

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

ADMINISTRATIVE REFORMS & TRAINING DEPARTMENT :: DISPUR

NOTIFICATION

The 8th December, 2004

No. AR. 5/2001/Pt./275. – In exercise of the powers conferred by sub-Section (2) of Section 1 of the Assam Right to Information Act, 2001 (Assam Act No. IX of 2002), the Governor Assam is hereby pleased to declare that the said Act. Shall be deemed to have come into force on the 1st December 2004.

SAMEER KUMAR KHARE

**Commissioner & Secy. To the Govt. of Assam,
Administrative Reforms & Training Department.**

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR ADMINISTRATIVE REFORMS & TRAINING DEPARTMENT :: DISPUR

NOTIFICATION The 8th December, 2004

No. AR. 5/2001/Pt./264. – In exercise of the powers conferred by sub- Section (1) of Section 11 of the Assam Right to Information Act, 2001 (Assam Act No. IX of 2002),
The Government of Assam hereby makes the following rules, namely:-

1. Short, title and commencement:

- (1) These rules may be called the “Assam Right to Information Rules, 2004”.
- (2) They shall come into force from the date of their publication in the official Gazette.

2. Definitions:

- (1) In these rules, unless the context otherwise requires, -
 - (a) ‘Act’ means the Assam Right to Information Act, 2001 (Assam Act No. IX of 2002);
 - (b) ‘Authorized person’ means a person nominated by the “In charge of the office” or “Controlling officer”, as the case may be, to accept fee prescribed under these rules;
 - (c) ‘Form’ means the form appended to these rules;
 - (d) ‘Section’ means a section of the Act;
- (2) Words and expressions used but not defined in these rules shall have the meaning as assigned to them in the Act.

3. Application for seeking information:

Any person seeking information under the Act shall make an application in Form ‘A’ to the “In charge of the office” and deposit application fees as per rule 7 with the authorized person. The “In charge of the office” shall duly acknowledge the application as provided in Form ‘A’ :

Provided that a person who makes a request through electronic form shall ensure that the requisite fee is deposited in cash with the authorized person within seven days of his request sent through electronic form, failing which his application shall be treated as withdrawn by the applicant.

4. Disposal of application by the “In charge of the Office”:

- (1) If the requested Information does not fall within the jurisdiction of the “In charge of the office”, it shall order return of the application to the applicant in

Form 'B' as soon as practicable, normally with fifteen days and in any case within thirty days of the receipt of the application, advising the applicant, wherever possible, about the "In charge of the office" to whom the application should be made. The application fee deposited in such cases shall be refunded.

- (2) If the requested information falls within the jurisdiction of "In charge of the Office" and also in one or more of the categories of restrictions listed in section 4 of the Act, the "In charge of the Office", on being satisfied, will issue the rejection order in Form 'C' as soon as practicable, normally within fifteen days and in any case, within thirty days from the date of the receipt to the application.
- (3) If the requested information falls within the jurisdiction of "In charge of the Office" 's' but not in one or more of the categories listed in section 4 of the Act, the "In charge of the Office", on being so satisfied, shall supply the information to the applicant in Form 'D', falling within his jurisdiction. In case, the information sought is partly falls in the categories listed in section-4 of the Act, the "In charge of the Office" shall supply only such information as in permissible under the Act and is within its own jurisdiction and reject the remaining part giving reasons thereof.
- (4) The Information shall be supplied as soon a practicable, normally within fifteen days and in any case within thirty days from the date of the receipt of the application on deposit of the balance amount, if nay, to the authorized person, before collection of information. A proper acknowledgement shall be obtained from the applicant in token of receipt of information.

5. Appeal:

- (1) Any person –
 - (a) who fails to get a response in Form 'B', or Form 'C' from the "In charge of the office" within thirty working days of submission of Form 'A', or
 - (b) is aggrieved by the response received within the prescribed period, may appeal in Form 'E' to the "Controlling Officer" and deposit fee for appeal as per rule 7 with the authorized person.
- (2) On receipt of the appeal, the "Controlling Officer" shall acknowledge the receipt of appeal and after giving the applicant an opportunity of being heard, shall endeavor to dispose it of within thirty days from the date on which it is presented and send a copy of the decision to the concerned "In charge of the office".
- (3) (a) Where the appeal is filed on the ground specified in clause (a) of sub-rule (1) of this rule, no appeal shall be admissible after the expiry of thirty days immediately following the prescribed period of response stipulated under this clause.

(b) Where the appeal is filed on the ground specified at Rule in clause (b) of sub-rule (1) of this rule, no appeal shall be admissible after thirty days of the receipt of the response appealed against.

- (4) In case the appeal is allowed, the information shall be supplied to the applicant by the “In charge of the office” within such period as ordered by the appellate authority. This period shall not exceed thirty days from the date of the receipt of the order.

Penalties:

- (1) Whoever being bound to supply information under sub-section (2) of section 5 of the Act, fails to furnish the information asked for under the Act within the time specified or fails to communicate the rejection order under sub-section (3) of section 5 of the Act, shall be liable to pay a penalty of fifty rupees per day for the delayed period beyond thirty days subject to a maximum of five hundred rupees per application, filed under rule 3, which shall be imposed by the appellate authority.
- (2) Where the information supplied is found to be false in any material particular and which the person bound to supply it knows or has reasonable cause to believe it to be false, the person supplying the information shall be liable to pay a penalty of one thousand rupees per application, filed under rule 3, which shall be imposed by the appellate authority.

7. Charging of Fee:

- (1) The “In charge of the office” shall charge the fee at the following rates, namely:-

(a) Application fees:

(b) Other Fees:

- (2) The “Controlling officer” shall charge a fee fifty rupees per appeal.
- 8. Maintenance of Records:
 - (1) The “In charge of the office” shall maintain records of all applications received for supply of information and fee charged.
 - (2) The “Controlling officer” shall maintain records of all appeals filed before it and fee charged.

Form ‘A’
Form of application for seeking information (See rule 3)

To
“In charge of the office”

.....
.....

- 1. Name of the Applicant
- 2. Address
- 3. Telephone No.
- 4. E-mail Address

5. Particulars of information
 - (a) Concerned department
 - (b) Particulars of information required
 - (i) Details of information required
 - (ii) Period for which information asked for
 - (iii) Other details
6. I state that the information sought does not fall within the restrictions contained in Section 4 of the Act and to the best of my knowledge it pertains to your office.
7. A fee of Rs. has been deposited in your office vide no
 Dated.....
 Place:
 Date :

Signature of application

Note:

- (1) Reasonable assistance can be provided by the “In charge of the Office” in filling up the Form A.
- (2) Please ensure that the Form A. is complete in all respect and there is no ambiguity in providing the details of information required.

Acknowledgement of Application in Form – A

I. D No.....

Dated.....

1. Received an application in Form A from Shri/Msresident ofunder Section 5. (1) of the Assam Right to Information Act, 2001.
2. The information is proposed to be given normally within 15 days and in any case within 30 days from the date of receipt of application and in case it is found that the information asked for cannot be supplied, the rejection letter shall be issued stating reason thereof.
3. The applicant is advised to contact the undersigned on between 11 A.M. to 1.00 P.M.
4. In case the applicant fails to turn up the scheduled date (s), the “In charge of the Office” shall not be responsible for delay, if any.
5. The applicant shall have to deposit the balance fee, if any with the authorized person before collection of information.
6. The applicant may also consult website of the department from time to time to ascertain the status of his application.

Signature and stamp of the “In charge of the Office”

E-mail address..... Website..... Tel. No..... Dated:

Form ‘B’

Outside the jurisdiction of “In charge of the Office” (See rule 4 (1))

From

“In charge of the Office”

.....

To

.....

Sir/Madam,

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

Addressed to the undersigned regarding supply of information on.....

.....

2. The requested information does not fall within the jurisdiction of this office and, therefore, your application is being returned herewith.

3. This is in super session of the acknowledgement given to you on.....

4. You are requested to apply to the concerned "In charge of the Office".

Signature and stamp of the "In charge of the Office"

E-mail address:

Website:.....

Tel. No.

Dated:

Cc:

Concerned "In charge of the Office"

With a copy of the application under reference for necessary action

Signature and stamp of the "In charge of the Office"

E-mail address:

Website:.....

Tel. No.:.....

Dated:.....

Form 'C'

Rejection Order (See rule 4 (2))

From

"In charge of the Office"

.....

.....

To

.....

.....

Sir/Madam,

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

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

(i)

(ii)

3. As per Section 6 of Assam Right to Information Act, 2001, you may file an appeal to the “Controlling Officer”, within 30 days of the receipt of this order.

Signature and stamp of the “In charge of the Office”

E-mail address:

Website:.....

Tel. No.:.....

Dated:.....

Form ‘D’

Form of supply of information to the applicant (See rule \$ (3))

“In charge of the Office”

.....

.....

To

.....
.....

Sir/Madam,

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

2. The information asked for is enclosed for reference.

Or.

The following partly information is being enclosed *

i)

ii)

The remaining information about the other aspects cannot be supplied due to following reasons. *

i)

ii)

iii)

3. The requested information does not fall within the jurisdiction of this office. *

4. As per Section 6 of Assam Right to Information Act, 2001, you may file an appeal to the “ Controlling Officer” , within 30 days of the receipt of this order.

Strike – off wherever not applicable.

Signature and stamp of the ‘In charge of the Off

E-mail address :- _____

Website :- _____

Tel. No. : _____

Dated : _____