

**THE MEGHALAYA STATE  
INFORMATION COMMISSION**  
(Superintendence, Direction And Management)  
**REGULATIONS, 2009**

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**Dated Shillong, the 12<sup>th</sup> March, 2009**

For the purposes of general superintendence, direction and management of the affairs of the Meghalaya State Information Commission under the provisions of sub-section (4) of section 15 of the Right to Information Act, 2005 (Central Act 22 of 2005), the Chief Information Commissioner, Meghalaya is pleased to make the following regulations, namely, -1. Short title and Commencement:

- (i) These Regulations may be called the “Meghalaya State Information Commission” (Superintendence, Direction and Management) Regulations, 2009.
- (ii) They shall come into force with effect from such date as the Chief Information Commissioner may, by order specify.
- (iii) They shall not apply to appeals and complaints which have already been filed before the date of commencement of these regulations.

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 Meghalaya State Information Commission.
- (d) “Chief Information Commissioner” means the State Chief Information Commissioner Meghalaya appointed under the Act.
- (e) “PIO” means an Officer designated by a Public Authority under Section 5(1) of the Act and includes an
  - (i) assistant PIO so designated or notified under section 5(2) of the Act, in the event of the contravention of the provision of this Act;

- (ii) an Officer to whom an application submitted under the Right To Information Act seeking certain information is transferred under Section 5(4) of the Act; and
  - (iii) any officer to whom the request for information from an applicant is submitted by the PIO either for approval or for orders or for disposal; and
  - (iv) the Head of the public authority in case no PIO is appointed or notified;
- (f) “First Appellate Authority” means an authority so appointed or notified by the public authority for receiving and hearing appeals filed under Section 19(1) of the Act and includes the head of the Office or the head of the public authority, if no first appellate authority, is appointed or notified.
- (g) “Decision” includes an order, direction or determination of an issue; by the Commission.
- (h) “prescribed” means prescribed by or under the Act or under the Rules or under the Regulations.
- (i) “Records” means the aggregate of papers relating to an appeal or a complaint, including pleadings, rejoinders, comments, proceedings, documentary or oral evidence, decisions, 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.
- (k) “Registrar” means the registrar of the Commission and includes a Deputy Registrar or an Assistant Registrar.
- (l) “Regulations” means the Meghalaya State Information Commission (Superintendence, Direction and Management) Regulations, 2009.
- (m) “Representative” means a person duly authorised by or on behalf of any of the parties to the proceedings and may include a Legal Practitioner.
- (n) “Respondent” includes a third party or a party impleaded by the Commission.
- (o) “Rules” mean the Rules framed by the Govt. of Meghalaya under Section 27 of the Act.
- (p) “Section” means a section of the Right To Information Act 2005.

## **CHAPTER II: Officers of the Commission and their Functions**

3. Appointment of Registrar:- The Commission may designate any one of its officers in the Commission to function as registrar of the Commission. It may also designate other Officers of the Commission to act as Dy. Registrar(s) or Asst. Registrar(s) to assist the Registrar in the performance of duties and responsibilities.
4. Powers and Functions of the Registrar:-
  - (i) The Registrar shall be the Chief Executive of the Commission on the judicial side. Any communication addressed to him will be deemed to have been addressed to the Commission and the Commission will be represented by him in all judicial matters.
  - (ii) The Registrar shall discharge his functions under the control and superintendence of the Chief Information Commissioner.
  - (iii) All records of the Commission shall be in the custody of the Registrar.
  - (iv) The Official seal of the Commission shall be kept in the custody of the Registrar, who, subject to any general or special directions of the Chief Information Commissioner, shall affix it to any order, summons or other process and certified copies under his/her authority.
  - (v) The Office of the Registrar shall receive all applications, appeals, counter statements, replies and other documents.
  - (vi) The Registrar shall decide all questions arising out of the scrutiny of the appeals and complaints and shall put up to the Commission for its order/direction before these are registered.
  - (vii) Copies of documents authenticated or certified shall be provided to the parties to the proceedings only under the authority of the Registrar.
  - (viii) 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 communication from the Commission.
  - (ix) The Registrar shall be responsible for ensuring compliance of the orders; directions or decisions passed by the Commission and shall take all necessary steps in this regard.

- (x) The Registrar shall exercise all such powers and discharge all such functions as assigned to him by these Regulations or by the Chief Information Commissioner from time to time.
- (xi) The Registrar may with the approval of the Chief Information Commissioner delegate to a Dy. Registrar or Asst. Registrar any function required to be performed under these regulations.

### **CHAPTER III: Working Hours, Working Days, Sitting and Vacations etc.**

- 5. Subject to any order by the Chief Information Commission, the working days and working hours of the State Govt. of Meghalaya will also apply to the Meghalaya State Information Commission.

### **CHAPTER IV: Registration, Abatement or Return of Appeal.**

- 6. 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 decent. The appeal, complaint or an application shall be presented in at least two sets.
- 7. Content of appeal or complaint:-
  - (i) An appeal or a complaint to the Commission shall contain the following information, namely:
  - (ii) name, address and other particulars of the appellant or complainant, as the case may be;
  - (iii) name and address of the Public Information officer (PIO), Assistant Public Information Officer (APIO) against whom a complainant 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.
  - (iv) particulars of the decision or order, if any, including its number and the date it was pronounced against which the appeal is preferred;
  - (v) brief facts leading to the appeal or the complaint;
  - (vi) if the appeal or complaint is against refusal or deemed refusal of the information, the particular of the application, including number and date

and name and address of the Public Information Officer to whom the application was made and name and address of the First Appellate Authority before whom the appeal was filed;

- (vii) prayer or relief sought with grounds;
  - (viii) Verification by the appellant or the complainant, as the case may be.
8. Documents to accompany appeal or complaint: - Every appeal or complaint made to the Commission shall be accompanied by self attested copies/photos copies of the following documents namely:-
- (i) The RTI application submitted before the PIO along with documentary proof as regards payment of fee under the RTI Act;
  - (ii) The order or decision or response, if any, from the PIO 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 decisions or response, if any, from the First Appellate Authority against which the appeal has been preferred.
  - (v) The documents relied upon and referred to is the appeal or complaint.
  - (vi) A list of dates in chronological order indicating the progress of the matter up to the date of filing the appeal or complaint to be placed at the top of all the documents filed.
9. Service of copies of Appeal/Complaint:-Before submitting an appeal or a complaint to the Commission, the appellant or the complainant shall cause a copy of the appeal or complaint, as the case may be, to be served on the PIO and/or Appellate Authority and shall submit a proof of such services to the Commission. Provided that if a complainant does not know the name, address and other particulars of the PIO or of the First Appellate Authority and if he approaches the Commission under Section 18 of the Act, he shall cause a copy of his complaint petition to be served on the concerned Public Authority or the Head of the Office and proof of such service shall be annexed along with the complaint petition.
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) the appeal or the complaint as the case may be, is submitted in prescribed format;
  - (b) that all its contents are duly verified by the appellant or the complainant as the case may be;
  - (c) that the appeal or the complaint is in accordance with the regulations.
  - (d) that the appeal or the complaint petition contains copies of all required documents at para 9 of the Regulation as
- (ii) The Registrar shall scrutinize every complaint/appeal received. If any appeal or complaint is found to be defective and the defect(s) noticed is formal in nature, the registrar may allow the appellant or the complainant to rectify the same in his presence or may allow two weeks time to specify the defect(s). If the appeal or complaint has been received by posts and found to be defective, the registrar may communicate the defect(s) to the appellant or complainant and allow him two weeks time from the date of receipt of communication from the Registrar, to rectify the defect(s).
  - (iii) If the appellant or complainant fails to rectify the defects within the time allowed and for any other infirmities in the appeal or complaint found on scrutiny, the Registrar shall place the same before the Commission for a decision/order.
11. Filing of counter-statement by the Public Information Officer or the First Appellate Authority: - After receipt of a copy of the appeal or complaint, the Public Information Officer (PIO) or the First Appellate Authority or the Public Authority shall file counter-statement along with documents, if any, pertaining to the case. A copy of the counter-statement(s) so filed shall be served to the appellant or complainant by the PIO, the First Appellate Authority or the Public Authority as the case may be.
12. Amendment or withdrawal of an Appeal or a Complaint:- The Commission may, in its discretion, allow a prayer for any amendment or withdrawal of an appeal or a complaint during the course of its hearing if such a prayer is made by the appellant or complainant on an application made in writing. However, no such prayer may be entertained by the Commission after the matter has been finally heard and a decision or order has been pronounced by the Commission.

13. Personal presence of the Appellant or Complainant:

- (i) The appellant or complainant, as the case may be, shall be informed of the date of hearing at least seven days before that date.
- (ii) The appellant or the complainant, as the case may be, may at his discretion be present in persons or by 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 allow 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 deemed fit.
- (iv) If an appellant or a complaint 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*

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 a 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 such applications 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 on affidavit from concerned person or persons.
- (ii) peruse or inspect documents, public records or copies thereof;
- (iii) enquire through authorized officers further details or facts;
- (iv) examine or hear in person or receive evidence on affidavit from the PIO or APIO or First Appellate Authority 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 such form as may be prescribed by the Commission.
18. Conduct of an enquiry: The Commission may conduct an enquiry in connection with any complaint or may entrust it to the Registrar or any other officer for the purpose and such an enquiry conducted by the Registrar or such other officer shall be deemed to be the enquiry conducted by the Commission and shall have all the necessary powers as provided under section 18 (b) of the Act.
19. Award of Cost by the Commission: The Commission may award such costs or compensation to the parties as it deems fit having regard to the facts and circumstances of the case.
20. Communication of decisions and orders:
- (i) Every decision/order of the Commission may either be pronounced in one of the sittings of the Commission, or may be placed on its website, or may be communicated to the parties duly signed by the Commission and under authentication by the Registrar or any other officer authorized by the Commission in this regard.
21. Finality of Decision:
- (i) A decision or an order once pronounced by the Commission shall be final.
  - (ii) An appellant or a complainant or a respondent may, however, make an application to the Chief Information Commissioner for special leave to review a decision or order of the case and mention the grounds for such a request;  
The Chief Information Commissioner, on receipt of such a request, may consider and decide the matter as he thinks fit.
22. Abatement of an Appeal/complaint: The proceedings pending before the Commission shall abate on the death of the appellant or complainant.

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