

**Government of Jammu & Kashmir**  
General Administration Department  
(Administrative Section)  
Civil Secretariat  
Srinagar/Jammu

## **The Jammu and Kashmir Right to Information Rules; 2005**

### **NOTIFICATION**

Srinagar, the 30<sup>th</sup> June, 2005

**SRO 181:-** In exercise of the powers conferred by subsection (1) of section 15 of the Jammu and Kashmir Right to Information Act, 2004 (Act No. 1 of 2004), the Government of Jammu and Kashmir hereby makes the following rules, namely:-

1. Short title and commencement

- (i) These rules may be called the Jammu and Kashmir Right to Information Rules, 2005.
- (ii) These rules 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 Jammu and Kashmir Right to Information Act, 2004
  - (b) 'Authorized person' means a person nominated by the Incharge of the Office to accept fee prescribed under these rules.
  - (c) 'Controlling Officer' means the Officer as specified in schedule I specified as such in schedule annexed to these rules.
  - (d) 'Form' means the form appended to these rules.
  - (e) 'Incharge of the Office' means an Officer/functionary specified as such in schedule annexed to these rules.
  - (f) 'Section' means a section of the Act.
- (iii) Words and expressions used but not defined in these rules shall have the same meaning as has been assigned in the Act.

3. Application for seeking information

- (i) Any person seeking information under the Act shall make an application in Form 'A' to the Incharge of the office and deposit application fee as per rule 8 with the Authorized person. The Incharge of the Office shall duly acknowledge the application as provided in form 'A.'

Provided that the person who makes a request shall ensure that the requisite fee is deposited in cash with the Authorized person with 7 days of his request, failing which his application shall be treated as withdrawn.

4. Disposal of application seeking information.

- (i) If the information sought for falls in any of the restrictions mentioned in section 6 of the Act and/or pertains to the organizations mentioned in Section 8 of the said Act, the Incharge of the office shall order return of the application to the applicant in Form 'B' as soon as practicable, within 15 days of receipt of the application assigning the reason(s) for such return. The application fee deposited in such cases shall not be refunded.
- (ii) If the information sought for does not fall within any of the restrictions mentioned in section 6 and do not pertain to the organizations mentioned in section 8 of the Act, the Incharge of the Office, on being satisfied, shall supply the information to the applicant in Form 'C.' In case the information sought is partially falling under the preview of section 6 and/or 8 of the Act and partly falls outside the restrictions, the Incharge of the office shall supply only such information as is permissible under the Act and reject the remaining part giving reasons thereof.
- (iii) The information shall be supplied as soon as practicable within a period of thirty (30) working days from the receipt of the application on deposit of fee. A proper acknowledgement shall be obtained from the applicant in token of receipt of the information.

5. Inspection of documents:-

- (i) In case the applicant desires the inspection of documents, the applicant shall deposit fee with the Incharge of the Office in addition to the application fee as prescribed in rule 8. Only those documents shall be allowed for inspection, copies of which can be given under the Act.
- (ii) Inspection of public works:- In case the applicant desires the inspection of public works, the applicant shall deposit fee with the Authorized person in addition to the application fee as prescribed in rule 8. Inspection of only such public works shall be allowed which are provided by this Act and not prohibited by any other law.
- (iii) Taking of samples or material from public works:- In case the applicant desires taking samples or material from public work, the Incharge of the Office shall decide the quantum of fee on case to case basis so as to cover the cost of the material and the labour in providing such sample. The applicant shall deposit the fee so calculated with the Authorized person in addition to application fee as prescribed in rule 8. Only such sample and material shall be made available which is permissible under the provision of this Act.

6. Appeal-

- (1) Any person

- a) who fails to get a response in Form 'C' from the Incharge of the Office within 30 working days of submission of Form 'A' or
  - b) is aggrieved by the response received within the prescribed period, may appeal in Form 'D' to the controlling officer within 30 days of the decision of Incharge of the office.
- (2) On receipt of the appeal, the controlling officer shall acknowledge the receipt of appeal and after giving the applicant the opportunity of being heard, shall endeavor to dispose it off within 30 days from the date on which it is presented and send a copy of the decision to the Incharge of the office concerned.
- (3) The second appeal against the decision of the controlling officer shall lie within 30 days of such decision with the Government in Form 'E.'
- (4) In case the appeal is allowed, the information shall be supplied to the applicant by the Incharge of the Office within such period as ordered by the appellate authority. This period shall not exceed thirty working days from the date of receipt of the order.

7. Publication of information

- (i) Every department and public body shall publish the information as per the sub-section (b) of section 3 of the Act, in the form of booklets, folders and pamphlets within three months from the date these rules are notified in the official Gazette and then at the following intervals:

S. No.	Particular of Information to be published	Interval
1	Particulars of its organizations, 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, instructions, 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 Incharge of the Office and Controlling Officer	Annually

- (ii) Such information shall also be made available to the public information counters, medium of Internet and display on notice board at conspicuous places in the office of the Incharge of the Office and in the office of the Controlling Officer.

8. Charging of fee

- (i) The Incharge of the Office shall charge the fee at the following rates

1	Application fee	Five rupees per application
---	-----------------	-----------------------------

Other Fees

S. No	Description of Information	Fees in Rupees
1	Where the information is available in the form of a priced publication	Price fixed for the publication
2	For other than priced publication	As fixed or determined for the same
3	Inspection of documents	Rupees 5/- (Five)
4	Inspection of public works	Rupees 500/-
5	Taking of samples of material from public works	Rupees 500/-

- (ii) The appellate authority shall charge a fee of Ten rupees per appeal.

Provided that the said prescribed fee shall be deposited in the Government Treasury under:-

Major Head: 0070- Other Administrative Services  
60- Other Services  
800-Other Receipts  
Receipts on account of Right to Information Act

9. Interpretation- In case there seems any ambiguity in these rules the interpretation of the Government in the General Administration Department in consultation with Law Department shall be the final.

10. Maintenance of Records:-

- (i) The Incharge of the office shall maintain records of all applications received for supply of information and fee charged.
- (ii) The controlling officer shall maintain records of all appeals filed before him and the fee charged.

By Order of the Government of Jammu and Kashmir.

(signed)  
(S.L. Bhat)  
Principal Secretary to Government  
General Administration Department

---

No:- GAD(Adm) – III/8/2001

Date 30-06-2005.

Copy to the:-

1. All Financial Commissioners/Principal Secretary to the Hon'ble Chief Minister
2. Director General of Poice.
3. All Principal Secretaries to Government.
4. Principal Secretary to His Excellency the Governor.
5. All Commissioner/Secretaries to Government.
6. Commissioner Secretary to Government, Law Department (W.5.S.C.)
7. Resident Commissioner, J&K Government, 5 Prithvi Raj Road, New Delhi.
8. Divisional Commissioner, Jammu/Kashmir.
9. All Heads of Departments.
10. Secretary, Public Service Commission/Service Selection Board.
11. Director Archives, Archeology and Museums.
12. Secretary, J&K Legislative Assembly/Council.
13. Director Information/Estates/
14. General Manager, Government Press, Srinagar/Jammu.
15. All Private Secretaries to Cabinet Ministers/Ministers of State.
16. Private Secretary to the Chief Secretary.
17. Private Secretary to Principal Secretary, GAD.
18. Government Order file.