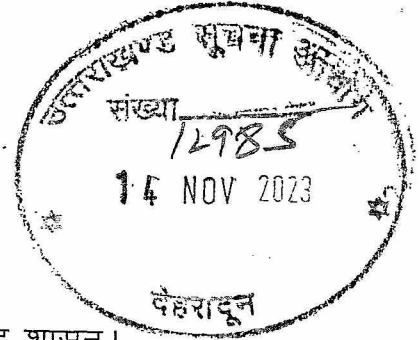


संख्या: 1662 / XXXI(15)G/23-49(सा0)/2020

श्री. वि. कुमार सुमन,

उत्तराखण्ड

उत्तराखण्ड शासन।



1. समस्त अपर मुख्य सचिव, उत्तराखण्ड शासन।
2. समस्त प्रमुख सचिव/सचिव/सचिव(प्रभारी), उत्तराखण्ड शासन।
3. पुलिस महानिदेशक, उत्तराखण्ड।
4. मण्डलायुक्त, गढ़वाल एवं कुमाऊं, उत्तराखण्ड।
5. समस्त जिलाधिकारी, उत्तराखण्ड।
6. समस्त विभागाध्यक्ष/कार्यालयाध्यक्ष, उत्तराखण्ड।

सामान्य प्रशासन विभाग

देहरादून: दिनांक 03 नवम्बर 2023।

विषय:- सूचना का अधिकार अधिनियम, 2005 की धारा 4 के अन्तर्गत लोक प्राधिकारियों के द्वारा अभिलेखों के स्व: प्रकटीकरण एवं विभागीय वेबसाइट पर मैनुअल को अद्यावधिक किये जाने के संबंध में।

कृपया उपरोक्त विषयक सामान्य प्रशासन विभाग, उत्तराखण्ड शासन के शासनादेश संख्या:582/XXXI(15)G/22-49(सा0)/2020, 17 मई 2020 का संदर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा सूचना का अधिकार अधिनियम, 2005 की धारा 4(1)(ख) के अन्तर्गत लोक प्राधिकारियों द्वारा तैयार किये गये 17 बिन्दु के मैनुअलों का प्रतिवर्ष 30 जून तक वार्षिक अद्यावधिकरण किये जाने तथा अधिनियम की धारा 4(2),4(3) तथा 4(4) के अन्तर्गत मैनुअलों को जनसामान्य की पहुंच तक सहज बनाने हेतु अपने-अपने नियंत्रणाधीन विभागों में वेबसाइट पर सूचनाएं अद्यतन कराते हुए मैनुअलों की हार्ड एवं सॉफ्ट प्रतियाँ प्रत्येक दशा में 15 जुलाई 2022 तक उत्तराखण्ड सूचना आयोग को उपलब्ध कराये जाने की अपेक्षा गयी है।

2- उल्लेखनीय है कि रिट पिटीशन (PIL) 360/2021, किशन चन्द्र जैन बनाम केन्द्र सरकार एवं अन्य में मा0 उच्चतम न्यायालय के आदेश दिनांक 09.10.2023 द्वारा केन्द्रीय सूचना आयोग और समस्त राज्य सूचना आयोगों को अधिनियम की धारा 25(5) के तहत समस्त लोक प्राधिकारियों से सूचना का अधिकार अधिनियम, 2005 की धारा 4 का अनुपालन करते हुए कार्मिक, लोक शिकायत एवं पेंशन मंत्रालय भारत सरकार के अभिलेखों का रखरखाव एवं उनके स्व:प्रकटन से संबंधित कार्यालय ज्ञाप सं0 1/6/2011-आई0आर0 दिनांक 07.11.2019 के अनुरूप विभागीय वेबसाइट पर अधिक से अधिक सूचना का प्रकटीकरण और विभागीय मैनुअल को दिनांक 31.12.2023 अद्यावधिक करते हुए मा0 उच्चतम न्यायालय के उक्त आदेशों का अनुपालन किये जाने की अपेक्षा की गयी है।

D.NO. 7375/2021/SC/PIL (W)
SUPREME COURT
INDIA
NEW DELHI

Dated : 19.10.2023

From : Assistant Registrar (PIL-Writ)
To :

1. State of Andhra Pradesh,
Through its Chief Secretary
Secretariat, Velagapudi
2. State of Arunachal Pradesh,
Through its Chief Secretary
Secretariat, Itanagar
3. State of Assam,
Through its Chief Secretary
Secretariat, Guwahati
4. State of Bihar,
Through its Chief Secretary
Secretariat, Patna
5. State of Chhattisgarh,
Through its Chief Secretary
Secretariat Raipur
6. State of Goa,
Through its Chief Secretary
Secretariat, Panaji
7. State of Gujarat,
Through its Chief Secretary
Secretariat, Gandhinagar
8. State of Haryana,
Through its Chief Secretary
Secretariat, Chandigarh
9. State of Himachal Pradesh,
Through its Chief Secretary
Secretariat, Shimla
10. UT of Jammu & Kashmir,
Through its Chief Secretary
Secretariat, Srinagar
11. State of Jharkhand,
Through its Chief Secretary
Secretariat, Ranchi

साचिव, सांख्यिकी/कार्गि
[Signature]

23/10/23

(एम.एल. उनियाल)
वरिष्ठ प्रमुख राजी सचिव-मुख्य सचिव
उत्तराखण्ड शासन

227201/2023/0.0/0.0
30/10/23

11007

S.O. (7AD)

[Signature]

30.10.23

(विनोद कुमार सुमन)
सचिव
सामान्य प्रशासन विभाग
उत्तराखण्ड शासन

Sh. Omesh
07.11.23

25. State of Telangana
Through its Chief Secretary
Secretariat, Hyderabad
26. State of Tripura,
Through its Chief Secretary
Secretariat, Agartala
27. State of Uttrakhand
Through its Chief Secretary
Secretariat, Dehradun
28. State of Uttar Pradesh
Through its Chief Secretary
Secretariat, Lucknow
29. State of West Bengal,
Through its Chief Secretary
Secretariat Headquarter
Nabanna HRBC Building
325, Sarat Chatterjee Road,
Howrah
30. U.T. of Andaman & Nicobar,
Through its Chief Secretary
Secretariat, Port Blair
31. U.T. of Chandigarh,
Through its Administrator
Secretariat, Chandigarh
32. U.T. of Dadra & Nagar Haveli and Daman & Diu,
Through its Administrator
Secretariat, Moti Daman
33. U.T. of NCT of Delhi
Through its Chief Secretary
Secretariat, I P Estate
New Delhi
34. U.T. of Lakshadweep,
Through its Chief Secretary
Secretariat, Kavaratti
35. U.T. of Puducherry
Through its Chief Secretary
Secretariat, Puducherry
36. U.T. Administration of Ladakh
Through its Lt. Governor
UT Secretariat, Leh-Ladakh



2023 INSC 915

Reportable

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

Writ Petition (Civil) No. 360 of 2021

Kishan Chand Jain

...Petitioner

Versus

Union of India & Ors

...Respondents

ORDER

1. The petitioner invokes the jurisdiction of this Court under Article 32 of the Constitution seeking directions for the better functioning of the State Information Commissions¹ under the Right to Information Act, 2005.² It is stated that the SICs, along with the Central Information Commission,³ play a pivotal role in the proper implementation of the RTI Act. However, most of the SICs are located in the capital cities of the States and conduct proceedings physically. The petitioner asserts that this imposes prohibitive costs on applicants and appellants, especially those living in the remote areas, as they have to travel long distances to approach the SICs. Such bottlenecks in the functioning of the SICs deprive applicants and appellants from effectively

Signature Not Verified


Digitally signed by
NEETA SHARMA
Date: 2024.01.16
16:13:52 IST
Reason:

- 1 "SIC"
- 2 "RTI Act"
- 3 "CIC"

- (iii) SICs must be directed to dispose of the complaints within a fixed time frame, preferably within four months;
 - (iv) Norms be set up for disposal of a stipulated number of cases per working day by every Information Commissioner;
 - (v) SICs should prepare annual reports on the implementation of the provisions of the 2005 Act and provide them to the State Government under Section 25(1); and
 - (vi) SICs should ensure the imposition and recovery of penalties from erring information officers according to Section 20(1).
4. Notice was issued in these proceedings on 20 April 2021. Thereafter, the proceedings have been listed before this Court on 21 April 2023 and 10 July 2023.
5. The RTI Act was enacted to operationalize the rights of citizens to access information about the functioning of the government, which is otherwise only held by the government authorities. The legislation sets out a practical regime for citizens to secure access to information under the control of the public authorities, promote transparency and accountability in the functioning of public authorities, and constitute the CIC and SICs. Thus, the RTI Act pursues the legitimate state aim of ensuring transparent and accountable government.
6. In view of the stated objectives, Section 3 of the RTI Act provides that all citizens shall have the right to information. Section 2(j) defines right to information to mean the right to information accessible under the RTI Act which is held by or under the control of any public authority and to include :

concerning the life and liberty of a person. Moreover, Section 7(2) states that failure of the CPIO or SPIO to give a decision within the stipulated timelines will be deemed to be a refusal of the request.

8. Section 2(k) defines SIC to mean "the State Information Commission constituted under sub-section (1) of section 15." Section 15 provides that every State Government shall, by notification in the Official Gazette, constitute an SIC to exercise powers conferred on, and to perform the functions assigned to them under the RTI Act. The SICs consists of the State Chief Information Commissioner and such number of State Information Commissioners, not exceeding ten, as may be deemed necessary. The general superintendence, direction, and management of the affairs of the SICs is vested in the State Chief Information Commissioner.
9. Section 18 specifies the powers and functions of Information Commissions in the following terms:

"18. Powers and functions of Information Commissions – (1)
Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commission, as the case may be, to receive and inquire into a complaint from any person, –

(a) who has been unable to submit a request to a Central Public Information Officer or 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 Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or senior officer specified in sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be;

10. The nature of powers exercised by the CIC or SICs under Section 18 is supervisory in nature.⁶ Under Section 18(3), the CIC or SICs have the same powers as are vested in a civil court while trying a suit in respect of the matters specified under the said provision.

11. Section 19 provides the appellate procedure by allowing any person who is aggrieved by refusal of information to seek an effective redress and remedy. Section 19(1) allows any person who does not receive a decision within the time specified in Section 7 to prefer a first appeal to a senior officer of CPIO or SPIO. Section 7(3) allows any person who is aggrieved by the decision of such senior officer of CPIO or SPIO to file a second appeal with the CIC or SIC. In such proceedings, the onus to prove that the denial of request was justified lies on the CPIO or SPIO who denied the request. Section 19(8) provides that a CIC or SIC, while deciding, has the power to:

(a) require the public authority to take such steps as may be necessary to

secure compliance with the provisions of the RTI Act, including –

- (i) provide access to information, if so requested, in a particular form;
- (ii) appoint a CPIO or SPIO, as the case may be;
- (iii) publish certain information or categories of information;
- (iv) make necessary changes to its practices in relation to the maintenance, management and destruction of records;

⁶ Chief Information Commissioner v. State of Manipur, (2011) 15 SCC 1

and West Bengal. The position in regard to the SICs has been summarized in the following tabulation contained in the rejoinder:

S.No.	Name of SIC	Whether hybrid mode adopted	Para of CA
1	Himachal Pradesh (R-12)	Yes	4
2	Karnataka (R- 14)	Yes	2
3	Haryana (R-11)	Yes	4
4	Sikkim (R-25)	No	5
5	Punjab (R-35)	Yes	6
6	Arunachal Pradesh (R-48)	No Mention	-
7	Tamil Nadu (R-42)	Yes	12-13
8	Uttar Pradesh (R 29)	No but is not opposed to virtual hearing	17
9	Bihar(R-7)	Yes but discretion to conduct hearing through hybrid mode be left to SIC	6
10	Manipur (R-18)	Yes	4
11	Goa (R-9)	No	7 & 8
12	West Bengal (R-38)	Yes	3(iv)
13	Madhya Pradesh (R -43)	Yes	6

15. The CIC conducts its proceedings in a hybrid manner, which ensures ease of access to citizens in pursuing their complaints and appeals under the RTI Act. However, from the material which has been placed before the Court in the counter affidavits filed by some of the SICs, it is evident that there is a variation in the practice which is followed across different States.

Chand Jain v. Union of India¹⁴ observed that the CIC and SICs have a prominent place under the RTI Act and they must exercise their powers and functions keeping in mind the purpose and object of the legislation.

18. The RTI Act provides for setting up of Information Commissions for providing effective access to justice to citizens to agitate their grievance of perceived breaches of the right to information by public authorities. Under the scheme of the RTI Act, any person aggrieved by the denial of information under Section 7 can approach the SICs to seek redressal. In more than one way, the SICs are authorities empowered to redress and remedy the grievances of citizens.
19. Access to justice is a right of constitutional purport which signifies that individuals have effective means to approach legal institutions to seek appropriate legal remedies. The ability to access legal institutions empowers individuals to understand and exercise their legal and constitutional rights. Access to justice enhances the quality of human life and, therefore, is an important facet of right to life under Article 21. In **Anita Kushwaha v. Pushap Sadan**,¹⁵ a Constitution Bench of this Court held that access to justice is also a facet of Article 14, which guarantees equality before law and equal protection of laws to both the citizens and non-citizens alike. As a result, the inability of any person to access courts or any other adjudicatory mechanism

¹⁴ 2023 SCC OnLine SC 1021

¹⁵ (2016) 8 SCC 509

litigants to virtually enter courtrooms; they also allow citizens to participate effectively in the court proceedings. The transcendental effect of technology is not only to further the constitutional right of individuals to access justice, but it also strengthens the rule of law and democracy.

22. It is a constitutional duty of every adjudicatory institution, may it be courts, tribunals, or commissions, to adopt technological solutions such as video-conferencing and make them available to litigants and the members of the Bar on a regular and consistent basis. The use of technology is no longer an option. Properly deployed for the purpose of conducting hybrid or virtual hearings, technology has the potential to ensure access to justice by obviating the need for citizens to travel long distances to secure the right of being heard.
23. In view of the above discussion, we are of the considered view that access to the Information Commissions is integral to securing the right to information, which is a necessary concomitant of right to equality under Article 14, the freedom of speech and expression under Article 19(1)(a) of the Constitution, and the right to life under Article 21. Accordingly, we direct that all SICs across the country must provide hybrid modes of hearing to all litigants for the hearing of complaints as well as appeals. All SICs must provide an option for availing of a hybrid mode of hearing which shall be at the discretion of the applicant, or as the case may be, the appellant. The links for availing of the option must be stipulated in the daily cause list of the Information Commissions across the country. This shall be operationalized no later than by 31 December 2023.

which have been provided by the NIC for setting up the websites on the S3 WAS Platform which provides for ease of access in the electronic mode.

28. We are hopeful that with the fulfilment of the above directions, the implementation of the RTI Act would be streamlined to facilitate access to justice and information to citizens.
29. The writ petition is accordingly disposed of.
30. This Court wishes to record its appreciation of the assistance which has been rendered by Mr. Kishan Chand Jain on the one hand and Mr. K. M. Natraj, Additional Solicitor General, on the other.
31. Pending applications, if any, stands disposed of.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[J B Pardiwala]

.....J.
[Manoj Mishra]

New Delhi;
October 09, 2023
GKA

No.1/6/2011-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated the 5th November, 2019

OFFICE MEMORANDUM

7th

Sub: Implementation of *suo motu* disclosure under Section 4 of Right to Information (RTI) Act, 2005 – Issue of guidelines regarding:

The *suo motu* disclosure of information to public is mandated under Section 4 (2) of the RTI Act, 2005, so that the public have to resort minimally to the use of this Act to obtain information. Section 4(1)(b) of the Right to Information Act, 2005 lays down the information which should be disclosed by Public Authorities on a *suo motu* or proactive basis. Section 4(3) prescribes for wide dissemination of every information, in such form and manner which is easily accessible to the public.

2. The undersigned is directed to refer to this Department's O.M. of even number dated 15th April, 2013 and to reiterate the guidelines therein (Copy enclosed), duly incorporating a slight revision to Para 4.4 of the above guidelines allowing for third party audit by any Government Training Institute, in cases where no Training Institute exists under the concerned Ministry/Department/Public Authority.

3. Central Government Ministries/Departments are advised to undertake *suo motu* disclosure based on these guidelines, in compliance to Sections 4(1)(b) read with Section 4(2), 4(3) and 4(4) of the RTI Act, 2005

4. The enclosed guidelines may be brought to the notice of all Public Authorities under the Ministry/ Department including those in their Attached Offices, Subordinate Offices, Constitutional Bodies, Statutory Bodies, Autonomous Organizations and Public Sector Undertakings.

V Sinha
(Varsha Sinha)
Director

1. All the Ministries/Departments of the Government of India
2. Union Public Service Commission, Lok Sabha Secretariat, Rajya Sabha Secretariat, Cabinet Secretariat, Central Vigilance Commission, President's Secretariat, Vice-President's Secretariat, Prime Minister's Office, NITI Aayog, Election Commission
3. Central Information Commission, CIC Bhawan, Baba Gangnath Marg, Munirka, New Dehi-110067
4. Staff Selection Commission, CGO Complex, New Delhi
5. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

Copy to: Chief Secretaries of all the States/UTs.

कार्यिक एवं प्रशिक्षण विभाग Deptt. of Personnel & Trg प्राप्ति और निगम अनुभाग Receipt & Issue Section
08/11/19
जारी किया/ISSUED हस्ताक्षर/Sig.

Guidelines on *suo motu* disclosure under Section 4 of the RTI Act

10 *Suo motu* disclosure of more items under Section 4

Sub-section 4(2) of the RTI Act, 2005 requires every public authority to take steps in accordance with the requirements of clause (b) of sub-section 4(1) to provide as much information *suo motu* to the public at regular intervals through various means of communication, including internet, so that the public have minimum resort to use the Act to obtain information. Accordingly, the Public Authorities may proactively disclose the following items also under the *suo motu* disclosure provisions of Section 4:

11 Information related to Procurement

11.1 Information relating to procurement made by Public Authorities including publication of notice/tender enquiries, corrigenda thereon, and details of bid awards detailing the name of the supplier of goods/services being procured or the works contracts entered or any such combination of these and the rate and total amount at which such procurement or works contract is to be done should be disclosed. All information disclosable as per Ministry of Finance, Department of Expenditure's O.M. No 10/1/2011-PPC dated 30th November, 2011 on Mandatory Publication of Tender Enquiries on the Central Public Procurement Portal and O.M. No. 10/3/2012- PPC dated 30th March, 2012 on Implementation of comprehensive end-to-end e-procurement should be disclosed under Section 4. At present the limit is fixed at Rs. 10.00 lakhs. In case of procurements made through DGS&D Rate Contracts or through Kendriya Bhandar/ NCCF, only award details need to be published. However information about procurement which fall within the purview of Section 8 of the RTI Act would be exempt.

12 Public Private Partnerships

12.1 If Public services are proposed to be provided through a Public Private Partnership (PPP), all information relating to the PPPs must be disclosed in the public domain by the Public Authority entering into the PPP contract/concession agreement. This may include details of the Special Purpose Vehicle (SPV), if any set up, detailed project reports, concession agreements, operation and maintenance manuals and other documents generated as part of the implementation of the PPP project. The documents under the ambit of the exemption from disclosure of information under section 8(1)(d) and 8(1)(j) of

17 Discretionary and Non-discretionary grants

17.1 All discretionary /non-discretionary grants/ allocations to state governments/ NGOs/Other institutions by Ministry/Department should be placed on the website of the Ministry/Department concerned. Annual Accounts of all legal entities who are provided grants by Public Authorities should be made available through publication, directly or indirectly on the Public Authority's website. Disclosures would be subject to provisions of Section 8 to 11 of the RTI Act.

18 Foreign Tours of PM/Ministers

18.1 A large number of RTI queries are being filed on official tours undertaken by Ministers or officials of various Government Ministries/Departments. Information regarding the nature, place and period of foreign and domestic tours of Prime Minister are already disclosed on the PMO's website.

18.2 As per DoPT's OM No. 1/8/2012-IR dated 11/9/2012, Public Authorities may proactively disclose the details of foreign and domestic official tours undertaken by the Minister(s) and officials of the rank of Joint Secretary to the Government of India and above and Heads of Departments, since 1st January, 2012. The disclosures may be updated once every quarter.

1.8.3. Information to be disclosed proactively may contain nature of the official tour, places visited, the period, number of people included in the official delegation and total cost of such travel undertaken. Exemptions under Section 8 of the RTI Act, 2005 may be kept in view while disclosing the information. These instructions would not apply to security and intelligence organisations under the second schedule of the RTI Act, 2005 and CVOs of public authorities.

- e) Websites should have detailed directory of key contacts, details of officials of the Public Authority.
- f) It is obligatory under Section 4(1)(b)(xiv) of the RTI Act for every Public Authority to proactively disclose 'details in respect of the information, available to or held by it, reduced in an electronic form'. The website should therefore indicate which digitally held information is made available publicly over the internet and which is not.
- g) As departments reorganize their systems and processes to enable themselves for electronic service delivery, it is recommended that the requirement of bringing due transparency as provided in the RTI Act is given adequate consideration at the design stage itself.
- h) To maintain reliability of information and its real time updation, information generation in a digital form should be automatically updated on the basis of key work outputs, like a muster roll and salary slip (NREGA in Andhra Pradesh) or formalization of a government order (Andhra Pradesh). Such an approach will lead to automation of proactive disclosure.
- i) Information must be presented from a user's perspective, which may require re-arranging it, simplifying it etc. However, original documents in original formats should continue to be made available because these are needed for community monitoring of government's functioning.
- j) The 'National Data Sharing and Accessibility Policy' by the Department of Science and Technology is based on the principle that all publicly funded information should be readily available. The policy has been notified in March, 2012 and the schedule should be strictly adhered to.
- k) Information and data should be presented in open data formats whereby it can be pulled by different Application Protocol Interfaces to be used in different fashions more appropriate to specific contexts and needs. Information/ data can, for instance, be presented in powerful visual ways using visualisation techniques. Such visual representation of information/ data can give insights that may remain largely

3.0 Guidelines for certain clauses of Section 4(1)(b) to make disclosure more effective

3.1 The elements of information listed in the various sub-clauses of Section 4(1)(b) must be disclosed in an integrated manner. For example, the functions and responsibilities of a public authority cannot be understood in isolation from the powers and functions of its employees, the norms that inform its decision making processes and the rules, instructions and manuals that are used in the discharge of its functions. Description of one element presupposes the existence of another. So every public authority must endeavour to integrate the information mentioned in these sub-clauses while preparing voluntary disclosure materials.

3.2 Considering that disclosure in regard to certain sub-clauses have been relatively weak, detailed guidelines for four sub-clauses are given below:

3.3 Guidelines for section 4(1)(b)(iii) - "the procedure followed in the decision-making processes, including channels of supervision and accountability".

3.3.1 All government departments have specific duties and responsibilities under the respective Allocation of Business Rules (AOB) issued by the appropriate Government. The constitutional provisions and statutes each department is required to implement are clearly laid down in the AOB. The manner of disposal of matters assigned to each Department/Ministry is described in the Transaction of Business Rules (TOB). Additionally, every department would have a specific set of schemes and development programmes which they are required to implement directly or through their subordinate offices or other designated agencies. These documents contain the specific operations that every Public Authority is required to undertake in the course of implementing the programme or scheme. Every operation mandated under the AOB read with the TOB would be linked to a specific decision-making chain. All government officers have to follow laid down office procedure manual or the other rules which gives details of how representations, petitions and applications from citizens must be dealt with. Templates, formats, and basic steps of decision-making are briefly explained in such manuals. These descriptions constitute the elements of decision-making processes in general.

- (e) In the event of a public authority altering an existing decision-making process or adopting an entirely new process, such changes must be explained in simple language in order to enable people to easily understand the changes made.

34 Guidelines for Section 4(1)(b)(iv) - “the norms set by it for the discharge of its functions”.

34.1 Primarily, the intention of this clause is that every public authority should proactively disclose the standards by which its performance should be judged. Norms may be qualitative or quantitative in nature, or temporal or statutory norms. In order to ensure compliance with this clause, public authorities would need to disclose norms for major functions that are being performed.

34.2 Citizen Charters, which are mandatory, for each central Ministry/Department/Authority, are good examples of vehicles created for laying down norms of performance for major functions and for monitoring achievements against those standards.

34.3 Wherever norms have been specified for the discharge of its functions by any statute or government orders, they should be proactively disclosed, particularly linking them with the decision making processes as detailed earlier. All Public Authorities should proactively disclose the following:

- a) Defining the services and goods that the particular public authority/office provides directly (or indirectly through any other agency/contractor).
- b) Detailing and describing the processes by which the public can access and/or receive the goods and services that they are entitled to, from the public authority/office along with the forms, if any prescribed, for use by both the applicant and the service providing agency. Links to such forms (online), wherever available, should be given.
- c) Describing the conditions, criteria and priorities under which a person becomes eligible for the goods and services, and consequently the categories of people who are entitled to receive the goods and services.

such subsidiary authority may be uploaded on the website of the principal Public Authority.

- (d) Wherever required by law or executive instruction, sector specific allocations and achievements of every department or public authority (where feasible) must be highlighted. For example, budget allocation and target focusing on gender, children, Scheduled Castes and Scheduled Tribes and religious minorities should be specially highlighted. The sector-wise breakup of these targets and actual outcomes must be given in simplified form to enable the vulnerable segments of society to better understand the budgets of public authorities.

3.6 Guidelines for Section 4(1)(b)(xiv) – details in respect of information, available to or held by it, reduced in an electronic form.

3.6.1 On the one hand, this clause serves as a means of proactively disclosing the progress made in computerizing information under Section 4(1)(a) of the RTI Act in a periodic manner. On the other, it provides people with clarity about the kinds of electronic information that, although not held by the public authority, is available to them. For example the stocks of ration available with individual fair price shops may not be held by the District Civil Supplies office, but may be available at a subordinate formation.

3.6.2 Keeping in view the varied levels of computerization of records and documents in public authorities, data about records that have been digitized may be proactively disclosed on the respective websites, excluding those records /files /information that are exempted under Section 8. The data about digitized record may include the name of the record and any categorization or indexing used; the subject matter and any other information that is required to be compiled in relation to a file as prescribed by Manual of Office Procedure (and to be prescribed by MOP for electronic records that is under finalization by DARPG), the division/ section/ unit/ office where the record is normally held; the person, with designation, responsible for maintaining the record; and the life span of the record, as prescribed in the relevant record retention schedule.

प्रेषक,

विनोद कुमार सुमन,
सचिव (प्रभारी),
उत्तराखण्ड शासन।

सेवा में,

1. समस्त अपर मुख्य सचिव, उत्तराखण्ड शासन।
2. समस्त प्रमुख सचिव/सचिव/सचिव (प्रभारी), उत्तराखण्ड शासन।
3. मण्डलायुक्त, गढ़वाल एवं कुमाऊँ।
4. पुलिस महानिदेशक, उत्तराखण्ड।
5. समस्त जिलाधिकारी, उत्तराखण्ड।
6. समस्त विभागाध्यक्ष/कार्यालयाध्यक्ष, उत्तराखण्ड।

देहरादून: दिनांक 15 मई, 2022

सामान्य प्रशासन विभाग

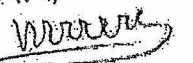
विषय:- सूचना का अधिकार अधिनियम, 2005 की धारा 4(1) (ख) के अन्तर्गत विभागीय मैनुअलों को प्रति वर्ष अद्यतन किये जाने हेतु।

महोदय,

कृपया उपरोक्त विषयक उत्तराखण्ड सूचना आयोग के पत्र संख्या 492-दिनांक 19 अप्रैल 2022 का संदर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा सूचना का अधिकार अधिनियम, 2005 की धारा 4(1)(ख) के अन्तर्गत लोक प्राधिकारियों द्वारा तैयार किये गये 17 बिन्दु के मैनुअलों को प्रतिवर्ष अद्यतन किये जाने तथा अधिनियम की धारा 4 (2), 4(3) तथा 4(4) के अन्तर्गत मैनुअलों तक जनसामान्य की पहुंच को सहज बनाने के उद्देश्य से विभागों द्वारा 17 बिन्दु मैनुअलों के वार्षिक अद्यावधिकरण की कार्यवाही माह अप्रैल से जून 2022 तक पूर्ण कर मैनुअलों की हार्ड एवं सॉफ्ट प्रतियाँ उत्तराखण्ड सूचना आयोग को विलम्बतया 15 जुलाई तक उपलब्ध कराए जाने की अपेक्षा की गयी है।

2- अतः उपरोक्त के सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि कृपया सूचना का अधिकार अधिनियम, 2005 की धारा 4(1)(ख) के अन्तर्गत लोक प्राधिकारियों द्वारा तैयार किये गये 17 बिन्दु के मैनुअलों का प्रतिवर्ष, वार्षिक अद्यावधिकरण 30 जून तक प्रत्येक दशा में किये जाने तथा अधिनियम की धारा 4 (2), 4(3) तथा 4(4) के अन्तर्गत मैनुअलों को जनसामान्य की पहुंच तक सहज बनाने हेतु अपने-अपने नियंत्रणाधीन विभागों में वेबसाइट पर सूचनाएँ अद्यतन कराते हुए मैनुअलों की हार्ड एवं सॉफ्ट प्रतियाँ प्रत्येक दशा में 15 जुलाई 2022 तक उत्तराखण्ड सूचना आयोग को उपलब्ध कराने का कष्ट करें, ताकि मैनुअलों तक जन सामान्य की पहुंच को सहज बनाए जाने हेतु मा0 सूचना आयोग की वेबसाइट पर अपलोड किया जा सके।
संलग्नक: यथोपरि।

भवदीय,



(विनोद कुमार सुमन)
सचिव (प्रभारी)।



उत्तराखण्ड सूचना आयोग

सूचना का अधिकार भवन, लाडपुर, रिंग रोड, देहरादून

दूरभाष न०- 0135-2675780, फ़ैक्स न०- 0135-2675779

ईमेल : secy-uic@gov.in वैब: <http://uic.uk.gov.in>

पत्रांक 6887 /स्था०/उ०सू०अ०/2024-25
सेवा में,

दिनांक 13-11-24

1. समस्त प्रमुख सचिव/सचिव, उत्तराखण्ड शासन, देहरादून।
2. समस्त विभागाध्यक्ष, उत्तराखण्ड।
3. समस्त जिलाधिकारी, उत्तराखण्ड।
4. समस्त प्रमुख कार्यालय, उत्तराखण्ड।

विषय :- सूचना का अधिकार अधिनियम, 2005 की धारा 4(1)(ख) के अन्तर्गत विभागीय मैनुअलों को प्रति वर्ष अद्यतन किये जाने के सम्बन्ध में।

महोदय/महोदया,

कृपया सामान्य प्रशासन विभाग, उत्तराखण्ड शासन, देहरादून के पत्र संख्या 582/XXXI(15)G/22-49(सा०)/2020 दिनांक 17.05.2022 का संदर्भ ग्रहण करने का कष्ट करें जिससे द्वारा सूचना का अधिकार अधिनियम, 2005 की धारा 4(1)(ख) के अन्तर्गत लोक प्राधिकारियों के द्वारा तैयार किये जाने वाले विभागीय मैनुअलों को प्रति वर्ष माह अप्रैल से जून तक अद्यावधिक करते हुए विलम्बतया 15 जुलाई तक आयोग को उपलब्ध कराये जाने की अपेक्षा की गयी है।

उल्लेखनीय है कि मा० उच्चतम न्यायालय में योजित रिट पिटीशन (सिविल) संख्या 990/2021 किशन चन्द्र जैन बनाम यूनियन ऑफ इंडिया व अन्य के आदेश दिनांक 17.08.2023 में मा० उच्चतम न्यायालय ने निम्न आदेश दिए हैं -

25. Having examined the Right to Information established by the statute under Section 3 in the context of the obligations of public authorities under Section 4, we are of the opinion that the purpose and object of the statute will be accomplished only if the principle of accountability governs the relationship between 'right holders' and 'duty bearers'. The Central and State Information Commissions have a prominent place, having a statutory recognition under Chapters III and IV of the Act and their powers and functions all enumerated in detail in Section 18 of the Act. We have also noted the special power of 'Monitoring and Reporting' conferred on the Central and State Information Commissioners which must be exercised keeping in mind the purpose and object of the Act, i.e., 'to promote transparency and accountability in working of every public authority'

26. For the reasons stated above, we direct that the Central Information Commission and the State Information Commissions shall continuously monitor the implementation of the mandate of Section 4 of the Act as also prescribed by the Department of Personnel and Training in its Guidelines and Memorandums issued from time to time. The directions will also include instructions under O.M. dated 07.11.2019 issued by the Department. For this purpose, the Commissioners will also be entitled to issue

पत्रांक

/स्था0/उ0सू0अ0/2024-25

दिनांक

प्रतिलिपि :- निम्नलिखित को सूचनार्थ एवं आवश्यकता कार्यवाही हेतु प्रेषित।

1. सचिव, सामान्य प्रशासन विभाग, उत्तराखण्ड शासन, देहरादून को इस अनुरोध के साथ प्रेषित कि कृपया इस संदर्भ में शासन स्तर से दिशा-निर्देश जारी करने का कष्ट करें।
2. निजी सचिव मा0 मुख्य सूचना आयुक्त को मा0 मुख्य सूचना आयुक्त महोदय के अबलोकनार्थ।

१/०

(अरविन्द कुमार पाण्डेय)
सचिव



उत्तराखण्ड सूचना आयोग

सूचना का अधिकार भवन, लाडपुर, रिंग रोड, देहरादून

दूरभाष नं०- 0135-2662021, फ़ैक्स नं०- 0135-2662180

ईमेल : secy-uic@gov.in वैबः <http://uic.uk.gov.in>

पत्रांक 9862/उ0सू0अ0/2023-24

दिनांक 22/12/2023

सेवा में,

समस्त विभागाध्यक्ष,
उत्तराखण्ड

विषय : रिट पिटीशन (सिविल) संख्या 990/2021 किशन चन्द्र जैन बनाम यूनियन ऑफ इंडिया व अन्य में मा० उच्चतम न्यायालय के आदेश दिनांक 17.08.2023 के अनुपालन के सम्बन्ध में।

महोदय,

उपरोक्त विषयक कृपया उत्तराखण्ड सूचना आयोग के पत्र संख्या 5678 दिनांक 28.08.2023 एवं सामान्य प्रशासन विभाग, उत्तराखण्ड शासन के पत्र संख्या 1662/XXX1(15)जी/23-49(सा०)/2020 दिनांक 03.11.2023 का संदर्भ ग्रहण करने का कष्ट करें जिसके द्वारा रिट पिटीशन (सिविल) संख्या 990/2021 किशन चन्द्र जैन बनाम यूनियन ऑफ इंडिया व अन्य में मा० उच्चतम न्यायालय के आदेश दिनांक 17.08.2023 का अनुपालन किये जाने हेतु अपेक्षा की गयी है। मा० उच्चतम न्यायालय के निर्देशानुसार राज्य के समस्त लोक प्राधिकारियों के द्वारा सूचना का अधिकार अधिनियम की धारा 4 के तहत अधिक से अधिक सूचनाओं का स्वःप्रकटन, कार्मिक एवं प्रशिक्षण विभाग, भारत सरकार के द्वारा समय-समय पर जारी दिशा-निर्देशों के अनुरूप किया जाना है।

रिट पिटीशन (सिविल) संख्या 990/2021 के आदेश दिनांक 17.08.2023 के अनुपालन हेतु दिनांक 18.10.2023 को उत्तराखण्ड राजभवन में और दिनांक 15.12.2023 को मंथन सभागार में विभागाध्यक्षों के साथ बैठक आहूत की गयी थी। आयोजित बैठक में समस्त विभागाध्यक्षों को सूचना का अधिकार अधिनियम की धारा 04 का अनुपालन कार्मिक एवं प्रशिक्षण विभाग, भारत सरकार के द्वारा समय-समय पर जारी दिशा-निर्देशों के अनुरूप किये जाने के निर्देश दिए गए।

कार्मिक एवं प्रशिक्षण विभाग, भारत सरकार के द्वारा जारी दिशा-निर्देशों के अनुसार राज्य के समस्त लोक प्राधिकारियों के द्वारा अधिक से अधिक सूचना का स्वःप्रकटीकरण सूचना का अधिकार अधिनियम की धारा 4 के तहत वेबसाइट के माध्यम से और धारा 4(1)बी के तहत विभागीय मैनुअल के रूप में किया जाना है। धारा 4 के तहत जिन सूचनाओं का स्वःप्रकटीकरण किया जाना है, का विवरण इस पत्र के साथ संलग्न कर प्रेषित किया जा रहा है।

धारा 4 के तहत सूचना का स्वःप्रकटीकरण किये जाने हेतु आवश्यक सहयोग प्रदान किये जाने हेतु सूचना आयोग सभागार में दिनांक 28.12.2023 से दिनांक 30.12.2023 तक प्रातः 10.30 बजे से 12.00 बजे तक और अपराह्न 3.00 बजे से 4.30 बजे तक (किसी भी कार्यदिवस में शनिवार और रविवार को छोड़कर) प्रजेन्टेशन की सुविधा प्रदान की गयी है।

सूचना का अधिकार अधिनियम 2005 की धारा 4 के तहत मूल्यांकन

4(1) (ख) अधिनियम में प्राविधान की उप धारा	अभिलेख /विवरण जिसका उल्लेख किया जाना है।	अधिकतम अंक	लिंग	लोक प्राधिकारी के द्वारा स्व:मूल्यांकन (हाँ / नहीं / आंशिक)	लोक प्राधिकारी की टिप्पणी
(i) अपने संगठन की विशिष्टियां, कृत्य और कर्तव्य	(1) संगठन का नाम और पता	1			
	(2) संगठन का प्रमुख	1			
	(3) विजन, मिशन और मुख्य उद्देश्य	1			
	(4) कार्य और कर्तव्य	1			
	(5) संगठन चार्ट	1			
	(6) कोई अन्य विवरण -- विभाग की उत्पत्ति, स्थापना, गठन और समय-समय पर विभागाध्यक्षों के साथ-साथ समय-समय पर गठित समितियों /आयोगों का विवरण	1			
(ii) अपने अधिकारियों और कर्मचारियों की शक्तियां और कर्तव्य,	(1) अधिकारियों की शक्तियां और कर्तव्य (प्रशासनिक, वित्तीय और न्यायिक)	1			
	(2) अन्य कर्मचारियों की शक्तियां और कर्तव्य	1			
	(3) नियम /आदेश जिनके अंतर्गत शक्तियां और कर्तव्य प्राप्त होते हैं और	1			
	(4) सम्पादित कार्य	1			
	(5) कार्य आवंटन	1			
(iii) विनिश्चय करने की प्रक्रिया में पालन की जाने वाली प्रक्रिया जिसमें पर्यवेक्षण और उत्तरदायित्व के माध्यम सम्मिलित है	(1) निर्णय लेने की प्रक्रिया, निर्णय लेने के प्रमुख बिंदुओं की पहचान करना	1			
	(2) अंतिम निर्णय लेने का अधिकार	1			
	(3) संबंधित प्रावधान, अधिनियम, नियम आदि	1			
	(4) निर्णय लेने की समय सीमा, यदि कोई हो	1			
	(5) पर्यवेक्षण और जवाबदेही का षैनल	1			
(iv) अपने कृत्यों के निर्वहन के लिए स्वयं द्वारा स्थापित मापमान	(1) प्रस्तावित कार्य /सेवाओं की प्रकृति	2			

सूचना का अधिकार अधिनियम 2005 की धारा 4 के तहत मूल्यांकन

4(1) (ख) अधिनियम में प्राविधान की उम धारा	अभिलेख / विवरण जिसका उल्लेख किया जाना है।	अधिकतम अंक	लोक प्राधिकारी के द्वारा स्व:मूल्यांकन (हाँ / नहीं / /आंशिक)	लोक प्राधिकारी की टिप्पणी
	<p>(1) विशेष प्रयोजन वाहन (एसपीवी) का विवरण, यदि कोई हो</p> <p>(2) विस्तृत परियोजना रिपोर्ट (डीपीआर)</p> <p>(3) रियायती समझौते।</p> <p>(4) संवाहन और रखरखाव मैनुअल</p> <p>(अ) पीपीपी के कार्यान्वयन के हिस्से के रूप में तैयार किए गए अन्य दस्तावेज</p> <p>(ब) फीस, टोल या अन्य प्रकार के राजस्व से संबंधित जानकारी जो सरकार से प्राधिकरण के तहत एकत्र की जा सकती है</p>	<p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p>		
(viii)	<p>एसे बोर्ड, परिषदों, समितियों और अन्य निकायों के, जिनमें दो या अधिक व्यक्ति हैं, जिनका उसके भाग रूप में या इस बारे में सलाह देने के प्रयोजन के लिए गठन किया गया है और इस बारे में कि क्या उन बोर्डों, परिषदों, समितियों और अन्य निकायों की बैठकें जनता के लिए खुली होंगी या नहीं बैठकें जनता के लिए खुली होंगी</p>	<p>(स) आउटपुट और परिणामों से संबंधित जानकारी</p> <p>(द) निजी क्षेत्र की पार्टी (रियायत प्राप्तकर्ता आदि) के चयन की प्रक्रिया</p> <p>(ध) पीपीपी परियोजना के तहत किए गए सभी भुगतान</p> <p>(1) बोर्ड, परिषद, समिति आदि का नाम।</p> <p>(2) रचना</p> <p>(3) तारीखें जिनसे गठन हुआ</p> <p>(4) अवधि / कार्यकाल</p> <p>(5) शक्तियाँ और कार्य</p> <p>(6) क्या उनकी बैठकें जनता के लिए खुली हैं?</p> <p>(7) क्या बैठकों के कार्यवृत्त जनता के लिए खुले हैं?</p>	<p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p>	

सूचना का अधिकार अधिनियम 2005 की धारा 4 के तहत मूल्यांकन

	अभिलेख/विवरण जिसका उल्लेख किया जाना है।	अधिकतम अंक	लिंक	लोक प्राधिकारी के द्वारा स्व:मूल्यांकन (हाँ/नहीं/आंशिक)	लोक प्राधिकारी की टिप्पणी
4(1) (ख) अधिनियम में प्राविधान की उप धारा					
(xiii) अपने द्वारा अनुदत्त रियायतों, अनुज्ञापत्रों या प्राधिकारों के प्राप्तिकर्ताओं की विशिष्टियां	<p>(7) साबिसडी अनुदान के लिए पात्रता मानदंड</p> <p>(8) साबिसडी कार्यक्रम के लाभार्थियों का विवरण (संख्या, प्रोफाइल आदि)</p> <p>(1) सार्वजनिक प्राधिकरण द्वारा दी गई रियायतें, परमिट या प्राधिकरण</p> <p>(2) दी गई प्रत्येक रियायत, परमिट या प्राधिकरण के लिए</p> <p>क) पात्रता मानदंड</p> <p>ख) रियायत/अनुदान और/या प्राधिकरणों के परमिट प्राप्त करने की प्रक्रिया</p> <p>ग) रियायतें/परमिट या प्राधिकरण प्राप्तकर्ताओं का नाम और पता</p> <p>घ) रियायतें/ प्राधिकरण परमिट प्रदान करने की तिथि</p>	<p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p>			
(xiv) किसी इलेक्ट्रॉनिक रूप में सूचना के संबंध में व्यारे, जो उसको उपलब्ध हों या उसके द्वारा धारित हो	<p>(1) इलेक्ट्रॉनिक रूप में उपलब्ध जानकारी का विवरण</p> <p>(2) दस्तावेज/रिकॉर्ड/अन्य जानकारी का नाम/शीर्षक</p> <p>(3) स्थान जहां उपलब्ध हों</p>	<p>1</p> <p>1</p> <p>1</p>			
(xv) सूचना अभिप्राप्त करने के लिए नागरिकों को उपलब्ध सुविधाओं की विशिष्टियां, जिनमें किसी गणतन्त्रराज्य या मानव सभ्यता में	<p>(1) संकाय का नाम और स्थान</p> <p>(2) उपलब्ध कराई गई जानकारी का विवरण</p> <p>(3) सुविधा के कार्य घंटे</p>	<p>1</p> <p>1</p> <p>1</p>			