

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING SECTOR 16, CHANDIGARH

To

The Principal Secretary to Govt. of Punjab,
Department of Governance Reforms, (GR-1 Branch)
Punjab Civil Secretariat -2, Sector 9
Chandigarh.

Memo No. 12/1/2011-SA-ADMN(Rules)/ 1063
Chandigarh, dated the 23-07-2020

Subject:- Amendment in Punjab RTI Rules, 2017

Please refer to the D.O. letter no. 2165 dated 6/8/2019 vide which the Government was requested that to amend the Rule Nos. 8, 13 and 16 of Punjab RTI Rules, 2017 in view of difficulties being faced by the Commission as well as the information seekers.

2. The Commission further reviewed the aforesaid RTI Rules and observed that amendment in some other Rules are also required. Accordingly, a complete proposal with regards to the amendments in the Punjab RTI Rules 2017 has been prepared and enclosed herewith. It is, therefore, requested that the proposed amendments be considered and fresh Punjab RTI Rules, 2020 may be notified.

Issued with the approval of Hon'ble Chief Information Commissioner,
Punjab.

PK
27/07/2020

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Encl:- Draft of proposed Rules


/ Secretary
State Information Commission
Chandigarh

GOVERNMENT OF PUNJAB
DEPARTMENT OF GOVERNANCE REFORMS
(GOVERNANCE REFORMS-1 BRANCH)

NOTIFICATION

The, 2020

No. G.S.R.23/C.A.22/2005/S.27/2020.-In exercise of the powers conferred by sub-section (1) of section 27 of the Right to Information Act, 2005, (Central Act No. 22 of 2005) and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules to provide for the matters specified in sub-section (2) of the said section, namely:-

RULES

1. Short title and commencement.-

- (1) These rules may be called the Punjab Right to Information Rules, 2020.
- (2) They shall come into force on and with effect from the date of their publication in the Official Gazette.

2. Definitions.-In these rules, unless the context otherwise requires,-

- (a) "Act" means the Right to Information Act, 2005 (Central Act 22 of 2005);
- (b) "Commission" means the Punjab State Information Commission constituted under sub-section (1) of section 15 of the Act;
- (c) "First Appellate Authority" means an officer in the public authority who is senior in rank to the State Public Information Officer to whom an appeal under sub-section (1) of section 19 of the Act lies;
- (d) "Registrar" means an officer of the Commission so designated and includes an Additional Registrar, Joint Registrar and Deputy Registrar;
- (e) "Section" means a section of the Act; and
- (f) all other words and expressions used herein but not defined in these rules shall have the same meanings as assigned to them in the Act.

3 Public Authorities, State Public Information Officers and First Appellate Authorities

- (1) Each department of the Government shall prepare and notify a list of all Public Authorities under it.
- (2) Each such Public Authority shall also appoint as many officers as necessary, as State Public Information Officers in the administrative units and offices under it, such appointment to be made by designation and not by the name of the officer to be appointed.
- (3) Each Public Authority shall also appoint officers senior to the State Public Information Officers, as First Appellate Authority to hear and decide upon appeals filed under sub-section (1) of section 19 of the Act, such appointment to be made by designation and not by the name of the appointed officer.
- (4) The list of Public Authorities under each department of the Government along with the list of State Public Information Officers and First Appellate Authorities for each such Public Authority shall be prepared and notified in the format given in **Form 1**, by the concerned department, and a copy of such notification shall be made available to the Commission.

4 Rules governing request for obtaining information

- (1) A person, who desires to obtain information under the Act from any public authority, shall make a request in writing or through electronic means to the State Public Information Officer of the public authority concerned.
- (2) Any request for obtaining information under the Act should fulfill the following conditions:
 - (a) The information sought should be a part of the record held by or under the control of the public authority concerned.
 - (b) The information sought should not:
 - (i) involve fresh collection of non-available data which is not required to be maintained under any law or the rules or regulations of the public authority; or
 - (ii) require carrying out new interpretation or analysis of existing data, or drawing of inferences, making of assumptions, or providing advice or opinion based on existing data; or

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(iii) involve providing answers to hypothetical questions; or

(iv) involve answers to the question 'why', thus asking for reasons why a certain act was done or not done; or

(v) be so vast that the collection thereof involves disproportionate diversion of resources affecting efficient operation of the public authority concerned.

3. In case a part or whole of the information sought from a public authority is held by two or more other public authorities, then the State Public Information Officer shall not transfer the request for information to such other public authorities. The State Public Information Officer shall provide only such information to the applicant as is held by the public authority to which he belongs, and shall advise the applicant to move separate requests for information to the State Public Information Officers of the other public authorities holding parts of the information sought.

5 Application Fee:

An application under sub section (1) of section 6 of the Act shall be accompanied by a fee of rupees ten and shall ordinarily not contain more than five hundred words, excluding annexures, containing address of the State Public Information Officer and that of the applicant:

Provided that no application shall be rejected only on the ground that it contains more than five hundred words.

6 Fee for providing information

Fee for providing information under sub-section (4) of section 4 and sub-sections (1) and (5) of section 7 of the Act shall be charged at the following rates, namely:-

- (a) rupees two for each page in A-4 or smaller size paper;
- (b) actual cost or price of a photocopy in large size paper;
- (c) actual cost or price for samples or models;
- (d) rupees fifty per diskette or floppy;
- (e) price fixed for a publication or rupees two per page of photocopy for extracts from the publication;

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- (f) no fee for inspection of records for the first hour of inspection and a fee of rupees five for each subsequent hour or fraction thereof; and
- (g) postal charge involved in supply of information that exceeds fifty rupees.

7. Exemption from payment of fee.-

No fee, upto rupees fifty, under rule 5 and rule 6 shall be charged from any person who is below poverty line provided a copy of the certificate issued by the appropriate Government in this regard is submitted alongwith the application.

8. Mode of payment of fee.-

Fees under these rules may be paid in any of the following manner, namely:-

- (a) in cash, to the public authority or to the State Assistant Public Information Officer of the Public authority, as the case may be, against a proper receipt; or
- (b) by demand draft or bankers cheque or Indian Postal Order payable to the Accounts Officer of the public authority; or
- (c) by electronic means to the Accounts Officer of the public authority, if facility for receiving fees through electronic means is available with the public authority.

9. Appointment of Secretary to the Commission.-

1. The State Government shall appoint an officer not below the rank of Additional Secretary to the Government of Punjab as Secretary to the Commission.
- (2) The duties and responsibilities of the Secretary shall be such as may be determined by the Chief Information Commissioner in exercise of powers vested in him under sub-section (4) of section 15 of the Act.
- (3) The Chief Information Commissioner may designate any officer subordinate to the Secretary as a Joint Secretary or Deputy Secretary.
- (4) With the approval of the Chief Information Commissioner, the Secretary may delegate any function entrusted to him to any officer subordinate to him.

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(5) In the absence of the Secretary, the Chief Information Commissioner may direct any officer of the Commission to exercise the powers and perform the functions of the Secretary.

10. Registration and disposal of complaints

Any person may file a complaint with the Commission in accordance with the provisions of section 18 of the Act. The complaint should be typed, printed or written neatly and legibly and should be filed in paper book form accompanying the following documents duly authenticated and verified by the Complainant:-

- (i) An index of the documents referred to in the Complaint.
- (ii) a copy of RTI application submitted to the State Public Information Officer
- (iii) a copy of the reply received, if any, from the State Public Information Officer.
- (iv) copies of other documents relied upon by the Complainant and referred to in his complaint.
- (v) a certificate stating that the matter under Appeal or Complaint has not been previously filed in the Punjab State Information Commission;
- (vi) Self attested copy of any I.D. proof i.e.
 - a) Passport
 - b) Identity Card issued by a Govt. Deptt.
 - c) Voter Card issued by Election Commission of India
 - d) Pan Card issued by Income Tax Deptt.
 - e) Adhar Card-Unique Identity Card of Govt. of India
 - f) Ration Card issued by Govt. Deptt.
 - g) Driving License
 - h) any other valid I.D. proof.
- (vii) Complaint case should be submitted in 2 sets in paper book form. The complainant should mention his Mobile Phone number/ contact number and email address if any.
- (viii) Each set of Complaint should be page marked separately.

11 Appeal to the Commission

Any person aggrieved by an order passed by the First Appellate Authority or by non-disposal of his appeal by the First Appellate Authority, may file an appeal to the Commission under Section 19 of the Act. The Appeal should be typed printed or written neatly and legible and should be filed in paper book form accompanying the following documents, duly authenticated and verified by the appellant:-

- (i) An index of the documents referred to in the Appeal.
- (ii) a copy of RTI application submitted to the State Public Information Officer
- (iii) a copy of the reply received, if any, from the State Public Information Officer;
- (iv) a copy of the appeal made to the First Appellate Authority ;
- (v) a copy of the order received, if any, from the First Appellate Authority;
- (vi) copies of other documents relied upon by the appellant and referred to in his appeal;
- (vii) a certificate stating that the matter under Appeal or Complaint has not been previously filed in the Punjab State Information Commission;
- (viii) Self attested copy of any I.D. proof i.e.
 - a) Passport
 - b) Identity Card issued by a Govt. Deptt.
 - c) Voter Card issued by Election Commission of India
 - d) Pan Card issued by Income Tax Deptt.
 - e) Adhar Card-Unique Identity Card of Govt. of India
 - f) Ration Card issued by Govt. Deptt.
 - g) Driving License
 - h) any other valid I.D. proof.
- (ix) Appeal case should be submitted in 3 sets in paper book form. The appellant should mention his/her Mobile Phone number/ contact number and email address if any.
- (x) Each set of Second Appeal should be page marked separately.

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12 Return of Complaint/Appeal

A Complaint/appeal may be returned to the complainant/appellant through ordinary post or in electronic mode (if the email address of the complainant/appellant is available in the case), if the same is not accompanied by the documents as specified in rule 10 /11, as the case may be, for removing the deficiencies and for filing the complete case in all respects.

13 Process of Complaint/Appeal

- (1) On receipt of a complaint/appeal, if the Commission is not satisfied that it is a fit case to proceed with, it may, after giving an opportunity of being heard to the complainant/appellant and after recording its reasons, dismiss the complaint/appeal:

Provided that no complaint/appeal shall be dismissed only on the ground that it has not been made in the specified format if it is accompanied by documents as specified in rule 10/11.

- (2) The Commission shall not consider a complaint/appeal unless it is satisfied that the complainant/appellant has availed of all the remedies available to him under the Act.

- (3) For the purposes of sub-rule (2), a person shall be deemed to have availed of all the remedies available to him under the Act -

(a) if he had filed an RTI application/ First Appeal before the PIO/First Appellate Authority and the PIO/First Appellate Authority or any other person competent to pass order on such application/appeal had made a final order on the application/appeal; or

(b) where no final order has been made by the PIO/ First Appellate Authority with regard to the RTI application/appeal preferred, and a period of thirty/forty-five days respectively from the date on which such application/appeal was preferred, has elapsed.

14 Procedure for deciding complaints/appeals.-

The Commission, while deciding a complaint/appeal may.-

- (i) receive oral or written evidence on oath or on an affidavit from concerned or interested person;
- (ii) peruse or inspect documents, public records or copies thereof;
- (iii) inquire through authorized officer further details or facts;
- (iv) hear State Public Information Officer, State Assistant Public Information Officer or the First Appellate Authority, or such person against whose action the complaint/appeal is preferred, as the case may be;
- (v) hear third party; and
- (vi) receive evidence on affidavits from the State Public Information Officer, State Assistant Public Information Officer, First Appellate Authority, such other person against whom the complaint/appeal lies or the third party, as the case may be.

15 Presence of the complainant/appellant before the Commission.-

- (1) The complainant/appellant shall be informed of the date at least seven clear days before the date of hearing.
- (2) The complainant/appellant may be present in person or through his duly authorized representative or through video conferencing/video call/Web meeting subject to the availability of the facility, at the time of hearing of the complaint/appeal by the Commission.
- (3) Where the Commission is satisfied that the circumstances exist due to which the complainant/appellant is unable to attend the hearing, then, the Commission may afford the complainant/appellant another opportunity of being heard before a final decision is taken or take any other appropriate action as it may deem fit.

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16 Presentation by the public authority

The public authority may authorize any of its officers to present its case.

17 Service of Notice by the Commission

The Commission may issue the notice by name, which shall be served in any of the following modes, namely:-

- (i) service by the party itself;
- (ii) by hand delivery (dasti) through Process Server;
- (iii) by registered post; and
- (iv) by electronic mail in case electronic address is available.

18 Order of the Commission

The order of the Commission shall be in writing and issued through ordinary post or electronic mode under the seal of the Commission duly authenticated by the Registrar or any other officer authorized by the Commission for this purpose. In addition the orders of the Commission shall also be posted on the website of the Commission.

19 Procedure for realization of penalties imposed and Compensation awarded by the Commission:-

The Commission may, at the time of deciding any complaint or appeal, impose penalty on a State Public Information Officer in accordance with the provisions of section 20 of the Act and award compensation as per provisions of Section 19(8)(b) of the Act. The concerned Bench of the Commissioner will ensure the realization of penalty imposed upon the PIO and compensation awarded to the appellant/complainant and will not dispose of the case till the compliance of the order of the Commission. A copy of the receipt of penalty/compensation should be placed in the concerned case file.

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20 Salary allowances and condition of service of the officers and other employees

The employees appointed on deputation from any department of the State Government, Board, Corporation or other statutory body of the State Government, shall be paid such salaries and allowances as admissible to them under the rules applicable to their Service and they shall be governed under the said rules and relevant instructions issued by the State Government from time to time. The Commission may also employ retired employees till the age of sixty five years on contract basis, of the State Government, Boards, Corporations or statutory bodies of the State Government or through outsourcing of the officials as per relevant instructions issued by the State Government from time to time.

21 Seal and emblem :-

The official seal and emblem of the Commission shall be such as the Commission may specify.

22 Repeal and saving.-

The Punjab Right to Information Rules, 2017, are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.