

GOVERNMENT OF GOA
Department of Information & Publicity

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Notification

DI/INF/RTI/BILL/2005/6474

In exercise of the powers conferred by section 27 of the Right to Information Act, 2005 (Central Act 22 of 2005), the Government of Goa hereby makes the following rules, namely:—

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

(2) They shall come into force from 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 (Central Act No. 22 of 2005);

(b) “Section” means a section of the Act;

(c) “Commission” means the State Information Commission;

(d) words and expressions used herein and not defined but defined in the Act, shall have the same meaning respectively assigned to them in the 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 State Public Information Officer against whose decision 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 as also the 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 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, unless, the appeal is preferred against deemed refusal;

(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 person;

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

(iii) inquire, through authorised officer, about further details or facts;

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

(v) hear a third party; and

(vi) receive evidence on affidavits from State Public Information Officer, State 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 the 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 atleast 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 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 need not be a legal practitioner.

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

By order and in the name of the Governor of Goa.

Menino Peres, Director, Information & Publicity and ex officio Joint Secretary.

Panaji, 15th February, 2006.