

## NOTIFICATION

No.3/RTI(M)/S-10/2011  
Allahabad, Dated 10 March, 2011

### THE UTTAR PRADESH PUBLIC SERVICE COMMISSION (RIGHT TO INFORMATION) RULES-2011

In exercise of the powers conferred by Section-28 read with section 2(e) (iv) of the Right to Information Act, 2005 (Act No.22 of 2005) the Governor of Uttar Pradesh is pleased to make the following Rules to carry out the provisions of this Act.

1- (a) These rules may be called the Uttar Pradesh Public Service Commission (Right to Information) Rules, 2011.

(b) They shall come into force at once on the date of publication in the official gazette.

2- In these rules, unless the context otherwise requires:-

(a) 'Act' means The Right to Information Act, 2005.

(b) 'Commission' means Uttar Pradesh Public Service Commission.

(c) 'Chairman' means Chairman of the U.P. Public Service Commission.

(d) 'Public Information Officer', here in after referred to as P.I.O. means an Officer designated by Chairman of the Commission and shall include Assistant Public Information Officer or any other officer under whose custody or charge the relevent information or record has been kept.

(e) 'First Appellate Authority' means an Officer designated under section-5 of the Act by Chairman of the Commission who shall be senior to the Public Information Officer.

(f) 'Secretary' means Secretary of the U.P. Public Service Commission.

(g) 'Information' means information defined in Section 2(f) of Act 2005 with respect to the Commission.

(h) 'Right to Information' means right to information defined in Section-2(j) of Act, 2005 accessible under the Act which is held by or under control of the Commission.

- (i) U.P.State Information Commission means State Information Commission constituted under sub-section(1) of section-15 of the Act.
- (j) 'Applicant' means the person making request for any information or inspection under the Act.
- (k) Any other term or expression not covered in this rule but covered in the Act shall bear the same meaning as assigned to them in the Act.

3- A person, who desires to obtain any information under the Act, shall make a request in writing or through electronic means in English or Hindi, accompanying such fees as prescribed, to the Public Information Officer of the Commission, Information so requested shall necessarily be properly specified so as to lead to its identification without any difficulty, ambiguity or doubt.

4-(i) Where an application is made to the Public Information Officer under Rule-3 for an Information which is held by another public authority or the subject matter is more closely connected with the functions of another public authority, the Public Information Officer shall transfer the application or such part of it as may be appropriate to that public authority and inform the applicant immediately about such transfer;

Provided that the transfer of an application or the part thereof pursuant to this Rule shall be made as soon as practicable, but in no case later than five days from the date of receipt of the application.

(ii) Subject to sub Rule-1 of this rule the Public Information Officer, on receipt of an application referred to in rule-3, shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as prescribed or reject the request for any of the reasons specified in section-8 and 9 of the Act;

Provided that where the information sought for concerns any examination or interview which shall include any information with regard to the debarring of the applicant from that examination or interview or cancellation of his/her candidature from that examination or interview, the same shall be provided, as far as possible, before that examination or interview begins;

Provided further that the P.I.O. shall follow the guidelines contained in the Schedule - 'A' and 'B' in discharging his duties as a Public Information Officer under these Rules and the Act.

- (iii) Where access to the record or a part thereof is required to be provided under the Act and these Rules and the person to whom access is to be provided is sensory disabled, the Public Information Officer shall provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection.
- (iv) Where access to information is to be provided in the printed or in any electronic format, the applicant shall pay the prescribed fee.
- (v) Notwithstanding anything contained in sub Rule(i), (ii) and (iv) of this Rule, the person making request for the information shall be provided the information free of charge where the Public Information Officer fails to comply with the time limit specified in sub Rule(1) and (ii) of this Rule;

Provided that this sub rule shall not apply in case of any such information requested which is vague, non-specific and ambiguous.

- (vi) Where a request has been rejected under sub rule (ii) of this rule, the Public Information Officer shall communicate along with the rejection memo;
  - (a) the reason for such rejection, (b) the period within which an appeal against such rejection may be preferred and the particulars of the First Appellate Authority.
- (vii) An information shall, ordinarily, be provided in the form in which it is sought unless it would disproportionately divert the resources of the commission or would be detrimental to the safety or preservation of the record in question.
- 5- The requisite fee referred to in these rules shall be such as determined by the State Government for the purpose under section-27 of the Act 2005 from time to time.
- 6- If any additional fee representing the cost of providing information will be required, the Public Information Officer will send an intimation to the applicant regarding the details of additional fees, together with the calculations with a request to deposit the additional fees and the period intervening between the dispatch of the said intimation and payment of fee shall be excluded for the purpose of calculating the period of thirty days.

- 7- The Public Information Officer may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.
- 8- Any officer whose assistance has been sought under rule-7 shall render all assistance to the P.I.O. and such other officer shall be treated as P.I.O. for the purposes of any contravention of the provisions of the Act in reference to section-20 read with sub clauses (4) & (5) of section-5 of the Act-2005.
- 9- All the Section Officers or the persons dealing with the subject matter under any general or specific order from the competent authority in the Commission shall be deemed to be working as Assistant Public Information Officer and shall discharge all or any of the duties assigned to the Public Information Officer under the Act and the Rules for the time being in respect of such information sought by the applicant and information asked by the P.I.O. to submit so as to provide the same to the applicant.
- 10- Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then access may be provided to that part of record which does not contain any information which is exempt from disclosure under the Act and which can reasonably be severed from any part that contains exempt information.
- 11- With regard to severability of information as specified in the rule-10, the P.I.O. shall proceed and act upon as per provisions and follow the procedure laid down in section 10 of the Act.
- 12- With regard to the third party information referred to in section 11 of the Act, the P.I.O. shall proceed and act upon in the manner prescribed therein and shall adhere to time limit prescribed for the same.
- 13- The P.I.O. shall not provide any information relating to any matter which is sub judice or wherein the stay order is operative the disclosure of which might influence the adjudication or be construed as an interference into the course of justice.
- 14-(i) 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 a decision of the PIO may within 30 days from the expiry of such period or from the receipt of such a decision prefer an appeal to the 1st Appellate Authority nominated by the Chairman ;

Provided that such 1st Appellate Authority may admit the appeal after the expiry of the period of 30 days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (ii) Where an appeal is preferred against an order made by P.I.O. under section-11 to disclose third party information, the appeal by the concerned third party shall be made within 30 days from the date of the order.
- (iii) In any appeal proceedings, the onus to prove that the denial of a request was justified, shall be on the P.I.O. who had denied the request.
- (iv) An appeal under sub-rule (i) or (ii) shall be disposed of within 30 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.
- (v) An appeal preferred under this rule shall be decided after affording an opportunity of being heard to the person who has preferred the appeal and also to the P.I.O. against whose decision the appeal has been preferred.
- (vi) The 1st Appellate Authority shall record the proceedings of the appeal and make a self-speaking order after hearing the appellant and the P.I.O.;

Provided that a written statement submitted by the PIO against the preferred appeal shall be deemed to be an opportunity of being heard provided to the P.I.O.;

Provided further that nothing in the above proviso shall prevent the 1st Appellate Authority to call P.I.O. in person at the time of hearing of the appeal.

Miscellaneous

- 15- As per provisions contained in sub section 3 of section 19 of the Act, second appeal against the decision under Rule-14 shall be within 90 days from the date of the receipt of the order passed by the 1st Appellate Authority before the State Information Commission.
- 16- These rules shall supersede the guidelines or orders issued in this regard from time to time;
- Provided that the action taken or purported to have been taken shall be deemed to have been taken or purported to have been taken under these rules.
- 17- No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under the Act and these Rules.
- 18- Order dated 24-03-2007 of Commission relating to the Right to Information Act, 2005 shall be inoperative to the extent it is not consistent with these Rules and the Act of 2005.

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Schedule- 'A'  
(Under Rule-4)

Fee shall be charged as follows to obtain information under the provisions of the Act:-

- 1- Application fee-The applicant shall apply addressing the Public Information Officer to obtain any information under the act and shall attach therewith, in original, either Bank Draft or Banker cheque or Indian Postal Order worth Rs. 10.00 as fee. The fee shall be payable in favour of Public Information Officer, UPPSC, Allahabad. Fee through money order or cheque is not acceptable. In case of nonpayment of the requisite fee or payment through any mode which is not prescribed herein, the application shall be rejected and the same shall be communicated to the applicant.
- 2- Applicants belonging to Below Poverty Line (BPL) of General and OBC category, candidates of Scheduled caste/ Scheduled tribe and physically challenged category shall not be charged any application fee but he or she shall have to attach a certified copy of the category, which he/she belongs to, issued by the competent authority, but he or she shall be required to pay the requisite fee to obtain copies of records, compact discs etc. or for inspecting the records, likewise he/she shall have to pay the fee for the First appeal.
- 3- (i) Fee for the copies of records shall be charged as follows-

(A) Record or photocopy of a paper of A-3 or A-4 size	Rs 2.00 per page.
(B) For obtaining paper of a bigger than A-3 or A-4 size	An amount similar to the actual expenditure incurred there on.
(C) For specimens or true copies	Actual expenditure
(D) For diskette, floppy or compact disc	Rs 50.00 per diskette, floppy or compact disc

- (ii) Fee for inspection of records-

(A) For the inspection of records	Rs 10.00 per hour
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(B) For every 15 minutes or less than 15 minutes after one hour	Rs 5.00
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The amount obtained from the fees for obtaining information shall be deposited in the following head of account:

"0070-other Administrative Services, 60-Other Services, 800-Other receipts, 11-Fees received an account of implementation of Right to Information Act-2005"

The Joint secretary (Finance)/Finance controller, UPPSC shall be expected to deposit the fees obtained under Right to Information Act-2005 in the prescribed head of account. He or She shall also be expected to put up a verification-report to the Secretary of U.P.P.S.C of the same in the last week of every month.

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SCHEDULE- 'B'  
(Under Rule-4)

Information which are to be treated as top secret and which are not to be given to any applicant under section 8 (1) (d) (e) and (j) of the Act 2005 are enlisted as follows:-

- 1- Copies of answer sheets, answer books and answer keys shall not be given and inspection shall not be allowed thereof.
- 2- Copies of the note sheets of the files of Examination Sections, Confidential Sections and *Tathya Sansadhan Anubhag* shall not be given and inspection also shall not be allowed of the records of these sections.
- 3- The names and addresses of the Examiners/Head examiners/chief examiners, printing of secret materials, information about the printing press, name of paper setters, moderators, Technical advisors, subject-matter specialists are top secret and information about them shall not be provided.
- 4- The copies of judgments of Hon'ble court shall not be given by the commission but the reference details such as case number, parties and date of interim orders or final judgment shall be communicated to the applicant, so that he/she may obtain from the Court concerned.
- 5- Information regarding marks obtained by a candidate shall not be given to other persons.

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THE AFORESAID "THE UTTAR PRADESH  
PUBLIC SERVICE COMMISSION (RIGHT  
TO INFORMATION) RULES-2011 IS  
APPROVED BY THE COMMISSION DATED  
10<sup>TH</sup> MARCH, 2011.