

MIZORAM RIGHT TO INFORMATION RULES, 2010

(Vide Govt. Notification No. F 13011/4/2005-IPR Dt. 20.9.2010)

In exercise of the power conferred by Section 27 of the Right to Information Act (No.22 of 2005), the Governor of Mizoram is pleased to make the following rules, namely:-

1. Short title and commencement:-

- 1) These rules may be called the Mizoram Right to Information Rules, 2010.
- 2) They shall come into force from the date of their publication in the Mizoram Gazette.

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

- a) 'Act' means the Right to Information Act, 2005 (No. 22 of 2005);
- b) All other words and expressions used herein but not defined in the Act shall have the same meaning assigned respectively to them in the Act;
- c) 'Commission' means the Mizoram State Information Commission;
- d) 'Section' means the section of the Act;
- e) the expression 'substantially financed' in relation to a body or non-government organization as occurred in sub-clause (d), (i) & (ii) of clause (h) of Section 2 of the Act shall mean any body or non government organization which is financed by the State Government by giving or extending support or grant, by whatever name called inclusive of stipend, scholarship, grant-in-aid, assistance etc., either by means of budget or cash or in kind the value of which in monetary terms the amount or value, as the case may be, of which is not less than 30 % of the cost of its project, scheme, programme or by whatever name its activities may be called or rupees one lakh, whichever is less.

(Clause (h) of Section 2 of RTI Act: "public authority" means any authority or body or institution of self- government established or constituted—

- (a) by or under the Constitution;
- (b) by any other law made by Parliament;
- (c) by any other law made by State Legislature;
- (d) by notification issued or order made by the appropriate Government,
and includes any—
 - (i) body owned, controlled or substantially financed;
 - (ii) Non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government ;)

3. Request for obtaining information.-

- 1) A request for obtaining information under sub-section (1) section 6 to the State Public Information Officer shall be accompanied by an application fee of Rupees Ten by way of cash against proper receipt or by treasury challan or demand draft of bankers cheque or Indian Postal Order (IPO) payable to the State Public Information Officer of the office of the public authority.
- 2) On receipt of an application, the State Public Information Officer or State Assistant Public Information Officer shall give a receipt in token thereof to the applicant.

4. Fee for providing information:

For providing information under sub-section (1) or sub-section (5) of Section 7, the fee chargeable by way of cash against proper receipt or by treasury challan or demand draft of bankers' cheque or Indian Postal Order (IPO) payable to the State Public Information Officer of the office of the public authority shall be at the following rates:

- a) Rupee one 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).
- e) for information provided in soft copy Rupees Thirty per CD.
- f) for information provided in printed form at the price fixed for such publication or Rupee One per page of photocopy for extracts from the publication.

5. Deposit of fees: Any fee collected under these Rules shall be deposited under Head of Account:

0070 - Other Administrative Services

60 - Other Services

118 - Receipts under RTI Act, 2005

6. Fee not chargeable: No fee shall be charged on the following cases:

- a) Persons who are of Below Poverty Line as may be determined by the State Government of Mizoram for provisions of information related to welfare of BPL.
- b) Where the State Public Information Officer fails to comply with the time limit specified under sub-section (1) of Section 7 of the Act or where the application is deemed to have been refused on the information being given, the same shall be given free of cost.
- c) Where information is such which should have been published or disseminated widely as required by Section 4 of the Act but has not been published nor disseminated, no fee for such information shall be charged.

(Section 4 of RTI Act:

(1) Every public authority shall—

b) publish within one hundred and twenty days from the enactment of this Act,—

(i) the particulars of its organisation, functions and duties;

(ii) the powers and duties of its officers and employees;

(iii) the procedure followed in the decision making process, including channels of supervision and accountability;

(iv) the norms set by it for the discharge of its functions;

(v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;

(vi) a statement of the categories of documents that are held by it or under its control;

(vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;

(viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;

(ix) a directory of its officers and employees;

(x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;

(xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;

(xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;

(xiii) particulars of recipients of concessions, permits or authorisations granted by it;

(xiv) details in respect of the information, available to or held by it, reduced in an electronic form;

(xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;

(xvi) the names, designations and other particulars of the Public Information Officers;

(xvii) such other information as may be prescribed; and thereafter update these publications every year;

c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;

d) provide reasons for its administrative or quasi-judicial decisions to affected persons.

(2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information **suo motu** to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

(3) For the purposes of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public.

(4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.

Explanation.—For the purposes of sub-sections (3) and (4), "disseminated" means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.)

7. Procedure of appeal:

1) Contents of appeal: An appeal to the Departmental Appellate Authority / Commission, as the case may be, shall contain the following information, namely:

a) name and address of the applicant;

b) name and address of the Departmental Appellate Authority / State Public Information Officer, as the case may be, against the decision of whom the appeal is preferred;

c) particulars of the order including number and date, if any, against which the appeal is preferred;

d) brief facts leading to the appeal;

e) if the appeal is preferred against deemed refusal, the particulars of the application, including number and date and name and address of the Departmental Appellate Authority / State Public Information Officer, as the case may be, to whom the application was made;

f) prayer or relief sought.

2) Documents to accompany appeal: Every appeal made to the Departmental Appellate Authority / Commission shall be accompanied by the following documents, namely:

a) Self-attested true copy of the orders or documents against which the appeal is being preferred;

b) copies of documents relied upon by the appellant and referred to in the appeal.

3) Procedure in deciding appeal: For deciding the appeal the Departmental Appellate Authority / Commission may:

a) hear oral or written evidence on oath or an affidavit from concerned or interested person;

- b) peruse or inspect documents, public records or copies thereof;
- c) enquire or get an inquiry conducted through authorized officer further details or facts;
- d) hear State Public Information Officer, State Assistant Public Information Officer, such Senior Officer who decided the first appeal, such person against whom the complain lies or the third party.

4) Service of notice: Notice to be issued by the Departmental Appellate Authority / Commission may be served in any of the following modes, namely:

- a) service by the party itself;
- b) by hand delivery (dasti) through Process Server;
- c) by registered post with acknowledgement due; or
- d) through Head of Office or Department.

5) Personal presence of the appellant or complainant:

- a) 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.
- b) 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 Departmental Appellate Authority / State Information Commission be present in person or through his duly authorized representative or may opt not to be present.
- c) Where the Departmental Appellate Authority / State Information Commission is satisfied that the circumstances exist due to which the appellant or the complainant, as the case may be, was prevented from attending the hearing of the Departmental Appellate Authority / State Information Commission, then, the Commission may accord the appellant or the complainant, as the case may be, further opportunity of being heard before a final decision is taken or take any other appropriate action as it may deem fit.
- d) The appellant or complainant, as the case may be, may seek the assistance of any person in the process of the appeal while presenting his points.

6) Order of the Appellate Authority: Order of the Appellate Authority shall be pronounced in opened Court and be in writing duly authenticated by the Appellate Authority for this purpose.

7. Power to amend Rules: The State Government, either in consultation with or recommendation of the Commission may add to, delete from or alter or amend the rules. Such alteration or amendment of the Rules shall be laid before the State Legislature.

8. Repeal and saving: The Mizoram Right to Information Rules, 2006 are hereby repealed;

Provided that Rule 8 of the Mizoram Right to Information Rules, 2006, shall be deemed to have been repealed with effect from 21.6.2006;

Provided that any order made or action taken under the Rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

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