

# THE JAMMU AND KASHMIR RIGHT TO INFORMATION ACT, 2005

Source of Provision

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## PREAMBLE

National RTI 2005;  
Preamble  
(Adapted to J&K)

An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every Public Authority, to provide for the constitution of a Jammu & Kashmir State Information Commission and for matters connected therewith or incidental thereto.

## CHAPTER I PRELIMINARY

### 1. Short Title, Extent and Commencement

- 1) This Act may be called the Jammu and Kashmir Right to Information Act, 2005.
- 2) It shall extend to the whole of the State of Jammu and Kashmir.
- 3) It shall come into force at once.

### 2. Definitions

In this Act, unless the context otherwise requires,

a. "Government" means the Government of Jammu and Kashmir;

b. "Public Authority" means any authority, department, body or institution of self-government established or constituted:

- i. by or under the Constitution of the State of Jammu & Kashmir;
- ii. by any other law made by the Jammu & Kashmir State Legislature;
- iii. by notification issued or order made by the Government;

and includes:

- iv. any body owned, controlled or substantially financed by the Government;
- v. any non-Government organisation substantially financed, directly or indirectly, by funds provided by the Government;
- vi. bodies which appear to exercise functions of a public nature, or are providing any service whose provision is a function of a Public Authority under a contract made with that Public Authority;

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- vii. the Departments listed in Schedule I;
- viii. the Public Bodies listed in Schedule II;
- ix. any Public Authority notified as such for the purposes of this Act by the Government.

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c. "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, file notings, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a Public Authority under any other law for the time being in force;

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d. "record" includes:

- i. any document, manuscript and file;
- ii. any microfilm, microfiche and facsimile copy of a document;
- iii. any reproduction of image or images embodied in such microfilm (whether enlarged or not); and,
- iv. any other material produced by a computer or any other device.

e. "Right to Information" means the right to information accessible under this Act which is held by or under the control of any Public Authority and includes the right to:

- i. inspection of work, documents, records or any other information;
- ii. taking notes, extracts, photographs, or certified copies of documents or records or any other information;
- iii. taking certified samples of material;
- iv. obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.

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f. "Selection Committee" means the State Information Commission Selection Committee constituted under Section 10.3;

g. "State Information Commission" means the Jammu & Kashmir State Information Commission constituted under Section 10.1;

h. "State Chief Information Commissioner" means the Jammu & Kashmir State Chief Information Commissioner appointed under Section 10.2;

i "State Information Commissioner" mean the Jammu & Kashmir State Information Commissioner appointed under Section 10.2;

j. "Public Information Officer" means the Jammu & Kashmir State Public Information

Officer designated under Sections 5.1;

k. “Assistant Public Information Officer” means the Jammu & Kashmir State Assistant Public Information Officer designated under Section 5.1;

l. “Appellate Authority” shall mean any of the authorities specified in Sections 14.1 or 14.2 for the purposes of receiving and deciding appeals, but shall not include the State Information Commission;

m. “working days” means Government working days, as notified in the Gazette;

n. “official communication” shall mean official communication by e-mail, fax, Registered Post, Speed Post, private courier, or by meeting in person, and the particular mode of official communication that shall be used by the sendee for the purposes of this Act shall be indicated by the Applicant in the original Application for Information made under Section 6.1:

*Provided that:*

- (a) In the case of e-mail, a printout of the e-mail, including the “Sent To,” “Sent From,” “Sent Date,” “Subject” and the content of the coded header shall be retained by the sendee as proof of official communication, and the “Sent Date” in the coded header shall be treated as the date of official communication;
- (b) In the case of fax, a copy of the original fax and the original printed receipt confirming the number of pages and successful transmission and indicating the addressee’s fax number shall be retained by the sendee as proof of official communication, and the transmission date shall be treated as the date of official communication;
- (c) In the case of Registered Post or Speed Post, a copy of the cover letter or proforma specifying the contents, and the original postage receipt from the Post Office, including the delivery address and the time stamp, shall be retained by the sendee as proof of official communication; and the time stamp on the receipt shall be treated as the date of official communication;
- (d) In the case of private courier, a copy of the cover letter or proforma specifying the contents, and the original delivery confirmation receipt, including the delivery date and the signature of the addressee, shall be retained by the sendee as proof of official communication; and the delivery date shall be treated as the date of official communication;
- (e) In the case of a communication through a meeting in person, the date, time, and place shall be arranged by the sendee and confirmed by the addressee by telephone, fax, or e-mail within 24 hours, and a hand-written document acknowledging the occurrence of the meeting, the date of the meeting, and the subject and transactions of the meeting shall be signed by both parties shall be retained by the sendee as proof of official communication; and the meeting date shall be treated as the date of

official communication;

*Provided* that when arranging and agreeing upon a meeting in person under Section 2.n.e, the sendee and the addressee may mutually agree to designate representatives to attend the meeting, such as in the case that the sendee leaves an official communication with a clerk to be received by an addressee, or such as in the case that the addressee sends a representative to collect an official communication from the addressee's office;

*Provided further* that where the sendee cannot send a communication through fax, e-mail, private courier or Speed Post for whatever reason, and a meeting in person cannot be arranged and agreed upon by telephone or e-mail between the sendee and addressee within 24 hours, or where an arranged meeting in person fails to occur within this period for whatever reason, the mode of Registered Mail under Section 2.n.c shall be treated as the default mode of official communication;

- o. "Application for Information" shall mean an application for information made and fulfilled by a Public Authority under Section 7
- p. "Applicant" shall mean any person exercising his or her right under Section 4.1 by making an Application for Information under Section 6.1;
- q. "Application Fee" shall mean the fee for the receipt of an Application for Information, as prescribed by Rules under Section 20.1.a
- r. "Transfer Notice" shall mean the notice of transfer of Application for Information to another Public Authority, made under Section 6.2
- s. "Extension/Dismissal Plea" shall mean a plea for an extension of the time required under Section 7 to provide information requested in an Application for Information, or an outright dismissal of an Application
- t. "Application Rejection Notice" shall mean the notice of rejection under Section 7.1.b of an Application for Information
- u. "Access Fee" shall mean the fee charged for the provision of information requested by an Application for Information, as prescribed by Rules under Section 20.1.b
- v. "Rules" means the Rules prescribed by the Government and notified in the Gazette under Section 20 for the purposes of making the Act operational.

## **CHAPTER II**

### **OBLIGATION OF PUBLIC AUTHORITIES**

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### 3. *Suo Moto* Disclosure of the Particulars of Public Authorities and their Activities

(1) Every Public Authority shall:

(a) maintain all its records duly catalogued and indexed in a manner and form which facilitates the Right to Information under this Act, and ensure that all appropriate records are computerized and made available to the public through the Internet within two hundred (200) working days from the enactment of this Act, subject to availability of resources.

*Explanation:* To fulfill the provisions of Section 3.1.a, the Public Authority may contract the services of the National Informatics Center [NIC], or any other qualified government department, private agency, or non-profit organization with experience in the implementation of e-governance systems.

(b) publish within no more than ninety (90) working 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, if different or expanded in any way from the Jammu & Kashmir Civil Service Rules;
- (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 advise, 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; including names, address, phone numbers, and e-mail addresses;
- (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, phone and fax numbers, address and other particulars of the Public Information Officers, Assistant Public Information Officers designated under Section 5.1;
- (xvii) such other information as may be prescribed by the Government or the Public Authority;

*Provided* that the above-mentioned particulars shall be published as a booklet or collection of booklets and pamphlets in English, Hindi and Urdu available to the public free of cost in all District offices of the Public Authority within the above-mentioned time-limit, and that the same particulars shall be published on the official website of the Public Authority within the above-mentioned time-limit.

- (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;
- (e) within fifteen (15) working days of signing, publish all contracts entered into, detailing at a minimum for each contract:
  - (i) The public works, goods acquired or rented, and the contracted service, including any sketches, scopes of service and/or terms of reference;
  - (ii) The amount;
  - (iii) The name, address, and relevant license numbers of the provider, contractor or individual to whom the contract has been granted, and
  - (iv) The periods within which the contract must be completed.

*Provided* that the above-mentioned particulars shall be published on the official website of the Public Authority within the above-mentioned time-limit.

- (2) It shall be a constant endeavour of every Public Authority to take steps in accordance with the requirements of Section 3.1 to provide as much information *suo moto* to the public at regular intervals through various means of communication, including the Internet, so that the public have minimum resort to the use of this Act to obtain information.

*Provided* that for each separate topic listed in Section 3.1.b, the minimum updating time shall be specified by the Rules under Section 20.2.f, which, in any case, shall not be more than one (1) year in duration, taken from 31 March of each year.

## CHAPTER III THE RIGHT TO INFORMATION

National RTI 2005  
Section 3

### 4. The Right to Information

Subject to the provisions of this Act, all people shall have the Right to Information.

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Section 4  
(Adapted to J&K)

### 5. Designation of Public Information Officers

(1) Every Public Authority shall, within thirty (30) working days of the enactment of this Act, designate one Public Information Officer and as many Assistant Public Information Officers in all administrative units or offices under may be necessary to provide information to persons requesting information under this Act.

- (a) *Provided* that each Public Authority listed above shall designate a single Public Information Officer who shall be chiefly responsible for receiving and deciding Applications under Section 7.
- (b) *Provided* that each Public Authority shall designate at least one (1) Assistant Public Information Officer in each District where it has officers posted who will be responsible for receiving any Application and forwarding it to the relevant Public Information Officer within five (5) working days.
- (c) *Provided* that the particulars of the Public Information Officers and Assistant Public Information Officers shall be made available to the public under the provisions and within the time-limit of Section 3.1.b.xvi.

(2) Every Public Information Officer and Assistant Public Information Officer shall deal with Applications for Information from persons seeking information and shall render reasonable assistance to the persons seeking such information.

(3) The Public Information Officer or Assistant Public Information Officer may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.

(4) Any officer of a Public Authority, whose assistance has been sought under Section 5.3, shall render all assistance to the Public Information Officer or Assistant Public Information Officer seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Public Information Officer or Assistant Public Information Officer.

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Section 6  
(Adapted to J&K)

### 6. Procedure for Requesting Information

(1) A person, who desires to obtain any information under this Act, shall make a Application through an official communication in English, Hindi, or Urdu, containing such information and accompanied by such Application Fee and acknowledged by such a

receipt as prescribed in the Rules under Section 20.2.a, to the Public Information Officer or to the Assistant Public Information Officer specifying the particulars of the information sought by him or her:

- (a) *Provided* that the Application for Information shall contain the postal and street address, the phone and fax numbers and e-mail address of the Applicant, including specifications on the mode of official communication under Section 2.n that shall be henceforth used by the Public Information Officer and Assistant Public Information Officer for purposes of this Act;
- (b) *Provided* that where such Application for Information cannot be made in writing due to a handicap, the Public Information Officer or the Assistant Public Information Officer shall render all reasonable assistance to the person making the Application for Information to orally to reduce the same in writing.
- (c) *Provided* that an Applicant making an Application for Information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for sending official communication to him or her.
- (d) *Provided* that any Application Fee prescribed by Rules under Section 20.2.a shall be reasonable.
- (e) *Provided* that an Applicant submitting a valid Below Poverty Line certificate shall be exempted from the Application Fee.

(2) Where an Application for Information is made to a Public Authority requesting for information:

- (a) which is held by another Public Authority; or
- (b) the subject matter of which is more closely connected with the functions of another Public Authority,

the Public Authority, to which such Application for Information is made, shall:

- (a) immediately transfer the Application for Information or such part of it as may be appropriate to the appropriate Public Authority by official communication, and within no more than five (5) working days of the receipt of the Application for Information; and
- (b) immediately issue a Transfer Notice to the Applicant by official communication, as prescribed by Rules under Section 20.2.c, within no more than five (5) working days of the receipt of the Application for Information;

*Explanation:* The time period shall be measure from the date of official communication, as defined under Section 2.n.



## 7. Disposal of Requests by Public Information Officer

(1) The Public Information Officer, on receipt of an Application for Information under Section 6.1, shall:

- (a) provide the information requested on payment of such Access Fees prescribed by Rules under Section 20.2.b, along with a copy of the original Application for Information, by an official communication sent to the Applicant as expeditiously as possible, and in any case within fifteen (15) working days of the receipt of the Application for Information
- (b) reject the Application for Information for any of the reasons specified in Section 8, as expeditiously as possible, and in any case within five (5) working days of the receipt of the Application for Information, and provide a Rejection Notice along with a copy of the original Application for Information to the Applicant by an official communication under the provisions of Section 7.6

*Provided* that any Access Fee prescribed by Rules under Section 20.2.b shall be reasonable shall not exceed the actual cost of providing the information to the Applicant;

*Provided* that an Applicant submitting a valid Below Poverty Line certificate shall be exempted from the Access Fee.

*Explanation:* The time period shall be measured from the dates of official communication, as defined under Section 2.n.

(2) Notwithstanding the provisions of Section 7.1, where the requested information concerns the life or liberty of a person, the same shall be provided by an official communication within forty-eight (48) hours of the receipt of the Application for Information. If the Applicant is unable to submit an Application for Information or it is unable to be received or is refused by the Public Information Officer or Assistant Public Information Officer for whatever reason, the immediate assistance and intervention of the Appellate Authorities under Section 14.1 may be sought. The Appellate Authorities shall have the power to waive the procedures, the Application Fee, and the Access Fee prescribed by the Rules if it is necessary to fulfill this emergency provision.

(3) Notwithstanding the provisions of Section 7.1, where the information requested in the Application for Information is contained in records totaling fifty (50) pages or less, and where only a print-out, electronic copy or a photostat of these records is required to be made, the Public Information Officer or Assistant Public Information shall provide the same by an official communication within five (5) working days on payment of the Access Fee.

*Explanation:* The time period shall be measured to the date of official

communication, as defined under Section 2.n.

- (4) Notwithstanding the provisions of Section 7.1, where:
- (a) there are extraordinary circumstances which prevent the Public Information Officer or the Assistant Information Officer from supplying the information within the time-limits specified in Sections 7.1 and 7.3; or
  - (b) the Public Information Officer or the Assistant Information Officer believes that the Application for Information is frivolous or malafide,
  - (c) the Public Information Officer or the Assistant Information Officer believes that it shall be practically impossible to provide the information due to the nature or volume of information requested in the Application for Information;

the Public Information Officer or Assistant Public Information Officer may make an Extension/Dismissal Plea by an official communication to the State Information Commission, within five (5) days of the receipt of the Application for Information under Section 6.1, requesting:

- (d) a single extension of up to thirty (30) working days; or
  - (e) a reduction in the scope of information requested; or
  - (f) an outright dismissal of the Application for Information.
- i. *Provided*, that the State Information Commission shall respond with a decision by an official communication to the Extension/Dismissal Plea within five (5) working days of receipt of the appeal from the Public Information Officer or Assistant Public Information Officer;
  - ii. *Provided* that after the expiry of ten (10) working days from the date of the official communication of the Extension/Dismissal Plea, if the State Information Commission has not responded to the Extension/Dismissal Plea with a decision by an official communication, it shall be deemed to have refused the Extension/Dismissal Plea, and therefore, the provisions of Sections 7.1 and 7.3 shall continue to have force.
  - iii. *Provided*, that an Extension/Dismissal Plea on a particular Application for Information shall be made only once, unless the State Information Commission indicates, by the official communication to the appellant in response to the first Extension/Dismissal Plea, that the nature of the request may allow for further Extension/Dismissal Pleas;
  - iv. *Provided*, that if the State Information Commission observes a pattern of abuse of Extension/Dismissal Pleas to evade the proviso of this Act, the State Information Commission, may indefinitely limit or ban the future submission of Extension/Dismissal Pleas from particular Public Information Officers or

Assistant Public Information Officers;

*Explanation:* The time periods shall be measured from the date of official communication, as defined under Section 2.n. Where an extension is granted by the State Information Commission, the time periods for Sections 7.1 and 7.3 shall be duly extended, as specified in the official communication from the State Information Commission. Where an extension is refused, the time periods for Sections 7.1 and 7.3 shall be extended to include the period from the date of the official communication of the Extension/Dismissal Plea until the date of the official communication of the Extension/Dismissal Plea Rejection or the expiry of ten (10) working days under Section 7.4.ii, whichever comes sooner.

(5) Where the Application for Information is rejected under Section 7.1 for any of the reasons in Section 8, the Public Information Officer or Assistant Public Information Officer shall comply fully with the proviso of Section 9 requiring the release of all non-exempt portions of a record.

(6) Where the Application for Information is rejected under Section 7.1 for any of the reasons in Section 8, the Public Information Officer or Assistant Public Information Officer shall send by an official communication, an Application Rejection Notice, within five (5) working days from the date of the decision, specifying:

- i. the reasons for such rejection under Section 8, including any findings on any material question of fact, referring to the material on which those findings were based;
- ii. the name and designation of the person giving the decision;
- iii. his or her rights with respect to a first appeal under Section 14.1 and a second Appeal under Section 14.2, including the particulars of Appellate Authorities and the State Information Commission, the time limit for appeals, the appeals process;

*Explanation:* The time period shall be measured from the date of official communication, as defined under Section 2.n.

(7) If the Public Information Officer or Assistant Public Information Officer fails to intimate a decision on the Application for Information by an official communication within the period specified under Sections 7.1 and 7.3, or fails to give notice of an appeal to the Applicant within the period specified under Section 7.4, the Public Information Officer or Assistant Public Information Officer shall be deemed to have refused the Application for Information.

(8) Where a decision is taken to provide the information on payment of any further Access Fee representing the cost of providing the information, Public Information Officer or Assistant Public Information Officer shall immediately, and in no case later five (5) working days from the receipt of the Application for Information, send an

intimation by an official communication to the Applicant, giving:

- (a) the details of further fees representing the cost of providing the information as determined by him, together with the calculations made to arrive at the amount in accordance with the Access Fees prescribed under Rules under Section 20.2.b, requesting him to deposit the revised Access Fee, and the period intervening between the despatch of the said official communication and payment of fees shall be excluded for the purpose of calculating the period of fifteen (15) working days referred to under Section 7.1 or the five (5) working days referred to under Section 7.3;
- (b) information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particulars of the Appellate Authorities, the State Information Commission, time limit, process and any other forms.

(9) Where access to the record or a part thereof is required to be provided under this Act and the person to whom access is to be provided is sensorily disabled, the Public Information Officer shall provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection.

(10) Notwithstanding anything contained in Section 7.1, the Access Fee prescribed by Rules under Section 20.2.b shall be waived where a Public Authority fails to comply with the time limits specified in Section 7.1.

National RTI 2005  
Section 8  
(Adapted to J&K)

## **8. Exemptions for Disclosure of Information**

(1) An Application for Information can be fully or partially rejected to the extent that it requests:

- (a) information, disclosure of which would seriously prejudice the sovereignty and integrity of India, the security, strategic or scientific interests of India, relations with foreign States or lead to incitement of an offence;
- (b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
- (c) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would seriously harm the competitive position of a third party,
- (d) information, the disclosure of which would endanger the life or physical safety of any person or would identify the source of information or assistance given in confidence for law enforcement or security purposes;
- (e) information submitted to Cabinet, the Council of Ministers, Secretaries and other officers above the level of Joint Secretary, but not including purely factual matter, the disclosure of which would, or would be likely to seriously frustrate the success of a policy, by premature disclosure of that policy;

*Provided* that such information shall be made available under this Act after the decision has been taken, including information regarding the decision and the reasons thereof;

*Provided further* that those matters which come under the exemptions specified under Sections 8.1.a-8.1.d shall still not be disclosed;

- (f) personal information which has no relationships whatsoever to any public activity or interest or which would cause an unwarranted invasion of the privacy of the individual

*Provided* that access may be granted where the information:

- i. is about a person who has consented in writing to its disclosure to the person requesting the record; or,
- ii. was given to the Public Authority by the person to whom it relates and that the information belongs to a class of records necessary for public administration; or,
- iii. is already publicly available; or,
- iv. is about a person who is or was an official of a Public Authority and which relates to the position or functions of the person in any way whatsoever.

(2) Notwithstanding anything in the *Official Secrets Act, 1923*, nor any of the exemptions permissible under Section 8.1, a Public Information Officer, Assistant Public Information Officer, the Appellate Authorities, or the State Information Commission shall grant access to information, if the public interest in disclosure outweighs the harm to the protected interests.

(3) Subject to the provisions of Sections 8.1 and 8.2, any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty (20) years before the date on which any Application for Information is made shall be provided under Section 7.1;

*Provided* that where any question arises as to the date from which the said period of twenty (20) years has to be computed, the decision of the State Information Commission shall be final.

## **9. Obligation for Disclosure of All Non-Exempt Information in a Partially Exempt Record**

(1) Where an Application for Information is rejected on the ground that it is in relation to information which is exempt from disclosure under Section 8, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.

(2) Where access is granted to a part of the record under Section 9.1, the Public Information Officer or Assistant Public Information Officer shall give a notice to the Applicant by an official communication, within five (5) working days of the decision, informing:

- (a) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;
- (b) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;
- (c) the name and designation of the person giving the decision;
- (d) the details of the fees calculated by him or her and the amount of fee which the Applicant is required to deposit; and
- (e) his or her rights with respect to review of the decision regarding nondisclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the Appellate Authorities or the State Information Commission, the appeals time limit and the appeals process.

*Provided* that the non-exempt information shall be provided according to the proviso and time-limits under Section 7;

## **CHAPTER IV THE STATE INFORMATION COMMISSION**

### **10. Constitution of the State Information Commission:**

(1) The Government shall, by notification in the Gazette, constitute a body to be known as the Jammu & Kashmir Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The Jammu & Kashmir State Information Commission shall consist of:

- (a) the State Chief Information Commissioner; and
- (b) such number of State Information Commissioners, not less than three (3), and not exceeding six (6), as may be deemed necessary to fulfill the duties of the Commission under Sections 13, 14, and 15;

(3) (a) The State Chief Information Commissioner and the State Information Commissioners shall be appointed by the Governor on the unanimous recommendation of a State Information Commission Selection Committee consisting of:

- i. the Chief Minister, who shall be the Chairperson of the Selection Committee;
- ii. the Leader of the Opposition in the Legislative Assembly;
- iii. the Chief Justice of the High Court.

*Explanation:* For the purposes of removal of doubts, it is hereby declared that

where the Leader of Opposition in the Legislative Assembly has not been recognized as such, the Leader of the single largest group in opposition of the Government in the Legislative Assembly shall be deemed to be the Leader of the Opposition.

(b) The Selection Committee shall:

- i. publish a list of candidates being considered, including a summary of reasons in support of their nomination, within fifteen (15) working days of the enactment of this Act;
- ii. consult and unanimously make recommendations by an official communication for appointment by the Governor within thirty days (30) working days of the enactment of this Act; and
- iii. the Governor shall make appointments from these recommendations within forty (40) working days of the enactment of this Act,

following which:

- iv. the constitution and membership of the State Information Commission shall be notified in the Gazette within fifty (50) working days of the enactment of this Act,
- v. the State Information Commission shall assume its duties and obligations under Sections 13, 14, and 15 within sixty (60) working days of the enactment of this Act, irrespective of whether the provisions of Sections 10.9 and 11.6 have been fully fulfilled.

(c) Where:

- i. the Selection Committee fails to make recommendations to the Governor under Section 10.3.b.ii within thirty (30) working days of the enactment of this Act, or
- ii. the Governor finds cause to reject some or all of the recommendations made by the Selection Committee under Section 10.3.b.ii and new recommendations are not made by the Selection Committee before the thirtieth (30<sup>th</sup>) working day after the enactment of this Act,

the Governor may appoint interim members of the State Information Commission who fulfill the proviso of Sections 10.6 and 10.7 at any date after the 30<sup>th</sup> working day until the time that the Selection Committee advances recommendations that are fully accepted by the Governor.

(d) Where an interim State Information Commission must be appointed by the Governor under Section 10.3.c, it shall assume the duties under Sections 13, 14, and 15 within ten (10) working days of appointment by the Governor until the time that the Governor finds the recommendations of the committee acceptable and duly dissolves the membership of the interim State Information Commission and duly appoints the

permanent State Information Commission.

(4) The general superintendence, direction and management of the affairs of the State Information Commission shall vest in the State Chief Information Commissioner in consultation with the State Information Commissioners.

(5) The State Information Commission may exercise all such powers and do all such acts and things under this Act autonomously, without being subjected to directions by any other authority under this Act other than the High Court or the Supreme Court.

(6) The State Chief Information Commissioner shall be a retired High Court Justice or another person of eminence in public life who has shown a demonstrated commitment to open government, has no criminal convictions or convictions for offences involving moral turpitude and is not charge with any such offences, and wide knowledge and experience in law. If the services of such a person cannot be availed, the State Chief Information Commissioner shall be a person of eminence in public life with wide knowledge and experience in science and technology, social service, management, journalism, mass media or administration and governance.

(7) The State Information Commissioners shall be persons of eminence in public life who has shown demonstrated commitment to open government, has no criminal convictions or convictions for offences involving moral turpitude and is not charge with any such offences with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.

(8) At the time of taking up an appointment as State Chief Information Commissioner or a State Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union Territory, or hold any other office of profit or be connected with any political party or be carrying on any business or pursuing any profession beyond academia and participation or membership in non-profit and non-political societies or social organizations.

(9) The Government shall appoint officers from the civil service to the State Information Commission so that it may discharge its functions under this Act. Further, the State Chief Information Commissioner and the State Information Commissioners shall have the power to engage or recruit such officers and employees as may be necessary for the efficient performance of the State Information Commissions' functions under this Act, from within or outside of the civil service. Their salaries and terms of service shall be as prescribed under Section 11.6.

(10) The State Information Commission shall maintain centrally-located offices in Jammu and in Srinagar, at such place as the Government may specify by notification in the Gazette within thirty (30) working days of the enactment of this Act. The State Information Commission shall formulate a system so that it may dispose of its statutory duties processed in its offices in Jammu and in Srinagar, without prejudice to whether the State Chief Information Commissioner and the State Information Commissioners are



sitting in Srinagar or in Jammu at any particular moment. The State Information Commission may, with the approval of the Government, establish offices at other places in the State.

*Explanation:* For the purposes of Section 10.10, the State Information Commission may establish an electronic database-cum-server to allow paper documents to be electronically received, shared, processed and issued from its offices in Jammu and in Srinagar. Further, the State Information Commission may also establish video conferencing facilities to allow efficient conduct of business in the case that the State Chief Information Commissioner, the State Information Commissioner, appellants exercising their rights under Section 14, and other concerned parties are unable to meet at a single location. To establish this system, the Information Commission may contract the services of the National Informatics Center [NIC], or any other qualified government department, private agency, or non-profit organization with experience in the implementation of e-governance systems.

National RTI 2005  
Section 16  
(Adapted to J&K)

## **11. Terms of Office and Conditions of Service of the State Chief Information Commissioner and the State Information Commissioners**

(1) The State Chief Information Commissioner shall hold office for a term of five (5) years from the date on which he enters upon his office and shall not be eligible for reappointment:

*Provided* that no State Chief Information Commissioner shall hold office as such after he has attained the age of seventy (70) years.

(2) Every State Information Commissioner shall hold office for a term of five (5) years from the date on which he enters upon his office or till he attains the age seventy (70) years, whichever is earlier, and shall not be eligible for reappointment as such State Information Commissioner:

- (a) *Provided* that every State Information Commissioner shall, on vacating his office under this sub-section, be eligible for appointment as the State Chief Information Commissioner in the manner specified in Section 10;
- (b) *Provided* further that where the State Information Commissioner is appointed as the State Chief Information Commissioner, his term of office shall not be more than five (5) years in aggregate as the State Information Commissioner and the State Chief Information Commissioner.

(3) The State Chief Information Commissioner or a State Information Commissioner, shall before he enters upon his office, make and subscribe before the Governor or some other person appointed by him in that behalf, an oath or affirmation according to the form set out for the purpose in Schedule III.

(4) The State Chief Information Commissioner or a State Information Commissioner

may, at any time, by writing under his hand addressed to the Governor, resign from his office.

(5) The salaries and allowances payable to and other terms and conditions of service of:

- (a) the State Chief Information Commissioner shall be the same as the Chief Secretary to the State Government;
- (b) the State Information Commissioner shall be the same as that of a Secretary to the State Government:
  - i. *Provided* that if the State Chief Information Commissioner or a State Information Commissioner, at the time of his appointment is, in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as the State Chief Information Commissioner or a State Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:
  - ii. *Provided* further that where the State Chief Information Commissioner or a State Information Commissioner if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the State Chief Information Commissioner or the State Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:
  - iii. *Provided* also that the salaries, allowances and other conditions of service of the State Chief Information Commissioner and the State Information Commissioners shall not be varied to their disadvantage after their appointment.

(6) The salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed or recruited to the State Information Commission under Sections 10.9 for the purpose of this Act shall be as prescribed by the State Information Commission in consultation with the Government.

## **12. Removal of the State Chief Information Commissioner and the State Information Commissioners**

(1) Subject to the provisions of Section 12.3, the State Chief Information Commissioner or any State Information Commissioner shall be removed from his office only by order of the Governor on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the Governor, has on inquiry, reported

that the State Chief Information Commissioner, or any State Information Commissioner, as the case may be, ought on such ground be removed.

(2) The Governor may suspend from office, and if deemed necessary, prohibit from attending the office during inquiry, the State Chief Information Commissioner or State Information Commissioner in respect of whom a reference has been made to the Supreme Court under Section 12.1 until the Governor has passed orders on receipt of the report of the Supreme Court on such reference.

(3) Notwithstanding anything contained in Section 12.1, the Governor may by order remove from office the State Chief Information Commissioner or any State Information Commissioner if the State Chief Information Commissioner or a State Information Commissioner, as the case may be:

- (a) is adjudged an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or
- (c) engages during his term of office in any paid employment outside the duties of his office; or
- (d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or
- (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the State Chief Information Commissioner or a State Information Commissioner.

(4) If the State Chief Information Commissioner or any State Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government or participates in any way in the profit thereof or in any benefit or emoluments arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of Section 12.1, be deemed to be guilty of misbehaviour.

## **CHAPTER V**

### **POWERS AND FUNCTIONS OF THE STATE INFORMATION COMMISSION, APPEALS, AND PENALTIES**

National RTI 2005  
Sections 18  
(Adapted to J&K)

#### **13. Duties of the State Information Commission**

(1) Subject to the provisions of this Act, it shall be the duty of the State Information Commission to receive and inquire into a complaint from any person:

- (a) who has been unable to submit a Application for Information to a Public Information Officer or Assistant Public Information Officer either by reason that no such officer has been appointed under this Act, or because the he/she has refused to accept his or her Application for Information for information;
- (b) who has been refused access to any information requested under Section 6.1,

- and is aggrieved of the decision;
- (c) who has not been given a response to a Application for Information for information or access to information within the time limits specified under Section 7;
- (d) who has been required to pay an Application Fee or Access Fee which he or she considers unreasonable;
- (e) who believes that he or she has been given incomplete, misleading or false information under this Act; and
- (f) is aggrieved in respect to any other matter relating to requesting or obtaining access to records under this Act.

(2) Where the State Information Commission is satisfied that there are reasonable grounds to inquire into a matter, it may initiate its own investigation in relation to any matter, whether or not it has received a specific complaint from a member of the public.

(3) The State Information Commission, as the case may be shall, while inquiring into any matter, have the same powers as are vested in a civil court while trying a suit under the *Code of Civil Procedure, 1908*, in respect of the following matters, namely:

- a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce records or information;
- b) requiring the discovery and inspection of documents;
- c) receiving evidence on affidavit;
- d) requisitioning any public record or copies thereof from any court or office;
- e) issuing summons for examination of witnesses or documents; and
- f) any other matter which may be prescribed.

(4) Notwithstanding anything inconsistent contained in any other Act of the State Legislature, the State Information Commission may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the Public Authority, and no such record may be withheld from it on any grounds.

#### **14. Appeals to Decisions of the Public Information Officer or Assistant Public Information Officer**

(1) Any person who is aggrieved by the decisions or actions of a Public Information Officer or Assistant Public Information Officer for any of the reasons listed in Section 13.1 may make an appeal by an official communication to an Appellate Authority, who shall be:

- (a) an officer of the Public Authority who shall be above the rank of Deputy Secretary, or, in the case that there is no equivalent senior officer, who shall be among the three (3) most senior officers of the Public Authority;
- (b) the District Commissioner or the Divisional Commissioner where the information relates entirely or partly to the functions of a Public Authority

within his/her territory of jurisdiction:

- (i) *Provided* that the Appellate Authority may delegate his/her authority to another officer in the Public Authority if necessary to ensure maximum accessibility and ease for the public for the purposes of this Act;
- (ii) *Provided* that the appeal is made either under section 14.1.a or 14.1.b, not to both of these bodies.

(2) A second appeal may be made by an official communication with the State Information Commission, within sixty (60) days from the date on which the decision should have been made under Section 14.1 or was actually received;

*Provided* that the State Information Commission, as the case may be, may admit the appeal after the expiry of this period if it is satisfied that the Applicant was prevented by sufficient cause from filing the appeal in time;

(3) In any appeal proceedings under Section 14.1 or 14.2, the onus to prove that a denial of an Application for Information was justified shall be on the Public Authority which denied the Application for Information.

(4) A first appeal under Section 14.1 and a second appeal under Section 14.2 shall be disposed of expeditiously, and within no more than ten (10) days of submission of the appeal. Notice shall be given to the appellant by an official communication within no more than five (5) working days after the date of the decision.

(5) The decision of the State Information Commission on a second appeal under Section 14.2 shall be binding.

(6) In its decision, the Appellate Authorities under Sections 14.1 and the State Information Commission under Section 14.2 have the power to:

- (a) require the Public Authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including:
  - (i) by providing access to information, if so requested, in a particular form by a particular date;
  - (ii) by designating a Public Information Officer or an Assistant Public Information Officer in the concerned Public Authority
  - (iii) by publishing certain information or categories of information;
  - (iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;
  - (v) by enhancing the provision of training on the right to information for its officials;
  - (vi) by providing it with an annual report in compliance with Section 3.1.b.

- (b) require the Public Authority to compensate the complainant for any loss or other detriment suffered;

*Provided* that the loss or detriment suffered must be documented and proven to the satisfaction of the Appellate Authority or the State Information Commission.

*Provided further* that the compensation shall not exceed five thousand (5,000) Rupees.

- (c) impose any of the penalties provided under this Act under Section 15;
- (d) reject the Application for Information.

(7) The Appellate Bodies and the State Information Commission shall decide the appeals under Sections 14.1 and 14.2 in accordance with such procedure as may be prescribed by the State Information Commission in consultation with the Government.

National RTI 2005  
Section 20  
(Adapted to J&K)

## 15. Penalties

(1) Where the Appellate Body or the State Information Commission, at the time of deciding any appeal made under Section 14.1 or 14.2, is of the opinion that the Public Information Officer or Assistant Public Information Officer, has:

- (a) without any reasonable cause failed to receive an Application for Information for information; or
- (b) has not furnished information within the time specified under Section 7.1;

it shall impose a penalty of two hundred and fifty (250) rupees each working day till Application for Information is received or information is provided, up to a maximum of ten thousand (10,000) rupees and recommend disciplinary action under the service rules applicable to him or her.

(2) Where the State Information Commission, at the time of deciding any appeal made under Section 14.2 and after undertaking an investigation in accordance with Section 13.2, finds that a Public Information Officer or Assistant Public Information Officer:

- (c) malafidely denied the Application for Information; or
- (d) deliberately transferred an Application for Information under Section 6.2 to another Public Authority which was less connected to the information requested; or
- (e) knowingly gave incorrect, incomplete or misleading information; or
- (f) destroyed information which was the subject of the Application for Information or obstructed in any manner in furnishing the information;

it shall impose a penalty of not more than twenty-five thousand (25,000) rupees, refer the case to a Judicial Magistrate for priority prosecution, and recommend disciplinary action under the service rules applicable to him.

(3) Where the State Information Commission finds that a Public Authority, upon undertaking an investigation in accordance with Section 13.2, has persistently failed to comply with the provisions of the Act, particularly Sections 3.1 and Section 7, it may impose a penalty of not more than then twenty-five thousand (25,000) rupees and recommend disciplinary action against the Head of the Public Authority under the service rules applicable to him.

(4) The Public Information Officer or Assistant Public Information Officer shall be given a Penalty Notice by an official communication, and shall be given fifteen (15) working days to give a Penalty Appeal through an official communication before the Appellate Authority imposes any penalty under Section 15.1, or the State Information Commission imposes any penalty under Sections 15.1 or 15.2.

*Provided* that the Appellate Authority or State Information Commission, as the case may be, shall consider the Penalty Appeal, and shall make a decision to impose, revoke, or reduce the penalty within fifteen (15) days of receipt of the Penalty Appeal;

(5) The Head of the Public Authority shall be given a Penalty Notice by an official communication and shall be given thirty (30) working days to give a Penalty Appeal through an official communication before the State Information Commission imposes any penalty under Section 15.3.

*Provided* that the State Information Commission, shall consider the Penalty Appeal, and shall make a decision to impose, revoke, or reduce the penalty within thirty (30) days of receipt of the Penalty Appeal;

(6) The burden of proving that he or she acted reasonably and diligently shall be on the Public Information Officer, the Assistant Public Information Officer, or the Head of the Public Authority.

(7) Where a penalty is imposed by the Appellate Authority under Section 15.1, or by the State Information Commission under Sections 15.1, 15.2, or 15.3, the penalty shall be collected by the Public Authority or the Government from the Public Information Officer, Assistant Public Information Officer, or the Head of the Public Authority, or alternatively, deducted from his or her salary for the following month(s) within thirty (30) working days or after the decision of the final appeal under Section 15.4 or 15.5, which ever comes later, and that this amount shall be duly deposited in the account established under Section 15.9.

(8) Where any official of a Public Authority fails to comply with a notice of the State Information Commission sent by an official communication, including a notice under an

inquiry under Sections 13.2 and 13.3 and a notice by an official communication for the collection of penalties under Section 15.7, the Commission may certify in writing to a court that the concerned official has failed to comply with that notice, following which the court may inquire into the matter and deal with the concerned official as if he or she had committed a contempt of court.

(9) All penalties collected by the State Information Commission shall be deposited in a special account established by the State Treasury with twenty (20) working days of the enactment of this Act, which shall be maintained by the State Information Commission according to the norms of the Financial Code. In consultation with the Government, these funds may be applied by the State Information Commission towards projects promoting the purposes of this Act, particularly the activities of Sections 3.a and 19.

## **CHAPTER VI MISCELLANEOUS**

National RTI 2005  
Section 21

### **16. Protection of Action Taken in Good Faith**

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any order made there under.

National RTI 2005  
Section 22  
(Adapted to J&K)

### **17. Act to Have Overriding Effect**

The provisions of this Act shall override anything inconsistent therewith contained in the *Official Secrets Act, 1923*, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

National RTI 2005  
Section 25  
(Adapted to J&K)

### **18. Monitoring and Reporting**

(1) The State Information Commission shall, by 31 March of each year, prepare and distribute an Annual Report on the implementation of the provisions of this Act during the previous fiscal year and forward a copy thereof to the Government and the State Legislature.

- (a) *Provided* that the Speaker in both Houses of the Legislature shall table the Report in the first session following publication of the Report;
- (b) *Provided* that the State Legislature shall consider the Report in its first session following publication of the Report and table recommendations for consideration by the Government immediately thereafter
- (c) *Provided* that the Report shall also be made available to the public at the offices of the State Information Commission and on the official website of the State Information Commission with five (5) working days of its publication.

(2) Each Public Authority, shall collect and provide such information to the State



Information Commission as is required to prepare the Annual Report under Section 18.1 and comply with the requirements concerning the furnishing of that information and keeping of records for this purpose.

- (3) Each Annual Report shall state in respect of the year to which the report relates:
- a) the number of Application for Informations made to each Public Authority;
  - b) the number of decisions where Applicants were not entitled to access to the documents pursuant to the Application for Informations, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;
  - c) the number of appeals submitted to the State Information Commission, , the nature of the appeals and the outcome of the appeals;
  - d) particulars all fines imposed and/or collected and any disciplinary action taken against any officer under Section 15;
  - e) the amount of Application Fees and Access Fees collected by each Public Authority under this Act;
  - f) the certified activities of the account established under Section 15.9 for the collection of penalties
  - g) details of any projects or initiatives funded under Section 15.9 from the collection of penalties
  - h) any facts which indicate an effort by the Public Authorities to administer and implement the spirit and intention of this Act;
  - i) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernisation, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the Right to Information.
- (4) If it appears to the State Information Commission that the practice of a Public Authority in relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this Act, it may give to the Public Authority a recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity.

## **19. Training and Awareness Programs for Implementation of the Act**

- (1) The Government and State Information Commission shall, to the extent of availability of financial and other resources:
- (a) develop and organise educational programmes to advance the understanding of the public, in particular of disadvantaged communities as to how to exercise the rights contemplated under this Act;
  - (b) encourage public authorities to participate in the development and organisation of programmes referred to in Section 19.1.a and to undertake such programmes themselves;

- (c) promote timely and effective dissemination of accurate information by public authorities about their activities; and
- (d) train Public Information Officers and Assistant Public Information Officers and produce relevant training materials for use by the Public Authorities themselves.

(2) The Government shall, within sixty (60) working days from the commencement of this Act, compile in English, Hindi, and Urdu, a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified in this Act. The guide shall also specify:

- (a) a statement of the objects of this Act;
- (b) the postal and street address, the phone and fax numbers and e-mail addresses of Public Information Officer and Assistant Public Information Officers of all Public Authorities;
- (c) the manner and the form in which Application for Information for access to an information shall be made to the Public Information Officer or Assistant Public Information Officer
- (d) the assistance available from and the duties of the Public Information Officer or Assistant Public Information Officer under this Act;
- (e) the assistance available from the State Information Commission
- (f) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act including the manner of filing an appeal to the State Information Commission;
- (g) the provisions providing for the *suo moto* disclosure of categories of records in accordance with Section 3;
- (h) relevant Rules issued under Section 20, particularly regarding the Application and Access Fees specified under Sections 20.2.a and 20.2.b
- (i) any additional regulations or circulars made or issued in relation to obtaining access to an information in accordance with this Act.

*Provided* that adequate copies of this guide, entitled the “J&K Right to Information Booklet,” shall be made available within fifty (50) working days from the commencement of this Act in the offices of the State Information Commission, the Deputy Commissioners of the State, the Divisional Commissioners of the State, and the Public Information Officers and Assistant Public Information Officers appointed under Section 5.1.

*Provided further* that the Government must update and publish the J&K Right to Information Booklet specified under this subsection every one hundred and twenty (120) days from the publication of the first J&K Right to Information Booklet.

(3) The Government may commission non-profit societies and social organizations registered under the Jammu & Kashmir Societies Registration Act, 1996, to prepare and distribute materials and conduct programmes and activities detailed in Section 19.1 and

19.2.

National RTI 2005  
Section 27  
(Adapted to J&K)

## 20. Power to Make Rules

- (1) The Government may, by notification in the Gazette, make rules to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:
  - a) the forms used and the Application Fee payable for the Application for Information submitted under Section 6.1;
  - b) the forms used and the Access Fee payable for the information received under Section 7.1, including rates for postage for sending the information by Registered Post or Speed Post, if the Applicant so requests;
  - c) the proforma for the Application Transfer Notice given under Section 6.2;
  - d) the proforma for the Application Rejection Notice under Section 7.6;
  - e) the proforma for appeals and response to appeals under Section 14.1 and 14.2
  - f) the update times specified for suo moto disclosure by Public Authorities under Sections 3.1 and 3.2;
  - g) the salaries and allowances payable to and the terms and conditions of service of the officers and other employees of the State Information Commissioner recruited under Section 10.9 and prescribed under Section 11.6;
  - h) any other matter which is required to be, or may be, prescribed.

*Provided* that every rule made by the Government under this Act shall be immediately laid before the State Legislature, while it is in session, for a total period of fifteen (15) days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature agrees in making any modification in the rule or the State Legislature agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

National RTI 2005  
Section 30  
(Adapted to J&K)

## 21. Power to Remove Difficulties

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:

*Provided* that no such order shall be made after the expiry of a period of two (2) years from the date of the commencement of this Act.

*Provided further* that every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

## SCHEDULE I:

### DEPARTMENTS TO APPOINT PUBLIC INFORMATION OFFICERS UNDER SECTION 5.2

- (i) Administrative Reforms, Inspections, Trainings, and Grievances Department
- (ii) Agriculture Production Department
- (iii) Animal Husbandry Department
- (iv) Civil Aviation Department
- (v) Consumer Affairs & Public Distribution Department
- (vi) Education Department
- (vii) Election Department
- (viii) Estates Department
- (ix) Finance Department
- (x) Forest Department
- (xi) General Administration Department
- (xii) Health and Medical Education Department
- (xiii) Home Department
- (xiv) Hospitality and Protocol Department
- (xv) Housing and Urban Development Department
- (xvi) Industries and Commerce Department
- (xvii) Information Department
- (xviii) Information Technology Department
- (xix) Labour and Employment Department
- (xx) Ladakh Affairs Department
- (xxi) Law and Parliamentary Affairs Department
- (xxii) Planning & Development Department
- (xxiii) Power Development Department
- (xxiv) Public Enterprises Department
- (xxv) Public Works Department
- (xxvi) Revenue & Relief Department
- (xxvii) Rural Development Department
- (xxviii) Science & Technology Department
- (xxix) Social Welfare Department
- (xxx) Tourism Department
- (xxxii) Transport Department

## **SCHEDULE II:**

### **PUBLIC BODIES TO APPOINT PUBLIC INFORMATION OFFICERS UNDER SECTION 5.2**

- (i) Board of Professional Entrance Examinations
- (ii) Government Press
- (iii) Economic Reconstruction Agency
- (iv) Jammu & Kashmir Bank
- (v) Jammu & Kashmir State Financial Corporation
- (vi) Sheri-Kashmir University of Agricultural Sciences and Technology
- (vii) Agro Industries Development Corp.
- (viii) JKHPMC
- (ix) Srinagar Municipal Corporation
- (x) Jammu Municipal Corporation
- (xi) Srinagar Development Authority
- (xii) Jammu Development Authority
- (xiii) Jammu & Kashmir Housing Board
- (xiv) Town Planning Commission, Jammu/Srinagar
- (xv) SIDCO
- (xvi) SICOP
- (xvii) Handloom Development Corporation
- (xviii) Jammu & Kashmir Industries
- (xix) Sher-i-Kashmir Institute of Medical Sciences
- (xx) The State Health Transport Organization

### **SCHEDULE III:**

#### **OATH OF THE STATE INFORMATION COMMISSIONER UNDER SECTION 11.3**

“I,....., having been appointed State Chief Information Commissioner/ State Information Commissioner swear in the name of God, solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws.”