

# **Jammu and Kashmir Right to Information Rules, 2012**

JAMMU & KASHMIR

India

## **Jammu and Kashmir Right to Information Rules, 2012**

### **Rule**

### **JAMMU-AND-KASHMIR-RIGHT-TO-INFORMATION-RULES-2012 of 2012**

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Jammu and Kashmir Right to Information Rules, 2012 Published vide SRO 279, dated 30.08.2012, General Administration Department [As Amended by SRO 65, dated 28.02.2013] 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) "Registrar" means an officer of the Commission so designated and includes an Additional Registrar, Joint Registrar and Deputy Registrar; [Inserted by SRO 65 of 2013 dated, 28.2.2013.] (d) "Secretary" means an officer appointed by Government not below the rank of Special/Additional Secretary to the Government, appointed by the Government as Secretary to the Commission; and (e) [Existing clause (c) re-lettered as clause (e) by SRO 65 of 2013, dated 28.02.2013.] "section" means the section of the Act. (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 do 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.

## **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 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.

## **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 maybe, under the corresponding provisions of these rules.