

MIZORAM RIGHT TO INFORMATION RULES, 2006

(Vide Govt. Notification No. F. 13011/4/2005-IPR Dt. 21.6.2006)

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

1. Short title and commencement:-

- (1) These rules may be called the “Mizoram Right to Information Rules, 2006”.
- (2) They shall come into force from the date of their publication in the Mizoram Gazette.

2. Definitions :-

- (1) In these rules, unless the context otherwise requires –
 - (a) ‘*Act*’ means the Right to Information Act, 2005 (No. 22 of 2005);
 - (b) ‘*BPL Card*’ means a card issued to any citizen who is below the poverty line.
 - (c) ‘*fee*’ means amount payable by the applicant for obtaining any information under the provisions of subsection (1) of Section 6 of the said Act, excluding the cost of providing information;
 - (d) ‘*form*’ means the form appended to these rules;
 - (e) ‘*identity*’ means an evidence to show the citizenship like an electoral photo identity card, a passport or any other document which can satisfy the authority about citizenship of the person;

- (f) '*Nodal Officer*' means the Secretary to Government of Mizoram. Information & Public Relations Department;
- (g) '*Public Information Officer*' means the State Public Information Officer designated under sub-section (1) of section 5 of the Act and includes an Assistant Public Information Officer designated as such under sub-section (2) thereof;
- (h) '*Appellate Authority*' means persons designated as such by the public authority.
- (i) '*Schedule*' means the Schedule appended to these rules; and
- (j) '*State Government*' means the Government of Mizoram.
- (k) '*Commission*' means the Mizoram State Information Commission.

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

3. **Appointments & Obligations of Public Information Officers.-**

- (1) A public authority, if it is a Department of State Government, shall designate as many officers as it deems proper, not below the rank of Under Secretary, as Public Information Officers and First Appellate Authority/Departmental Appellate Authority shall be Secretary to the Government of the concerned department.
- (2) In each sub-ordinate office of the Department of Government including the Heads of Department or the of-

ficers in the district and Sub-divisional level, the head of such offices shall designate as many officers as they deem proper as Public Information Officers and Assistant Public Information Officers.

- (3) Every public authority other than those mentioned in sub-rule (2) of the said rule 3 shall be head of the Department concerned.

Provided that every such public authority shall, while designating such officers as Public Information Officers so designated, ensure that an officer higher in rank to Public Information Officer, is available to be specified as Appellate Authority.

- (4) If, for any reason beyond the control of Public Information Officer, furnishing of information is delayed, he shall record reasons with justification thereof and shall communicate to the Head of the office about such delay.

4. Procedure to obtain information.-

- (1) A citizen desirous of any information may apply for information in form A to the Public Information Officer, with the required fee in the form of Treasury Challan or cash as specified in the Schedule under the appropriate Head of Account:

Provided that the application fee shall not be payable in case of a person whose name appears in the latest list of persons below poverty line for which he has to produce BPL Card.

Provided that a citizen seeking information through electronic means has to submit evidence regarding deposit of prescribed application fee.

(2) The Public Information Officer or any other officer authorized by him shall furnish the acknowledgement and after being satisfied with the identity of the applicant shall also intimate in form B as soon as possible the amount of cost for providing information required to be paid by the applicant in cash, as mentioned in the Second Schedule. (Part I & II)

(3) The applicant may deposit the said amount within a period of fifteen days from the date of receipt of such intimation, failing which the application shall stand rejected.

5. Information regarding rejection.-

(1) Where a request has been rejected under sub-section (1) of section 7, the Public Information Officer shall intimate the applicant, the reasons for such rejection in Form C.

(2) Wherever information applied for is available in electronic means, the Public Information Officer may advise in form C to the applicant to obtain the information from the appropriate website to be specified by the Public Information Officer.

6. Appointments of State Chief Information Commissioner and State Information Commissioners :-

There shall be a State Chief Information Commissioner and two (2) State Information Commissioners in the Commission. The appointments of State Chief Information Commissioner and State Information Commissioners, their terms of office, conditions of service and removal from office, shall be governed by the relevant provisions of the Act.

7. Meeting of the recommending Committee.-

For the purpose of appointment of the State Chief Information Commissioner and the State Information Commissioners under sub-section (3) of section 15, the Nodal Officer/the Secretary to Govt. of Mizoram of the Nodal Department shall, in consultation with the Chairperson of Committee, convene meeting of the Committee for their recommendation.

8. Salaries & Allowances of the State Chief Information Commissioner and the State Information Commissioners.

Subject to the conditions of Sub-Section (5) of Section 16, the scale of pay of the State Chief Information Commissioner and State Information Commissioners shall be fixed as under:-

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|-----|--------------------------------------|---------------------|
| (a) | State Chief Information Commissioner | - |
| | | Rs. 30,000/- fixed. |
| (b) | State Information Commissioners | - |
| | | Rs. 26,000/- fixed. |

9. Officers and Staff of the Commission :-

The Commission shall have the Officers and Staff as indicated in column 2 of the First Schedule.

- (a) The posts shall be filled up either by direct recruitment,

or by deputation of Government servants of equivalent rank from any department of the State Government, Public Sector Undertakings, Govt. of India or by outsourcing.

Provided that the outsourcing shall be restricted to posts of Group 'D' employees (cleaning, housekeeping, home orderlies and security guards).

- (b) The method of recruitment shall be in accordance with the Mizoram Secretariat Service Rules or Service Rules of any other equivalent posts of the State Government.
- (c) The allowances and facilities of officers and staffs working in the Commission shall be at par with other State Government employees of equivalent rank.
- (d) The rules governing conditions of service and disciplinary matters of the State Government employees shall mutatis-mutandis apply to the employees of the Commission subject to modification as may be notified by the State Government.

10. Appeals :

- (1) An appeal under sub-section (1) of section 19 shall be filed in form D to the officer as designated by the Public Authority to hear such appeal.
- (2) The Memorandum of appeal shall be accompanied with such fee as specified in the Second schedule which shall be paid in the form of court fee stamp.
- (3) Any person aggrieved by the decision under sub-section (1)

of section 19, may prefer a second appeal before the Commission under sub-section (3) thereof in form E which shall be accompanied with such fee in the form of court fee stamp as specified in the Second schedule.

(4) The appeal preferred under sub-rules (1) and (3), if not accompanied with the required fee, shall be rejected by the concerned Appellate Authority, but no fee is payable by the applicant holding a BPL Card..

(5) *Documents to accompany appeal* : Every appeal made to the First Appellate Authority or Commission shall be accompanied by the following documents namely:-

- (i) self attested copy of the order against which the appeal is being preferred;
- (ii) copies of documents relied upon by the appellant and referred to in the appeal; and
- (iii) an index of the documents referred to in the appeal.

(6) *Service of notice by the Commission or Appellate Authority* : Notice is to be issued by the Commission or by the Appellate Authority and shall be served in any of the following modes, namely:-

- (i) service by the party itself;
- (ii) by hand delivery (Dasti) through Notice Server;
- (iii) by registered post with acknowledgement due; or
- (iv) through Head of Office or Department.

(7) *Place of sitting of the Commission*: The Commission shall

ordinarily sit in the State Capital i.e., Aizawl or at such other place or places as may be directed by general or special order by the Commission for the disposal of a particular case or cases.

(8) *Procedure in deciding appeal*: In deciding the appeal, the Commission or the Appellate Authority may: -

- (i) hear oral or written evidence on oath or on affidavit from concerned or interested person(s);
- (ii) peruse or inspect documents, public records or copies thereof;
- (iii) enquire through authorized officer further details or facts;
- (iv) hear State Public Information Officer, State Assistant Public Information Officer or such Senior Officer who decide the first appeal, or such person against whom the complaint is made, as the case may be;
- (v) hear third party (applicable to the Commission only); and
- (vi) receive evidence on affidavits from State Public Information Officer, State Assistant Public Information Officer, such Senior Officer who decided the first appeal, or such person against whom the complaint is made, or third party, as the case may be,
- (vii) In case of difference of opinion in deciding the appeal or complaint, as the case may be, the Commission shall abide by majority of opinion.

11. Every order of the Appellate authority and the Commission shall be in writing and shall be communicated to the appellant concerned and to the Public Information Officer, and to the first Appellate authority in case it is a second appeal.

12. Guidelines by the State Government. -

The State Government shall have the power to issue guidelines not inconsistent with the provisions of the Act and these rules for smooth implementation of the provisions of the Act.

13. Penalties.-

In the event of imposition of penalty under section 20 on the Public Information Officer concerned, such penalty may be deposited by the said officer by Treasury Challan under the appropriate receipt Head of the State Budget within a period of thirty days, failing which the amount shall be recovered from the salary of the officer concerned.

14. Calculation of cost of damage.-

If any damage is caused to the public property in the course of giving any information in the form of samples of materials, the damage caused to such property shall be included while calculating further fees representing the cost of providing the information.

15. Maintenance of Register.-

- (1) The Public Information Officer/Assistant Public Information Officer shall maintain a register in Form 'F' (1) and Form 'F' (2) respectively for recording the details of the application received and the information supplied by him and keep the Head of Office informed after furnishing any information and it shall be the duty of the Head of

Office to ensure required assistance if any, as would be sought for by the Public Information Officer to facilitate providing information.

- (2) The Public Information Officer/Assistant Public Information Officer shall maintain a cash register in Form 'G' for recording the details of money received by him relating to providing information and deposit the money in such head of account or in any scheduled Bank in the name of such officer as the concerned Head of Office decides.
- (3) Every Appellate Authority and the Commission shall maintain Register (s) for recording details of appeals received and disposals thereof in Form 'H'.

16. Deposit of expenditure.-

The expenditure to be incurred for production of witness or documents before the Commission shall be deposited before the Commission by the party at whose instance the witnesses or the documents are to be produced.

17. Realization of penalties or damages.-

Any penalty or damage or any other sum payable under the Act, if not paid within thirty days of the date of receipt of the order for realization of the same or cannot be recovered, it can be realized from such person from the salary in case of government employees and as arrears of land revenue in case of others.

18. Miscellaneous :-

For the purpose of removing any doubt it is hereby clari-

fied that the 'form (s), as prescribed under these rules, need not be in authorized pre-printed stationery, but any format neatly typed, handwritten or in electronic form which covers essential details prescribed in the form shall be valid.

19. Power to amend Rules :

The State Government, either in consultation with or on recommendation of the Commission may add to, delete from or alter or amend the Rules. Such alteration or amendment of the Rules shall be approved by the State Cabinet and shall be laid before the State Legislature.

FIRST SCHEDULE

[see Rule 9]

MIZORAM STATE INFORMATION COMMISSION STAFF

Sl. No.	Designation	No. of Post	Scale of Pay
1	Secretary	1no.	Rs.16,400 - 20,000/-
2	Senior Principal (P.S)	1no.	Rs.12,000 - 16,500/-
3	Deputy Secretary	1no.	Rs.12,000 - 16,500/-
4	Under Secretary	1no.	Rs.10,000 - 15,200/-
5	Principal Private Secy.	2nos.	Rs.10,000 - 15,200/-
6	Superintendent	1no.	Rs.8,000 - 13,500/-
7	Stenographer Grade-I.	1no.	Rs.8,000 - 13,500/-
8	Assistant	3nos.	Rs.5,500 - 9,000/-
9	Stenographer Grade - III.	1no.	Rs.5,000 - 8,000/-
10	U.D.C.	3nos.	Rs.5,000 - 8,000/-
11	L.D.C.	3nos.	Rs.4,000 - 6,000/-
12	Driver	4nos.	Rs.3,050 - 4,590/-
13	Despatch Rider	1no.	Rs.3,050 - 4,950/-
14	Grade-IV/Peon/Chowkider	10nos.	Rs.2,650 - 4,000/-

SECOND SCHEDULE

[See Rules 4 and 10]

Fees/Amount to be Charged for Providing Information

PART - I

(A)	Application fee	Rate to be charged	Mode of deposit
(i)	Application for seeking information	Rupees ten per application	Treasury Challan/cash
(ii)	Application fee for 1 st Appeal	Rupees forty	Court fee stamp
(iii)	Application fee for 2 nd appeal	Rupees fifty	Court fee stamp

PART - II

(B) Amount to be charged for providing information.

(i)	Inspection of documents	No fee for the first hour and a fee of Rupees five per each subsequent hour or fraction thereof	By cash
(ii)	A4 size paper/A3 size paper for each folio		
	(a) Type copy/photocopy per page	Rupees two	By cash
	(b) Print out from computer per page	Rupees five	By cash
(iii)	CD with cover	Rupees fifty per CD	By cash
(iv)	Floppy Diskette (1.44MB)	Rupees fifty per Floppy	By cash
(v)	Maps & Plans	Reasonable cost to be fixed by P.I.O. depending upon the cost of labour and material and equipment and other ancillary expenses.	
(vi)	Video Cassette/ Microfilm/Microfiche	-do-	By cash
(vii)	Certified sample of material	-do-	By cash

N.B: Proper and authenticated money receipt to be issued for all cash payment. The office is to state the cash receipt No. on the application Form 'A'

T.B.C. Rozara
Commissioner & Secretary to the Govt. of Mizoram
Information & Public Relations Department