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PART IV-A

Orders (Other than those published in Part I, I-A and I-L) made by the Government of Gujarat under the Central Acts.

GENERAL ADMINISTRATION DEPARTMENT

Notification

Sachivalaya, Gandhinagar, 22nd March, 2010.

RIGHT TO INFORMATION ACT, 2005.

NO. GS 21/2010/VHS/1005/2664/RTI CELL:- In exercise of the powers conferred by section 27 of the Right to Information Act, 2005 (22 of 2005) and in supersession of the existing rules made in this behalf, the Government of Gujarat hereby makes the following rules, namely:-

1. Short title and commencement:

- (1) These rules may be called the Gujarat Right to Information Rules, 2010.
- (2) They shall come into force on and from the date of their publication in the Official Gazette.

2. Definitions:

- (1) In these rules, unless the context otherwise requires,-
 - (a) 'Act' means the Right to Information Act, 2005;
 - (b) 'Commission' means the State Information Commission constituted under section 15 of the Act;
 - (c) 'Form' means form appended to these rules;
 - (d) 'Fees' means fees prescribed under rule 5.
- (2) The words and expressions used but not defined in these rules shall have the meaning assigned to them in the Act.

3. Application for obtaining information:

- (1) A person who desires to obtain information shall make an application in Form A or in a neatly typed or hand written application containing all essential details described in Form A accompanying with the fees prescribed in rule 5(a) or through the e-media to the Public Information Officer of the concerned Public Authority:

Provided that a person applying through the e-media shall have to pay the fees within seven days from the date of application, failing which the application shall be treated as withdrawn:

Provided further that no fees prescribed in clause (a) of rule 5 shall be payable by a person belonging to the Below Poverty Line families; if such person encloses with the application a certified copy or a true copy of the Below Poverty Line Card or a certificate issued by the concerned authority:

- (2) The fees prescribed in rule 5(a) shall be paid in cash wherever facility for cash receipt is available or by demand draft or by order or in the form of Non-judicial stamp or Non-judicial Paper or stamping through franking or Electronic stamping or Court fee stamp or Indian postal stamp or paper or Indian post meter or revenue stamp or by Challan credited in the

Government Treasury through authorized banks in the budget head 0070-other administrative services, 60 - other services, 800 - other receipt, (17) - fees and other charges under these rules.

- (3) The Public Information Officer shall inform the applicant in Form B regarding other fees and charges to be paid as provided under clause (b) of rule 5:

Provided that no fees and charges prescribed in clause (b) of rule 5 shall be payable by a person belonging to the BPL families if such person encloses with the application a certified copy or a true copy of the BPL Card or, the certificate issued in that behalf by the concerned authority.

- (4) The fees and charges payable under clause (b) of rule 5 may be paid in cash wherever facility for cash receipt is available or by demand draft or by pay order or by Indian postal order or by Challan credited in the Government Treasury through authorized banks in the budget head 0070 - other administrative services, 60 - other services, 800 - other receipt, (17)-fees and other charges under these rules.
- (5) The fees and charges paid by demand draft or by pay order or by Indian postal order shall be duly crossed and shall be drawn in favour of Government of Gujarat or as the case may be, the concerned Public Authority.

4. Disposal of the application:

- (1) The Public Information Officer shall be required to provide the information sought for, to the applicant within thirty days of the receipt of the request or reject the request for any of the reasons specified in the Act or partially provide the information sought for and partially reject the request for any of the reasons specified in the Act and inform the applicant in Form C:

Provided that the applicant shall be given reasons for not giving the information which are exempted from disclosure under section 8 or section 9 of the Act:

Provided further that where the information sought for concerns the life or liberty of a person, the Public Information Officer shall be required to provide such information within forty-eight hours of the receipt of such request or application.

- (2) In case where the information sought for does not fall within the jurisdiction of the Public Information Officer / Public Authority to whom the application is made, the Public Information Officer shall transfer such application or such part of it to another concerned Public Authority in Form D as soon as practicable but in no case later than five days of the receipt of the application and inform the applicant immediately about such transfer.

5. Rates of fees:

The rates of fees and other charges for obtaining required information and documents shall be as under:-

- (a) Application Fees: - Rs.20/- per application
- (b) Other fees and charges:-
- (1) Information / documents to be provided where a separate system or procedure or fees / charges for providing copy does not exist in a Public Authority-
 - (a) A4, A3 size paper - Rs.2/- per page
 - (b) Larger size paper - Amount of actual cost.
 - (2) For inspection of records where a separate system or procedure or fees / charges does not exist in a Public Authority
 - (a) No fees for the first half an hour.
 - (b) Rs.20/- for each half an hour thereafter.
 - (3) An amount of actual cost for providing sample, model or photograph where a separate system or procedure or fees / charges does not exist in a Public Authority
 - (4) Rs.50/- per floppy or disc for information to be furnished in a floppy or a disc, wherever possible.

6. Appeal:

- (1) Any person aggrieved by a decision of the Public Information Officer or does not receive any decision within the time limit prescribed in section 7 of the Act, he may prefer an appeal in Form E or neatly typed or hand written application containing all essential details described in Form E within thirty days from the date of receipt or non-receipt of such decision, to the appellate authority under sub section (1) of section 19 of the Act.
- (2) The applicant aggrieved by an order of the appellate authority under sub-rule (1) may prefer the second appeal to the State Information Commission within ninety days from the date of the receipt of the order of the appellate authority giving following details:

- (ii) Name and address of the applicant;
- (iii) Name and office address of the Public Information Officer;
- (iv) Number, date and details of the order against which the Second appeal is filed;
- (v) Brief facts leading to second appeal;
- (vi) Grounds for appeal;
- (vii) Verification by the appellant;
- (viii) Any information which commission may deem necessary for deciding the appeal.
- (3) Every appeal made to the Commission shall be accompanied by the following documents:-
- (i) Copy of the order against which second appeal is preferred.
- (ii) Copies of documents referred and relied upon by the appellant along with a list thereof.
- (4) While deciding appeal the Commission shall:-
- (i) take oral or written evidence on oath or on affidavit;
- (ii) evaluate the record;
- (iii) inquire through the authorized officer further details or truthfulness;
- (iv) summon the Public Information Officer or the appellate authority who has heard the first appeal;
- (v) hear the third party; and
- (vi) obtain necessary evidence from the Public Information Officer or the appellate authority who has heard the first appeal.
- (5) The Commission shall serve the notice in any one of the following modes:-
- (i) service by the party itself;
- (ii) by hand delivery;
- (iii) by registered post with acknowledgement due; or
- (iv) through the Head of the Department or its subordinate office.
- (6) The Commission shall after hearing the parties to the appeal, pronounce in open proceedings its decision and issue a written order which shall be authenticated by the registrar or such officer as may be authorized by the Commission in this behalf.

7. Identification of Citizenship:

On receiving an application under section 6 of the Act, where the Public Information Officer is of the opinion that the identification of Citizenship is required to be ensured, he may ascertain the same subject to adherence of the time limit prescribed under section 7 of the Act.

8. Penalty:

Where the State Information Commission imposes penalty under sub-section (1) of section 8 of the Act, the Public Information Officer shall deposit the amount of penalty in the Government Treasury which shall be credited in the appropriate receipt book.

9. Powers to Issue guidelines:

For the smooth implementation of the provisions of the Act and rules, the State Government may provide guidelines in consonance with the provisions of the Act.

10. Maintenance of records:

- (1) The Public Information Officer shall maintain the record in respect of the applications received for information and the fees collected for giving the information.
- (2) The State Information Commission shall maintain the record regarding all appeals received and disposed off.

11. Miscellaneous:

For the purpose of removing any doubt it is hereby clarified that the 'forms' prescribed under these rules shall not be in authorized pre-printed stationery, but any format neatly typed, hand-written or in electronic form which covers essential details described in the form shall be valid.

FORM 4
(See rule 3(1))

Application form for obtaining information

Public Information Officer

(Name of Public Authority / Department / Office)

Address: _____

I want to obtain following information from you under the Right to Information Act, 2005. The details are as under.

- | | | | |
|----|--|---|---|
| 1. | Applicant's Name | : | |
| 2. | Full Address of the applicant | : | |
| 3. | <u>Specific particulars / details of information</u> | | <u>Specific duration of information</u> |
| | <u>required (in brief) :</u> | | <u>required :</u> |

(1)

(2)

(3)

4. * (1) I have paid application fee Rs. in words rupees. on dt.
vide receipt no. in the department / office of.
- * (2) I enclose herewith crossed Demand Draft/Pay Order/Indian Postal Order for application fee. The details are as under.

Number of demand draft / pay order / Indian postal order	Date	Name and place of bank / post office	Drawn in favour of	Amount Rupees
			*(i) 'Government of Gujarat' or *(ii) (Name of Public Authority - Other than Govt. Department / Offices - to be specified)	

- * (3) Non-judicial stamp / court fee stamp / revenue stamp of Rs. is affixed on this application.
- * (4) I have paid application fee by chalan dt. at (mention name of bank, branch, place) which is enclosed in original herewith.
- * (5) I have made application on Rs.20/- Non judicial stamp paper / judicial stamp paper hence no separate fee is paid.
- * (6) I hereby declare that I belong to B.P.L. family as on date. and I enclose herewith certified copy / true copy of B.P.L card or certified copy / true copy of certificate for B.P.L. Therefore I have not paid application fee.
5. I hereby declare that I am a Citizen of India.
6. I hereby declare that above details are true the best of my knowledge and belief.

Date :

Place :

Signature of applicant:

Telephone No.

(Office):

(Residence):

Mobile No. (if any):

* Strike out whichever is not applicable.

FORM B
(See rule-3(3))

Intimation to applicant to deposit fee and charges for required information and / or documents

To,
.....(Name of applicant)
.....(Address)
.....(Village / City)

Sir,

Your application dated..... on the subject ofunder Section 6(1) of the RTI Act & Rule-3(1) of the Gujarat Right to Information Rules, 2010 has been received on (date to be mentioned). In this connection I am to state that you are required to deposit Rs.....(In words Rupees..... only) as per below mentioned details for required information and documents sought for.

(1)	Total No. of pages (A3 or A4 size) x Rs.2/- per page.	Rs.....
(2)	Total No. of large size pages (except A3 or A4 size)	Rs..... (Amount of actual cost)
(3)	Floppy / disc charges x Rs.50 per piece.	Rs.....
(4)	Charges for inspection of record.....	Rs.....
(5)	Charges for sample / model / photograph	Rs.....
(6)	Others	Rs.....
Total Rupees:-		

2. The calculation of above amount is subject to change, if any, at the time of giving actual information and it shall be binding to you.

3. You can deposit / pay above amount by one of any mode of payment described below.

(a) by cash

(b) by Demand Draft

(c) by Pay order

(d) by Indian Postal Order

(e) by Chalan - Deposited in the Budget Head

0070-other administrative services-60-other services-800-other receipt-(17)-fees and other charges under the Right to Information Act / Rules.

It should be duly crossed and drawn in favour of * (i) 'Government of Gujarat' or

* (ii)
Name of Public Authority - Other than
Govt. Department / Offices - to be specified)

4. You are requested to mention through which mode you will like to obtain information and documents demanded by you, i.e. either personally or by the post.

Yours faithfully,

(.....)

Public Information Officer

Name of Public Authority / Department / Office

Telephone No:-

* Strike out whichever is not applicable

FORM C
(Section 4 (1))
Supply and / or rejection of information to the applicant

From:
No.
Public Information Officer

(Name of Public Authority / Department / Office)
Address:

Date:

To
Shri/Smt./Kum.
Address:

Sir,
This is with reference to your application dated: requesting for supply of information / documents under the Right to Information Act, 2005.

- *2. Required information / documents sought for by you in your above application are enclosed herewith.
- *3. Out of the required information / documents sought for, the partial information / documents are supplied as under:

- (1)
- (2)
- (3)
- (4)

*4. The following information / documents cannot be supplied under the provisions of the following section of the Act.

Information sought for	Applicable section / sub section for rejection
1.	
2.	
3.	

5. If you are aggrieved by the above decision, you may prefer an appeal to (Here specify name / designation / office address / telephone of the Appellate Authority) within thirty days from the date of receipt of the decision.

Yours faithfully,

.....
Public Information Officer
Name of Public Authority / Department / Office
Telephone No:-

* Strike out wherever is not applicable.

FORM D
(Section 4 (2))

Transfer of application pertaining to another public authority

From:

No.
Public Information Officer

(Name of Public Authority / Department / Office)
Address:

Date:

To
Public Information Officer

(Name of Public Authority / Department / Office)
Address:

Sr,
Please find enclosed herewith an application / a copy of application under the RTI Act, 2005 of Shri / Smt. / Kum. dt. which has been received here on (date to be mentioned).

* 2. As the subject matter of the required information / document is more closely connected with the functions of your public authority / department / office, the same is entirely transferred herewith to you for further necessary action.

OR

* 3. Out of the information / documents sought for in the above referred application, the following information / documents are pertaining to your public authority / department / office, the same is transferred to you for further necessary action.

- (1)
- (2)
- (3)
- (4)

4. It is certified that the applicant has paid Rs. (Rupees only) as application fee as per Rule 5(a).

Yours faithfully,

(.....)

Public Information Officer
Name of Public Authority / Department / Office
Telephone No:-

Copy to:
Shri / Smt. / Kum.
(Applicant Name)
..... (Address)

He / She is requested to contact the Public Information Officer of the concerned Public Authority mentioned above.

* strike out / never is not applicable.

FORM E
(See rule 4 (3))
Form of First Appeal

To
The Appellate Authority

(Name of Public Authority / Department / Office)

Address: _____

Sir,

As I have not received any decision /As I am aggrieved by the decision of the Public Information Officer dated: _____, I, hereby file this first appeal under section 19(1) of the RTI Act, 2005. The particulars of my appeal are as under:

1. Name of the appellant:
2. Whether the appellant belongs to BPL: YES / NO.
3. Address of appellant:
4. (A) Name of the Public Information Officer:
(B) Name of Public Authority / Department / Office and address:
(C) Particulars of the decision against which the appeal is preferred including the No. & Date of such decision.
5. Date of application submitted to the Public Information Officer:
6. Details of Information:
(1) Information asked for
(2) Period for which information is sought
7. Date of completion of 30 days after submitting application to the Public Information Officer:
8. Reasons for Appeal:
(A) No decision received within 30 days of submission of application to the Public Information Officer.
(B) Aggrieved by the decision of Public Information Officer Dated: _____
9. Ground for appeal:
10. Last date for filing the appeal:
11. Reasons for delay (if any) in filing the appeal beyond the prescribed time limit.
12. Prayer/reliefs sought for:

I hereby state that the information and particulars given above are true to the best of my knowledge and belief.

Place:

Date:

(Signature of appellant)

Telephone No:

Office:

Residence:

Mobile:

By order and in the name of the Governor of Gujarat

R.G. JOSHI

Deputy Secretary to the Government.