

INFORMATION & PUBLIC RELATIONS DEPARTMENT

NOTIFICATION

The 1st October, 2005

S.R.O.No.477/2005 - In exercise of the power conferred by Section 27 of the Right to Information Act (No.22 of 2005), the State Government do hereby make the following rules, namely: –

1. Short title and commencement. – (1) These rules may be called the Orissa Right to Information Rules, 2005.

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

2. Definitions. – (1) In these rules, unless there is anything repugnant in the subject or context –

- (a) '*Act*' means the Right to Information Act, 2005 (No. 22 of 2005);
- (b) '*BPL Card*' means a card issued to any citizen who is below the poverty line;
- (c) '*fee*' means amount payable by the applicant for obtaining any information under the provisions of sub-section (1) of section 6 and sub-sections (1) and (5) of section 7 excluding the cost of providing information;
- (d) '*form*' means a form appended to these rules;
- (e) '*identity*' means an evidence to show the citizenship like an electoral photo identity card, a passport or any other document which can satisfy the authority about the citizenship of the person;
- (f) '*Nodal Officer*' means the Commissioner-cum-Secretary to Government, Information & Public Relations Department;
- (g) '*Public Information Officer*' means the State Public Information Officer designated under sub-section (1) of section 5 of the Act and includes an Assistant Public Information Officer designated as such under sub-section (2) thereof;
- (h) '*Schedule*' means a Schedule appended to these rules; and
- (i) '*State Government*' means the Government of Orissa

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

3. Appointment & Obligations of Public Information Officers. – (1) A public authority, if it is a department of State Government, shall designate as many officers as it deem proper, not below the rank of Under Secretary as Public Information Officers.

(2) In each sub-ordinate office of the Department of Government including the Heads of Department and offices in the district and Sub-divisional level the head of such offices shall designate as many officers as they deem proper as Public Information Officers and Assistant Public Information Officers.

(3) Every public authority other than those mentioned in sub-rules (1) and (2) of the said rule 3 shall designate one or more Public Information Officers in all administrative units and offices under such authority:

Provided that every such public authority shall, while designating such officers as Public Information Officers so designated, ensure that an officer higher in rank to public Information Officer, is available to be specified as Appellate Authority.

(4) If, for any reason beyond the control of Public Information Officer furnishing of information is delayed, he shall record reasons with justification thereof and shall communicate the Head of the office about such delay.

4. Procedure to obtain information. – (1) A citizen desirous of any information may apply for information in form A to the Public Information Officer, with the required fee in shape of Treasury Challan or cash as specified in the Schedule under the appropriate head of Account:

Provided that application fee shall not be payable in case of a person whose name appears in the latest list of persons below poverty line for which he has to produce BPL Card.

Provided that a citizen seeking information through electronic means has to submit evidence regarding deposit of prescribed application fee.

(2) The Public Information Officer or any other officer authorized by him shall furnish the acknowledgement and after being satisfied with the identity of the applicant shall also intimate in form B as soon as possible the amount of cost for providing information required to be paid by the applicant in cash, as mentioned in the Schedule.

(3) The applicant may deposit the said amount within a period of fifteen days from the date of receipt of such information, failing which the application shall stand rejected.

5. Information regarding rejection. – (1) Where a request has been rejected under sub-section (1) of section 7, the Public Information Officer shall intimate the applicant, the reasons for such rejection in form C.

(2) Wherever information applied for is available in electronic means, the Public Information Officer may advise in form C to the applicant to obtain the information from the appropriate website to be specified by the Public Information Officer.

6. Meeting of the recommending Committee. – For the purpose of appointment of the State Chief Information Commissioner and the State Information Commissioner under sub-section (3) of section 15, the Nodal Officer shall, in consultation with the State Government, convene the meeting of the Committee for their recommendation.

7. Memorandum of appeal. – (1) An appeal under sub-section (1) of section 19 shall be filed in form D to the officer as designated by the Public Authority to hear such appeal.

(2) The Memorandum of appeal shall be accompanied with such fee as specified in the Schedule which shall be paid in the shape of court fee stamp.

(3) Any person aggrieved by the decision under sub-section (1) of section 19, may prefer a second appeal before the State Information Commission under sub-section (3) thereof in form E which shall be accompanied with such fee in the shape of court fee stamp as specified in the Schedule.

(4) The appeal preferred under sub-rules (1) and (3), if not accompanied with the required fee, shall be rejected by the concerned Appellate Authority, but no fee is payable by the applicant holding a BPL Card.

(5) Every order of the Appellate Authority shall be communicated to the appellant concerned and to the Public Information Officer where such appeal is from the order of the Public Information Officer and to the first Appellate Authority in case it is a second appeal.

8. Guidelines by the State Government. – The State Government shall have the power to issue guidelines not inconsistent with the provisions of the Act and these rules for smooth implementation of the provisions of the Act and the rules.

-4-

9. Penalties. – In the event of imposition of penalty under section 20 on the Public Information Officer concerned, such penalty may be deposited by the said officer by Treasury Challan under the appropriate receipt Head of the State Budget within a period of thirty days, failing which the amount shall be recovered from the salary of the officer concerned.

10. Calculation of cost of damage. – If any damage is caused to the public property in the course of giving any information in the form of samples of materials, the damage caused to such property shall be included while calculating further fees representing the cost of providing the information.

11. Maintenance of Register. – (1) The Public Information Officer shall maintain a register in form F for recording the details of the applications received and the information supplied by him and keep the Head of Office informed after furnishing any information and it shall be the duty of the Head of office to ensure required assistance if any, as would be sought for by the Public Information Officer to facilitate providing information.

(2) The Public Information Officer shall maintain a cash register in form G for recording the details of money received by him relating to providing information and deposit the money in such head of account or in any Scheduled Bank in the name of such officer as the concerned Head of Office decides.

12. Deposit of expenditure. – The expenditure to be incurred for production of witness or documents before the State Information Commission shall be deposited before the Commission by the party at whose instance the witnesses or the documents are to be produced.

13. Realisation of penalties or damages. – Any penalty or damage or any other sum payable under the Act, if not paid within thirty days of the date of receipt of the order for realization of the same or cannot be recovered, it can be realized from such person as arrears of land revenue.