

Annexure – VII

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Government of Kerala
കേരള സർക്കാർ
2006



Reg. No. രജി. നമ്പർ
KL/TV(N)/12/2006-2008

KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണം

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. I.I	Thiruvananthapuram,	5th June 2006	No. } 962
വാല്യം 51	Monday	2006 ജൂൺ 5	
	തിരുവനന്തപുരം.	15th Jyaishta 1928	നമ്പർ }
	തിങ്കൾ	1928 ജ്യേഷ്ഠം 15	

GOVERNMENT OF KERALA

General Administration (Co-ordination) Department

NOTIFICATION

No. 27774/Cdn.5/2006/GAD. Dated, Thiruvananthapuram, 31st May, 2006.

S. R. O. No. 412/2006.—In exercise of the powers conferred by clauses (e) and (f) of sub-section (2) of section 27 of the Right to Information Act, 2005 (Central Act 22 of 2005) read with sub-section (10) of section 19 thereof, the Government of Kerala hereby make the following rules, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Kerala State Information Commission (Procedure for Appeal) Rules, 2006.

(2) They shall come into force at once.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires,—

(a) 'Act' means the Right to Information Act, 2005 (Central Act 22 of 2005);

(b) 'Commission' means the Kerala State Information Commission;

(c) 'Section' means a section of the Act;

(2) All other words and expressions used in these Rules and not defined, but defined in the Act shall have the meanings, respectively, assigned to them in the Act.

3. *Appeals.*—Every appeal to the Commission shall be submitted either in the Form appended to these rules or in any other format containing the particulars mentioned in the aforesaid Form.

4. *Documents to accompany the appeal.*—Every appeal shall be accompanied by the following documents, namely:—

(i) self attested copies of the orders or documents 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.

5. *Procedure in deciding appeal.*—In deciding an appeal, the Commission may,—

(i) take oral or written evidence on oath or on affidavit from the concerned or interested persons;

(ii) peruse or inspect documents, public records or copies thereof;

(iii) inquire through authorised Officer to gather further details or facts;

(iv) hear the State Assistant Public Information Officer or State Public Information Officer or such Senior Officer who had decided the first appeal or such person against whom the appeal is made, as the case may be;

(v) hear the third party;

(vi) receive evidence on affidavits from State Assistant Public Information Officer, State Public Information Officer, such Senior Officer who decided the first appeal or the third party.

6. *Service of notice by Commission.*—Notice issued by the Commission may be served in any of the following modes,—

- (i) service to the party itself;
- (ii) by hand delivery;
- (iii) by registered post with acknowledgement due;
- (iv) through Head of Office or Department or Institution;
- (v) through electronic media.

7. *Personal presence of the appellant.*—(1) The appellant shall, in every case, be informed of the date of hearing, at least seven clear days before that date.

(2) The appellant may at his discretion be present in person, or through his duly authorised representative or may opt not to be present, at the time of hearing of the appeal by the Commission.

(3) Where the Commission is satisfied that circumstances exist due to which the appellant who opted to be present before the Commission was prevented from attending the hearing of the Commission, then the Commission may afford the appellant another opportunity of being heard, before a final decision is taken or take any other appropriate action, as it may deem fit.

(4) The appellant may seek the assistance of any person in the process of the appeal, while presenting his or her points and the person representing him or her need not be a legal practitioner.

8. *Order of the Commission.*— Order of the Commission shall be pronounced in open proceedings, and be in writing, duly authenticated by the Secretary to the Commission or any other Officer authorised by the Commission, for this purpose.

FORM
(See Rule 3)

From

Name and address of the Appellant

To

The State Chief Information Commissioner,
Kerala State Information Commission,
.....
.....

1. Date of submission of Application to State Assistant Public Information Officer/State Public Information Officer :
2. Date of submission of appeal to Appellate Authority (first appeal) :
3. Particulars of informations sought (Specify the nature, category and the year to which the information relates) :
4. Name of Office/Department concerned with the information :
5. Particulars of the disposal of application by the State Public Information Officer :
6. Particulars of the disposal of first appeal by the Appellate Authority against which the appeal is preferred (Attach the copy of the communication also) :
7. Date of receipt of the decision/order of the Appellate Authority (if decision/order passed) :
8. Last date for filing appeal :
9. Brief facts leading to the appeal :
10. Other relevant information if any, that may deem necessary for deciding the appeal :

Place :

Date :

Signature of Appellant.

By order of the Governor,
E. K. BHARAT BHUSHAN,
Principal Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The State Government have constituted the Kerala State Information Commission with its Headquarters at Thiruvananthapuram. Section 27 (2) (c) of the Right to Information Act, 2005 (Central Act 22 of 2005) empowers the State Government to make rules prescribing the procedure to be adopted by the State Information Commission in deciding appeals under section 19 of the Act. Accordingly Government have decided to prescribe rules in this regard.

This Notification is intended to achieve the above object.