

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

**The Jammu and Kashmir Right to Information
Rules , 2005**

NOTIFICATION

Srinagar, the 30th June, 2005

SRO 181.— In exercise of the powers conferred by sub-section (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 :-

01. *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.

02. *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.

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

03. *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in cash with the Authorized person within 7 days of his request, failing which his application shall be treated as withdrawn.

04. *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, with 15 days of the receipt of the application of applicant assigning the reason (s) for such return. The application fee deposing 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 purview of section 6 &/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 with in 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.

05. *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 material and 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.

06. *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 an opportunity of being heard, shall endeavour to dispose it

of 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 the receipt of the order.

07. *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.	Particulars of Information to be published	Interval
1.	Particulars 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, 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.

08. *Charging of fee.*— (i) The Incharge of the office shall charge the fee at the following rates :—

1.	Application fee	Five Rupees per application
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(B) 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 or 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 Govt. Treasury under :—

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

09. *Interpretation.*— In case there seems any ambiguity in these rules the interpretation of the Government in 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 fee charged.

By Order of the Government of Jammu and Kashmir.

(Sd.) (S. L. Bhat)

Principal Secretary to Government,
General Administration Department.

No. :— GAD (Adm.)-III/8/2001

Dated : - 30-06-2005.

Copy to the :-

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

Schedule-I

Authorities Notified under the Act for the business transacted in the Secretariat.

S. No.	Department	Secretariat Level Authorities		
		Public Authority	Incharge officer	Controlling officer (1st Appellate Authority)
1.	Administrative Reforms and Inspections Trainings & Grievances Department.	Administrative Reforms & Trainings Board of Professional Entrance Examination, Government Press, Inspections, O&M, Stationary & Office Supplies, Trainings.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
2.	Agriculture Production Department.	Agriculture, Horticulture, Sericulture, CAD, Horticulture (P&M), JKHPMC, Agro Industries Dev. Corp. and Co-operatives, SKUAST.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
3.	Animal Husbandry	Animal Husbandry, Sheep Husbandry, J&K Sheep & Sheep Products Dev. Board.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
4.	Civil Aviation	Civil Aviation	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
5.	Election	Election	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
6.	Finance Department	Accounts & Treasuries Excise & Taxation Department, Sales Tax Department, Funds Organisation, J&K State Financial Corporation, J&K Bank.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
7.	Consumer Affairs & Public Distribution Department	CAPD, Food Management & Weights & Measures.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.

8.	Forest	Forests, Fisheries, Environment & Ecology, Pollution Control Board, IWDP, J&K Forest Corporation, Soil Conservation, Social Forestry including World Bank Projects.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
9.	General Admn. Department	All Indian Services, Co-ordination of working of the different departments of the Government, Cabinet, SSB, Personnel Administration, PSC, Secretariat Administration, Services, Vigilance Organisation, IMPA.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
10.	Health & Medical Education Department	Health and Family Welfare, Indian Systems of Medicine, Medical Education, SKIMS, State Health Transport Organisation.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
11.	Home Department	Fire Services, Home Guard & Civil Defence, Jails, Law & Order, Police Administration, Sainik Welfare, Defence Labour Procurement.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
12.	Hospitality & Protocol	Hospitality & Protocol, Resident Commissioner, New Delhi and Estates.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
13.	Housing & Urban Dev. Department	Housing, Jammu Dev. Authority, J&K Housing Board, Local Bodies, Sgr. Dev. Authority, Town Planning, Urban Development, UEED.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
14.	Industries & Commerce Department	Geology & Mining, Handicrafts, Handloom, Industries & Commerce, J&K Cements, J&K Minerals, J&K Handicrafts (S&E) Corporation, J&K Handloom Dev. Corp., J&K Industries, SICOP, SIDCO, KVIB.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.

15.	Information Department	Information, Publicity.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
16.	Labour & Employment Department	Employment Insurance Scheme, Employees Provident Fund Scheme, Labour Administration, Labour Welfare, Labour Employment, Self Employment.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
17.	Ladakh Affairs Department	Ladakh Affairs, LAHDC Leh/Kargil.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
18.	Law & Parliamentary Affairs	Legislation, J&K Legal Aid & Advisory Board, Judiciary, Law, Parliamentary Affairs, Special Tribunal.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
19.	Planning & Dev. Department	Computerization, Programme Implementation, Evaluation & Statistics, Planning.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
20.	Power Dev. Department	J&K Power Dev. Corp., Power Department and State Electricity Regulatory Commission.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
21.	Public Works Department	Designs Organisation, Irrigation & Flood Control, J&K Project Construction Corp., Mechanical Department, Public Health Engineering, Roads & Buildings, Stores Procurement.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.

22.	Public Enterprises	D.P.E., Public Enterprises.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
23.	Revenue & Relief Department	Administration of EP, Agrarian Reforms, Emergency Relief Organisation, Land Records, Land Revenue, Relief & Rehabilitation, Settlement. Haj & Auqaf, Consolidation of Holdings.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
24.	Rural Development Department	Community Dev. & National Extension Service, DRDAs, Panchayats, Rural Dev., Rural Engineering, Rural Sanitation.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
25.	Science & Technology Department	Integrated Rural Energy Programme, J&K State Council for Science & Technology, Non-Conventional Energy Sources including J&K Dev. Agency, Science & Technology, Bio Technology	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
26.	Social Welfare Department	J&K Advisory Board for Gujjar & Bakerwals, J&K, SC/ST & Backward Classes Dev., Corp., J&K State SC Advisory Board, J&K State Pahari Speaking Dev. Board, Social Welfare, State Commission for Women, State Commission for Backward Classes, Women Dev., Corporation, Welfare of Women and Child.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.
27.	Tourism Department	Floriculture, Gardens & Parks, J&K Tourism Dev. Corp., Mata Vaishno Devi Shrine Board, Tourism Department and All Dev. Authorities.	The officer next senior to the Administrative Secretary in the Department.	Administrative Secretary.

28.	Transport Department	J&K SRTC, State Motor Garages, Motor Vehicle Department.	The officer next senior to the Administrative Secretary in the Department.	Administra- tive Secretary.
29.	Education/ Higher Educa- tion, Techni- cal Education.	Academy of Art Culture & Languages, Gazetters Unit, General Record & Achives, Archaeology & Museums, Libraries, School Educa- tion, Technical Education, Youth Service & Sports and Higher Education.	The officer next senior to the Administrative Secretary in the Department.	Administra- tive Secretary.
30.	Information Technology	Information Technology	The officer next senior to the Administrative Secretary in the Department.	Administra- tive Secretary.

The second Appellate Authority in respect of the departments mentioned above shall be the Government in concerned Administrative Department.

Authorities Notified under the Act for the business transacted outside the Secretariat.

Provided that in case of subordinate departments the concerned Incharge Officer shall be the Competent Authority for receiving applications under the Act. The concerned District Development Commissioner shall be the Appellate Authority and the Government in the concerned Administrative Department shall be the second Appellate Authority :

Provided further that where District Development Commissioner is the Incharge Officer the Appellate Authority shall be the Divisional Commissioner and where the Divisional Commissioner and Heads of the Departments are the Incharge Officers the Financial Commissioner shall be the Appellate Authority. However in both the cases the Government in the concerned departments shall be the second Appellate Authority.

Form 'A'

Form of application for seeking information

[See rule (3)]

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

To

The Incharge of the Office,
.....
.....

1. Name of the Applicant :
2. Address :
3. Particulars of information :
Concerned department :
Particulars of information required :-
 - (i) Details of information required :
 - (ii) Period for which information asked for :
 - (iii) Other relevant details :
4. I state that the information sought does not fall within the restrictions contained in Section 6 & 8 of the Act and to the best of my knowledge it pertains to your office.
5. A fee of Rs. _____ has been deposited in the office of the Authourized person vide No. _____ dated _____

Place :

Dated :

Signature of the Applicant
E-mail address, if any
Tel. No. (Office) _____
(Residence) _____

Note :-(i) Reasonable assistance can be provided by the Incharge of the Office in filling up the Form A.

(ii) Please ensure that the Form A is complete in all respects and there is no ambiguity in providing of details of information required.

Acknowledgement of Application in Form-'A'

I. D. No. _____

Dated : _____

1. Received an application in Form A from Shri/Smt. _____ Resident of _____ under Section 5 of the Act, along with prescribed fee.
2. The information will be provided normally within 15 days and in any case within 30 days from the date of receipt of application and in case it is found that the information asked for can not be supplied, the rejection letter shall be issued stating reason thereof.
3. The applicant is advised to contact the undersigned on _____ between 11 A. M. to 1. P. M.
4. In case the applicant fails to turn up on the schedule date(s), the Incharge of the Office shall not be responsible for delay, if any.
5. The applicant shall have to deposit the balance fee, if any, with the authorized person before collection of information.

Signature and Stamp of the
Incharge of the Office
E-mail address :
Web-site :
Tel. No. _____

Dated : _____

Form 'B'

Rejection Order
[See rule 4 (1)]

Form _____

No. F. _____

Date : _____

To,

_____,
_____,
_____,
_____.

Sir/Madam,

Please refer to your application, I. D. No. _____

Dated _____ addressed to the undersigned regarding supply
of information on _____.

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

(i)

(ii)

3. As per Section 9 of J&K Right to Information Act, 2004, you
may file an appeal to the Controlling Officer, _____
within 30 days of the issue of this order.

Incharge of the Office
E-mail Address :
Web-site :
Tel. No.

Form 'C'

Form of supply of information to the applicant.
[See rule 4 (2)]

Form _____
No. F. _____ Date : _____

To,
_____,
_____,
_____,
_____.

Sir/Madam,

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

2. The information asked for is enclosed for reference.* Or
The following part information is being enclosed. *
The remaining information about the other aspects cannot be
supplied due to following reason- *

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

3. You have to deposit the balance fee of Rs. _____ with the
Authorized person before collection of information.

4. As per Section 9 of J&K Right to Information Act, 2004, you may
file an appeal to the Controlling Officer _____, within 30
days of the issue of this order. *

Incharge of Office.
E-mail address :
Web-site :
Tel. No. _____

* Strike out if not applicable.

Form 'D'

Appeal under Section 9(1) of the J&K Right to Information Act, 2004
[See rule 6(1)]

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

To,

The Controlling Officer,
J&K,

1. Name of the appellant :
2. Address :
3. Particulars of the Incharge of Office :
 - (a) Name :
 - (b) Address :
4. Date of submission of application in Form-A :
5. Date on which 30 days from submission of Form A is over :
6. Reasons for appeal :
 - (a) No response received in Form B, or C within 30 days of submission of Form A [Rule 6 (a)]
 - (b) Aggrieved by the response received within prescribed period [Rule 6 (b)]
(A copy of the reply receipt be attached)
 - (c) Grounds for appeal.
7. Last date for filing the appeal. [Please see Rule 6 (1)] :
8. Particulars of Information--
 - (i) Information requested :
 - (ii) Subject :
 - (iii) Period :

9. A fee of Rs. _____ for appeal is enclosed.

Place :

Date :

Signature of Appellant
E-mail address, if any
Tel. No.(Office) _____
(Residence) _____

.....Cut from here

Acknowledgement

I. D. No. _____

Dated :

Received Appeal application from Shri _____
resident of _____ under Section 6(2) of the J&K
Right to Information Act, 2004.

Signature of the Receipt Clerk,
Office of the Controlling Officer.

Tel. No. _____
E-mail Address _____
Web-site _____