

# **Rajasthan Information Commission (Management) Regulations, 2007**

RAJASTHAN

India

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### **Rule**

### **RAJASTHAN-INFORMATION-COMMISSION-MANAGEMENT-REGULATIONS of 2007**

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Rajasthan Information Commission (Management) Regulations, 2007Published vide Notification No. G.S.R. 38, dated 24.7.2007Last Updated 23rd May, 2019It is hereby notified for general information that the Rajasthan Information Commission (Management) Regulations, 2007 framed under Section 15(4) of the Right to Information Act, 2005 shall come into force with immediate effect.G.S.R. 38. - 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 judicial affairs of the Rajasthan Information Commission so as to enable it to function effectively.

## **Chapter I**

### **1. Short Title and Commencement.**

- (i) These Regulations may be called "Rajasthan Information Commission (Management) Regulations, 2007".(ii)These regulations shall come into force with immediate effect.(iii)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 but these regulations will be applicable for any prospective action even in regard to such pending appeals and complaints.

## 2. Definitions.

- In these regulations unless the context otherwise requires,-(a)"Act" means the Right to Information Act, 2005 (Act 22 of 2005);(b)"Commission" means the Rajasthan Information Commission;(c)"Chief Information Commissioner" means the Chief Information Commissioner appointed under the Act;(d)"PIO" means an officer designated by a public authority under Section 5(1) of the Act and includes an Assistant PIO/PIO 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 APIO/PIO either for approval or for orders or for disposal; and(iii)the Head of the public authority in case no PIO is appointed or notified;(e)"Decision" includes an order, direction or determination of an issue.(f)"First Appellate Authority" means an officer senior in rank to the PIO or an authority, so appointed or notified by the public authority under the Act and includes a head of public authority;(g)"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;(h)"Prescribed" means prescribed by or under the Act or under the Rules or Regulations;(i)"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 a complaint or submitted subsequently in connection with such appeal or complaint;(j)"Registry" means the Registry of the Commission comprising the Registrar(s), Additional Registrar(s), Joint Registrar(s), Deputy Registrar(s) or Assistant Registrar(s).(k)"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 or such officer to whom any of the powers are assigned by Chief Information Commissioner;(l)"Regulation" means Regulation framed herein;(m)"Representative" means a person duly authorized by or on behalf of any of the parties to the proceedings or interveners and may include a Legal Practitioner;(n)"Respondent" includes an intervener or a third party or a party impleaded by the Commission;(o)"Rules" means the Rules framed by the Government of Rajasthan under Section 27 of the Act and by the competent authorities under Section 28 of the Act;(p)"Section" means section of the Act;(q)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(s) of the Commission. It may also designate other officers of the Commission to act as Additional Registrar(s), Joint Registrar(s), Deputy Registrar(s) 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 on the judicial side 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, complaints, 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 appeals, complaints or other proceedings and may 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 only under the authority of the Registrar. (xiv) The Registrar shall communicate the decisions, orders or directions of the Commission to the concerned person(s) 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. (xvii) 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. (xviii) The Registrar shall assist all Information Commissioners in discharge of their functions. (xix) The Additional Registrar(s) shall have all the powers conferred on a Registrar and will exercise all the functions of the Registrar under his guidance. (xx) The Registrar may with the approval of the Chief Information Commissioner delegate to an Addl. Registrar, Joint Registrar, Deputy Registrar or Assistant Registrar any function required to be performed under these Regulations.

## **Chapter III**

### **Working Hours, sittings and vacations etc.**

#### **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 5.00 PM with a lunch break of an hour from 1.00 PM to 2.00 PM

#### **6.**

The Commission may have summer vacation of 4 weeks between June & July and a winter vacation of two weeks between December-January, as notified by the Chief Information Commissioner. The office of the Commission will, however, remain open during vacation except on gazetted holidays. The Chief Information Commissioner may make appropriate arrangements to deal with matters of urgent nature during vacations.

## **Chapter IV**

### **Registration, abatement or Return of Appeal**

#### **7. Appeal etc. to be in writing.**

- Every appeal, application, statement, rejoinder, reply or any other document file 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 Civilized and should not be in any way indecent or abusive. The appeal, complaint or an application shall be presented in at least two or more sets in paper book form as prescribed by the Commission from time to time.

#### **8. Contents of memo of appeal.**

(1)An appeal to the Commission shall contain the following information, namely: -(i)name, address and other particulars of the appellant;(ii)brief facts leading to the appeal;(iii)if the appeal 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 Public Information Officer to whom the application was made and name and address of the Appellate Authority before whom the first appeal was filed;(iv)prayer or relief sought;(v)grounds for the prayer or relief;(vi)verification by the appellant; and(vii)any other information which may be deemed as necessary and helpful for the Commission to decide the appeal.

## **9. Documents to accompany appeal.**

- 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 PIO along with documentary proof as regards payment of fee under the RTI Act;(ii)The order, or decision of response, if any, from the PIO 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 is being preferred;(v)The documents relied upon and referred to in the appeal;(vi)A certificate stating the matters under appeal have not been previously filed;(vii)An index of the documents referred to in the appeal; and(viii)A list of dates briefly indicating in chronological order the progress of the matter up to the date of filing the appeal to be placed at the top of all the documents filed.

## **10. Presentation and scrutiny of appeal.**

- (i) The Registrar shall receive any appeal/petition addressed to the Commission and ensure that(a)that all its contents are duly verified by the appellant as the case may be;(b)that the appeal is in accordance with the Regulations.(ii)The Registrar shall also ensure that the appeal 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 PIO, 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 received and will ensure -(a)That the appeal petition is duly verified and required number of copies are submitted;(b)That all the documents annexed' are duly pagged and attested by the appellant.(c)That the copies of the documents filed and submitted are clear, distinct and legible;(iv)That the Registrar will return any such appeal if it does not meet the requirements or conform to the standards set out above and permit its resubmission in proper form.(v)The Registrar may reject any such appeal 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 petition shall be rejected by the Registry unless the concerned appellant is given an opportunity of being heard.(vi)All appeals 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 the date on which it is presented.(viii)The appeals shall bear separate serial numbers so that they can be easily identified under separate heads.(ix)If any appeal is found to be defective and the defect noticed is formal in nature, the Registrar may allow the appellant to rectify the same in his presence or may allow two weeks time to rectify the defect. If the appeal has been received by post and found to be defective, the Registrar may communicate the defects to the appellant and allow him two weeks time from the date of receipt of communication from the Registrar to rectify the defects.(x)If the appellant fails to rectify the defects within the time allowed in clause (ix) above, the appeal shall be deemed to have been withdrawn.(xi)An appeal which is not in order and is found to be defective or is not as per provisions is liable to be rejected:Provided that the Registrar may, at his discretion, allow an appellant to file a fresh appeal in proper form.

## **11. Filing of Counter Statement by the Public Information Officer or the First Appellate Authority.**

- After receipt of a copy of the appeal the 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 by the PIO, the First Appellate Authority or the Public Authority, as the case may be.

## **12. Posting of appeal before the Information Commissioner.**

- (i) An appeal, or a class or categories of appeals, shall be heard either by an Information Commissioner sitting in single Member Bench or a Division Bench of two Information Commissioners, or a Full Bench of three or more Information Commissioners, as decided by the Chief Information Commissioner by a special or general order issued for this purpose from time to time. (ii) Where in the course of the hearing of an appeal or other proceedings if the Commissioner (s) considers that the matter be dealt with by a larger bench he/they shall refer the matter to the Chief Information Commissioner who may thereupon constitute appropriate Bench for the hearing and disposal of the matter.

## **13. Amendment or withdrawal of an Appeal.**

- The Commission may in its discretion allow a prayer for any amendment or withdrawal of an appeal during the course of its hearing if such a prayer is made by the appellant 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.**

- (i) The appellant shall be informed of the fixed date of first hearing at least seven clear days before that date. (ii) The appellant may at his discretion be present in person or through his duly authorized representative at the time of hearing of the appeal by the Commission, or may opt not to be present. (iii) Where the Commission is satisfied that circumstances exist due to which the appellant is being prevented from attending the hearing of the Commission, 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. (iv) The appellant may seek the assistance of any person while presenting his case before the Commission. (v) If an appellant at his discretion decides not to be present either personally or through his duly authorized representative during the hearing of an appeal before the Commission, the Commission may pronounce its decision or order in the matter in his absence.

## **15. Date of hearing to be notified.**

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

## **16. Adjournment of Hearing.**

- The appellant 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, 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 Public Information Officer, Assistant Public Information Officer or such Senior Officer who decided the first appeal;(v)examine or hear or receive evidence on affidavit from a third party, or an intervener 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 will be in such form as may be prescribed by the Commission.

## **19. Conduct of an enquiry.**

- The Commission may entrust an enquiry in connection with any appeal pending before it to the Registrar or any other officer or an outside agency for the purpose and the Registrar or such other officer while conducting the enquiry shall have all the necessary powers including power to -(i)summon and enforce attendance or 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. Communication of decisions and Orders.**

- (i) Every decision or order of the Commission shall be signed and dated by the Commissioner or Commissioners who have heard the appeal 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 Member Bench 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.

## **21. Finality of Decision.**

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

## **22. Abatement of an appeal.**

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

# **Chapter V**

## **Registration of Complaint**

## **23. Registration of complaint.**

- Every complaint or any other document annexed shall be typed, printed or written neatly and legibly and in double line spacing and the language used therein shall be formal and civilized and should not be any way indecent or abusive. The complaint or an application shall be presented in at least two sets or as prescribed by the Commission in a proper book form.

## **24. Contents of memo of complaint.**

- A complaint shall, contain the following information, namely -(i)Name, address and other particulars of the complainant.(ii)Name and address of the (PIO) Public Information Officer or (APIO) Assistant Public Information Officer against whom the complaint is made u/S. 18 of the Act.(iii)Particulars of the decision or order (Number and Date) if any whose compliance has not been done by the PIO.(iv)Brief facts leading to the complaint.(v)If the complaint is for not providing information and even the first appeal also has been deemed refused. Details of complaint also.(vi)Whether the information was refused, incomplete, misleading or false and document thereof.(vii)Prayer or relief sought.(viii)Grounds of the prayer of relief.(ix)Verification by the complainant.(x)Any other information which may be deemed as necessary or appropriate.

## **25. Documents to accompany the complaint.**

- Every complaint shall be accompanied by self attested copies/photocopies or the following documents, namely;(i)RTI application submitted before PIO with proof of payment of fee prescribed under RTI Act.(ii)The order or decision or response if any from PIO to whom the application was submitted.(iii)Decision of first appeal or second appeal if any which has not been complied with.(iv)A certificate stating that the matter agitated is a subject matter of application and decision



in first or second appeal.(v)Any other document relied upon.(vi)An index of documents referred to in complaint.(vii)A list of dates briefly indicating in chronological order the progress of the matter up to the date of filing of complaint.

## **26. Posting of complaint before the Information Commissioner.**

- (i) A complaint, or a class or categories of complaints, shall be heard either by a Information Commissioner sitting in Single Member Bench or a Division Bench of two Information Commissioners, or a Full Bench of three or more Information Commissioners, as decided by the Chief Information Commissioner by a special or general order issued for this purpose from time to time.(ii)Where in the course of the hearing of a complaint or other proceeding before an Information Commissioner sitting in Single Member Bench considers that the matter should be dealt with by a Division or Full Bench, he shall refer the matter to the Chief Information Commissioner who may thereupon constitute such a Bench for the hearing and disposal of the matter.(iii)Similarly, where during the course of the hearing of a matter before a Division Bench, the Bench considers that the matter should be dealt with by a Full Bench, or where a Full Bench, considers that a matter should be dealt with by a larger Bench, he shall refer the matter to the Chief Information Commissioner who may thereupon constitute such a Bench for the hearing and disposal of the matter.

## **27. Amendment or withdrawal of complaint.**

- The Commission may in its discretion allow a prayer for any amendment or withdrawal of a complaint during the course of its hearing if such a prayer is made by the 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.

## **28. Personal presence of the complainant.**

- (i) The complainant shall be informed of the date of first hearing at least seven clear days before that date.(ii)The complainant, may at his discretion be present in person or through his duly authorized representative at the time of hearing of complaint by the Commission, or may opt not to be present.(iii)Where the Commission is satisfied that circumstances exist due to which the complainant is being prevented from attending the hearing of the Commission, the Commission may afford the complainant another opportunity of being heard before a final decision is taken or take any other appropriate action as it may deem fit.(iv)The complainant may seek the assistance of any pension (sic person) while presenting his case before the Commission.(v)If complainant at his discretion decides not to be present either personally or through his duly authorized representative during the hearing of complaint before the Commission, the Commission may pronounce its decision or order in his absence.

## **29. Date of hearing to be notified.**

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

## **30. Adjournment of hearing.**

- The Complaint (sic 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.

## **31. Evidence before the Commission.**

- In deciding 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 or receive evidence on affidavit from Public Information Officer, Assistant Public Information Officer or such Senior Officer who decided the first appeal or such person, 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 an intervener or any other person or persons, whose evidence is considered necessary or relevant.

## **32. Issue of summons.**

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

## **33. Conduct of an enquiry.**

- The Commission may entrust an enquiry in connection with any complaint pending before it to the Registrar or any other officer or any outside agency for the purpose and the Registrar or such other officer while conducting the enquiry 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.

## **34. Communication of decisions and orders.**

- (i) Every decision or order of the Commission shall be signed and dated by the Commissioner who has heard 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 Member Bench 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 Commissioner under the Act.

### **35. Finality of decision.**

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

### **36. Abatement of a complaint.**

- The proceedings pending before the Commission shall abate on the death of the complaint (sic complainant).

## **Chapter VI**

### **Miscellaneous**

### **37. Seal and Emblem.**

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

### **38. Language of the Commission.**

- (i) An appeal or a complaint may be filed in English or in Hindi and all the documents or copies thereof shall also be filed in English or in Hindi. Where a document, in original, is a language other than English or Hindi, a certified authenticated copy of its translated version in English or in Hindi shall also filed along with the original. This shall also apply in the case of a counter statement, rejoinder, reply or any other document or documents filed before the Commission.(ii)The proceedings of the Commission shall be conducted in English or Hindi.