



सरकारी गजट, उत्तराखण्ड

उत्तराखण्ड सरकार द्वारा प्रकाशित

असाधारण

निम्नानुसार परिशिष्ट
भाग-५, खण्ड (ख)
(निम्नलिखित खण्ड)

देहरादून, कुतुबवाड़ा, २० दून, २०१३ ई।
खण्ड ३१, १७७३ (१७७३ संख्या)

उत्तराखण्ड सरकार

राज्यपाल कार्यालय अनुभाग

संख्या १०५/१७७३(१७७३) सं/सं/१०५/१७७३
देहरादून, २० दून, २०१३

परिष्कारण

प्रति

सं. १०५-१७

राज्यपाल कार्यालय के अधिकार अधिनियम, २००६ (हिन्दी) अधिनियम संख्या २० ई। २००६) की धारा २१ की उपधारा (१) तथा उपधारा (२) द्वारा प्रकाशित अधिनियम के अधीन जारी इस निम्नलिखित नियमावली जारी है-

उत्तराखण्ड दूनना का अधिनियम नियमावली, २०१३

इतिहास नाम एवं प्रारम्भ

- (१) इस नियमावली का शीर्षक नाम उत्तराखण्ड दूनना का अधिनियम नियमावली, २०१३ होगा।
- (२) यह दूनना में संसद अधिनियम की शर्तों से प्रकृत होगी।

(घ) शिक्षित, पढ़ाई, वेतु, वैदिकी संकेत के साथ से धा डिग्री तक इलेक्ट्रॉनिक विधि में या विद्व अथवा के नाम से सुझा को, जहाँ ऐसी सुझा विन्की कल्पना या विन्की रूप सुझा में सम्मिलित है, उचितता कला।

(ङ) जो जहाँ जहाँ वेतु के जो एक निष्पत्तय में प्रकृत है, जिन सम्बन्धित नहीं है, किन्तु सुझा का अधिकतर उचितता, 2000 में सम्बन्धित है, यहाँ जहाँ हो, जो सम्बन्धित में दिए गए हैं।

राज्य सरकार द्वारा कृतः सुझा के विधि सुझा विधि कला:

1. राज्य सरकार कृतः-सुझा या ऐसी लोक प्रतिक्रिया कथय लोक प्रतिक्रिया में एक सुझा को जहाँ जहाँ सुझा और प्रकृत उद्योगिकताय राज् सरकार के नाम में सम्बन्धित प्रकृत कृतः विधि कर कला है। विधि को जहाँ सुझा का प्रकृत लोक प्रतिक्रिया में लोक प्रकृत के जो जहाँ के प्रकृत इलेक्ट्रॉनिक प्रकृत में कला। लोक प्रतिक्रिया, इलेक्ट्रॉनिक प्रकृत का कला प्रकृत वेतु विधि सुझा को जहाँ वेतु में कल्पना नेतृत्व में प्रकृत कला के नाम से प्रकृत कला। प्रकृत प्रतिक्रिया में लोक सुझा को राज् सरकार द्वारा विधि कर में सम्मिलित कला।

सम्बन्धित कला

1. सुझा को जहाँ वेतु कला ऐसी कला कला के विधि में कला जहाँ में कला विधि कला।

सुझा प्रकृत जहाँ के प्रतिक्रिया

(क) अधिकतर जो कला के सम्बन्धित के अधिक सुझा कला विधि जहाँ वेतु लोक प्रतिक्रिया के लोक सुझा कला के सम्बन्धित प्रकृत सुझा प्रतिक्रिया के विधि लोक सुझा के लोक सुझा कला विधि कला।

(ख) सम्बन्धित कला के सम्बन्धित के अधिकतर लोक प्रतिक्रिया द्वारा सुझा के विधि द्वारा सुझा कला के विधि लोक प्रतिक्रिया सम्बन्धित सुझा के विधि कला कला को जहाँ है, जो सुझा विधि लोक प्रकृत कला कला को जहाँ है। लोक सुझा प्रतिक्रिया सम्बन्धित कला के विधि कला कि सुझा के सम्बन्धित कला के अधिकतर लोक प्रतिक्रिया कला सम्बन्धित सुझा का सम्बन्धित कला के लोक प्रकृत कला 20 जहाँ के सम्बन्धित कला सम्बन्धित सुझा का सम्बन्धित कला के सम्बन्धित कला।

(ग) सम्बन्धित कला सम्बन्धित कला के विधि लोक प्रतिक्रिया के अधिकतर या विधि लोक सुझा के लोक प्रकृत कला के लोक सुझा प्रतिक्रिया द्वारा कला के सम्बन्धित लोक प्रतिक्रिया के सम्बन्धित कला विधि लोक सुझा, जो सम्बन्धित के सम्बन्धित कला

The Unamended Right to Information Rules, 2013

Short title and Commencement

1. (i) These Rules may be called the Unamended Right to Information Rules, 2013.
- (ii) These Rules shall come into force from the date of their publication in the official gazette.

Definitions

2. In these Rules, unless there is anything contrary to the context or context:-
 - a) "Act" means the Right to Information Act, 2013,
 - b) "Section" means the section of Right to Information Act, 2013,
 - c) "Commission" means the Unamended State Information Commission,
 - d) "State Government" means the State Government of Uttarakhand,
 - e) "BPL" means the person living below poverty line having an annual income of less than Rs 12000/- (Rs. Twelve Thousand),
 - f) "First Departmental Appeal Officer" means the officer designated under section 19(1) for disposal of first appeal filed under sub-section (1) of section 19 of Right to Information Act,
 - g) "Information" means the records held in electronic form, documents, correspondence, e-mail, internet advice, press note, circular, order, log book, contract, papers, samples, notes, material related to call, including any information in any form, any material related to any private body which can be received by any Public Authority under any other law in force for the time being.

(७) 'Record' includes the following:-

- (a) Any document, manuscript or file,
- (b) Any electronic reproduction or facsimile copy of a document,
- (c) Any reproduction of image or images embodied in soft medium (Whether online or not)
- (d) Any other material produced with the help of a computer or through any other device

(८) 'Right to Information' means the right to information accessible under the Right to Information Act, २००७ which is held by or is under the control of any Public Authority and includes the right to-

- (i) inspect any work, document, record
- (ii) take notes, extracts or certified copies of documents or records;
- (iii) take certified copies of records;

and digital information in the form of discettes, floppies, tapes, video cassettes or in any other electronic mode or through electronic store where such information is stored in a computer or in any other device.

(९) Words and expressions used in these rules but not defined here shall have the same meaning as defined in the Right to Information Act, २००७.

Prescribing information for self disclosure by the State Government

३. The State Government may, from time to time, prescribe the information to be disclosed and may by any public authority or public authorities and its updates by publishing it in official website of the State Government. The prescribed information shall be published by the Public Authority in electronic form within १० days from the date of prescribing the information. The Public Authority shall interlink the prescribed information in an open disclosure in electronic form throughout the country through internet network or network. The Public Authority shall update the prescribed information in the form as specified by the State Government

Language of Application

4. Application for obtaining information shall be made in Hindi Devanagari script or in English.

Procedures for obtaining information

5. (a) For obtaining 'information' under sub-section (1) of section 16 of the Act, an application along with prescribed application fee shall be submitted to the Public Information Officer of concerned Public Information Officer of the Public Authority.

(b) Application for 'information' from citizens other than B.P.L. category, not accompanying the amount as prescribed fee after depositing the prescribed fee the information shall be provided. The PIO shall send a notice to the applicant that the RTI application will be processed only on payment of application fee and that the 30-day time limit will commence upon payment of application fee.

(c) On applicant's request for information in his application, which is under custody or control of other Public Authorities, the Public Information Officer shall provide information, if any, relating to the Public Authority in the applicant and his information concerning the other Public Authority the application shall be transferred to the Public Information Officer of such other Public Authority.

Provided that in case the number of other Public Authorities is two or more, the application shall not be transferred, instead, after providing the information under the custody or control of the Public Authority, the applicant shall be asked to apply separately to the concerned Public Information Officer for remaining information.

(d) In case the applicant seeks information for which it is not clear under which Public Authority's custody or control the information is available and as such it is not possible to transfer the application to the concerned Public Authority, the Public Information Officer, after providing the information, if any, which is under the custody or control of the Public Authority shall return the application to the applicant for remaining information and information of the structure.

(a) Request for 'information' may be made for such 'information' which is defined as 'information' under clause (i) of section (2) of the Act and is under the custody and control of the Public Authority. On request for information other than defined in the Act, the Public Information Officer shall inform the applicant that the 'information' is not held.

(b) In case the 'information' requested in application, not being clearly identified within a week after receiving the application, the Public Information Officer shall inform the applicant for clearly identifying the required information, by letter or by requesting the disclosable 'information' of the Public Authority. After the applicant has inspected and identified the information and so informing the Public Information Officer, the 'information' shall be provided to the applicant as per procedure within the prescribed period.

(c) In case of non acceptance of request for providing information, the Public Information Officer shall inform the applicant the reason for non acceptance of his request mentioning the relevant provisions of the Act and the Rules. The Public Information Officer shall inform the applicant the time limit for filing appeal against non acceptance of the request and also details of the designation and address of the appeal officer.

(d) The information required by the applicant shall be provided in the same form in which it has been asked unless the resources of Public Authority are disproportionately diverted in providing the information or is detrimental to the safety or preservation of records of the required information. After getting in-quest the information by the applicant, the information shall be provided to the applicant by the Public Information Officer in the form in which providing information the resources of the Public Authority are not disproportionately diverted.

Fees for Information:

6. (a) For information under sub-section (1) of section 6 of the Act, payment of Rs.1000 as application fee along with application may be made under receipt in cash or through demand draft, banker's cheque, Indian postal order, treasury challan, non-postal stamp paper in favour of Public Information Officer or Assistant Public Information Officer of Public Authority.

(b) For additional fee as provided in sub-section (3) of section 7 of the Act, the payment may be made under receipt in cash or through demand draft, banker's cheque, Indian Postal Order, Treasury challan or judicial stamp paper in favour of Public Information Office of Public Authority at following rates, namely:-

Provided that no fee shall be payable by the person using below priority list,

(i) Rs.200 (Rs. Two only) for A-3 or A-4 size page (Printed copy of audio information) and actual cost for a size bigger than this

(ii) (i) The first hour of inspection of records no charges shall be payable. Thereafter Rs. 500 (Rs. Five only) for an hour or part thereof shall be payable as per

(ii) Fees for copies of records and computer to be paid at the actual cost.

(c) For providing information to printed or electronic form under sub-section (3) of section 7 of the Act, fees shall be payable under receipt in cash or through demand draft, banker's cheque, Indian Postal Order, Treasury challan or non-judicial stamp paper in favour of Public Information Office of the Public Authority at the following rates, namely:-

(i) Rs. 2000 (Rs. Twenty only) per CD/DVD for information on CD/DVD and

(ii) In case of a printed publication, as prescribed price or Rs. 200 (Rs. Two only) per page for photocopy or extract of such publication.

(d) For copies of information from persons belonging to B.P.L. category the provision of fees shall be as under:-

(i) In case the required information concerns persons of B.P.L. category or his own family the information shall be provided free of cost.

(ii) In case the required information concerns a person other than B.P.L. category person or member of his family and the information can be provided in 50 photocopy pages (A-4 size or not) then, there shall be Rs. 1000 (Rs. One thousand only), the

information so required shall be provided free of cost. In case the requested information exceeds this limit, the HPI category persons may be permitted to inspect the records and take notes or obtain photographs or to own copies.

Provided that persons living below poverty line shall have an envelope, along with the application, a copy of B.P. Enclosed by the applicant himself.

Delegation of Some Public Information Officers:

7. (a) The applicant, as far as possible, shall be informed about the additional fee mentioned in clause (b) and (c) of rule (2) within a week from the date of receipt of application.

(b) Third party information shall be provided to the applicant as per the procedure prescribed in section 11 of the Act.

(c) The information mentioned under section 8(1) of the Act which is exempted from disclosure, shall not be provided in respect of the applicant by the Public Information Officer.

Provided that in the larger public interest the Public Authority may allow access to the information exempted from disclosure under section 8(1) of the Act.

(d) Personal information under section 8(1) (g) of the Act not related to public activities or public interest or the disclosure of which amounts to undesirable invasion of privacy of any person, shall not be disclosed, except when the Public Information Officer or the Appeal Officer is satisfied that in the larger public interest the disclosure of such information is justified.

First appeal before the Departmental Appeal Officer

8. (a) While preferring an appeal against Public Information Officer's disposal order under section 19 of the Act, the applicant shall have to enclose a copy of request letter and the letter of disposal of request letter by Public Information Officer. The grounds of appeal shall be clearly mentioned in the Appeal.

(b) In case of disclosure of third party information, order of Public Information Officer, information received from the third party and the

statements made by the third party shall be excluded with the appeal preferred against the order of the Public Information Officer. The grounds of Appeal shall be clearly recited in the Appeal.

(c) The views of the Public Information Officer, if required, shall be given by the First Appeal Officer on the Appeal filed by the applicant. The appellant may be directed to present himself, if required, for the personal hearing of Appeal.

(d) The First Appeal Officer shall dispose of the first Appeal, as far as possible, within the period mentioned in the Act. Where the Appeal is not disposed of within the prescribed period of sixty days, the First Appeal Officer may dispose of the First Appeal within a period not more than 45 days. The reasons for extending the time limit shall be recorded. A copy of the order of disposal of Appeal shall be provided to the applicant and to the Public Information Officer free of charge.

(e) The First Appeal Officer, while hearing the Appeal, shall inquire whether the Public Information Officer has refused the disclosure of personal information as per provisions of section 8(1)(j) of the Act. The Public Information Officer has not refused disclosure such personal information which is related to public activities and interests or which does not unacceptably violate the privacy of the person or the disclosure of which is justified in the larger public interest.

(f) While considering the appeal the First Appeal Officer shall verify himself whether information sought by the applicant can be disclosed or not, the disclosure information has been provided to the applicant within prescribed time or not, the information, the disclosure of which has been refused by the Public Information Officer is exempted under section 8 of the Act or not, whether the disclosure of the information requested forms part of the larger public interest, or the Public Authority under Section 8(2) of the Act. The information the disclosure of which is not exempted under Section 8 and satisfaction has been made that under the provisions of Section 8(1)(j) and Section 8(2) of the Act that in larger public interest the disclosure of requested information is necessary and the information has not been released to the applicant, the Public Information Officer on the direction of the Appeal Officer shall make available the said information to the applicant within a week after taking the prescribed fees.

(g) In the absence of the fact that the information sought by the applicant was not provided to the applicant for not being clearly identified the first Appeal Officer shall direct the applicant to clearly identify the required information in writing or after accessing the concerned records of the Public Authority after paying the prescribed fee. The first Public Authority shall order to provide the information identified by the applicant after receiving the prescribed fee from the applicant.

(h) The first Appeal Officer shall record his comments on the points referred in the above mentioned sub-section in the decision on the Appeal and shall direct the Public Information Officer to disclose the information which is not exempted from the disclosure.

Second Appeal in Information Commission

9. (a) While preferring second appeal under section 19 of the Act before State Information Commission the appellant shall enclose copies of applicant's request letter, letter of disposal of request letter of Public Information Officer, order of disposal by First Appeal Officer along with applicant's second appeal. It is necessary to mention clearly the grounds of second appeal.

(b) On filing second appeal by the applicant the Commission shall adopt the following procedure:

(i) In the second appeal, the concerned Public Information Officer and Departmental Appeal Officer as required, shall be made respondents. Any other officer/authority shall not be made respondent in the second appeal.

(ii) On the grounds mentioned by the appellant in his second appeal the Public Information Officer and first Appeal Officer shall be given opportunity to submit their replies in writing.

(iii) In Second Appeal the Commission shall inquire whether the 'information' requested by the applicant has been provided to him as per provisions of the Act or not. The Commission in the Second Appeal shall also inquire whether the First Appeal Officer, as per provisions of the Act, directed the Public Information Officer to release information to the applicant or not, the Public Information Officer refused the 'information'

within the prescribed time limit or not, whether any harm was caused to the applicant due to non disclosure of disclosable information, if so, what is the mitigation to the harm caused to the applicant. After making necessary enquiry on the above mentioned points, the Commission will pass orders on the Second Appeal.

(vi) The State Information Commissioner, while dealing an appeal may: -

- (A) receive oral or written evidence (in such or an affidavit form) concerned or interested persons;
- (B) peruse or inquire documents, public records or copies thereof;
- (C) inquire through authorized officer further details or facts; and
- (D) receive evidence or affidavits from the Public Information Officer, Assistant Public Information Officer, First Appellate Authority and any such other person against whom the appeal lies or its third party.

(v) In the Second Appeal only the matter of disclosure of requested information within the prescribed time shall be considered. In the Second Appeal, as per clause (vi) above the State Information Commissioner shall inquire into the merits, in question, of the Second Appeal. No other Authority shall be directed or instructed into any other issue during the disposal of the Second Appeal, in question.

(vi) In the Second Appeal the Public Information Officer shall be given an opportunity to rebutt his case on the Second Appeal. No interim order shall be passed by the Commission thereafter the taking action of any judges other than rendered in the Second Appeal. The Second Appeal shall be disposed off, as far as possible, within 90 days and later within 120 days.

(vii) In the order of Second Appeal, the Information Commissioner may, if required direct with regard to disclosure or interference or access to information as provided in section 18 (b) of the Act.

While disposing off the Second Appeal the Public Information Officer and First Departmental Appeal Officer or any other Officer shall not be directed to be present during the

hearing. In cases wherein the Commission finds necessary it shall direct the Public Information Officer to be present during the Second Appeal, the manner of which shall be recorded in writing.

(iv) In the case of Second Appeal in which the Commission considers it proper to hear through video conference, the use of Public Information Officer or other Officer and their presence is required. It may do so. The facility of video conferencing of the State Government shall be provided to the Commission by the State Government for hearing Second Appeal or complaint.

(v) On being satisfied during Second Appeal that it is necessary to impose penalty upon Public Information Officer under section 20 of the Act, the Public Information Officer after serving a show cause notice to him shall be given an opportunity to explain the reasons. After the Public Information Officer has submitted his case or on the expiry of prescribed time, the Commission shall impose penalty against the Public Information Officer as per section 20 of the Act. The action of imposing penalty against the Public Information Officer shall be initiated along with the disposal order of the Second Appeal. The disposal of Second Appeal shall not be kept pending for initiating the process of imposing penalty.

(vi) While imposing fine or penalty the Commission may recommend disciplinary action against a Public Information Officer who persistently violates the provisions of the Act. While imposing such recommendation, the Commission shall issue show cause notice to the Public Information Officer. Thereafter properly hearing the Public Information Officer upon the show cause notice, the Commission shall issue appropriate recommendation to the public authority that appointed such Public Information Officer.

(b) (i) While preferring appeal to the Commission against the order of Public Information Officer in the matter of disclosure of information regarding third party, the order of Public Information Officer, information sought from the third party and

document submitted by the third party shall be enclosed along with the appeal. The grounds of appeal shall clearly be stated in the appeal.

(ii) The Commission shall give opportunity to the third party to present its case to the appeal (unless as per above sub clause (i)).

(iii) For disposal of appeal the Public Information Officer and the third party shall be given opportunity to present their case in writing.

(4) The Commission shall send first notice to the concerned person by registered post speed post thereafter subsequent notices to concerned person shall be served in the following way:

(i) through the party itself;

(ii) through the officer by hand;

(iii) by ordinary post, or

(iv) through Head of Office or Head of the Department;

(v) by E-mail, through internet or by SMS;

(vi) by registered post with acknowledgment card or speed post.

Provided further that the delivery may be made by fifth mode only in case it is not possible by other five modes as per clause (vi).

(5) Following procedure shall be adopted by the Commission for hearing the appellants or the parties -

(i) The appellant or the respondent, as the case may be, may take assistance of any person for the purpose of presenting his case in the process of Appeal.

(ii) The order of the Commission shall be delivered in open and shall be substantiated in writing by the officer or secretary authorized in this behalf.

(iii) After the order of the Commission is passed it will be uploaded by the Commission on its website as early as possible.

Procedure for action by the Commission under Section 18(1) of the Act

16. (a) The Commission shall require into the complaint filed by persons mentioned in clause (a) to (c) of section 18(1) of the Act:
 - (i) The complainant shall clearly indicate in his complaint the ground or grounds under which clause (a) to (c) of section 18(1) of section 18(1) of the Act, the complaint has been lodged.
 - (ii) The copy of complaint shall be sent to the Public Information Officer of Principal Public Authority, so the case may be, and they will be given an opportunity to present their case in writing, or the complainant.
 - (iii) The Commission may, as may be required, take evidence of all such persons whom he considers necessary for the inquiry of the complaint and call and report such persons which are necessary for enquiring into the complaint.
 - (iv) The Commission may, require also the complainant and impose penalty to punish the Public Information Officer who contravenes the provisions of the Act as per Section 20 of the Act. Prior to imposing penalty, the Commission shall issue show cause notice to the Public Information Officer. Thereafter after properly hearing the Public Information Officer against the show cause notice the Commission shall issue appropriate orders.
 - (v) While inquiring into a complaint, the Commission may recommend disciplinary action against a Public Information Officer who persistently violates the provisions of the Act. Prior to making such recommendation, the Commission shall issue show cause notice to the Public Information Officer. Thereafter properly hearing the Public Information Officer against the show cause notice, the Commission shall issue appropriate recommendations to the public authority for appointed such Public Information Officer.

Recovery of Compensation and Penalty imposed by the Commission:

17. (a) The penalty imposed on Public Information Officer or compensation imposed on Public Authority may be recovered as

copy of such penalty order or the order passed in second appeal or complaint, as the case may be.

(b) The Commission may prescribe to recover the imposed penalty in the case that three instalments on imposition of a penalty on Public Information Officer by the Commission, a copy of such order shall be provided to Public Authority of Public Information Officer for the purpose of recovery of the penalty who will be receipt of the same will send acknowledgment of the same to the Commission with the mention that the penalty has been noted for the purpose of recovery.

(c) Upon passing an order against a Public Authority for award of compensation to an applicant in compliance by the Commission, a copy of such order shall be provided by the Commission itself to the Public Authority for the purpose of recovery who will send acknowledgment of the same to the Commission indicating that the compensation amount has been noted for payment in the appeal or complaint and the recovery of the same amount from such concerned officers of the Public Authority may start from.

(d) After receiving the order from the Commission under clause (b) and (c) and forwarding the acknowledgment of the same to the Commission by the Public Authority, the responsibility of recovering the penalty or compensation shall be of the Public Authority under clause (b).

(e) For the purpose of recovery of penalty or compensation it shall be sufficient to provide the concerned Public Authority a copy of penalty order or compensation order. The Head of Public Authority shall recover the amount of penalty or compensation after three months but within a period not more than six months. On recovery of the said amount the Head of Public Authority shall inform the Commission about the results of recovery of the amount. The said information shall be kept in the file concerning the Second Appeal by the Commission.

(f) Recovery of penalty or compensation by the Public Authority, depositing it with cashier or payment in the applicant, as the case may be, shall be done in a manner as prescribed from time to time by the State Government.

Power to remove difficulties

12. If any difficulty arises in effective implementation of these rules the State Government may pass such orders as may be necessary and expedient to remove such difficulties.

Repeal and Savings

13. (a) The Transitional Right to Information Rules, 2012 are hereby repealed.

(b) Notwithstanding the Transitional Right to Information Rules, 2012 being repealed, any order or document issued under the said rules, which are consistent with these rules, shall be deemed to be done or issued under these rules.

D/2012

SURENDRA SINGH KANGAL

Secretary