

# Disclosure By Gujarat Information Commission

under Section 4(b) of The Right To Information Act, 2005

The following disclosures relating to the Gujarat Information Commission is made with reference to Section 4(1) of the Act:

(i) The Particulars of The Commission's Organization, Function And Duties.

a) Constitution Of The Commission.

The Government of Gujarat has published the following Notification Constituting the Gujarat Information Commission:

GOVERNMENT OF GUJARAT  
General Administration Department  
Sachivalaya, Gandhinagar  
Dated the 11th October-2005.

NOTIFICATION

No. GS/32/2005/VHS/1005/2241/RTI Cell:- In exercise of the powers conferred under sub section (1) & (2) of section 15 of the Right to Information Act, 2005, the Government of Gujarat is pleased to constitute the Gujarat Information Commission to exercise the powers conferred on and to perform the functions assigned to it under the said Act, which shall initially consist of the State Chief Information Commissioner.

By order and in the name of the Governor of Gujarat

C.S. Upadhyay  
Deputy Secretary to Govt. of Gujarat

b) Appointment of the State Chief Information Commissioner.

The Government of Gujarat has appointed Shri R. N. Das IAS (Retired) as the State Chief Information Commissioner by the following notification:

GOVERNMENT OF GUJARAT  
General Administration Department  
Sachivalaya, Gandhinagar  
Dated the 20<sup>th</sup> June-2006.

NOTIFICATION

In exercise of the powers conferred under sub section (3) of section 15 of the Right to Information Act, 2005, the Governor of Gujarat hereby appoints Shri R. N. Das, IAS Secretary, Department of Food & Public Distribution, Government of India, New Delhi as the State Chief Information Commissioner for the State of Gujarat with effect from the date he assumes charges of that office. The terms and conditions of his appointment as the State Chief Information Commissioner will be issued separately.

By order and in the name of the Governor of Gujarat

V.S. Gadhavi

Secretary to Govt. of Gujarat

c) Powers and functions Of The Commission under The Act.

I. Under Section 15 of The Act.

(4) The general superintendence, direction and management of the affairs of the State Information Commission shall vest in the State Chief Information Commissioner who shall be assisted by the State Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the State Information Commission autonomously without being subjected to directions by any other authority under this Act.

II. Under Section 18.

(1) to receive and inquire into a complaint from any person,—  
(a) who has been unable to submit a request to State Public Information Officer, as the case may be, either by reason that no such officer has been appointed under this Act, or because the State Assistant Public Information Officer has refused to accept his or her

application for information or appeal under this Act for forwarding the same to the State Public Information Officer or senior officer specified in subsection (1) of section 19 or the State Information Commission, as the case may be;

(b) who has been refused access to any information requested under this Act;

(c) who has not been given a response to a request for information or access to information within the time limit specified under this Act;

(d) who has been required to pay an amount of fee which he or she considers

unreasonable;

(e) who believes that he or she has been given incomplete, misleading or false information under this Act; and

(f) in respect of any other matter relating to requesting or obtaining access to records under this Act.

(2) Where the State Information Commission is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof.

(3) The State Information Commission, shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely: —

(a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;

(b) requiring the discovery and inspection of documents;

(c) receiving evidence on affidavit;

(d) requisitioning any public record or copies thereof from any court or office;

(e) issuing summons for examination of witnesses or documents; and

(f) any other matter which may be prescribed.

(4) Notwithstanding anything inconsistent contained in any other Act of Parliament or State Legislature, as the case may be, the Central Information Commission or the State Information Commission, as the case may be, may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.

III. Under Section 19:Appeal.

(1) Any person who, does not receive a decision within the time specified in subsection (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the State Public Information Officer may within thirty days from the expiry of such period or from the receipt of such a decision

prefer an appeal to such officer who is senior in rank to the State Public Information Officer in each public authority:

Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Where an appeal is preferred against an order made by a State Public Information Officer under section 11 to disclose third party information, the appeal by the concerned third party shall be made within thirty days from the date of the order.

(3) A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission:

Provided that the Central Information Commission or the State Information

Commission, as the case may be, may admit the appeal after the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(4) If the decision of the State Public Information Officer, as the case may be, against which an appeal is preferred relates to information of a third party, State Information Commission, as the case may be, shall give a reasonable opportunity of being heard to that third party.

(5) In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the State Public Information Officer who denied the request.

(6) An appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.

(7) The decision of the State Information Commission, as the case may be, shall be binding.

(8) In its decision State Information Commission, as the case may be, has the power to—

- (a) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including—
- (i) by providing access to information, if so requested, in a particular form;
  - (ii) by appointing a State Public Information Officer;
  - (iii) by publishing certain information or categories of information;
  - (iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;
  - (v) by enhancing the provision of training on the right to information for its officials;
  - (vi) by providing it with an annual report in compliance with clause (b) of subsection (1) of section 4;
- (b) require the public authority to compensate the complainant for any loss or other detriment suffered;
- (c) impose any of the penalties provided under this Act;
- (d) reject the application.
- (9) State Information Commission, as the case may be, shall give notice of its decision, including any right of appeal, to the complainant and the public authority.
- (10) The State Information Commission shall decide the appeal in accordance with such procedure as may be prescribed.

#### IV. Penalties Under Section 20.

(1) Where the State Information Commission, at the time of deciding any complaint or appeal, is of the opinion that the the State Public Information Officer has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

Provided that the State Public Information Officer shall be given a reasonable opportunity of being heard before any penalty is imposed on him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the State Public Information Officer.

(2) Where the State Information Commission, at the time of deciding any complaint or appeal, is of the opinion that the State Public Information Officer has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under subsection (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the the State Public Information Officer under the service rules applicable to him.

#### V. Monitoring and Reporting: Under Section 25 of the Act.

25. (1) The Central Information Commission or State Information Commission, as the case may be, shall, as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of this Act during that year and forward a copy thereof to the appropriate Government.

(2) Each Ministry or Department shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the Central Information Commission or State Information Commission, as the case may be, as is required to prepare the report under this section and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of this section.

(3) Each report shall state in respect of the year to which the report relates,—

(a) the number of requests made to each public authority;

(b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;

(c) the number of appeals referred to the Central Information Commission or State Information Commission, as the case may be, for review, the nature of the appeals and the outcome of the appeals;

(d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;

(e) the amount of charges collected by each public authority under this Act;

(f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of this Act;

(g) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernisation, reform or amendment to this Act or other legislation or common law or any other matter relevant for operational sing the right to access information.

(4) The Central Government or the State Government, as the case may be, may, as soon as practicable after the end of each year, cause a copy of the report of the Central Information Commission or the State Information Commission, as the case may be, referred to in sub-section (1) to be laid before each House of Parliament or, as the case may be, before each House of the State Legislature, where there are two Houses, and where there is one House of the State Legislature before that House.

(5) If it appears to the Central Information Commission or State Information Commission, as the case may be, that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this Act, it may give to the authority a recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity.

(ii) The powers and duties of officers and employees.

<b>Sr. No</b>	<b>Activities Group</b>	<b>Officer in charge</b>	<b>Name Of the Officer</b>
<b>1</b>	Inquiries, Appeals, Monitoring and Over All Supervision	Deputy Secretary To The Commission	Shri K. S. Divan
<b>2</b>	Accounts, Finance, Budget and Payments	Accounts Officer	Shri K. B. Joshi
<b>3</b>	Administration and Miscellaneous	Administrative Consultant	Shri Appu Abraham

(iii) The Procedure followed in the decision-making process, including channels of supervision and accountability.

The Commission works independently and hears complaints and appeals under the Information Act, following the provisions of the Act and the Rules made there under. The Secretary to the Commission is responsible to the State Chief Information Commissioner to ensure the implementations of the orders by the concerned Public Information Officers.

(iv) The norms set by the Commission for the discharge of its functions.

The Commission hears appeals and complaints generally on first come basis. Cases to be heard on the day are posted on the notice board.

(v) The rules, regulations, instructions manuals and records, held by it or under its control or used by its employees for discharging its functions.

The Work Manual of the Commission is under preparation.

(vi) A statement of the categories of documents that are held by it or under its control.

All Communications received by the Commission, Complaints and appeals and judgment on them by the Commission, and information relating to monitoring are with Commission and are in the custody of the Secretary.

(vii) & (viii) The particular of any arrangement that exists for consultation with, or representation with or representation by the members of the public in relation to the formulation of it policy or implementation thereof.

A statement of the boards councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meeting of those boards, councils, committees and other bodies are open to the public, or the minutes or such meetings are accessible for public.

Being a quasi judicial Body, the Act and Rules do not provide for any Consultation. However, the members of the public can meet the Commission by appointment and send suggestions to the Commission.

(ix) Directory of the Gujarat Information Commission.

Sr. No	Name	Office Address	Office phone	Residence	Mobile
1	Shri R. N. Das State Chief Information Commissioner	Gujarat Information Commission, 1 <sup>st</sup> Floor, Bureau of Economics and Statistics Building, Sector – 18, Gandhinagar-382018, Gujarat,	232 52701	23254914	9978406088 gscic@ gujarat. gov.in
2	Shri R. B. Patel Secretary, Gujarat Information Commission	As above	232 52966	26851325	9978406081 sec-gic@ gujarat. gov.in
3	Shri K.S.Divan Dy.Secretary	As above	232 52707	26740516	-
4	Shri K. B Joshi Accounts Officer	As above	232 52828	23231793	ao-gic @gujarat. gov.in
5	Shri N. M. Patel, Section Officer	As above	232 52702	23260299	-
6	Shri S. D. Maniar, Section Officer	As above	232 52827	23234172	-
7	Shri Appu Abraham, Administrative Consultant	As above	232 52706	23227956	-
8	Shri M. Parameswaran PA to Chief Information Commissioner	As above	232 52701	23230600	
9	Shri Arif Sheikh Gujarati Steno Grade-II	As above	232 52966	-	-

(x) The scale of pay received by its officers and employees are as under:-

Sr. No.	Designation	Pay Band	Grade Pay
(1)	Shri. R. N. Das State Chief Information Commissioner	Rs. 90,000 (fixed)	---
(2)	Shri R. B. Patel Secretary	Rs.15600-39100	7600
(3)	Shri K. S. Divan Dy. Secretary	Rs. 15600-39100	5400
(4)	Shri K. B. Joshi Accounts Officer	Rs. 15600-39100 (H.G)	5400
(5)	Shri N. M. Patel Section Officer	Rs. 9300-34800	4200
(6)	Shri S. D. Maniar Section Officer	Rs. 15600-39100 (H.G.)	5400
(7)	Shri M. Parmeswaran Private Secretary	Rs. 15600-39100 (H.G.)	5400
(8)	Shri Arif Sheikh. Gujarati Steno Grade-II	Rs. 9300-34800	4200

(xi) Budget allocation

Sr. No.	Financial Year	Budget Head	Grant (Rs. in Lacs)
1	2005-06	Charged	00.00
		Voted	27.00
2	2006-07	Charged	14.35
		Voted	24.45
3	2007-08	Charged	13.20
		Voted	74.00
4	2008-09	Charged	24.15
		Voted	47.80

(xii) The manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes.

The Commission does not provide any subsidy on any programme.

(xiii) Particulars of recipients of concessions, permits or authorizations granted by it.

Not applicable in case of the Commission.

(xiv) Details in respect of information, available to or held by it, reduced in an electronic form.

All communications received by it and judgments delivered by it are held in electronic form in hard disk in computer.

(xv) The particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use.

Information can be available on approaching the Secretary or by email. The email address of the Commission: gscic@gujarat.gov.in

(xvi) The names, designations and other particulars of the Public Information Officers.

1. Public Information Officer: Section Officer,  
Gujarat Information Commission.

Name: Shri N. M. Patel

Address: Gujarat Information Commission,  
1<sup>st</sup> Floor, Bureau of Economics & Statistics Building,  
Sector – 18, Gandhinagar 382018, Gujarat,  
Phone No. : 079-232-52702(O)

2. Appellate Officer: Dy. Secretary, Gujarat Information Commission.

Name: Shri K. S. Divan

Address: Gujarat Information Commission,  
1<sup>st</sup> Floor, Bureau of Economics & Statistics Building,  
Sector – 18, Gandhinagar 382018, Gujarat,  
Phone No. : 079-232-52707(O), 26740516 (R)

(xvii) Such other information as may be prescribed.

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