

**THE RIGHT TO INFORMATION ACT - 2005
(No. 22 of 2005)**

(Approved by Executive Council vide resolution No. 12 dated 29.1.2009).



**PUBLIC INFORMATION OFFICE
B.P.S. MAHILA VISHWAVIDYALAYA KHANPUR KALAN (SONIPAT)**

CHAPTER
RIGHT TO INFORMATION
(Regulation on Fee and Cost) Rules 2005

In exercise of the powers conferred by clause (b) and (c) of Section 27 of the Right to Information Act, 2005, the University makes the following rules, namely:

1. Short title and commencement : These rules may be called the Right To Information (Regulation of fee and cost) Rules, 2005
2. Definition : In the rules, unless the context otherwise requires,
 - (a) 'Act; means the right to Information Act, 2005;
 - (b) ' Section' means section of the Act;
 - (c) All other words and expressions used therein but not defined in the Act shall have the meanings assigned to them in the Act.
3. A request for obtaining information under sub-section (1) of section 6 shall be accompanied by an application fee of rupees fifty by way of cash against proper receipt or by demand draft or bankers cheque payable to the Registrar, BPSMV Khanpur Kalan.
4. For providing the information under sub-section (1) of section 7, the fee shall be charges by way of cash against proper receipt or by demand draft or bankers cheque payable to the Registrar, B P S Mahila Vishwavidyalaya, Khanpur Kalan at the following rates:-
 - (a) Rupees ten only for each page (in A-4 or A-3 size paper) created or copied;
 - (b) Actual charge or cost price of a copy in larger size paper;
 - (c) Actual cost or price of samples or models; and
 - (d) For inspection of records, no fee for the first hour; and a fee of rupees five for each subsequent hour (or fraction there of).
5. For providing the information under sub-section(5) of section 7, the fee shall be charged by way of cash against proper receipt or by demand draft or bankers cheque payable to the Registrar, B P S Mahila Vishwavidyalaya, Khanpur Kalan, Sonipat at the following rates:-
 - (a) for information provided to diskette or floppy: Rupees fifty per diskette or floppy; and
 - (b) for information provided in printed form: At the price fixed for such publication or rupees ten per page of photocopy for extracts from the publication.

Notes:

1. What does information mean?

Information means any material in any form including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force but does not include "file notings" [section.2 (f)].

2. What does Right to Information mean?

It includes the right to-

- i. Inspect works, documents, records;
- ii. Take notes, extracts or certified copies of documents or records.
- iii. Take certified samples of material;
- iv. Obtain information in form of printouts, diskettes, tapes, video cassettes or in any other electronic mode or through printouts. [section.2 (i)]

Registrar
B.P.S. Mahila Vishwavidyalaya
Khanpur Kalan (Sonipat).

PROCEDURE FOR RIGHT OF INFORMATION

Important Guidelines for applicants:

1. What is the Application Procedure for requesting information?

1. Apply in writing or through electronic means in English or Hindi or in the official language of the area, to the PIO, specifying the particulars of the information sought for.
2. Reason for seeking information are not required to be given;
3. Pay fee as may be prescribed (if not belonging to the below poverty line category.)

2. What is the time limit get the information?

1. 30 days from the date of receipt of application.
2. 48 hours for information concerning the life and liberty of a person.
3. Five days shall be added to the above response time, in case the application for information is given to the Assistant Public Information Officer.
4. If the interests of the third party are involved then the time limit will be 40 days (maximum period + time given to the party to make representation.)
5. Failure to provide information within the specified period is a deemed refusal.

3. What is the fee?

1. Application fees to be prescribed which must be reasonable.
2. If further fees are required, then the same must be intimated in writing with calculation details of how the figure was arrived at;
3. Application can seek review of the decision on fee charged by the PIO by applying to the appropriate appellate authority.
4. No fees will be charged from people living below the poverty line.
5. Applicant must be provided information free of cost if the P.I.O. fails to comply with the prescribed time limit.

4. What could be ground for rejection?

1. If it is covered by exemption from disclosure. (section.8)
2. If it infringes copy right of any person other than the State (section.9)

PROCEDURE

Internal Procedure for B.P.S.Mahila Vishwavidyalaya, Khanpur Kalan for dealing with application/request for disclosure of information/documents under the Right to Information Act, 2005 (No.22 of 2005)

Clause	Sub-Clause	Detail	Title
1.	a	Each University Office where PIO/APIO is based, shall Designate one officer in his office as Receipt Officer for receiving application/request. Information about the name, designation, telephone number and location of such designated Receipt Officer shall be displayed on a board affixed at a prominent place in the reception area of the office.	Receipt Officer
	b	The designated Receipt Officer shall receive all such requests directly as far as possible. In case application/request is received through post/courier/e-mail by any other person in the office, the same shall be handed over to the designated Receipt Officer on the same day.	
	c	The Receipt Officer shall forward the application/request to the PIO/APIO to whomsoever it is addressed, on the same working day i.e. the date of its receipt as far as possible.	
2.	a	The Receipt Officer shall, immediately at the time of receipt of such application/request, assign it a registration number; enter the relevant details in the prescribed register.	Registration and acknowledgement of application/ Request
	b	He shall provide/send a written and stamped acknowledgement for the application/request received. Acknowledgement shall be in the format prescribed as per annexure I. The acknowledgement can also be given by way of stamping the same, indicating details as per Annexure I, on the applicants' copy of application/ request.	
3.	a	The Receipt Officer shall maintain a register in the format prescribed as per Annexure II and enter detail of all applications/request. The pages of the register shall be serially numbered and a certificate to that effect made by Receipt Officer on the first page.	Register of application/request received
	b	The application/request shall be assigned a running serial number starting from the beginning of each calendar year. There shall be one separate register for each calendar year.	
	c	The register shall be presented by Receipt Officer to PIO/ APIO on 1 st and 16 th day of each month for review and PIO/APIO shall make an entry to this effect in register under his signatures.	

4.		In case, the applicant needs assistance for making request in writing Receipt Officer shall bring it to the notice of the PIO/APIO. PIO/APIO shall provide all reasonable assistance in rendering oral request in written form as laid down in section 6 (a).	Assistance to applicant
5.		Where APIO is located at a station different from the location of PIO, APIO shall forward the application/request through speed post/courier/any other effective means of to PIO within 2 days of its receipt to ensure that it reaches PIO within 5 days of its date of receipt.	Movement of application from APIO to PIO
6.	a	PIO shall assign the application/request to the concerned Branch head, in writing, seeking relevant information/documents and comments on the desirability of disclosing the requested information and shall prescribe the time limit also for submission of the information by the branch head. The concerned Branch head means the officer-in-charge of the branch which has the relevant information/Documents.	Disposal by PIO
b	The concerned branch head shall present the relevant information/documents to the PIO along with comments on the desirability of disclosing the requested information.		
c	PIO shall take decision whether requested information has to be disclosed or reject the application. The PIO would be free to take assistance of APIO or any other officer, including the concerned Branch head, for processing the application/request.		
d	In case the PIO decides to disclose information/documents to the applicant, PIO shall prescribe the format and details and direct the branch head to prepare; information as per his directions.		
e	The concerned branch head shall prepare the information and present it before the PIO.		
f	PIO Shall approve the information and direct APIO to send the information under the signature of PIO/APIO to the applicant as expeditiously as possible but within the period of 30 days prescribed under section 7 (1) of the Act.		
7.		Date of issue of the information shall be immediately communicated to the Receipt Officer who shall make the entry in the register and also enter comment about compliance of the request. The register shall be presented to PIO/APIO on the same day for countersigning the compliance entry.	Entry of disclosure details in Receipt Register
8.		If the information sought concerns the life or liberty of a person, the same shall provided within 48 hours as laid down in the proviso to section 7 (1). In such cases, Receipt Officer shall present the request to PIO/APIO within one hour of the receipt of the same.	Information concerning life and liberty

9.	a	In case the information requested pertains to another public authority, the application/request shall be transferred to the PIO of the concerned public authority within 5 days of the receipt of the application, as laid down in section 6 (3).	Transfer of application to another public authority
	b	The applicant shall be informed in writing about the transfer of his application giving address of the public authority to whom the application has been transferred. Entry to this effect shall be made in the receipt register.	
10		In case PIO rejects the request for reasons specified in section 8 and 9, the PIO shall communicate to the applicant the reasons for such rejection, period allowed for making an appeal and particulars of appellate authority.	Rejection order by PIO
11	a	Where the information relates to or has been supplied by third party and has been treated as confidential by that third party or pertains to trade and commercial secrets protected by law, PIO shall issue a written notice to that third party within 5 days of receipt as laid down in section 11 of the Act. The notice shall include a statement that the third party is entitled to prefer an appeal under section 19 against the decision. An entry about the issue of notice shall be made in the Receipt Register.	Third party information
	b	Third party shall be given the opportunity to make representation against the proposed disclosure within 10 days from the date of receipt of notice and representation made by the third party shall be taken in consideration by the PIO before taking the decision on disclosure of information.	
	c	A copy of the decision of PIO shall be given to the third party.	
12.	a	Each Receipt Officer shall also work as Appeals Receipt Officer for receiving Appeals.	First Appeals Receipt Officer
	b	Information about the name, designation, telephone number And location of such Appeals Receipt Officer shall be displayed on a board affixed at a prominent place in the reception area of the office.	
13.		The Appeals Receipt Officer shall provide a written and stamped acknowledgement for the Appeal received immediately at the time of receipt of such Appeal. Acknowledgement shall be in the format prescribed as per Annexure III.	Acknowledgement of Appeal.

14	a	The Appeals Receipt officer shall maintain a register in the format prescribed as per Annexure IV and enter details of all appeals received. The pages of register shall be serially numbered and a certificate to that effect made by Appeals Receipt Officer on the first page.	Register of Appeals
	b	The appeals shall be assigned a running serial number starting from the beginning of each calendar year. There shall be one separate register for each calendar year.	
	c	The register shall be presented by Appeals Receipt Officer to the Appellate Authority on 1 st and 16 th day of each month, or as per the norms prescribed by Appellate Authority, for review with an abstract indicating opening balance, receipts disposal and closing balance of appeals during the relevant fortnight.	
	d	The Appeals Receipt officer shall present the appeal before the Appellate Authority on the same working day i.e. the date of its receipt, as far as possible.	
15	a	The Appellate Authority shall issue notice to the concerned PIO within 5 days of the receipt asking him to discharge onus to prove that denial of request was justified as laid down in section 19 (5) of the Act.	Disposal of Appeal Appellate Authority.
	b	The Appellate Authority shall prescribe the time limit for filing of reply by the PIO.	
	c	Appeal shall be disposed of within 30 days or within the extended period of 45 days from the date of filing of appeal, as the case may be, for reasons to be recorded in writing.	
	d	Copies of the order of the Appellate authority shall be endorsed to the appellant and the concerned PIO.	
16	a	PIO shall comply with the order of the Appellate Authority within 15 days of the receipt of the order.	Compliance of Order of Appellate Authority
	b	PIO shall send a compliance report to the Appellate Authority immediately after the compliance is made.	
17		Each PIO shall maintain a register of appeals made against its orders to the Appellate Authority in the format prescribed as per Annexure V. Notice of Appeal received from Appellate Authority shall be entered in the register. This register shall be reviewed by the PIO on fortnightly basis to monitor the appeals made against his orders.	Appeals Register in PIO office
18		Each Appellate Authority and PIO shall maintain a register of second appeals made to the State Information Commission in the format prescribed as per Annexure VI. Notice of Appeal received from Commission shall be entered in the register. This register shall be reviewed by the Appellate Authority /PIO on weekly basis or as per norms prescribed by them to monitor the appeals made against their orders.	Second Appeals Register

**APPLICATION FORM FOR SEEKING INFORMATION
(Under The Right of Information Act, 2005)**

I.D. No.

To

The Public Information Officer,
B.P.S. Mahila Vishwavidyalaya,
Khanpur Kalan, (Sonipat).

1. Name of the Applicant.....
2. Address:
.....
3. Particulars of Information:
 - a) Concerned Department
 - b) Subject Matter of information required:
.....
 - i) Detail of information required:
 - ii) Period for which Information asked for:.....
 - iii) Description of the Information required:.....
.....
 - iv) Whether Information is required by post or in person:
 - v) In case by post (ordinary, Registered, Speed post):.....
 - vi) Other details:.....
4. I state that the Information sought does not fall within the exemption contained in section 8 of the R.T.I. Act, 2005 and to the best of my knowledge it pertains to your office.
5. A fee of Rs..... has been deposited vide University Receipt No.....
Dated Or A Demand draft No.dated.....
for Rs.drawn on.....(name of the Bank)
in favour of Registrar, B.P.S.Mahila Vishwavidyalaya, Khanpur Kalan (Sonipat), is enclosed.

Enclosure:

Signature of the Applicant
Address:

Place:

Date:

E mail address, if any,.....
Tel. No.....

ACKNOWLEDGEMENT OF APPLICATION FOR SEEKING INFORMATION

I.D.

Dated:

Received and application from Sh.....

Resident of

under section 6(1) of the RTI Act, 2005 vide Diary No.....

Dated:Amount and mode of Fee deposited

.....

Dated:

Signature
Receipt Officer

Register for Receipt of Application/Request Under Right to Information Act, 2005

1. Sr. No.
2. Date and Time receipt
3. Amount and mode fee deposited
4. Name and address of Applicant
5. Subject
6. Limitation date of supplying of Information
7. Signature of RO with time and date

Disposal of Application/Request

8. Date of issue of third party notice If applicable
9. Date of issue of Information And letter No. and whether issued within prescribed time limit.
10. Date of Transfer and details of PIO to whom transferred
11. Rejection order No. & Date
12. Signature of Receipt Officer & Dated
13. Signature of APIO/PIO and date
14. Remarks/Comments

Fortnightly Abstract:

Opening balance:

Receipts:

Disposal:

Closing balance:

Remarks:

Signature of APIO & Date:

Signature of PIO & Date:

OFFICE OF THE APPELLATE AUTHORITY,

Receipt of First Appeal under the Right to Information Act, 2005

Appeal Registration No. _____

Date of Receipt _____

Amount and mode of fee deposited _____

Order No. and PIO details against whose order Appeal is made; _____

Name and Address of the Appellant _____

Tel. and Fax No. , if any _____

Signature _____

Office seal

Name _____

Designation _____

(Appeals Receipt Officer)

Tel. No. _____

Annexure V

PIO's Register of First Appeals under Right to Information Act, 2005

Receipt of Appeal Notice

Sr. No.	Appeal No & date	Order no. and detail of PIO whose order is appealed against	Name & address of appellant	Date of receipt of Notice from Appellate Authority	Limitation of APIO with date for filing reply	Signature
1.	2.	3.	4.	5.	6.	7.

Disposal of Notice/Order-in-Appeal

Date of issue of CPlo of reply to Appellate Authority	No. and date of order in Appeal	Date and detail of Compliance of order-in -appeal	Signature
8.	9.	10.	11.

Fortnightly abstract

Opening balance: : Receipt: : Disposal: Closing Balance:

Remarks:

Signature of APIO
Date:

Signature of PIO
Date:

Annexure VI

Register of Second Appeals under the Right to Information Act, 2005

(To be maintained in the office of Appellate Authority and PIO)

Receipt of Notice

Disposal of Notice

Sr. No.	Appeal No.&	PIO's Order No. and Date	Appellate Authority Order no And date	Name and Address of appellant	Date of Receipt of notice From the Commission	Limitation Date for filing Reply	Signature of APIO PIO	Date of filing Of reply To notice From Commission	No and date of Order in appeal passed by Commission	Detail of Compliance with orders of the Commission
1	2	3	4	5	6	7	8	9	10	11

Weekly abstract

Opening balance: ; Receipt: ; Disposal ; Closing balance:

Remarks:

Signature of PIO
Date:

Signature of Appellate Authority
Date:

DATE BOUND

RTI ACT,2005/Personal Attention

No.5/4/2002 -1AR

From

The Financial Commissioner & Principal Secretary to Govt., Haryana
Administrative Reforms Department.

To

- i) All Heads of Departments.
- ii) Registrar, Punjab and Haryana High Court, Chandigarh.
- iii) Commissioners of Divisions in Haryana.
- iv) All Deputy Commissioners and SDOs (Civil),in Haryana.
- ii) All Chief Administrators and Managing Directors of Boards/Corporations in Haryana.

Dated Chandigarh the 30th September 2005

Subject: - Right to Information Act, 2005.

Sir,

I am directed to refer to the subject noted above and to state that with a view to promoting openness, transparency and accountability in the working of every public authority, the Government of India have enacted "**The Right to Information Act, 2005**" and notified the same in the Gazette of India on 21st June,2005.

Section 4 (c) and (d) of the Act cast an obligation upon all public authorities, whether of the State or the Centre, to publish certain categories of information and also to grant access to citizens to information. This marks the advent of a new work culture where the public authority shall have to:

- i) 4 (c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;
- ii) 4 (d) provide reasons for its administrative or quasi-judicial decisions to affected persons

Further section 4 prescribes that record shall have to be maintained in prescribed manner and certain information shall have to be published within one hundred and twenty days from the enactment of this Act.

At this stage your office is required:

- i) To give wide publicity to this Act and bring the contents of its intuition known to all Employees and the administrative officers under your charge.
- ii) To take immediate steps to publish the documents mentioned under section 4 (b) (i) to (xvii) of this Act.
- iii) Since this Act will have overriding effect, so all the existing Acts/Instruments governing secrecy of the instruments/record would have to be modified so that the new Act prevails and there are no escapades.
- iv) To take immediate, steps for designating Public Information Officers and Assistant Public Information officers in the offices under your charge.

Action taken in respect of the above referred Act may be intimated to the Administrative Reforms Department by **5th October, 2005**, positively.

Encl: 1) RTI ACT, 2005

2) Salient features of the RTI Act, 2005

3) Tasks to be completed
prior to commencement of
the Act

Yours faithfully

Sd/-

Superintendent Administrative Reforms,
For Financial Commissioner & Principal Secretary to Govt., Haryana,
Administrative Reforms Department.

A copy, along with above mentioned documents, is forwarded to the following: -

- i) All Financial Commissioner & Principal Secretaries to Govt., Haryana;
- ii) All Commissioner & Secretaries to Govt., Haryana;

for information and necessary action.

Sd/-

Superintendent Administrative Reforms,
For Financial Commissioner and Principal Secretary to Govt., Haryana,
Administrative Reforms Department.

To

- i) All Financial Commissioner & Principal Secretaries to Govt., Haryana;
- ii) All Commissioner & Secretaries to Govt., Haryana;

U.O.No. 5/4/2005-1AR,

dated, Chandigarh, the 30th September, 2005

SALIENT FEATURES OF THE RIGHT TO INFORMATION ACT, 2005

- ❖ The short title of the legislation has been changed from “The Freedom of Information Act’ to ‘Right to Information Act’.
- ❖ Provides a very definite day for its commencement i.e.120 days from enactment.
- ❖ It defines “appropriate Governments” as meaning, in relation to a “Public Authority” established, constituted or owned or substantially financed by funds provided directly or indirectly or controlled.
 - i) By the Central Government, the Central Government;
 - ii) By the State Government, the State Government”.
- ❖ It shall apply to “Public Authorities’ which means any authority or body or institution of self- government established or constituted by or under the Constitution, by any law made by the appropriate Government or, any other body owned, controlled or substantially financed directly or indirectly by the appropriate Government, and includes non-government organizations; substantially financed by the government.
- ❖ The ambit covers the two Houses of Parliament, State Legislatures, the Supreme Court/High Court/Subordinate Courts including their administrative offices, Constitutional Authorities like Election Commission, Comptroller & Auditor General, Union Public Service Commission etc. **Only domestic and foreign private bodies working within the country have been excluded from the purview of the Act.**
- ❖ All citizens shall have the right to information, subject to the provisions of the Act.
- ❖ It casts an obligation on Public Authorities to grant access to information and to publish certain categories of information within 120 days of the enactment. The responsibility about suo-motto disclosure/publication by public authorities has been considerably enlarged.
- ❖ The Act lays down the machinery for the grant of access to information. The Public Authorities are required to designate Public Information Officers and Assistant Public Information Officers within 100 days of the enactment and whose responsibility it is to deal with requests for information and also to assist persons seeking information.
- ❖ Provision has been made for transfer of a request by a public authority to another public authority wherein the subject matter/information is held by the latter.
- ❖ A time limit of 30 days has been prescribed for compliance with requests for information under the Act, which, can be extended to 40 days where third party interests are involved.
- ❖ Fee to be reasonable. Also, no fee to be charged from persons who are below poverty line. Further, information to be provided free of charge where the response time limit is not adhered to.
- ❖ Certain categories of information have been exempted from disclosure under sections 8 and 9 of the Act. The categories, by way of illustration, include information likely to affect security of the State, strategic, scientific or economic interests of the State,

detection and investigation of offences, public order, conduct of international relations and Cabinet papers. Trade or commercial secrets, information the disclosure of which would cause breach of privilege of Parliament or State Legislature and personnel information which has no relationship with public activity and could cause unwarranted invasion of the privacy of any person, are also exempted from disclosure. However, exemptions provided are not absolute and withholding of information must be balanced against disclosure in the public interest. Information to be released even if harm is shown to the public authority if the public benefit in knowing the information outweighs the harm that may be caused by disclosure.

- ❖ Subject to 3 exceptions, the Act also contains a provision for reveal of information, which is otherwise, exempted from disclosure under section 8 on completion of 20 years after the completion of the event.
- ❖ The Act also incorporates the principle of severability.
- ❖ Envisages creation of an independent non-judicial machinery, viz., Central Information Commission and State Information Commissions comprising a Chief Information Commissioner and Information Commissioners to decide 2nd stage appeals.
- ❖ Legal frame work of exercise of powers by the Commission defined in the Act.
- ❖ The Act also provides a two-tier Appellate Forum. First appeal to departmental officer senior to the Public Information Officer. The second appeal to be made to Commission.
- ❖ On a request for information being refused, the applicant can prefer an appeal to the prescribed authority within 30 days of the decision; the time limit for disposal of appeal being also 30 days extendable to 45 days.
- ❖ Intelligence and security agencies specified in Schedule II to the Act have been exempted from being covered within the ambit of the Act. However, the exemption is not absolute; agencies shall have the obligation to provide information in matters relating to corruption and human rights violations.
- ❖ The jurisdiction of subordinate courts has been barred expressly by section 23 of the Act.
- ❖ The provisions of the proposed Act have been made overriding in character, so that the scheme is not subverted through the operation of other minor Acts.
- ❖ Monitoring and reporting –Act makes a provision to produce statistics to assess its implementation so that improvements could be effected.
- ❖ Central Information Commission and State Information Commissions to monitor the implementation of the Act and prepare an Annual Report to be laid before Parliament/State Legislature.
- ❖ Central Government to prepare programmes for development of information regime.
- ❖ FOI Act, 2002 to be repealed.

A. TASKS TO BE COMPLETED PRIOR TO COMMENCEMENT OF THE ACT

(1) Preparing Manuals

Clause 4 (1) (b) of the RTI Bill lays down that each public authority shall compile and publish, within 120 days from the enactment of the Act, the following 17 manuals:

- (i) the particulars of its organization, functions and duties;
- (ii) the powers and duties of its officers and employees;
- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions;
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
- (vi) a statement of the categories of documents that are held by it or under its control;
- (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or administration thereof;
- (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advise, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
- (ix) a directory of its officers and employees;
- (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulation;
- (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
- (xiii) particulars of recipients of concessions, permits or authorizations granted by it;
- (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;

- (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- (xvi) the names; designations and other particulars of the Public Information Officers;
- (xvii) such other information as may be prescribed; and thereafter update these publications every year;

Six of these publications have in fact, been retained from the FOI Act, 2002 and these must have already been complied by the public authorities under the State Government as part of operationalisation of the FIO Act, Action should be urgently initiated to have all 17 manuals in place in anticipation of the Bill being enacted in the present form.

(2) Designation of Public Information Officers and Assistant Public Information Officers

The contemplated legislation also casts an obligation on each Public authority to designate, within one hundred days of the enactment of the Act its Public Information Officers whose duty it would be to provide information to those who ask for it [**clause 5 (1)**]. Such authority is also required to designate Assistant Public Information Officers at each sub-divisional or sub-district level to receive the applications for furnishing information or appeals under the Act and forward them to the authority or to the Government [**clause 5 (2)**]. Since these appointments have to be made **within one hundred days of the enactment**, it may perhaps be advisable to take steps to determine now itself the number of such officers as may be required by an authority and simultaneously identify them so that these appointments are made within the contemplated statutory period.

(3) Designation of authorities to whom the first appeal lies

Clause 19 (1) provides that any person aggrieved by the decision of a State Public Information Officer may prefer an appeal to such officer who is senior in rank to the State Public Information Officer in each public authority. It may perhaps be advisable to take steps to determine and identify now itself such senior offices in each public authority so that the appellate machinery is fully in position and equipped to handle the first stage appeals as and when these are made.

(4) Constitution of State Information Commission

Clause 15 of the RTI Bill lays down that every State Government shall constitute its Information Commission, comprising of one Chief Information Commissioner as also Information Commissioners (not exceeding 10 in number) who shall deal with appeals from citizens aggrieved by the decision of the State Public Information Officer/first appellate authority. The Commission shall also monitor the implementation of the Act by Public authorities under the State Government and prepare an annual report which shall be laid before the State Legislature. Clause 16 (6) of the Bill lays down that the State Government shall provide the Commission with requisite number of officers and employees in order to discharge its functions. It would be appreciated if this aspect receives adequate attention and Commission is set up preferably by the time the Act comes into force.

(5) Amendments to existing Acts, Rules, etc.

Clause 22 of the RTI Bill, which has provisions similar to Section 14 of the FOI Act, 2002, envisages that the contemplated Act would over-ride any other Act, Rule or order. It is suggested that an immediate review may be made of all such Acts and instruments administered by the State Government and, amendments made thereto, wherever necessary, so that the points of conflict between the RTI Act and other Acts/Rules/instructions etc. are restricted.

(6) Intelligence and Security Organizations

Clause 24 of the Bill provides that the Act shall not apply to such intelligence and security organizations established by the State Government and which have been specified as such by the Government to a notification in the Official Gazette. Similar provisions exist in the Freedom of Information Act, 2002. This aspect may be given immediate attention so that the decision regarding exemption of an agency from the Act is taken, and the requisite notification issued, well before the Act comes into operation.

(7) Framing Rules

Clause 27 of the Bill lays down that the State Government may make rules to carry out the provisions of the Act. Such rules may provide for all or any of the following matters, namely:-

- (a) the cost of the medium of print cost price of the materials to be disseminated under section (4) of section 4;
- (b) the fee payable under sub-section (1) of section 6;
- (c) the fee payable under sub-sections (1) and (5) of section 7;
- (d) the salaries and allowances payable to and the terms and condition of service of the officers and other employees under sub-section (6) of section 13 and sub-section (6) of section 16;
- (e) the procedure to be adopted by the Commission in deciding the appeals under sub-section (10) of section 16; and
- (f) any other matter which is required to be, or may be, prescribed.

Clause 28 of the RTI Bill confers on the various competent authorities the power to make rules so as to carry out the provisions of the Act. Accordingly, the State Government may initiate action to frame rules under the enabling provisions and also bring these to the notice of all the public authorities under its control well before the Act comes into force. In case there is any public authority which is attached or administratively under the control of the State Government, and for which the competent authority, as defined in Clause 2 (b), is required to make rules for giving effect to the provisions of the RTI Act, suitable action may be initiated in this regard on priority.

(8) Internal procedures

There is another key operational aspect of which has to be looked into by each public authority. Considering that the organizational set up varies from one-public authority to another, it is not feasible to lay down in the enactment itself, or for that matter in the rules to be framed thereunder, internal procedures processing requests as would be common to all such authorities. However, the understanding is that once the Act comes into force, each public authority shall have to follow well defined procedures so that the entire process is streamlined and the decisions on requests are taken at an appropriate level. Keeping this in view, it may be desirable to examine the issue now itself so that internal procedures, which includes the channel for collecting information, creating facilities for inspection of documents/taking of samples, fixing levels at which a decision shall be taken on a request, preparation of a document for supply to the requester, etc., are formulated in advance. **Internal procedures** should, likewise, be also devised by each public authority under the State Government to process appeals as are submitted under the Act.

(9) Annual Report of the State Information Commission

Clause 25 of the Bill provides that the State Information Commission shall monitor the implementation of the Act by Public authorities under the State Government and prepare an annual report which shall be laid before the State Legislature. For the purpose of compilation of the Report, the Commission would require certain statistical information from the various public authorities under the State Government. Action may be taken to apprise the public authorities of the provisions in this clause so that action may be taken by them to compile the statistics from the date the Act comes into operation as would enable the Commission to prepare its Annual Report.

B. TASKS AS MAY BE TAKEN UP AFTER THE ACT COMES INTO FORCE

Clause 26 of the Bill lays down that the State Government may to the extent of availability of financial and other resources, prepare programmes for the development of the information regime in particular, sub clause (2) lays down that within 18 months from the commencement of the Act, the State Government shall compile in its official language a guide containing such information as would be helpful to citizens who wish to exercise any right specified in the Act. After the Act comes into force, action may be initiated to prepare necessary programmes as also publish a guide for the users.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 21st June, 2005/Jyaistha 31, 1927 (Saka)

The following Act of Parliament received the assent of the President on the 15th June, 2005, and is hereby published for general information:—

THE RIGHT TO INFORMATION ACT, 2005
No. 22 of 2005

[15th June, 2005.]

An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto.

WHEREAS the Constitution of India has established democratic Republic;

AND WHEREAS democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed;

AND WHEREAS revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information;

AND WHEREAS it is necessary to harmonise these conflicting interests while preserving the paramountcy of the democratic ideal;

NOW, THEREFORE, it is expedient to provide for furnishing certain information to citizens who desire to have it.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

Short title,
extent and
commencement

1. (1) This Act may be called the Right to Information Act, 2005.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) The provisions of sub-section (1) of section 4, sub-sections (1) and (2) of section 5, sections 12, 13, 15, 16, 24, 27 and 28 shall come into force at once, and the remaining provisions of this Act shall come into force on the one hundred and twentieth day of its enactment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in relation to a public authority which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly—

(i) by the Central Government or the Union territory administration, the Central Government;

(ii) by the State Government, the State Government;

(b) "Central Information Commission" means the Central Information Commission constituted under sub-section (1) of section 12;

(c) "Central Public Information Officer" means the Central Public Information Officer designated under sub-section (1) and includes a Central Assistant Public Information Officer designated as such under sub-section (2) of section 5;

(d) "Chief Information Commissioner" and "Information Commissioner" mean the Chief Information Commissioner and Information Commissioner appointed under sub-section (3) of section 12;

(e) "competent authority" means—

(i) the Speaker in the case of the House of the People or the Legislative Assembly of a State or a Union territory having such Assembly and the Chairman in the case of the Council of States or Legislative Council of a State;

(ii) the Chief Justice of India in the case of the Supreme Court;

(iii) the Chief Justice of the High Court in the case of a High Court;

(iv) the President or the Governor, as the case may be, in the case of other authorities established or constituted by or under the Constitution;

(v) the administrator appointed under article 239 of the Constitution;

(f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form

and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

(g) "prescribed" means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be;

(h) "public authority" means any authority or body or institution of self-government established or constituted—

- (a) by or under the Constitution;
- (b) by any other law made by Parliament;
- (c) by any other law made by State Legislature;
- (d) by notification issued or order made by the appropriate Government,

and includes any—

- (i) body owned, controlled or substantially financed;
- (ii) non-Government organisation substantially financed,

directly or indirectly by funds provided by the appropriate Government;

(i) "record" includes—

- (a) any document, manuscript and file;
- (b) any microfilm, microfiche and facsimile copy of a document;
- (c) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and
- (d) any other material produced by a computer or any other device;

(j) "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

- (i) inspection of work, documents, records;
- (ii) taking notes, extracts or certified copies of documents or records;
- (iii) taking certified samples of material;
- (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

(k) "State Information Commission" means the State Information Commission constituted under sub-section (1) of section 15;

(l) "State Chief Information Commissioner" and "State Information Commissioner" mean the State Chief Information Commissioner and the State Information Commissioner appointed under sub-section (3) of section 15;

(m) "State Public Information Officer" means the State Public Information Officer designated under sub-section (1) and includes a State Assistant Public Information Officer designated as such under sub-section (2) of section 5;

(n) "third party" means a person other than the citizen making a request for information and includes a public authority.

CHAPTER II

Right to information and obligations of public authorities

3. Subject to the provisions of this Act, all citizens shall have the right to information.

Right to information

4. (1) Every public authority shall—

a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;

b) publish within one hundred and twenty days from the enactment of this Act,—

- (i) the particulars of its organisation, functions and duties;
- (ii) the powers and duties of its officers and employees;
- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions;
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
- (vi) a statement of the categories of documents that are held by it or under its control;
- (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
- (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of

those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;

(ix) a directory of its officers and employees;

(x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;

(xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;

(xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;

(xiii) particulars of recipients of concessions, permits or authorisations granted by it;

(xiv) details in respect of the information, available to or held by it, reduced in an electronic form;

(xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;

(xvi) the names, designations and other particulars of the Public Information Officers;

(xvii) such other information as may be prescribed;
and thereafter update these publications every year;

c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;

d) provide reasons for its administrative or quasi-judicial

decisions to affected persons.

(2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

(3) For the purposes of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public.

(4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.

Explanation.—For the purposes of sub-sections (3) and (4), "disseminated" means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.

5. (1) Every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as the Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act.

(2) Without prejudice to the provisions of sub-section (1), every public authority shall designate an officer, within one hundred days of the enactment of this Act, at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, to receive the applications for information or appeals under this Act for forwarding the same forthwith to the Central Public Information Officer or the State Public Information Officer or senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be:

Provided that where an application for information or appeal is given to a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, a period of five days shall be added in computing the period for response specified under sub-section (1) of section 7.

(3) Every Central Public Information Officer or State Public Information Officer, as the case may be, shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.

(4) The Central Public Information Officer or State Public Information Officer, as the case may be, may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.

(5) Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be.

Designation
of Public
Information
Officers.

6. (1) A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to—

(a) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority;

(b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be,

specifying the particulars of the information sought by him or her:

Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

(2) An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

(3) Where an application is made to a public authority requesting for an information,—

(i) which is held by another public authority; or

(ii) the subject matter of which is more closely connected with the functions of another public authority,

the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.

Request for
obtaining
information.

Disposal of
request.

7. (1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be, on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9:

Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.

(2) If the Central Public Information Officer or State Public Information Officer, as the case may be, fails to give decision on the request for information within the period specified under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall be deemed to have refused the request.

(3) Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, the Central Public Information Officer or State Public Information Officer, as the case may be, shall send an intimation to the person making the request, giving—

(a) the details of further fees representing the cost of providing the information as determined by him, together with the calculations made

to arrive at the amount in accordance with fee prescribed under sub-section (1), requesting him to deposit that fees, and the period intervening between the despatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to in that sub-section;

(b) information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms.

(4) Where access to the record or a part thereof is required to be provided under this Act and the person to whom access is to be provided is sensorily disabled, the Central Public Information Officer or State Public Information Officer, as the case may be, shall provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection.

(5) Where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to the provisions of sub-section (6), pay such fee as may be prescribed:

Provided that the fee prescribed under sub-section (1) of section 6 and sub-sections (1) and (5) of section 7 shall be reasonable and no such fee shall be charged from the persons who are of below poverty line as may be determined by the appropriate Government.

(6) Notwithstanding anything contained in sub-section (5), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section (1).

(7) Before taking any decision under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall take into consideration the representation made by a third party under section 11.

(8) Where a request has been rejected under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall communicate to the person making the request,—

- (i) the reasons for such rejection;
- (ii) the period within which an appeal against such rejection may be preferred; and
- (iii) the particulars of the appellate authority.

(9) An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.

8. (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

(a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;

(b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;

Exemption
from
disclosure of
information.

(c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

(f) information received in confidence from foreign Government;

(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

19 of 1923.

(2) Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

(3) Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:

Provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.

Grounds for rejection to access in certain cases.

9. Without prejudice to the provisions of section 8, a Central Public Information Officer or a State Public Information Officer, as the case may be, may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.

Severability

10. (1) Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.

(2) Where access is granted to a part of the record under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall give a notice to the applicant, informing—

(a) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;

(b) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;

(c) the name and designation of the person giving the decision;

(d) the details of the fees calculated by him or her and the amount of fee which the applicant is required to deposit; and

(e) his or her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be, time limit, process and any other form of access.

Third party information.

11. (1) Where a Central Public Information Officer or a State Public Information

Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

(2) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.

(3) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in

writing the notice of his decision to the third party.

(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 against the decision.

CHAPTER III

The Central Information Commission

12. (1) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the Central Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The Central Information Commission shall consist of—

- (a) the Chief Information Commissioner; and
- (b) such number of Central Information Commissioners, not exceeding ten, as may be deemed necessary.

(3) The Chief Information Commissioner and Information Commissioners shall be appointed by the President on the recommendation of a committee consisting of—

- (i) the Prime Minister, who shall be the Chairperson of the committee;
- (ii) the Leader of Opposition in the Lok Sabha; and
- (iii) a Union Cabinet Minister to be nominated by the Prime Minister.

Explanation.—For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the House of the People has not been recognised as such, the Leader of the single largest group in opposition of the Government in the House of the People shall be deemed to be the Leader of Opposition.

(4) The general superintendence, direction and management of the affairs of the Central Information Commission shall vest in the Chief Information Commissioner who shall be assisted by the Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the Central Information Commission autonomously without being subjected to directions by any other authority under this Act.

(5) The Chief Information Commissioner and Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.

(6) The Chief Information Commissioner or an Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

(7) The headquarters of the Central Information Commission shall be at Delhi and the Central Information Commission may, with the previous approval of the Central Government, establish offices at other places in India.

Constitution
of Central
Information
Commission.

13. (1) The Chief Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment:

Provided that no Chief Information Commissioner shall hold office as such after he has attained the age of sixty-five years.

(2) Every Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such Information Commissioner:

Provided that every Information Commissioner shall, on vacating his office under this sub-section be eligible for appointment as the Chief Information Commissioner in the manner specified in sub-section (3) of section 12:

Provided further that where the Information Commissioner is appointed as the Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the Information Commissioner and the Chief Information Commissioner.

(3) The Chief Information Commissioner or an Information Commissioner shall before he enters upon his office make and subscribe before the President or some other person appointed by him in that behalf, an oath or affirmation according to the form set out for the purpose in the First Schedule.

(4) The Chief Information Commissioner or an Information Commissioner may, at any time, by writing under his hand addressed to the President, resign from his office:

Provided that the Chief Information Commissioner or an Information Commissioner may be removed in the manner specified under section 14.

(5) The salaries and allowances payable to and other terms and conditions of service of—

(a) the Chief Information Commissioner shall be the same as that of the Chief Election Commissioner;

(b) an Information Commissioner shall be the same as that of an Election Commissioner:

Provided that if the Chief Information Commissioner or an Information Commissioner, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension, in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as the Chief Information Commissioner or an Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension

equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

Provided further that if the Chief Information Commissioner or an Information Commissioner if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the Chief Information Commissioner or an Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that the salaries, allowances and other conditions of service of the Chief Information Commissioner and the Information Commissioners shall not be varied to their

Term of
office and
conditions
of service.

disadvantage after their appointment.

(6) The Central Government shall provide the Chief Information Commissioner and the Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

14. (1) Subject to the provisions of sub-section (3), the Chief Information Commissioner or any Information Commissioner shall be removed from his office only by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the Chief Information Commissioner or any Information Commissioner, as the case may be, ought on such ground be removed.

(2) The President may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the Chief Information Commissioner or Information Commissioner in respect of whom a reference has been made to the Supreme Court under sub-section (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference.

(3) Notwithstanding anything contained in sub-section (1), the President may by order remove from office the Chief Information Commissioner or any Information Commissioner if the Chief Information Commissioner or a Information Commissioner, as the case may be,—

- (a) is adjudged an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or
- (c) engages during his term of office in any paid employment outside the duties of his office; or
- (d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or
- (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Information Commissioner or a Information Commissioner.

(4) If the Chief Information Commissioner or a Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of India or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehaviour.

Removal of Chief
Information
Commissioner or
Information
Commissioner.

CHAPTER IV

The State Information Commission

15. (1) Every State Government shall, by notification in the Official Gazette, constitute a body to be known as the (name of the State) Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The State Information Commission shall consist of—

- (a) the State Chief Information Commissioner, and
- (b) such number of State Information Commissioners, not exceeding ten, as may be deemed necessary.

Constitution of
State Information
Commission.

(3) The State Chief Information Commissioner and the State Information Commissioners shall be appointed by the Governor on the recommendation of a committee consisting of—

- (i) the Chief Minister, who shall be the Chairperson of the committee;
- (ii) the Leader of Opposition in the Legislative Assembly; and
- (iii) a Cabinet Minister to be nominated by the Chief Minister

Explanation.—For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the Legislative Assembly has not been recognised as such, the Leader of the single largest group in opposition of the Government in the Legislative Assembly shall be deemed to be the Leader of Opposition.

(4) The general superintendence, direction and management of the affairs of the State Information Commission shall vest in the State Chief Information Commissioner who shall be assisted by the State Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the State Information Commission autonomously without being subjected to directions by any other authority under this Act.

(5) The State Chief Information Commissioner and the State Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.

(6) The State Chief Information Commissioner or a State Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

(7) The headquarters of the State Information Commission shall be at such place in the State as the State Government may, by notification in the Official Gazette, specify and the State Information Commission may, with the previous approval of the State Government, establish offices at other places in the State.

Term of office
and conditions
of service.

16. (1) The State Chief Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment:

Provided that no State Chief Information Commissioner shall hold office as such after he has attained the age of sixty-five years.

(2) Every State Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such State Information Commissioner:

Provided that every State Information Commissioner shall, on vacating his office under this sub-section, be eligible for appointment as the State Chief Information Commissioner in the manner specified in sub-section (3) of section 15:

Provided further that where the State Information Commissioner is appointed as the State Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the State Information Commissioner and the State Chief Information Commissioner.

(3) The State Chief Information Commissioner or a State Information Commissioner,

shall before he enters upon his office make and subscribe before the Governor or some other person appointed by him in that behalf, an oath or affirmation according to the form set out for the purpose in the First Schedule.

(4) The State Chief Information Commissioner or a State Information Commissioner may, at any time, by writing under his hand addressed to the Governor, resign from his office:

Provided that the State Chief Information Commissioner or a State Information Commissioner may be removed in the manner specified under section 17.

(5) The salaries and allowances payable to and other terms and conditions of service of—

(a) the State Chief Information Commissioner shall be the same as that of an Election Commissioner;

(b) the State Information Commissioner shall be the same as that of the Chief Secretary to the State Government:

Provided that if the State Chief Information Commissioner or a State Information Commissioner, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension, in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as the State Chief Information Commissioner or a State Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

Provided further that where the State Chief Information Commissioner or a State Information Commissioner if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the State Chief Information Commissioner or the State Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that the salaries, allowances and other conditions of service of the State Chief Information Commissioner and the State Information Commissioners shall not be varied to their disadvantage after their appointment.

(6) The State Government shall provide the State Chief Information Commissioner and the State Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

17. (1) Subject to the provisions of sub-section (3), the State Chief Information Commissioner or a State Information Commissioner shall be removed from his office only by order of the Governor on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the Governor, has on inquiry, reported that the State Chief Information Commissioner or a State Information Commissioner, as the case may be, ought on such ground be removed.

(2) The Governor may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the State Chief Information Commissioner or a State Information Commissioner in respect of whom a reference has been made to the Supreme Court under sub-section (1) until the Governor has passed orders on receipt of the report of

Removal of State
Chief Information
Commissioner or
State Information
Commissioner

the Supreme Court on such reference.

(3) Notwithstanding anything contained in sub-section (1), the Governor may by order remove from office the State Chief Information Commissioner or a State Information Commissioner if a State Chief Information Commissioner or a State Information Commissioner, as the case may be,—

(a) is adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or

(c) engages during his term of office in any paid employment outside the duties of his office; or

(d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the State Chief Information Commissioner or a State Information Commissioner.

(4) If the State Chief Information Commissioner or a State Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of the State or participates in any way in the profit thereof or in any benefit or emoluments arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehaviour.

Powers and
functions of
Information
Commissions.

CHAPTER V

Powers and functions of the Information Commissions, appeal and penalties

18. (1) Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commission, as the case may be, to receive and inquire into a complaint from any person,—

(a) who has been unable to submit a request to a Central Public Information Officer

or State Public Information Officer, as the case may be, either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or senior officer specified in subsection (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be;

(b) who has been refused access to any information requested under this Act;

(c) who has not been given a response to a request for information or access to information within the time limit specified under this Act;

(d) who has been required to pay an amount of fee which he or she considers unreasonable;

(e) who believes that he or she has been given incomplete, misleading or false information under this Act; and

(f) in respect of any other matter relating to requesting or obtaining access to records under this Act.

(2) Where the Central Information Commission or State Information Commission, as the case may be, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof.

(3) The Central Information Commission or State Information Commission, as the case may be, shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

5 of 1908

- (a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;
- (b) requiring the discovery and inspection of documents;
- (c) receiving evidence on affidavit;
- (d) requisitioning any public record or copies thereof from any court or office;
- (e) issuing summons for examination of witnesses or documents; and
- (f) any other matter which may be prescribed.

(4) Notwithstanding anything inconsistent contained in any other Act of Parliament or State Legislature, as the case may be, the Central Information Commission or the State Information Commission, as the case may be, may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.

Appeal

19. (1) Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each public authority:

Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Where an appeal is preferred against an order made by a Central Public Information Officer or a State Public Information Officer, as the case may be, under section 11 to disclose third party information, the appeal by the concerned third party shall be

made within thirty days from the date of the order.

(3) A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission:

Provided that the Central Information Commission or the State Information Commission, as the case may be, may admit the appeal after the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(4) If the decision of the Central Public Information Officer or State Public Information Officer, as the case may be, against which an appeal is preferred relates to information of a third party, the Central Information Commission or State Information Commission, as the case may be, shall give a reasonable opportunity of being heard to that third party.

(5) In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the Central Public Information Officer or State Public Information Officer, as the case may be, who denied the request.

(6) An appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be

recorded in writing.

(7) The decision of the Central Information Commission or State Information Commission, as the case may be, shall be binding.

(8) In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to—

(a) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including—

(i) by providing access to information, if so requested, in a particular form;

(ii) by appointing a Central Public Information Officer or State Public Information Officer, as the case may be;

(iii) by publishing certain information or categories of information;

(iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;

(v) by enhancing the provision of training on the right to information for its officials;

(vi) by providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4;

(b) require the public authority to compensate the complainant for any loss or other detriment suffered;

(c) impose any of the penalties provided under this Act;

(d) reject the application.

(9) The Central Information Commission or State Information Commission, as the case may be, shall give notice of its decision, including any right of appeal, to the complainant and the public authority.

(10) The Central Information Commission or State Information Commission, as the case may be, shall decide the appeal in accordance with such procedure as may be prescribed.

Penalties

20. (1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given

incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.

(2) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case

may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under subsection (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him.

CHAPTER VI

Miscellaneous

Protection of
action taken in
good faith.

21. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

Act to have
overriding
effect

22. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Bar of
jurisdiction of
courts

23. No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.

Act not to
apply to
certain
organisations

24. (1) Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Central Information Commission, and notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

(2) The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other intelligence or security organisation established by that Government or omitting therefrom any organisation already specified therein and on the publication of such notification, such organisation shall be deemed to be included in or, as the case may be, omitted from the Schedule.

(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament.

(4) Nothing contained in this Act shall apply to such intelligence and security organisation being organisations established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the State Information Commission and, notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

(5) Every notification issued under sub-section (4) shall be laid before the State Legislature.

25. (1) The Central Information Commission or State Information Commission, as the case may be, shall, as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of this Act during that year and forward a copy thereof to the appropriate Government.

(2) Each Ministry or Department shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the Central Information Commission or State Information Commission, as the case may be, as is required to prepare the report under this section and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of this section.

(3) Each report shall state in respect of the year to which the report relates,—

- (a) the number of requests made to each public authority;
- (b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;
- (c) the number of appeals referred to the Central Information Commission or State Information Commission, as the case may be, for review, the nature of the appeals and the outcome of the appeals;
- (d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;
- (e) the amount of charges collected by each public authority under this Act;
- (f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of this Act;
- (g) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernisation, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information.

(4) The Central Government or the State Government, as the case may be, may, as soon as practicable after the end of each year, cause a copy of the report of the Central Information Commission or the State Information Commission, as the case may be, referred to in sub-section (1) to be laid before each House of Parliament or, as the case may

be, before each House of the State Legislature, where there are two Houses, and where there is one House of the State Legislature before that House.

(5) If it appears to the Central Information Commission or State Information Commission, as the case may be, that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this Act, it may give to the authority a recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity.

Monitoring and
Reporting

Appropriate
Government
to prepare
programmes

26. (1) The appropriate Government may, to the extent of availability of financial and other resources,—

(a) develop and organise educational programmes to advance the understanding of the public, in particular of disadvantaged communities as to how to exercise the rights contemplated under this Act;

(b) encourage public authorities to participate in the development and organisation of programmes referred to in clause (a) and to undertake such programmes themselves;

(c) promote timely and effective dissemination of accurate information by public authorities about their activities; and

(d) train Central Public Information Officers or State Public Information Officers, as the case may be, of public authorities and produce relevant training materials for use by the public authorities themselves.

(2) The appropriate Government shall, within eighteen months from the commencement of this Act, compile in its official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified in this Act.

(3) The appropriate Government shall, if necessary, update and publish the guidelines referred to in sub-section (2) at regular intervals which shall, in particular and without prejudice to the generality of sub-section (2), include—

(a) the objects of this Act;

(b) the postal and street address, the phone and fax number and, if available, electronic mail address of the Central Public Information Officer or State Public Information Officer, as the case may be, of every public authority appointed under sub-section (1) of section 5;

(c) the manner and the form in which request for access to an information shall be made to a Central Public Information Officer or State Public Information Officer, as the case may be;

(d) the assistance available from and the duties of the Central Public Information Officer or State Public Information Officer, as the case may be, of a public authority under this Act;

(e) the assistance available from the Central Information Commission or State Information Commission, as the case may be;

(f) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act including the manner of filing an appeal to the Commission;

(g) the provisions providing for the voluntary disclosure of categories of records in accordance with section 4;

(h) the notices regarding fees to be paid in relation to requests for access to an information; and

(i) any additional regulations or circulars made or issued in relation to obtaining access to an information in accordance with this Act.

(4) The appropriate Government must, if necessary, update and publish the guidelines at regular intervals.

27. (1) The appropriate Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4;

(b) the fee payable under sub-section (1) of section 6;

(c) the fee payable under sub-sections (1) and (5) of section 7;

(d) the salaries and allowances payable to and the terms and conditions of service of the officers and other employees under sub-section (6) of section 13 and

Power to make
rules by
appropriate
Government

sub-section (6) of section 16;

(e) the procedure to be adopted by the Central Information Commission or State Information Commission, as the case may be, in deciding the appeals under sub-section (10) of section 19; and

(f) any other matter which is required to be, or may be, prescribed.

28. (1) The competent authority may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(i) the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4;

(ii) the fee payable under sub-section (1) of section 6;

(iii) the fee payable under sub-section (1) of section 7; and

(iv) any other matter which is required to be, or may be, prescribed

Power to make
rules by competent
authority.

29. (1) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(2) Every rule made under this Act by a State Government shall be laid, as soon as may be after it is notified, before the State Legislature.

Laying of rules.

30. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Power to remove difficulties.

Repeal

31. The Freedom of Information Act, 2002 is hereby repealed.

5 of 2003

THE FIRST SCHEDULE

[See sections 13 (3) and 16(3)]

Form of oath or affirmation to be made by the Chief Information Commissioner/the Information Commissioner/the State Chief Information Commissioner/the State Information Commissioner

"I,, having been appointed Chief Information Commissioner /Information Commissioner / State Chief Information Commissioner / State Information Commissioner swear in the name of God solemnly affirm

that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws."

THE SECOND SCHEDULE

(See section 24)

Intelligence and security organisation established by the Central Government

1. Intelligence Bureau.
2. Research and Analysis Wing of the Cabinet Secretariat.
3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Enforcement.
6. Narcotics Control Bureau.
7. Aviation Research Centre.
8. Special Frontier Force.
9. Border Security Force.
10. Central Reserve Police Force.
11. Indo-Tibetan Border Police.
12. Central Industrial Security Force.
13. National Security Guards.
14. Assam Rifles.
15. Special Service Bureau
16. Special Branch (CID), Andaman and Nicobar.
17. The Crime Branch-C.I.D.-CB, Dadra and Nagar Haveli.
18. Special Branch, Lakshadweep Police.

T. K. VISWANATHAN,
Secy. to the Govt. of India.

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**GOVERNMENT OF HARYANA
CHIEF SECRETARY'S OFFICE
ADMINISTRATIVE REFORMS DEPARTMENT**

Chandigarh
The 6th January 2010

To

1. All Administrative Secretaries in the State.
2. All Commissioners of the Divisions in the State.
3. All Heads of the departments (10 copies each)
4. All MD/CA of the Boards and Corporations.
5. All Deputy Commissioners in the State.
6. Registrar, Punjab & Haryana High Court.

Subject: - Publication of '**Haryana Right to Information Rules, 2009**' by repealing 'Haryana Right to Information Rules, 2005.'

Madam/Sir,

I am directed to refer you to the subject noted above and to forward you a copy of the notification No. SO99/CA./2005/S.27/2009 dated 21st December, 2009 (Hindi & English), vide which 'Haryana Right to information Rules, 2005' has been repealed by publishing '**Haryana Right to Information Rules, 2009**'.

Yours faithfully,

Superintendent,
Administrative Reforms.

Endst. No. 5/4/2002- 1AR

Dted the 6th January, 2010

A copy is forwarded to director, Information & Public Relations, Haryana, Chandigarh with a request to make wide public of the matter through mass media in the public.

Superintendent,
Chief Secretary to Government, Haryana,
Administrative Reforms Department.

HARYANA GOVERNMENT
ADMINISTRATIVE REFORMS DEPARTMENT
Notification

The 21st December, 2009

No. S.O. 99/C.A. 22/2005/S.27/2009.- In exercise of the powers conferred by sub section(1) read with sub-section(2) of section 27 of the Right to Information Act,2005(Act 22 of 2005),the Governor of Haryana hereby makes the following rules providing for information under the said Act, namely:-

Short title and commencement.

1. (1) These rules may be called the **Haryana Right to Information Rules,2009** commencement .
- (2) They shall come in to force from **1st January, 2010**.

Definitions

2. (1) In these rules, unless the context otherwise requires,
 - (a) "Act" means the Right to Information Act, 2005(Act 22 of 2005).
 - (b) "Commission" means the Haryana Information Commission, constituted under section 15 of the Act.
 - (c) "Model Form" means a model form appended to these rules;
 - (d) "Section" means the section of the Act.

(2) The words and expressions used in these rules, but not defined, shall have the same meanings as respectively assigned to them in the Act.

Application for obtaining information sections 2 (m), 6 and 27

3. (1) A person who desires to obtain any information admissible under the Act, shall make an application, preferably in Model Form 'A' to the State Public Information Officer and in his absence to State Assistant Public Information Officer along- with fee as specified in sub-rule (1) of rule 5 of these rules.

(2) On the receipt of an application, made under sub rule (1), the State Public Information Officer or State Assistant Public Information Officer as the case may be, shall give a receipt in token there of to the applicant.

Deposit of fee section 6

4. (1) The fee shall be deposited with the State Public Information Officer either in Cash against proper receipt, by **Bank Draft, by Indian Postal Order or by Treasury Challan** in the following Heads of Account:-

Major Head		0070- Other Administrative services
Sub Major Head	60	- Other Services
Minor Head		800 - Other Receipts
Sub Head	86	- Fee under the Right to Information Act, 2005.

Detailed Head

“ 0070 – Other Administrative Services -60- Other Services -800- Other Receipts -86- Fee under the Right to Information Act,2005.

(2) The amount of fee shall be credited to the account as referred in sub- rule(1):

Provided that the Boards, Corporations and other autonomous bodies of the State may get the amount of requisite fee deposited in their own accounts maintained by them.

(3) On receipt of an application, submitted under sub- rule (1) of rule 3, the State Public Information Officer shall scrutinize the application and shall assess how much fee is required to be paid by the applicant for obtaining the information.

(4) The fee assessed under sub- rule (3), shall be intimated to the applicant by the State Public Information Officer, expeditiously, in Model Form 'B' to ensure the delivery of information within time specified under sub section (1) of section 7 of the Act.

(5) In case the applicant fails to deposit the requisite fee within a period of fifteen days after the issuance of the intimation given to him under sub rule (4), it shall be construed that the applicant is no longer interested in obtaining the information sought for and his application shall be deemed to have been filed.

Quantum of fee. Sections 6 and 7

5. (1) An application for obtaining any information under sub- section (1) of the section 6 shall be accompanied with a fee of Rs.50/-.

(2) For providing information under sub- section (1) of section 7, the fee shall be charged from the applicant at the following rates, namely:-

- (a) Rs. 2/- for each page in A-4 or A-3 size of paper, created or copied; and
- (b) If information is to be provided on a large size of paper than that specified in clause (a), the actual cost shall be charged.

- (3) For providing information under sub-section (5) of section 7, the fee shall be charged from the application at the following rates, namely:-
- (a) Rs.50/- for providing information in a floppy;
 - (b) Rs. 100/- for providing information in diskette; and
 - (c) If information sought is of such a nature, which is contained in a printed document, of which a price has been fixed, then that information shall be provided after charging the price, fixed for that printed document. However, if only an extract or page of such a printed document is asked for, then a fee of Rs.2/- per page shall be charged.
- (4) No fee for inspection of record shall be charged, if such an inspection is made for one hour only. However, if inspection is made for a period of more than one hour, than a fee of rupees ten shall be charged for every fifteen minutes in excess of first hour. Every fraction of the period above fifteen minutes shall be construed as a complete period of fifteen minutes and it shall be charged as full period of fifteen minutes.

Procedure for filing appeals. Section 19(1) and (3)

6. (1) The memorandum of appeal shall contain the following information, namely:-
- (a) name and address of the appellant, including the details of contact telephone/mobile Numbers/e-mail address, if any;
 - (b) official designation and address of State Public Information Officer or State Assistant Public Information Officer, as the case may be;
 - (c) official designation and address of the Officer against the decision of whom the appeal is preferred;
 - (d) particulars of the order including number, if any, against which the appeal is preferred;
 - (e) brief facts leading to the appeal
 - (f) prayer or relief sought;
 - (g) grounds for the prayer or relief
 - (h) verification by the appellant; and
 - (i) any other information which the Commission may deem necessary for deciding the appeal.
- (2) The appellant shall submit three copies of the memorandum of appeal for official purpose.
- (3) Every appeal made to the Commission shall be accompanied by the following documents, namely:-
- (a) self attested copies of the Orders or documents against which the appeal is being preferred;
 - (b) Copies of documents of documents relied upon by the appellant and referred to in the appeal; and
 - (c) an index of the documents referred to in the appeal:

Provided that in case complete documents are not furnished, the appeal shall not be rejected but the appellant shall be asked to complete the above formalities.

Procedure for deciding appeal. Section 19 (10)

7. Before deciding an appeal, the Commission shall,-
- (a) serve notice to the concerned persons;
 - (b) entertain any evidence in support of appeal, which may be oral or in writing from the concerned persons;
 - (c) examine on oath or an affidavits from the persons concerned;
 - (d) examine the documents or any records or copies thereof;
 - (e) inquire through the authorized office the facts of the appeal or may require facts in detail, if he so deems appropriate, hear the State Public Information Officer or any other senior officer who had decided the first appeal, as the case may be; and
 - (f) receive evidence on affidavits from the State Public Information Officer or any senior officer who had decided the appeal or from any other person from whom the evidence may be deemed necessary.

Mode of serving notice section 19 (10)

8. The Commission may serve notice to the persons concerned in any of Mode of the following modes, namely:-
- (a) by hand delivery (dasti) through process server;
 - (b) by Registered Post, Speed Post, Under postal Certificate, Courier or such other means;
 - (c) by electronic mail, if e-mail address is provided; or
 - (d) by publication in the newspaper.

Appearance of Appellant/Complainant Section 19

9. The appellant or the complainant, as the case may be, shall in every case be informed of the date of hearing at least 15 clear days before that date. If the complainant/appellant fails to appear on the date of hearing, the Commission will decide the matter on merits:

Provided that where the Commission is satisfied that the circumstances exist due to which the complainant or appellant is being prevented from attending the hearing, then, he may afford the complainant or appellant another opportunity of being heard before taking a final decision.

Order by Commission section 19 (10)

10. (1) The Commission shall make order in writing and pronounce the same in the presence of the concerned parties.
- (2) The party concerned may obtain the copy of the order from the Commission.

Repeal and Saving

11. The Haryana Right to Information Rules, 2005 are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules

MODEL FORM – ‘A’
[See rule 3 (1)]

To

Public Information Officer
B.P.S. Mahila Vishwavidyalaya,
Khanpur Kalan
(Sonipat)

- (1) Full Name of the applicant: -----
(2) Address: -----

(3) Particulars of information required:-
(i) Subject matter of information *
(ii) The period to which the information relates **
(iii) Description of the information required ***
(iv) Whether information is required by post or in person
(the actual postal charges shall be include in additional fee)
(v) In case by post (Ordinary, Registered or Speed Post)

Place:

Date:

Signature of the applicant

- * Broad category of the subject to be indicated
(Such as grant/Government, land/Service matters/ Licenses etc.).
** Relevant period for which information is required to be indicated.
*** Specific details of the information are required to be indicated.
-

ACKNOWLEDGEMENT

Received your application dated -----vide diary
No. -----Dated -----

Signature of Public Information Officer
(Name of the Department/office)-----

MODEL FORM 'B'

[See rule 4 (4)]

From

Designation of the Public
Information Officer

To

Name of the applicant : -----

Address of the applicant: -----

Madam/Sir,

Please refer to your applicant dated ----- addressed to the undersigned requesting for information under Right to Information Act, 2005.

1. The additional fee for supplying this information is Rs. -----
2. You are requested to pay the fee through any of the mode of payment i.e. either in Cash against proper receipt. By Bank Draft, by Indian Postal Order as mentioned in rule 4 (1) of the Haryana Right to Information Rules, 2009 and send a copy of proof thereof to this office so that the requisite information can be supplied to you.
3. In case you are dissatisfied with the above estimate, you are requested to submit an appeal before the Appellate Authority,----- (Name of the department).

Public Information Officer

Government of India

Ministry of Personnel, Public Grievances and Pensions

Department of Personnel and Training.

North Block, New Delhi

Dated 24th May, 2010

OFFICE-MEMORANDUM

Subject: Payment of fee under the Right to Information Act, 2005 – Scope of subsection (3) of Section 7 of the Act,

The Undersigned is directed to say that a question is raised from time to time whether a Public Information Officer (PIO) has power to charge fee under Section 7(3) of the RTI Act, 2005 in addition to fee prescribed under Sections 6(1), 7(1) and 7(5) of the Act.

Section 6(1) of the Act enables the Government to prescribe application fee and sub-sections (1) and (5) of Section 7 to prescribe fee in addition to application fee for supply of information. On the other hand sub-section (3) of Section 7 provides the procedure which a PIO has to follow for realizing the fee prescribed under sub-sections (1) and (5) of the Section. Details of fees that can be charged by a public authority under the Central Government are contained in the Right to Information (Regulation of Fee & Cost) Rules, 2005 . The Rules or the Act do not give power to the PIO to charge any fee other than prescribed in the Fee and Cost Rules. Attention in this regard is invited to following extracts from the common order passed by the Central Information Commission in Appeal No. CIC/MA/A/2008/0185 (Shri K.K. Kishore Vs. Institute of Company Secretaries of India) and Complaint No. CIC/WB/C/2007/00943 (Shri Subodh Jain Vs. Dy. Commissioner of Police).

The Act under proviso to sub-section (5) of Section 7 also provides that fee prescribed under sun-section (1) and (5) of Section 7 shall be reasonable and no such fee shall be charged from the persons who are below poverty line as may be determined by the Appropriate Government. The Government has already prescribed fees as deemed reasonable mandated under Sections 7 (1) and 7 (5) of the Act and in the view of the Commission there is no provision for any further fee apart from the one already prescribed under Sections 7(1) and 7 (5) of the Act.

“ Thus , there is provision for charging of fee only under Section 6 (1) which is the application fee; Section 7 (1) which is the fee charged for photocopying etc. and Section 7 (5) which is for getting information in printed or electronic format. But there is no provision for any further fee and if any further fee is being charged by the Public Authorities in addition to what is already prescribed under Section 6 (1) , 7(1) and 7(5) of the Act., the same would be in contravention of the Right to Information Act. The “ further fee” mentioned in Section 7 (3) only refers to the procedure in availing of the further fee already prescribed under 7 (5) of the RTI Act, which is “ further” in terms of the basic fee of Rs. 10/- Section 7(3) therefore , provides for procedure for realizing the fees so prescribed”.

The Commission, while delivering decision in above cases, recommended to this Department to make rules, for charging fee towards supply of information which may include fee for supply of books, maps, plans, documents, samples, models etc. that are priced and towards postal/courier charges for mailing information, when postal/courier charges are in excess of minimum slab prescribed by the Department of posts and for other similar situations.

The Right to Information (Regulation of Fee & Cost) Rules, 2005 already provide provisions for charging of fee for giving information in diskettes or floppies or in the form of photo copy; for providing samples, models printed material like books maps, plans etc; and for inspection of records. The Government have , however, not considered it desirable to charge fee towards expenditure involved in mailing information or overhead expenditure etc. Nevertheless, supply of Information in a form which would disproportionately divert the resources of the public authority is taken care of by Section 7(9) of the Act according to which information shall ordinarily be provided in the form in which it is sought but supply of information in a

particular form may be refused if supply of information in that form would divert the resources of the public authority disproportionately.

It is hereby clarified that where a Public Information Officer takes a decision to provide information on payment of fee in addition to the application fee, he should determine the quantum of such fee in accordance with the fee prescribed under the Fee and Cost Rules referred to above and give the details of such fee to the application together with the calculation made to arrive at such fee. Since the Act or the Rules do not provide for charging of fee supply of information etc. , he should not ask the applicant to pay fee on such account . However, wherever supply of information in a particular form would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the records, the PIO may refuse to supply the information in that form.

