

GOVERNMENT OF MEGHALAYA
INFORMATION AND PUBLIC RELATIONS DEPARTMENT

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NOTIFICATION

Dated Shillong, the 1st August, 2007

No.IPR.112/96/Pt.IV/331 - In exercise of the powers conferred by section 27 and 28 read with sub-section (10) of Section 19 of the Right to Information Act, 2005 the Governor of Meghalaya is pleased to make the following rules namely:-

1. **Short title and commencement** - These rules may be called the Right to Information (Appeal & Procedures of the State Information Commission) Rules, 2007.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. **Definitions:** - In these rules unless the context otherwise requires -

(a) "Act" means the Right to Information Act, 2005;

(b) "Appeal" means a second appeal as specified under sub-section (3) of section 19 of the Act;

(c) "Chief Information Commissioner" means the State Chief Information Commissioner appointed under sub-section (3) of section 15 of the Act;

(d) "Designated Appellate Authority" means the Authority constituted under sub-section (1) of section 19 of the Act;

(e) "State Information Commission" means the Commission constituted under section 15 of the Act; and

(f) "Section" means section of the Act.

3. **Appeal:** - (1) An appeal under sub-section (3) of section 19 of the Act, can filed with the State Information Commission within 90 days from the date on which the decision under sub-section (1) of section 19 was received.

(2) An appeal can filed with the Commission -

(a) by any person or party either by presenting personally or through an agent duly authorized or by post.

(b) against the order/decision of the Designated Appellate Authority.

(c) in the prescribed formats which can be obtained from the office of the Commission or in plain paper duly signed with all particulars and address of the Appellants; and

(d) by stating the grounds for relief and redressal.

(3) An appeal not complying with the conditions under sub-rule (2) (a), (b), (c) and (d) of these rule will be summarily rejected.

4. **Documents to accompany appeal** – Every appeal made to the State Information Commission shall be in triplicate accompanied by the following documents, namely,-
 - (a) self-attested copies of the orders or documents against which the appeal being preferred;
 - (b) copies of documents relied upon by the appellant and referred to in the appeal; and
 - (c) an index of the documents referred to in the appeal.

5. **Procedures in deciding appeal** – In deciding the appeal, the State Information Commission may;
 - (a) hear oral, or written evidence on oath or on affidavit from concerned interested person;
 - (b) peruse or inspect documents, public record or copies thereof;
 - (c) inquire through authorized officer further details or facts;
 - (d) hear the Designated Appellate Authority or such Senior Officer who decided the first appeal, or such against whom the complaint is made, as the case may be;
 - (e) hear third party if, any and
 - (f) receive evidence on affidavits from Designated Appellate Authority, or such other Senior Officers who decided the first appeal or such person against whom the complaint or the third party.

6. **Service of notice by Commission** - Notice to be issued by the State Information Commission may be served in any of the following modes, namely,
 - (a) service to the party itself;
 - (b) by hand delivery (dusty) through process server;
 - (c) by registered post with acknowledgement due; or
 - (d) through Head of Office or Department;
 - (e) by fax; or
 - (f) by e-mail.

7. **Personal presence of the appellant or complainant** –
 - (1) The appellant/complainant, as the case may be, shall in every case be informed of the date of hearing at least ten clear days before the date.
 - (2) The appellant/complainant, as the case may be, may at his discretion at the time of hearing of the appeal or complaint by the State Information Commission be present in person or through his duly authorized representative or may not be present.
 - (3) Where the State Information Commission is satisfied that the circumstance exist due to which the appellant/complainant, as the case may be, is being prevent from attending the hearing before the State Information Commission, the State Information Commission may afford the appellant/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) Appellant/complainant, as the case may be, may seek the assistance of any person in the process of the appeal while presenting his points and the person representing him may not be a legal practitioner.

8. **Order of the State Information Commission** - Order of the State Information Commission shall be in written and be pronounced in open proceedings. Such order shall be duly authenticated by the Under Secretary or any other officer authorized by the State Information Commission for this purpose.
9. **Payment of the penalty amount imposed by the Commission** – The amount of the penalty imposed by the Commission under Section 20 of the Act shall be deposited by the concerned Public Information Officer etc with the Commission within a period of 30 days. The Commission will issue necessary receipts for the payment made in the prescribed form. Alternatively, the Public Information Officer may make the payment by Treasury Challans to the State Bank of India under the head of account to be supplied by the Commission.

Failure to pay the amount of penalty within the specified period of 30 days, the amount shall be deemed to be a public demand as defined under section 3 of the Bengal Public Demands Recovery Act, 1913 read with “Para 3 of the Schedule I to the above Act” at Annexure I.

Sd/-

(Arindam Som)

Commissioner & Secretary to the Govt. of Meghalaya,
Information & Public Relations Department.

Memo.No.IPR.112/96/Pt.IV/331-B

Dated Shillong, the 1st August, 2007

Copy to:-

1. Private Secretary to the Chief Minister for information of the Chief Minister.
2. Private Secretary to the Minister, I/c IPR for information of the Minister, I/c IPR.
3. Private Secretary to the State Chief Information Commissioner for information of the State Chief Information Commissioner.
4. Private Secretary to the Chief Secretary for information of the Chief Secretary.
5. All Principal Secretary, Commissioner & Secretary, Secretary_____ for information and necessary action.
6. Secretary, Meghalaya Information Commission with reference to letter No. MIC.5/2006/16 dated 21-9-2006.
7. Director of Information and Public Relations, Meghalaya, Shillong.
8. All Administrative Department/Heads of Department for information and necessary action.
9. Director of Printing and Stationery, Meghalaya, Shillong with a request to kindly publish the above Notification in the next issue of the Meghalaya Gazette and to supply 1000 printed copies of the above Notification to this Department.

By order etc.,

Under Secretary to the Govt. of Meghalaya,
Information & Public Relations Department.