

THE CENTRAL INFORMATION COMMISSION (APPEAL PROCEDURE) RULES, 2005

New Delhi, dated 28th October, 2005

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 (22 of 2005), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement

- (1) These rules may be called the Central Information Commission (Appeal Procedure) Rules, 2005.
- (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;
- (b) "section" means section of the Act;
- (c) "Commission" means the Central Information Commission;
- (d) words and expressions used herein and not defined but defined in the Act, shall have the meanings respectively assigned to them in that Act.

3. Contents of appeal

An appeal to the Commission shall contain the following information, namely:-

- (i) name and address of the appellant;
- (ii) name and address of the Central 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 Central Public Information Officer to whom the application was made;
- (vi) prayer or relief sought;
- (vii) grounds for the prayer or relief;
- (viii) verification by the appellant; and
- (ix) any other information which the Commission may deem necessary for deciding the appeal.

4. Documents to accompany appeal

Every appeal made to the Commission 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 the appeal the Commission may:-

- (i) hear oral or written evidence on oath or on affidavit from concerned or interested person;
- (ii) peruse or inspect documents, public records or copies thereof;
- (iii) inquire through authorised officer further details or facts;
- (iv) hear Central Public Information Officer, Central 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; and
- (vi) receive evidence on affidavits from Central Public Information Officer, Central Assistant Public Information Officer, such Senior Officer who decided the first appeal, such person against whom the complaint lies or the third party.

6. Service of notice by Commission

Notice to be issued by the Commission may be served in any of the following modes, namely:-

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

7. 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 seven 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 Commission be present in person or through his duly authorised representative or may opt not to be present.
- (3) Where the 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 of the Commission, then, the 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 any 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.

8. Order of the Commission

Order of the Commission shall be pronounced in open proceedings and be in writing duly authenticated by the Registrar or any other officer authorised by the Commission for this purpose.