

Government of Chhattisgarh
General Administration Department
Dau Kalyan Singh Bhavan, Raipur

/ / Notification / /

Raipur, Date: 17 March, 2006

No. F 2-11/2006/1/6 :: In exercise of the powers conferred by subsection (1) of section 27 of *The Right to Information Act, 2005*, the Government of Chhattisgarh hereby makes the following Rules, namely:-

Rules

1. **Short title and commencement:-** (1) These Rules may in brief be called, **Chhattisgarh Right to Information (Appeals) Rules, 2006**.

(2) They shall come into force on the date of their publication in the Official Gazette.
 2. **Definitions:-** In these Rules unless the context otherwise requires:-
 - (a) 'Act' means *The Right to Information Act, 2005* (No. 22 of 2005);
 - (b) 'section' means the section of the Act;
 - (c) 'below the poverty line' means those citizens who have been declared by the Government of Chhattisgarh as being below the poverty line.
 - (d) 'fees' mean the fees payable under --- (*text is not legible*);
 - (e) The words and expressions used in these rules but not defined, shall have the same meanings as assigned to them in the Act.
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3. **First Appeal** – (1) If any person does not receive a decision within the time limit specified in subsection (1) of section 7 or clause (a) of subsection (3) or if such decision is not made available to him or if he is aggrieved by a decision of the Public Information Officer, such person may within thirty days of receipt of such decision file an appeal with the Appellate Authority senior to the Public Information Officer accompanied with a fee of Rs. 50/- (Rs. 75/- if receipt of order on the appeal by post is desired) payable in cash or non-judicial stamp. But the Appellate Authority may admit the appeal after the expiry of the period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) An appeal shall contain clear mention of the name and address of the appellant, name and designation of the Public Information Officer and

details as to whether the appeal is being preferred against a refusal to give information or disclosure of incomplete or misleading information or an order relating to payment of fees or non-disclosure of information within the specified time limit.

- (3) The Appellate Authority shall give a notice of at least seven days to the Public Information Officer for the purpose of hearing the appeal.

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- (4) Upon receipt of an appeal under subrule (1) the appeal will be disposed of within a period of thirty days or by such extended date which is not exceeding a total of 45 days from the date of filing the appeal, with reasons to be recorded in writing.

- (5) A copy of the order passed on the appeal will be provided free of cost to the appellant.

4. **Second Appeal** – (1) A second appeal against the decision made under subrule (3) shall lie with the State Information Commission within ninety days from the date of that decision or from the time when the decision was actually made available or from that date on which forty five days of filing the first appeal have been completed.

But the State Information Commission may admit the appeal after the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (2) An appeal shall contain the name and address of the appellant, the name and designation of the Appellate Authority against whose decision the appeal is being preferred accompanied by a certified copy of such decision.

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- (3) The second appeal shall be filed accompanied with a fee of Rs. 100/- (Rs. 125/- if receipt of order on the appeal by post is desired) payable in cash, challan, money order or non-judicial stamp.

- (4) The State Information Commission shall provide a reasonable opportunity of being heard to the public authority and/or the Public Information Officer as the case may be, and/or the appellant after which the appeal may be disposed of with reasons to be recorded in writing.

- (5) The State Information Commission shall give a notice of at least seven days to the parties for the purpose of hearing the appeal.

- (6) The decision of the State Information Commission shall be final and binding.
5. A copy of the decision of the State Information Commission shall be provided free of cost to the appellant. But if the appellant desires to receive the decision by post then postage charges shall be collected from him and the decision shall be delivered within a period of thirty days.
6. Fees payable under Rules 3 and 4 shall not be charged on individuals who are below the poverty line.

**In the name of the Governor of Chhattisgarh
and by order**

sd/-
(Nand Kumar)
Secretary
Government of Chhattisgarh
General Administration Department

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