

**Uttar Pradesh Shasan
Prashasnik Sudhar Anubhag-2**

In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of notification no. 544/43-2-2015, dated 3 December 2015.

NOTIFICATION

No. 544/43-2-2015-Su.Aa.Ni. 2015(1)2015

Lucknow: Dated 03 December, 2015

In exercise of the powers conferred by section 27 of the Right to Information Act, 2005 (Act no. 22 of 2005) read with section 21 of the General Clauses Act, 1897 (Act no. 10 of 1897) and in supersession of notification no. 1724/43-2-2006-15/2(2)/03(T.C.)-19, dated November 27, 2006 regarding the Uttar Pradesh State Information Commission (Appeal Procedure) Rules, 2006 and notification no. 528/43-2-2006, dated April 13, 2006 regarding the Uttar Pradesh Right to Information (Regulation of Fee and Cost) Rules, 2006, except in respect of things done or omitted to be done before such supersession, the Governor is pleased to make the following rules:

UTTAR PRADESH RIGHT TO INFORMATION RULES, 2015

Short title and commencement

1. (1) These rules may be called the Uttar Pradesh Right to Information Rules, 2015.
- (2) They shall come into force with effect from the date of their publication in the Gazette.
- (3) Complaints and appeals which have already been filed on or before the date of commencement of these rules and have been found in order and are already registered before the said date will be proceeded with as before and shall not abate or be rejected for infirmity therein.

Definitions

2. (1) In these rules, unless the context otherwise requires –
 - (a) "**Act**" means the Right to Information Act, 2005 (Act no. 22 of 2005);
 - (b) "**Appellant**" means a person who has filed an appeal under section 19 of the Act;
 - (c) "**Authorised Representative**" means a person who is authorized in writing by a party to a proceeding before the Commission to represent him in the proceeding;
 - (d) "**Chief Information Commissioner**" means the State Chief Information Commissioner appointed under sub-section (3) of section 15 of the Act;
 - (e) "**Commission**" means the Uttar Pradesh Information Commission constituted under sub-section (1) of section 15 of the Act and includes the Chief Information Commissioner or an Information Commissioner conducting hearing on any complaint or appeal under the relevant provisions of the Act;

- (f) **“Complainant”** means a person who has filed a complaint before the Commission under section 18 of the Act;
- (g) **“First Appellate Authority”** means an officer in the public authority who is senior in rank to the State Public Information Officer and appointed and notified by the public authority under sub-section (1) of section 19 of the Act and is authorised to hear the first appeal against the order passed by the State Public Information Officer;
- (h) **“Form”** means a Form given in the Appendix appended to these rules;
- (i) **“Government”** means the Government of Uttar Pradesh;
- (j) **“Information Commissioner”** means a State Information Commissioner appointed under sub-section (3) of section 15 of the Act;
- (k) **“Registrar”** means the Registrar of the Commission and includes a Joint Registrar and a Deputy Registrar;
- (l) **“Secretary”** means the Secretary of the Commission and includes a Joint Secretary and Deputy Secretary;
- (m) **“State Public Information Officer”** means an officer designated as such under sub-section (1) of section 5 of the Act and includes a State Assistant Public Information Officer so designated under sub-section (2) of section 5 of the Act;

(2) Words and expressions used herein but not defined shall have the meaning assigned to them in the Act.

Public Authorities,
State Public
Information Officers
and First Appellate
Authorities

3. (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.

Rules governing
request for obtaining
information

4. (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. The Request shall be made in the format given in **Form 2**.

Provided that a request for obtaining information drafted on plain paper and containing all details as required in Form 2 shall be received for consideration by the State Public Information Officer.

- (2) Any request for obtaining information under the Act should fulfil 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

(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.

(c) The request for obtaining information shall not exceed five hundred words.

(3) The State Public Information Officer shall duly acknowledge the receipt of the request and shall enter the particulars thereof in the Application Register maintained for the purpose in the format given in **Form 3**.

(4) A request for obtaining information under the Act shall be accompanied by the fee prescribed in rule 5.

(5) If the State Public Information Officer finds that a request made for disclosure of information relates partly or wholly to a single other public authority, then such State Public Information Officer shall, within five days

from the date of receipt of the request, transfer the request or such part of it as may be appropriate, to the other public authority in the format given in **Form 4**, and shall furnish within the time prescribed that part of the information to the applicant, as is available with the public authority to which he belongs.

Provided that if 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.

- (6) The State Public Information Officer on receipt of a request for information shall dispose off the request in accordance with the provisions of sections 7, 8 and 9 of the Act:
- (a) If the State Public Information Officer is of the view that the information sought is to be provided, then he shall convey the information to the applicant in **Form 5**. The date on which the information is supplied shall be entered in the Register mentioned in sub-rule (3) above.
 - (b) If the State Public Information Officer is of the view that the information sought can only be provided on payment of any further fee representing the cost of providing the information as prescribed in rule 5, then he shall send intimation accordingly to the applicant in **Form 6** and enter the details in the Register mentioned in sub-rule (3).
 - (c) If the State Public Information Officer is of the view that the request for information is to be rejected on the basis of any provision(s) of the Act and/or the rules, then he shall convey such rejection to the applicant in **Form 7**. The date of rejection shall be entered in the Register mentioned in sub-rule (3).
- (7) If the State Public Information Officer is of the view that a part of the information sought cannot be provided as it is exempted from disclosure, then the State Public Information Officer may provide the applicant access to only such part of the information which is not exempted from disclosure, and simultaneously give a notice to the applicant in terms of sub-section (2) of section 10 of the Act in **Form 8**.
- (8) Where the State Public Information Officer intends to disclose any information on a request made under the Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the State Public Information Officer shall give a written notice to such third party in accordance with the provisions of section 11 of the

Act in the format given in **Form 9**. The State Public Information Officer shall keep in view the submission, if any, of the third party while taking a decision about disclosure of information.

Fee and Costs for
obtaining information

5. (1) A request for obtaining information under sub-section (1) of section 6 of the Act shall be accompanied by an application fee of rupees ten by way of cash against proper receipt or by demand draft or by Bankers cheque or by Indian Postal Order payable to the concerned public authority.
- (2) For providing information under sub-section (1) of section 7 of the Act, the fee shall be charged by way of cash against proper receipt or by demand draft or by Bankers cheque or by Indian Postal Order payable to the public authority at the following rates:
- (i) rupees two for each page (in A-4 or A-3 size paper) created or copied;
 - (ii) actual charge or cost price of a copy in larger size paper;
 - (iii) actual cost or price for samples or models, and where the information is available in form of priced publication, price so fixed;
 - (iv) for inspection of records, a fee of rupees ten for the first hour, and fee of rupees five for each fifteen minutes (or fraction thereof) thereafter.
- (3) For providing the information under sub-section (5) of section 7, the fee shall be charged by way of cash against proper receipt or by demand draft or Bankers cheque or Indian Postal Order payable to the public authority at the following rates:
- (i) for information provided in diskette or floppy or compact disk rupees fifty per diskette or floppy or compact disk, and
 - (ii) for information provided in printed form at the price fixed for such publication or rupees two per page of photocopy for extracts from the publication.
- (4) In the case of maps and plans etc. the fee shall be fixed by the concerned State Public Information Officer in each case depending upon the cost of labour and material required to be employed.
- (5) The amount of fee shall be deposited in the following head of account:
- “0070-Other Administrative Services - 60-Other Services - 800- Other receipts - 11-Receipts under Right to Information Act, 2005.”

Registration and
disposal of complaints

6. (1) Any person may file a complaint with the Commission in accordance with The provisions of section 18 of the Act.
- (2) A complaint should be typed, printed or written neatly and legibly and should be filed in three copies.
- (3) A complaint should be submitted in **Form 10**. A complainant may file a complaint drafted on plain paper containing all details as required in Form 10.
- (4) All necessary documents in support of the complaint should be annexed to the complaint.
- (5) Every complaint shall be examined by the Registrar. If the Registrar is of the view that the complaint is not in accordance with the provisions of the Rules, he shall return the complaint to the complainant, pointing out the defect(s) therein for the removal of defect(s), and enter the details thereof in a register maintained for the purpose in **Form 11**. If the Registrar is of the view that the complaint is in accordance with the provisions of the Rules, he shall cause the complaint to be numbered and entered in a register maintained for the purpose in **Form 12**.
- (6) After a complaint has been registered, the Registrar shall forward it to the Chief Information Commissioner or the Information Commissioner having jurisdiction over the matter.
- (7) The Commission shall allot a case number to the complaint and fix the date for the first hearing of the complaint.
- (8) The Commission shall issue notices to the complainant and the State Public Information Officer concerned at least 15 days before the date fixed for the hearing. A copy of the complaint shall also be sent to the State Public Information Officer directing him to submit his written statement in two copies by the date fixed.
- (9) On the date of hearing of the complaint, a copy of the written statement of the State Public Information Officer shall be furnished to the complainant for his submission, if any. After consideration of the contents of the complaint, the written statement of the State Public Information Officer and the submission made by the parties at the hearing, if the Commission is of the view that no reasonable grounds exist to inquire into the matter, it shall dismiss the complaint. The Commission, if it is satisfied that there are reasonable grounds to inquire into the matter, may initiate an inquiry in respect thereof, such inquiry to be conducted in accordance with the provisions of sub-sections (3) and (4) of section 18 of the Act and these Rules.

Registration and
disposal of appeals

7. (1) Any person who does not receive a decision from a State Public Information Officer within the prescribed time, or is aggrieved by a decision of a State

Public Information Officer, as the case may be, may within the prescribed time, prefer an appeal to such officer who is designated as the First Appellate Authority. The appeal shall be submitted in the format given in **Form 13**. An appellant may file an appeal drafted on plain paper containing all details as required in Form 13. The First Appellate Authority shall dispose off the appeal in accordance with sub-sections (1) and (2) of section 19 of the Act and Rules.

(2) Any person aggrieved by an order passed by the First Appellate Authority or by non-disposal of his appeal within the prescribed period by the First Appellate Authority, may file a second appeal within the prescribed time to the Commission in **Form 14**. An appellant may file a second appeal drafted on plain paper containing all details as required in Form 14. Such appeal shall be accompanied by the following documents duly verified as true copies by the appellant:

- (i) a copy of the request for information submitted to the State Public Information Officer under sub-section (1) of section 6 of the Act;
- (ii) a copy of the reply received, if any, from the State Public Information Officer;
- (iii) a copy of the appeal made to the First Appellate Authority under sub-section (1) of section 19 of the Act;
- (iv) a copy of the order, if any, received from the First Appellate Authority;
- (v) copies of other documents relied upon by the appellant and referred to in his appeal; and
- (vi) a certificate of the appellant that no appeal on the same ground(s) against the same First Appellate Authority was filed by him earlier.

An appeal to the Commission should be typed, printed or written neatly and legibly, and should be filed in three copies.

- (3) Every appeal filed with the Commission shall be examined by the Registrar. If the Registrar is of the view that the appeal is not in accordance with the provisions of these rules, he shall return the appeal to the appellant, pointing out the defect(s) therein for the removal of the defect(s), and enter the details thereof in a register maintained for the purpose in **Form 11**. If the Registrar is of the view that the appeal is in accordance with the provisions of these rules, he shall direct that the appeal be numbered and entered in a register maintained for the purpose in **Form 15**.
- (4) After an appeal has been registered, the Registrar shall forward it to the Chief Information Commissioner or the Information Commissioner having jurisdiction over the matter.
- (5) The Commission shall allot a case number to the appeal and fix the date for

the first hearing of the appeal.

- (6) The Commission shall issue notices to the appellant, the State Public Information Officer and the First Appellate Authority concerned at least 15 days before the date fixed for the hearing. A copy of the appeal shall also be sent to the State Public Information Officer and the First Appellate Authority directing them to submit their written statements in two copies by the date fixed.
- (7) On the date of hearing of the appeal, a copy each of the written statements of the State Public Information Officer and the First Appellate Authority shall be furnished to the appellant for his submission, if any. After considering the contents of the appeal, the written statements of the State Public Information Officer and the First Appellate Authority, and the submission made by the parties at the hearing, the Commission, if it is satisfied that there are reasonable grounds for consideration of the appeal, may fix a date for further hearing in respect thereof, such hearing shall be conducted in accordance with the provisions of section 19 of the Act and these rules. If the Commission is of the view that no reasonable grounds exist to further consider the appeal, it shall dismiss the appeal.
- (8) The Commission, while hearing an appeal may-
 - (i) receive oral evidence on oath or on affidavit from the appellant;
 - (ii) receive oral evidence on oath or on affidavit from the State Public Information Officer and / or the First Appellate Authority;
 - (iii) receive oral evidence on oath or on affidavit from third party or from any other person whose evidence is considered necessary;
 - (iv) peruse or inspect documents, public records or copies thereof.

Service of notice by
the Commission

8. In any hearing on a complaint or appeal the Commission may issue notice to any party by name in **Form 16**. The notice shall be served on the person concerned in any of the following modes:
 - (i) service by the complainant, the appellant or the respondent as the case may be;
 - (ii) by hand delivery (dasti) through process server;
 - (iii) by registered-post or speed-post;
 - (iv) by E-mail in case E-mail address is available.

Presence of parties
during hearing on
complaint or appeal

9. (1) During the course of hearing on a complaint or an appeal, the complainant or appellant may be present in the Commission either in person or through duly

authorised representative. However, the Commission, if it deems necessary, may summon the complainant or appellant, as the case may be, to be present in person in the Commission on any specific date of hearing.

(2) The State Public Information Officer against whom the complaint or appeal has been filed may be present voluntarily during the hearings. However, the Commission may at its discretion direct the State Public Information Officer to be present in person or appear through an authorized representative, provided he is an officer of sufficient seniority.

Adjournment of hearing

- 10.** Any party to a hearing may make an application for adjournment of the hearing. The Commission, if it is of the view that the reason for seeking adjournment is just and sufficient, may grant adjournment.

Transfer of a proceeding from one bench to another

- 11.** Any party to a proceeding before the Commission may move an application before the Chief Information Commissioner praying for the transfer of the proceeding from the bench hearing it. The Chief Information Commissioner, after considering the comments, if any, of the Information Commissioner concerned on such application, may transfer the proceeding to another bench if he is of the view that there is sufficient ground for such transfer.

Further, an Information Commissioner may request the Chief Information Commissioner to transfer any proceeding pending before him to another bench, and the Chief Information Commissioner may transfer such proceeding to another bench if he is of the view that there is sufficient ground for such transfer.

Recall of its order by the Commission on the ground of procedural defect

- 12.** (1) The Commission, on an application submitted by any party aggrieved by an order of the Commission, may recall its order on the ground of any of the following procedural defects:
- (i) The order was passed by the Commission without hearing the applicant for no fault of his; or
 - (ii) The Commission heard and decided the matter on a date other than the one fixed for hearing of the same and the applicant could not attend the hearing for no fault of his.
- (2) The applicant may submit recall application within thirty days from the date of knowledge of the order of the Commission.
- (3) If the Commission is of the view that prima facie there is no merit in the application, it may reject the recall application.
- (4) If the Commission is of the view that the matter requires hearing then before passing any order on such recall application, the Commission shall issue notice to all parties to the proceeding to give them an opportunity of being heard.

Withdrawal, amendment or abatement of complaint or appeal

- 13.** (1) During the hearing on any complaint or appeal, the Commission may, on a request made by the complainant or appellant, as the case may be, allow the complaint or appeal to be withdrawn.
- (2) The Commission may, if it finds it just and proper, allow a prayer for any

amendment of a complaint, appeal or written statement during the course of hearing, on any such prayer made in writing by the related party.

- (3) The proceedings pending before the Commission on any complaint or appeal shall abate on the death of the complainant or appellant, as the case may be.

Order of the
Commission

- 14.** On conclusion of the hearing on any complaint or appeal, the Commission shall pass orders thereon either on the same date or on any future date fixed for the purpose and communicated to the parties. Every such order of the Commission shall be signed and dated by the Commissioner who had heard the complaint or appeal.

Procedure for
realization of penalties
imposed by the
Commission

- 15.** (1) 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.
- (2) A copy of the order of the Commission imposing penalty on a State Public Information Officer shall be forwarded to the Registrar. After receipt of such order, the Registrar shall enter the details thereof in a register maintained for the purpose in **Form-17**.
- (3) The penalty order shall be conveyed by the Registrar vide a letter in **Form-18**, to the controlling authority concerned for recovery of the penalty amount from the salary of the State Public Information Officer and for the deposit of this amount in the following head of account, by the date fixed:
- “0070-Other Administrative Services- 60-Other Services- 800- Other receipts- 15-Penalties imposed under Right to Information Act, 2005.”
- (4) The Government shall make necessary arrangements to ensure recovery of the penalty amount from the State Public Information Officer concerned in compliance of the order of the Commission.
- (5) The Registrar shall be responsible for following up each such matter in which the Commission has imposed penalty on any State Public Information Officer, till compliance report is received.

Secretary of the
Commission

- 16.** (1) The Government shall appoint an officer not below the rank of Special Secretary to Government as the Secretary of the Commission.
- (2) Under the supervision of the Chief Information Commissioner, the Secretary shall be the principal officer responsible for the administrative functioning of the Commission.
- (3) 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.

- (4) The Chief Information Commissioner may designate any officer subordinate to the Secretary as a Joint Secretary or Deputy Secretary.
- (5) With the approval of the Chief Information Commissioner, the Secretary may delegate any function entrusted to him to any officer subordinate to him.
- (6) 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.

Registrar of the
Commission

- 17.** (1) The Government shall appoint an officer not below the rank of Additional District Judge as the Law Officer of the Commission. The Law Officer shall be the ex-officio Registrar of the Commission.
- (2) Under the supervision of the Chief Information Commissioner, the Registrar shall be the principal officer responsible for the management of judicial functioning of the Commission.
- (3) The duties and responsibilities of the Registrar 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.
- (4) The Chief Information Commissioner may designate any officer subordinate to the Registrar as a Joint Registrar or Deputy Registrar.
- (5) With the approval of the Chief Information Commissioner, the Registrar may delegate any function entrusted to him to any officer subordinate to him.
- (6) In the absence of the Registrar, the Chief Information Commissioner may direct any officer of the Commission to exercise the powers and functions of the Registrar.

Seal and emblem

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

Language of the
Commission

- 19.** (1) An appeal or a complaint may be filed in Hindi or in English and all related documents shall also be filed in Hindi or in English. Where a document, in original, is in a language other than Hindi or English, a certified authenticated translation in Hindi or English shall also be filed along with the original document. This shall also apply in the case of written statement, rejoinder, reply or any other document filed before the Commission.
- (2) The proceedings of the Commission shall be conducted in Hindi.