

The Karnataka Right to Information Rules, 2005.

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Department of Personnel and Administrative Reforms Secretariat

NOTIFICATION

No:DPAR:74RTI2005 (Part-2) Bangalore, dated:11th October -2005

(As amended by notification No. DPAR 74 RTI 2005 (Part-II) dated 15.7.06, No. DPAR 11RTI 2006, Dated 26.12.2006, No. DPAR 7 RTI 2006, dated: 10.1.2007, No. DPAR 2 RTI 2003 dated: 13.2.2007 and DPAR 39 RTI 2007 dated: 11.7.2007 and No.DPAR 14 RTI 2008 dated 17-3-2008)

In exercise of the powers conferred by sub-section (1) and (2) of section 27 of the Right to Information Act, 2005 (Central Act No 22 of 2005), the Government of Karnataka hereby makes the following rules, namely:-

1.Title and commencement.- (1) These rules may be called the Karnataka Right to Information Rules, 2005.

(2) They shall come into force with effect from the date of their publication in the official Gazette.

2.Definitions.- In these rules, unless the context otherwise requires,-

(i) ``Act`` means the Right to Information Act, 2005 (Central Act 22 of 2005);

(ii) ``Section`` means section of the Act.

3.Publication of certain other informations etc; under section 4.- (1) The information under section 4(4) shall be easily accessible to the public. It shall be indicated on the notice board by the Public Information Officer where these particulars are available . Further the public authorities can adopt any of the methods provided under the Act for disseminating the information.

(2)The information so disseminated shall also contain the details of phone number, fax number etc. of the State Public Information Officers and the Assistant State Public Information Officers of the office in question .

4. Fee.- (1) Any person desirous of obtaining information under sub-section (1) of section 6 of the Act shall make an application in Form-A or in any other format as far as possible containing the particulars specified under the format to the State Public Information Officer or State Assistant Public Information Officer as the case may be along with an initial fee of Rs.10 with his application. Every officer receiving request under the Act shall give an acknowledgement.

(2)(a) For providing information under subsection (1) of section 7, the fees for supplying the information shall be charged at Rs.2/- for each page in respect of matters in A4 size paper.

[(aa) for providing information disseminated under sub-section (4) of section 4 shall be rupee one per page in respect of matter in A4 size;"]¹

1. Inserted by Notification No. DPAR 11 RTI 2006 dated: 26.12.2006

(b) For providing information under subsection (1) of section 7, in the case of Maps, Plans, Reports, a Partial record or any Technical data or Sample or Models, a reasonable fee shall be fixed by the State Public Information Officer in each case depending upon the cost of labour and material required to be employed.

(c) As regards inspection of records and documents, no fee for the first hour. For every subsequent half an hour ¹[or fraction thereof, rupees ten]¹ shall be charged from persons making application with initial payment as prescribed under rule 4(1) above. For inspection of works a reasonable fee shall be fixed by the State Public Information Officer in each case depending upon the cost of labour and material required to be employed apart from initial fees as prescribed under rule 4(1).

1. Substituted by Notification No. DPAR 11 RTI 2006, dt. 26.12.2006

(3) For providing information under sub-section (5) of section 7, the fees for supplying information in Diskette or Floppy or C.D. or in any other Electronic mode shall be Rs.50/-

(4) The fee shall be collected in the form of Indian postal order or D.D. or Bankers Cheque or Pay order drawn in favour of the State Public Information Officer or in cash or by remitting it to the Treasury as per Karnataka Financial Code (KFC).

(5)A person claiming exemption under proviso to sub-section (5) of section 7 shall produce a valid certificate issued by the concerned authority that he/she belongs to the Below Poverty Line category.

["(6) In case of below poverty line card holders, if the information requested for is within one hundred pages, no fee shall be chargeable. In case, the information sought exceeds one hundred pages, the Public Information Officers may allow inspection of the required documents, charging fee under clause (c) of sub-rule (2) or the information be furnished on payment of prescribed fee as provided under clause (aa) of sub-rule (2)"]¹

1. Sub-rule (6) inserted by notification No. DPAR 39 RTI 2007 dated: 11.07.2007

5. Salary and allowances and conditions of service of officers and employees of the State Information Commission.- (1) The salary and allowances payable to the Officers and employees of State Information Commission shall be on par with other State Government employees of equivalent rank.

(2) The rules governing conditions of service and disciplinary matter of the State Government employees shall mutatis-mutandis apply to the employees of State Information Commission subject to modifications specified in schedule to these rules.

(3) The method of recruitment shall be in accordance with the provisions under K.C.S. (General Recruitment) Rules, 1977 by deputation of Government Servants of equivalent rank from any of the States Civil Services or Public sector undertakings ¹[or on contract basis]¹ or by outsourcing:

1. Inserted by Notification No. DPAR 7 RTI 2006 dated 10.1.2007

Provided that the outsourcing shall be restricted to posts of Cleaning, Housekeeping, Home Orderlies and Security Guards.

6. Appeal under sub-section (1) of section 19.- (1) The Public Authority shall by notification specify the designation of the officer to whom the appeals under sub-section (1) of section 19, shall lie.

(2) Every such appeal shall be accompanied by a copy of the order, if any, appealed against, and it shall specify:-

- (i) the name and address of the applicant and the particulars regarding the State Public Information Officer appealed against ;
- (ii) the date of receipt of order, if any, from the State Public Information Officer appealed against ;
- (iii) the grounds of appeal : and
- (iv) the relief which the applicant claims.

(3)The Appellate Authority under sub section (1) of section 19 shall fix a day for hearing of the appeal. On the date fixed for hearing the appeal or on further date to which, the appeal may be adjourned, the Appellate Authority shall after hearing the parties pass such orders on the appeal as it deems fit.

¹**[7. Appeal under sub -section (3) of section 19.-** (1) An appeal to the State Information Commission under sub-section (3) of section 19 shall contain the following information namely:-

- (i) name and address of the appellant
- (ii) name and address of the State Public Information Officer against the decision of whom the appeal is preferred.
- (iii) particulars of the order including number, if any, against which the appeal is preferred
- (iv) brief facts leading to the appeal
- (v) if the appeal is preferred against deemed refusal, the particulars of the application including number and date and name and address of the State Public Information Officer to whom the application was made
- (vi) prayer or relief sought ;
- (vii) grounds for the prayer or relief ;
- (viii) verification by appellant and,
- (ix) any other information which the commission may deem necessary for deciding the appeal;]¹

1. Substituted by notification No. DPAR 74 RTI 2005 (Part-II) dated: 15.7.2006

¹[8. Documents to accompany appeal:- Every appeal made to the State Information Commission shall be in triplicate 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;
- (iii) An index of the documents referred to in the appeal ;

9. Procedure in deciding appeal:- In deciding the appeal; the State Information Commission may:-

- (i) hear oral, or written evidence on oath or an affidavit from concerned or interested person ;
- (ii) peruse or inspect documents public record or copies thereof;
- (iii) Inquire through authorized officer further details or facts;

- (iv) hear State Public Information Officer, State Assistant, Public Information Officer or such Senior Officer who decided the first appeal or such person against whom the complaint is made, as the case may be;
- (v) hear third party; and
- (vi) receive evidence on affidavit from State Public Information Officer, State Assistant Public Information Officer such other Senior Officer who decided the first appeal, or such person against whom the complaint lies or the third party.

10. Service of notice by Commission:- Notice to be issued by the State Information Commission may be served in any of the following modes, namely:-

- (i) service to the party itself;
- (ii) by hand delivery (dusty) through process server;
- (iii) by registered post with acknowledgement due; or
- (iv) through Head of Office or Department
- (v) By fax;
- (vi) By e-mail

11. Personal presence of the appellant or complainant:-

- (1) The appellant or the complainant, as the case may be shall in every case be informed of the date of hearing at least ten clear days before that date.
- (2) The appellant or the complainant, as the case may be, may at his discretion at the time of hearing of the appeal or complaint by the State Information Commission be present in person or through his duly authorized representative or may not to be present.
- (3) Where the State Information Commission is satisfied that the circumstances exist due to which the appellant or the complainant, as the case may be, is being prevented from attending the hearing before the State Information Commission, then the State Information Commission may afford the appellant or the complainant, as the case may be, another opportunity of being heard before a final decision is taken or take only other appropriate action as it may deem fit.

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

12. Order of the State Information Commission:- Order of the State Information Commission shall be in writing and be pronounced in open proceedings. Such order shall be duly authenticated by the Under Secretary or any other officer authorized by the State Information Commission for this purpose]¹

1. Rule 8 to 12 inserted by notification No. DPAR 74 RTI 2005 (Part-II) dated: 15.7.2006

¹[**"13, Procedure for complaints under sub-section (1) of Section 18:-** The procedure prescribed for appeals under rules 7,8,9,10, 11 shall mutatis - mutandis apply to complaints."]¹

1. Rule 13 inserted by Notification No. DPAR 2 RTI 2007 dated 13.02.2007.

¹[**14. Request relate only to single subject matter:-** A request in writing for information under section 6 of the Act shall relate to one subject matter and it shall not ordinarily exceed one hundred and fifty words. If an applicant wishes to seek information on more than one subject matter, he shall make separate applications:

Provided that in case, the request made relates to more than one subject matter, the Public Information Officer may respond to the request relating to the first subject matter only and may advise the applicant to make separate application for each of the other subject matters.]¹

1. Inserted by notification No. DPAR 14 RTI 2008 dated 17.03.2008.

Form A (section 6(1) and 7(1) of the RTI Act, 2005

1. Full Name of the Applicant :
2. Address :
3. Details of the document/Inspection/Samples required :
4. Year to which the above pertains :
5. Designation and Address of the Public Information Officer from whom the Information is required :

Place:

Date:

Signature of the applicant

By order and in the name of the
Governor of Karnataka

K.R.BADIGER

Under Secretary to Government
Department of Personnel and
Administrative Reforms
(Janaspandana Cell)