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MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

NOTIFICATION

New Delhi, the 31st July, 2012

GS.II. 603(E).—In exercise of the powers conferred by Section 27 of the Right to Information Act, 2005 (22 of 2005) and in supersession of the Central Information Commission (Appeal Procedure) Rules, 2005 and the Right to Information (Regulation of Fee and Cost) Rules, 2005 except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Right to Information Rules, 2012.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. Definitions.—In these rules, unless the context otherwise requires,—
 - (a) "Act" means the Right to Information Act, 2005 (22 of 2005);
 - (b) "Commission" means the Central Information Commission constituted under sub-section (1) of Section 12 of the Act;
 - (c) "First Appellate Authority" means an officer in the public authority who is senior in rank to the Central Public Information Officer to whom an appeal under sub-section (1) of Section 19 of the Act lies;
 - (d) "Registrar" means an officer of the Commission so designated and includes an Additional Registrar, Joint Registrar and Deputy Registrar;
 - (e) "Section" means a Section of the Act;
 - (f) all other words and expressions used herein but not defined in these rules shall have the same meanings assigned to them in the Act.

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3. **Application Fee.**—An application under sub-section (1) of Section 6 of the Act shall be accompanied by a fee of rupees ten and shall ordinarily not contain more than five hundred words, excluding annexures, containing address of the Central Public Information Officer and that of the applicant;

Provided that no application shall be rejected only on the ground that it contains more than five hundred words.

4. **Fees for providing information.**—Fee for providing information under sub-section (4) of Section 4 and sub-sections (1) and (5) of Section 7 of the Act shall be charged at the following rates, namely :—

- (a) rupees two for each page in A-3 or smaller size paper;
- (b) actual cost or price of a photocopy in large size paper;
- (c) actual cost or price for samples or models;
- (d) rupees fifty per diskette or floppy;
- (e) price fixed for a publication or rupees two per page of photocopy for extracts from the publication;
- (f) no fee for inspection of records for the first hour of inspection and a fee of rupees 5 for each subsequent hour or fraction thereof; and
- (g) so much of postal charge involved in supply of information that exceeds fifty rupees.

5. **Exemption from Payment of Fee.**—No fee under rule 3 and rule 4 shall be charged from any person who is below poverty line provided a copy of the certificate issued by the appropriate Government in this regard is submitted alongwith the application.

6. **Mode of Payment of fee.**—Fees under these rules may be paid in any of the following manner, namely :—

- (a) in cash, to the public authority or to the Central Assistant Public Information Officer of the public authority, as the case may be, against a proper receipt; or
- (b) by demand draft or bankers cheque or Indian Postal Order payable to the Accounts Officer of the public authority; or
- (c) by electronic means to the Accounts Officer of the public authority, if facility for receiving fees through electronic means is available with the public authority.

7. **Appointment of Secretary to the Commission.**—The Central Government shall appoint an officer not below the rank of Additional Secretary to the Government of India as Secretary to the Commission.

8. **Appeal to the Commission.**—Any person aggrieved by an order passed by the First Appellate Authority or by non-disposal of his appeal by the First Appellate Authority, may file an appeal to the Commission in the format given in the Appendix and shall be accompanied by the following documents, duly authenticated and verified by the appellant, namely :—

- (i) a copy of the application submitted to the Central Public Information Officer;
- (ii) a copy of the reply received, if any, from the Central Public Information Officer;
- (iii) a copy of the appeal made to the First Appellate Authority;
- (iv) a copy of the Order received, if any, from the First Appellate Authority;
- (v) copies of other documents relied upon by the appellant and referred to in his appeal; and
- (vi) an index of the documents referred to in the appeal.

9. **Return of Appeal.**—An appeal may be returned to the appellant, if it is not accompanied by the documents as specified in rule 8, for removing the deficiencies and filing the appeal complete in all respects.

10. **Process of appeal.**—(1) On receipt of an appeal, if the Commission is not satisfied that it is a fit case to proceed with, it may, after giving an opportunity of being heard to the appellant and after recording its reasons, dismiss the appeal:

Provided that no appeal shall be dismissed only on the ground that it has not been made in the specified format if it is accompanied by documents as specified in rule 8.

(2) The Commission shall not consider an appeal unless it is satisfied that the appellant has availed of all the remedies available to him under the Act.

(3) For the purposes of sub-rule (2), a person shall be deemed to have availed of all the remedies available to him under the Act:

- (a) if he had filed an appeal before the First Appellate Authority and the First Appellate Authority or any other person competent to pass order on such appeal had made a final order on the appeal; or
- (b) where no final order has been made by the First Appellate Authority with regard to the appeal preferred, and a period of forty five days from the date on which such appeal was preferred has elapsed.

11. Procedure for deciding appeals.—The Commission, while deciding an appeal may,—

- (i) receive oral or written evidence on oath or on affidavit from concerned or interested person;
- (ii) peruse or inspect documents, public records or copies thereof;
- (iii) inquire through authorised officer further details or facts;
- (iv) hear Central Public Information Officer, Central Assistant Public Information Officer or the First Appellate Authority, or such person against whose action the appeal is preferred, as the case may be;
- (v) hear third party; and
- (vi) receive evidence on affidavits from Central Public Information Officer, Central Assistant Public Information Officer, First Appellate Authority and such other person against whom the appeals or the third party.

12. Presence of the appellant before the Commission.—(1) The appellant shall be informed of the date at least seven clear days before the date of hearing.

(2) The appellant may be present in person or through his duly authorised representative or through video conferencing, if the facility of video conferencing is available, at the time of hearing of the appeal by the Commission.

(3) Where the Commission is satisfied that the circumstances exist due to which the appellant is unable to attend the hearing, then, the Commission may afford the appellant another opportunity of being heard before a final decision is taken or take any other appropriate action as it may deem fit.

13. Presentation by the Public Authority.—The public authority may authorise any representative or any of its officers to present its case.

14. Service of notice by Commission.—The Commission may issue the notice by name, which shall be served in any of the following modes, namely:—

- (i) service by the party itself;
- (ii) by hand delivery (dasti) through Process Server;
- (iii) by registered post with acknowledgement due;
- (iv) by electronic mail in case electronic address is available.

15. Order of the Commission.—The order of the Commission shall be in writing and issued under the seal of the Commission duly authenticated by the Registrar or any other officer authorised by the Commission for this purpose.

[F.No. 1/35/2009-IR]

MANOJ JOSHI, Jr. Secy.

APPENDIX

FORMAT OF APPEAL

(Sec Rule 8)

1. Name and address of the appellant
2. Name and address of the Central Public Information Officer to whom the application was addressed
3. Name and address of the Central Public Information Officer who gave reply to the Application

4. Name and address of the First Appellate Authority Who decided the First Appeal
5. Particulars of the application
6. Particulars of the order(s) including number, if any, against which the appeal is preferred
7. Brief facts leading to the appeal
8. Prayer or relief sought
9. Grounds for the prayer or relief
10. Any other information relevant to the appeal
11. Verification/authentication by the appellant



GOVERNMENT OF JAMMU AND KASHMIR
GENERAL ADMINISTRATION DEPARTMENT
(Administration Section)
Civil Secretariat, Jammu/Srinagar

Notification
Srinagar, the 30th of August, 2012

SRO 279.- In exercise of the powers conferred by sub-section (1) of section 24 of the Jammu and Kashmir Right to Information Act, 2009 (Act No. VIII of 2009), the Government hereby makes the following rules, namely:-

CHAPTER I
General

1. Short title and commencement.-

- (1) These rules may be called the Jammu and Kashmir Right to Information Rules, 2012.
- (2) They shall come into force on the date of their publication in the Government Gazette.

2. Definitions.-

- (1). In these rules, unless the context otherwise requires –
 - (a) "Act" means the Jammu and Kashmir Right to Information Act, 2009;
 - (b) "Commission" means the Jammu and Kashmir State Information Commission;
 - (c) "section" means the section of the Act.

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- (2) All other words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER II
Matters Relating to Fee and Cost

3. A request for obtaining information under sub-section (1) of section 6 shall be accompanied by an application fee of rupees ten by way of cash against proper receipt or by demand draft or bankers cheque or Indian Postal Order payable to the Accounts Officer of the public authority;

4. For providing the information under sub-section (1) of section 7, the fee shall be charged by way of cash against proper receipt or by demand draft or bankers cheque or Indian Postal Order payable to the Accounts Officer of the public authority at the following rates:-

- a. rupees two for each page (in A-4 or A-3 size paper) created or copied;
- b. actual charge or cost price of a copy in larger size paper;
- c. actual cost or price for samples or models; and
- d. for inspection of records, no fee for the first hour; and a fee of rupees five for each fifteen minutes (or fraction thereof) thereafter.

5. For providing the information under sub-section (5) of section 7, the fee shall be charged by way of cash against proper receipt or by demand draft or bankers cheque or Indian Postal Order payable to the Accounts Officer of the public authority at the following rates:-

- a. for information provided in diskette or floppy rupees fifty per diskette or floppy; and
- b. for information provided in printed form at the price fixed for such publication or rupees two per page of photocopy for extracts from the publication.



CHAPTER III
Appeal procedure

6. Contents of appeal.- An appeal to the Commission shall contain the following information, namely :-

- (i) name and address of the appellant;
- (ii) name and address of the Public Information Officer against the decision of whom the appeal is preferred;
- (iii) particulars of the order including number, if any, against which the appeal is preferred;
- (iv) brief facts leading to the appeal;
- (v) if the appeal is preferred against deemed refusal, the particulars of the application, including number and date and name and address of the Public Information Officer to whom the application was made;
- (vi) prayer or relief sought;
- (vii) grounds for the prayer or relief;
- (viii) verification by the appellant; and
- (ix) any other information which the Commission may deem necessary for deciding the appeal.

7. Documents to accompany appeal.- Every appeal made to the Commission shall be accompanied by the following documents, namely :-

- (i) self-attested copies of the Orders or documents against which the appeal is being preferred;
- (ii) copies of documents relied upon by the appellant and referred to in the appeal; and
- (iii) an index of the documents referred to in the appeal.

8. Procedure in deciding appeal.- In deciding the appeal the Commission may.-

- (i) hear oral or written evidence on oath or on affidavit from concerned or interested person;
- (ii) peruse or inspect documents, public records or copies thereof;
- (iii) inquire through authorized officer further details or facts;
- (iv) hear Public Information Officer, Assistant Public Information Officer or such Senior Officer who decided the first appeal, or such person against whom the complaint is made, as the case may be;
- (v) hear third party; and
- (vi) receive evidence on affidavits from Public Information Officer, Assistant Public Information Officer, such Senior Officer who decided the first appeal, such person against whom the complaint lies or the third party.

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9. Service of notice by Commission.- Notice to be issued by the Commission may be served in any of the following modes, namely :-

- (i) service by the party itself;
- (ii) by hand delivery (dasti) through Process Server;
- (iii) by registered post with acknowledgement due; or
- (iv) through Head of office or Department.

10. Personal presence of the appellant or complainant.- (1) The appellant or the complainant, as the case may be, shall in every case be informed of the date of hearing at least seven clear days before that date.

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

(3) Where the Commission is satisfied that the circumstances exist due to which the appellant or the complainant, as the case may be, is being prevented from attending the hearing of the Commission, then, 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.

(4) The appellant or the complainant, as the case may be, may seek the assistance of any person in the process of the appeal while presenting his points and the person representing him may not be a legal practitioner.

11. Order of the Commission.- Order of the Commission shall be pronounced in open proceedings and be in writing duly authenticated by the Registrar or any other officer authorized by the Commission for this purpose.

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CHAPTER IV
Miscellaneous

12. Interpretation.- If any question of interpretation of these rules arise, the decision of the Government in General Administration Department shall be final.

13. Repeal and saving.- (1) The Jammu and Kashmir Right to Information Rules, 2010 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or any order made or any direction issued thereunder before such repeal shall be deemed to have been done, taken, made or issued, as the case may be, under the corresponding provisions of these rules.

By order of the Government of Jammu and Kashmir


Sd/-
(Sheikh Mushtaq Ahmad) IAS
Secretary to Government,
General Administration Department
Dated:-30.08.2012

No.: GAD(Adm.)78/2009-V

1. All Principal Secretaries to Government.
2. Director General of Police, J&K.
3. Financial Commissioner, Revenue, J&K.
4. Chairman, J&K Special Tribunal.
5. Principal Secretary to Hon'ble Chief Minister/H.E the Governor.
6. All Commissioner/Secretaries to Government.
7. Chief Electoral Officer, J&K.
8. Principal Resident Commissioner, J&K Government, 5-Prithvi Raj Road, New Delhi.
9. Director General, J&K Institute of Management, Public Administration and Rural Development.
10. Chairman Bureau of Public Enterprises.
11. Divisional Commissioner, Kashmir/Jammu.
12. Chief Executive Officer, Economic Reconstruction Agency.
13. All Heads of Departments/Managing Directors.
14. Registrar General, J&K High Court, Srinagar.
15. Registrar, University of Kashmir, Srinagar, University of Jammu, Sher-i-Kashmir Agriculture Science & Technology, Jammu/Kashmir, Baba Ghulam Shah Badshah University, Rajouri, Islamic University, Kashmir, Shri Mata Vaishno Devi University, Katra.
16. Secretary, J&K Legislative Assembly/Council.
17. All Deputy Commissioners.
18. Director, Estates.
19. Director Information, J&K with the request to provide vide publicity to the rules through electronic and print media.
20. Director Archives, Archaeology and Museums.
21. Secretary, J&K Public Service Commission.
22. Secretary, J&K State Information Commission, Srinagar.
23. Secretary, J&K Academy of Art, Culture & Languages.
24. Secretary, J&K State Accountability Commission, Srinagar.
25. Secretary, J&K Backward Classes Commission, J&K, Srinagar.
26. Secretary, J&K State Women's Commission.

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27. Secretary, J&K Services Selection Board.
28. Secretary, J&K State Electricity Regulatory Commission.
29. Secretary, J&K State Advisory Board for Pahari Speaking People.
30. Secretary, J&K State Advisory Board for Development of Gujjar & Bakerwals.
31. Secretary, J&K State Advisory Board for the Development of Kissan.
32. Secretary, J&K State Advisory Board for Welfare & Development of Other Backward Classes.
33. Secretary, J&K State Social Welfare Board.
34. Chairman, Board of Professional Entrance Examination.
35. S.S.P. (Security), Jammu/Srinagar.
36. S.S.P (Security), Civil Secretariat, Srinagar.
37. General Manager, Government Press, Srinagar/Jammu with the request to print 1000 copies of rules and forward the same to General Administration Department.
38. Additional Secretary/Principal Private Secretary to Chief Secretary.
39. Trade Agent J&K Government, Mumbai.
40. Resident Representative, J&K Government, Chandigarh.
41. Manager, State Properties, Amritsar.
42. Additional Secretary/Private Secretary to Hon'ble Chief Minister.
43. Special Assistant to Hon'ble Deputy Chief Minister.
44. Special Assistants & Private Secretaries to all Hon'ble Cabinet Ministers/ Hon'ble Ministers of State.
45. Private Secretary to Advisor to Hon'ble Chief Minister.
46. Private Secretary to Chief Executive Councilor, LAHDC, Leth/Kargil.
47. OSD to Political Advisor to Hon'ble Chief Minister.
48. Private Secretary to Economic Advisor to Government.
49. Private Secretary to Chairman, J&K Bank Limited.
50. Private Secretary to Chairman, State Board of School Education Jammu/Srinagar.
51. Private Secretary to Secretary to Government, GAD.
52. Private Secretary to Advocate General, J&K for information of Learned Advocate General.
53. SRO File/Stock file/I/C website.


 (Rajesh Sharma) 30.8.12
 Deputy Secretary to Government,
 General Administration Department