



புதுவை மாநில அரசிதழ்

La Gazette de L'État de Pondichéry

The Gazette of Pondicherry

PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

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வெளியீடு

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GOVERNMENT OF PONDICHERRY
CHIEF SECRETARIAT
ADMINISTRATIVE REFORMS WING

No.B-16013/2005/SCIC(RTI).

Pondicherry, the 29th May 2006.

NOTIFICATION

In exercise of the powers conferred by section 28 of the Right to Information Act, 2005 (Central Act 22 of 2005), the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Pondicherry State Information Commission (Appeal Procedure) Rules, 2006.

(2) They shall come into force on 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) “Section” means section of the Act;

(c) “Commission” means the Pondicherry State Information Commission;

(d) words and expressions used herein and not defined but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. *Contents of appeal.*— An appeal to the Commission shall contain the following information, namely :—

- (i) Name and address of the appellant;
- (ii) Name and address of the State Public Information Officer against the decision of whom the appeal is preferred;
- (iii) Particulars of the order including number, if any, against which the appeal is preferred;
- (iv) Brief facts leading to the appeal;
- (v) If the appeal is preferred against deemed refusal, the particulars of the application, including number and date and name and address of the State Public Information Officer to whom the application was made;
- (vi) Prayer or relief sought;
- (vii) Grounds for the prayer or relief;
- (viii) Verification by the appellant; and
- (ix) Any other information which the Commission may deem necessary for deciding the appeal.

4. *Documents to accompany appeal.*— Every appeal made to the Commission shall be accompanied by the following documents, namely :—

- (i) Self-attested copies of the orders or documents against which the appeal is being preferred;
- (ii) Copies of documents relied upon by the appellant and referred to in the appeal; and
- (iii) An index of the documents referred to in the appeal.

5. *Procedure in deciding appeal.*—In deciding the appeal, the Commission may,—

- (i) hear oral or written evidence on oath or an affidavit from concerned or interested person;
- (ii) peruse or inspect documents, public records or copies thereof;
- (iii) inquire through authorised officer further details or facts;
- (iv) hear State Public Information Officer, State Assistant Public Information Officer or such Senior Officer who decide the first appeal, or such person against whom the complaint is made, as the case may be;
- (v) hear third party; and
- (vi) receive evidence on affidavits from State Public Information Officer, State Assistant Public Information Officer, such Senior Officer who decided the first appeal, such person against whom the complaint lies or the third party.

6. *Service of notice by Commission.*— Notice to be issued by the Commission may be served in any of the following modes, namely :—

- (i) Service by the party itself;
- (ii) By hand delivery (dasti) through Process Server;
- (iii) By registered post with acknowledgment due; or
- (iv) Through Head of Office or Department.

7. *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 authorised representative or may opt not to be present.

(3) Where the Commission is satisfied that the circumstances exist due to which the appellant or the complainant, as the case may be, is being prevented from attending the hearing of the Commission, then, the Commission may afford the appellant or the complainant, as the case may be, another opportunity of being heard before a final decision 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 points and the person representing him may not be a legal practitioner.

8. *Order of the Commission.*— Order of the Commission shall be pronounced in open proceedings and be in writing duly authenticated by any officer authorised by the Commission for this purpose.

(By order of the Lieutenant-Governor)

V. MADHIVANAN,
Joint Secretary to Government (ARW).

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1. *Short title and commencement.*— (1) These rules may be called the Pondicherry Right to Information Rules, 2006.

(2) They shall come into force on and 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 (Central Act 22 of 2005);
- (b) “Form” means the ‘Form’ appended to these rules;
- (c) “Section” means a section of the Act;
- (d) “Commission” means the State Information Commission, Pondicherry.

(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 '1' to the State Public Information Officer/ Assistant Public Information Officer of the Department concerned and deposit application fees in cash or bank draft or banker's cheque in favour of the State Public Information Officer/ Assistant Public Information Officer of the Department concerned as per rule 7. The competent authority shall duly acknowledge the application as provided in the counterfoil to Form '1':

Provided that a person who makes a request through electronic form shall ensure that the requisite fee is deposited with the authorised person in cash or in the form of bank draft or banker's cheque in favour of the State Information Officer of the Department concerned as per rule 7 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 State Public Information Officer/ the Assistant Public Information Officer to whom application was made, he shall transfer the application or such part of it as may be appropriate to that State Public Information Officer/Assistant Public Information Officer under whose jurisdiction information falls and inform the applicant immediately about such transfer. The transfer of such application shall be made as soon as practicable but in no case later than five days from the date of receipt of the application. The application fee deposited in such cases shall not be refunded.

(2) If the requested information falls within the jurisdiction of the State Public Information Officer / Assistant Public Information Officer of the Department concerned and also in one or more of the categories of restrictions listed in sections 8 and 9 of the Act, the said officer, on being satisfied, will issue the rejection order in Form '2' as soon as practicable, and in any case, within thirty days from the date of the receipt of the application.

(3) If the requested information falls within the State Public Information Officer / Assistant Public Information Officer of the Department concerned jurisdiction but not in one or more of the categories listed in sections 8 and 9 of the Act, the said officer, on being so satisfied, shall supply the information to the applicant in Form '3'. In case, the information sought is partly outside the jurisdiction of the competent authority or partly falls in the categories listed in sections 8 and 9 of the Act, he shall supply only such information as is permissible under the Act and is within his 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, to the authorised person, before collection of information. A proper acknowledgment shall be obtained from the applicant in token of receipt of information.

(5) For inspection of document the applicant shall deposit fee with the authorised person in addition to the application fee as prescribed in rule 7. Only those documents shall be allowed for inspection, copies of which can be given under the Act.

5. *Appeal.*— (1) Any person—

(a) who fails to get a response in Form '2', or Form '3' from the competent authority within thirty days of submission of Form '1'; or

(b) is aggrieved by the response received within the prescribed period, may appeal in Form '4' to the appellate authority as provided under section 19 of the Act and deposit fee for appeal as per rule 7 with the authorised person;

(c) a second appeal against the decision of appellate authority 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 in Form '5'.

(2) On receipt of the appeal, the first Appellate Authority shall acknowledge the receipt of appeal and after giving the applicant an opportunity of being heard, shall endeavour 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. 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.

(3)(a) Where an appeal is preferred against an order made by a State 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.

(b) 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, as the case may be, 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.

(4) In case the appeal is allowed, the information shall be supplied to the applicant by the State Public Information Officer / Assistant Public Information Officer of the Department concerned within such period as ordered by the appellate authority/ State Information Commission. 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 7 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 sub-section (2) of section 7 of the Act, shall be liable to pay a penalty of two hundred and fifty rupees per day for the delayed period beyond thirty days subject to a maximum of twenty-five thousand rupees per application, filed under rule 3.

(2) Where the information supplied is found to be false in any manner 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. *Charging of fee.*— (1) The State Public Information Officer/ Assistant Public Information Officer shall charge the fee at the following rates, namely:—

(A) A request for obtaining information under sub-section (1) of section 6 shall be accompanied by an application fee of rupees ten by way of cash against proper receipt or by demand draft or banker's cheque payable to the State Public Information Officer / Assistant Public Information Officer concerned.

(B) For providing the information under sub-section (1) of section 7, the fee shall be charged by way of cash against proper receipt or by demand draft or banker's cheque payable to the State Public Information Officer / Assistant Public Information Officer concerned at the following rates:—

(a) Rupees two for each page (in A-4 or A-3 size paper), created or copied;

(b) Actual charge or cost price of a copy in larger size paper;

(c) Actual cost or price for samples or models; and

(d) For inspection of records, no fee for the first hour; and a fee of rupees five for each subsequent hour (or fraction thereof).

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

(3) The second appellate authority/Commission shall charge a fee of rupees one hundred per appeal.

8. *Maintenance of records.*— (1) The State Public Information Officer/ Assistant Public Information Officer concerned shall maintain records of all applications received for supply of information and fee charged.

(2) The State Information Commission and Appellate Authority shall maintain records of all appeals filed before it and fee charged.

(By order of the Lieutenant-Governor)

V. MADHIVANAN,
Joint Secretary to Government (ARW).

FORM-1

**FORM OF APPLICATION FOR SEEKING INFORMATION UNDER THE
RIGHT TO INFORMATION ACT, 2005**

I.D. No.
(For official use)

To
The Public Information Officer,

- 1. Name of the applicant :
- 2. Address of the applicant :
- 3. Particulars of information—
 - (a) Concerned department :
 - (b) Particulars of information required—
 - (i) Details of information required :
 - (ii) Period for which information asked for :
 - (iii) Other details :
- 4. A fee of Rs 10 (Rupees ten only) has been deposited in the Office of the Public Information Officer *vide* receipt No....., dated.....

Signature of applicant

Place :

E-mail address, if any :

Date :

Tel. No. (Office) :

(Residence) :

Note :- (i) Reasonable assistance can be provided by the Public Information Officer in filling up the Form 1.

Acknowledgment

I.D. No.

Dated :

Received an application in Form 1 from Thiru/Tmt..... resident of.....under section 6(1) of the Right to Information Act, 2005.

2. The information is proposed to be given 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 is advised to contact the undersigned onbetween 10.00 a.m. to 12.00 noon.

FORM-2

REJECTION ORDER UNDER THE RIGHT TO INFORMATION ACT, 2005

No.

Dated :

From

.....
.....
.....

To

.....
.....
.....

Sir/Madam,

Please refer to your application I.D. No....., datedaddressed to the undersigned regarding supply of information on

2. The information asked for cannot be supplied due to the following reasons:—

(i)

(ii)

3. As per section 19 of Right to Information Act, 2005, you may file an appeal to the First Appellate Authority of this Department/Undertaking/Public Authority, within 30 days of the issue of this order whose particulars are given below:—

Name and address of the
First Appellate Authority

Yours faithfully,

Public Information Officer.

E-mail address :

Telephone No. :

Website :

FORM-3

**FORM OF SUPPLY OF INFORMATION TO THE APPLICANT UNDER THE
RIGHT TO INFORMATION ACT, 2005**

No. F

Date :

From

.....
.....
.....

To

.....
.....
.....

Sir/Madam,

Please refer to your application, ID No....., dated.....addressed to the undersigned regarding supply of information on.....

2. The information asked for is enclosed for reference.

OR

The following partly information is being enclosed.

- (i)
- (ii)

The remaining information about the other aspects cannot be supplied due to the following reasons:—

- (i)
- (ii)
- (iii)

3. As per section 19 of the Right to Information Act, 2005 you may file an appeal to the First Appellate Authority of the Department/Undertaking/Public Authority, within 30 days of the issue of this order, whose particulars are given below:—

Name and address of the
First Appellate Authority

Yours faithfully,

Public Information Officer.

FORM-4**FIRST APPEAL UNDER SECTION 19 OF THE RIGHT TO INFORMATION ACT, 2005**

I.D. No.:
(For official use)

- Name of the First Appellate Authority :
- Designation of the First Appellate Authority :
- Address of the First Appellate Authority :
1. Name of the applicant :
 2. Address :
 3. Particulars of the PIO against whose order appeal is preferred. (a) Name :
(b) Address :
 4. Date of submission of application (please :
attach a copy).
 5. Brief facts leading to appeal : (a) No response received within 30 days of submission of Form-1.
(b) Aggrieved by the response received within the prescribed period (a copy of the order received be attached).
- Grounds for appeal
-
6. Prayer or relief sought :
 7. Last date for filing the appeal :
 8. If appeal is being filed after 30 days, the reasons :
which prevented from filing appeal in time.
 9. Copies of documents relied upon by the applicant :

A fee of Rs 50 (Rupees fifty only) has been deposited in the Office of the First Appellate Authority *vide* Receipt No....., dated.....

Place :

Signature of the Appellant

Date :

E-mail address, if any :

Phone—Off :

Res :

.....

Acknowledgment of First Appeal in Form-4 Under the Right to Information Act, 2005

I.D. No.

Dated :

Received First Appeal Application from Thiru.....
resident
under section 19 of the Right to Information Act, 2005.

Signature of the Receipt Clerk

Office of the First Appellate Authority.

Tel. No. :

E-mail address :

Website :

FORM-5

SECOND APPEAL UNDER SECTION 19 OF THE RIGHT TO INFORMATION ACT, 2005

I.D. No.

(For official use)

Name of the Second Appellate Authority :

Designation of the Second Appellate Authority :

Address of the Second Appellate Authority :

1. Name of the applicant :

2. Address :

3. Particulars of the First Appellate Authority against whose order appeal is preferred. (a) Name :
(b) Address :

4. Date of submission of application to P.I.O. and :
first appeal application (Please attach a copy of each).

5. Brief facts leading to appeal : (a) No response received within 45 days of submission of Form-4.
(b) Aggrieved by the response received within the prescribed period (a copy of the order received from PIO and First Appellate Authority to be enclosed).

Grounds for appeal
.....

-
6. Prayer or relief sought :
7. Last date for filing the appeal :
8. If appeal is being filed after 90 days, the reasons :
which prevented from filing appeal in time.
9. Copies of documents relied upon by the applicant:

A fee of Rs 100 (Rupees one hundred only) has been deposited in the Office of the Second Appellate Authority
vide Receipt No....., dated.....

Place :

Signature of the Appellant

Date :

E-mail address, if any :

Phone—Off :

Res :

Acknowledgment

I.D. No.

Dated :

Received Second Appeal Application from Thiru
resident
under section 19 of the Right to Information Act, 2005.

Signature of the Receipt Clerk
Office of the Second Appellate Authority.

Tel. No. :

E-mail Address :

Website :