

#### GOVERNMENT GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY

### Gangtok, Thursday, 22nd. December, 2005 — No.466 GOVERNMENT OF SIKKIM DEPTT. OF PERSONNEL, ADM. REFORMS, TRG. PUBLIC GRIEVANCES, CAREER OPTIONS & EMPLOYMENT, SKILL DEVELOPMENT AND CHIEF MINISTER'S S ELFEMPLOYMENT SCHEME GANGTOK

#### No. 230/GEN/DOP

#### Dated:22/12/2005

In exercise of the powers conferred by Section 27 of the Right to Information Act, 2005 (22 of 2005), the State Government hereby makes the following rules namely:-

- 1. Short title and commencement- (1) These rules may be called the Sikkim State Right to Information Regulation of Fee, Cost and Miscellaneous) Rules, 2005.
  - (2) They shall come into force on the date of their publication in the Official Gazette.

#### 2. Definitions:

- (1) In this Rules, unless the context otherwise requires:
- (a)-Actll means the Right to Information Act, 2005.
- (b)—SectionII means Section of the Act.
- (c) Appellate Authority refers to the officers appointed to hear first appeals under Section 19 (1) of the Act.
- (2) All other words and expressions used in these rules but not defined in the Act shall have the same meanings assigned to them, in the Act.
- 3. There shall be a State Public Information Officer (P.I.O. for short) in each Department of the Government to perform the functions and discharge the responsibilities as provided under the Act. Such Public Information Officers shall not be below the rank of a Joint Secretary of the State Government.

4. (1) There shall be a State Assistant Public Information Officer (Asstt. P.I.O. for short) in every Sub- Division and the Districts of the State to be appointed by the State Government. Such Assistant Public Information Officers shall be from among the Gazetted Class – I or Class – II State Government Officers posted in the Sub-Division or the District levels. The Assistant Public Information Officers should be such who is accessible and, who the people would feel comfortable to approach.

(2) The official receipt for the fees shall be issued by the State Assistant Public Information Officer.

### 5. Procedure for seeking information

- (1) A request for obtaining information under Sub-Section (1) of Section 6 shall be made to the concerned State Public Information Officer in an application preferably in the form as given in Annexure —All accompanied by an application fee of Rs.10/by way of bank receipt to be deposited under Major Head 0070 – Administrative Service, Sub- Major 60 – Other Services 118 – Receipt under Right to Information Act, 2005. Fee payable to the public authority with a copy of such order appealed against.
- (2) Whatever form an application is received in, it shall include the following:
- (i) Name, father's name, permanent address of the applicant;
- Documentary proof of being a citizen of India. (Explanation: Certified copy of Sikkim Subject Certificate, certified copy of Certificate of Identification, Attested copy of Passport, certified copy of Electoral Roll will suffice for this purpose.)
- (iii) An address to which notices and information can be sent;
- (iv) The date the application is submitted;
- (v) Subject matter of the information requested, including if relevant the period and/or geographic area to which the information relates;
- (vi) Form of access preferred (optional).
- (3) Where an electronic application is made, the applicant shall send a money order/cheque/demand draft to the PIO for the application fee or send a copy of a payment receipt either by post, fax, PDF or in person.
- (4) The period of 30 days referred to in Sec.7 (1) shall be counted from the day the application is received by the public authority.
- (5) If the information sought for does not fall within the jurisdiction of the State Public Information Officer, he shall refer the application to such authority having jurisdiction over the matter within five days with intimation to the applicant advising him to contact such authority.
- (6) If the requested information does not falls within the jurisdiction of the State Public Information Officer and/or in any one or more of the category of restrictions listed in

Section 8 and 9 of the Act and Rule 11 of these Rules, the State Public Information Officer, on being satisfied, will issue a rejection order in form Annexure \_C' within 30 days from the date of receipt of the application.

(7) If the requested information falls within the competent authority's jurisdiction but not in one or more of the categories listed in Section 8 and 9 of the Act or Rule 11 of these Rules, the State Public Information Officer, on being so satisfied shall supply the information to the applicant in the form Annexure 'D' in these Rules, falling within his jurisdiction. In case the information sought is partly outside the jurisdiction of the State Public Information Officer or partly falls in the categories listed in Section 8 and 9 of the Act or Rule 11 of these Rules, the State Public Information Officer shall supply only such information as is permissible under the Act and Rules and is within his jurisdiction and reject the remaining part giving reasons thereof.

#### 6. Applications relating to life and liberty:

- (1) Where an application is made which purports to affect a person's life and liberty as referred to under Sec. 7(1) of the Act, the applicant should note this clearly on the application and should include an explanation as to why the application should be expedited under this provision.
- (2) Where Sec. 7(1) of the Act is invoked in respect of information relating to life and liberty, the PIO should examine the applicant's application liberally, and should, when processing the request, apply the interpretation of the Act which is most beneficial to the applicant.
- (3) For the purposes of applying Sec. 7(1) of the Act, the PIO should at a minimum expedite an application where the information requested relates to a person's confinement, internment, arbitrary detention, imminent death at the hands of the State or another individual, torture or violation of due process rights.

#### 7. Applications for Samples or Inspection:

- (1) Where an application is made for taking a sample of inspecting a record or public works, the PIO shall intimate the date, time and venue when the applicant and/or his/her authorized representatives can obtain a sample or material or inspect information or works.
- (2) In accordance with Sec. 7(1) the date for providing a sample and/or permitting inspection shall not exceed 30 days from the date of receipt of application, unless the applicant requests a later date for inspection.
- (3) The sample shall be provided to the applicant in the same manner and following the same procedure as followed when the sample is taken by vigilance or an investigation agency.

As far as possible, the sample shall be provided from the spot of applicant's choice indicated by the applicant on the spot.

- (4) The PIO shall ensure that all the records sought by the applicant are available for inspection, during the inspection.
- (5) At the time of inspection, at least one official should be present to follow inspection.
- (6) If the applicant desires to take copies of any parts of the records inspected by him

or a sample of the work inspected by him, he/she may request such copies/samples without having to make an additional application [or pay and additional application fee] and the PIO shall provide such copies/samples within 5 days, subject to payment of any fees.

#### 8. Receiving and Acknowledging Applications:

- (1) In accordance with Sections 5(4) and 5(5), any officer in any public authority shall be under an obligation to receive an application for information under the Act.
- (2) It will be the responsibility of any officer who receives an application for information under the Act to pass the application on to the relevant PIO or Assistant PIO as soon as possible and no later than 3 days from receiving the application, although the date of receipt for the purpose of the time limits in Sec. 7 shall be the date the application was initially received by the officer.
- (3) The person who receives the application shall acknowledge the receipt of every application in writing. The receipt must include, at a minimum, the application reference no. the receiver's name, position, department/public body, the date the application was received and the date by which a response must be provided.
- (4) Where an application is received by post, the date of receipt is taken to be the date the application is logged into the mail register of the Department or public body, whether or not that date is the same date the application is received by the PIO.
- (5) Where an application is received electronically, the date of receipt is taken to be the date the application is sent to the Department or public body, whether or not that date is the same date the application is received by the PIO.
- 9. (1) <u>Fee for information</u>: For providing the information under Sub-Section (1) of Section 7 and Rule 5 under these Rules, the fee shall be charged by way of bank receipt, demand draft, Indian postal order etc. under Major Head 0070 Administrative Service, Sub- Major 60 Other Services 118 Receipt under Right to Information Act, 2005.
- (A) (a) When the concerned department charges. has already fixed the price of some documents, samples, model, maps,etc
  - (b) When the information is readily available, either by way of photocopying or by other (copy)

The price so fixed plus postal

- (i) Rupees 2(two) for each page (in A-4 or A-3 size paper) created or copied plus postal charges, or
- (ii) Actual charge or cost price of a copy in large size paper plus postal charges.

- (B) for inspection of records, no fee for the first hour, and a fee of rupees five for each fifteen minutes (or fraction thereof) thereafter:
   Provided that no postal charges shall be charged if the applicant collects the information personally.
   Provided further that if on a particular day it is not administratively feasible the matter of inspection may be postponed.
- **10.** For providing the information under Sub-Section (5) of Section 7, the fee shall be charged by way of bank receipt ,demand draft, Indian postal order at the following rates-
  - (a) 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 plus Postal charges. The above charges are to be accompanied by a bank receipt deposited under Major Head 0070 – Administrative Service, Sub- Major 60 – Other Services 118 – Receipt under Right to Information Act, 2005.

Provided that no postal charges shall be charged if the applicant collects the information personally.

- **11.** On receipt of an application seeking information under Rule 5 (1) the concerned State Public Information Officer shall consider as to whether:
  - (a) The Information sought for relates to any occurrence, event or matter which has taken place, occurred or happened 20 years before the date on which any request is made under these rules and if such information is found to be more than 20 years from such date, the request shall not be entertained, and in any case the information sought for falling under clauses (b), (d) and (j) below shall not be furnished subject to the extent of permissibility provided therein;
  - (b)Disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, or economic interests of the State, relation with foreign State or lead to incitement of an offence;
  - (c) The information sought for has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
  - (d) The disclosure of the information would cause a prejudice of privilege of Parliament or the State Legislature.
  - (e) The disclosure of the information including commercial, confidence, trade, secrets or intellectual property would harm the competition position of a third party, unless he is satisfied that larger public interest warrants the disclosure of such information.
  - (f) 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;
  - (g) Information received in confidence from foreign Government;
  - (h) 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;
  - (i) Information which would impede the process of investigation or apprehension or prosecution of offenders;
  - (j) As to whether the information sought for is a decision/decisions of the Council of

Ministers and in such case and if asked for, the reasons of such decision and the materials on the basis of which the decisions were taken only after the decision have been taken by the Council of Ministers and the decision making process is complete or over. However, if the decision of the Council of Ministers come under the exemption specified under Sub-Section (1) of Section 8 of the Act, 2005, and under this rule, such information shall not be disclosed.

(k) In any case, 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, and shall not be disclosed if in larger public interest justifies the disclosure of such information.

While deciding the question as to what is larger public interest, the State Public Information Officer shall decide in his discretion by first deciding as to whether such information relates to personal information the disclosure of which has no relation to any public activity or interest and would amount to unwarranted invasion of privacy. But information which cannot be denied to the Parliament or the State Legislature shall not be denied to any person.

12. Appeal: Any person who, does not receive a decision within the time specified in Sub-Section (1) or clause (a) of Sub-Section (3) of Section 7, or is aggrieved by an order of the State Public Information Officer may, within thirty days from the date of receipt of the order of the State Public Information Officer, prefer an appeal to the Senior Officer who is senior to the State Public Information Officer of the concerned Department who shall be the Appellate Authority Under Section 19(1) of the Right to Information Act, 2005, which shall be accompanied by an appeal fee of Rs.100.00 (Rupees One Hundred) by way of bank receipt to be deposited under Major Head 0070 – Administrative Service, Sub- Major 60 – Other Services 118 – Receipt under Right to Information Act, 2005. RTI Fee payable to the public authority with a copy of such order appealed against.

#### **13.** Monitoring Applications and Appeals:

- (1) A register of applications received shall be maintained by each PIO and Assistant PIO. The register may be electronic or in hard copy. At a minimum, the register will note the following information:-
  - (i) Application reference number;
  - (ii) Name of applicant;
  - (iii) Date of application;
  - (iv) Summary of applicant's request;
  - (v) Date response provided to applicant;
  - (vi) Where information was provided, summary of information provided;
  - (vii) Where application was rejected, specific clause relied upon and brief explanation of reasons;
  - (viii) Whether appeal filed and outcome;
  - (ix) Any additional remarks.

- (2) At the end of every month, every PIO and Assistant PIO will provide a monthly report containing the information collected under Sub-Section (1) above to the Head of the public authority or his/her delegate.
- (3) A register of appeals received shall be maintained by each Appellate Authority and Information Commission. At a minimum, the register will note the following information:-
  - (i) Application reference number;
  - (ii) Name of applicant:
  - (iii) Date of appeal;
  - (iv) Date response provided to applicant;
  - Outcome of the appeal, including the provision(s) of the law being disputed, the interpretation of the provision(s) relied upon and a summary of the order passed;
  - (vi) Any additional remarks.
- (4) At the end of every month, each Appellate Authority will provide a monthly report containing the information collected under Sub-Section (3) above to the Head of the Department or public body or his/her delegate.
- (5) Within 14 days from the end of each month, the Head of the Department or public body or his/her delegate will collate all of the information received in accordance with Sub-Section (2) and (4) above and publish this information on the internet.
- (6) Within 14 days from the end of the every month, each Information Commission will publish the information collected under Sub-Section (3) on the internet.
- 14. Any person aggrieved by an order of the appellate authority under Sub-Section (1) of Section 19 may, within ninety days from the date of receipt of the order of the appellate authority, prefer a second appeal to the State Chief Information Commission on plain paper in the format given in Annexure —FII, which shall be accompanied by an appeal fee of Rs.100.00 (Rupees One Hundred) by way of bank receipt to be deposited under Major Head 0070 Administrative Service, Sub- Major 60 Other Services 118 Receipt under Right to Information Act, 2005. RTI Fee payable to the Sikkim State Information Commission.

#### **15. Records Management:**

- (1) In accordance with Sec. 4(1) of the Act, every public authority shall ensure that their records are computerized within a period of 3 years from the enactment of this Act.
- (2) Every authority shall, immediately upon the enactment of this Act, make a time bound plan for achieving implanting Rule (1) above and said plan shall be made public. Every six months, the public authority shall publish a progress statement in respect of the plan.

### FORM 'A'

#### FORM OF APPLICATION FOR SEEKING INFORMATION See Rules 5(1)

I.D.No. .....

Date: .....

То

The State Public Information Officer,

.....

.....

- 1. Name of The Applicant:
- 2. Father's name:
- 3. Permanent Address:
- 4. Temporary Address:
- 5. Whether a citizen of India:

(Please enclose your certified copy of Sikkim Subject Certificate, Certificate of Identification, Electoral Roll or Passport as proof).

- Whether affiliated to any NGO, social Organization, Association, Political Organization etc. If so, the particulars of NGO, Organization, Association, Political Organization:
- Concerned department: Particulars of

Information

- (i) Details of information required (please be specific by giving details)
- (ii) Period for which information asked for,
- (iii) The Geographical area to which the Information relates (with specified details)
- (iv) Other details.
- 8. I state that the information sought does not fall within the restrictions contained in Section 6of the Act and to the best of my knowledge it pertains to your office.
- 9. A fee of Rs ...... has been deposited in the office of the CompetentAuthority vide No ...... dated

Place: ..... Date: ..... Signature of the Applicant Tel.No. (Office) ...... (Residence)

**Note:** (i) Please ensure that the Form A is complete in all respect and there is no ambiguity inproviding the details of information required.

#### FORM 'B'

## ACKNOWLEDGEMENT OF APPLICATION

# See Rule 5(1)

I.D						Ι	Date:	•••••
1.	Received resident	an	application	in	FORM	А	from	Shri/Ms
	of					ι	under Secti	on 5(1) of
	the Right to In	oformatio	n Act, 2005.					
2.	The informat	ion is p	roposed to be g	iven no	rmally withir	n 30 da	iys from th	e date of
	receipt of ap	plicatior	n and in case it i	s found	I that the inf	ormatio	on asked fo	or cannot
	be supplied,	the reje	ction letter shall	be issu	ued stating r	eason	thereof.	
3.	The applicar	nt is ad	dvised to conta	ict the	undersigne	ed on		
					-			
	Between 11 A	.M to 1 I	P.M.					
4.	In case the	applica	nt fails to turn u	ip on tl	ne schedule	d date	(s), the Co	ompetent
	Authority sha	allnot be	e responsible for	delay,	if any.			
5.	The applica	nt shall	have to depo	sit the	balance fe	e, if w	vith the a	uthorized
	person befor	recollec	tion of information	on.				
6.	The applicar	nt may a	also consult we	bsite of	the depart	ment fr	om time t	o time to
	ascertain the	estatus	of his applicant.					

Date: .....

Signature and Stamp of the State

Public Information OfficerAddress:

#### FORM 'C'

#### REJECTION ORDER See Rule 5(1) (5)

From:					Date:		
No:							
To:							
Sir/Mac	dam,						
Plea	ase refer to y	our application, I.I	D.No		dated		
addres	sed to th	e undersigned	regarding	supply	of	information	on

.....

2. The information asked for cannot be supplied due to following

reasons:-(i) .....

- (ii) .....
- 3. As per Section 19(1) of Right to Information Act, 2005, you may file an appeal to the Appellate Authority of respective Department within 30 days of the issue of this order.

Yours faithfully,

State Public Information
Officer
Tel.No:

#### FORM 'D' FORM OF SUPPLY OF INFORMATION TO THE APPLICANT See Rule 5 (7)

From	n:						Date:	
No	):							
To	:							
Sir	/Madar	n,						
Ple	ease							dated
sec								addres
to t	the und	ersigned	regardi	ng supply	/ of information o	n		
2.	<ol> <li>The information asked for is enclosed for reference.*</li> </ol>							
	(i) (ii)							
Th	e remai reasor	•	mation	about the	e other aspects o	cannot be su	pplied due to followir	ng
	(i) (ii)							
	(iii)							
3.	The r Autho	•	l inforr	nation d	oes not fall wit	hin the jur	isdiction of this Co	mpetent

4. As per Section 19(1) of Right to Information Act, 2005, you may file an appeal to the Appellate Authority of respective Department within 30 days of the issue of this order.

Yours faithfully,

State Public Information Officer Tel.No:.....

## ANNEXURE 'E' See Rule 12.

## Appeal under section 19(1) of the Right to Information Act, 2005.

- 1. Full name of the Appellant.
- 2. Address:
- 3. Particulars of the State Public Information Officer:
- 4. Date of receipt of the order appealed (if order passed).
- 5. Last date for filing the appeal:
- 6. The grounds for appeal
- 7. Particulars of information.
  - (i) Nature and subject matter of the information required.
  - (ii) Name of the Office or Department to which the information relates.

Place:		
Appella	ntDate:	

Signature of

### ANNEXURE 'F' See Rule 14

## Appeal under section 19(3) of the right to Information Act, 2005

- 1. Full name of the Appellant.
- 2. Address:
- 3. Particulars of the State Public Information Officer:
- 4. Date of receipt of the order appealed (if order passed).
- 5. Last date for filing the appeal:
- 6. The grounds for appeal
- 7. Particulars of information.
  - (i) Nature and subject matter of the information required.
  - (ii) Name of the Office or Department to which the information relates.

Place: .....

Signature of Appellant

#### GOVERNMENT OF SIKKIM DEPARTMENT OF PERSONNEL, ADM. REFORMS, TRAINING, PUBLIC GRIEVANCES, CAREER OPTIONS & EMPLOYMENT, SKILL DEVELOPMENT AND CHIEF MINISTER'S SELF EMPLOYMENT SCHEME GANGTOK - 737101

No.07/GEN/DOP

Dated: 24.5.2006

# NOTIFICATION

In exercise of the powers conferred by section 27 of the Right to Information Act, 2005 (22 of 2005), the State Government hereby makes the following rules namely:-

- 1. i. These rules may be called the Sikkim State Right to Information (Regulation of Fee, Cost and Miscellaneous) Amendment Rules, 2005.
  - ii. They shall come into force at once.
- 2. In the Sikkim State Right to Information (Regulation of Fee, Cost and Miscellaneous) Rules 2005, in sub-rule (1) of rule 5, for the figure and word 0070-OAS (E) RTI Fee", the following figure and words shall be substituted namely.

"0070 - Administrative Services, Sub-Major Head 60 - other Services, 118 - Receipts under Right to Information Act, 2005".

## BY ORDER AND IN THE NAME OF THE GOVERNOR

Sd/-

C. L. Sharma Special Secretary to the Government Deptt. of Personnel ADM. Reforms Training, Public Grievances, Career Options & Employment Skill Development and Chief Minister's Self Employment Scheme

Memo No.: 16-17/GEN/DOP

Dated 24.5.2006

#### Copy for information to :

- 1. All Secretaries/Heads of Department
- 2. Additional Secretary, Home Department for Publication in Gazette
- 3. File &
- 4. Guard File

Joint Secretary to the Government Deptt. of Personnel ADM. Reforms Training, Public Grievances, Career Options & Employment Skill Development and Chief Minister's Self Employment Scheme

#### GOVERNMENT OF SIKKIM DEPARTMENT OF PERSONNEL, ADM. REFORMS, TRAINING, PUBLIC GRIEVANCES, CAREER OPTIONS & EMPLOYMENT, SKILL DEVELOPMENT AND CHIEF MINISTER'S SELF EMPLOYMENT SCHEME GANGTOK - 737101

No.105/GEN/DOP

Dated: 3.5.2008

# NOTIFICATION

In exercise of the powers conferred by section 27 of the Right to Information Act, 2005 (22 of 2005), the State Government hereby makes the following rules namely:-

- 1. i. These rules may be called the Sikkim State Right to Information (Regulation of Fee, Cost and Miscellaneous) Amendment Rules, 2008.
  - ii. They shall come into force at once.
- In the Sikkim State Right to Information (Regulation of Fee, Cost and Miscellaneous) Rules 2005 (herein referred to as the said rules, in sub-rule (1) of rule 5, for the word and figure "Rs. 100/-" the word and figure "Rs. 10/-" shall be substituted.
- 3. In the said rules in rule 9 (1) A (b) (i) for the figure 10 (ten), the figure 2 (two) shall be substituted.

#### BY ORDER AND IN THE NAME OF THE GOVERNOR

Special Secretary to the Government Deptt. of Personnel ADM. Reforms Training, Public Grievances, Career Options & Employment Skill Development and Chief Minister's Self Employment Scheme

#### Memo No.: 486-87/GEN/ DOP

Dated 03.05.2008

#### Copy for information to :

- 1. All Secretaries/Heads of Department
- 2. Additional Secretary, Home Department for Publication in Gazette
- 3. File &
- 4. Guard File

Joint Secretary to the Government Deptt. of Personnel ADM. Reforms Training, Public Grievances, Career Options & Employment Skill Development and Chief Minister's Self Employment Scheme

#### GOVERNMENT OF SIKKIM DEPARTMENT OF PERSONNEL, ADM. REFORMS, TRAINING, PUBLIC GRIEVANCES, CAREER OPTIONS & EMPLOYMENT, SKILL DEVELOPMENT AND CHIEF MINISTER'S SELF EMPLOYMENT SCHEME GANGTOK - 737101

No.160/GEN/DOP

Dated: 29.4.2009

# NOTIFICATION

In exercise of the powers conferred by the provide to Article 309 of the Constitution of India the Government of Sikkim hereby makes the following rules further to amend the Sikkim Government Servants Conduct Rules, 1981, namely:-

- 1. i. These rules may be called the Sikkim Government Servants' Conduct (Amendment) Rules, 2009.
  - ii. They shall come into force at once.
- 2. In the Sikkim Government Servants' Conduct Rules, 1981, after rule 12, the following rules shall be inserted namely :-

"12 A. Communication of official Information. Every Government Servant shall, in performance of the duties in good faith communicate to a member of public or any organization full and accurate information, which can be disclosed under the Right to Information Act, 2005.

Explanation : Nothing in this rule shall be construed as permuting communication of classified information in an unauthorized manner or for improper gains to a Government servant or others."

Sd/-

C. L. Sharma Special Secretary to the Government Deptt. of Personnel ADM. Reforms Training, Public Grilivances, Career Options & Employment Skill Development and Chief Minister's Self Employment Scheme

#### Memo No.: 915/GEN/DOP

Dated 29.04.2009

#### Copy for information to :

- 1. All Secretaries/Heads of Department
- 2. Special Secretary, Home Department for Publication in Gazette
- 3. File &
- 4. Guard File

T. T. Darit, IAS Chief Secretary F. No. 331/VIGIALA Deputy Secretary to the Government Deptt. of Personnel ADM. Reforms Training, Public Grilivances, Career Options & Employment Skill Development and Chief Minister's Self Employment Scheme



EXTRAORDINARY PUBLISHED BYAUTHORITY

Gangtok No. 486 Thursday, 3rd December, 2009

GOVERNMENT OF SIKKIM HOME DEPARTMENT GANGTOK

No.144/Home/2009

Dated: 27.11.2009

# NOTIFICATION

In exercise of the powers conferred by sub-section (4) of section 24 of the Right to Information Act, 2005 (Central Act 22 of 2005), the State Government hereby specifies the following organizations established by the Government of Sikkim for which the said Act shall not apply:-

(1) Sikkim Vigilance Police;

(2) Special Branch, Sikkim Police.

## BY ORDER AND IN THE NAME OF THE GOVERNOR

T. T. Dorji, IAS Chief Secretary F. No. 331/VIG/ADM/2005



#### GOVERNMENT OF SIKKIM DEPARTMENT OF PERSONNEL, ADM, REFORMS, TRAINING, PUBLIC GRIEVANCES, CAREER OPTIONS & EMPLOYMENT SKILL DEVELOPMENT AND CHIEF MINISTER'S SELF EMPLOYMENT SCHEME GANGTOK

No.102/GEN/DOP

Dated: 26.5.2007

## NOTIFICATION

In exercise of the powers conferred by clause (e) of sub-section (2) of section 27 of the Right to information Act, 2005 (22 of 2005), the State Government hereby makes the following rules, namely:-

Short title and commencement 1. (1)

) These rules may be called the Sikkim Information Commission (Appeal Procedure) Rules, 2007

(2) They shall come force on the date of their publication in the Official Gazette.

Definitions, 2.

Contents of Appeal :

3.

- (1) In these rules, unless the context otherwise require :-
  - (a) "Act" means the Right to Information Act, 2005;
  - (b) "Commission" means the State Information Commission;
  - (c) "Registrar" means the Secretary, Sikkim State Information Commission.
  - (d) "Section" means section of the act;
- (2) Words and expressions used herein and not defined but defined in the act shall have the meaning respectively assigned to them in them in that Act.
  - An appeal to the Commission shall contain the following information namely:-
    - (i) name and address of the appellant;

- (ii) name and address of the State Public Information Officer against the decision of whom the appeal is preferred;
- (iii) particulars of the order including number, if any, against which the appeal preferred;
- (iv) brief fact leading to the appeal;
- (v) if the appeal is preferred against deemed refusal, the particulars of the application, including number, date name and address of the State Public Information Officer to whom application was made;
- (vi) Prayer of relief sought;
- (vii) grounds for the prayer or relief;
- (viii) verification by the appellant; and
- (ix) any other information which the Commission may deem necessary for deciding the appeal.

Documents to accompany appeal: 4 Every appeal made to the Commission shall be accompanied by the following documents, namely:-

- (i) self attested copies of the Orders or Documents against which the appeal is being preferred;
- (ii) copies of documents relied upon by the appellant and referred to in the appeal; and an index of the documents referred to the appeal.

In deciding the appeal the Commission may :- hear oral or written evidence on oath or on affidavit from concerned or interested person; peruse or inspect documents, public records or copies thereof;

- (i) inquire through authorized officer further details or facts;
- (ii) hear State Public Information Officer, State Assistant Public Information Officer, as the case may be;
- (iii) hear third party, and
- (iv) receive evidence on affidavits from State Public Information Officer, State Assistant Public Officer such Senior Officers who decided the first appeal, such persons against whom the complaint lies or the third party.

Procedure in deciding appeal 5.

Service of notice by Commission: 6

Notice to be issued by the Commission may be served in any of the following modes, namely:-

- (i) service by the party itself;
- (ii) by hand delivery through Process Server;
- (iii) by registered post with acknowledgement due; or
- (iv) through Head of Office or Department.
- Personal presence of the appellant or complainant : 7
- 1. The appellant or the complainant, as the case may be, shall in every case be informed of the date of hearing at least seven clear days before that date;
- 2. The appellant or the complainant, as the case may be, at his discretion at the time of hearing of the appeal or complaint by the Commission be present in person or through his duly authorized representative or may opt not to be present.
- 3. Where the Commission is satisfied that the circumstances exist due to which the appellant or the complainant, as the case may be, is being prevented from attending the hearing of the Commission, as the case may be, another opportunity of being heard before a final decision is taken or take any other appropriate actio as may deemed fit;
- 4. The appellant or the complainant, as the case may be, may seek the assistance of any person in the process of the appeal while presenting his points and the person representing him may not be a legal practitioner.
- 8. Order of the Commission shall be pronounced in open proceedings and be in writing duly authenticated by the Registrar or any other officer authorized by the Commission for this purpose.

Sd/-(C. L. Sharma) Special Secretary Department of Personnel, A.R. & Trg.

Order of the Commission :

# For further details and in case of any doubt, please feel free to contact the Sikkim Information Commission:-

Name	<b>Designation</b>	<u>Phone No</u> .
1.Shri M.B. Gurung,	Chief Information Commissioner	9434235737
2.Shri C.P.Dhakal	Information Commissioner	9434722042
3.Smt. Kesang D. Rechung, SCS	Secretary	9434409275
4.Mrs. Paru Rai, SCS	Deputy Secretary	9475764372
5.Mrs. Tshering Choden Bhutia	Deputy Registrar cum L.O	7550918043

Office Add: Sikkim Information Commission Old Secretariat, Opposite of Super Market Sikkim Gangtok- 737101

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