

SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok

Wednesday, 30th January, 2008

No 16

SIKKIM INFORMATION COMMISSION

LOWER SECRETARIATE

GANGTOK – 737101

No. 286 /SIC/2008

Gangtok, dated: 25th January, 2008

NOTIFICATION

**THE SIKKIM INFORMATION COMMISSION (MANAGEMENT) REGULATIONS,
2008**

In exercise of the powers conferred by section 15(4) of the Right to Information Act, 2005 (Act 22 of 2005) and all other provisions in the Act enabling in this behalf, the Chief Information Commissioner hereby makes the following Regulations for management of the affairs of the Sikkim Information Commission so as to enable it to function effectively.

Chapter-I: Short Title and Commencement:-

These Regulations may be called “The Sikkim Information Commission (Management) Regulations, 2008.

- (i) They shall come into force with effect from such date as the Chief Information Commissioner may by order specify.
- (ii) Appeals and Complaints which have already been filed before the date of commencement of these Regulations and have been found in order and are already registered before this date will be proceeded with as before and shall not abate for any infirmity therein.

1. **Definitions:-** In these Regulations unless the context otherwise requires, -

- (a) “Act” means the Right to Information Act, 2005 (Act 22 of 2005);
- (b) “Appellant” includes a complainant.
- (c) “Commission” means the Sikkim Information Commission;
- (d) “Chief Information Commissioner” means the Chief Information Commissioner appointed under the Act.

(e) “SPIO” means an officer designated by a public authority under Section 5(1) of the Act and includes an Assistant SPIO so designated or notified under Section 5(2) of the Act and it also includes —

(i) an officer to whom an application submitted under the Right to Information Act seeking certain information is transferred under Section 5(4) of the Act; and

(ii) any officer to whom the request for information from an applicant is submitted by the SPIO either for approval or for orders or for disposal; and

(iii) the Head of the public authority in case no SPIO/PIO is appointed or notified;

(f) “Decision” includes an order, direction or determination of an issue.

(g) “First Appellate Authority” means an authority so appointed or notified by the public authority under the Act and includes a head of the office or the head of the public authority if no first appellate authority is appointed or notified.

(h) “Information Commissioner” means an Information Commissioner appointed under the Act and a “Designated Commissioner” means an Information Commissioner designated by the Chief Information Commissioner to deal with appeals or complaints assigned to him by a general or special order.

(i) “Prescribed” means prescribed by or under the Act or under the Rules or Regulations.

(j) “Records” mean the aggregate of papers relating to an appeal or complaint including pleadings, rejoinders, comments, proceedings, documentary or oral evidence, decision, orders and all other documents filed with or annexed to an appeal or complaint or submitted subsequently in connection with such appeal or complaint.

(k) “Registry” means the Registry of the Commission comprising the Registrar, Additional Registrar, Joint Registrar, Deputy Registrar or Assistant Registrar.

(l) “Registrar” means the Registrar of the Commission and unless the context otherwise requires includes an Additional Registrar, a Joint Registrar, a Deputy Registrar or an Assistant Registrar.

(m) “Regulation” means Regulation framed herein;

- (n) “Representative” means a person duly authorized by or on behalf of any of the parties to the proceedings and may include a Legal Practitioner.
- (o) “Respondent” includes a third party or a party impleaded by the Commission.
- (p) “Rules” mean the Rules framed by the State Government under section 27 and by the Speaker of the Sikkim Legislative Assembly and the Chief Justice of the High Court of Sikkim under section 28 of the Act
- (r) “Section” means section of the Act;
- (s) Words and expressions used herein but not defined shall have the meaning assigned to them in the Act or in the Rules.

CHAPTER-II:

Officers of the Commission and their functions

3. Appointment of Registrar:- The Commission may designate one or more of its officers in the Commission to function as Registrar of the Commission. It may also designate other officers of the Commission to act as Additional Registrar, Joint Registrar, Deputy Registrar or Assistant Registrar and provide other staff that may be necessary to assist the Registrars in the performance of their duties and responsibilities.

4. Powers and functions of the Registrar:-

(i) The Registrar shall be the Chief Executive of the Commission on the judicial side. Any communication addressed to him will be deemed to be addressed to the Commission and the Commission will be represented by him in all judicial matters.

(ii) The Registrar shall discharge his functions under the control and superintendence of the Chief Information Commissioner.

(iii) All records of the Commission shall be in the custody of the Registrar.

(iv) The Official Seal of the Commission shall be kept in the custody of the Registrar.

(v) Subject to any general or special directions of the Chief Information Commissioner, the Official Seal of the Commission shall be affixed to any order, summons or other process under the authority of the Registrar.

(vi) The Official Seal of the Commission shall not be affixed to any certified copy issued by the Commission save under the authority of the Registrar.

(vii) The office of the Registrar shall receive all applications, appeals, complaints, counter statements, replies and other documents.

(viii) The Registrar shall decide all questions arising out of the scrutiny of the appeals and complaints before these are registered.

(ix) The Registrar may require any application, appeal, counter statement, replies presented to the Commission to be amended in accordance with these Regulations and direct any formal amendment of such records.

(x) The Registrar shall fix the date of hearing of appeal, complaint or other proceedings and shall prepare and notify in advance a cause list in respect of the cases listed for hearing.

(xi) The Registrar will decide questions relating to extension of time in respect of filing of counter statement, reply, rejoinder, etc.

(xii) The Registrar may, on payment of a fee prescribed for the purpose, grant leave to a party to the proceedings to inspect the record of the Commission under supervision and in presence of an officer of the Commission.

(xiii) Copies of documents authenticated or certified shall be provided to the parties to the proceedings under the authority of the Registrar.

(xiv) The Registrar shall communicate the decisions, orders or directions of the Commission to the concerned person/persons, and all such communications signed or authenticated by the Registrar or under his authority shall be deemed to be the communication from the Commission.

(xv) The Registrar shall be responsible for ensuring compliance of the orders, directions or decisions passed by the Commission and to take all necessary steps in this regard.

(xvi) The Registrar shall ensure that decency, decorum and order is maintained during hearing of an appeal, complaint or any other proceedings maintained and shall take all necessary steps in this regard.

(xviii) The Registrar shall exercise all such powers and discharge all such functions as are assigned to him by these Regulations or by the Chief Information Commissioner from time to time.

(xix) The Registrar shall assist all Information Commissioners in discharge of their functions.

(xx) The Additional Registrar shall have all the powers conferred on a Registrar and will exercise all the functions of the Registrar under his guidance.

(xxi) The Registrar may with the approval of the Chief Information Commissioner delegate to a Joint Registrar, Deputy Registrar or Assistant Registrar any function required to be performed under these Regulations.

Chapter III:

Working Hours and sittings.

5. Subject to any order by the Chief Information Commissioner, the office of the Commission will be open on all working days from 10:00 AM to 4:00 PM and follow the almanac of the State Government.

CHAPTER – IV:

Registration, Abatement or Return of Appeal.

7. Appeal or complaint etc. to be in writing:- Every appeal, complaint, application, statement, rejoinder, reply or any other document filed before the Commission shall be typed, printed or written neatly and legibly and in double line spacing and the language used therein shall be formal and civilised and should not be in any way indecent or abusive. The appeal, complaint or an application shall be presented in at least two sets in a paper-book form.

8. Contents of appeal or complaint:- (1) An appeal or a complaint to the Commission shall contain the following information, namely:-

(i) name, address and other particulars of the appellant or complainant, as the case may be;

(ii) name and address of the State Public Information Officer (SPIO) or the State Assistant Public Information Officer (SAPIO) against whom a complaint is made under Section 18 of the Act, and the name and address of the First Appellate Authority before whom the first appeal was preferred under Section 19(1) of the Act.

(iii) particulars of the decision or order, if any, including its number and the date it was pronounced, against which the appeal is preferred;

- (iv) brief facts leading to the appeal or the complaint;
- (v) if the appeal or complaint is preferred against refusal or deemed refusal of the information, the particulars of the application, including number and date and name and address of the State Public Information Officer to whom the application was made and name and address of the First Appellate Authority before whom the appeal was filed;
- (vi) prayer or relief sought;
- (vii) grounds for the prayer or relief;
- (viii) verification by the appellant or the complainant, as the case may be; and
- (ix) any other information which may be deemed as necessary and helpful for the Commission to decide the appeal or complaint.

(2) The contents of the complaint shall be in the same form as prescribed for the appeal with such changes as may be deemed necessary or appropriate.

9. Documents to accompany appeal or complaint:-

Every appeal or complaint made to the Commission shall be accompanied by self attested copies/photo copies of the following documents, namely:-

- (i) The RTI application submitted before the SPIO along with documentary proof as regards payment of fee under the RTI Act;
- (ii) The order, or decision or response, if any, from the SPIO to whom the application under the RTI Act was submitted.
- (iii) The First appeal submitted before the First Appellate Authority with documentary proof of filing the First Appeal.
- (iv) The Orders or decision or response, if any, from the First Appellate Authority against which the appeal or complaint is being preferred;
- (v) The documents relied upon and referred to in the appeal or complaint;
- (vi) The above document in two sets.

10. Presentation and scrutiny of appeal or complaint:-

- (i) The Registrar shall receive any appeal or complaint petition addressed to the Commission and ensure that
 - (a) the appeal or the complaint, as the case may be, is submitted in prescribed format;

(b) that all its contents are duly verified by the appellant or the complainant, as the case may be;

(c) that the appeal or the complaint is in accordance with the Regulations.

(ii) The Registrar shall also ensure that the appeal or the complaint petition contains copies of all required documents such as

(i) RTI application

(ii) Receipt of the RTI Application

(iii) Proof in regard to payment of fee/cost, if any;

(iv) Decision/reply etc. from the SPIO, if any;

(v) Appeal to the 1st Appellate Authority;

(vi) Decision of the 1st Appellate Authority, if any.

(iii) The Registrar shall scrutinize every appeal/complaint received and will ensure —

(a) that the appeal or the complaint petition is duly verified and required number of copies are submitted;

(b) That all the documents annexed are duly paginated and attested by the appellant or the complainant.

(c) That the copies of the documents filed and submitted are clear, distinct and legible;

(iv) That the Registrar will return any such appeal or the complaint if it does not meet the requirement or conform to the standard as set out above and permit its resubmission in proper form.

(v) The Registrar may reject any such appeal or complaint petition —

(a) if it is time-barred; or

(b) if it is otherwise inadmissible; or

(c) if it is not in accordance with these Regulations.

Provided that no such appeal or complaint petition shall be rejected by the Registrar unless the concerned appellant or the complainant is given an opportunity of being heard. The decision of the Registrar in regard to the issue of maintainability of an appeal or a complaint shall be final.

(vi) All appeals and complaints not rejected or returned as above and found in order shall be registered and a specific number will be allocated.

(vii) The Registrar or any other officer authorized by the Commission shall endorse on every appeal or complaint the date on which it is presented.

(viii) The appeals and complaints shall bear separate serial numbers so that they can be easily identified under separate heads.

(ix) If any appeal or complaint is found to be defective and the defect noticed is formal in nature, the Registrar may allow the appellant or complainant to rectify the same in his presence or may allow two weeks time to rectify the defect. If the appeal or complaint has been received by post and found to be defective, the Registrar may communicate the defect(s) to the appellant or complainant and allow him three weeks time from the date of receipt of communication from the Registrar to rectify the defects.

(x) If the appellant or complainant fails to rectify the defects within the time allowed in clause (ix) above, the appeal or complaint shall be deemed to have been withdrawn.

(xi) An appeal or complaint which is not in order and is found to be defective or is not as per prescribed format is liable to be rejected. Provided.

that the Registrar may, at his discretion, allow an appellant or complainant to file a fresh appeal or complaint in proper form.

11. Filing of Counter Statement by the State Public Information Officer or the First Appellate Authority:- After receipt of a copy of the appeal or complaint, the State Public Information Officer or the First Appellate Authority or the Public Authority shall file counter statement along with documents, if any, pertaining to the case. A copy of the counter statement(s) so filed shall be served to the appellant or complainant by the SPIO, the First Appellate Authority or the Public Authority, as the case may be.

12. Posting of appeal or complaint before the Information Commissioner:-

- (i) An appeal or a complaint, or a class or categories of appeals

or

complaints, shall be heard by the Chief Information Commissioner or a Division Bench of two Information Commissioners or a full Bench of three or more Information Commissioner as decided by the Chief Information Commissioner by a special or general order issued for this purpose from time to time.

13. Amendment or withdrawal of an Appeal or Complaint:

The Commission may in its discretion allow a prayer for any amendment or withdrawal of an appeal or complaint during the course of its hearing if such a prayer is made by the appellant or complainant on an application made in writing. However, no such prayer may be entertained by the Commission after the matter has been finally heard or a decision or order has been pronounced by the Commission.

14. Personal presence of the appellant or complainant:-

(i) The appellant or the complainant, as the case may be, shall be informed of the date of hearing at least seven clear days before that date.

(ii) The appellant or the complainant, as the case may be, may at his discretion be present in person or through his duly authorized representative at the time of hearing of the appeal or complaint by the Commission, or may opt not to be present.

(iii) Where the Commission is satisfied that circumstances exist due to which the appellant or the complainant is being prevented from attending the hearing of the Commission, the Commission may afford the appellant or the complainant, as the case may be, another opportunity of being heard before a final decision is taken or take any other appropriate action as it may deem fit.

(iv) The appellant or the complainant, as the case may be, may seek the assistance of any person while presenting his case before the Commission and the person representing him may not be a legal practitioner.

(v) If an appellant or complainant at his discretion decides not to be present either personally or through his duly authorized representative during the hearing of an appeal or complaint before the Commission, the Commission may pronounce its decision or order in the matter *ex parte*,

15. Date of hearing to be notified:- The Commission shall notify the parties the date and place of hearing of the appeal or complaint in such manner as the Chief Information Commissioner may by general or special order direct.

16. Adjournment of Hearing:- The appellant or the complainant or any of the respondents may, for just and sufficient reasons, make an application for adjournment of the hearing. The Commission may consider the said application and pass such orders as it deems fit.

17. Evidence before the Commission:

In deciding an appeal or a complaint, the Commission may:-

(i) receive oral or written evidence on oath or on affidavit from concerned person or persons;

(ii) peruse or inspect documents, public records or copies thereof;

(iii) inquire through authorized officer further details or facts;

(iv) examine or hear in person or receive evidence on affidavit from State Public Information Officer, State Assistant Public Information Officer or such Senior Officer who decided the first appeal or such person or persons against whom the complaint is made as the case may be; or

(v) examine or hear or receive evidence on affidavit from a third party, or any other person or persons, whose evidence is considered necessary or relevant.

18. Issue of summons

Summons to the parties or to the witnesses for appearance or for production of documents or records or things shall be issued by the Registrar under the authority of the Commission, and it shall be in such form as may be prescribed by the Commission.

19. Conduct of an enquiry

The Commission may entrust an inquiry in connection with any appeal under section 19 (3) of the Act or complaint under section 18 (1) pending before it to the Registrar or any other officer for the purpose and the Registrar or such other officer while conducting the inquiry shall have all the necessary powers including power to —

- (i) summon and enforce attendance of persons;
- (ii) compel production of documents or things;
- (iii) administer oath and to take oral evidence or to receive affidavits or written evidence on solemn affirmation;
- (iv) inspect documents and require discovery of documents; and
- (v) requisition any public record or documents from any public authority.

20. Award of costs by the Commission:

The Commission may award such costs or compensation to the appellant / complainant or a third party that is not a Public Authority within the meaning of the term as defined in section 2 (n) of the Act as it deems fit having regard to the facts and circumstances of the case.

21. Communication of decisions and Orders:- (i) Every decision or order of the Commission shall be signed and dated by the Chief Commissioner or Commissioners who have heard the appeal or the complaint or have decided the matter.

(ii) Every decision/order of the Commission may either be pronounced in one of the sittings of the Commission, or may be placed on its web site, or may be communicated to the parties under authentication by the Registrar or any other officer authorized by the Commission in this regard.

(iii) Every such decision or order, whenever pronounced by a Single Information Commissioner or by a Division Bench or by a Full Bench of three or more Information Commissioners, shall be deemed to be the decision or order by the Commission under the Act.

22. Finality of Decision:

(1) A decision or an order once pronounced by the Commission shall be final.

(2) An appellant or a complainant or a respondent may, however, make an application to the Chief Information Commissioner for special leave to appeal or review of a decision or order of the case and mention the grounds for such a request;

(3) The Chief Information Commissioner on receipt of such a request may consider and decide the matter as he thinks fit.

23. Abatement of an Appeal/Complaint:

The proceedings pending before the Commission shall abate on the death of the appellant or complainant.

CHAPTER-V:

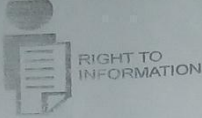
MISCELLANEOUS

24 Seal and Emblem:- The Official Seal and Emblem of the Commission shall be such as the Commission may specify.

25 Language of the Commission:-

- (i) An appeal or a complaint may be filed in English or in Nepali or any official language and all the documents or copies thereof shall also be filed in English or in Nepali or any official language.
- (ii) The proceedings of the Commission shall be conducted in English.

(D.K. GAJMER)
Chief Information Commissioner



SIKKIM INFORMATION COMMISSION

LOWER SECRETARIAT
OPP. SUPER MARKET, GANGTOK-737101



GOVT. OF SIKKIM

PHONE NO: 03592-205710, 203677
FAX NO: 03592-208526

No.: 196/SIC/2019

Dated: 03.07.2019

CIRCULAR

In pursuance to Circular No. Home/P/2019 dated 19/06/2019, declaring all Saturdays as Government holidays, the State has a five days working week (from Monday to Friday). The working hours for all Government Offices are from 10 AM to 4.30 PM. With half an hour lunch break from 1 PM to 1.30 PM. The late attendance of the Govt. Servants to the Office and early leaving from office, and their absence from seat during Public Visits, shall be noted and viewed seriously and liable for Disciplinary action.

The Under Secretary shall be the authorized Officer for the Control of the Attendance register and countersign. He shall submit a report on the Attendance and the leave availed on a monthly or weekly basis.

In view of above, It is hereby instructed that all the Officials and staff of Sikkim Information Commission should observe punctuality and should be present in the Office by 10 AM, morning and leave the office at 4.30 P.M Positively. No one should leave during office hour without prior permission.

All Drivers attached to the respective Officials are to ensure that his leave application be routed through the respective Officer to which their vehicle is attached, for recommendation before obtaining formal approval. Further they shall report to the Admin. Section of Sikkim Information Commission (SIC) during the period of Leave availed by their respective Official.

Causal leave to be applied by the concerned staff and telephonic application through third Party is not to be entertained by the Admn. Section, and shall be treated as unauthorized leave

The Officials and staff of SIC are to ensure proper inter sectoral Coordination and a sound appreciation of their roles and responsibilities, to improve efficiencies and speed of work disposal, in the Sikkim Information Commission.

Time available to the officials and staff of Sikkim Information Commission, during office hours is to be utilized in works efficiently and for updating their knowledge and skills, in the task's assigned.

Sd
Secretary
Sikkim Information Commission

Copy to:-

1. All Officers and staff/SIC
2. P.A. to HCIC, SIC
3. I.C/SIC
4. Office Copy
5. Guard file.

Secretary
Sikkim Information Commission
Secretary
Sikkim Information Commission
Gangtok, Sikkim



SIKKIM INFORMATION COMMISSION
LOWER SECRETARIAT
OPPOSITE SUPER MARKET, GANGTOK-737101



GOVT. OF SIKKIM

PHONE NO: 03592 205710, 203677

FAX NO : 03592-208526

No. 35 / SIC / 2024

Date: 16 / 04 / 2024

CIRCULAR

All Officers and staff of Sikkim Information Commission are hereby directed to be punctual and should be present in the Office by 10 a.m. and not leave the office during office hours without prior permission. Anyone found absent during the office hour, their absence shall be treated as LWP. Anyone found availing unauthorized leave shall be treated as misconduct and recorded as EOL.

Shri Topgay Bhutia, Under Secretary shall ensure that the attendance register is duly signed by all employees and submitted in the office of the Secretary by 10.15 a.m. He will also inspect the office during office hour to ensure presence of the employees and submit report accordingly.

sd/-
SECRETARY

Sikkim Information Commission

Copy to:

1. All Officers and Staff, SIC,
2. P.A. to Hon'ble Chief Information Commissioner, SIC,
3. Sr. P.S. to Chief Secretary, Govt. of Sikkim,
4. Notice Board,
5. File & G. File.

[Signature]
Under Secretary

Sikkim Information Commission
Sikkim Information Commission
Gangtok, Sikkim



SIKKIM INFORMATION COMMISSION
LOWER SECRETARIAT
OPPOSITE SUPER MARKET, GANGTOK-737101



GOVT. OF SIKKIM

PHONE NO: 03592 205710, 203677
FAX NO : 03592-208526

No. 91 /SIC/ 2021

Date: 23 / 04 / 2021

OFFICE ORDER

As per Order No. 10/Home/2021 dated:- 22/04/2021, regarding measures for containment of COVID-19 and as per the guidelines contain at Annexure I clause 1(ii) for 50% staff attendance in Government offices, the following working arrangement of employees under Sikkim Information Commission has been made w.e.f dated 26/04/2021 till further orders:

Sl.No.	Monday/Wednesday/Friday	Tuesday/Thursday
1.	Shri Raju Chettri, Steno-II	Smt. Pratiwa Bantawa, Sr. Acctt.
2.	Shri Harka Raj Rai, Accounts Clerk	Smt. Pramila Rai, H.A
3.	Smt. Bishnu Bagdas, HA	Shri Dawa Lama Tamang
4.	Shri Arjun Rai, Assistant Programmer	Shri Sunil Rai, Computer Operator
5.	Smt. Netra Chettri, Office Assistant	Shri Tenzing Lepcha, OA
6.	Smt. Mary Rana, Office Assistant	Shri Wangyal Bhutia, Office Attendant
7.	Shri Nangfang Lepcha, Driver	Shri Ashif Tamang, LDC
8.	Shri Karma Bhutia, OA	Smt. Khusmaya Sunar, OA
9.	Smt. Narmita Gurung, Office Attendant	Ms. Phuti Sherpa, OA

All Gazetted Officers and Home Guards shall attend office regularly. All drivers of SIC are directed to report to their concerned officers.


Sd/-
Secretary
Sikkim Information Commission

Memo No. 91 /SIC/2021

Dated: 23 / 04 / 2021

Copy to:

1. All above concerned.
2. Chief Information Commissioner, SIC.
3. Information Commissioner, SIC.
4. Secretary, SIC.
5. File &
6. Guard file


Under Secretary
Sikkim Information Commission
Under Secretary
Sikkim Information Commission
Gangtok, Sikkim



SIKKIM INFORMATION COMMISSION
LOWER SECRETARIAT
OPPOSITE SUPER MARKET, GANGTOK-737101



GOVT. OF SIKKIM

PHONE NO: 03592 205710, 203677
FAX NO : 03592-208526

No: 76 / SIC / 2021

Date: 14 / 06 / 2021

OFFICE ORDER

As per Order No. 26/Home/2021 dated:- 11/06/2021, regarding measures for containment of COVID-19 and as per the guidelines contain at Annexure I clause 1(ii) for 50% staff attendance in Government offices, the following working arrangement of employees under Sikkim Information Commission has been made w.e.f dated 14/06/2021 till further orders:

Sl.No.	Monday/Wednesday/Friday	Tuesday/Thursday
1.	Smt. Pratiwa Bantawa, Sr. Acctt	Shri Raju Chettri, Steno
2.	Shri Arjun Rai, Asstt. Programmer	Smt. Pramila Rai, H.A
3.	Smt. Bishnu Bagdas, HA	Shri Dawa Lama Tamang
4.	Smt. Netra Chettri, Office Assistant	Shri Sunil Rai, Computer Operator
5.	Smt. Mary Rana, Office Assistant	Shri Tenzing Lepcha, OA
6.	Shri Wangyal Bhutia, Office Attendant	Shri Harka Raj Rai Accounts Clerk
7.	Smt. Dawa Lhamu Sherpa, OA	Smt. Khusmaya Sunar, OA
8.	Smt. Narmita Gurung, Office Attendant	Shri Karma Thendup Bhutia, O. A
9.	Ms. Phuti Sherpa, OA	Shri Nangfang Lepcha, Driver

All Gazetted Officers and Home Guards shall attend office regularly. All drivers of SIC are directed to report to their concerned officers.

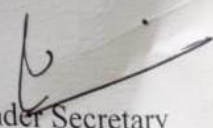
Sd/-
Secretary
Sikkim Information Commission

Memo No. /SIC/2021

Dated: / /2021

Copy to:

1. All above concerned.
2. Chief Information Commissioner, SIC.
3. Information Commissioner, SIC.
4. Secretary, SIC.
5. File &
6. Guard file


Under Secretary
Sikkim Information Commission



SIKKIM INFORMATION COMMISSION

LOWER SECRETARIAT
OPPOSITE SUPER MARKET, GANGTOK - 737101



GOVT. OF SIKKIM

Phone No.: 0359-205710, 203677

Fax No.: 03592-208526

No. 396 / SIC / 2022

Date: 14/03/2022

Office Order

- (1) Section 25 of the Right to Information Act, 2005 mandates the State Information Commission to prepare a report on the implementation of the provisions of the Act by the Departments/ public authorities during the year and forward a copy of the report to the State Government.

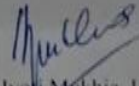
In view of the above:-

- (i) Under Secretary will initiate actions for compilation and preparation of the Annual Report for the year 2021-2022 for submission to the State Government;
- (ii) Law Officer will obtain the monthly reports from the Department/public authorities; compile the reports and coordinate with Under Secretary for preparation of the Annual Report.
- (2) Administrative Section will process all administrative works in a timely manner, maintain proper records and also maintain the stock register of all goods, furniture and fixture procured in the Commission. Under Secretary will also prepare the proposal for awareness programmes and also proposal for RTI week celebration to be submitted to the office of the Central Information Commission for release of fund for year 2022-2023;
- (3) Legal Cell will process all the complaints/ appeals filed under Section 18 and Section 19(3) of the RTI Act for redressal; compile all the monthly reports furnished by the PIOs for preparing the report of the Commission.

Law Officer will also monitor the compliance of Section 4 of the RTI Act by the Public Authorities.

- (4) Accounts Section will furnish all the monthly/ quarterly returns to the Finance Department and attend to all such queries and reply to Finance and AG office in a timely manner. The section will ensure timely renewal of registration of vehicle; maintain proper records of accounts for reconciliation with the AG office.
- (5) IT Section – The Assistant Programmer will maintain the official website of the Commission and update/ upload all information and Court orders in the website, upload all monthly reports received from the PIOs in the system and also maintain an inventory of the computers and peripherals in the Office.

For strict compliance.


Dhan Jyoti Mukhia, IAS
Secretary

Secretary
Sikkim Information Commission
Gangtok, Sikkim

Copy to :

- (i) Under Secretary
(ii) Law Officer
(iii) Steno to CIC (for information of CIC)
(iv) PS to Information Commissioner (for information of C)
(v) HAs – Adm & Legal
(vi) Sr. Accountant
(vii) Assist. Programmer
(viii) Guard File.



SIKKIM INFORMATION COMMISSION

LOWER SECRETARIAT
OPPOSITE SUPER MARKET, GANGTOK - 737101



GOVT. OF SIKKIM

Phone No.: 0359-205710, 203677
Fax No.: 03592 - 208526

No. 247...../SIC/2021...

Date: 14...../12...../2021

To

The SPIO,

.....

Govt. of Sikkim,

Gangtok, East Sikkim

Sub: Reminder - Certified Statement of implementation to be filed by SPIO of Public Authorities/PSUs under section 25(3) of the Right to Information Act, 2005.

Sir/Madam,

This is in reference to letter sent by the Commission along with a format for certified statement of implementation to be filed by SPIO of Public Authorities/PSUs under section 25(3) of the Right to Information Act, 2005.


In this regard, the Sikkim Information Commission, as is required to prepare annual report for the period 2020-2021 on the implementation of the provision of the Act, under section 25 (2) (3) of the RTI Act, each department is required to collect information on the item mentioned under section 25 (3) of the Act in respect of the department and all the public authorities.

Therefore, information as sought under the domain of your department, as per the format, sent by the Commission may kindly be provided to the office of the undersigned within fifteen days from the date of receipt.

Thanking you,

yours sincerely




Deputy Registrar cum Law Officer
Sikkim Information Commission
Deputy Registrar-cum-Law Officer
Sikkim Information Commission
Gangtok, Sikkim



SIKKIM INFORMATION COMMISSION

LOWER SECRETARIAT
OPPOSITE SUPER MARKET, GANGTOK - 737101



GOVT. OF SIKKIM

Phone No.: 0359-205710, 203677
Fax No.: 03592-208526

No. 310 / SIC / 2022

Date 22 / 03 / 2022

To

The SPIO,

Govt. of Sikkim,

Gangtok, East Sikkim

REMINDER – II

Sub:- Statement of implementation of RTI Act 2005, the Public Authorities/PSUs under section 25(3) of the Right to information Act, 2005.

Sir/Madam,

This has reference to our letter No 273/ SIC/2021 dated 20/12/2021, regarding the subject cited above,


As per section 25 (2) (3) The SPIOs of the various Public Authorities are required to collect and provide information on the implementation of the said Act, so as to enable the Sikkim Information Commission to prepare an Annual Report for placing it to the state Government.

It is found that your Department/ Organisation has not forwarded the statement of Information for the **month of (April 2020 to March 2021)**, You are therefore, requested to kindly forward the statement as per the format enclosed by **25th March 2022**.

You are also requested to forward the statement of information for the **month of (April 2021, to March 2022) by 15th April 2022**.

It may be noted that, henceforth the relevant information are to be forwarded to this office on monthly basis.

Yours sincerely,


Under Secretary
Sikkim Information Commission
Gangtok
Under Secretary
Sikkim Information Commission
Gangtok, Sikkim

Received
23/03/22
RECEIVED
Planning & Development Dept.
Govt of Sikkim



SIKKIM INFORMATION COMMISSION
LOWER SECRETARIAT
OPP.SUPER MARKET,GANGTOK-737101



PHONE NO:035929205710,203677
FAX NO:03592-208526

No: 211 /SIC/2021.

Date: 21 / 09 / 2021.

To

The SPIO,

Govt. of Sikkim,

Gangtok, East Sikkim

Sub: Compliance under Section 4 of the RTI Act, 2005.

Sir/Madam,

While drawing a reference to the subject cited above, I am to inform you, that Hon'ble Chief Information Commissioner and Hon'ble Information Commissioner have expressed concern over the process of proactive disclosure and related exercises as contained in the section 4 of the RTI Act, 2005 by the SPIOs of the various Departments/Organisation which are not being complied with.

In this regard, it is found that most of the SPIOs have not complied with the provisions of section 4 and have not uploaded information in their departmental website. In spite of, several notices issued by the Commission for the implementation of section 4 of the Act, it is seen that some of the Public Authorities have not complied with the directives of the Commission.

In view of this, you are requested to kindly upload the proactive disclosure and related exercises as required under section 4 of the RTI Act, 2005 and send compliance report to the undersign by 27.09.2021.

SPIO
Food & Civil Supplies Department
Government of Sikkim

Yours faithfully,

Under Secretary
Sikkim Information Commission
Gangtok, Sikkim



SIKKIM INFORMATION COMMISSION
LOWER SECRETARIAT
OPPOSITE SUPER MARKET, GANGTOK - 737101



Phone No.: 0359-205710, 203677
Fax No.: 03592-208526

No. 268/SIC/2021

Date: 17/11/2021

(REMINDER - I)

To

The SPIO,

Govt. of Sikkim,

Gangtok, East Sikkim

Sub: Compliance under Section 4 of the RTI Act, 2005.

Sir/Madam,

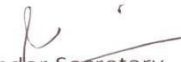
While drawing a reference to the subject cited above, I am to inform you, that Hon'ble Chief Information Commissioner and Hon'ble Information Commissioner have expressed concern over the process of proactive disclosure and related exercises as contained in the section 4 of the RTI Act, 2005 by the SPIOs of the various Departments/Organisation which are not being complied with.

In this regard, it is found that most of the SPIOs have not complied with the provisions of section 4 and have not uploaded information in their departmental website. In spite of, several notices issued by the Commission for the implementation of section 4 of the Act, it is seen that some of the Public Authorities have not complied with the directives of the Commission.

In view of this, you are requested to kindly upload the proactive disclosure and related exercises as required under section 4 of the RTI Act, 2005 and send compliance report to the undersigned by 30.11.2021.



Yours faithfully,


Under Secretary
Sikkim Information Commission
Under Secretary
Sikkim Information Commission
Gangtok, Sikkim

REGD. NO. D. L.-33004/99



भारत का राजपत्र The Gazette of India

EXTRAORDINARY
PART-II-Section 3-Sub-section (i)
PUBLISH BY AUTHORITY

No.365]

NEW DELHI, THURSDAY, OCTOBER 24, 2019/KARTIKA 2, 1941

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and
Training)NOTIFICATION

New Delhi, the 24th October, 2019

G.S.R. 810(E).—In exercise of the powers conferred by clauses (ca) and (cb) of sub-section (2) of section 27 of Right to Information Act, 2005 (22 of 2005), the Central Government hereby makes the following rules, namely:—

CHPATER

I

PRELIMIN

ARY

1. Short title and commencement.—(1) These rules may be called The Right to Information (Term of Office, Salaries, Allowances and Other Terms and Conditions of Service of Chief Information Commissioner, Information Commissioners in the Central Information Commission, State Chief Information Commissioner and State Information Commissioners in the State Information Commission) Rules, 2019.

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

CHAPTER II

2. Definitions.—(1) In these rules, unless the context otherwise requires, -

- (a) “Act” means the Right to Information Act, 2005 (22 of 2005);
- (b) “Central Information Commission” shall have the same meaning assigned to it under clause (b) of section 2 of the Act ;

- (c) “Chief Information Commissioner” and “Information Commissioner” shall have the same meaning

- assigned to it under clause (d) of section 2 of the Act;
- (d) “State Chief Information Commissioner” and “State Information Commissioner” shall have the samemeaning assigned to it under clause (l) of section 2 of the Act;
 - (e) “State Information Commission” shall have the same meaning assigned to it under clause (k) of section 2 of the Act.
- (2) The words and expressions used and not defined under these rules, but defined in the Act shall have the same meaning as respectively assigned to them in the Act.

CHAPTER III

TERM OF OFFICE, SALARIES, ALLOWANCES AND OTHER TERMS AND CONDITIONS OF SERVICE OF THE CHIEF INFORMATION COMMISSIONER AND INFORMATION COMMISSIONER IN THE CENTRAL INFORMATION COMMISSION

3. Term of office.—The Chief Information Commissioner, or Information Commissioners, as the case may be, shall hold office for a period of three years from the date on which he enters upon his office.

4. Retirement from parent service on appointment.—The Chief Information Commissioner or Information Commissioners, as the case may be, who on the date of his appointment to the Commission, was in the service of the Central or a State Government, shall be deemed to have retired from such service with effect from the date of his appointment as Chief Information Commissioner or an Information Commissioner in the Central Information Commission.

5. Pay.—(1) The Chief Information Commissioner shall receive a pay of Rs. 2,50,000 (Rupees two lakh and fifty thousand)(fixed) per mensem.

(2) An Information Commissioner shall receive a pay of Rs. 2,25,000 (Rupees two lakh and twenty five thousand) (fixed) per mensem.

(3) In case the Chief Information Commissioner or Information Commissioners, as the case may be, at the time of his appointment is, in receipt of any pension, the pay of such Chief Information Commissioner or Information Commissioners, as the case may be, shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity;

(4) In case the Chief Information Commissioner or Information Commissioners, as the case may be, at the time of his appointment, is in receipt of retirement benefits in respect of any previous service rendered in Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his pay in respect of the service as the Chief Information Commissioner or Information Commissioners, as the case may be, shall be reduced by the amount of pension equivalent to the retirement benefits.

6. Dearness Allowance.—The Chief Information Commissioner or Information Commissioners, as the case may be, shall be entitled to draw dearness allowance at the rate admissible to an officer holding a post carrying the same pay in the Central Government, as revised from time to time.

7. Leave.—(1) The Chief Information Commissioner or Information Commissioners, as the case may be, shall be entitled to rights of leave as per admissibility to an officer holding a post carrying the same pay in the Central Government, as revised from time to time.

(2) In case the Chief Information Commissioner, the competent authority to sanction the leave shall be the President of India and in case of the Information Commissioners, the Chief Information Commissioner shall be the competent authority.

8. Cash Payment in lieu of unutilised Earned Leave.—The Chief Information Commissioner or Information Commissioners, as the case may be, shall be entitled to encashment of fifty per cent. of earned leave to his credit at the time of completion of tenure:

Provided that for a Chief Information Commissioner or an Information Commissioner, as the case may be, who had retired from the service of the Central or a State Government prior to appointment

as a Chief Information Commissioner and Information Commissioner, as the case may be, the aggregate period for which the encashment of unutilised earned leave shall be entitled shall be subject to a maximum period as per admissibility to an officer holding a post carrying the same pay in the Central Government or the State Government, as the case may be, as revised from time to time.

9. Medical Facilities.—The Chief Information Commissioner and Information Commissioners, as the case may be, shall be entitled to medical treatment and Hospital facilities as provided in the Central Government Health Scheme and at places where the Central Government Health Scheme is not in operation, the Chief Information Commissioner and Information Commissioner shall be entitled to medical facilities as provided in the Central Service (Medical Attendance) Rules, 1944.

10. Accommodation.—(1) The Chief Information Commissioner or Information Commissioners, as the case may be, shall be eligible subject to availability, to the use of official residence from the general pool accommodation of the type as admissible to an officer holding a post carrying the same pay in the Central Government on the payment of the license fee at the rates prescribed by Central Government from time to time.

(2) Where Chief Information Commissioner or an Information Commissioner is not provided with or does not avail himself of the general pool accommodation referred to in sub-rule (1), he may be paid House Rent Allowance at the rate admissible to an officer holding a post carrying the same pay in the Central Government.

11. Leave Travel Concession, Travelling Allowance, Daily Allowance.—The Chief Information Commissioner or Information Commissioners, as the case may be, shall be entitled to leave travel concession, travelling allowance and daily allowance as admissible to an officer holding a post carrying the same pay in the Central Government as far as may be, apply to the Chief Information Commissioner and Information Commissioner, as the case may be.

CHAPTER IV

TERM OF OFFICE, SALARIES, ALLOWANCES AND OTHER TERMS AND CONDITIONS OF SERVICE OF THE STATE CHIEF INFORMATION COMMISSIONER AND STATE INFORMATION COMMISSIONERS IN THE STATE INFORMATION COMMISSION

12. Term of office.—The State Chief Information Commissioner, or State Information Commissioners, as the case may be, shall hold office for a period of three years from the date on which he enters upon his office.

13. Retirement from parent service on appointment.—The State Chief Information Commissioner or State Information Commissioners, as the case may be, who on the date of his appointment to the Commission, was in the service of the Central or a State Government, shall be deemed to have retired from such service with effect from the date of his appointment as State Chief Information Commissioner and State Information Commissioner in the State Information Commission.

14. Pay.—(1) The State Chief Information Commissioner shall receive a pay of Rs. 2,25,000 (Rupees two lakh and twenty five thousand) (fixed) per mensem.

(2) The State Information Commissioners shall receive a pay of Rs. 2,25,000 (Rupees two lakh and twenty five thousand) (fixed) per mensem.

(3) In case the State Chief Information Commissioner and State Information Commissioners, as the case may be, at the time of his appointment is, in receipt of any pension, the pay of such State Chief Information Commissioner or State Information Commissioners, as the case may be, shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity.

(4) In case the State Chief Information Commissioner and State Information Commissioners, as the

case may be, at the time of his appointment, is in receipt of retirement benefits in respect of any previous service rendered in Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the State Chief Information Commissioner and State Information Commissioners shall be reduced by the amount of pension equivalent to the retirement benefits.

15. Dearness Allowance.—The State Chief Information Commissioner and State Information Commissioners, as the case may be, shall be entitled to draw dearness allowance at the rate admissible to an officer holding a post carrying the same pay in the State Government, as revised from time to time.

16. Leave.—(1) The State Chief Information Commissioner or State Information Commissioners, as the case may be, shall be entitled to rights of leave as per admissibility to an officer holding a post carrying the same pay in the State Government, as revised from time to time.

(2) In case of the State Chief Information Commissioner, the competent authority to sanction the leave shall be the Governor of the State and in case of the State Information Commissioners, the State Chief Information Commissioner shall be the competent authority.

17. Cash Payment in lieu of unutilized Earned Leave.—The State Chief Information Commissioner or State Information Commissioners, as the case may be, shall be entitled to encashment of fifty per cent. of earned leave to his credit at the time of completion of tenure:

Provided that a State Chief Information Commissioner or State Information Commissioners, as the case may be, who had retired from the service of the Central or a State Government prior to appointment as a State Chief Information Commissioner or State Information Commissioners respectively, the aggregate period for which the encashment of unutilised earned leave shall be entitled shall be subject to a maximum period as per admissibility to an officer holding a post carrying the same pay in the Central Government or the State Government, as the case may be, as revised from time to time.

18. Medical Facilities.—The State Chief Information Commissioner or State Information Commissioners, as the case may be, shall be entitled to medical treatment and Hospital facilities as provided in the Central Government Health Scheme and at places where the Central Government Health Scheme is not in operation, the State Chief Information Commissioner and State Information Commissioners, as the case may be, shall be entitled to medical facilities as provided in the Central Service (Medical Attendance) Rules, 1944 or such medical facilities provided by the State Government to an officer holding a post carrying the same pay in the State Government, as revised from time to time.

19. Accommodation.—(1) The State Chief Information Commissioner or State Information Commissioners, as the case may be, shall be eligible subject to availability, to the use of official residence from the general pool accommodation of the type as admissible to an officer holding a post carrying the same pay in the State Government on the payment of the license fee at the rates prescribed by State Government from time to time.

(2) Where State Chief Information Commissioner or State Information Commissioners, as the case may be, is not provided with or does not avail himself of the general pool accommodation referred to in sub-rule (1), he may be paid House Rent Allowance at the rate admissible to an officer holding a post carrying the same pay in the State Government.

20. Leave Travel Concession, Travelling Allowance, Daily Allowance. —The State Chief Information Commissioner or State Information Commissioners, as the case may be, shall be entitled to leave travel concession, travelling allowance and daily allowance as admissible to an officer holding a post carrying the same pay in the State Government as far as may be, apply to the State Chief Information Commissioner or State Information Commissioners.

CHAPTER V

21. Residuary Provision.—The conditions of service of the Chief Information Commissioner or an Information Commissioner, State Chief Information Commissioner or State Information Commissioners for which no express provision has been made in these rules shall be referred in each case to the Central Government for its decisions and the decisions of the Central Government thereon shall be binding on the Chief Information Commissioner or an Information Commissioner of the Central Information Commission, State Chief Information Commissioner or State Information Commissioner of the State Information Commission.

22. Power to relax.—The Central Government shall have power to relax the provisions of any of these rules in respect of any class or category of persons.

23. Interpretation.—If any question arises relating to the interpretation of any of the provisions of these rules, it shall be referred to the Central Government for decision.

[F. No.
1/5/2019-IR]LOK
RANJAN, Addl. Secy.