की भी व्यवस्था की जानी चाहिए। इसके लिए स्वागत कक्ष के एक हिस्से में चाहते हैं? तदनुसार सूचना के अनुरोध का आवेदन तैयार करवा कर वांछित सूचना या अनभिज्ञता के कारण कोई भी व्यक्ति अनावश्यक सूचनाओं के लिए अनुरोध न करे। स्वागत कक्ष के अतिरिक्त, पुस्तकालय, वाचनालय, प्रतीक्षा कक्ष या कार्यालय में उपलब्ध कॉमन स्पेस (common space) को भी सुविधा कक्ष के रूप में विकसित किया जा सकता है। इनमें विभागीय सूचनाओं से संबंधित 17 मैनुअल्स, विभाग का वार्षिक प्रतिवेदन, कार्यपूर्ति दिग्दर्शिका व आम जनता के उपयोग की अन्य सूचनायें भी रखी जा सकती हैं।

2. अनुरोध पत्रों के पंजीकरण का प्रारूप:

सूचना के अनुरोधों का विधिवत् पंजीकरण किया जाना आवश्यक है। इसके आधार पर ही सूचना के अधिकार सम्बन्धी कार्यकलापों की प्रगति रिपोर्ट लोक प्राधिकारी, प्रशासकीय विभाग एवं राज्य स्तर पर तैयार की जा सकेगी। इसके लिए प्रदेश के सभी विभागों एवं लोक प्राधिकरणों में सूचना के अनुरोधों के पंजीकरण की समान व्यवस्था लागू करने की आवश्यकता है। इस उद्देश्य से अनुरोधों के पंजीकरण के लिए तीन प्रारूप संलग्न किये जा रहे हैं (संलग्नक 1, 2, 3)। प्रथम प्रारूप सहायक लोक सूचना अधिकारी स्तर पर पंजीकरण के लिए, दूसरा प्रारूप लोक सूचना पंजीकरण के लिए विहित है। सभी विभागाध्यक्षों व लोक प्राधिकारियों को चाहिए कि सूचना के अनुरोधों के पंजीकरण के लिए विभाग/लोक प्राधिकरण स्तर पर विहित प्रारूपों के अनुसार "सूचना का अनुरोध पंजीकरण पत्रिका" व सूचना के लिए अपील किया जाना चाहिए ताकि स्वतः प्रगति रिपोर्ट तैयार हो सकें एवं अधिनियम की व्यवस्था के अनुरूप राज्य सूचना आयोग को प्रगति विवरण भेजा जा सकें।

प्रविष्टि के बाद प्रत्येक सप्ताह/सुविधानुसार उस धनराशि को विभागीय राजस्व लेखाशीर्षक के अधीन राजकोष में जमा करेंगे।

3. अनुरोधपत्रों के पंजीकरण की व्यवस्था:

प्रारम्भिक अनुभवों से यह भी ज्ञात हुआ है कि कुछ कार्यालयों में लोक सूचना अधिकारी की अनुपस्थिति में सूचना के अनुरोधों को प्राप्त करने के लिए कोई अधिकारी या कर्मचारी उपलब्ध नहीं होता है या उपस्थित व्यक्ति अनुरोध पत्र लेने से मना कर देता है। इसलिए यह सुनिश्चित किया जाना चाहिए कि सूचना का अधिकार सुविधा कक्ष में हर समय कोई न कोई अधिकारी अथवा कर्मचारी सूचना के अनुरोधों को प्राप्त करने के लिए उपस्थित रहें। अधिनियम के प्राविधानों के अनुसार सूचना का अनुरोध पत्र सहायक लोक सूचना अधिकारी अथवा लोक सूचना अधिकारी द्वारा प्राप्त किया जाना है। तथापि जहां पर कार्यालयाध्यक्ष या वरिष्ठ अधिकारी लोक सूचना अधिकारी नामित है, वहां वे अपनी सहायता

के लिए किसी दूसरे अधिकारी/कर्मचारी या स्वागत अधिकारी के अनुरोध पत्र को प्राप्त करने व उसके पंजीकरण की जिम्मेदारी दे सकते हैं। यह सुनिश्चित करना लोक सूचना अधिकारी/सहायक लोक सूचना अधिकारी का दायित्व होगा कि उनकी अनुपस्थिति में भी सूचना के अनुरोध पत्रों को प्राप्त व पंजीकृत किया जाये। इस दिशा में समुचित व्यवस्था करने लोक सूचना अधिकारी अपने स्तर पर ही ऐसी शिकायतों को दूर कर दें ताकि किसी को भी सूचना के अनुरोध पत्रों के प्राप्त न किये जाने की शिकायत किसी अन्य स्तर पर करने की आवश्यकता ना पड़े तथा सुगमता से आवेदन पत्र आगन्तुकों द्वारा जमा कराये जा सकें।

4. सूचना शुल्क लेखांकन की प्रक्रिया:

सूचना के अनुरोध पत्रों के साथ 10/रु० आवेदन शुल्क प्राप्त किया जाना है। गरीबी रेखा के नीचे के अनुरोधकर्ताओं से कोई शुल्क नहीं दिया जाना है। मार्गदर्शिका में दिये गये निर्देशों के अनुसार आवेदन शुल्क नकद, बैंक ड्राफ्ट या बैंकर्स चैक के माध्यम से ही दिया जा सकता है इस विषय पर वित्त विभाग द्वारा कार्यालय ज्ञाप सं० 1/XXVII(7) 2005 दिनांक 14 अक्टूबर 2005 द्वारा शुल्क प्राप्त करने और उसके लेखांकन की विस्तृत प्रक्रिया सुझायी गयी है। फिर भी इस संबंध में यह स्पष्ट किया गया है कि सूचना के अनुरोधकर्ता द्वारा नकद अथवा विभाग/लोक प्राधिकरण के लेखा अधिकारी के नाम का बैंक ड्राफ्ट या बैंकर्स चैक प्रस्तुत कर शुल्क दिया जा सकता है। इसके लिए सभी लोक सूचना अधिकारियों को चाहिए कि अपने जनपद की ट्रेजरी से उक्त प्रपत्र की रसीद बुक प्राप्त कर ले और विभागीय और विभागीय आहरण वितरण अधिकारी की ओर से शुल्क प्राप्ति रसीद निर्गत करें।

यही प्रक्रिया अतिरिक्त शुल्क को प्राप्त करने के लिए अपनाई जायेगी। शुल्क से प्राप्त धनराशि लोक सूचना अधिकारी या सहायक लोक सूचना अधिकारी विभागीय आहरण वितरण अधिकारी को उपलब्ध करायेंगे जो कि विभाग की रोकड़ बही (cash book) में इस अधिनियम के अंतर्गत शुल्क जमा करने की प्रक्रिया को और सरलीकृत किये जाने की कार्यवाही की जा रही है।

5. सूचना के अनुरोधों पर कार्यवाही:

सूचना का अनुरोध प्राप्त होने के बाद मार्गदर्शिका में दी गयी प्रक्रिया के अनुसार उस पर आगे की कार्यवाही सुनिश्चित कर यथा स्थिति 30, 35 या 45 दिनों के अन्दर अनुरोधकर्ता को वांछित सूचना उपलब्ध करा दी जानी है। इस प्रक्रिया के विभिन्न चरणों में सम्भावित पत्राचार को समरूप बनाने के लिए निम्नलिखित प्रपत्र निर्धारित कर संलग्न किये जा रहे हैं।

संलग्नक :4 सहायक लोक सूचना अधिकारी द्वारा सूचना के अनुरोध के अग्रप्रेषण का प्रपत्र

संलग्नक :5 सूचना के अनुरोधों का पावति का प्रपत्र

- संलग्नक :6 अतिरिक्त शुल्क के लिए सूचना का प्रपत्र
संलग्नक :7 तीसरे पक्षधर को सूचना का प्रपत्र
संलग्नक :8 सूचना के अनुरोध को दूसरे प्राधिकारी को हस्तान्तरण के लिए प्रपत्र
संलग्नक :9 अनुरोध को अस्वीकार करने की सूचना का प्रपत्र
संलग्नक :10 अनुरोधकर्ता को सूचना प्रेषित करने सम्बन्धी प्रपत्र

यथा सम्भव पत्राचार लोक सूचना में इन प्रपत्रों का ही प्रयोग किया जाना चाहिए। इस सम्बन्ध में लोक सूचना अधिकारी यदि आवश्यक समझे तो विभाग के वरिष्ठ अधिकारियों से मार्गदर्शन प्राप्त कर सकते हैं। यह प्रयास किया जाय कि किसी भी स्थिति में सूचना के अधिकार अधिनियम के अन्तर्गत अनुरोधकर्ताओं को सूचना उपलब्ध कराने में कोई गतिरोध उत्पन्न न हो। सभी विभागाध्यक्षों/लोक प्राधिकारियों से अपेक्षा की जाती है कि वे सूचना के लिए आवेदन पत्र प्राप्त करने व सूचना देने व उसके पंजीकरण आदि की उपरोक्त प्रक्रिया को यदि आवश्यक हुआ तो, विभागीय विशिष्टताओं/व्यवहारिकता के अनुरूप संशोधित कर उपयोग करेंगे, जिसमें सूचना देने की प्रक्रिया में कोई भ्रम विभागीय अधिकारियों में न रहे, साथ ही अनुरोधकर्ताओं को भी निश्चित प्रक्रिया व प्रारूप का ज्ञान होने में कम से कम कठिनाई हो।

भवदीय

(एम० रामचन्द्रन)
मुख्य सचिव

संलग्नक 1

सहायक लोक सूचना अधिकारी के स्तर पर सूचना के अनुरोधों के पंजीकरण का प्रस्तावित प्रारूप

क्र० सं०	अनुरोध प्राप्ति तिथि	अनुरोधकर्ता का नाम	पत्राचार का पूर्ण पता	दूरभाष संख्या (यदि हो)	मांगी गई सूचना का विवरण	संबंधित विभाग/ अनुभाग का नाम	आवेदन शुल्क का भुगतान (रु०)	लोक सूचना अधिकारी को अग्रेषण की तिथि
1	2	3	4	5	6	7	8	9

संलग्नक 2

लोक सूचना अधिकारी द्वारा सूचना के अनुरोधों के पंजीकरण का प्रस्तावित प्रारूप

क्र० सं०	अनुरोध पत्र प्राप्ति की तिथि	अनुरोधकर्ता का नाम	पत्राचार का पूर्ण पता	दूरभाष संख्या	मांगी गई सूचना का विवरण	आवेदन शुल्क (रु०)	अतिरिक्त शुल्क रु०
1	2	3	4	5	6	7	8

कुल शुल्क रु०	अनुरोध अस्वीकार करने पर उसका विवरण	अतिरिक्त शुल्क की सूचना की तिथि	अतिरिक्त शुल्क प्राप्ति की तिथि	तीसरे पक्ष को सूचित करने की तिथि (यदि आवश्यक समझा जाय)	तीसरे पक्ष से उत्तर प्राप्ति की तिथि	अनुरोध पर अंतिम आदेश	आदेश निर्गत करने की तिथि
9	10	11	12	13	14	15	16

संलग्नक 3

विभागीय स्तर पर अपील के अनुरोधों के पंजीकरण का प्रस्तावित प्रारूप

क्र० सं०	अपील के लिए अनुरोध पत्र प्राप्ति तिथि	विभाग/अनुभाग का नाम	अपील से सम्बन्धित तथ्यों का संक्षिप्त विवरण	लोक सूचना अधिकारी के आदेश का संक्षिप्त विवरण	अपील स्वीकृत/अस्वीकृत	विभागीय अपील अधिकारी के आदेश की तिथि	अपील कर्ता को आदेश पत्र निर्गत करने की तिथि
1	2	3	4	5	6	7	8

संलग्नक 4

सहायक लोक सूचना अधिकारी द्वारा सूचना के अनुरोध को अग्रेषित करने का प्रपत्र

कार्यालय का नाम व पता

पत्रावली संख्या.....

दिनांक.....

प्रेषक,

.....

सेवा में,

लोक सूचना अधिकारी

.....

अनुरोधकर्ता का नाम.....

पत्राचार का पता.....

वर्ग : बी० पी० एल०/ए० पी० एल०.....

अनुरोध प्राप्ति की तिथि.....

अग्रेषण की तिथि.....

मांगी गई सूचना का विषय

.....

सम्बन्धित विभाग/अनुभाग का नाम:.....

सूचना शुल्क की मात्रा रु०.....

अन्य विवरण (यदि कोई हो).....

संलग्नक : अनुरोध पत्र की मूल प्रति

सहायक लोक सूचना अधिकारी
कार्यालय मुहर

संलग्नक 5

अतिरिक्त शुल्क के लिए सूचना का प्रपत्र

कार्यालय का नाम व पता

पत्रावली संख्या.....

दिनांक.....

विषय : अतिरिक्त शुल्क जमा करने के सम्बन्ध में।

श्री / श्रीमती.....

.....
.....

कृपया अपने दिनांक..... के सूचना के अनुरोध पत्र का संदर्भ ग्रहण करें। आपके द्वारा मांगी गई सूचना सामग्री कैसे एकत्रित करने और इच्छित रूप में उपलब्ध करने पर सरकार द्वारा निम्नलिखित निर्धारित दरों के आधार पर रु०..... अतिरिक्त शुल्क देय होता है।

अतिरिक्त शुल्क का विवरण

क्र० सं०	सामग्री या व्यय की मद	दर	कुल धनराशि

अतः उक्त धनराशि को यथाशीघ्र बैंक ड्राफ्ट या बैंकर्स चैक जो विभाग के लेखा/वित्त अधिकारी के नाम बना हो प्रेषित करें/अथवा कार्यालय में नकद जमा करें/करवा दें।

मांगी गई सूचना को उपलब्ध करने सम्बन्धी कार्यवाही, उक्त अतिरिक्त शुल्क जमा करने के बाद ही प्रारम्भ होगी। इस पत्र की तिथि से अतिरिक्त शुल्क प्राप्त होने की तिथि का, समय सूचना उपलब्ध कराने के लिए निर्धारित 30 दिनों में नहीं गिना जायेगा।

हस्ताक्षर
लोक सूचना अधिकारी
कार्यालय मुहर

संलग्नक 6

तीसरे पक्षधर की सूचना के लिए प्रपत्र

कार्यालय का नाम व पता

पत्रावली संख्या.....

दिनांक.....

.....
.....
.....

संलग्न श्री/श्रीमती.....से प्राप्त सूचना के अनुरोध पत्र की एक प्रति आपको इस आशय से भेजी जा रही है कि इस विषय में यदि आपको कुछ कहना हो तो आप अपना पक्ष इस पत्र की तिथि के 10 दिन के अंदर अधोहस्ताक्षरी को लिखकर या स्वयं कार्यालय में उपस्थित होकर मौखिक रूप में प्रस्तुत करें।

यदि आपकी ओर से इस पत्र के विषय में 10 दिन के अन्दर हमें कोई सूचना प्राप्त नहीं होती है तो यह मान लिया जायेगा कि आपको इस सम्बन्ध में कुछ नहीं कहना है।

संलग्नक : अनुरोध पत्र की प्रतिलिपि

भवदीय
लोक सूचना अधिकारी
कार्यालय मुहर

संलग्नक 7

सूचना के अनुरोध को दूसरे प्राधिकारी को हस्तान्तरण के लिए प्रपत्र

कार्यालय का नाम व पता

पत्रावली संख्या.....

दिनांक.....

लोक सूचना अधिकारी

.....
.....
.....

संलग्न सूचना का अनुरोध पत्र आपको इस आशय से प्रेषित है कि इसमें मांगी गई सूचना आपके विभाग/उपक्रम से सम्बन्धित है। कृपया अनुरोधकर्ता को वांछित सूचना अपने स्तर से उपलब्ध कराने का कष्ट करें।

इस पत्र की एक प्रति अनुरोधकर्ता को सूचनार्थ प्रेषित की जा रही है।

संलग्नक : सूचना का अनुरोध पत्र मूल रूप में :

भवदीय
लोक सूचना अधिकारी
कार्यालय मुहर

संलग्नक 8

कार्यालय का नाम व पता

सूचना का अनुरोध प्राप्ति पत्र

पत्रावली संख्या.....

दिनांक.....

श्री / श्रीमती.....

निवासी.....

.....

से सूचना का अधिकार अधिनियम, 2005 की धारा 6 क अन्तर्गत सूचना का अनुरोध पत्र रु०.....आवेदन शुल्क के साथ प्राप्त किया।

अनुरोधकर्ता गरीबी रेखा से निम्न आय वर्ग का है अतः आवेदन शुल्क देय नहीं है।

संलग्नक : शुल्क रसीद,

लोक सूचना अधिकारी
कार्यालय मुहर

संलग्नक 9

अनुरोध को अस्वीकार करने की सूचना प्रपत्र

कार्यालय का नाम व पता

पत्रावली संख्या.....

दिनांक.....

.....

.....

.....

कृपया अपने दिनांकके सूचना के अनुरोध पत्र का संदर्भ ग्रहण करें।

आपके अनुरोध को निम्नलिखित कारणों से अस्वीकृत किया गया है।

- (1).....
- (2).....
- (3).....

इस आदेश के विरुद्ध यदि आप चाहें तो विभाग के उच्च अधिकारी व अपील अधिकारी, जिनका पता दिया गया है, से इस पत्र की प्राप्ति की तिथि के 30 दिनों के अंदर-अंदर अपनी अपील कर सकते हैं।

अपील अधिकारी का पता

.....
.....
.....

भवदीय
लोक सूचना अधिकारी
कार्यालय मुहर

संलग्नक 10
अनुरोधकर्ता को सूचना देने सम्बन्धी प्रपत्र
कार्यालय का नाम व पता

पत्रावली संख्या.....

दिनांक.....

श्री / श्रीमती.....
.....
.....

कृपया अधोहस्ताक्षरी को सम्बोधित अपने सूचना के अनुरोध संख्या.....
दिनांक.....का संदर्भ ग्रहण करें।

2. आपके द्वारा मांगी गई सूचना का विवरण संलग्न है।
3. निम्न लिखित आंशिक सूचनायें संलग्न की जा रही है।
 - (1)
 - (2)
 - (3)
5. इस आदेश के अन्तर्गत दी गई जानकारी से यदि असंतुष्ट हो तो, आदेश प्राप्ति की तिथि से 30 दिनों के अंदर विभाग के अपील अधिकारी जिनका पता निम्नवत है, अपील दायर कर सकते हैं।

अपील अधिकारी का पता

.....
.....
.....

भवदीय
लोक सूचना अधिकारी
कार्यालय की मुहर

संलग्नक: उपर्युक्त के अनुसार सूचना का विवरण।

उत्तरांचल शासन
सूचना अनुभाग
संख्या : 266/XXII/2005-9(31)
सचिवालय, देहरादून
दिनांक : 13 अक्टूबर, 2005

अधिसूचना।

राज्यपाल, सूचना का अधिकार अधिनियम 2005 (अधिनियम संख्या 22/2005) की धारा 27 की उपधारा-(2) के खण्ड ख तथा ग के अधीन प्रदत्त शक्तियों को प्रयोग करते हुए निम्नलिखित नियम बनाते हैं अर्थात् :

संक्षिप्त नाम एवं प्रारम्भ :

1. इन नियमों का संक्षिप्त नाम सूचना का अधिकार (फीस एवं लागत का विनियमन) नियम 2005 है।
2. ये राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।
3. परिभाषायें :- इन नियमों में जब तक की संदर्भ से अन्यथा अपेक्षित न हों
 - (क) "अधिनियम से सूचना का अधिकार अधिनियम 2005 अभिप्रेत है।
 - (ख) धारा से अधिनियम की धारा अभिप्रेत है,
 - (ग) उन शब्दों और पदों के जो इसमें प्रयुक्त हैं और परिभाषित नहीं हैं किन्तु सूचना का अधिकार अधिनियम 2005 में परिभाषित हैं, वहीं अर्थ होंगे जो उस अधिनियम में हैं।
4. अधिनियम की धारा 6 की उपधारा (1) के अधीन सूचना मांगे जाने हेतु आवेदन पत्र के साथ लोक प्राधिकारी के वित्त/लेखाअधिकारी के नाम देय रु० दस की फीस उचित रसीद के प्रति नकद या डिमान्ड ड्राफ्ट या बैंकर्स चैक के माध्यम से भुगतान किया जायेगा।
5. धारा 7 की उपधारा (1) के अधीन सूचना दिये जाने हेतु प्राधिकारी के वित्त/लेखा अधिकारी के नाम देय निम्न दरों के अनुरूप फीस उचित रसीद के प्रति नकद या डिमान्ड ड्राफ्ट या बैंकर्स चैक के माध्यम से भुगतान किया जाना होगा।
 - (क) ए-3 या ए-4 आकार के पृष्ठ (छाया प्रति या तैयार सूचना) हेतु रु० दो प्रति पृष्ठ और इससे बड़े आकार के पृष्ठ हेतु वास्तविक लागत।

- (ख) अभिलेखों के निरीक्षण हेतु प्रथम घण्टा हेतु कोई फीस देय नहीं होगी, उसके उपरान्त प्रत्येक पन्द्रह मिनट (अथवा उसके भाग)हेतु रु. पांच की फीस का भुगतान किया जाना होगा।
- (ग) प्रदेशों एवं नमूनों की वास्तविक लागत का भुगतान किया जाना होगा।
6. अधिनियम की धारा 7 की उपधारा (5) के अधीन सूचना दिये जाने हेतु लोक प्राधिकारी के वित्त लेखाधिकारी के नाम देय निम्न दरों के अनुरूप फीस उचित रसीद के प्रति नकद या डिमांड ड्राफ्ट या बैंकर्स चेक के माध्यम से भुगतान किया जाना होगा।
- (क) डिस्क्रेट अथवा फ्लॉपी पर सूचना दिये जाने हेतु रु० पचास प्रति फ्लॉपी/डिस्क्रेट और
- (ख) किसी मुद्रित प्रकाशन की दशा में उसका निर्धारित मूल्य या ऐसे प्रकाशनों से उद्धरणों की फोटो प्रति के प्रति पृष्ठ के लिए दो रूपये।

डी० के० कोटिया
सचिव

उत्तरांचल शासन
सामान्य प्रशासन विभाग
संख्या : 165/XXI(13)G-2 (2)/2006
देहरादून : दिनांक 31 मार्च, 2006

अधिसूचना।

राज्यपाल, सूचना का अधिकार अधिनियम 2005 (2005 का 22) की उपधारा-(2) के खण्ड (ख) तथा (ग) के अधीन प्रदत्त शक्ति का प्रयोग करके शासन की अधिसूचना दिनांक 13 अक्टूबर, 2005 को निम्नवत् संशोधन करने की सहर्ष स्वीकृति प्रदान करते हैं, अर्थात् :-

विद्यमान प्राविधान	संशोधित प्राविधान
प्रस्तर -3 अधिनियम की धारा 6 की उपधारा (1) के अधीन सूचना मांगे जाने हेतु आवेदन पत्र के साथ लोक प्राधिकारी के वित्त/लेखा अधिकारी के नाम देय रु० 10.00 की फीस, उचित रसीद के प्रति नगद या डिमाण्ड ड्राफ्ट, बैंकर्स चैक के माध्यम से भुगतान किया जाएगा।	प्रस्तर-3 अधिनियम की धारा 6 की उपधारा (1) के अधीन सूचना माँगे जाने हेतु आवेदन पत्र के साथ लोक प्राधिकारी के अधीन चिन्हित लोक सूचना अधिकारी, सहायक लोक सूचना अधिकारी या लोक प्राधिकारी के वित्त/लेखा अधिकारी के नाम देय रु० 10.00 (रु० दस मात्र) की फीस उचित रसीद के प्रति नगद, डिमाण्ड ड्राफ्ट, बैंकर्स चैक, भारतीय पोस्टल ऑर्डर, ट्रेजरी चालान या नॉन ज्यूडिशियल स्टाम्प पेपर के माध्यम से भुगतान किया जाएगा।

(राजीव गुप्ता)
प्रमुख सचिव।

उत्तरांचल सूचना आयोग
सैक्टर 1, सी-10 डिफेंस कालोनी, देहरादून

संख्या : 65 / उ.सू.आ. / मु.सू.आ. / 2005

दिनांक : 06 दिसम्बर, 2005

प्रेषक,

मुख्य सूचना आयुक्त
उत्तरांचल सूचना आयोग

सेवा में,

मानक सूची-1 के अनुसार

विषय : उत्तरांचल सूचना आयोग द्वारा राज्य सरकार के माध्यम से विभिन्न सभा को प्रस्तुत की जाने वाली वार्षिक रिपोर्ट-लोक प्राधिकारियों के द्वारा सूचना के स्वैच्छिक रूप से प्रकट करने के उपबंध की प्रगति तथा विभागीय जानकारी का स्वतः (Suo-Motto) प्रकटीकरण।

प्रिय महोदय/महोदया,

उत्तरांचल सूचना आयोग द्वारा सूचना का अधिकार अधिनियम की धारा 25(1), जो इस अधिनियम की निगरानी तथा रिपोर्ट के आंकड़ों से संबंधित है, के ऊपर राज्य सरकार के समस्त विभागों द्वारा, लोक प्राधिकारी के रूप में आयोग की वार्षिक रिपोर्ट के लिए माह की प्रगति रिपोर्ट, उक्त पत्र में निर्धारित बिन्दुओं के अनुसार, को अगले माह की 10 तारीख तक आयोग को प्रेषित करने के लिए अनुरोध किया गया है, का कृपया संदर्भ करें, आशा है कि लोक प्राधिकारी के रूप में प्रत्येक विभाग द्वारा अपने द्वारा तैनात सभी लोक सूचना अधिकारियों से इस संबंध में आवश्यक सूचना प्राप्त की जा रही होगी। आयोग द्वारा इनकी विभागवार तथा लोक सूचना अधिकारीवार विवरण को माहवार प्रगति के रूप में संकलित कर उसका अपनी वार्षिक रिपोर्ट में उपयोग किया जाना प्रस्तावित है

2. आपका ध्यान सूचना का अधिकार अधिनियम की धारा 25 (5) तथा धारा 4 की ओर आकर्षित करना है जिसमें सभी लोक प्राधिकारियों द्वारा सूचना को स्वैच्छिक रूप से प्रकट (Pro-Active Disclosure) करने का प्राविधान है। अधिनियम की धारा 1(3) के अनुसार प्रत्येक लोक प्राधिकारी को अधिनियम की धारा 4(1) के अंतर्गत कुछ अभिलेखों को अधिनियम के बजट नोटिफिकेशन के 120 दिन के अन्दर अर्थात् 12/10/2005 तक पूर्ण कर लेना अपेक्षित था, जिससे इस अधिनियम के अंतर्गत सूचना का अधिकार जन-सामान्य को आसानी से सुलभ हो सके।

3. राज्य सरकार का प्रत्येक विभाग तथा निदेशालय लोक प्राधिकारियों के रूप में कार्यरत हैं तथा प्रत्येक विभाग से अपेक्षित है कि वह विभाग के आकार तथा कार्यों की प्रगति के अनुसार लोक प्राधिकारी इकाईयों को स्वयं चिन्हित करेगा।
4. उत्तरांचल सूचना आयोग के द्वारा यह सूचना एकत्रित की जा रही है कि प्रत्येक विभाग के अन्तर्गत लोक प्राधिकारियों द्वारा इस अधिनियम की धारा 4(1) के अन्तर्गत निर्धारित अभिलेखों को तैयार कर लिया है अथवा नहीं और यदि तैयार कर लिया है तो वह किस रूप में सुरक्षित रखे गये हैं और यदि उनका कम्प्यूटरीकरण कर लिया गया है तब उन्हें राज्य की या विभागीय वेबसाईट में सम्मिलित किया गया है अथवा नहीं? कृपया अवगत कराने का कष्ट करें कि आपके विभाग से संबंधित लोक प्राधिकारियों द्वारा सूचना के स्वैच्छिक रूप से प्रकट करने के उत्तरदायित्व के सापेक्ष निम्न अभिलेखों में से कितने अभिलेखों को विभागीय स्तर पर यह सूचना प्रेषण करने की तिथि तक पूर्ण कर लिया गया है तथा कितने अभिलेखों को पूर्ण किया जाना अवशेष है तथा इन अपूर्ण अभिलेखों को कब तक पूर्ण कर लिया जायेगा।
5. विभाग के द्वारा जिन अभिलेखों के संबंध में सूचना, जैसे अधिनियम की धारा 4(1) (ख) में दिया गया है, आयोग को प्रेषित की जानी है वे निम्नलिखित हैं :
 - (i) संगठन की विशिष्टियाँ, कृत्य और कर्तव्य
 - (ii) अधिकारियों और कर्मचारियों की शक्तियाँ और कर्तव्य
 - (iii) लोक प्राधिकारी अथवा उसके कर्मियों द्वारा अपने कृत्यों के निर्वहन के लिये धारित तथा प्रयोग किये जाने वाले नियम, विनियम, अनुदेश, निर्देशिका और अभिलेख की सूचना
 - (iv) नीति बनाने या उसके कार्यान्वयन के संबंध में जनता के सदस्यों से परामर्श के लिये या उनके प्रतिनिधित्व के लिये विद्यमान व्यवस्था के सम्बन्ध में सूचना
 - (v) दस्तावेजों, जो लोक प्राधिकारी द्वारा धारित या उसके नियंत्रणाधीन है, श्रेणियों (Categories) के अनुसार विवरण
 - (vi) बोर्डों, परिषदों, समितियों और अन्य निकायों का विवरण, साथ ही विवरण कि क्या उन बोर्डों, परिषदों, समितियों और अन्य निकायों की बैठकें जनता के लिये खुली होंगी या बैठकों के कार्यवृत्त तक जनता की पहुंच होगी।
 - (vii) लोक सूचना अधिकारियों के नाम, पदनाम और अन्य विशिष्टियाँ
 - (viii) निर्णय करने की प्रक्रिया (पर्यवेक्षण एवं उत्तरदायित्व के स्तर सहित)
 - (ix) अधिकारियों और कर्मचारियों की निर्देशिका
 - (x) अपने प्रत्येक अधिकारी और कर्मचारी द्वारा प्राप्त मासिक पारिश्रमिक और उसके निर्धारण की पद्धति
 - (xi) प्रत्येक अभिकरण (Agency) को आवंटित बजट (सभी योजनाओं, व्यय प्रस्तावों तथा धन विवरण की सूचना सहित)

- (xii) अनुदान/राजसहायता कार्यक्रमों (Subsidy Programmes) के क्रियान्वयन की रीति, जिसमें आवंटित राशि और ऐसे कार्यक्रमों के लाभार्थियों के ब्यौरे सम्मिलित है।
- (xiii) रियायतों, अनुज्ञा पत्रों तथा प्राधिकारों के प्राप्तिकर्ताओं के संबंध में विवरण।
- (xiv) कृत्यों के निर्वहन के लिये स्थापित मानक/नियम।
- (xv) किसी इलैक्ट्रॉनिक रूप में उपलब्ध सूचना के सम्बन्ध में ब्यौरे।
- (xvi) सूचना प्राप्त करने के लिए नागरिकों को उपलब्ध सुविधाओं का विवरण किसी पुस्तकालय या वाचनालय की यदि लोक उपयोग के लिये व्यवस्था की गई हो, तो उसका भी विवरण।
- (xvii) ऐसी अन्य सूचना जो विहित की जाये।
6. आपका ध्यान विशेष रूप से इस ओर आकर्षित करना है कि अधिनियम के अनुसार धारा 4(1) (ख) के उपरोक्त अभिलेखों को 12/10/2005 तक पूर्ण कर लिया जाना था, अतः जिन विभागों में यह अभिलेख अब तक पूर्ण न किये गये हों उन्हें सर्वोच्च प्राथमिकता के आधार पर पूर्ण करते हुये इस पत्र के उत्तर में उनकी प्रगति भी आयोग को अवगत करा दी जायेगी।
7. उत्तरांचल सूचना आयोग के द्वारा अभिलेखीकरण के कार्य को भी सर्वोच्च वरीयता के आधार पर लिया गया है तथा इसके अभिलेख केन्द्र (Library and Documentation Center) द्वारा प्रत्येक विभाग के लोक प्राधिकारी द्वारा अधिनियम की धारा 4(1) की बाध्यता के अंतर्गत तैयार किये गये अभिलेखों को हार्ड एवं सॉफ्ट प्रति के रूप में सुरक्षित रखा जाना है। अतः अनुरोध है कि अपने विभाग से संबंधित सभी अभिलेखों की एक प्रति आयोग के अभिलेख केन्द्र के लिये उपलब्ध कराने का कष्ट करें।
8. स्वैच्छिक रूप से प्रकट की जाने वाली सूचना (Pro-Active Disclosure) तथा स्वतः रूप से (Suo-Mutuo) सूचना प्रकटीकरण ही इस अधिनियम की मुख्य भावना है, अतः आयोग के द्वारा वार्षिक रूप में विभाग तथा विभाग द्वारा घोषित लोक प्राधिकारियों का मूल्यांकन करते समय मुख्य रूप से विभागीय Pro-Active Disclosure तथा Suo-Mutuo Disclosure की प्रगति को ही प्रमुखता दी जायेगी, अतः अनुरोध है कि अधिनियम की धारा 4(1) की बाध्यता को समय से पूर्ण करने तथा विभागीय कार्य पद्धति के अंतर्गत ऐसी सूचना के स्वतः प्रकटीकरण की ओर आप स्वयं ध्यान दें तथा इसमें विशेष रूचि लेने का कष्ट करें।
9. आयोग को यह जानने में प्रसन्नता होगी कि आपके द्वारा लोक प्राधिकारी के रूप में Pro-Active Disclosure तथा Suo-Mutuo Disclosure के संबंध में अब तक क्या कार्य किये गये हैं तथा इस दशा में अन्य कौन से क्षेत्र, गतिविधियां एवं पद्धतियां लाई जानी प्रस्तावित हैं, इन विवरणों का आयोग की वार्षिक रिपोर्ट में अनिवार्य रूप से उपयोग किया

जाना प्रस्तावित है तथा इसके लिये वार्षिक रिपोर्ट में एक स्वतंत्र अध्याय भी चिन्हित किया गया है।

10. सूचना का अधिकार अधिनियम के उपबंधों तथा भावना के अनुरूप कार्यवाही को तब तक समुचित रूप दिया जाना संभव नहीं है जब तक प्रत्येक विभाग तथा लोक प्राधिकारी के स्तर पर अभिलेखों एवं पत्रावलियों के निरीक्षण की समुचित व्यवस्था उपलब्ध नहीं कराई जाती। इस संबंध में आपका विशेष ध्यान अधिनियम की धारा 2 (ज) (i) की ओर किया जाता है जिसमें सूचना के अधिकार अधिनियम के अंतर्गत कृति, दस्तावेजों तथा अभिलेखों का निरीक्षण, दस्तावेजों या अभिलेखों के टिप्पण, उद्धरण या प्रमाणित प्रतिलिपि देना तथा सामग्री के प्रमाणित नमूने लेने सम्मिलित किया गया है। आयोग यह जानने को इच्छुक है कि आपके विभाग के अंतर्गत विभिन्न लोक प्राधिकारियों के स्तर पर अभिलेखों के निरीक्षण, प्रमाणित प्रतियों तथा नमूने देने के लिए क्या व्यवस्था की गई है तथा यह सुनिश्चित किया गया है अथवा नहीं कि किसी भी प्रार्थी को उपरोक्त सुविधायें अधिनियम के प्राविधानों के अंतर्गत सुगमता से प्राप्त हो रही हैं।
11. आयोग उपरोक्त निरीक्षणों तथा प्रमाणित प्रतियां देने की जो वास्तविक व्यवस्था विभाग के स्तर पर उपलब्ध कराई गयी है उसकी जानकारी लेने का इच्छुक है जिससे इस संबंध में जो व्यवस्था की गई है उसका समुचित प्रचार प्रसार किया जा सके तथा दूसरी ओर यदि उक्त व्यवस्था करने में कोई कठिनाई हो रही हो तो उसके लिए राज्य सरकार को आवश्यक सुझाव एवं निर्देश दिये जा सकें।
12. लोक प्राधिकारी के रूप में तथा विभागीय प्रमुख सचिव/सचिव के रूप में आयोग आपसे अपेक्षा करता है कि आप सूचना का अधिकार अधिनियम के अध्याय 2 में धारा 3 से धारा 10 तक जो उपबंध तथा बाध्यतायें दी गई हैं उनका स्वयं अपने स्तर पर गहनता से परीक्षण करें तथा फील्ड में भी इनके क्रियान्वयन के लिए समुचित व्यवस्था की गई है, इसके लिए स्वयं तथा विभाग के वरिष्ठ अधिकारी स्तर पर पुष्टिकरण भी करा लें।
13. अनुरोध है कि इस पत्र में उठाये गये बिंदुओं तथा दिये गये सुझावों का आप अपने स्तर पर परीक्षण करा कर आयोग को शीघ्रातिशीघ्र उत्तर प्रेषित करने का कष्ट करें तथा संबंधित अधिकारियों से अपेक्षा करें कि वे अधिनियम की धारा 4 (1) (ख) में वर्णित सभी अभिलेखों की हार्ड एवं सॉफ्ट प्रति का एक सैट आयोग के अभिलेख केन्द्र को उपलब्ध कराये जाने की व्यवस्था भी सुनिश्चित करें।
14. कृपया पत्र की प्राप्ति स्वीकार करें।

भवदीय
(आर० एस० टोलिया)
मुख्य सूचना आयुक्त

उत्तरांचल शासन
सूचना अनुभाग
संख्या-305/XXII/2005-9(33) 2005
सचिवालय, देहरादून
दिनांक 13, दिसम्बर, 2005

अधिसूचना
नियम

सूचना का अधिकार अधिनियम, 2005 (अधिनियम संख्या 22, वर्ष 2005) की धारा 27 की उपधारा (2) के खण्ड (ड) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए श्री राज्यपाल निम्नलिखित नियम बनाते हैं :-

राज्य सूचना आयोग (अपील प्रक्रिया) नियम, 2005)

संक्षिप्त नाम एवं प्रारम्भ :-

- (1) इन नियमों का संक्षिप्त नाम राज्य सूचना आयोग (अपील प्रक्रिया) नियम, 2005 है।
- (2) ये राजपत्र में उनके प्रकाशन की तारीख से प्रवृत्त होंगे।

2. परिभाषायें :- इन नियमों में जब तक कि सन्दर्भ से अन्यथा अपेक्षित न हो :-

- (क) "अधिनियम" से सूचना का अधिकार अधिनियम, 2005 अभिप्रेत है,
- (ख) "धारा" से अधिनियम की धारा अभिप्रेत है।
- (ग) "आयोग" से राज्य सूचना अभिप्रेत है।
- (घ) उन शब्दों और पदों के, जो इसमें प्रयुक्त हैं, और परिभाषित नहीं हैं, किन्तु सूचना का अधिकार अधिनियम 2005 में परिभाषित हैं, वहीं अर्थ होंगे जो उस अधिनियम में हैं।

3 अपील की विषयवस्तु -आयोग को प्रस्तुत की जाने वाली अपील में सूचना की निम्नलिखित विषयवस्तु होगी, अर्थात् :-

- (i) अपीलार्थी का नाम व पता;
- (ii) राज्य लोक सूचना अधिकारी का नाम व पता, जिसके निर्णय के विरुद्ध अपील की गयी है।
- (iii) आदेशों के विवरण संख्या सहित यदि कोई हो, जिसके विरुद्ध अपील की गयी है।
- (iv) अपील के मुख्य संक्षिप्त तथ्य;
- (v) यदि अपील इन्कार समझी गयी हो तो ऐसे आवेदन पत्रों का विवरण, संख्या सहित तारीख राज्य लोक सूचना अधिकारी का नाम और पता जिसको आवेदन पत्र प्रस्तुत किया गया था।
- (vi) ईप्सित अनुतोष या प्रार्थना;
- (vii) ईप्सित अनुतोष या प्रार्थना के आधार।
- (viii) अपीलार्थी द्वारा सत्यापन, और

- (ix) अन्य कोई सूचना जिसे आयोग अपील के निर्णय के लिए आवश्यक समझे।
- 4 अपील के साथ प्रस्तुत किये जाने वाले दस्तावेज –आयोग को प्रस्तुत की जाने वाली अपील में सूचना की निम्नलिखित विषयवस्तु होगी, अर्थात् :-
- (i) उन आदेश व दस्तावेजों की स्वप्रमाणित प्रतियां जिसके विरुद्ध अपील प्रस्तुत की जा रही है
 - (ii) अपीलार्थी द्वारा अपील में निर्दिष्ट और सम्बन्धित दस्तावेजों की प्रतिलिपि जिनका अपील में आधार लिया गया है; और
 - (iii) अपील में निर्दिष्ट दस्तावेजों की अनुक्रमणिका।
- 5 अपील के निर्णय की प्रक्रिया– आयोग :-
- (i) सम्बन्धित या हितबद्ध व्यक्ति से शपथ या शपथपत्र पर मौखिक या लिखित साक्ष्य सुनेगा;
 - (ii) दस्तावेजों, लोक अभिलेखों या उनकी प्रतिलिपियों का परिशीलन या निरीक्षण कर सकेगा;
 - (iii) अधिकृत अधिकारी द्वारा अग्रेतर विवरण या तथ्यों की जांच कर सकेगा;
 - (iv) राज्य लोक सूचना अधिकारी, राज्य सहायक लोक सूचना अधिकारी या ऐसा वरिष्ठ अधिकारी जो प्रथम अपील निर्णित करता हो या ऐसा व्यक्ति जिसके विरुद्ध शिकायत की गयी हो जैसी स्थिति हो, को सुन सकेगा।
 - (v) तीसरे पक्ष को सुनेगा और
 - (vi) किसी तीसरे पक्ष या राज्य सहायक लोक सूचना अधिकारी, राज्य लोक सूचना अधिकारी या ऐसे वरिष्ठ अधिकारी जिसने प्रथम अपील सुनी हो या ऐसा व्यक्ति जिसके विरुद्ध शिकायत हो से शपथ पत्र पर साक्ष्य ले सकेगा।
- 6 आयोग द्वारा नोटिस तामील किया जाना–आयोग द्वारा जारी निम्न में से किसी भी प्रकार से तामील किया जा सकेगा:-
- (i) स्वयं पक्षकार के माध्यम से;
 - (ii) तामील कर्ता के माध्यम से दस्ती;
 - (iii) पावती के साथ पंजीकृत डाक द्वारा; या
 - (iv) कार्यालयाध्यक्ष या विभागाध्यक्ष के माध्यम से
- 7 अपीलार्थी या परिवादी की व्यक्तिगत उपस्थिति: (1) अपीलार्थी या परिवादी जैसी भी स्थिति हो, को सुनवाई के लिए पूर्ण सात दिवसों के पूर्व सूचित किया जायेगा।
- (2) अपीलार्थी या परिवादी जैसी भी स्थिति हो, आयोग विवेकानुसार अपील या परिवाद की सुनवाई के समय व्यक्तिगत रूप से या अधिकृत प्रतिनिधि के माध्यम से उपस्थित रह सकेगा या उपस्थित न होने का विकल्प ले सकेगा।

- (3) जहां आयोग का यह समाधान हो जाय कि ऐसी परिस्थितियां हैं, जिनके कारण अपीलार्थी या परिवादी, जैसी भी स्थिति हो, को आयोग की सुनवाई में उपस्थित होने से रोका गया है, तब आयोग अपीलार्थी या परिवादी, जैसा भी स्थिति हो, को अंतिम निर्णय लेने से पूर्व सुनवाई का अवसर देगा, या जैसा उचित समझें सम्यक कार्यवाही कर सकेगा।
- (4) अपीलार्थी या परिवादी, जैसी स्थिति हो, आवेदन की प्रक्रिया में अपना पक्ष रखने में किसी भी व्यक्ति का सहयोग ले सकेगा और सम्बन्धित व्यक्ति का अधिवक्ता होना आवश्यक नहीं होगा।
- (8) आयोग के आदेश :—आयोग के आदेश खुले में सुनाये जायेंगे और आयोग द्वारा इस निमित्त प्राधिकृत अधिकारी या निबन्धक द्वारा लिखित में अभिप्रमाणित किये जायेंगे।

(डी० के० कोटिया)
सचिव

भारत का राजपत्र
The Gazette of India

असाधारण
Extraordinary

भाग—II खण्ड—I
PART II- Section I

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

नई दिल्ली, मंगलवार जून 21, 2005 / ज्येष्ठ 31, 1927
NEW DELHI, TUESDAY, JUNE 21, 2005/JYAISTHA 31,1927

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके।

Separate paging is given to this part in order that it may be filed as a separate
compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 21st June, 2005/Jyaistha 31, 1927 (Saka)

The following Act of Parliament received the assent of the President on the
15th June 2005, and is hereby published for general information:-

THE RIGHT TO INFORMATION ACT, 2005

No. 22 of 2005

(15th June, 2005)

An Act to provide for setting out the practical regime of right to information
for citizens to secure access to information under the control of public authorities,
in order to promote transparency and accountability in the working of every public
authority, the constitution of a Central Information Commission and State
Information Commission and for matters connected therewith or incidental
thereto.

Whereas the Constitution of India has established democratic Republic;

And whereas democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed;

And whereas revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information,

AND WHEREAS it is necessary to harmonise these conflicting interests while preserving the paramountcy of the democratic Ideal;

Now, therefore, it is expedient to provide for furnishing certain information to citizens who desire to have it;

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:

CHAPTER I

Short title, extent and commencement:

1. (1) This Act may be called the Right to Information Act, 2005.
- (2) It extends to the whole of India except, the State of Jammu and Kashmir.
- (3) The provisions of sub-section (1) of section 4, sub-sections (1) and (2) of section 5, sections 12, 13, 15,16, 24, 27 and 28 shall come into force at once, and the remaining provisions of this Act shall come into force on the one hundred and twentieth day of its enactment.

Definitions:

2. In this Act, unless the context otherwise requires, -
 - (a) "appropriate Government" means in relation to a public authority which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly
 - (i) by the Central Government or the Union territory administration, the Central Government;
 - (ii) by the State Government, the State Government;
 - (b) "Central Information Commission" means the Central Information Commission constituted under sub-section (1) of section 12;
 - (c) "Central Public Information Officer" means the Central Public Information Officer designated under sub-section (1) and includes a Central Assistant Public Information Officer designated as such under sub-section (2) of section 5;
 - (d) "Chief Information Commissioner" and "Information Commissioner" mean the Chief Information Commissioner and Information Commissioner appointed under sub-section (3) of section 12;
 - (e) "competent authority" means

- (I) the Speaker in the Case of the House of the People or the Legislative Assembly of a State or & Union territory having such Assembly and the Chairman in the case of the Council of States or Legislative Council of a State;
 - (II) the Chief Justice of India in the case of the Supreme Court;
 - (III) the Chief Justice of the High Court in the case of a High Court;
 - (IV) the President or the Governor, as the case may be, in the case of other authorities established or constituted by or under the Constitution;
 - (V) the administrator appointed under article 239 of the Constitution;
- (f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circular, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;
- (g) "prescribed" means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be;
- (h) "public authority" means any authority or body or institution of self-government established or Constituted
- (a) by or under the Constitution;
 - (b) by any other law made by Parliament;
 - (c) by any other law made by State Legislature;
 - (d) by notification issued or order made by the appropriate Government

and includes any-

- (i) body owned, controlled or substantially financed;
 - (ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;
- (i) "record" includes
- (a) any document, manuscript and file;
 - (b) any microfilm, microfiche and facsimile copy of a document;
 - (c) any reproduction of image or images embodied in such microfilm. (whether enlarged or not); and
 - (d) any other material produced by a computer or any other device;
- (j) "right to information" means the right to information accessible under this Act which held by or under the control of any public authority and includes the right to-
- (i) inspection of work, documents, records;
 - (ii) taking notes, extracts or certified copies of documents or records;

- (iii) taking certified samples of material;
- (iv) obtaining information in the form of diskettes, floppies, tapes, video-cassettes in any other electronic mode or through printouts where such information is stored in a computer or in any other device;
- (k) "State Information Commission" means the State Information Commission constituted under sub-section (/) of section 15;
- (l) "State Chief Information Commissioner" and "State Information Commissioner" mean the State Chief Information Commissioner-and the State Information Commissioner appointed under sub-section (3) of section 15;
- (m) "State Public Information Officer" means the State Public Information Officer designated under sub-section (/) and includes a State Assistant Public Information Officer designated as such under sub-section (2) of section 5;
- (n) "third party" means a person other than the citizen making a request for information and includes a public authority.

CHAPTER II RIGHT TO INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES

Right to information:

3. Subject *to* the provisions of this Act, all citizens shall have the right *to* information.

Obligations of public authorities:

4. (1) Every public authority shall-
- (a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network over the country on different systems so that access to such records is facilitated;
 - (b) publish within one hundred and twenty days from the enactment of this Act-
 - (i) the particulars of its organisation, function and duties.
 - (ii) the powers and duties of its officers and employees.
 - (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
 - (iv) the norms set by it for the discharge of its function.

- (v) the rules regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
 - (vi) a statement of the categories of documents that are held by it or under its control;
 - (vii) the particulars of any arrangement that exists for consultation with, or representation by the members of the public in relation to the formulation of its policy or implementation thereof::
 - (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public:
 - (ix) a directory of its officers and employees;
 - (x) the monthly remuneration received by each of its officers and employees. Including the system of compensation as provided in its regulations:
 - (xi) the budget allocated to each of its agency. indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
 - (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
 - (xiii) particulars of recipients of concessions, permits or authorisations granted by it;
 - (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
 - (xv) the particulars of facilities available to citizens for obtaining information. including the working hours of a library or reading room, if maintained for public use;
 - (xvi) the names, designations and other particulars of the Public Information Officers:
 - (xvii) such other information as may be prescribed;
- and thereafter update these publications every year;
- (c) publish all relevant fact, while formulating important policies or announcing the decisions which affect public;
 - (d) provide reasons for its administrative or quasi-judicial decisions to affected persons.
- (2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motto to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

- (3) For the purposes of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public.
- (4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.

*Explanation-*For the purposes of sub-sections (3) and (4),' "disseminated" means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the Internet or any other means, including inspection of offices of any public authority.

Designations of Public Information Officers:

- 5 (1) Every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as the Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act.
- (2) Without prejudice to the provisions of sub-section (1), every public authority shall designate an officer, within one hundred days of the enactment of this Act, at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, to receive the applications for information or appeals under this Act for forwarding the same forthwith to the Central Public Information Officer or the State Public Information Officer or senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be:

Provided that where an application for information or appeal is given to a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be a period of five days shall be added in computing the period for response specified under sub-section (1) of section 7.

- (3) Every Central Public Information Officer or State Public Information Officer, as the case may be, shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information,

- (4) The Central Public Information Officer or State Public Information Officer, as the case may be, seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.
- (5) Any officer whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be,

Request for obtaining information:

- 6 (1) A person, who desires to obtain any information under this Act. shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to-
- (a) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority;
 - (b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be,

specifying the particulars of the information sought by him or her:

Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

- (2) An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.
- (3) Where an application is made to a public authority requesting for an information,-
 - (i) which is held by another public authority; or
 - (ii) the subject matter of which is more closely connected with the functions of another public authority;

the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application

Disposal of request:

7. (1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be, on receipt of a request

under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9:

Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.

- (2) If the Central Public Information Officer or State Public Information Officer, as the case may be, fails to give decision on the request for information within the period specified under sub-section under sub-section (/), the Central Public Information Officer or State Public Information Officer, as the Case may be, shall be deemed to have refused the request.
- (3) Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, the Central Public Information Officer or State Public Information Officer, as the case may be, shall send an intimation to the person making the request, giving-
 - (a) the details of further fees representing the cost of providing the information as determined by him, together with the calculations made to arrive at the amount in accordance with fee prescribed under sub-section (1), requesting him to deposit that fees, and the period intervening between the dispatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to in that sub-section;
 - (b) information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms.
- (4) Where access to the record or a part thereof is required to be provided under this Act and the person to whom access is to be provided is sensorily disabled, the Central Public Information Officer or State Public Information Officer, as the case may be, shall provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection.
- (5) Where access to information is to be provided or in the printed or in any electronic format, the applicant shall, subject to the provisions of sub-section (6), pay such fee as may be prescribed:

Provided that the fee prescribed under sub-section (l) of section 6 and sub-sections (1) and (5) of section 7 shall be reasonable and no such fee shall be charged from the persons who are of below poverty line as may be determined by the appropriate Government.

- (6) Notwithstanding anything contained in sub-section (5), the person making request for the information shall be provided the information free of charge

where a public authority fails to comply with the time limits specified in sub-section (1).

- (7) Before taking any decision under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall take into consideration the representation made by a third party under section 11.
- (8) Where a request has been rejected under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall communicate to the person making the request,-
 - (i) the reasons for such rejection;
 - (ii) the period within which an appeal against such rejection may be preferred; and
 - (iii) the particulars of the appellate authority.
- (9) An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.

Exemption from disclosure of information:

8. (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,
 - (a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
 - (b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
 - (c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
 - (d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third part)', unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
 - (e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
 - (f) information received in confidence from foreign Government;
 - (g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or

assistance given in confidence for law enforcement or security purposes;

- (h) information which would impede the process of investigation or apprehension or prosecution of offenders;
- (i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

- (j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

- (2) Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (J), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests;
- (3) Subject to the provisions of clauses (a), (c) and (l) of sub-section (I), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:

Provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.

Grounds for rejection to access in certain cases:

- 9. Without prejudice to the provisions of section 8, a Central Public Information Officer or a State Public Information Officer, as the case may be, may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.

Severability:

10. (1) Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.
- (2) Where access is granted to a part of the record under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall give a notice to the applicant, informing
- (a) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;
 - (b) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;
 - (c) the name and designation of the person giving the decision;
 - (d) the details of the fees calculated by him or her and the amount of fee which the applicant is required to deposit; and
 - (e) his or her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be, time limit, process and any other form of access.

Third party information:

- 11 (1) Where a Central Public Information Officer or a State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

- (2) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity make representation against the proposed disclosure.
- (3) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, Within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part there of and give in writing the notice of his decision to the third party.
- (4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 against the decision.

CHAPTER III

The Central Information Commission

Constitution of Central Information Commission:

- 12 (1) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the Central Information Commission to exercise the powers conferred on, and to perform the functions assigned to it under this Act.
- (2) The Central Information Commission shall consist of-
 - (a) the Chief Information Commissioner; and
 - (b) such number of Central Information Commissioners, not exceeding ten, as may be deemed necessary,
- (3) The Chief Information Commissioner and Information Commissioners shall be appointed by the President on the recommendation of a committee consisting of-
 - (i) the Prime Minister, who shall be the Chairperson of the committee;
 - (ii) the Leader of Opposition in the Lok Sabha; and
 - (iii) a Union Cabinet Minister to be nominated by the Prime Minister.

*Explanation-*For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the House of the People has not been recognised as such, the Leader of the single largest group in opposition of the Government in the House of the People shall be deemed to be the Leader of Opposition.

- (4) The general superintendence, direction and management of the affairs of the Central Information Commission shall vest in the Chief Information Commissioner who shall be assisted by the Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the Central Information Commission autonomously without being subjected to directions by any other authority under this Act.
- (5) The Chief Information Commissioner and Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.
- (6) The Chief Information Commissioner or an Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.
- (7) The headquarters of the Central Information Commission shall be at Delhi and the Central Information Commission may, with the previous approval of the Central Government, establish offices at other places in India.

Term of office and conditions of service:

- 13 (1) The Chief Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment:

Provided that no Chief Information Commissioner shall hold office as such after he has attained the age of sixty-five years.

- (2) Every Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such information Commissioner:

Provided that every Information Commissioner shall, on vacating his office under this sub-section be eligible for appointment as the Chief Information Commissioner in the manner specified in sub-section (3) of section 12:

Provided further that where the Information Commissioner is appointed as the Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the Information Commissioner and the Chief Information Commissioner.

- (3) The Chief Information Commissioner or an Information Commissioner shall before he enters upon his office make and subscribe before the President or some other person appointed by him in that behalf, an oath or affirmation according to the form set out for the purpose in the First Schedule.

- (4) The Chief Information or an Information Commissioner may, at any time by writing under his hand addressed to the President, resign from his office:
- (5) The salaries and allowance payable to and other terms and conditions of service of-
 - (a) the Chief Information Commissioner shall be the same as that of the Chief Election Commissioner;
 - (b) an Information Commissioner shall be the same as that of an Election Commissioner;

Provided that if the Chief Information Commissioner or an Information Commissioner, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension, in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as the Chief Information Commissioner or an Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

Provided further that if the Chief Information Commissioner or an Information Commissioner if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the Chief Information Commissioner or an Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits.

Provided also that the salaries, allowances and other conditions of service of the Chief Information Commissioner and the Information Commissioners shall not be varied to their disadvantage after their appointment.

- (6) The Central Government shall provide the Chief Information Commissioner and the Information Commissioner with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

Removal of Chief Information Commissioner or Information Commissioner:

- 14 (1) Subject to the provisions of sub-section (3), the Chief Information Commissioner or any Information Commissioner shall be removed from his office only by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the Chief Information Commissioner or any Information Commissioner, as the case may be, ought on such ground be removed.

- (2) The president may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the Chief Information Commissioner or Information Commissioner in respect of whom a reference has been made to the Supreme Court under sub-section (i) until the President has passed orders on receipt of the report of the Supreme Court on such reference.
- (3) Notwithstanding anything contained in sub-section (i) the President may by order remove from office the Chief Information Commissioner or any Information Commissioner if the Chief Information Commissioner or a Information Commissioner, as the case may be,-
 - (a) is adjudged an insolvent; or
 - (b) has been convicted of an offence which, in the opinion of the president, involves moral turpitude; or
 - (c) engages during his term of office in any paid employment outside the duties of his office: or
 - (d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or
 - (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Information Commissioner or an Information Commissioner.
- (4) If the Chief Information Commissioner or a Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of India participates in any way in the profit thereof or in any benefit or emolument arising there from otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section, (1), be deemed to be guilty of misbehaviour.

CHAPTER IV

THE STATE INFORMATION COMMISSION

Constitution of State Information Commission:

- 15 (1) Every State Government shall, by notification in the official Gazette, constitute a body to be known as the.....(name of the State) Information Commission to exercise the powers conferred and to perform the functions assigned to, it under this Act.
- (2) The State Information Commission shall consist of-
 - (a) the State Chief Information Commissioner, and
 - (b) such number of State Information Commissioners, not exceeding ten, as may be deemed necessary.

(3) The State Chief Information Commissioner and the State Information Commissioners shall be appointed by the Governor on the recommendation of a committee consisting of-

- (i) the Chief Minister, who shall be the Chairperson of the committee;
- (ii) the Leader of Opposition in the Legislative Assembly; and
- (iii) the Cabinet Minister to be nominated by the Chief Minister.

Explanation- For the purposes of removal of doubts, it is hereby declared that where the leader of Opposition in the Legislative Assembly has not been recognised as such, the leader of the single largest group in opposition of the Government in the Legislative Assembly shall be deemed to be the Leader of Opposition.

(4) The general superintendence, direction and management of the affairs of the State Information Commission shall vest in the State Chief Information Commissioner who shall be assisted by the State Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the State Information Commission autonomously without being subjected to directions by any other authority under this Act.

(5) The State Chief Information Commissioner and the State Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.

(6) The State Chief Information Commissioner or a State Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

(7) The headquarters of the State Information Commission shall be at such place in the State at such State Government may, by notification in the Official Gazette, specify and the State Information Commission may, with the previous approval of the State Government, establish offices at other places in the State.

Terms of office and conditions of service:

16 (1) The State Chief Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment:

Provided that no State Chief Information Commissioner shall hold office as such after he has attained the age of sixty-five years.

(2) Every State Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the

age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such State Information Commissioner:

Provided that every State Information Commissioner shall, on vacating his office under this sub-section, be eligible for appointment as the State Chief Information Commissioner in the manner specified in sub-section (3) of section 15:

Provided further that where the State Information Commissioner is appointed as the State Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the State Information Commissioner and the State Chief Information Commissioner.

- (3) The State Chief Information Commissioner or a State Information Commissioner, shall before he enters upon his office make and subscribe before the Governor or some other person appointed by him in that behalf, an oath or affirmation according to the form set out for the purpose in the First Schedule.
- (4) The State Chief Information Commissioner or a State Information Commissioner may, at any time, by writing under his hand addressed to the Governor, resign from his office

Provided that the State Chief Information Commissioner or a State Information Commissioner may be removed in the manner specified under section 17.

- (5) The salaries and allowances payable to and other terms and conditions of service of-
 - (a) the State Chief Information Commissioner shall be the same as that of an Election Commissioner;
 - (b) the State Information Commissioner shall be the same as that of the Chief Secretary to the State Government:

Provided that if the State Chief Information Commissioner or a State Information Commissioner at the time of his appointment is, in receipt of a pension, other than a disability or wound pension. In respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the State Chief Information Commissioner or a State Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

Provided further that where the State Chief Information Commissioner or a State Information Commissioner if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the State Chief Information Commissioner or the State Information Commissioner shall be

reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent to the retirement benefits :

Provided also that the salaries, allowance and other conditions of service of the State Chief Information Commissioner and the State Information Commissioner shall not be varied to their disadvantage after their appointment.

- (6) The state Government shall provide the State Chief Information Commissioner and the State Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowance payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

Removal of State Chief Information Commissioner or State Information Commissioner:

- 17 (1) Subject to the provisions of sub-section (3), the State Chief Information Commissioner or a state Information Commissioner shall be removed from his office only by order of the Governor on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the Governor, has on inquiry, reported that the State Chief Information Commissioner or a State Information Commissioner, as the case may be, ought on such ground be removed.
- (2) The Governor may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the State Chief Information Commissioner or a State Information Commissioner in respect of whom a reference has been made to the Supreme Court under sub-section (i) until the Governor has passed orders on receipt of the report of the Supreme Court on such reference.
- (3) Notwithstanding anything contained in sub-section (i), the Governor may by order remove from office the State Chief Information Commissioner or a State Information Commissioner if a State Chief Information Commissioner or a State Information Commissioner, as the case may be-
 - (a) is adjudged an insolvent; or
 - (b) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or
 - (c) engages during his term of office in any paid employment outside the duties of his office; or
 - (d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or

- (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the State Chief Information Commissioner or a State Information Commissioner.
- (4) If the State Information Commissioner or a State Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of the State of participates in any way in the profit thereof or in any benefit or emoluments arising there from otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (i), be deemed to be guilty of misbehaviour.

CHAPTER V
POWERS AND FUNCTIONS OF THE INFORMATION COMMISSIONS,
APPEAL AND PENALTIES

Powers and functions of information commissions:

- 18(1) Subject to the provisions of this Act, it shall be the duty of the Central Information Commission of State Information Commission, as the case may be, to receive and inquire into a complaint from any person-
- (a) who has been unable to submit a request to a Central Public Information Officer or State Public Information Officer, as the case may be, either by reason that no such officer has been appointed, under this Act, or because the Central Assistant Public Information
 - (b) who has been refused access to any information requested under this Act;
 - (c) who has not been given a response to a request for information or access to information within the time limit specified under this Act;
 - (d) who has been required to pay an amount of fee which he or she considers unreasonable;
 - (e) who believes that he or she has been given incomplete, misleading or false information under this Act; and
 - (f) in respect of any other matter relating to requesting or obtaining access to records under this Act.
- (2) Where the Central Information Commissioner or State Information Commission, as the case may be, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect there of.
- (3) The Central Information Commission or State Information Commission, as the case may be, shall, while inquiring into any matter under this section, have the same powers as are vested in a civil while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;
 - (b) requiring the discovery and inspection of documents;
 - (c) receiving evidence on affidavit;
 - (d) requisitioning any public record or copies thereof from any court of office;
 - (e) issuing summons for examination of witnesses or documents; and
 - (f) any other matter which may be prescribed.
- (4) Notwithstanding anything inconsistent contained in any other Act of Parliament or State Legislature, as the case may be, may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.

Appeal:

- 19 (1) Any person who, does not receive a decision within the time specified in sub-section (i) or clause (a) of sub-section (3) of section, or is aggrieved by a decision of the Central Public Information Officer or State Public Information, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each public authority;

Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (2) Where an appeal is preferred against an order made by a Central Public Information Officer or State Public Information Officer, as the case may be under section 11 to disclose third party information the appeal by the concerned third party shall be made within thirty day, from the date of the order
- (3) A second appeal against the decision under sub-section (i) shall lie within ninety days from the date on which he decision should have been made or was actually received, with the Central Information Commission or the State Information Commission:

Provided that the Central Information Commission or the State Information Commission, as the case may be, may admit the appeal the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (4) If the decision of the Central Information Office or State Public Information Officer, as the case may be, against which an appeal is preferred relates

- to information of a third party, the Central Information Commission or State Information Commission, as the case may be, shall give a reasonable opportunity of being heard to that third party.
- (5) In any appeal proceeding, the onus to prove that a denial of a request was justified shall be on the Central Public Information Officer or State Public Information Officer, as the case may be, who denied the request.
 - (6) An appeal under sub-section (i) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.
 - (7) The decision, the Central Information Commission or State Information Commission, as the case may be, shall be binding.
 - (8) In its decision the Central Information Commission or State Information Commission, as the case may be, has the power to-
 - (a) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including-
 - (i) by providing access to information, if so requested, in particular form.
 - (ii) by appointing a Central Public Information Officer or State Public Information Officer, as the case may be
 - (iii) by publishing certain information or categories of information.
 - (iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;
 - (v) by enhancing the provision of training on the right to information for its officials;
 - (vi) by providing it with an annual report in compliance with clause (b) of sub-section (i) of section 4;
 - (b) require the public authority to compensate the complainant for my loss or other detriment suffered;
 - (c) impose any of the penalties provided under this Act;
 - (d) reject the application.
 - (9) The Central Information Commission or State Information Commission, as the case may be, shall give notice of its decision, including any right of appeal, to the complainant and the public authority.
 - (10) The Central Information Commission or State Information Commission, as the case may be, shall decide the appeal in accordance with such procedure as may be prescribed.

Penalties:

- 20 (1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or

the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (i) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees.

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer or the State Public Information Officer, as the case may be.

- (2) Where the Central Information Commission or the State Information Commission as the case may be, at the State of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section (l) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading, information or destroyed information which Was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Central Public Information Officer or the Slate Public Information Officer, as the case may be, under the service rules applicable to him.

CHAPTER VI MISCELLANEOUS

Protection of action taken in good faith:

21. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or Intended to he done under this Act or any rule made there under.

Act to have overriding effect:

22. The provisions of this Act shall have effect notwithstanding anything Inconsistent therewith contained in the Official Secrets ACI, 1923, and all) Other law for the time being in force or in any instrument having effect by virtue of any law other than tills Act.

Bar of jurisdiction of courts:

23. No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act

Act not to apply to certain organisations:

- 24(1) Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule being organisations established by the Central Government or any information furnished by such organisations to that Government.

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section.

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Central Information Commission, and notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

- (2) The Central Government may, by notification in the Official Gazette, amend the Schedule by including by including therein any other intelligence or security organisation established by that Government or omitting there from any organisation already specified therein and on the publication of such notification, such organisation shall be deemed to be included in or, as the case may be, omitted from the Schedule.
- (3) Every notification issued under sub-section (2) shall be laid before each House of Parliament.
- (4) Nothing contained in this Act shall apply to such intelligence and security organisation being organisations established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the State Information Commission and, notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

- (5) Every notification issued under sub-section (4) shall be laid before the State Legislature.

Monitoring and reporting:

- 25(1) The Central Information Commission or State Information Commission, as the case may be, shall, as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of this Act during that year and forward a copy thereof to the appropriate Government.
- (2) Each Ministry or Department shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the Central Information Commission or State Information Commission, as the case may be, as is required to prepare the report under this section and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of this section.
- (3) Each report shall state in respect of the year to which the report relates-
- (a) the number of requests made to each public authority;
 - (b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests the provisions of this Act under which these decisions were made the number of times such provisions were invoked.
 - (c) the number of appeals referred to the Central Information Commission or State Information Commission, as the case may be, for review, the nature of the appeals and the outcome of the appeals.
 - (d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;
 - (e) the amount of charges collected by each public authority under this Act;
 - (f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of this Act;
 - (g) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernisation, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information.
- (4) The Central Government or the State Government, as the case be, may as soon as practicable after the end of each year, cause a copy of the report of the Central information Commission or the State Information Commission, as the case may be, referred to in sub-section (i) to be laid before each House of Parliament or, as the case may be, before each House the State Legislature, where there are two Houses, and where there is one House of the State Legislature before that House.
- (5) If it appears to the Central Information Commission or State Information Commission, as the case may be that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this Act, it may give to the authority a

recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity.

Appropriate Government to prepare programmes:

- 26(1) The appropriate Government may, to the extent of availability of financial and or her resources.
- (a) develop and organise educational programmes to advance the understanding of the public, in particular of disadvantaged communities as to how to exercise the rights contemplated under this Act;
 - (b) encourage public authorities to participate in the development and organisation of programmes referred to in clause (a) and to undertake such programmes themselves;
 - (c) promote timely and effective dissemination of accurate information by public authorities about their activities; and
 - (d) train Central Public Information Officers or State Public Information Officers, as the case may be, of public authorities and produce relevant training materials for use by the public authorities themselves.
- (2) The appropriate Government shall, within eighteen months from the commencement of this Act, compile in its official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified in this Act.
- (3) The appropriate Government shall, if necessary, update and publish the guidelines referred to in sub-section (2) at regular intervals which shall, in particular and without prejudice to the generality of sub-section (2), include
- (a) the objects of this Act;
 - (b) the postal and street address, the phone and fax number and, if available, electronic mail address of the Central Public Information Officer or State Public Information Officer, as the case may be, of every public authority appointed under sub-section (1) of section 5;
 - (c) the manner and the form in which request for access to an information shall be made to a Central Public Information Officer or State Public Information Officer, as the case may be;
 - (d) the assistance available from and the duties of the Central Public Information Officer or State Public Information Officer, as the case may be, of a public authority under this Act;
 - (e) the assistance available from the Central Information Commission or State Information Commission, as the case may be;
 - (f) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act including the manner of filing an appeal to the Commission;

- (g) the provisions providing for the voluntary disclosure of categories of records in accordance with section 4;
 - (h) the notices regarding fees to be paid in relation to requests for access to an information, and
 - (i) any additional regulations or circulars made or issued in relation to obtaining access to an information in accordance with this Act.
- (4) The appropriate Government must, if necessary, update and publish the guidelines at regular intervals.

Power to make rules by appropriate Government:

- 27 (1) The appropriate Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
- (a) the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4;
 - (b) the fee payable under sub-section (i) of section 6;
 - (c) the fee payable under sub-section (i) and (5) of section 7;
 - (d) the salaries and allowances payable to and the terms and conditions of service of the officers and other employees under sub section (6) of section 13 and section (6) of section 16.
 - (e) the procedure to be adopted by the Central Information Commission or State Information Commission as the case may be. In deciding the appeals under sub-section (10) of section 19 and
 - (f) any other matter which is required to be, may be, prescribed.

Power to make rules by competent authority:

- 28 (1) The competent authority may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely
- (i) the cost of the medium or print price of the materials to be disseminated under sub-section (4) of section 4.
 - (ii) the fee payable under sub-section (i) of section 6;
 - (iii) the fee payable under sub-section (i) of section 7, and
 - (iv) any other matter which is required to be, or may be prescribed

Making of rules:

- 29 (1) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be composed in

one session or in two or more successive sessions, and it, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule of both House agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule

- (2) Every rule made under this Act by a State Government may be after it is notified, before the State legislature.

Power to remove difficulties:

30(1) If any difficult arises in giving effect to the provisions of this A the Government may, by order published in the Official Gazette, make such provision not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty;

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

- (2) Every order made under this section shall, as soon as may be after it is made, be laid before each Houses of Parliament.

Repeal:

31. The Freedom of Information Act, 2002 is hereby repealed

**THE FIRST SCHEDULE
(See Sections 13 (3) and 16 (3))**

**FORM OF OATH OR AFFIRMATION TO BE MADE BY THE CHIEF
INFORMATION COMMISSIONER/THE INFORMATION COMMISSIONER
STATE CHIEF INFORMATION COMMISSIONER/THE STATE INFORMATION
COMMISSIONER**

I,.....having been appointed Chief Information Commissioner/Information Commissioner/State Chief Information Commissioner/State Information Commissioner swear in the name of God that I will bear true faith and allegiance to the solemnly affirm

Constitution of India as by law established that I will uphold the sovereignty and integrity of India, the will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will and I will uphold the Constitution and laws”

THE SECOND SCHEDULE
(See Section 24)

Intelligence and security organisation established by the Central Government

1. Intelligence Bureau
2. Research and Analysis Wing of the Cabinet Secretariat.
3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Enforcement.
6. Narcotics Control Bureau.
7. Aviation Research Center.
8. Special Frontier Force.
9. Border Security Force.
10. Central Reserve Police Force.
11. Indo-Tibetan Border Police.
12. Central Industrial Guards
13. National Security Guards.
14. Assam Rifles.
15. Special Service Bureau
16. Special Branch (CID), Andaman and Nicobar.
17. The Crime Branch C.I.D.-CB, Dadra and Nagar Haveli.
18. Special Branch, Lakshadweep Police.

T.K. VISWANATHAN,
Secy. to the Govt. of India

Forwarding Information Requests and Appeals
A Step by Step Guide
for
State Assistant Public Information Officers
under the
Right to Information Act, 2005

Introduction

The Right to Information Bill was introduced in the Lok Sabha in December 2004. It was passed by both houses of Parliament in May 2005. The assent of the President was received on 15th June and the Act was notified in the Gazette of India on 21st June. The Right to Information Act will become operational by the 12th October, 2005 after the completion of 120 days from the date of Presidential assent. The Freedom of Information Act passed by Parliament in 2002 has been repealed.

The Right to Information Act (RTI Act) will cover all level of government-Centre, State, district and local self governing bodies like Panchayats and Municipal bodies. It will also cover non- governmental organisations - Le. NGOs, VOs and other private bodies - *that* are financed substantially with public funds provided by the government. This means every citizen has the right to put in an application requesting information or copies of records held by these bodies and such information should be given *by* the concerned body.

The citizens right to information is not explicitly mentioned in the fundamental rights chapter of the Constitution. But in more than 10 cases the Supreme Court of India has declared that the fundamental right to life and liberty [Art. 21] and the fundamental right to freedom of speech and expression [Art. 19(1)] include every citizen's fundamental right to access information held by public authorities. Parliament passed the RTI Act to enable all citizens to use their fundamental right to access information from public bodies.

The main objectives of the RTI Act are

- To promote transparency and accountability in the working of every public authority and
- to set up a practical regime for giving citizens access to information that is under the control of public authorities.

The Three Level Regime for Accessing Information

At the first level of the regime, every public authority has designated officers for receiving applications (also called information requests) from citizens.

At the second level, every public authority has designated senior officers to look into those cases where citizens' requests for information have been refused. If citizens do not get the requested information or are unsatisfied with the information they have received, under this law they have the right to send an appeal to the Departmental Appellate Authority (DAA) designated within the concerned public authority.

At the third level, an independent State Information Commission (SIC) has been set up to look into those cases where citizens are unsatisfied with the decision of the DAA. The SIC also has the powers and responsibility to monitor compliance of public authorities to this Act and submit an annual report to the State Legislature.

Role of Courts

According to the RTI Act the decision of the SIC is binding on all parties. Courts are barred from inquiring into the decision of the SIC. But it must be remembered that this law gives effect to a fundamental right of citizens. According to *the* Constitution, the High Courts (Art. 224) and the Supreme Court (Art. 32) have the power to look into any matter relating to the fundamental rights of citizens. Technically, a citizen has the right to approach the High Court or the Supreme Court if he/she is not satisfied with the decision of the SIC.

Role of the Public Information Officer

Under the RTI Act, Public Information Officers (PIOs) should be designated in all administrative units of every public authority in order to receive information requests from citizens. They also have the responsibility and duty to provide the requested information within 30 days. The PIO is the main point person whom citizens will contact for exercising their right to information under this law. In public authorities controlled by the State Government they are called State Public Information Officers (SPIOs).

The Assistant Public Information Officer

The RTI Act requires that the State Government designate Assistant Public Information Officers at the sub-divisional or sub-district level.

Please remember

- the Assistant Public Information Officer is not an assistant to the CPIO or the SPIO.

In public authorities controlled by State Governments they are called State Assistant Public Information Officers (SAPIOs).

DUTY TO FORWARD INFORMATION REQUESTS TO THE PIO

Under the law the SAPIOs will act like a Post Office. Every SAPIO has the duty and responsibility to receive information requests from citizens and forward them to the PIO of the concerned public authority that is likely to have the information being sought by the applicant.

Please remember - a SAPIO is not responsible for giving information to the requestor. (It is the responsibility of the Public Information Officer to give information to the requestor.)

- a SAPIO does not have the power to ask the requestor why he/she wants such information.

(The RTI Act states clearly that the requestor should not be asked to give reasons for seeking information)

Duty to Forward Appeals to the DAA and the Information Commission

The SAPIO also has the duty and responsibility to receive appeals against the decision of PIOs and forward them to the Departmental Appellate Authority or the State Information Commission as required in the letter of appeal submitted by the aggrieved citizen.

Please remember-

- The SAPIO must forward all applications received by him immediately- (The RTI Act allows the PIO only 5 extra days over and above the limit of 30 days to give information to the applicant if the request is forwarded through the SAPIO. So it is important to send the application to the PIO without any delay)
- The SAPIO must forward all appeals received by him to the concerned DAA or the SIC immediately.

- The citizen has the right to send a complaint to the IC if the SAPIO does not accept his application and forward it to the PIO, if proven guilty the SAPIO may be fined by the SIC from a minimum of Rs. 250/- up to a maximum of Rs. 25,000/- for each offence.

Forwarding Information Requests A step by Step Guide

For Application received in person

Step 1 : Receiving the Application

As far as possible receive citizens' applications for information personally.

Advice:

If you are on leave or travelling on duty please delegate the task of receiving applications to your colleague or subordinate in writing. This standby arrangement must be displayed on the main notice board for the benefit of common people.

Step 2: Checking the Application

Please check whether the application contains the following details and enclosures-

- i) name of the applicant
- ii) name of the father/husband (as the case may be) of the applicant.
- iii) contact details of the applicant including complete postal address, telephone numbers and email address (if any)
- iv) name of the public authority from whom the information is being requested
- v) nature and details of the information requested
- vi) whether proof of payment of application fee is attached or not
- vii) if the applicant claims fee waiver whether proof of BPL status is attached or not
- viii) date on which application is being submitted.

Advice:-

- 1) If the application is not legible please assist the applicant to write it clearly.
- 2) If the applicant has not filled in one or more of the above details please bring the same to his/her notice and request him/her to fill in the details.
- 3) Please make sure that the date mentioned on the application matches with the date on which you are actually receiving the application. This is very important for calculating the deadline while forwarding the application to the PIO.
- 4) The Government will notify the amount of application fee payable.
- 5) The applicant may have attached a bank draft, postal order, court fee stamp or proof of payment of application fee by any other mode prescribed by the Government. All such payments are valid. Please do not insist on a particular mode of payment.
- 6) The applicant may not always know the exact name and complete postal address of the public authority who has the information he/she wants. So please do not insist upon the applicant to furnish these details. It is the duty of the SAPIO to send the application to the concerned PIO. (The PIO directory published by the State Government may be consulted for this purpose.

- 7) If claiming fee waiver, the BPL applicant must attach a photocopy of a BPL/Antyodaya ration card or any other valid proof of BPL identity that may be prescribed by the Government.

Step 3: Collecting Application Fees/Proof of Identity

If the applicant has not already attached proof of payment of application fees you may collect the prescribed application fee in cash.

or

If the applicant has not attached proof of BPL identity in support of his/her claim for fee waiver please request the applicant to furnish the same.

Step 4: Issuing Receipt

Please issue a written receipt in the prescribed for every complete application received.

Advice:

- A complete application must include all details mentioned in Step 2 above and proof of payment of application fee or proof of BPL identity (as the case may be).
- Receipt format will be printed in triplicate. Please issue the original to the applicant.

Receipt must be issued to BPL applicant also. The receipt may include details such as the name and address of the applicant, the date on which the application was received and whether application fees has been paid in cash or by any other mode. If fee waiver is being claimed please mention so. Please sign and stamp the receipt.

Advice:

- Please remember this is not just a cash receipt. It is a receipt issued as proof of having received the citizen's application for information with or without the prescribed fees.
- Please issue this receipt immediately. Do not request the applicant to come back another day to collect the receipt.
- Please remember to mention the date on the receipt dearly.

Step 5: Registering Complete Applications

Please enter the details of the complete application into the RTI Applications register prescribed by Government. All complete applications should be entered into this register the same day they are received.

Step 6: Dispatching Complete Applications to the concerned PIO

Please dispatch the complete application along with the duplicate of the receipt issued, to the concerned SPIO by post or courier on the same day you receive it. If for some reason you are unable to dispatch the application on the same day you should dispatch it the following working day. The prescribed format may be used for the covering letter. This format will contain details such as your name, designation and contact address, date of receipt of application, registration number, fees collected (if any) and enclosures (if any).

Advice:

- If the application is not addressed to a specific SPIO or a public authority please read through the nature of information being requested. This will help you identify the public authority that is most likely to possess the information requested. You may then dispatch the complete application to the concerned PIO using the PIO directory published by the Government.
- You need not maintain a copy of the application for your records.

For applications received by post or courier

- Please follow Step 2.
- If the application is complete in all respect, please enter the details of the application in the prescribed RTI Applications register on the same day you receive it.
- After registering the application in the RTI Applications Register please issue a receipt in the prescribed format and dispatch it to the applicant by post/courier on the same day. If for some reason you are unable to dispatch the receipt on the same day you should dispatch it the following working day.
- If the application clearly mentions the public authority from which information is being requested please dispatch it to the concerned SPIO on the same day you receive it. If for some reason you are unable to dispatch the application on the same day you should dispatch it the following working day.
- If the application is not addressed to a specific public authority please read through the nature of information being requested. This will help you identify the public authority that is most likely to possess the information requested. (The PIO directory published by the State Government may be consulted for this purpose). You may then dispatch the complete application to the concerned SPIO with a covering letter in the prescribed format.

Advice:

- If the applicant has not attached proof of payment of application fees and has also not claimed fee waiver-please send a communication by post/courier to the sender requesting him to furnish proof of payment of the prescribed application fees or visit your office to pay the fees in cash. If the application contains a contact telephone number please call up the applicant advising him/her to pay the application fees. This action saves time and effort and prevents wastage of stationery.
- Similarly if the applicant has not attached proof of payment of despite claiming fee waiver in the application-please send a communication by post/courier to the sender requesting him to furnish proof of payment of BPL identity. If the application contains a contact telephone number please call up the

applicant advising him/her to furnish proof of BPL identity. This action saves time and effort and prevents wastage of stationery.

- If any of the details are missing or illegible please return the application by post/courier to the sender requesting him/her to fill in the missing or unclear details. If the application contains a contact telephone number please call up the applicant requesting him/her to visit your office to fill in the missing details.

Forwarding Information Requests A step by Step Guide

For Application received in person

Step 1: Receiving Appeal

As far as possible please receive citizens' appeals personally. A SAPIO is empowered to receive appeals addressed to the Departmental Appellate Authority (DAA) and the State information Commission (SIC).

Advice:

If you are on leave or travelling on duty please delegate the task of receiving appeal to your colleague or subordinate in writing. This standby arrangement must be displayed on the main notice board for the benefit of common people.

Step 2: Checking Appeals

Please check whether the application contains the following details and enclosures-

- i) name of the appellant
- ii) name of the father/husband (as the case may be) of the appellant.
- iii) contact details of the applicant including complete postal address, telephone numbers and email address (if any)
- iv) Authority to which appeal is being sent (whether DAA Sic)
- v) nature of the authority/against whose decision the appeal is being made whether PIO or DAA)
- vi) nature and details of the information requested original.

Advice:-

- 1) If the application letter is not legible please assist the applicant to write it clearly.
- 2) If the applicant has not filled in one or more of the above details please bring the same to his/her notice and request him/her to fill in the details.
- 3) Please make sure that the date mentioned on the application matches with the date on which you are actually receiving the application. This is very important for calculating the deadline while forwarding the appeal to the concerned application authority.
- 4) The applicant may not always know the exact name and complete postal address of the public authority who has the information he/she wants.

So please do not insist upon the applicant to furnish these details. It is the duty of the SAPIO to send the application to the concerned PIO. (The PIO directory published by the State Government may be consulted for this purpose.

Step 3: Issuing receipt

Please issue a written receipt in the prescribed format for every complete appeal received.

Advice:

The appellant is not required to pay any fees for sending an appeal.

The appeal letter must be treated as complete if it contains the above details and enclosures relevant to the case.

Step 4: Registering the Appeals

Details of every complete appeal letter should be entered in the RTI Appeals register prescribed by the Government.

Step 5: Dispatching Appeals

Every complete appeal must be dispatched to the concerned DAA or the SIC (as the case may be) on the same day you receive it along with a covering letter in the prescribed format. If for some reason you are unable to dispatch the appeal on the same day you should dispatch it the following working day. The covering letter will include details such as your name, designation and contact address, date of receipt of appeal, registration number and details of enclosures.

Advice:

- You need not maintain a copy of the appeal for your records.

For appeals received by post or courier

- Please follow Step 2. If the appellant has not filled in one or more of the above details please return the appeal letter by post/courier to the sender requesting him/her to fill in the missing or unclear details. If the appeal letter contains a contact telephone number please call up the appellant requesting him/her to visit your office to fill in the missing details. This action save time and effort and prevents wastage of stationery.
- If the appeal is complete in all respects, please enter the details of the appeal in the prescribed RTI Appeals register on the same day you receive it.
- After registering the appeal please issue a receipt in the prescribed format and dispatch it to the appellant by post/courier on the same day. If for some reason you are unable to dispatch the receipt on the same day you should dispatch it the following working day.
- If the appeal clearly mention the public authority to which the appeal is being made please dispatch it to the concerned DAA on the same day you receive it. If for some reason you are unable to dispatch the application on the same day you should dispatch it the following working day.

- If the application is not addressed to a specific public authority please read through the appeal letter. This will help you identify the DAA that is most likely to decide upon the appeal. (The directory published by the State Government may be consulted for this purpose). You may then dispatch the complete application to the concerned DAA. If not you may forward the appeal to the State Information Commission directly. The appeal should be accompanied with a covering letter in the prescribed format.

**Processing Appeals
Guidelines for Consideration
for
Departmental Appellate Authorities
under the
Right to Information Act, 2005**

Introduction

The Right to Information Bill was introduced in the Lok Sabha in December 2004. It was passed by both houses of Parliament in May 2005. The assent of the President was received on 15th June and the Act was notified in the Gazette of India on 21st June. The Right to Information Act will become operational by the 12th October, 2005 after the completion of 120 days from the date of Presidential assent. The Freedom of Information Act passed by Parliament in 2002 has been repealed.

The Right to Information Act (RTI Act) will cover all level of government-Centre, State, district and local self governing bodies like Panchayats and Municipal bodies. It will also cover non- governmental organisations – i.e. NGOs, VOs and other private bodies - that are financed substantially with public funds provided by the government. This means every citizen has the right to put in an application requesting information or copies of records held by these bodies and such information should be given by the concerned body.

The citizens right to information is not explicitly mentioned in the fundamental rights chapter of the Constitution. But in more than 10 cases the Supreme Court of India has declared that the fundamental right to life and liberty [Art. 21] and the fundamental right to freedom of speech and expression [Art. 19(1)] include every citizen's fundamental right to access information. Parliament passed the RTI Act to enable all citizens to use their fundamental right to access information from public bodies.

The main objectives of the RTI Act are

- To promote transparency and accountability in the working of every public authority and
- to set up a practical regime for giving citizens access to information that is under the control of public authorities.

Definition of Information

- Information means material in any form including records, documents, memos, emails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and
- information relating to any private body which can be accessed by a public authority under any other law for the time being in force.

Definition of Record

- any document, manuscript or file;
- any microfilm, microfiche and facsimile copy of a document;
- any reproduction of image or images embodied in such micro-film (whether enlarged or not); and
- any other material produced by a computer or any other device.

Definition of Right to Information

Right to information accessible under this Act which is held by or under the control of any public authority and includes the right to-

- inspection of work, documents, records;
- taking notes, extracts or certified copies of documents or records;
- taking certified samples of material;
- Obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.

Exemptions to RTI covered by Sec. 8 and 9

The RTI Act exempts ten categories of information from disclosure under Sec. 8. But information covered by all exemptions are subject to disclosure in the greater public interest. If public interest in disclosing information outweighs the harm caused to the protected interests then such information should be disclosed by the public authority. **Please remember, these exemptions relate to categories of information and not categories of records.** An entire record or file need not be considered exempt. So if information requested by an applicant is available in a record that contains exempt information then partial access may be provided by severing those portions of the record which contain exempt information.

Additionally Sec. 9 empowers the PIO to reject an application if disclosure will infringe upon the copyright of a third party other than the State. But this is also subject to the public interest override. Sec. 8 of the RTI Act is reproduced below-

“8(1) (a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;

8(1) (b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;

8(1) (c) information the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

8(1) (d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

8(1) (e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

8(1) (f) information received in confidence from foreign Government

8(1) (h) information which would impede the process of investigations or apprehension or prosecution of offenders;

8(1) (i) cabinet papers including records of deliberations of the council of Ministers, Secretaries and other officers;

Provided that the decisions of the council of Ministers, the reasons therefore, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over;

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

8(1) (j) information which relates to personal information the disclosure of which has no relationship at any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be is satisfied that the larger public interest justified the disclosure of such information:

Provided that the information which cannot be denied to Parliament or a State Legislature shall not be denied to any person.”

One of the guiding principles of the RTI Act is-“information which cannot be denied to Parliament or a State Legislature shall not be denied to any person.”

The Three Level Regime for Accessing Information

At the first level of the regime, every public authority has designated officers for receiving applications (also called information requests) from citizens.

At the second level, every public authority has designated senior officers to look into those cases where citizens' requests for information have been refused. If citizens do not get the requested information or are unsatisfied with the information they have received, under this law they have the right to send an appeal to the Departmental Appellate Authority (DAA) designated within the concerned public authority.

At the third level, an independent State Information Commission (SIC) has been set up to look into those cases where citizens are unsatisfied with the decision of the DAA. The SIC also has the powers and responsibility to monitor compliance of public authorities to this Act and submit an annual report to the State Legislature.

Role of Courts

According to the RTI Act the decision of the SIC is binding on all parties. Courts are barred from inquiring into the decision of the SIC. But it must be remembered that this law gives effect to a fundamental right of citizens. According to *the* Constitution, the High Courts (Art. 224) and the Supreme Court (Art. 32) have the power to look into any matter relating to the fundamental rights of citizens. Technically, a citizen has the right to approach the High Court or the Supreme Court if he/she is not satisfied with the decision of the SIC.

Role of the Public Information Officer

Under the RTI Act, Public Information Officers (PIOs) should be designated in all administrative units of every public authority in order to receive information requests from citizens. They also have the responsibility and duty to provide the requested information within 30 days. The PIO is the main point person whom citizens will contact for exercising their right to information under this law. In public authorities controlled by the State Government they are called State Public Information Officers (SPIOs).

Please remember-

- **PIOs may not have access to all records in their office. They have the right to seek assistance from any other officer (senior or subordinate) if they consider it necessary for the proper discharge of their duties under this Act.**
- **Any officer whose assistance is sought by a PIO has a duty to render all such assistance. If such refuses assistance of which the PIO is unable to provide information to the citizen then such officer is liable for penalty and disciplinary action.**
-

The Assistant Public Information Officer

The RTI Act requires that the State Government designate Assistant Public Information Officers at the sub-divisional or sub-district level.

Please remember-

- **the Assistant Public Information Officer is not an assistant to the PIO.**

In public authorities controlled by State Governments they are called State Assistant Public Information Officers (SAPIOs). Under the law the SAPIOs will act

like a Post Office. Every SAPIO has the duty and responsibility to receive information requests from citizens and forward them to the PIO of the concerned public authority that is likely to have the information being sought by the applicant.

Please remember-

- **It is the responsibility of the Public Information Officer to give information to the requestor** (A SAPIO is not responsible for giving information to the requestor).

Duties and Powers of the Departmental Appellate Authorities

The RTI Act creates an appeal mechanism within every public authority to deal with grievances of citizens who are unhappy with the decision of the PIO. The State Government is required to designate Departmental Appellate Authorities (DAA) within each public authority that will look into the grievances of applicants. This is the first of the two-level appeals mechanism. The State Information Commission (SIC) represents the second level of appeal. Despite being appeal bodies there are significant differences between the powers and functions of the DAA and the SIC.

Please remember-

- Under the RTI Act the State Information Commission has administrative powers to ensure and monitor compliance with the law apart from quasi-judicial powers to dispose appeals. Such powers are not given to the DAA. **For example**, based on a complaint, the SIC has the power to appoint a PIO in a public authority where none exists. **Second**, the SIC has the power to make a public authority provide access to information in the form requested by the applicant. Third, the SIC has the power to get the public authority to make changes to its maintenance, management and destruction of records to facilitate better implementation of this law. **Fourth**, the SIC has the power to seek a compliance report from the public authority annually. **Fifth**, the SIC has the power to seek an annual report from every public authority giving details of its compliance with the proactive-disclosure provision under sec. 4. None of these powers are given to the DAA.
- The SIC has been given the powers of a civil court to enable it to effectively perform its role as the second appeals body under the RTI Act. This allows the SIC to even requisition records relevant to a particular case even if they are exempt under Sec. 8. These powers are not available to the DAA. (But being senior level officers within the public authority, the DAA can requisition records and documents internally while deciding upon appeals.)

- In a number of instances the aggrieved applicant can bypass the DAA and approach the SIC directly for violation his/her rights guaranteed under this law. **For example**, this SIC can look complaints where PIOs have simply refused to accept information requests or where SAPIOS have refused to forward applications to the PIOs or appeals to the DAA. The DAA does not have the power to look into such complaints. Nor can the SIC refuse to look into a complaint simply because the appellant had not approached the DAA first.
- The SIC has the power to penalise the SAPIO and the SPIO with monetary fines ranging from Rs. 250/- per day to maximum of Rs. 25,000/- The SIC may also recommend to the public authority disciplinary action against the erring SAPIO/SPIO. The DAA does not have the power to impose penalties on PIOs.
- The SIC has the power to order a public authority to pay compensation for any loss or detriment suffered by a citizen who sends a complaint. This power is not available to the DAA.

The DAA therefore has a limited set of duties and powers while dealing with appeals from citizens. But the role of the DAA is an important one as they have the power to resolve disputes between the aggrieved applicant and the PIO internally and thereby save PIOs from paying penalties or facing disciplinary proceedings.

Instances where appeals may arise

The DAA is likely to receive appeals from aggrieved citizens in the following cases-

- where the PIO fails to provide the requested information within thirty days in ordinary cases;
- where the PIO fails to provide the requested information within 48 hours where the requested information relates to the life and liberty of a person;
- where the citizen believes that the additional fee charged by the PIO for supplying the requested information is unreasonable (not to be confused with application fees);
- where the citizen believes the rejection order issued by the PIO in response to his/her information request is unjustifiable;
- where the citizen believes the decision of the PIO granting partial access to records is unjustifiable;
- where the citizen believes the PIO has knowingly provided incorrect, incomplete or misleading information;

In all such cases the burden of proof lies on the PIO to justify his/her decision. The RTI Act makes it crystal clear that the applicant is not required to give reasons for requesting information at any state. [See Sec. 6 (2) & 19 (5)]

Appeals from Third Parties

The RTI Act provides the right of appeal to third parties aggrieved by the decision of a PIO. A third party may be anybody other than the applicant and the public authority to which the information request has been sent. This includes any individual, private body and any other public authority.

If the information requested by the citizen was in fact given to the public authority by a third party treating it as confidential, the PIO is required to serve a written notice to that third party inviting submissions whether such information may be disclosed to the applicant. The PIO is required to serve to make its submission orally or in writing within ten days of receiving such notice. Nevertheless if the PIO decides to disclose the information the third party has the right to appeal against such decision before the DAA and if necessary with the SIC.

Manner of Receipt of Appeals

Aggrieved citizens may file appeals directly by handing them over in person or send them by post/courier. Additionally they may send the appeal letter to the SAPIO. The SAPIO is duty bound to forward such appeals to the concerned DAA.

Please remember-

- there are no fees for filling appeals. Appeals must be received, processed and disposed of without imposing any financial burden on the appellant.
- however forms for filling appeals may be prescribed [Sec. 7 (3) (b) mentions forms for filling an appeal against the intimation order of PIO requiring payment of additional fee].
- Nevertheless keeping in mind the convenience of the common person living in remote areas who may not have easy access to such forms it is best to allow appeals made on plain pare as long as they contain the following details and enclosure
 - name of the appellant
 - name of the father/husband (as the case may be) of the appellant
 - contact details of the appellant including complete postal address, telephone numbers and email address (if any)
 - authority to which appeal is being sent (whether DAA or the SIC) details of the authority against whose decision the appeal is being made (whether PIO or DAA)
 - nature and details of the information requested originally

- copy of the information request submitted to the PIO/appeal letter sent to the DAA (whichever is applicable)
- rejection letter issued by the PIO against the appellant's information request (if any) or
- copy of the order of the PIO/information disclosed which is being contested including order of partial access (if any) or
- copy of the letter issued by the PIO intimating additional fee to be paid towards cost of providing information which is being contested by the appellant (if any)
- copy of the order issued by the DAA which is being contested (if any)
- date on which appeal is being submitted.

The limit for filing appeals

The RTI Act allows the following time limit for filling appeals-

- If the citizen does not receive any decision on his/her application from the PIO-**within thirty days of the expiry of the time period** (usually thirty days or 40 days if a third party's submission have been invited).
- If the citizen is not satisfied with the information provided by the PIO or is aggrieved by the decision of the PIO where partial access has been provided. **within thirty from the receipt of such decision**

(Please note- the time limit mentioned immediately above does not begin from the date of the issue of the PIO's order. It starts with the date on which the applicant receives the order.

- If the DAA is satisfied that there was sufficient cause that prevented the appellant from filling the appeal within the time limit he/she may admit the appeal after the expiry of the deadline.
- If third party is aggrieved by the order of the PIO-**within thirty from the date of such order.**

Time limit for deciding appeals

Ordinarily the DAA is required to give its decision **within 30 days of the receipt of the appeal**. This time limit is extendable out in no case should it exceed 15 days. If additional time is taken over and above the thirty-day limit the DAA is required to record its reasons for the same in writing issuing the order on the appeal.

Please remember-

- the appellant has the right to file a second appeal with the SIC within ninety days of the expiry of the time limit prescribed for the DAA whether or not a decision has been received.

The procedure to be followed while deciding appeals

The RTI Act empowers the State Government to make rules relating to the procedure that will be followed by the State Information Commission while deciding on appeals. However there is no reference to the procedure that needs to be adopted by the DAA while looking into appeals cases. It is advisable for the State Government to lay down the procedure for the DAAs as well in order to ensure clarity of process and uniformity of treatment to appeals across the public authorities in the State.

It is also advisable that the procedure for deciding on appeals be made as less cumbersome to the appellant as possible. Appeals under the RTI Act do not require procedures that are adversarial in nature as the appellant is not required to give reasons for seeking information or filing an appeal under the Act. The burden of proving that rejection of the application for information was justified lies on the SPIO concerned. It is not necessary to summon the appellant in every case. The DAA can and should apply its mind to the case to decide whether the decision of the PIO was reasonable or not. The presence of the appellant is not always required to such an exercise. However if the appellants presence is required in order to seek some clarification in his/her information request in such cases the appellant may be summoned.

Interpreting Exemptions and Determining Public Interest

It is worth mentioning here that a significant number of appeals will be filed by citizens against rejection orders of PIOs where Sec. 8 exemption/s have been invoked. The DAA will be called upon to interpret these exemptions in light of the public interest that may be upheld in disclosing such information. The State Government will have to draw up detailed guidelines for interpreting every category of exempt information as well as good practices to determine the primacy of public interest. If these practical guidelines are made available to the PIOs in the form of a practice manual there may be a significant decline in the number of appeals filed by citizens.