

M.P. Right to Information (Fees and Appeal) Rules, 2005

MADHYA PRADESH

India

M.P. Right to Information (Fees and Appeal) Rules, 2005

Rule

M-P-RIGHT-TO-INFORMATION-FEES-AND-APPEAL-RULES-2005 of 2005

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M.P. Right to Information (Fees and Appeal) Rules, 2005 Published vide Notification No. F-11-37-05-1-9, dated 10-10-2005, M.P. Rajpatra (Asadharan), dated 10-11-2005 at pages 1084 (6-8) In exercise of the powers conferred by Section 27 of the Right to Information Act, 2005 (No. 22 of 2005) the State Government hereby makes the following rules, namely :-

Chapter 1

Preliminary

1. Short title and commencement.

(1) These rules may be called the Madhya Pradesh Right to Information (Fees and Appeal) Rules, 2005. (2) They shall come into force with effect from the date of their publication in the Madhya Pradesh Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Act" means the Right to Information Act, 2005 (No. 22 of 2005); (b) "Below Poverty Line" means such citizen of State who is declared as below poverty line by the Government of Madhya Pradesh; (c) "Cost" means the cost which is chargeable for providing information as defined in clause (f) of Section 2 of the Act; (d) "Fees" means the fees payable under the provisions of the Act; (e) "Forms" means the forms attached to these rules; (f) "Sections" means the sections of the Act; (g) The words used in these rules but not defined shall have the same meanings as they are defined in Section 2 of the Act; (h) ["Substantially

Financed" means where fifty percent of annual turn over or rupees fifty thousand, which ever is less is financed by the Government or any of its institution.] [Substituted by Notification No. F-11-37-05-1-0, dated 10-11-2005.]Chapter-2 Fees

3.

(1)Any person, who is not below the poverty line, desires any material under sub-section (4) of Section 4 of the Act, shall submit an application himself to the State Public Information Officer/State Assistant Public Information Officer with non-judicial stamp Inserted by [original copy of Treasury Challan] [Notification No. F-11-37-05-1-9, dated 10-3-2008.] of Rs 10/- or with the receipt of Rs. 10/- (Rupees ten) after making payment in cash therefor. If the application is being sent by post, the applicant shall enclose the non-judicial stamp [original copy of Treasury Challan] [Notification No. F-11-37-05-1-9, dated 10-3-2008.] of Rs. 10/- (Rupees ten).(2)After receiving the application by the State Public Information Officer or the State Assistant Public Information Officer, as the case may be, the printing cost or medium cost price of the material of the information as determined by the above Officer shall be deposited by the applicant to the above said Officer in cash or in the form of non-judicial stamp [original copy of Treasury Challan] [Notification No. F-11-37-05-1-9, dated 10-3-2008.]. If the amount is deposited in cash by the applicant, the State Public Information Officer or the officer as directed by him shall give a receipt of such amount. The amount so deposited shall be deposited into the treasury by a challan.

4.

Any person, who is not below the poverty line, desires to seek an information under sub-section (1) of Section 6 and sub-section (1) of Section 7 of the Act shall produce the application before the Public Authority or State Public Information Officer or State Assistant Public Information Officer, as the case may be, with the non-judicial stamp [original copy of Treasury Challan] [Notification No. F-11-37-05-1-9, dated 10-3-2008.] of Rs. 10/- (Rupees ten) or with the receipt of Rs. 10/- (Rupees ten) therefor by paying in cash.

5.

(1)For the purposes of sub-section (5) of Section 7 where access to information is to be provided in the printed or in any electronic formal, the applicant, [***] [Omitted by Notification No. F-11-37-05-1-9, dated 10-11-2005.] [shall deposit rupees two per page for photocopy on A-3/A-4 size paper and for photocopy on bigger size paper] [Inserted by Notification No. F-11-37-05-1-9, dated 10-11-2005.], shall deposit the actual cost of the information as determined by the Public Authority or State Public Information Officer or State Assistant Public Information Officer in cash or in the form of non-judicial stamp [original copy of Treasury Challan] [Inserted by Notification No. F-11-37-05-1-9, dated 10-3-2008.] within [Fifteen working days] [Substituted by Notification No. F-11-37-05-1-9, dated 10-3-2008.] from the date of direction to such officers as directed by the Public Authority or State Public Information Officer.(2)If the applicant wants to examine any document or record, the State Public Information Officer or State Assistant Public Information Officer shall depute any Sub-ordinate Officer for such purpose and the applicant, who is not below

the poverty line, shall pay Rs. 50/- (Rupees Fifty) for one hour or less than one hour and thereafter Rs. 25/- (Rupees Twenty Five) shall be charged for every fifteen minutes or fraction thereof in cash or in the form of non-judicial stamp [original copy of Treasury Challan] [Inserted by Notification No. F-11 -37-05-1-9, dated 10-3-2008.].(3)If the applicant wants the certified sample of any material, the cost determined value by the State Public Information Officer or State Assistant Public Information Officer of such material, shall be deposited by the applicant to such officer who is directed by the State Public Information Officer, in cash or in the form of non-judicial stamp [original copy of Treasury Challan] [Inserted by Notification No. F-11-37-05-1-9, dated 10-3-2008.].(4)Where the information is stored in the computer, [Rupees fifty per Diskette or Floppy for providing information on Diskettes or Floppies and for providing information on Tapes or Video cassettes, the actual cost of the Tape or Video Cassettes] [Substituted by Notification No. F-11-37-05-1-9,dated 10-11-2005.] as determined by the State Public Information Officer or State Assistant Public Information Officer shall be deposited by the applicant in cash or in the form of non-judicial stamp [original copy of Treasury Challan] [Inserted by Notification No. F-11 -37-05-1-9, dated 10-3-2008.].(5)[The Information sought by the applicant below poverty line under this Act shall be provided as under,-(i)if the Information sought is directly related with the applicant, then the Information shall be provided in the form, in which it is demanded, provided the Information is available in that form and would not be detrimental to the safety of the record in question;(ii)if the Information sought is not directly related with the applicant, but the Information is limited up to fifty pages (of A-4 size), then the photo copies of the Information sought shall be made available, provided that it would not be detrimental to the safety of the record in question;(iii)if the Information sought is not directly related with the applicant, and the Information is of more than fifty pages (of A-4 size), then after recording reasons under sub-section (9) of Section 7 of the Act, the applicant shall be asked to inspect the record file in the office and shall be requested to limit the Information.(6)If the applicant wants printed reports and other materials published by the departments, they can be provided at the price fixed for such publications. Extracts from such publications can be provided as per rates fixed in sub-rule (1) of Rule 5.(7)If under Right to Information Act, 2005 the applicant asks for such Information, where some other Act/Rules provides for separate fee for such Information, then the applicant has to pay such fees as provided under the corresponding Act/Rules.] [Inserted by Notification No. F-11 -37-05-1-9, dated 10-3-2008.]Chapter - 3 Pay Any Other Service Conditions

6.

The officers and servants deputed under sub-section (6) of Section 16 shall be paid the same pay and allowance as they were receiving before deputation and for these service conditions the same rules shall be applicable to them as were applicable before such deputation.Chapter - 4 Appeal

7. First Appeal.

(1)Any person who does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of Section 7, or is aggrieved by a decision of the State Public Information Officer, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal, with a memorandum of appeal and the fee of Rs. 50/- (Rupees Fifty) either in cash

or in the form of non-judicial stamp [original copy of Treasury Challan] [Inserted by Notification No. F-11-37-05-1-9, dated 10-3-2008.], to such officer who is senior in rank to the State Public Information Officer in each Public Authority :Provided that such officer may admit the appeal after the expiry of the period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.(2)In the memorandum of appeal the name and address of the appellant, the basis of the subject matter of the information, with the name and the post of the [Public Information Officer] [Substituted by Notification No. F-11-37-05-1-9, dated 10-3-2008.], the orders of the competent authority and payment of fee shall be clearly specified.(3)An appeal under sub-rule (1) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty five days from the date filing thereof, as the case may be, for reasons to be recorded in writing.(4)The copy of order passed in appeal shall be given free of cost.

8. Second Appeal.

(1)A second appeal against the decision under sub-rule (3) of Rule 7 shall lie within ninety days from the date on which the decision should have been made or was actually received, with the State Information Commission :Provided that the State Information Commission may admit the appeal after the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.(2)With the memorandum of appeal filed before the State Information Commission the fee of Rs. 100/- (Rupees One hundred) in cash or in the form of non-judicial stamp [original copy of Treasury Challan] [Inserted by Notification No. F-11-37-05-1-9, dated 10-3-2008.] shall be deposited.(3)The State Information Commission shall after giving reasonable opportunity of being heard to Public Authority or State Public Information Officer or appellant, as the case may be, disposed of the appeal within [one hundred eighty days] [Substituted by Notification No. F-11-37-05-1-9, dated 10-3-2008.] from the date of the receipt of the appeal for reasons to be recorded in writing.(4)The decision of the State Information Commission shall be final and binding.(5)A copy of the decision of the State Information Commission shall be given free of cost, if the appellant wants to receive the copy of the order by post then after receiving the fee of postal charges shall be sent within three days.(6)[Process for recovery of Penalty amount:-(i)the State Public Information Officer or the State Assistant Public Information Officer shall deposit the imposed penalty in cash or in the form of bank draft or banker's cheque, with the State Information Commission within one month from the date of receipt of penalty order issued by the State Information Commission;(ii)for recovery of penalty the State Information Commission under clause (f) of sub-section (3) of Section 18 shall have the same powers, as are vested in a Civil Court. The Information Commission shall initiate the action under this power, by registering a separate case for recovery of penalty;(iii)if the State Public Information Officer or the State Assistant Public Information Officer fails to deposit the imposed penalty amount within the prescribed time limit, then the State Information Commission shall report to concerned disciplinary authority for taking disciplinary action and for recovery of imposed penalty amount against the State Public Information Officer or the State Assistant Public Information Officer. In such cases, the order of the State Information Commission shall be binding on the concerned officer;(iv)if the imposed penalty amount is not recovered from the salary of the State Public Information Officer or the State Assistant Public Information Officer, then the same shall be recovered from him as arrears of land

revenue.]

9.

The fee chargeable under Rules 7 and 8 shall not be charged from the persons who are of below poverty line.[Inserted by Notification No. F-11-37-05-1-9, dated 10-3-2008.]