



**THE**

**JAMMU & KASHMIR GOVERNMENT GAZETTE**

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Separate paging is given to this part in order that it may be filed as a separate compilation.

**PART III**

**Laws, Regulations and Rules passed thereunder.**

GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT—LAW DEPARTMENT

Jammu, the 20th March, 2009.

The following Act as passed by the Jammu and Kashmir State Legislature received the assent of the Governor on 20th March, 2009 and is hereby published for general information :—

**THE JAMMU AND KASHMIR RIGHT TO  
INFORMATION ACT, 2009.**

**(Act No. VIII of 2009)**

[20th March, 2009.]

An Act to provide for setting out the regime of right to information for the people of the State to secure access to information under the

control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a State Information Commission and for matters connected therewith or incidental thereto.

Whereas, the Constitution of India has established democratic Republic ; and

Whereas, democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Government and its instrumentalities accountable to the governed ; and

Whereas, revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Government, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information ; and

Whereas, it is necessary to harmonize these conflicting interests while preserving the paramountcy of the democratic ideal ; and

Whereas, it is expedient to provide for furnishing certain information to citizens who desire to have it.

Be it enacted by the Jammu and Kashmir State Legislature in the Sixtieth Year of the Republic of India as follows :—

## CHAPTER I

### Preliminary

1. *Short title, extent and commencement.*—(1) This Act may be called the Jammu and Kashmir Right to Information Act, 2009.

(2) It extends to the whole of the State.

(3) It shall come into force at once.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) "Act" means the Jammu and Kashmir Right to Information Act, 2009 ;
- (b) "competent authority" means—
  - (i) the Speaker in the case of the Legislative Assembly of the State and the Chairman in the case of the Legislative Council of the State ;
  - (ii) the Chief Justice of the High Court in the case of the High Court ;
  - (iii) the Governor in the case of other authorities established or constituted by or under the Constitution of India or the Constitution of Jammu and Kashmir ;
- (c) "Government" means the Government of Jammu and Kashmir ;
- (d) "information" means any material in any form including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force ;
- (e) "prescribed" means prescribed by rules made under the Act by the Government or the competent authority, as the case may be ;
- (f) "public authority" means any authority or body or institution of self-government established or constituted—
  - (i) by or under the Constitution of India or the Constitution of Jammu and Kashmir ;

- (ii) by any other law made by Parliament ;
- (iii) by any other law made by the State Legislature ;
- (iv) by notification issued or order made by the Government, and includes any—
  - (A) body owned, controlled or substantially financed ;
  - (B) non-Government organization substantially financed, directly or indirectly by funds provided by the Government ;
- (g) "Public Information Officer" means the Public Information Officer designated under sub-section (1) and includes a Assistant Public Information Officer designated as such under sub-section (2) of section 5 ;
- (h) "record" includes—
  - (i) any document, manuscript and file ;
  - (ii) any microfilm, microfiche and facsimile copy of a document ;
  - (iii) any reproduction of image or images embodied in such microfilm (whether enlarged or not) ; and
  - (iv) any other material produced by a computer or any other device ;
- (i) "right to information" means the right to information accessible under the Act which is held by or under the control of any public authority and includes the right to—
  - (i) inspection of work, documents, records ;
  - (ii) taking notes, extracts or certified copies of documents or records ;

- (iii) taking certified samples of material ;
- (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device ;
- (j) "State Information Commission" means the State Information Commission constituted under sub-section (1) of section 12 ;
- (k) "State Chief Information Commissioner" and "State Information Commissioner" means the State Chief Information Commissioner and the State Information Commissioner appointed under sub-section (3) of section 12 ;
- (l) "third party" means a person other than the citizen making a request for information and includes a public authority.

## CHAPTER II

### **Right to Information and Obligations of Public Authorities**

3. *Right to information.*—Subject to the provisions of the Act, every person residing in the State shall have the right to information.

4. *Obligations of public authorities.*—(1) Every public authority shall—

- (a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under the Act and ensure that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the State on different systems so that access to such records is facilitated ;
- (b) publish within one hundred and twenty days from the commencement of the Act,—
  - (i) the particulars of its organization, functions and duties ;

- (ii) the powers and duties of its officers and employees ;
- (iii) the procedure followed in the decision making process, including channels of supervision and accountability ;
- (iv) the norms set by it for the discharge of its functions ;
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions ;
- (vi) a statement of the categories of documents that are held by it or under its control ;
- (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof ;
- (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public ;
- (ix) a directory of its officers and employees ;
- (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations ;
- (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made ;
- (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes ;

- (xiii) particulars of recipients of concessions, permits or authorizations granted by it ;
  - (xiv) details in respect of the information, available to or held by it, reduced in an electronic form ;
  - (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use ;
  - (xvi) the names, designations and other particulars of the Public Information Officers ;
  - (xvii) such other information as may be prescribed ; and thereafter update these publications every year ;
- (c) publish all relevant facts while formulating important policies or announcing the decisions which affect public ;
- (d) provide reasons for its administrative or quasi-judicial decisions to affected persons.

(2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of the Act to obtain information.

(3) For the purposes of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public.

(4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Public Information Officer available free or at such cost of the medium or the print cost price as may be prescribed.

*Explanation* :—For the purposes of sub-sections (3) and (4), “disseminated” means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.

5. *Designation of Public Information Officers*.—(1) Every public authority shall, within one hundred days of the commencement of the Act, designate as many officers as the Public Information Officers in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under the Act.

(2) Without prejudice to the provisions of sub-section (1), every public authority shall designate an officer within one hundred days of the commencement of the Act, at each sub-divisional level or other sub-district level as an Assistant Public Information Officer to receive the applications for information or appeals under the Act for forwarding the same forthwith to the Public Information Officer or senior officer specified under sub-section (1) of section 16 or the State Information Commission, as the case may be :

Provided that where an application for information or appeal is given to a Assistant Public Information Officer a period of five days shall be added in computing the period for response specified under sub-section (1) of section 7.

(3) Every Public Information Officer shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.

(4) The Public Information Officer may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.

(5) Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Public Information Officer seeking his or her assistance and for the purposes of any contravention



of the provisions of the Act, such other officer shall be treated as a Public Information Officer.

6. *Request for obtaining information.*—(1) A person, who desires to obtain any information under the Act, shall make a request in writing or through electronic means in English, Urdu or Hindi accompanying such fee as may be prescribed, to—

- (a) the Public Information Officer of the concerned public authority ;
- (b) the Assistant Public Information Officer,

specifying the particulars of the information sought by him or her :

Provided that where such request cannot be made in writing, the Public Information Officer shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

(2) An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

(3) Where an application is made to a public authority requesting for an information,—

- (a) which is held by another public authority ; or
- (b) the subject matter of which is more closely connected with the functions of another public authority,

the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer :

Provided that the transfer of an application pursuant to this subsection shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.

7. *Disposal of request.*—(1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Public Information Officer on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9 :

Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.

(2) If the Public Information Officer fails to give decision on the request for information within the period specified under sub-section (1), the Public Information Officer shall be deemed to have refused the request.

(3) Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, the Public Information Officer shall send an intimation to the person making the request, giving—

- (a) the details of further fees representing the cost of providing the information as determined by him, together with the calculations made to arrive at the amount in accordance with fee prescribed under sub-section (1), requesting him to deposit that fees, and the period intervening between the despatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to in that sub-section ;
- (b) information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms.

(4) Where access to the record or a part thereof is required to be provided under the Act and the person to whom access is to be

provided is sensorily disabled, the Public Information Officer shall provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection.

(5) Where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to the provisions of sub-section (6), pay such fee as may be prescribed :

Provided that the fee prescribed under sub-section (1) of section 6 and sub-sections (1) and (5) of section 7 shall be reasonable and no such fee shall be charged from the persons who are of below poverty line as may be determined by the Government.

(6) Notwithstanding anything contained in sub-section (5), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section (1).

(7) Before taking any decision under sub-section (1), the Public Information Officer shall take into consideration the representation made by a third party under section 11.

(8) Where a request has been rejected under sub-section (1), the Public Information Officer shall communicate to the person making the request,—

- (a) the reasons for such rejection ;
- (b) the period within which an appeal against such rejection may be preferred ; and
- (c) the particulars of the appellate authority.

(9) An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.

8. *Exemption from disclosure of information.*—

(1) Notwithstanding anything contained in the Act, there shall be no obligation to give any citizen,—

- (a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State or lead to incitement of an offence ;
- (b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court ;
- (c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature ;
- (d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information ;
- (e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information ;
- (f) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes ;
- (g) information which would impede the process of investigation or apprehension or prosecution of offenders ;
- (h) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers :

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the

decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over :

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed ;

- (i) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information :

Provided that the information which cannot be denied to the Parliament or the State Legislature shall not be denied to any person.

(2) Notwithstanding anything in the State Official Secrets Act, Samvat 1977 or any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

(3) Subject to the provisions of clauses (a), (c) and (h) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:

Provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Government shall be final, subject to the usual appeals provided for in the Act.

9. *Grounds for rejection to access in certain cases.*—Without prejudice to the provisions of section 8, a Public Information Officer may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.

10. *Severability.*—(1) Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in the ~~Act~~, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under the Act and which can reasonably be severed from any part that contains exempt information.

(2) Where access is granted to a part of the record under sub-section (1), the Public Information Officer shall give a notice to the applicant, informing—

- (a) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided ;
- (b) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based ;
- (c) the name and designation of the person giving the decision ;
- (d) the details of the fees calculated by him or her and the amount of fee which the applicant is required to deposit ; and
- (e) his or her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the senior officer specified under sub-section (1) of section 16 or the State Information Commission, as the case may be, time limit, process and any other form of access.

11. *Third party information.*—(1) Where a Public Information Officer intends to disclose any information or record, or part thereof on a request made under the Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Public Information Officer shall, within five days from the receipt of the request, give a written notice to such third party of the request

and of the fact that the Public Information Officer intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information :

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

(2) Where a notice is served by the Public Information Officer under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.

(3) Notwithstanding anything contained in section 7, the Public Information Officer shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.

(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 16 against the decision.

### CHAPTER III

#### **The State Information Commission**

12. *Constitution of State Information Commission.*—(1) The Government shall, by notification in the Government Gazette, constitute a body to be known as the Jammu and Kashmir State Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under the Act.

(2) The State Information Commission shall consist of—

- (a) the State Chief Information Commissioner ; and
- (b) two State Information Commissioners.

(3) The State Chief Information Commissioner and the State Information Commissioners shall be appointed by the Governor on the recommendation of a committee consisting of—

- (a) the Chief Minister, who shall be the Chairperson of the committee ;
- (b) the Leader of Opposition in the Legislative Assembly ; and
- (c) a Cabinet Minister to be nominated by the Chief Minister.

*Explanation :—*For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the Legislative Assembly has not been recognized as such, the Leader of the single largest group in opposition of the Government in the Legislative Assembly shall be deemed to be the Leader of Opposition.

(4) The general superintendence, direction and management of the affairs of the State Information Commission shall vest in the State Chief Information Commissioner who shall be assisted by the State Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the State Information Commission autonomously without being subjected to directions by any other authority under the Act.

(5) The State Chief Information Commissioner and the State Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.

(6) The State Chief Information Commissioner or a State Information Commissioner shall not be a Member of Parliament or



Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

(7) The headquarters of the State Information Commission shall be at such place in the State as the Government may, by notification in the Government Gazette, specify.

13. *Term of office and conditions of service.*—(1) The State Chief Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment :

Provided that the State Chief Information Commissioner shall not hold office as such after he has attained the age of sixty-five years.

(2) Every State Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such State Information Commissioner :

Provided that every State Information Commissioner shall, on vacating his office under this sub-section, be eligible for appointment as the State Chief Information Commissioner in the manner specified in sub-section (3) of section 12 :

Provided further that where the State Information Commissioner is appointed as the State Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the State Information Commissioner and the State Chief Information Commissioner.

(3) The State Chief Information Commissioner or a State Information Commissioner shall before he enters upon his office make and subscribe before the Governor or some other person appointed by him in that behalf, an oath or affirmation according to the form set out for the purpose in the Schedule.

(4) The State Chief Information Commissioner or a State Information Commissioner may, at any time, by writing under his hand addressed to the Governor, resign from his office :

Provided that the State Chief Information Commissioner or a State Information Commissioner may be removed in the manner specified under section 14.

(5) The salaries and allowances payable to and other terms and conditions of service of—

(a) the State Chief Information Commissioner shall be the same as that of an Election Commissioner ;

(b) the State Information Commissioner shall be the same as that of the Chief Secretary to the State Government :

Provided that if the State Chief Information Commissioner or a State Information Commissioner, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension, in respect of any previous service under the Government of India or under the Government of the State, his salary in respect of the service as the State Chief Information Commissioner or a State Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity :

Provided further that where the State Chief Information Commissioner or a State Information Commissioner is, at the time of his appointment, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the State Chief Information Commissioner or the State Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits :

Provided also that the salaries, allowances and other conditions of service of the State Chief Information Commissioner and the State Information Commissioners shall not be varied to their disadvantage after their appointment.

(6) The Government shall provide the State Chief Information Commissioner and the State Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under the Act, and the salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of the Act shall be such as may be prescribed.

14. *Removal of State Chief Information Commissioner or State Information Commissioner.*—(1) Subject to the provisions of sub-section (3), the State Chief Information Commissioner or a State Information Commissioner shall be removed from his office only by order of the Governor on the ground of proved misbehaviour or incapacity after the High Court, on a reference made to it by the Governor, has on inquiry, reported that the State Chief Information Commissioner or a State Information Commissioner, as the case may be, ought on such ground be removed.

(2) The Governor may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the State Chief Information Commissioner or a State Information Commissioner in respect of whom a reference has been made to the High Court under sub-section (1) until the Governor has passed orders on receipt of the report of the High Court on such reference.

(3) Notwithstanding anything contained in sub-section (1), the Governor may by order remove from office the State Chief Information Commissioner or a State Information Commissioner if a State Chief Information Commissioner or a State Information Commissioner, as the case may be,—

(a) is adjudged an insolvent ; or

- (b) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude ; or
- (c) engages during his term of office in any paid employment outside the duties of his office ; or
- (d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body ; or
- (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the State Chief Information Commissioner or a State Information Commissioner.

(4) If the State Chief Information Commissioner or a State Information Commissioner is in any way, concerned or interested in any contract or agreement made by or on behalf of the Government or participates in any way in the profit thereof or in any benefit or emoluments arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehaviour.

#### CHAPTER IV

#### **Powers and Functions of the Information Commission, Appeal and Penalties**

##### *15. Powers and functions of Information Commission.—*

(1) Subject to the provisions of the Act, it shall be the duty of the State Information Commission to receive and inquire into a complaint from any person,—

- (a) who has been unable to submit a request to the Public Information Officer either by reason that no such officer has been designated under the Act, or because the Assistant Public Information Officer has refused to accept his or her application for information or appeal under the Act for forwarding the same to the Public Information Officer or senior officer specified in sub-section (1) of section 16 or the State Information Commission, as the case may be ;

- (b) who has been refused access to any information requested under the Act ;
- (c) who has not been given a response to a request for information or access to information within the time limit specified under the Act ;
- (d) who has been required to pay an amount of fee which he or she considers unreasonable ;
- (e) who believes that he or she has been given incomplete, misleading or false information under the Act ; and
- (f) in respect of any other matter relating to requesting or obtaining access to records under the Act.

(2) Where the State Information Commission is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof.

(3) The State Information Commission shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, Samvat 1977, in respect of the following matters, namely :—

- (a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things ;
- (b) requiring the discovery and inspection of documents ;
- (c) receiving evidence on affidavit ;
- (d) requisitioning any public record or copies thereof from any court or office ;
- (e) issuing summons for examination of witnesses or documents ; and
- (f) any other matter which may be prescribed.

(4) Notwithstanding anything inconsistent contained in any other Act of the State Legislature, the State Information Commission may, during the inquiry of any complaint under the Act, examine any record to which the Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.

16. *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 Public Information Officer, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the 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 or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Where an appeal is preferred against an order made by a Public Information Officer under section 11 to disclose third party information, the appeal by the concerned third party shall be made within thirty days from the date of the order.

(3) Where any Officer, at the time of deciding an appeal under sub-section (1) is of the opinion that the public Information Officer has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or has knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information he or she shall make a reference to that effect to the State Information Commission.

(4) A second appeal against the decision under sub-section (1) 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.

(5) If the decision of the State Public Information Officer against which an appeal is preferred relates to information of a third party, the Information Commission shall give a reasonable opportunity of being heard to that third party.

(6) In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the Public Information Officer who denied the request.

(7) An appeal under sub-section (1) or sub-section (2) 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 of filing thereof, as the case may be, for reasons to be recorded in writing.

(8) The decision of the State Information Commission shall be binding.

(9) In its decision, the State Information Commission has the power to—

(a) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of the Act, including—

(i) by providing access to information, if so requested, in a particular form ;

(ii) by appointing a Public Information Officer ;

(iii) by publishing certain information or categories of information ;

(iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records ;

- (v) by enhancing the provision of training on the right to information for its officials ;
- (vi) by providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4 ;
- (b) require the public authority to compensate the complainant for any loss or other detriment suffered ;
- (c) impose any of the penalties provided under the Act ;
- (d) reject the application.

(10) The State Information Commission shall give notice of its decision, including any right of appeal, to the complainant and the public authority.

(11) The State Information Commission shall within sixty days from the receipt of appeal decide the appeal in accordance with such procedure as may be prescribed :

Provided that the State Information Commission may decide an appeal within such extended period, not exceeding one hundred and twenty days from the date of filing thereof, as the case may be, for reasons to be recorded in writing ~~extend~~.

17. *Penalties.*—(1) Where the State Information Commission at the time of deciding any complaint, appeal or reference is of the opinion that the Public Information Officer has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees :

Provided that the Public Information Officer shall be given a reasonable opportunity of being heard before any penalty is imposed on him :



Provided further that the burden of proving that he acted reasonably and diligently shall be on the Public Information Officer.

(2) Where the State Information Commission at the time of deciding any complaint, appeal or reference is of the opinion that the Public Information Officer has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Public Information Officer under the service rules applicable to him.

## CHAPTER V

### Miscellaneous

18. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under the Act or any rule made thereunder.

19. *Act to have overriding effect.*—The provisions of the Act shall have effect notwithstanding anything inconsistent therewith contained in the State Official Secrets Act, Samvat 1977, and any other law for the time being in force or in any instrument having effect by virtue of any law other than the Act.

20. *Bar of jurisdiction of courts.*—No court shall entertain any suit, application or other proceeding in respect of any order made under the Act and no such order shall be called in question otherwise than by way of an appeal under the Act.

21. *Act not to apply to certain organizations.*—(1) Nothing contained in the Act shall apply to such intelligence and security organizations being organizations established by the Government, as the

Government may, from time to time, by notification in the Government Gazette, specify :

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section :

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the State Information Commission and, notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

(2) Every notification issued under sub-section (1) shall be laid before each House of the State Legislature.

22. *Monitoring and reporting.*—(1) The State Information Commission shall, as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of the Act during that year and forward a copy thereof to the Government.

(2) Each Department shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the State Information Commission as is required to prepare the report under this section and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of this section.

(3) Each report shall state in respect of the year to which the report relates,—

- (a) the number of requests made to each public authority ;
- (b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of the Act under which these decisions were made and the number of times such provisions were invoked ;

- (c) the number of appeals referred to the State Information Commission for review, the nature of the appeals and the outcome of the appeals ;
- (d) particulars of any disciplinary action taken against any officer in respect of the administration of the Act ;
- (e) the amount of charges collected by each public authority under the Act ;
- (f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of the Act ;
- (g) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernization, reform or amendment to the Act or other legislation or common law or any other matter relevant for operationalising the right to access information.

(4) The Government may, as soon as practicable after the end of each year, cause a copy of the report of the State Information Commission, referred to in sub-section (1) to be laid before each House of the State Legislature.

(5) If it appears to the State Information Commission that the practice of a public authority in relation to the exercise of its functions under the Act does not conform with the provisions or spirit of the Act, it may give to the authority a recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity.

23. *Government to prepare programmes.*—(1) The Government may, to the extent of availability of financial and other resources,—

- (a) develop and organize educational programmes to advance the understanding of the public, in particular of disadvantaged communities as to how to exercise the rights contemplated under the Act ;

- (b) encourage public authorities to participate in the development and organization of programmes referred to in clause (a) and to undertake such programmes themselves ;
- (c) promote timely and effective dissemination of accurate information by public authorities about their activities ; and
- (d) train Public Information Officers of public authorities and produce relevant training materials for use by the public authorities themselves.

(2) The Government shall, within eighteen months from the commencement of the Act, compile in the official language of the State a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified in the Act.

(3) The Government shall, if necessary, update and publish the guidelines referred to in sub-section (2) at regular intervals which shall, in particular and without prejudice to the generality of sub-section (2), include—

- (a) the objects of the Act ;
- (b) the postal and street address, the phone and fax number and, if available, electronic mail address of the Public Information Officer of every public authority appointed under sub-section (1) of section 5 ;
- (c) the manner and the form in which request for access to an information shall be made to a Public Information Officer ;
- (d) the assistance available from and the duties of the Public Information Officer of a public authority under the Act ;
- (e) the assistance available from the State Information Commission ;

- (f) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by the Act including the manner of filing an appeal to the Commission ;
- (g) the provisions providing for the voluntary disclosure of categories of records in accordance with section 4 ;
- (h) the notices regarding fees to be paid in relation to requests for access to an information ; and
- (i) any additional regulations or circulars made or issued in relation to obtaining access to an information in accordance with the Act.

(4) The Government must, if necessary, update and publish the guidelines at regular intervals.

24. *Power to make rules by Government.*—(1) The Government may, by notification in the Government Gazette, make rules to carry out the provisions of the Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4 ;
- (b) the fee payable under sub-section (1) of section 6 ;
- (c) the fee payable under sub-sections (1) and (5) of section 7 ;
- (d) the salaries and allowances payable to and the terms and conditions of service of the officers and other employees under sub-section (6) of section 13 ;
- (e) the procedure to be adopted by the State Information Commission in deciding the appeals under sub-section (11) of section 16 ; and

- (f) any other matter which is required to be, or may be, prescribed.

25. *Power to make rules by competent authority.*—(1) Subject to the provisions of section 24, the competent authority may, by notification in the Government Gazette, make rules to carry out the provisions of the Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4 ;
- (b) the fee payable under sub-section (1) of section 6 ;
- (c) the fee payable under sub-section (1) of section 7 ; and
- (d) any other matter which is required to be, or may be, prescribed.

26. *Laying of rules.*—Every rule made by the Government under the Act shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

27. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of the Act, the Government may, by order published in the Government Gazette, make such provisions not

inconsistent with the provisions of the Act as appear to it to be necessary or expedient for removal of the difficulty :

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of the Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of the State Legislature.

28. *Repeal and saving.*—(1) The Jammu and Kashmir Right to Information Act, 2004 and the Jammu and Kashmir Right to Information (Amendment) Act, 2008 are hereby repealed.

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

**SCHEDULE**

[ See section 13 (3) ]

**FORM OF OATH OR AFFIRMATION TO BE MADE BY THE  
STATE CHIEF INFORMATION COMMISSIONER/THE STATE  
INFORMATION COMMISSIONER**

"I, \_\_\_\_\_ having been appointed State  
Chief Information Commissioner/State Information Commissioner  
Swear in the name of God that I will bear true faith and allegiance  
Solemnly affirm

to the Constitution of the State as by law established, that I will uphold  
the sovereignty and integrity of India, that I will duly and faithfully and  
to the best of my ability, knowledge and judgement perform the duties  
of my office without fear or favour, affection or ill-will and that I will  
uphold the Constitution and the laws".

(Sd.) MOHD ASHRAF,

Additional Secretary to Government,  
Law Department.



**Government of Jammu and Kashmir  
General Administration Department**

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**NOTIFICATION  
Jammu, the 29<sup>th</sup> of April, 2010.**

SRO 199.- 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, 2010.

(2) These rules shall come into force from 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) “advocate” means a person whose name is entered on the roll of advocates prepared and maintained by the State Bar Council under the Advocates Act, 1961 (Central Act No. 25 of 1961);
- (c) “appellant” includes a complainant;
- (d) “Chief Information Commissioner” and “Information Commissioner” mean the Chief Information Commissioner and the Information Commissioner appointed under sub-section (3) of section 12;
- (e) “Commission” means the Jammu and Kashmir State Information Commission;
- (f) “decision” includes an order, direction or determination of an issue;
- (g) “first appellate authority” means an officer so appointed or notified by the public authority under the Act and includes a head of the department or the chief executive officer of the public authority if no first appellate authority is appointed or notified;
- (h) “Form” means a form appended to these rules;
- (i) “person” means a person who is residing in the State of Jammu and Kashmir;

- (j) “Public Information Officer” means an officer designated by a public authority under sub-section (1) of section 5 and includes an Assistant Public Information Officer so designated or notified under sub-section (2) of section 5 and the head of the public authority in case no Public Information Officer is appointed or notified;
- (k) “records” mean the aggregate of papers relating to an appeal or complaint including pleadings, rejoinders, comments, proceedings, documentary or oral evidence, decisions, orders and all other documents filed with or annexed to an appeal or complaint or submitted subsequently in connection with such appeal or complaint;
- (l) “Registrar” means an officer of the Commission so appointed by the Secretary to be in charge of the registry of the Commission;
- (m) “Registry” means the registry of the Commission comprising the Registrar General, Registrar, Additional Registrar, Joint Registrar, Deputy Registrar or Assistant Registrar;
- (n) “regulations” means the regulations framed by the Commission under these rules;
- (o) “representative” means a person duly authorized by or on behalf of any of the parties to the proceedings or interveners and may include a person who may not be an advocate;
- (p) “respondent” includes an intervener or a third party or a party impleaded by the Commission;
- (q) “rules” mean the rules framed by the Government under section 24;
- (r) “Secretary” means Secretary to the Commission and, unless the context otherwise requires, shall include Additional Secretary, Joint Secretary, Deputy Secretary and Under Secretary of the Commission;
- (s) “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**

### **Designated Public Information Officers**

**3. Designation of Chief Public Information Officer.-** Without prejudice to the generality of the provisions of section 5, a public authority shall designate an officer, not below the rank of Under Secretary to the Government, as Chief Public Information Officer:

Provided that in the interest of speedier and appropriate response to persons requesting for the information under the Act, a public authority may, in case where the head of an administrative unit or office is an officer below the rank of Under Secretary to the Government, designate him as Chief Public Information Officer.

### **CHAPTER III**

#### **Matters Relating to Fee and Cost**

**4. Request for information and mode of payment of fee.-** (1) A request under sub-section (1) of section 6 for obtaining information shall be made in Form-1 and accompanied by an application fee of rupees fifty by way of cash against proper receipt or by Indian Postal Order or demand draft or bankers cheque payable to the accounts officer of the public authority.

(2) A request for obtaining information under sub-section (1) of section 6 shall be deemed to be made duly accompanied by prescribed application fee if it is written on a non-judicial stamp paper of rupees fifty.

(3) Notwithstanding anything contained in sub-rule (1) or sub-rule (2), a public authority may provide such other alternate mode for payment of fee and cost, as it may deem less cumbersome and technically feasible, keeping in view the e-environment of its office:

Provided that such alternate mode shall be widely publicized and be put on the website of the public authority so that it is in public domain and as many persons take advantage of this additional option for payment as may wish to avail.

(4) The Public Information Officer shall acknowledge the receipt of request for information/ application in Form-2.

**5. Fee for providing copied information, samples, models and inspection of records.-** For providing information under sub-section (1) of section 7, the fee shall be charged at the following rates:

- (a) rupees ten for each page in A-4 or A-3 size paper and rupees fifteen for each page in Legal 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 fifteen for each subsequent hour or a fraction thereof.

**6. Fee for providing information in printed or electronic format.-** For providing information under sub-section (5) of section 7, the fee shall be charged at the following rates:-

- (a) for information provided in diskette or floppy, rupees seventy five per diskette or floppy and rupees one hundred per compact disc;

- (b) for information provided in printed form, at the price fixed for such publication or rupees two per page or photocopy for extracts from the publication:

Provided that no fee shall be charged under this rule from persons living below poverty line, as may be determined by the Government.

**7. Additional / further fee.-** Notwithstanding anything contained in rule 5 or rule 6, further fee representing cost of providing information under sub-section (3) of section 7 shall be determined by the Chief Public Information Officer, wherever considered necessary or appropriate on the basis of estimated cost, which shall be realistically drawn up and intimated to the applicant together with the estimate of fee for providing information under sub-section (1) and sub-section (5) of section 7:

Provided that no such further fee shall be charged from persons living below poverty line, as may be determined by the Government.

**8. Supply of information or rejection thereof.-** On receipt of the request for information under section 6, complete in all respects and accompanied by the prescribed fee, the Public Information Officer shall either provide the required information in Form-3 or reject in Form-4 the request for reasons to be specified therein.

#### **CHAPTER IV**

##### **Secretary of the Commission, his duties and responsibilities**

**9. Appointment of Secretary.-** (1) The Government, in consultation with the Chief Information Commissioner, shall appoint an officer, not below the rank of Special Secretary to Government, as Secretary to the Commission on such terms and conditions as it deems fit.

(2) The Secretary shall be the chief executive officer of the Commission.

(3) The Secretary shall be, and shall function as, the Registrar General of the Commission.

**10. Duties and responsibilities of Secretary.-** The secretary shall perform such duties and carry out such responsibilities as are assigned to him by regulations made in this regard by the Commission.

#### **CHAPTER V**

##### **The Commission and its officers**

**11. Secretariat of the Commission.-** The Secretariat of the Commission shall comprise of the-

- (a) Registry;
- (b) Legal Cell;

- (c) Monitoring and Reporting (MoRe) wing;
- (d) Right to Information & Transparency Institute (RITI);
- (e) Administration and Human Resource Development wing; and
- (f) Public Relations wing.

**12. The Registry.-** (1) The Registry of the Commission shall be the repository of all records relating to the proceedings of the Commission, applications, complaints, petitions and appeals filed before the Commissions and the orders, directions and decisions of the Commission.

(2) The Registry shall be responsible for-

- (a) registration of applications, complaints, petitions and appeals which are filed before the Commission;
- (b) receiving plaints, written statements, applications and affidavits in all proceedings before the Commission;
- (c) communicating the orders, directions and decisions of the Commission;
- (d) authenticating the orders, directions and decisions of the Commission;
- (e) asking for and collecting the information required by the Commission;
- (f) preliminary examination of the applications, complaints, petitions and appeals and scrutiny of documents, fee etc accompanying such applications, complaints, petitions or appeals;
- (g) service of notices and summons on behalf of the Commission.
- (h) fixing dates of hearing and attendance of witnesses in the proceedings before the Commission;
- (i) requiring any memorandum of appeal, petition, application or other proceeding presented to the Commission to be amended in accordance with the procedure or practice of the Commission; and
- (j) such other work specifically assigned to it by Chief Information Commissioner

**13. Legal Cell.-** (1) The Legal Cell of the Commission shall be responsible for-

- (a) all acts necessary for, and incidental to, the litigation in which the Commission has been impleaded as a party and/or the Commission has decided to contest/litigate;
- (b) providing legal advice/ legal input to the Commission;
- (c) providing legal advice/input to the Chief Information Commissioner and Information Commissioners;
- (d) proactively engaging in publication of the decisions, orders, directions and rulings of the Commission; and

- (e) any other work specifically assigned to it by Chief Information Commissioner.

(2) The Legal Cell shall be headed by an officer not below the rank of Additional Secretary to Government to be drawn from Jammu and Kashmir Legal (Gazetted) Service. The other staff of the Legal Cell may be designated by the Chief Information Commissioner from amongst the officers/officials of the Commission.

**14. Monitoring and Reporting Wing.-** (1) The Monitoring and Reporting (MoRe) Wing of the Commission shall be responsible for-

- (a) all acts necessary for, and incidental to, the implementation of the provisions of the Act by the Commission as per the provisions of section 22;
- (b) all acts necessary for, and incidental to, organizing the annual convention of the Commission;
- (c) proactively engaging with the stakeholders for all acts necessary for, and incidental to, the promotion of data management and computerization so as to facilitate compliance required of the Commission as per the provisions of section 22;
- (d) computerization and data management inclusive of archival/record management of the Commission; and
- (e) any other work specifically assigned to it by the Secretary.

(2) Keeping in view the availability of the officers in the Commission, the Secretary may designate, from amongst the officers of the Commission, an officer, preferably of the rank of Director in the Government, as in charge of the Monitoring and Reporting Wing.

(3) Subject to the provisions of the Act, the Monitoring and Reporting Wing shall work under the immediate supervision of the Secretary of the Commission.

**15. Right to Information & Transparency Institute.-** (1) The Right to Information & Transparency Institute (RITI) shall be an academic resource centre within the Commission and shall work autonomously.

(2) The Institute shall have a Board of Governors.

(3) The Chief Information Commissioner along with one of the Information Commissioners so nominated by the Chief Information Commissioner shall be the members of Board of Governors of the Institute.

(4) Secretaries in charge of the following departments of the Government shall be ex officio members of Board of Governors of the Institute-

- (a) Planning & Development Department;
- (b) General Administration Department;
- (c) Administrative Reforms & Inspections Department; and
- (d) Department of Information Technology.

(5) Secretary, State Human Rights Commission shall be ex officio member of Board of Governors of the Institute.

(6) Secretary of the Commission shall be ex officio member-secretary of Board of Governors of the Institute.

(7) The Chief Information Commissioner shall chair the meetings of Board of Governors of the Institute

(8) The Institute shall be financed from its earnings either accrued to it in the form of interest on its corpus or from the institutional charges levied on the services provided by it.

(9) The Commission shall make regulations to provide for the professional management of the Institute.

**16. Administration and Human Resource Development wing.-** (1) The Administration and Human Resource Development wing of the Commission shall be responsible for-

- (a) all acts necessary for, and incidental to, professional housekeeping including security and hygiene for the smooth functioning of the Commission;
- (b) all acts necessary for, and incidental to, providing on a sustainable basis sufficient and adequate personnel for the smooth functioning of the Commission;
- (c) proactively engaging with the stakeholders to identify training needs of the personnel, training providers of repute and such other activities to keep the moral of such personnel high and their skills upgraded;
- (d) ensuring due diligence in regard to expenditure authorization, budgeting, planning, audit and compliance of recruitment rules; and
- (e) any other work specifically assigned to it by the Chief Information Commissioner.

(2) Keeping in view the availability of the officers in the Commission, the Chief Information Commissioner may designate, from amongst the officers of the Commission, an officer, preferably of the rank of Director in the Government as in charge of the Administration and Human Resource Development wing.

(3) Without prejudice to what has been provided in the Act, the Administration and Human Resource Development wing shall work under the immediate supervision of the Secretary of the Commission.

**17. Public Relations wing.-** (1) The Public Relations wing of the Commission shall be responsible for-

- (a) all acts necessary for, and incidental to, ensuring that the issues relating to salaries and allowances payable to, and other terms and conditions of service of, the Chief Information Commissioner and Information Commissioners are addressed with promptness on a sustainable basis as per the provisions of the Act;
- (b) proactively engaging with all the stakeholders including incharge of the administration and be responsible for all acts necessary for, and incidental to, providing on a sustainable basis sufficient and adequate personnel for the smooth functioning of the Chief Information Commissioner and Information Commissioners;
- (c) all acts necessary for, and incidental to, ensuring that the website of the Commission remains updated on sustainable basis and at such frequency as decided by the Commission;
- (d) ensuring due diligence in regard to supply of timely and correct information to various stakeholders who approach the Commission for advice/information as Public Information Officer or otherwise; and
- (e) any other work specifically assigned to the wing by the Chief Information Commissioner.

(2) Keeping in view the availability of the officers in the Commission, the Chief Information Commissioner may designate, from amongst the officers of the Commission, an officer, preferably of the rank of Deputy Secretary to Government as incharge of the Public Relations wing.

(3) Without prejudice to what has been provided in the Act, the Public Relations wing shall work under the immediate supervision of the Secretary of the Commission.

**18. Officers and employees of the Commission.-** (1) Without prejudice to anything contained in these rules and the Act, the Commission shall have following categories of personnel-

- (a) Government employees whose services are placed at the disposal of the Commission by the Government for appointment against various sanctioned posts; and



- (b) employees appointed by the Commission, in accordance with the recruitment rules, against the posts sanctioned by the Government for the Commission.

(2) Notwithstanding anything contained in these rules, the Commission may outsource certain services. The personnel deployed by the service provider for supplying the outsourced services shall not be eligible to be treated as officers and employees of the Commission.

(3) In order to discharge its obligations under sub-section (6) of section 13 of the Act, from the date these rules are notified, the Government shall, annually for the first five years and subsequently once in every plan period, undertake a review of the requirement of officers and employees as may be necessary for the efficient performance of the functions of the Commission under the Act.

(4) The rules regulating the general conditions of service of Government employees, and in particular the provisions of the Jammu and Kashmir Civil Services Regulations, the Jammu and Kashmir Government Employees (Conduct) Rules, 1971 and the Jammu and Kashmir Civil Services (Classification, Control & Appeal) Rules, 1956, shall be applicable to the employees of the Commission.

**19. Working hours, sittings and vacations etc.-** Subject to an order of the Chief Information Commissioner to the contrary, the Secretariat of the Commission shall observe such vacations, holidays, working hours as are observed by the Government Departments.

## **CHAPTER VI**

### **Appeal procedure**

**20. Disposal of first appeal.-** (1) The first appeal under sub-section (1) of section 16 shall be filed in Form-5.

(2) Without prejudice to the provisions of sub-section (6) and sub-section (7) of section 16, if the appellate authority prima facie does not find merit in the appeal, before taking a final view in the matter the appellant shall be provided an opportunity of being heard.

(3) The appellate authority shall dispose of the appeals filed before him by passing a reasoned order.

(4) If, in case of a public authority, the Chief Information Commissioner, on the basis of number and nature of second appeals pending /decided in the Commission, comes to the conclusion that the first appeals are being rejected cursorily, the Commission may with relevant data write to the

Minister concerned for taking corrective measures to sensitize the officers of the department about their obligations under the Act.

**21. Contents of second appeal.-** A second appeal to the Commission under sub-section (4) of section 16 shall contain the following information, namely:-

- (a) name and address of the appellant;
- (b) date of filing second appeal. If condonation of delay is requested-
  - (i) number of days delayed, and
  - (ii) brief reasons for such delay;
- (c) name and address of the Public Information Officer;
- (d) date of order of Public Information Officer;
- (e) particulars of the first appellate authority-
  - (i) order against which the appeal is preferred,
  - (ii) date of order in first appeal,
  - (iii) number of the order (if any), and
  - (iv) name and designation of the first appellate authority ;
- (f) brief facts leading to the appeal (main grounds of appeal to be enclosed as attachment);
- (g) prayer or relief sought;
- (h) grounds for such prayer or relief; and
- (i) verification by the appellant.

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

- (a) self-attested copies of the application/ request for information submitted before the Public Information Officer along with the details of payment of fee under the Act;
- (b) the order, or decision or response, if any, from the Public Information Officer to whom the application was made;
- (c) self-attested copies of the first appeal submitted before the first appellate authority with documentary proof of filing the appeal;
- (d) the order or decision or response, if any, from the first appellate authority against which the second appeal is being preferred;
- (e) copies of documents relied upon by the appellant and referred to in the appeal;
- (f) a certificate stating that in respect of the information sought which is the subject matter of the appeal-
  - (i) no other request for information/ application has been previously filed or is pending with any public authority and if so, particulars thereof;

- (ii) no appeal, complaint or petition is pending with any court or tribunal or with any other authority including the first appellate authority or a public authority; and
- (iii) is not covered by any other appeal, complaint or petition filed before the Commission and if so, the result thereof;
- (g) an index of the documents referred to in the appeal.

**23. Scrutiny of documents and notice by the Registrar.-** On receipt of an appeal in the registry, the Registrar shall-

- (a) scrutinize the documents accompanying the appeal;
- (b) give the concerned department a chance (time bound) to comply the provisions of the Act and the rules;
- (c) help the appellant in making the appeal documentation complete by advising him to supply/enclose the documents required as per rules;
- (d) serve the notice on behalf of the Commission to the Public Information Officer; and
- (e) identify the decision points for the Commission.

**24. Filing of counter statement by the Public Information Officer or the first appellate authority.-** After receipt of a copy of appeal or complaint, the Public Information Officer or the first appellate authority or the public authority, as the case may be, shall file counter statement along with documents, if any, pertaining to the case. A copy of the counter statement so filed shall be served upon the appellant or complainant by the Public Information Officer, the first appellate authority or the public authority, as the case may be.

**25. Posting of appeal or complaint before the Information Commissioner.-** (1) An appeal or a complaint or a class of appeals or complaints shall be heard either by a single Information Commissioner or by the Division Bench of two Information Commissioners, as directed by the Chief Information Commissioner by a special or general order issued for this purpose from time to time.

(2) If during the course of hearing of an appeal or a complaint or other proceeding before a single Information Commissioner, the Commissioner feels that the matter should be dealt with by the Division Bench, he shall refer the matter to the Chief Information Commissioner who may direct that such appeal shall be heard and disposed of by the Division Bench.

**26. Amendment or withdrawal of an appeal or complaint.-** The Commission may, in its discretion, allow a prayer for any amendment or withdrawal of an appeal or a complaint during the course of its hearing if such a prayer is made by the appellant or the complainant on an application made in writing. However, no such prayer shall be entertained by the Commission after

the matter has been finally heard or a decision or order has been pronounced by the Commission.

**27. Procedure in deciding second appeal.-** In deciding the second appeal, the Commission may-

- (a) take oral or written evidence on oath or on affidavit from interested person;
- (b) peruse or inspect documents, public records or copies thereof;
- (c) inquire through authorized officer for further details or to ascertain facts;
- (d) summon files, records, documents, samples, material etc. or inspect, or cause to be inspected, any premises, sites, places etc.
- (e) 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;
- (f) hear a third party; and
- (g) receive evidence on affidavit from Public Information Officer, Assistant Public Information Officer or such senior officer who decided the first appeal or such person against whom the complaint lies or the third party.

**28. Mode of service of notice by Commission.-** Notice to be issued by the Commission may be served in any of the following modes, namely:-

- (a) service by the party itself;
- (b) by hand delivery (dasti) through process server;
- (c) by registered post with acknowledgement due; or
- (d) through head of the office or the department.

**29. 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 shall be in such form as may be specified by the Commission.

**30. 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 participate via an audio/video conference 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, 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 case and the person representing him may not be an advocate.

(5) If an appellant or a complainant decides at his discretion not to be present either personally or through his duly authorized representative during the hearing of appeal or complaint before the Commission or remains absent at a hearing, the Commission shall pronounce its decision or pass its order in the matter on the basis of records available.

**31. Conduct of an inquiry.-** (1) The Commission may entrust an inquiry in connection with any appeal or complaint pending before it to an officer of the Commission or to any officer so identified for the purpose.

(2) The officer so entrusted to inquire under sub-rule (1), while conducting the inquiry, shall have all the necessary powers including the power to-

- (a) summon and enforce the attendance of persons;
- (b) compel production of documents or things;
- (c) administer oath and to take oral evidence or to receive affidavits or written evidence on solemn affirmation;
- (d) inspect documents and require discovery of documents; and
- (e) requisition any public record or documents from any public authority.

(3) The Commission shall be deemed to be a civil court and when any offence as described in section 175, section 178, section 179, section 180 or section 228 of the Jammu and Kashmir State Ranbir Penal Code is committed in the view or presence of the Commission, the Commission may direct the Registrar, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, Samvat 1989, to forward a complaint to the Magistrate having jurisdiction to try the same and the Magistrate to whom any such complaint is forwarded shall proceed to hear the complaint against the accused as if the complaint has been forwarded under section 482 of the Code of Criminal Procedure, Samvat 1989.

(4) Every proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Jammu and Kashmir State Ranbir Penal Code, and the Commission shall be deemed to be a civil court for the purposes of section 195 of the Jammu and Kashmir State Ranbir Penal Code and Chapter XXVI of the Code of Criminal Procedure, Samvat 1989.

**32. Investigation.-** (1) The Commission may, for the purpose of conducting any investigation pertaining to an inquiry, utilize the services of any officer or investigation agency of the Government.

(2) For the purpose of investigating into any matter pertaining to an inquiry, any officer or agency whose services are utilized as aforesaid may, subject to the direction and control of the Commission,-

- (a) summon and enforce the attendance of any person and examine him;
- (b) require the discovery and production of any document; and
- (c) requisition any public record or copy thereof from any office.

(3) The provisions of Rule 33 shall apply in relation to any statement made by a person before any officer or agency whose services are utilized under sub-rule (1) herein as they apply in relation to any statement made by a person in the course of giving evidence before the Commission.

**33. Statement made by persons to the Commission.-** No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement; provided that the statement is-

- (a) made in reply to the question which he is required by the Commission to answer; or
- (b) relevant to the subject matter of the inquiry.

**34. Order of the Commission.-** (1) Every decision or order of the Commission shall be signed and dated by the Commissioner or Commissioners, as the case may be, who has/have heard the appeal or the complaint and decided the matter.

(2) Every decision or order of the Commission shall be communicated to the parties under authentication by the Registrar or any other officer authorized by the Commission in this regard. The Commission may place on its website the decisions so pronounced or orders so made.

(3) Every decision or order pronounced by a single Information Commissioner or by a Division Bench shall be deemed to be the decision or order by the Commission under the Act.

**35. Abatement of an appeal/complaint.-** The proceedings pending before the Commission shall abate on the death of the appellant or the complainant.

**36. Compliance of orders of the Commission.-** (1) The public authority and/or an officer entrusted with any task by or under an order of the Commission shall be responsible for compliance of the order of the Commission-

- (a) in regard to providing the information to the appellant as per the order of the Commission;
- (b) towards recovery of penalty as per the orders;
- (c) towards payment of compensation;
- (d) for initiating and taking to logical conclusion the disciplinary proceedings ordered by the Commission with regard to the officers of a public authority;
- (e) intimating the Commission of any decision or order, if any, received from a competent court of law;
- (f) for bringing about such systemic improvements as may be directed by the Commission for compliance with section 19;
- (g) in case compensation is awarded by the Commission to any complainant under clause (b) of sub-section (9) of section 16, a requisition order duly signed by the Registrar shall be served on the public authority and the head of such public authority shall be responsible for ensuring compliance thereof.

(2) In case penalty is imposed by the Commission, a requisition order duly signed by the Registrar shall be served on the public authority with dispatch but not later than seven working days from the date of the order or after the lapse of such time as may be allowed by the Commission in its order.

(3) The pay and accounts office of the public authority shall deduct the amount of penalty in such instalments as may be allowed by the Commission in its order and as intimated by the Registrar in the requisition order from the monthly salary, in case of a serving officer, and from the monthly pension, in case the officer is a pensioner, without awaiting any act or consent from the payee.

(4) Notwithstanding anything contained in this rule, the affected Public Information Officer may file a review before the Commission for revision/waiver of the penalty on the basis of facts that could not be brought to the notice of the Commission at the time of hearing of the appeal.

(5) If the Commission, following a review of the penalty order, cancels the order and directs restoration/ refund of the penalty amount which might have been deducted from the salary of the officer or the pension of a pensioner, the controller of accounts or any such other officers of the public authority shall restore/ refund the deducted amount to the credit of the officer or the pensioner, as the case may be.

(6) In case of non-compliance of the orders of Commission by a public authority or any of its officers regarding deducting and crediting of the amount of penalty or compensation, disciplinary action shall be initiated forthwith

(including suspension) against the defaulting officer and the amount of penalty or compensation not deducted by the officer so instructed by the Commission shall be deducted from the salary of such officer. In addition, the Commission may also direct institution of a criminal case against such officer.

(7) It shall be the duty of the Registrar to submit a quarterly report before the Commission regarding compliance of its orders by various public authorities.

(8) The Chief Information Commissioner may write to the Minister incharge of the public authority who is found to be in habit of non-compliance.

(9) Notwithstanding anything contained herein, the annual report of the Commission shall invariably have a chapter on the compliance of the orders of the Commission by various departments/ public authorities.

## **CHAPTER VII**

### **Voluntary disclosure of information and rating of public authorities**

**37. Standardization of data and record management.-** Without prejudice to the obligations of every public authority under section 4, the Commission shall proactively engage with the stakeholders to -

- (a) develop and lay down standards for record management practices and for computerization of data and to capture, store and retrieve such data;
- (b) promote maximum routinization of processes to ensure maximum transparency.

**38. Rating of public authorities.-** (1) The Commission shall proactively engage with the stakeholders to develop and lay down standards for rating of public authorities on the basis of a transparency index based on standardization of data, record management practices and computerization, voluntary disclosure of information, the efficacy of the mechanism created for keeping it updated, user friendliness of the voluntarily disclosed information, the instrumentality to take stock on regular basis the nature of applications seeking information and the response of public authorities to broad base the extent of voluntary disclosure so as to make it less and less necessary for the public at large to resort to the provisions of the Act and accessibility of Public Information Officers and first appellate authority and such others so as to enhance and deepen the compliance of the Act in letter and spirit.

(2) The Commission shall proactively engage with the stakeholders to facilitate emergence of independent rating instrumentality and lay down periodicity and acts necessary for, and incidental to, the promotion and wider acceptance of the rating regime.



## **CHAPTER VIII**

### **Monitoring and Reporting**

**39. Annual report on implementation of the Act.-** Without prejudice to the obligations of the Commission under section 22, each department or public authority which prepares its annual report shall include in such report one chapter on implementation of the provisions of the Act which *inter alia* shall indicate the efforts made during the year with regard to improvement in the data and record management practices, computerization thereof, voluntary disclosure and its update, quantitative measure of its interface with the public with regard to right to information and such other details as may be prescribed or required to be incorporated by the Commission and could reasonably be accommodated in the annual report without making it inordinately bulkier.

**40. Performance budget document.-** Each department or public authority while preparing its performance budget shall include in an appropriate manner provisions on implementation of the Act which *inter alia* shall indicate the efforts to be made during the year with regard to improvement in the data and record management practices, computerization thereof, voluntary disclosure and its update, measure for qualitative improvement of its interface with the public with regard to right to information and such other details as may be prescribed or required to be incorporated by the Commission and could reasonably be accommodated in the performance budget document without inordinately diluting the focus on the centrality of its core activities.

**41. Performance audit document.-** Each department or public authority while presenting records for its performance audit before the auditors shall disclose in detail the steps taken for the implementation of the Act which *inter alia* shall include the efforts made during the period with regard to improvement in the data and record management practices, computerization thereof, voluntary disclosure and its update, measures taken for qualitative improvement of its interface with the public with regard to right to information, impact of implementation of the Act on the working of the organization, preferably in quantitative terms like declining trend in litigation and/or in the number of complaints and may even include intangibles like improvement in the goodwill of the organization and self esteem of the personnel of the organization with such other details as may be desired by the auditors.

**42. Projects, research studies, training programmes and conferences etc.-** In order to discharge its obligation under the Act, the Commission may sanction projects, research studies, training programmes and assistance to other organizations, conventions and conferences etc.

**43. Creation of an endowment fund.-** In order to fund its activities as provided under these rules and to discharge its obligation under the Act, the

Commission may create an endowment fund from the grants received from the Government, contributions from multilateral agencies, corporate entities pursuing the vision of corporate social responsibility identical to the objectives of the Act and such other stakeholders in the civil society as per law.

**44. Annual roster for appearance of public authorities.-** (1) In order to discharge its obligation under sub-section (5) of section 22, the Commission shall make an annual roster for appearance of public authorities.

(2) The public authority shall be represented before the Commission in this regard by such senior level functionary of the public authority as may be desired by the Commission.

(3) The public authority shall be responsible for adducing evidence that the practice of the public authority in relation to the exercise of its functions under the Act in general and section 4 in particular conforms to the provisions and spirit of the Act.

(4) If it appears to the Commission on the basis of above proceedings or otherwise that the practice of a public authority in relation to the exercise of its functions under the Act does not conform with the provisions and spirit of the Act, it may give to the authority a recommendation specifying the steps which ought in its opinion to be taken for enhancing conformity.

(5) The Commission, before specifying steps which ought in its opinion to be taken for enhancing conformity, may launch a professional study by a consultant of systemic impediments in the public authority and possible solutions and may, in this regard, advise the public authority to take professional help.

(6) It shall be the duty of the department /organization to include in its annual report the recommendation of the Commission under these rules and compliance thereof.

(7) It shall be open to the department/ organization/ public authority that in lieu of the recommendation of the Commission specifying the steps which ought in the opinion of the Commission to be taken for enhancing conformity with the provisions of the Act, it may come up with an alternative model for achieving the same with sufficient dispatch but not later than four months of receipt of the Commission's recommendation and only if agreed to by the Commission, the same shall be considered as the sufficient steps to be taken for the purposes of this rule.

(8) The public authority during its performance audit shall disclose any recommendation made under these rules and compliance thereof to the auditors.

(9) The Commission in its annual report shall include these recommendations made to a department/ organization/ public authority and compliance thereof.

**45. Non-compliance of the orders/ directions of the Commission.-**

(1) In case an order passed, or a direction given, by the Commission in connection with a proceeding under section 15 or section 16 is not complied with, the Commission may, either on its own motion or on a complaint received in this regard, enquire into the matter and if it is of the opinion that the public authority or any officer has wilfully disobeyed the orders or directions of the Commission or has intentionally omitted to provide assistance required of it or him, as the case may be, and thereby obstructed providing of information to an applicant in any manner, the Commission may-

- (a) authorize the Registrar to file a complaint before a competent Magistrate under appropriate provisions of the Jammu and Kashmir State Ranbir Penal Code; and/or
- (b) impose a penalty as prescribed under sub-section (1) of section 17 on the head of the public authority or any other officer responsible for causing such obstruction; and/or
- (c) recommend disciplinary action under sub-section (2) of section 17 against the head of the public authority or any other officer responsible for causing such obstruction.

(2) In case an order imposing penalty under sub-section (1) of section 17 or an order awarding compensation under clause (b) of sub-section (9) of section 16 or any direction issued in connection with recovery of payment of such penalty or award is disobeyed or not complied with, the Commission may authorize the Registrar to:

- (a) file a complaint before a competent Magistrate under appropriate provisions of the Jammu and Kashmir State Ranbir Penal Code against such officers as might be found responsible after conducting an enquiry as may be required for the purpose; and/or,
- (b) proceed to recover the amount of penalty treating it as if it were a decree passed by a civil court.

(3) In case an order passed or a direction given under sub-section (9) of section 16 is disobeyed or not complied with by any public authority or an officer, who has been so directed, the Commission may, either on its own motion or on a complaint received in this regard, enquire into the matter under sub-section (2) of section 15 and in case it is of the opinion that the public authority or any officer has wilfully disobeyed the orders or directions of the Commission or has intentionally omitted to provide assistance required of it or him, as the case may be, and thereby obstructed providing of information to an applicant in any manner, the Commission may -

- (a) authorize the Registrar to file a complaint before a competent Magistrate under appropriate provisions of the Jammu and Kashmir State Ranbir Penal Code; and/or
- (b) impose a penalty as prescribed sub-section (1) of section 17 on head of the public authority or any other officer responsible for causing such obstruction; and/or
- (c) recommend disciplinary action under sub-section (2) of section 17 against the head of the public authority or any other officer responsible for causing such obstruction.

## **CHAPTER IX FINANCE, ACCOUNTS AND AUDIT**

**46. Grants by the Government.-** (1) The Government shall, after due appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grants such sums of money as the Government may think fit, for being utilized by it for the purposes of carrying its functions under the Act.

(2) The Commission may spend such sums as it thinks fit for performing the functions under the Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-rule (1).

**47. Accounts and Audit.-** (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Government.

(2) The accounts of the Commission shall be audited by the Directorate of Accounts and Treasuries or the Directorate of Audit and Inspections at such intervals as may be specified by the said Directorate and any expenditure incurred in connection with such audit shall be payable by the Commission to the said Directorate.

(3) The Directorate of Accounts and Treasuries or the Directorate of Audit and Inspections or any person appointed by it in connection with the audit of the accounts of the Commission under these rules, shall have the same rights and privileges and the authority in connection with such audit as the Finance Department generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission as certified by the Directorate of Accounts and Treasuries or the Directorate of Audit & Inspections or any other person appointed by it in this behalf, together with the audit report thereon shall be forwarded to the Government by the Commission and the

Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of the State Legislature.

## **CHAPTER X Miscellaneous**

**48. Power to make manuals, procedures, etc.-** (1) Without prejudice to any specific provision in these rules, the Chief Information Commissioner may cause manuals, procedures and administrative orders issued in exercise of his powers under sub-section (4) of section 12.

(2) Notwithstanding anything contained elsewhere in these rules, all such orders shall be issued under the signatures of the Secretary of the Commission or such other officer so authorized by the Secretary in this regard in writing.

(3) The officer who affixes his signatures on behalf of the Secretary shall be responsible for obtaining the specific authorization of the Secretary in each case in writing.

**49. Power to make regulations.-** (1) Save as provided in sub-rule (2), sub-rule (3) and sub-rule (4), the Commission shall make such regulations as may be required for exercising its powers and discharging its functions under Chapter IV of the Act.

(2) Before making the regulations under sub-rule (1), the Commission shall-

- (a) host the regulations proposed to be made under these rules on the website of the Commission asking for suggestions from general public;
- (b) release the proposed regulations to the press by way of 'public notice' asking for suggestions;
- (c) send a copy of the proposed regulations to the Government asking for suggestions, if any;
- (d) prominently display a copy of the proposed regulations on the notice board of the Commission asking for suggestions; and
- (e) provide enough time, not less than two months, to stakeholders to send their suggestions in respect of the proposed regulations and if it deems necessary, extend the time for receipt of suggestions.

(3) The suggestions, if any, received in regard to the proposed regulations shall be considered by the Commission before finalizing such regulations.

(4) The regulations thus finalized shall again be hosted on the website of the Commission. An authenticated copy of the final regulations shall be forwarded to the Government and also posted by registered mail to

every person/ organization who/ which sent his/its suggestions, if the Commission were in possession of their mailing address.

(5) The regulations so finalized shall not be questioned in any court of law with regard to any procedural lapse in the finalization of these regulations.

**50. Interpretation.-** If any question of interpretation of these rules arise, the decision of the Government in General Administration Department, in consultation with Law Department, shall be final.

**51. Repeal and saving.-** (1) The Jammu and Kashmir Right to Information Rules, 2009 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or any order made or any direction issued 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/-

**(Basharat Ahmad Dhar)IAS**

Commissioner/ Secretary to Government,  
General Administration Department.

No: GAD(Adm) 78/2009-IV

Dated:- 29-04-2010.

Copy to the:-

1. Principal Resident Commissioner, J&K Government, New Delhi.
2. Financial Commissioner, Home.
3. Chairman Jammu & Kashmir Bank Limited.
4. Director General of Police.
5. All Principal Secretaries to Government.
6. Principal Secretary to Hon'ble Chief Minister.
7. Principal Secretary to HE the Governor.
8. All Commissioner/Secretaries to Government.
9. Director General, (IMPA), J&K.
10. Divisional Commissioner, Jammu/Kashmir.
11. Chairman, J&K State Board of School Education, Jammu/Kashmir.
12. Secretary, J&K State Information Commission.
13. All Heads of Departments.
14. Managing Directors of all Public Sector Undertakings.
15. Registrar General, J&K High Court, Jammu.
16. Registrar, University of Kashmir, Srinagar, University of Jammu, Sher-I-Kashmir University of Agriculture Science and Technology,

- Jammu/Kashmir, Baba Ghulam Shah Badshah University, Rajouri,  
Islamic University, Kashmir, Shri Mata Vaishno Devi University, Katra.
17. Director, Information, J&K with the request to provide wide publicity to the rules through electronic and print media.
  18. Director, Estates.
  19. Director, Archives, Archeology and Museums.
  20. All Deputy Commissioners.
  21. Secretary, J&K Legislative, Assembly/Council.
  22. Secretary, J&K Public Service Commission/Services Selection Board.
  23. Secretary, J&K Academy of Art, Culture and Languages, Srinagar.
  24. Secretary, J&K State Electricity Regulatory Commission.
  25. Secretary, J&K Accountability Commission.
  26. Secretary, J&K State Advisory Board for Phari Speaking People.
  27. Secretary, J&K Advisory Board for Development Gujjar and Bakerwals.
  28. Chairman, Board of Professional Entrance Examination.
  29. General Manager, Government Press, Jammu/Srinagar with the request to print 500 copies of the rules and forward the same to GAD.
  30. Special Assistants/Private Secretaries to all Hon'ble Ministers/Ministers of State.
  31. PPS to Chief Secretary
  32. PS to Advisor to Hon'ble Chief Minister
  33. OSD to Political Advisor to Hon'ble Chief Minister
  34. PS to Chairman, J&K State Accountability Commission
  35. Pvt. Secretary to Commr. / Secretary to Government, GAD
  36. In charge Website GAD
  37. Government Order file / stock file.

**(Mohammed Shahid Saleem) KAS**  
Deputy Secretary to Government,  
General Administration Department.

29/04/2020

**Form – 1**

[See rule 4(1)]

**Application form under Right to Information Act, 2009**

I.D. NO. \_\_\_\_\_ (For official use)

Date: \_\_\_\_\_

To

The Public Information Officer,  
 \_\_\_\_\_ Department

Subject:-Request for Information under J&amp;K Right to Information Act, 2009.

- 
1. Name of the Applicant :
  2. Address :
  3. Particulars of the Information :
    - a. Department :
    - b. Information required :

4. I State that the information sought does not fall within restrictions contained in section 8 and 9 of the Act and to the best of my knowledge it pertains to your Department.
5. A fee of Rs. 50/- (Rupees Fifty only) towards Application Fee has been paid in the form of Non-Judicial Stamp Paper/Demand Draft/Chaque/Postal Order/Treasury Receipt etc.
6. Further, I also undertake to pay any additional fees/charges (if applicable) as prescribed under the Right to Information Act and or relevant Rules.

(Signature of the Applicant):

Telephone No:

Fax No:

Email Address:

- .....
1. No fee is required to be paid if application written on Non-Judicial Stamp paper of Rs. 50/-.
  2. No fee shall be charged from person living below poverty line for information under rule 6 and rule 7.
  3. The fee shall be deposited in the Government Treasury under "Major Head: 0070 – other Administrative Services"



**Form – 2**

[See rule 4(4)]

**Acknowledgment of Application**

I.D. NO. \_\_\_\_\_

Dated. \_\_\_\_\_

1. Received an application in 'Form-1' from Shri/Smt. \_\_\_\_\_ son/daughter/wife of \_\_\_\_\_ resident of \_\_\_\_\_ under section 6 of the Jammu and Kashmir Right to Information Act, 2009 alongwith the prescribed fee of Rs. \_\_\_\_\_.
2. The information will be provided normally within 30 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 shall have to deposit the balance fee, if any, which shall be intimated in due course, with the authorized person before collection of information.

**Public Information Officer (PIO)/  
Assistant Public Information Officer (APIO)**  
\_\_\_\_\_ Department.  
**Telephone No:** \_\_\_\_\_  
**Email:**

Dated: \_\_\_\_\_

**Form-3**  
(See rule 8)

**Form of supply of information to the applicant**

No. \_\_\_\_\_

Dated. \_\_\_\_\_

To

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sir/Madam,

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

1. The information asked for is enclosed for reference/  
the following part information is being enclosed.

\_\_\_\_\_

The remaining information about other aspects cannot be supplied due to following reason:-

- i.
  - ii.
  - iii.
2. You have to deposit the balance fee of Rs. \_\_\_\_\_ with the authorized person before collection of information.
  3. As per section 16(1) of the Jammu and Kashmir Right to Information Act, 2009, you may file an appeal to the first appellate authority i.e. \_\_\_\_\_, within 30 days of the issue of this order.

**Public Information Officer (PIO)**  
\_\_\_\_\_  
**Department.**  
**Telephone No:** \_\_\_\_\_  
**Email:**

**Form – 4**  
(See rule 8)  
**Rejection Order**

No. \_\_\_\_\_

Dated. \_\_\_\_\_

To

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sir/Madam,

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

1. The information asked for cannot be supplied due to following reason:-
  - i.
  - ii.
  - iii.
  
2. As per section 16 (1) of the Jammu and Kashmir Right to Information Act, 2009, you may file an appeal to the first appellate authority, \_\_\_\_\_ within 30 days of the issue of this order.

**Public Information Officer (PIO)**  
\_\_\_\_\_  
**Department.**  
**Telephone No:** \_\_\_\_\_  
**Email:**

**Form – 5**  
[See rule 20(1)]

**First appeal under the J&K Right to Information Act, 2009**

I.D. No. \_\_\_\_\_  
(for official use)

To

The first appellate authority,  
\_\_\_\_\_ Department.

1. Name of the applicant:
2. Address:
3. Particulars of the Incharge of Office:
  - a. Name:
  - b. Address:
4. Date of submission of application in Form – 1.
5. Date on which 30 days from submission of Form -1 is over:
6. Reasons for appeal:
  - a. No response received in Form-3, or Form-4 within 30 days of submission of Form-1
  - b. Aggrieved by the response received within prescribed period.  
(a copy of the reply received be attached)
  - c. Grounds for appeal.
7. Last dated for filling the appeal.
8. Particulars of Information required:-

Place:

Dated:

Signature of the applicant  
Email address, if any  
Tele No. \_\_\_\_\_

..... Cut from here.....

Acknowledgement

I.D. No. \_\_\_\_\_

Dated \_\_\_\_\_

Received appeal application from Shri \_\_\_\_\_ resident of \_\_\_\_\_ under J&K Right to Information Act, 2009.

Signature of the Receipt Clerk,  
Office of the first appellate authority  
\_\_\_\_\_ Department,

Tel. No. \_\_\_\_\_  
Email Address \_\_\_\_\_  
Website. \_\_\_\_\_



**Government of Jammu and Kashmir**  
**General Administration Department**  
 (Administration Section)  
 Civil Secretariat,  
 Srinagar/Jammu.

**URGENT**  
**TIME BOUND**

Subject:- Implementation of Jammu and Kashmir Right to Information Act, 2009.

Circular No. 25 - GAD of 2009  
 Dated:- 05 - 06 - 2009

1. The Jammu & Kashmir Right to Information Act, 2009 has come into effect from the 20<sup>th</sup> of March, 2009. The Act provides for dissemination of information to the residents of the State in the laid down manner. The Act requires the Public Authorities of the State Government to take various specific actions in a time bound manner. The Public Authorities under the Act means any authority or body or institution of self-Government established or constituted-
  - i. by or under the Constitution of India or the Constitution of Jammu and Kashmir;
  - ii. by any other law made by Parliament;
  - iii. by any other law made by State Legislature;
  - iv. by notification issued or order made by the Government and includes any –
    - a) Body owned, controlled or substantially financed;
    - b) Non-Government organization substantially financed, directly or indirectly by funds provided by the Government;
  
2. The important points on which the Public Authorities as mentioned above, are required to take action are indicated hereunder:-
  - i) Under Section 4(a), every Public Authority has to maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under the Act and ensure that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the State on different systems so that access to such records is facilitated. All Administrative Secretaries are requested to please ensure that all the Public Authorities under their administrative control initiate immediate action for maintenance of the records in a manner and form required under the J&K Right to Information Act, 2009.
  
  - ii) Under Section 4(b), every Public Authority has to publish within 120 days from the commencement of the Act various information pertaining to the organization. To facilitate and maintain uniformity of such information, a format is enclosed with this circular. All Administrative Secretaries are requested to kindly ensure that all Public Authorities under their administrative control publish detailed information pertaining to their organization in the prescribed format within the stipulated period.

They are also requested to ensure that the information is disseminated through various means including booklets, pamphlets, notices, websites etc. The Public Authorities who do not have their own website can furnish a soft copy of the information in the format prescribed to the General Administration Department for hosting it on the site of the General Administration Department (www.jkgad.nic.in).

- iii) Under Section 5(1) and 5(2), the Public Authorities are required to designate Public Information Officers (PIOs) in all Administrative Units or Offices and, if required, Assistant Public Information Officer (APIO) at each sub-divisional or sub-district level, in a time bound manner within 100 days of coming into effect of the Act. All Administrative Secretaries are requested kindly to ensure that the Public Authorities under their administrative control designate the PIO/APIO within the stipulated time frame, under an intimation to the General Administration Department.
3. The J&K Right to information Act, 2009 is available on the website of the General Administration Department. However, a copy of the same is enclosed for ready reference. All the Administrative Secretaries are requested kindly to personally supervise implementation of the Act and ensure that all actions are taken in a time bound manner by all the Public Authorities under their administrative control. The implementation of the Act in the State shall be reviewed by the Chief Secretary on regular intervals.

Sd/-

(Basharat Ahmad Dhar) IAS  
Commissioner Secretary to Government  
General Administration Department

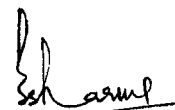
Encl: As above.

NO: GAD(Adm)110/2009-V

Dated: 05-06-2009

Copy to the :-

1. All Administrative Secretaries to Government,
2. Principal Secretary to HCM / HEG.
3. Divisional Commissioner, Kashmir / Jammu.
4. All Heads of Departments.
5. All Deputy Commissioner.
6. All Managing Directors of PSUs / Corporation / Board,
7. Special Assistant to Hon'ble Minister for \_\_\_\_\_ for kind information of the Hon'ble Minister.
8. Principal Pvt. Secretary to Chief Secretary,
9. Pvt. Secretary to Commissioner/ Secretary to Government, General Administration Department.
10. Circular file / Stock file / GAD website.



(Dr. R.S. Sharma) KAS  
Deputy Secretary to Government,  
General Administration Department

To be published by all Public Authorities

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## **Template for the Information Handbook under Right to Information Act, 2009**

### **Chapter - 1**

#### **Introduction**

- 1.1. Please throw light on the background of this hand-book (Right to Information Act, 2009).
- 1.2. Objective / purpose of this hand-book
- 1.3. Who are the intended users of this hand book?
- 1.4. Organisation of the information in this hand-book.
- 1.5. Definitions (Please provide definitions of various terms used in the hand-book.
- 1.6. Contact person in case some body wants to get more information on topics covered in the hand-book as well as other information also.
- 1.7. Procedure and Fee Structure for getting information not available in the hand-book.

## **Chapter – 2**

### **Particulars of Organization, Functions and Duties**

- 2.1. Objective/purpose of the public authority.
- 2.2. Mission / Vision Statement of the public authority.
- 2.3. Brief history of the public authority and context of its formation.
- 2.4. Duties of the public authority.
- 2.5. Main activities / functions of the public authority.
- 2.6. List of services being provided by the public authority with a brief write-up on them.
- 2.7. Organizational Structure Diagram at various levels namely State, directorate, region, district, block etc (whichever is applicable).
- 2.8. Expectation of the public authority from the public for enhancing its effectiveness and efficiency.
- 2.9. Arrangements and methods made for seeking public participation / contribution.
- 2.10. Mechanism available for monitoring the service delivery and public grievance resolution.
- 2.11. Addresses of the main office and other offices at different levels. (Please categorise the addresses district wise for facilitating the understanding by the user).
- 2.12. Morning hours of the office:  
Closing hours of the office:



**Chapter 3**

**Powers and Duties of Officers and Employees**

3.1 Please provide details of the powers and duties of officers and employees of the organization.

<b>Designation</b>		
<b>Powers</b>	<b>Administrative</b>	1. 2. 3. ... ... ...
	<b>Financial</b>	1. 2. 3. ... ... ...
	<b>Others</b>	1. 2. 3. ... ... ...
<b>Duties</b>	1. 2. ... ...	

**Chapter - 4**

**Rules, Regulations, Instructions, Manual and  
Records, for Discharging Functions**

- 4.1. Please provide list of rules, regulations, instructions, manual and records, held by Public authority or under its control or used by its employees for discharging functions as per the following format. This format has to be filled for each type of document.

Name / title of _____ The document	Type of the document <input type="checkbox"/>
	Choose one of the types given below. (Rules, Regulations, Instructions, Manual, Records, Others)
Brief Write-up on the Document	
From where one can get a copy of Rules, regulations, instructions, Manual and records	Address: _____ _____ _____ _____
Fee charged by the Department For a copy of rules, regulations, Instructions, manual and records (if any)	

**Chapter 5**

**Particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof**

**Formulation of Policy**

5.1 Whether there is any provision to seek consultation / participation of public or its representative for formulation of policies? If there is, please provide details of such policy in following format.

Sr. No.	Subject / Topic	Is it mandatory to ensure public participation (Yes / No)	Arrangements for seeking public participation

This will help a citizen understand on what basis public participation in formulation and implementation of policy matters is decided upon.

**Implementation of Policy**

5.2 Whether there is any provision to seek consultation / participation of public or its representatives for implementation of policies? If there is, please provide details of provisions in following format.

S.No.	Subject / Topic	Is it mandatory to ensure public participation (Yes / No)	Arrangements for seeking public participation

## Chapter 6

### A statement of the categories of documents that are Held by it or under its control

- 6.1. Use the format given below to give the information about the official documents. Also mention the place where the documents are available for e.g. at Secretariat level, Directorate level, others (please mention the level in place of writing others).

Sr. No.	Category of the document	Name of the document and its introduction in one line	Procedure to obtain the document	Held by / under control of



## **Chapter 7**

### **A statement of boards, council, committees and Other bodies constituted as its part**

7.1. Please provide information on Boards, Councils, Committees and Other Bodies related to the public authority in the following format:

- Name and address of the Affiliated Body
- Type of Affiliated Body (Board, Council, Committees, Other Bodies)
- Brief introduction of the Affiliated Body (Establishment Year, Objective / Main Activities)
- Role of the Affiliated Body ( Advisory / Managing / Executive/Others)
- Structure and Member Composition
- Head of the Body
- Address of main office and its Branches
- Frequency of Meetings
- Can public participate in the meetings?
- Are minutes of the meetings prepared?
- Are minutes of the meetings available to the public? If yes please provide information about the procedure to obtain them.



## Chapter 9

### Procedure followed in Decision Making Process

- 9.1 What is the procedure followed to take a decision for various matters? (A reference to Secretariat Manual and Business Rules and other rules/regulations etc can be made)
- 9.2 What are the documented procedures / laid down procedures / Defined Criteria / Rules to arrive at a particular decision for important matters? What are different levels through which a decision process moves?
- 9.3 What are the arrangements to communicate the decision to the public?
- 9.4 Who are the officers at various levels whose opinions are sought for the process of decision making?
- 9.5 Who is the final authority that vets the decision?
- 9.6 Please provide information separately in the following format for the important matters on which the decision is taken by the public authority

S. No.	
Subject on which the decision is to be taken	
Guideline / Direction, if any	
Process of Execution	
Designation of the officers involved in decision making	
Contact information of above mentioned officers	
If not satisfied by the decision, where and how to appeal.	

## Chapter 10

### Directory of Officers and Employee

10.1 Please provide information district wise in following format

Sr.No.	Name	Designation	S.T.D Code	Ph. No.		Fax	E Mail	Address
				Office	Home			

## Chapter 11

### The Monthly Remuneration Received by each of its Officers and Employees, Including the system of Compensation as Provided in Regulations

11.1. Please provide information in following format

S.No.	Name	Designation	Monthly remuneration	Compensation/ Compensatory allowance	The procedure to determine the remuneration as given in the regulation



**Chapter 12**

**The Budget Allocated to each Agency (Particulars of all plans, proposed expenditures and reports on disbursement made)**

**For Public Authorities responsible for developmental, construction, technical works**

12.1. Please provide information about the details of the budget for different activities under different schemes in the given format

**Year** \_\_\_\_\_ :

S.No	Name of the scheme / Head	Activity	Starting date of the activity	Planned end date of the activity	Amount proposed	Amount sanctioned	Amount released/disbursed (no. of instalments)	Actual expenditure for the last year	Responsible officer for the quality the complete execution of the work

**For other Public Authorities**

Sr.No.	Head	Proposed Budget	Sanctioned Budget	Amount released/disbursed (no. of installments)	Total Expenditure

## **Chapter 13**

### **The Manner of Execution of Subsidy Programmes**

13.1. Please provide the information as per the following format:

- Name of Programme / Scheme
- Duration of the programme / scheme
- Objective of the programme
- Physical and financial targets of the programme (for the last year)
- Eligibility of Beneficiary
- Pre-requisites for the benefit
- Procedure to avail the benefits of the programme
- Criteria for deciding eligibility
- Detail of the benefits given in the programme (also mention the amount of subsidy or other help given)
- Procedure for the distribution of the subsidy
- Where to apply or whom to contact in the office for applying
- Application format (where applicable. If the application is made on plan paper please mention it along with what the applicant should mention in the application)
- List of attachments (certificates / documents)
- Format of Attachments
- Where to contact in case of process related complaints
- Details of the available fund (At various levels like District Level, Block Level etc)

- List of beneficiaries in the format given below

S.No. /Code	Beneficiary Name	Amount of subsidy	Parent Guardia ns	Criteria of selectio n	Address			
					Distri ct	Cit y	Town/ Village	Hous e No.

**Chapter 14**

**Particulars of Recipients of Concessions, permits or authorization granted by it**

14.1. Please provide the information as per the following format:

- Name of Programme
- Type (Concession / Permits / Authorization)
- Objective
- Target set (For the last year)
- Eligibility
- Criteria for the eligibility
- Pre-requisites
- Procedure to avail the benefits
- Time limit for the concession / Permits / Authorizations
- Application Fee (where applicable)
- Application format (where applicable)
- List of attachments (certificates / documents)
- Format of Attachments
- List of beneficiaries in the format given below

S.No. /Code	Beneficiary Name	Validity period	Parent Guardian s	Address			
				District	City	Town/ Village	House No.

Also provide the following information for Concession

- Detail of the benefit given
- Distribution of benefits

### **Chapter 15**

#### **Norms set by it for the discharge of its functions**

- 15.1. Please provide the details of the Norms / Standards set by the Department for execution of various activities / programmes.

### **Chapter 16**

#### **Information Available in an electronic form**

- 16.1. Please provide the details of the information related to the various schemes which are available in the electronic format.

### **Chapter 17**

#### **Particulars of the facilities available to citizens for obtaining information**

- 17.1. Means, methods or facilitation available to the public which are adopted by the Department for dissemination of information. Like
- Office Library
  - Drama and Shows

- Through News Paper
- Exhibition
- Notice Board
- Inspection of Records in the Office
- System of issuing of copies of documents
- Printed Manual Available
- Website of the Public Authority
- Others means of advertising

## **Chapter 18**

### **Other Useful Information**

#### **18.1. Frequently Asked Questions and their Answers by Public**

#### **18.2. Related to seeking information**

- Application form (a copy of filled application form for reference)
- Fee
- How to write a precise information request Few Tips
- Right of the Citizen in case of denial of information and procedure to appeal

#### **18.3. With relation to training imparted to public by Public Authority**

- Name of training programme with brief description
- Time period for Training Programme / Scheme
- Objective of training
- Physical and Financial Targets (Last Year)
- Eligibility for training
- Prerequisite for training (if any)
- Financial and other form of help (if any)
- Description of help (mention the amount of Financial help, if any)
- Procedure of giving help
- Contact Information for applying
- Application Few (Wherever applicable)
- Application Form (in case the application is made on plain paper, please mention the details which the applicant has to provide)
- List of enclosures/documents
- Procedure of application
- Selection Procedure
- Time table of training programme (in case available)
- Process to inform the trainee about the training schedule
- Arrangement made by the Public Authority for creating public awareness about the training programmes.
- List of Beneficiary of the training programme at various levels like district level, block level etc.

#### **18.4. With relation to training imparted to public by Public Authority**

- Name of training programme with brief description
- Time period for Training Programme / Scheme
- Objective of training

- Physical and Financial Targets (Last Year)
- Eligibility for training
- Prerequisite for training (if any)
- Financial and other form of help (if any)
- Description of help (Mention the amount of Financial help, if any)
- Procedure of giving help
- Contact Information for applying
- Application Fee (Wherever applicable)
- Other Fees (Wherever applicable)
- Application Form (in case the application is made on plain paper, please mention the details which the applicant has to provide)
- List of enclosures /documents
- Format of enclosures /documents
- Procedure of application
- Selection procedure
- Time table of training programme (in case available)
- Process to inform the trainee about the training schedule
- Arrangement made by the Public Authority for creating public awareness about the training programmes.
- List of Beneficiary of the training programme at various levels like district level, block level etc.
- Validity period of certificate (if applicable)
- Process of renewal (if any)

#### **18.5. With relation to registration process**

- Objective
- Eligibility for registration
- Pre-requisites (if any)
- Contact information for applying
- Application Fee (Wherever applicable)
- Other Fee (Wherever applicable)
- Application Form (In case the application is made on plain paper, please mention the details which the applicant has to provide)
- List of enclosures / documents
- Format of enclosures / documents
- Procedure of application
- Process followed in the Public Authority after the receipt of application.

**Form – 1**

[See rule 4(1)]

**Application form under Right to Information Act, 2009**

I.D. NO. \_\_\_\_\_ (For official use)

Date: \_\_\_\_\_

To

The Public Information Officer,  
 \_\_\_\_\_ Department

Subject:-Request for Information under J&amp;K Right to Information Act, 2009.

- 
1. Name of the Applicant :
  2. Address :
  3. Particulars of the Information :
    - a. Department :
    - b. Information required :

4. I State that the information sought does not fall within restrictions contained in section 8 and 9 of the Act and to the best of my knowledge it pertains to your Department.
5. A fee of Rs. 50/- (Rupees Fifty only) towards Application Fee has been paid in the form of Non-Judicial Stamp Paper/Demand Draft/Chaque/Postal Order/Treasury Receipt etc.
6. Further, I also undertake to pay any additional fees/charges (if applicable) as prescribed under the Right to Information Act and or relevant Rules.

(Signature of the Applicant):

Telephone No:

Fax No:

Email Address:

- .....
1. No fee is required to be paid if application written on Non-Judicial Stamp paper of Rs. 50/-.
  2. No fee shall be charged from person living below poverty line for information under rule 6 and rule 7.
  3. The fee shall be deposited in the Government Treasury under "Major Head: 0070 – other Administrative Services"



**Form – 2**

[See rule 4(4)]

**Acknowledgment of Application**

I.D. NO. \_\_\_\_\_

Dated. \_\_\_\_\_

1. Received an application in 'Form-1' from Shri/Smt. \_\_\_\_\_ son/daughter/wife of \_\_\_\_\_ resident of \_\_\_\_\_ under section 6 of the Jammu and Kashmir Right to Information Act, 2009 alongwith the prescribed fee of Rs. \_\_\_\_\_.
2. The information will be provided normally within 30 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 shall have to deposit the balance fee, if any, which shall be intimated in due course, with the authorized person before collection of information.

**Public Information Officer (PIO)/  
Assistant Public Information Officer (APIO)**  
\_\_\_\_\_ Department.  
**Telephone No:** \_\_\_\_\_  
**Email:**

Dated: \_\_\_\_\_

**Form-3**  
(See rule 8)

**Form of supply of information to the applicant**

No. \_\_\_\_\_

Dated. \_\_\_\_\_

To

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sir/Madam,

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

1. The information asked for is enclosed for reference/ the following part information is being enclosed.

\_\_\_\_\_

The remaining information about other aspects cannot be supplied due to following reason:-

- i.
  - ii.
  - iii.
2. You have to deposit the balance fee of Rs. \_\_\_\_\_ with the authorized person before collection of information.
  3. As per section 16(1) of the Jammu and Kashmir Right to Information Act, 2009, you may file an appeal to the first appellate authority i.e. \_\_\_\_\_, within 30 days of the issue of this order.

**Public Information Officer (PIO)**  
\_\_\_\_\_ **Department.**  
**Telephone No:** \_\_\_\_\_  
**Email:**

**Form – 4**  
**(See rule 8)**  
**Rejection Order**

No. \_\_\_\_\_

Dated. \_\_\_\_\_

To

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sir/Madam,

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

1. The information asked for cannot be supplied due to following reason:-
  - i.
  - ii.
  - iii.
2. As per section 16 (1) of the Jammu and Kashmir Right to Information Act, 2009, you may file an appeal to the first appellate authority, \_\_\_\_\_ within 30 days of the issue of this order.

**Public Information Officer (PIO)**  
\_\_\_\_\_  
**Department.**  
**Telephone No:** \_\_\_\_\_  
**Email:**

**Form – 5**  
[See rule 20(1)]

**First appeal under the J&K Right to Information Act, 2009**

I.D. No. \_\_\_\_\_  
(for official use)

To

The first appellate authority,  
\_\_\_\_\_ Department.

1. Name of the applicant:
2. Address:
3. Particulars of the Incharge of Office:
  - a. Name:
  - b. Address:
4. Date of submission of application in Form – 1.
5. Date on which 30 days from submission of Form -1 is over:
6. Reasons for appeal:
  - a. No response received in Form-3, or Form-4 within 30 days of submission of Form-1
  - b. Aggrieved by the response received within prescribed period.  
(a copy of the reply received be attached)
  - c. Grounds for appeal.
7. Last dated for filling the appeal.
8. Particulars of Information required:-

Place:

Dated:

Signature of the applicant  
Email address, if any  
Tele No. \_\_\_\_\_

..... Cut from here.....

Acknowledgement

I.D. No. \_\_\_\_\_

Dated \_\_\_\_\_

Received appeal application from Shri \_\_\_\_\_ resident of \_\_\_\_\_ under J&K Right to Information Act, 2009.

Signature of the Receipt Clerk,  
Office of the first appellate authority  
\_\_\_\_\_ Department,

Tel. No. \_\_\_\_\_  
Email Address \_\_\_\_\_  
Website. \_\_\_\_\_