

Jammu and Kashmir Governor's Secretariat (Right to Information) Rules, 2015

JAMMU & KASHMIR

India

Jammu and Kashmir Governor's Secretariat (Right to Information) Rules, 2015

Act 7 of 2015

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Jammu and Kashmir Governor's Secretariat (Right to Information) Rules, 2015Published vide Notification No. 7 of 2015 dated 28.7.2018Notification No. 7 of 2015. - In exercise of the powers conferred by sub-section (1) of section 25 read with section 2(b)(iii) of the Right to Information Act, 2009, the Governor of Jammu and Kashmir (Competent Authority), hereby makes the following Rules : -

1. Short title and commencement.

- (i) These rules shall be called the Jammu and Kashmir Governor's Secretariat (Right to Information) Rules, 2015.(ii)They shall come into force from the date of publication in the Official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires. -(i)"Act" means the Right to Information Act, 2009 (No. VIII of 2009) ;(ii)"Appellate Authority" means an officer designated, as such, by the Competent Authority ;(iii)"Authorized Person" means Public Information Officer and Assistant Public Information Officer designated, as such, by the Competent Authority ;(iv)"Competent Authority" means the Governor of Jammu and Kashmir ;(v)"Form" means the Form appended to these rules ;(vi)"Governor Secretariat" means Secretariat of the Competent Authority ;(vii)"Section" means a section of the Act ;(viii)Words and expression used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. Application for seeking information.

- (i) Any person seeking information under the Act shall file an application during working hours of the Governor's Secretariat to the Authorized Person in Form "A" and deposit application fee as per Rule 6 with the Authorized Person. (ii) The Authorized Person shall duly acknowledge the application in Form "B" : Provided that a person who makes a request through electronic form shall ensure that the requisite fee is deposited in cash with the Authorized Person within 7 days of his sending the request through the electronic form, failing which his application shall be treated as dismissed. Explanation. - For each information sought, separate application shall be made. However, where more than one information sought is consequential or related to one another, the applicant will be permitted to seek the information through one application only.

4. Disposal of application by the Authorized Person.

- (i) If the requested information does not fall within the jurisdiction of the Authorized Person, he/she shall transfer the application or such part of it, as is beyond his jurisdiction, to that other authority along with fees, as soon as practicable but not later than five days from the date of receipt of application, and communicate the same to the applicant in Form "C". (ii) If the requested information is within the Authorized Person's jurisdiction but falls in one or more of the categories listed/mentioned in the sections 8 and 9 of the Act, the Authorized Person, on being satisfied, will issue the rejection order in Form "D". (iii) If the requested information falls within the Authorized Person's jurisdiction, but does not fall in one or more of the categories listed in sections 8 and 9 of the Act, the Authorized Person, on being so satisfied, shall supply the information to the applicant in Form "E", falling within his/her jurisdiction. In case the information sought is partly outside the jurisdiction of the Authorized Person or partly falls in the categories listed in sections 8 and 9 of the Act, the Authorized Person shall supply only such information as is permissible under the Act and is within his/her jurisdiction and reject the remaining part giving reasons therefore. (iv) The information shall be supplied as soon as practicable and in any case not later than 30 days from the date of receipt of the application : Provided that if the information sought concerns the life or liberty of a person, the same shall be provided within 48 hours of the receipt of the request. However, the date of the application shall be deemed to be the date of deposit of the entire fee or the balance fee or deficit amount of the fee to the Authorized Person. A proper acknowledgement shall be obtained from the applicant in token of receipt of information after production of Form "B".

5. Appeal.

- (i) Any person - (a) who fails to get a response in Form "C", "D" or "E" from the Authorized Person within 30 days of submission of Form "A" ; or (b) is aggrieved by the response received within the prescribed period ; may file an appeal in Form "F" before the Appellate Authority. (ii) On receipt of the appeal, the Appellate Authority shall acknowledge the receipt of the appeal in Form "G" and after giving the appellant an opportunity of being heard, shall endeavour to dispose it of within thirty days from the date on which it is presented and send a copy of the decision to the Authorized Person concerned. (iii) In case the appeal is allowed, the information shall be supplied to the applicant by the Authorized Person within such period as ordered by the Appellate Authority. This

period shall not exceed thirty days from the date of the receipt of the order.

6. Charging of application fee.

- The Authorized Person shall charge the fee by way of cash or Demand Draft or Banker's Cheque or Indian Postal Order against proper receipt payable to the Authorized Person at the following rates :
-(i)Rs. 10 as application fee for obtaining information under sub-section (1) of section 6 ;(ii)Rs. 2 for each page (in A-4 or A-3 size paper) created or copied ;(iii)Actual charge or cost price of a copy in larger size paper ;(iv)Actual cost or price for samples or models ;(v)No fee for the first hour for inspection of records ; and a fee of Rs. 5 for every fifteen minutes (or fraction thereof) thereafter ;(vi)Rs. 50 per diskette for information provided in such form/media ;(vii)Price fixed for any publication or rupees two per page for photocopy of the extracts from the publication for information provided in printed form :Provided that no fee shall be charged from the persons falling below poverty line as may be determined by the Competent Authority.

7. Maintenance of Records.

- The Authorized Person shall maintain records of all applications received for supply of information and the fee charged.

8. Interpretation.

- If any question of interpretation of these rules arise, the decision of the Competent Authority shall be final.
Form A
Form of application for seeking information(See Rule 3)
D. No. _____ (for official use)
To The Authorized Person,.....

1. Name of the applicant :

2. Address :

3. Particulars of information. -

(a)Concerned department :
(b)Particulars of information required. -
-(i)Details of information required :
(ii)Period for which information asked for :
(iii)Other details :

4. I state that the information sought does not fall within the restrictions contained in section 8 of the Act and to the best of my knowledge it pertains to your office.

5. A fee of Rs..... has been deposited in the office of the Authorized Person vide No..... dated.....

Place :Date :Signature of Applicant,E-mail address, if any :Telephone No.

:(Office):(Residence):Notes : -(1) Reasonable assistance can be provided by Authorized Person in filling of the Form-A.(2)Please ensure that the Form-A is complete in all respect and there is no ambiguity in providing the details of information required.Form B Acknowledgement of Application in Form AI. D. No. _____ Date _____

1. Received an application in Form A from Shri/Ms. Resident of under section.....of the Right to Information Act, 2009.

2. The information is proposed to be given normally, in any case, within thirty days from the date of receipt of application and in case it is found that the information asked for cannot be supplied the rejection letter shall be issued stating reason thereof.

3. The applicant is advised to contact the undersigned on during working hours.

4. In case the applicant fails to turn up on the scheduled date(s), the Authorized Person shall not be responsible for delay, if any.

5. The applicant shall have to deposit the balance fee, if any, with the Authorized Person before collection of information.

6. The applicant may also consult website of the department from time to time to ascertain the status of his application.

Date :Signature and Stamp of the Authorized Person E-mail _____ Website _____ Telephone No. _____ Form C Outside the jurisdiction of the Authorized Person [Rule 4(i)] No. _____ Date _____ To Sir/Madam

1. Please refer to your application I. D. No..... dated addressed to the undersigned regarding supply of information on.....

2. The requested information does not fall within the jurisdiction of undersigned and so your application along with fees deposited has been transferred to the authority having jurisdiction as under :

3. You are accordingly requested to approach the said authority for seeking the requisite information.

Date :Yours faithfully,Authorized PersonE-mail
address_____Website_____Telephone
No._____Form DRejection Order[Rule
4(ii)]No._____Date_____ToSir/Madam

**1. Please refer to your application I. D. No..... dated
addressed to the undersigned regarding supply of information on**

2. The information asked for cannot be supplied due to following reasons : -

(i)(ii)3. As per section 16 of the Right to Information Act, 2009, you may file an appeal before the Appellate Authority within thirty days of the issue of this order.Yours faithfully,Authorized PersonE-mail address_____Website_____Telephone
No._____Form EForm of supply of information to the applicant[Rule
4(iii)]No._____Date_____ToSir/Madam

**1. Please refer to your application I. D. No..... dated
addressed to the undersigned regarding supply of information on**

2. The partly information asked for is enclosed for reference : --

(i)(ii)The remaining information about the other aspects cannot be supplied due to the following reasons : --(i)(ii)(iii)3. As per section 16 of the Right to Information Act, 2009, you may file an appeal to the Appellate Authority within thirty days of the issue of this order.Your's faithfully,Authorized PersonE-mail
address_____Website_____Telephone
No._____Form FAppeal under section 16 of the Right to Information Act,
2009(Rule 5)No._____Date_____(For official use)ToAppellate
AuthorityAddress :

1. Name of the Applicant :

2. Address :

3. Particulars of the Authorized Person against the decision of whom the appeal is preferred.-

(a)Name :(b)Address :

4. Date of submission of application in Form A :

5. Date on which 30 days from submission of Form A is over :

6. Reasons for appeal -

(a)No response received in Form B or C within thirty days of submission of Form A ;(b)Aggrieved by the response received with prescribed period (copy of the reply/order receipt be attached) ;(c)Grounds for appeal.

7. Last date for filing the appeal [See Rule 7 (i)] : --

8. Particulars of information -

(i)Information requested :(ii)Subject :(iii)Period :

Place :

Date : Yours faithfully,

Signature of Appellant,E-mail address, if any :Telephone No. :(Office):(Residence):Appeal under section 16 of the Right to Information Act, 2009(Rule 5)I. D. No.

.....dated.....Received an appeal application from Shri/Ms.

.....Resident ofunder section 16 of the Right to Information Act, 2009.Signature of Receipt Clerk,Appellate AuthorityTelephone No.E-mail Address, Website