

A. P. INFORMATION COMMISSION :: HYDERABAD
(Under Right to Information Act, 2005)

Circular Note No.3719/APIC/2007.

Dated 15.07.2008.

NOTIFICATION

Sub:- APIC – Amendment to APIC Management Regulations – Orders – Issued.

Ref:- 1. APIC Management Regulations, 2007 issued on 22.11.2007.
2. Notification No.3719/APIC/2007, dated 28.01.2008.
3. Minutes of the Commission’s meeting held on 30.06.2008 in the chambers of CIC.

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In the reference first read above, the A.P. Information Commission Management Regulations were approved and came into force with effect from 1.12.2007.

As per the decision taken in the minutes third cited, the following shall be added at the end of Regulation 7 in Chapter IV of the Regulations:-

“The appeal/complaint shall be presented in (3) sets along with one set of the relevant documents”.

C.D.ARHA,
CHIEF INFORMATION COMMISSIONER.

To
The P.S. to Chief Information Commissioner.
The P.Ss. of all Information Commissioners.
The P.A. to Secretary/ OSD / Secretary (Law)
The Deputy Secretary (Admin)

::Attested::

Deputy Secretary (Admin)

**THE ANDHRA PRADESH INFORMATION COMMISSION (MANAGEMENT)
REGULATIONS, 2007**

Hyderabad, dated 30th November, 2007

In exercise of the powers conferred by Section 15(4) of the Right to Information Act, 2005 (Act 22 of 2005) and all other provisions in the Act enabling in this behalf, the Chief Information Commissioner hereby makes the following Regulations for management of the affairs of the Andhra Pradesh Information Commission so as to enable it to function effectively.

Chapter-1: Short Title and Commencement

(i) These Regulations may be called “the Andhra Pradesh Information Commission (Management) Regulations, 2007.

(ii) They shall come into force with effect from such date as the Chief Information Commissioner may by order specify.

(iii) Appeals and Complaints which have already been filed before the date of commencement of these Regulations and have been found to be in order and are already registered before this date will be proceeded with as before and shall not abate for any infirmity therein and these regulations will not be applicable retrospectively to such appeals and complaints.

2. Definitions:- In these Regulations unless the context otherwise requires -

(a) “Act” means the Right to Information Act, 2005 (Act 22 of 2005);

(b) “Appellant” includes a complainant.

(c) “Commission” means the Andhra Pradesh Information Commission;

(d) “Chief Information Commissioner” means the Chief Information Commissioner appointed under the Act for the State of A.P.

(e) “SPIO” means an officer designated by a public authority u/s. 5(1) of the Act and includes an Assistant SPIO/PIO so designated or notified under Section 5(2) of the Act.

1)Where the State Public Information Officer seeks the assistance of any other officer, for the proper discharge of his or her duties, such other officer whose assistance has been sought shall be treated as the State Public Information Officer for the purpose of any contravention of the provisions of the Act.

2)any officer to whom the request for information from an applicant is submitted by the SPIO/PIO either for approval or for orders or for Disposal; and

3)the Head of the public authority in case no SPIO/PIO is appointed or notified;

- (f) "Decision" includes an order, direction or determination of an issue.
- (g) "First Appellate Authority" means an authority so designated or notified by the public authority under the Act and includes a head of the office or the head of the public authority if no first appellate authority is appointed or notified.
- (h) "Information Commissioner" means an Information Commissioner appointed under the Act for the state of Andhra Pradesh and a "Designated Commissioner" means an Information Commissioner designated by the Chief Information Commissioner from among the officers of the Information Commission to deal with appeals or complaints assigned to him by a general or special order.
- (i) "Prescribed" means prescribed by or under the Act or under the Rules or Regulations.
- (j) "Records" mean the aggregate of papers relating to an appeal or complaint including pleadings, rejoinders, comments, proceedings, documentary or deposition of oral evidence, decision, orders and all other documents filed with or annexed to an appeal or complaint or submitted subsequently in connection with such appeal or complaint.
- (j) "Registry" means the Registry of the Commission comprising the Registrar(s), Additional Registrar(s), Joint Registrar(s), Deputy Registrar(s) or Assistant Registrar(s).
- (k) "Registrar" means the Registrar of the Commission and unless the context otherwise requires includes an Additional Registrar, a Joint Registrar, a Deputy Registrar or an Assistant Registrar.
- (m) "Regulation" means Regulation framed herein;
- (n) "Respondent" includes a third party or a party impleaded by the Commission.
- (o) "Rules" mean the Rules framed by the State Government u/s 27 of the Act and rules framed by Competent Authority u/s 28(1) of the Act.
- (p) "Section" means section of the Act;
- (q) Words and expressions used herein but not defined shall have the meaning assigned to them in the Act or in the Rules.

CHAPTER-II: Officers of the Commission and their functions

3. Powers and Functions of the Secretary:-

- (i) The Secretary will also function and exercise the powers of the Registrar when there is no Registrar appointed or functioning in the Commission.
- (ii) The Secretary will ensure proper functioning of the Commission Office and maintain discipline, decorum and proper upkeep of the office.
- (iii) The Secretary may delegate, with the approval of the Chief Information Commissioner, any function entrusted to him to Deputy Secretary or Assistant Secretary.
- (iv) All the records of the Commission shall be in the custody of the Secretary.
- (v) The Official Seal of the Commission shall be kept in the custody of the Secretary.
- (vi) Subject to any general or special directions of the Chief Information Commissioner, the Official Seal of the Commission shall be affixed to any order, summons or other process under the authority of the Secretary.
- (vii) The Official Seal of the Commission shall not be affixed to any certified copy issued by the Commission save under the authority of the Secretary.
- (viii) The Secretary shall be responsible for ensuring compliance of the orders, directions or decisions passed by the Commission and to take all necessary steps in this regard.
- (ix) The Secretary shall exercise all such powers and discharge all such functions as are assigned to him by these regulations or by the Chief Information Commissioner from time to time.
- (x) The Secretary shall assist all Information Commissioners in discharge of their functions.

4. Powers and functions of the Registrar:-

The Secretary (Law) will be the Registrar of Andhra Pradesh Information Commission. The Chief Information Commissioner may designate one or more of its officers in the Commission to function as Registrar(s) of the Commission. He may also designate other officers of the Commission to act as Additional Registrar (s), Joint Registrar (s), Deputy Registrar (s) or Assistant Registrar(s) and provide other staff that may be necessary to assist the Registrars in the performance of their duties and responsibilities:

- i. The office of the Registrar shall receive all applications, 2nd appeals, complaints, counter statements, replies and other documents.
- ii. The Registrar shall discharge his functions under the control and superintendence of the Chief Information Commissioner.
- iii. Any communication addressed to the Registrar/Secretary/Commission will be deemed to be addressed to the Commission and the Commission will be represented by him in all judicial matters.
- iv. The Registrar shall decide all questions arising out of the scrutiny of the appeals and complaints before these are registered.
- v. The Registrar may require any application, appeal, complaint, counter statement, replies presented to the Commission to be amended in accordance with these Regulations and direct any formal amendment of such records.
- vi. The Registrar shall fix the date of hearing of appeal, complaint or other proceedings and may prepare and notify in advance a cause list in respect of the cases listed for hearing.
- vii. The Registrar will decide questions relating to extension of time in respect of filing of counter statement, reply, rejoinder, etc.
- viii. Copies of documents authenticated or certified shall be provided to the parties to the proceedings only under the authority of the Registrar.
- ix. The Registrar shall communicate the decisions, orders or directions of the Commission to the concerned person/persons, and all such communications signed or authenticated by the Registrar or under his authority shall be deemed to be the communication from the Commission.
- x. The Registrar shall exercise all such powers and discharge all such functions as are assigned to him by these Regulations or by the Chief Information Commissioner from time to time.

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- xi. The Deputy Registrar shall have all the powers conferred on a Registrar and will exercise all the functions of the Registrar under his guidance.
- xii. The Registrar may with the approval of the Chief Information Commissioner delegate to a Deputy Registrar or Assistant Registrar any function required to be performed under these Regulations.

Chapter III: Working Hours, sittings and vacations etc.

- 5. Subject to any order by the Chief Information Commissioner, the Commission will work for five days in a week i.e Monday to Friday. However the office will function on all working days from 10:30 AM to 5:00 PM with a lunch break of half an hour between 1:00 PM to 3:00 PM.
- 6. The Commission will have summer vacation of 4 weeks during May/June, Dasara vacation of 4 days during the month of October/ November and Sankranthi vacation of 4 days in the month of January, as notified by the Chief Information Commissioner from time to time. The office of the Commission will, however, remain open during vacation except on gazetted holidays. The Chief Information Commissioner may make appropriate arrangements to deal with matters of urgent nature during vacations by designating any of the Commissioners to discharge such of the Appeals which are URGENT in nature.

CHAPTER – IV: Registration, Abatement or Return of Appeal

- 7. **Appeal or complaint etc. to be in writing:-** Every appeal, complaint, application, statement, rejoinder, reply or any other document filed before the Commission shall be typed, printed or written neatly and legibly and in double line spacing and the language used therein shall be formal and civilized and should not be in any way be indecent or abusive.
- 8. **Contents of appeal or complaint:-** An appeal or a complaint to the Commission shall contain the following information, namely:-
 - i. name, address and other particulars of the appellant or complainant, as the case may be;
 - ii. name and address of the State Public Information Officer (SPIO) or the State Assistant Public Information Officer (SAPIO) against whom a complaint is made under Section 18 of the Act, and the name and address of the First Appellate Authority before whom the first appeal was preferred under Section 19(1) of the Act.

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- iii. particulars of the decision or order, if any, including its number and the date it was pronounced, against which the appeal is preferred;
- iv. brief facts leading to the appeal or the complaint;
- v. if the appeal or complaint is preferred against refusal or deemed refusal of the information, 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 and name and address of the First Appellate Authority before whom the appeal was filed;
- vi. prayer or relief sought;
- vii. grounds for the prayer or relief;
- viii. verification by the appellant or the complainant, as the case may be;
- ix. an index of the documents referred to in the appeal; and
- x. any other information which may be deemed as necessary and helpful for the Commission to decide the appeal or complaint.

9. Documents to accompany appeal or complaint:-

Every appeal or complaint made to the Commission shall be accompanied by self attested copies/photo copies of the following documents, namely:-

- i. The RTI application submitted before the SPIO along with documentary proof as regards payment of fee under the RTI Act;
- ii. The order, or decision or response, if any, from the SPIO to whom the application under the RTI Act was submitted.
- iii. The First appeal submitted before the First Appellate Authority with documentary proof of filing the First Appeal.
- iv. The Orders or decision or response, if any, from the First Appellate Authority against which the appeal or complaint is being preferred;
- v. The documents relied upon and referred to in the appeal or complaint;
- vi. A certificate stating that the matters under appeal or complaint have not been previously filed, or are pending, with any court or tribunal or with any other authority;

10. Presentation and scrutiny of appeal or complaint:-

- i) The Registrar shall receive any appeal or complaint petition addressed to the Commission and ensure that
 - (a) all its contents are duly verified by the appellant or the complainant, as the case may be;
 - (b) the appeal or the complaint is in accordance with the Regulations.
- (ii) The Registrar shall also ensure that the appeal or the complaint contains copies of all required documents such as
 - (a) RTI application
 - (b) Receipt of the RTI Application by Public Information Officer
 - (c) Proof in regard to payment of fee/cost, if any;
 - (d) Decision/reply etc. from the SPIO, if any;
 - (e) Appeal to the 1st Appellate Authority;
 - (f) Proof of receipt of Appeal by Appellate Authority
 - (g) Decision of the 1st Appellate Authority, if any.
- (iii) The Registrar shall scrutinize every appeal/complaint received and will ensure -
 - (a) That the appeal or the complaint petition is duly verified.
 - (b) That all the documents annexed are duly paginated and attested by the appellant or the complainant.
 - (c) That the copies of the documents filed and submitted are clear, distinct and legible;
- (iv) That the Registrar will return any such appeal or the complaint if it does not meet the requirement or confirm to the standard as set out above and permit its resubmission in proper form.
- (v) The Registrar may reject any such appeal or complaint petition –
 - (a) if it is time-barred; or
 - (b) if it is otherwise inadmissible; or
 - (c) if it is not in accordance with these Regulations
- (vi) All appeals and Complaints found to be in order shall be registered and auto generated computerized number will be given by the Inward Section.
- (vii) An appeal or complaint which is not in order and is found to be defective is liable to be rejected.

11. Posting of appeal or complaint before the Information Commissioner:-

- i. An appeal or a complaint, or a class or categories of appeals or complaints, shall be heard either by a Single Information Commissioner or a Division Bench of two Information Commissioners, or a Full Bench of three or more Information Commissioners, as may be decided by the Chief Information Commissioner by a special or general order issued for this purpose.
- ii. Where in the course of the hearing of an appeal or complaint or other proceedings before a Single Information Commissioner, the Commissioner considers that the matter should be dealt with by a Division or Full Bench, he shall refer the matter to the Chief Information Commissioner who may thereupon constitute such a Bench for the hearing and disposal of the matter.
- iii. Similarly, where during the course of the hearing of a matter before a Division Bench, the Bench considers that the matter should be dealt with by a Larger Bench, or where a Larger Bench considers that a matter should be dealt with by a Full Bench, it shall refer the matter to the Chief Information Commissioner who may thereupon constitute such a Bench for the hearing and disposal of the matter.

12. Personal presence of the appellant or complainant:-

- i. The appellant or the complainant, as the case may be, shall be informed of the date of hearing at least seven clear days before the due date.
- ii. The appellant or the complainant, as the case may be, may at his discretion be present in person or through his duly authorized representative at the time of hearing of the appeal or complaint by the Commission, or may opt not to be present.
- iii. Where the Commission is satisfied that circumstances exist due to which the appellant or the complainant is being prevented from attending the hearing of the Commission, 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.

Provided that the appellant/complainant shall file an affidavit explaining circumstances under which he was prevented from attending on the date of hearing of Appeal or Complaint.

- iv. The appellant or the complainant, as the case may be, may seek the assistance of any person while presenting his case before the Commission and the person representing him may not be a legal practitioner.

Provided that the person thus authorized shall file an authorization signed by the appellant or complainant duly attesting the signature of the authorized person.

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- v. If an appellant or complainant at his discretion decides not to be present either personally or through his duly authorized representative during the hearing of an appeal or complaint before the Commission, the Commission may pronounce its decision or order in the matter *ex-parte* on merits.

13. The Presence of Respondent:-

(i) The Respondent(s) shall be informed of the date of hearing atleast seven clear days before the due date.

(ii) Where the State Information Commission summons a Public Information Officer/Appellate Authority to appear before it, such Public Information Officer/Appellate Authority shall do so without fail. However, where it is not practicable to do so because of circumstances beyond his control, he may send an authorized officer, duly explaining the specific reasons for his absence and such authorized officer shall be an officer of a rank not below the rank of the Public Information Officer/ Appellate Authority, as the case may be having sufficient knowledge about case.

14. Date of hearing to be notified:- The Commission shall notify the parties the date and place of hearing of the appeal or complaint in such manner as the Chief Information Commissioner may by general or special order direct.

15. Adjournment of Hearing:- The appellant or the complainant or any of the respondents may, for just and sufficient reasons, make an application for adjournment of the hearing. The Commission may consider the said application and pass such orders as it deems fit.

16. Evidence before the Commission:

In deciding an appeal or a complaint, the Commission may:-

- i. receive oral or written evidence on oath or an affidavit from concerned person or persons;
- ii. peruse or inspect documents, public records or copies thereof;
- iii. inquire through authorized officer further details or facts;
- iv. examine or hear in person or receive evidence on affidavit from State Public Information Officer, State assistant Public Information Officer or such Senior Officer who decided the first appeal or such person or persons against whom the complaint is made, as the case may be; or
- v. examine or hear or receive evidence on affidavit from a third party, or any other person or persons, whose evidence is considered necessary or relevant.

17. Issue of summons:-

Summons to the parties or to the witnesses for appearance or for production of documents or records or things shall be issued by the Registrar under the authority of the Commission, and it shall be in the format appended.

18. Conduct of an enquiry:-

Commissioner may entrust an enquiry in connection with any appeal or complaint to the Registrar or any other officer with the approval of the Hon'ble CIC. The Registrar or such other officer while conducting the enquiry shall have all the necessary powers of the Commission including power to —

- i. summon and enforce attendance of persons;
- ii. compel production of documents or things;
- iii. administer oath and to take oral evidence or to receive affidavits or written evidence on solemn affirmation;
- iv. inspect documents and require discovery of documents; and
- v. requisition any public record or documents from any public authority.

19. Communication of decisions and Orders:-

- i. Every decision or order of the Commission shall be signed and dated by the Chief Information Commissioner or Commissioner or Commissioners who have heard the decided upon the appeal or the complaint.
- ii. Every decision/order of the Commission be pronounced in open sittings of the Commission and shall be communicated to the parties under authentication by the Registrar or any other officer authorized by the Commission in this regard and shall also be placed on its web site.
- iii. Every such decision or order, whenever pronounced by a Single Information Commissioner or by a Division Bench or by a Full Bench of three or more Information Commissioners, shall be deemed to be the decision or order by the Commission under the Act.

20. Finality of Decision:-

- (i) A decision or an order once pronounced by the Commission shall be binding.
- (ii) An appellant or a complainant or a respondent may, however, subject to limitations applicable under the Civil Procedure Code, made an application for special leave to review a decision or order of a case and mention the grounds for such a request;
- (iii) On receipt of such a request for review, the Chief Information Commissioner may consider and decide the matter as deemed fit.

21. Abatement of an Appeal/Complaint:-

The proceedings pending before the Commission shall abate on the death of the appellant or complainant.

CHAPTER-V: MISCELLANEOUS

22. Seal and Emblem:- The Official Seal and Emblem of the Commission shall be such as appended.

23. Language of the Commission:-

- i. An appeal or a complaint may be filed in Telugu or in Urdu or in English and all the documents or copies thereof shall also be filed in Telugu or in Urdu or in English. Where a document, in original, is in a language other than Telugu or in Urdu or in English, a certified authenticated copy of its translated version in Telugu or in Urdu or in English shall also be filed along with the original. This shall also apply in the case of a counter statement, rejoinder, reply or any other document or documents filed before the Commission.
- ii. The proceedings of the Commission shall be conducted in Telugu or in Urdu or in English.

**C.D.ARHA,
CHIEF INFORMATION
COMMISSIONER**