

No.OM-43/2003
GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF PERSONNEL, ADMINISTRATIVE REFORMS & TRAINING
ADMINISTRATIVE REFORMS BRANCH

Dated Itanagar, the 15th September, 2005.

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 28 of the Right to Information Act, 2005 (Act No.22 of 2005), the Governor of Arunachal Pradesh hereby makes the following rules, namely:-

1. Short title and commencement: -

- (1) These rules may be called the Arunachal Pradesh Right to Information Rules, 2005.
- (2) They shall come into force from the date of their publication in the official Gazette.

2. Definitions: -

- (1) In these rules, unless the context otherwise requires,-
 - (a) 'Act' means the Right to Information Act, 2005 (Act No.22 of 2005);
 - (b) 'Competent Authority' means the Competent Authority to accept fee prescribed under these rules;
 - (c) 'Form' means the 'Form' appended to these rules;
 - (d) 'Section' means a section of the Act.

(2) Words and expressions used but not defined in these rules shall have the meaning as assigned to them in the Act.

3. Application for seeking information: - Any person seeking information under the Act shall make an application in Form 'A' to the competent authority and deposit application fees as per rule 8 with the authorized person. The competent authority shall duly acknowledge the application as provided in Form 'A'.

Provided that a person who makes a request through electronic form shall ensure that the requisite fee is deposited in Treasury Challan under the Head of Account '0070 – other administrative service within seven days of his request sent through electronic form, failing which his application shall be treated as withdrawn by the applicant.

4. Disposal of application by the competent authority: -

(1) If the requested information does not fall within the jurisdiction of the competent authority, it shall order return of the application to the applicant in Form 'B' as soon as practicable, normally within fifteen days and in any case within thirty days of the receipt of the application, advising the applicant, wherever possible, about the competent authority to whom the application should be made. The application fee deposited in such cases shall not be refunded.

Contd..P/2.

(2) If the requested information falls within the competent authority's jurisdiction and also in one or more of the categories of restrictions listed in section 8 of the Act, the competent authority, on being satisfied, will issue the rejection order in Form 'C' as practicable, normally within fifteen days and in any case, within thirty days from the date of the receipt of the application.

(3) If the requested information falls within the competent authority's jurisdiction but not in one or more of the categories listed in section 8 of the Act, the competent authority, on being so satisfied, shall supply the information to the applicant in Form 'D', falling within his jurisdiction. In case, the information sought is partly outside the jurisdiction of the competent authority or partly falls in the categories listed in section-8 of the Act, the competent authority shall supply only such information as is permissible under the Act and is within its own jurisdiction and reject the remaining part giving reasons thereof.

(4) The information shall be supplied as soon as practicable, normally within fifteen days and in any case within thirty days from the date of the receipt of the application on deposit of the balance amount, if any, in Treasury Challan and original copy of the Challan is submitted to the authorized person, before collection of information. A proper acknowledgement shall be obtained from the applicant in token of receipt of information.

5. Appeal: -

(1) Any person-

- (a) who fails to get a response in Form 'B', or Form 'C' from the competent authority within thirty days of submission of Form 'A' or
- (b) who is aggrieved by the response received within the prescribed period, may appeal in Form 'E' to the State Information Commission and deposit fee for appeal as per rule 8 in Treasury Challan and original copy of the Challan is submitted with the authorized person.

(2) On receipt of the appeal, the State Information Commission shall acknowledge the receipt of appeal and after giving the applicant an opportunity of being heard, shall endeavor to dispose it of within thirty days from the date on which it is presented and send a copy of the decision to the competent authority concerned.

(3) (a) Where the appeal is filed on the ground specified in clause (a) of sub-rule (1) of this rule, no appeal shall be admissible after sixty days of the submission of the application in Form 'A'

(b) Where the appeal is filed on the ground specified in Rule in clause (b) of sub-rule (1) of this rule, no appeal shall be admissible after thirty days of the issue of the response appealed against.

(4) In case the appeal is allowed, the information shall be supplied to the applicant by the competent authority within such period as ordered by the appellate authority. This period shall not exceed thirty days from the date of the receipt of the order.

6. Penalties: -

(1) Whoever being bound to supply information under sub-section (1) of section 20 of the Act fails to furnish the information asked for under the Act within the time specified or fails to communicate the rejection order under section 9 of the Act, shall be liable to pay a penalty of fifty rupees per day for the delayed period beyond thirty days subject to a maximum of five hundred rupees per application filed under rule 3.

(2) Where the information supplied is found to be false in any material particular and which the person bound to supply it knows or has reasonable cause to believe it to be false or does not believe it to be true, the person supplying the information shall be liable to pay a penalty of one thousand rupees per application, filed under rule 3.

7. Suo moto Publication of Information by public authorities.-

(1) The public authority shall suo-moto publish information as per sub-section (3) of section 26 of the Act by publishing booklets, folders and pamphlets at the following intervals:

Sl.No	Particulars of Information to be published	Interval
1.	Particular of its organization, functions and duties.	Once in five years
2.	Powers and duties of its officers and employees and the procedure followed by them in the decision making process.	Once in two years
3.	Norms set by the public authority for the discharge of its functions	Once in two years
4.	Laws, bye-laws, rules, regulations, instruction, manuals and other categories of records under its control used by its employees for discharging its functions.	Once in five years
5.	Details of facilities available to citizens for obtaining information	Annually
6.	Name, designation and other particulars of the competent authority	Annually

Contd..P/4.

//4//

(2) Such information shall also be made available to the public through information counters, medium of internet and display on notice board at conspicuous places in the office of the competent authority and the State Public Information Commission.

8. Charging of Fees: -

(1) The competent authority shall charge the fee at the following rates, namely:-

(A) Application fees

(i) Information relating to tender documents/

bids/quotation/ Business contracts; Five hundred rupees per application.

(ii) Information other than (i) above Fifty rupees per application.

(B) Other Fees -

S. No	Description of information	Price/Fees in Rupees
1.	Where the information is available in the form of a priced publication.	Price so fixed
2.	For other than priced publication.	Five rupees per page

(2) The appellate authority shall charge a fee of fifty rupees per appeal through Treasury Challan.

(3) The fees charged shall be deposited through Treasury Challan in the Head of Account "0070-Other administrative charge" by the applicant

9. State Information Commission:-

(1) The State Information Commission shall be constituted by the State Government by a separate notification.

10. Maintenance of Records:-

(1) The competent authority shall maintain records of all applications received for supply of information and fee charged and deposited in the Government account.

(2) The State Information Commission shall maintain records of all appeals filed before it and fee charged and deposited in the Government account.

Sd/-

(Kewal K. Sharma)
Commissioner & Secretary to the
Government of Arunachal Pradesh.

Memo No.OM-43/2003

Dated Itanagar, the September, 2005.

Copy for information:-

- 1) The Secretary to Governor, Arunachal Pradesh, Itanagar.
- 2) The Secretary to Chief Minister, Arunachal Pradesh, Itanagar.
- 3) The PS to Chief Secretary, Govt. of Arunachal Pradesh, Itanagar.
- 4) The PS to Ministers, Arunachal Pradesh, Itanagar.
- 5) All Commissioners/Secretaries/Jt. Secretaries, Govt. of Arunachal Pradesh, Itanagar.
- 6) The Secretary, Arunachal Pradesh Public Service Commission, Arunachal Pradesh, Itanagar.
- 7) All Deputy Secretaries/Under Secretaries, Govt. of Arunachal Pradesh, Itanagar.
- 8) All Deputy Commissioners/Addl. Deputy Commissioners Arunachal Pradesh.
- 9) All Heads of Offices, Arunachal Pradesh, Itanagar/Naharlagun.
- 10) The DIPR, Govt. of Arunachal Pradesh for publication in the next issue of the Arunachal Pradesh Gazette. He is further requested to supply 300 copies to the undersigned.
- 11) Office copy.

(Kewal K. Sharma)
Commission & Secretary (AR),
Govt. of Arunachal Pradesh.