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YOUR GUIDE to

Using the

Right to

Information

Act 2005



Commonwealth Human Rights Initiative

Working for the *practical* realisation of human rights in the countries of the Commonwealth

Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the *practical* realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI. They believed that while the Commonwealth provided member countries a shared set of values and legal principles from which to work and provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

The objectives of CHRI are to promote awareness of and adherence to the Commonwealth Harare Principles, the Universal Declaration of Human Rights and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights in Commonwealth member states.

Through its reports and periodic investigations, CHRI continually draws attention to progress and setbacks to human rights in Commonwealth countries. In advocating for approaches and measures to prevent human rights abuses, CHRI addresses the Commonwealth Secretariat, member governments and civil society associations. Through its public education programmes, policy dialogues, comparative research, advocacy and networking, CHRI's approach throughout is to act as a catalyst around its priority issues.

The nature of CHRI's sponsoring organisations* allows for a national presence and an international network. These professionals can also steer public policy by incorporating human rights norms into their own work and act as a conduit to disseminate human rights information, standards and practices. These groups also bring local knowledge, can access policy makers, highlight issues, and act in concert to promote human rights.

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Your Guide to Using The Right to Information Act 2005

(Revised Edition)

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Table of Contents

Introduction.....	1
Part 1: What is the “Right to Information”?.....	3
Part 2: How can the Right to Information Act help me?.....	4
Part 3: From whom can I get information?.....	6
What bodies are covered?.....	6
Who do I approach within the body holding the information?.....	7
Part 4: What information can I get?.....	9
What information is accessible?.....	9
Is there any information which is not accessible?.....	10
Part 5: What information must be proactively published?.....	13
Information that promotes participation and oversight.....	13
Information that promotes accountable decision-making.....	15
Part 6: How do I request information?.....	16
Step 1: Identify the public authority which holds the information.....	16
Step 2: Identify who to submit your application to within the public authority ?.....	17
Step 3: Draft a clearly focused application.....	17
Step 4: Submit your application.....	18
Step 5: Wait for a decision.....	21
Flow Chart 1: Application Process.....	22
Part 7: How is a decision made on my application?.....	23
What if the PIO approves my application?	24
What if the PIO rejects my application?.....	26
Part 8: What if I do not get the information I requested?.....	28
Option 1 – Make an appeal.....	29
First appeal to the Appellate Authority.....	29
Second appeal to the Information Commission.....	31
Option 2 – Make a complaint.....	35
Option 3 – Appeal to the courts.....	37
Flow Chart 2: Appeal Process.....	38
Part 9: How can I help promote the Right to Information?.....	39
Annexures	
Annex 1: Right to Information Act 2005.....	51
Annex 2: Fee Rules – Comparative Table.....	76
Annex 3: Appeal Rules.....	89
Annex 4: Information Commissions - Contact details.....	90
Annex 5: Resources and links.....	94

The Right to Information - Giving power back to the people!

Ensuring free education for children in Gujarat¹

Students attending a school run by a private trust in Kalol taluka, Panchmahals district in Gujarat were being forced by their teachers to pay fees, even though the school received financial support from the Gujarat Government and was not supposed to collect any fees from students. Aslambhai, a resident of Kalol taluka used the RTI Act to ask the Principal of the school for copies of the circulars or Government Orders which permitted the school to collect fees. Following the RTI application, the Principal admitted in writing that the school did not have any authority to collect any fees except for computer classes which the trust had begun at its own expense. Today, the students of this school are happy because their teachers are no longer demanding any fees from them.

Exposing massive expenditure of State funds by MPs in West Bengal²

Mr Tathagata Roy, State President of the Bharatiya Janta Party, made an RTI application requesting information from the West Bengal Government on the amount of money spent on foreign trips of MPs. Responding to his request, the State Government revealed that large amounts of money from State funds were being used to finance the trips. For example, between 1987 - 2000, the State Government spent Rs 18,25,600 on the foreign trips of the then Chief Minister and between 2001 - 05, the State Government spent Rs 4,60,722 on the foreign trips of the Chief Minister. The RTI Act is a powerful tool to hold elected representatives accountable for the manner in which they spend public funds.

RTI unveils car registration racket in Chandigarh³

Captain A. N. Chopra (Retd), an insurance investigator, gathered evidence using the RTI Act to prove that a car insurance racket was being run by officials in the Registration and Licensing Authority (RLA) and second-hand car dealers in Chandigarh. Chopra's investigation began when the case for an insurance claim for a car accident arrived on his desk. In his investigation, Chopra found that the original Registration Certificate (RC) and the one provided to the claimant, Mr Natwar, when he bought his second hand car, did not match. Using the RTI Act, Mr Chopra applied to the RLA for the complete file of the case. The records showed that in the vehicle's RC, the year of manufacture had been changed from 1996 to 2000 and consequently the buyer, Mr Natwar, was made to pay an extra Rs 50,000 pocketed by the dealer and some RLA officials.

¹ Venkatesh Nayak (2006) "Freeing Up Education for Children", CHRI unpublished.

² Staff reporter (2006) "Jyoti Basu's 14 Foreign Trips Cost State Rs 18 lakh Only", *The Statesman*, 27 January.

³ Rohit Mullick (2005) "Insurance Man Gets into Act, Exposes Racket", *Indian Express* - Chandigarh Newline, 12 December: <http://cities.expressindia.com/fullstory.php?newsid=161082> as on 20 March 2006.

Introduction

Participation in governance is at the heart of any successful democracy. As citizens, we need to participate not only at the time of elections but on a day-to-day basis - when decisions on policy, laws and schemes are being made and projects and activities are being implemented. Public involvement not only enhances the quality of governance but also promotes transparency and accountability in government functioning. But in reality how can citizens take part in governance? How can the public understand how decisions are being made? How can ordinary people find out how tax money is being spent, if public schemes are being properly run or whether the government is acting honestly and fairly when it makes decisions? How can government servants be made answerable to the public they are supposed to serve?

One way of participating is by exercising the right to access information from bodies which spend public money or perform public services. Following the enactment of the *Right to Information Act 2005* (RTI Act) in May 2005, all citizens of India now have the RIGHT to access information. The RTI Act recognises that in a democracy like India, all information held by government ultimately belongs to the people. Making information available to citizens is simply a part of normal government functioning because the public have a right to know what public officials do with their money and in their name.

The RTI Act recognises that the sharing of information by government with citizens is healthy and beneficial to the functioning of democracy. Secrecy should become a thing of the past; under the RTI Act, no citizen can now be denied information that elected representatives such as MLAs and MPs can get from the government. The new law covers not only public authorities at the Centre but also all the States⁴ and local self-governing bodies. This means that citizens in every village, district, town or city across India can demand access to information held by public bodies.

To date, secrecy has characterised the functioning of all government bodies in India, but with the RTI Act, the tide has started to turn. Where the *Officials Secret Act 1923* made the disclosure of information a punishable offence, the RTI Act now requires openness in government. Giving out government held information to the public used to be a rare

⁴ Except Jammu and Kashmir. Jammu and Kashmir because of its special constitutional status has its own *Right to Information Act 2009*, but they can still use the RTI Act 2005 to access information from the Central Government in relation to Central Government public authorities.

exception, usually at the whim of officers within a public authority, but now the RTI Act gives all citizens the right to ask questions - and demand answers - about governance and development issues that affect their lives. The Act makes it much more difficult for officials to cover up their corrupt practices. Access to information will help expose poor policy-making which will contribute to reviving the political, economic and social development of India.

The campaign for the Right to Information

Grassroots organisations and civil society groups have campaigned for an effective national right to information law since the 1990s. However, it was only in 2002 that the Central Government finally took a step forward, by bringing the *Freedom of Information Act 2002* (FOI Act). Unfortunately, the Act was never brought into force and people were never able to exercise their rights under that law. In 2004, however, the newly elected United Progressive Alliance (UPA) Government promised to make the right to information more "progressive, participatory and meaningful". The National Advisory Council (NAC) was set up to oversee the UPA Government's promise and included key figures in the National Campaign for People's Right to Information (NCPRI).

In August 2004, based on submissions made by the NCPRI, CHRI and other civil society groups, the NAC submitted a set of recommendations to the Government for amending the FOI Act. Drawing heavily on the NAC's recommendations, in December 2004, the Right to Information Bill 2004 was tabled by the Government in Parliament. The Bill was finally passed by the Lok Sabha on 11 May 2005 and moved successfully through the Rajya Sabha on 12 May 2005. The *Right To Information Act 2005* received Presidential assent on 15 June 2005. Some provisions requiring the setting up of a country-wide system to give citizens access to information came into force immediately. The RTI Act became fully operational on 12 October 2005.

One of the surest ways of ensuring that the RTI Act is properly implemented and serves its purpose of making the government more responsive, is for all of us to use it frequently responsibly and effectively. It is with this aim in mind that CHRI has developed this User's Guide. The User's Guide aims to explain:

- (a) who is covered by the Act;
- (b) what information is accessible under the Act;
- (c) how information can be accessed in practice;
- (d) what options people have if they are not given the information they want; and
- (e) how people can get involved and ensure the Act is implemented effectively to make the government more accountable, efficient and responsive.

Part 1: What is the “Right To Information”?

The right to information is a fundamental human right which is made up of different rights and responsibilities, namely:

- Every person’s RIGHT to request information from the government - and even private bodies in some cases;
- The DUTY on the government to provide the requested information, unless defined exemptions apply; and
- The DUTY on the government to proactively disclose information that is of general public interest without the need for requests from citizens.

The Constitution of India does not specifically mention the right to information, but it has long been recognised by the Supreme Court of India as a fundamental right necessary for democratic functioning. Specifically, the Supreme Court has recognised the right to information as an integral part of the right to freedom of speech and expression guaranteed by the Constitution (Article 19) and a necessary part of the right to life (Article 21).⁵

The right to access information reflects the fact that government information belongs to the people, not the public body that holds it. Information is not ‘owned’ by any department or by the government of the day. Rather, information is generated with public money by public servants, paid out of public funds and is held in trust for the people. This means you have the right to access information about governments’ actions, decisions, policies, decision-making processes and even information held by private bodies or individuals in some cases.

The right to information is not absolute. Some information may be held back where giving out the information would harm key interests which need to be protected. For example, information about troop deployment during a war or advice regarding national economic policies prior to their publication, are instances where it may be valid for officials to not disclose information, at least until a certain sensitive period has passed. Nonetheless, the key question will always remain: is it in the public interest to disclose information rather than withhold it?

⁵ *Bennett Coleman & Co. v Union of India*, AIR 1973 SC 783, dissenting judgment of Justice KK Mathew; *State of UP v Raj Narain*, AIR 1975 SC 865; *SP Gupta v Union of India*, AIR 1982 SC 149; *Indian Express Newspapers (Bombay) Pvt Ltd v India* (1985) 1 SCC 641; *DK Basu v State of West Bengal* (1997) 1 SCC 216; *Reliance Petrochemicals Ltd v Proprietors of Indian Express Newspapers Bombay Pvt Ltd*, AIR 1989 SC 190.

Part 2: How can the Right to Information Act help me?

You can use the RTI Act to take the initiative in making sure that the government provides you with the services you are entitled to and the rights and benefits that are your due as a citizen of India. However, the RTI Act is not a solution in itself; it is a first step. For example, using the RTI Act may not get you a new electricity or water metre connection, but it can help you find out who is responsible for taking action on your application, what progress has been made, how soon you should have gotten the connection under the service norms of the department concerned and why action has been delayed in your case.

Jan sunwai on public works brings transparency⁶

In 2002, Parivartan, a Delhi based NGO, used the *Delhi Right to Information Act 2001* to get copies of contracts for public works in two resettlement colonies in East Delhi, which they then used to conduct a social audit of 68 public works with alarming results. The social audit revealed massive corruption. Most of the public works existed on paper but not in reality. For example, under 10 contracts, 29 handpumps with electric motors were supposed to be installed, but residents of the area reported that only 14 handpumps were installed. Out of a total of 253 iron gratings scheduled to be installed on street drains for which payments were made, only 30 iron gratings were actually installed. Parivartan's investigations into the 68 public works, worth Rs 1.3 crores, found that items worth Rs 70 lakhs were missing.

With this information in hand, Parivartan met the Chief Minister, Chief Secretary, Secretary (Administrative Reforms) of Delhi and the Commissioner of the Municipal Corporation of Delhi demanding that the guilty be punished. In May 2004, responding to a petition filed by Parivartan, the Delhi High Court directed the Delhi Police to investigate the corruption allegations. In response, the Municipal Councillor of the Seemapuri area approached Parivartan offering total transparency in the execution of all civil works carried out in the area. The Executive Engineer was directed to provide copies of estimates and sketches before beginning any work and to allow inspection after completion. The Councillor offered to let the public and Parivartan find faults with the works and said that payments would not be made for any work till the objections made by the people were settled.

⁶ Parivartan (2002) "Parivartan Conducts First Urban Jan Sunwai": <http://www.parivartan.com/jansunwais.asp#Parivartan%20conducts%20first%20Urban%20Jansunwai> as on 20 March 2006.

In many instances the use of the right to information has worked magic: connections delayed for months on end have been provided within less than a week; badly constructed roads have been paved within ten days; garbage not cleared for months is removed every morning and much more. The very thought of having to answer citizens' queries has begun to put the fear of law in the minds of many government officers. Many problems are being sorted out through the intelligent use of the right to information. For example:

- People holding ration cards can check the stocks and sales registers held by ration card dealers and the food department to make sure that they are getting their proper amount of rations and that rations are not being siphoned off in their name;
- Parents can ask for details of grants made to government-aided schools to ensure that funds are being spent properly, or can check that admissions are not being bought through bribes or that funds meant for education are not being diverted for other purposes;
- Owners of small businesses can find out the basis on which licences and/or tax concessions and subsidies are granted by government and who the beneficiaries are. They can also check that the government is granting licences/concessions/subsidies on the basis of properly applied criteria;
- Unemployed people can ask about the criteria for giving government jobs or the status of their application and position in the waitlist;
- People can check on the progress of their applications for government services, eg. by checking the status of an application for an electricity or water connection, including which officers have handled the file, over what period of time and what action was taken.

As a community-minded person, you may want to find out information about issues of public importance and try to get the government to address problems. For example, you can find out:

- How many deaths have occurred in a government hospital and for what reasons or what the shortfall of doctors and nurses is compared with sanctioned staff;
- The daily attendance of teachers in government schools;
- How many people are being housed in local jails compared with the sanctioned capacity of the jail;
- How often inspectors visit factories and other manufacturing units to check that they are not illegally releasing hazardous materials into the environment;
- How many contractors have been blacklisted by the municipal authorities and of the blacklisted how many have been given contracts for executing public works.

PART 3: From whom can I get information?

The RTI Act applies to the whole country, across all the States and Union Territories (except the state of Jammu and Kashmir which is not covered because of its special status under Article 370 of the Constitution).⁷ The RTI Act specifically spells out the government bodies from which you can and cannot get information. It even requires that bodies covered by the Act nominate specific officers who will be responsible for receiving and processing your requests.

What bodies are covered?

The RTI Act gives you the right to access to information held by “public authorities”.⁸ Public authorities include bodies which are:

- Established or constituted by the Constitution;
- Established or constituted by a law of Parliament or a State Legislature;
- Established or constituted by a notification or order of the State or Central Governments;
- Owned, controlled or substantially financed by the State or Central Governments, including non-government organisations which receive substantial government funds.

The definition of “public authorities” is deliberately broad because it is essential that as many bodies as possible are brought within the scope of the law. In effect, all administrative levels of government are covered. This means that people can ask for information from any and all Panchayats - Zila Parishads, Samitis/Mandal/Janpad Panchayats and Gram Panchayats - municipalities, block development offices, sub-divisional offices, the District Collector/Deputy Commissioner’s office, all government departments at the Secretariat level, the armed forces, schools and colleges which are established, run and/or funded by the government, universities, public sector banks and public sector enterprises.

It is a notable feature of the Act that it also covers non-government organisations, which are substantially financed by government funds. This means, that where public monies are given to a private organisation, that organisation should be open to scrutiny from the public. In practice, privately aided schools, colleges, hospitals or any charitable organisation implementing government schemes, such as the midday meals programme, will be required to disclose information under the RTI Act.

⁷ See above note 4.

⁸ Section 2(h), *Right to Information Act 2005* (hereafter all section references refer to the *Right to Information Act 2005* unless otherwise specified).

Some organisations are not covered⁹

Unfortunately, there are still some organisations which are not completely covered by the RTI Act. The Act specifically lists 22 Central security and intelligence organisations which are not required to provide information and empowers States to exempt similar organisations under their control. However, the Act does at least require that these agencies supply information which is requested regarding allegations of corruption and human rights violations. Information about allegations of human rights violations will only be provided with the approval of the relevant Information Commission within 45 days from the date of the receipt of the request.

Who do I approach within the body holding the information?

Ideally, anyone within a public authority should assist you in submitting your application. However, to make sure that there is a clear contact point for the public, the RTI Act designates two different types of officials to handle requests in public authorities: Public Information Officers (PIOs) and Assistant Public Information Officers (APIOs).

- **Public Information Officers:** PIOs must be designated in all administrative units or offices, at the Central, State and local administration levels. PIOs are responsible for receiving and processing applications.¹⁰ They also have a duty to assist requesters who are having trouble making their applications. The names of PIOs have to be prominently displayed on notice boards at all offices and on their websites.
- **Assistant Public Information Officers:** The Act also requires public authorities to designate Assistant PIOs at the sub-district or sub-divisional level, to forward applications to the relevant PIO located at higher levels. This system has been put in place so that people in outlying areas, far away from government headquarters, will have less difficulty in submitting and following up their applications. The APIO has a duty to forward the application to the PIO within five days of receipt. APIOs are not responsible for actually giving you the information because that is the primary responsibility of the PIO.¹¹ However, if the information is easily accessible, they should log your application and provide the information to you as soon as possible.

⁹ Section 24.

¹⁰ Section 5(1).

¹¹ Section 5(2).

PIOs should not make you run around to submit an application

In some government ministries/departments, multiple PIOs have been appointed to handle and process applications. This has been quite confusing for requesters because the PIOs have often forced them to run around from one PIO to the next, until they find “the right one”. For example, the Delhi Development Authority (DDA) has appointed close to 40 PIOs, assigning each PIO a specific subject/jurisdiction. As a result, requestors have been forced to file multiple requests or pay excessive fees if the information spanned more than one PIO’s jurisdiction. This is NOT permitted under the Act. In a recent case, the Central Information Commission confirmed that this approach was wrong, directing the DDA to ensure that its PIOs accept ALL applications, irrespective of whether or not the application falls within their specific subject/jurisdiction.¹² Ideally, public authorities could also develop a “single window” for applications, where one PIO at the front of the office will receive applications, even if multiple PIOs will process them.

The Central Government has designated APIOs in the Postal Department offices across the country, to forward applications related to all Central Government matters and forward these on to the relevant PIOs in different departments. For a full list of Central APIOs within the Postal Department log on to the official RTI website of the Ministry of Personnel, Public Grievances and Pensions at <http://righttoinformation.gov.in>.

¹² Central Information Commission (2006) Appeal No. 10/1/2005-CIC, 25 February: www.cic.nic.in as on 20 March 2006.

PART 4: What information can I get?

The RTI Act promotes the maximum disclosure of information. In practice, this means you can get most information that is held by public authorities, subject to a few exceptions, which are designed to protect sensitive information from being released, where its release would cause more harm than public good.

What information is accessible?

The RTI Act allows you access to a wide range of information held by public authorities in different forms. For example, you can use the Act to get hold of records, manuscripts, files, file notings, microfilm, microfiche, facsimiles, documents, memos, emails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data which is in electronic form, any material produced by a computer or any other device, and even information relating to a private body which a public authority can get under an existing law.¹³

Under the RTI Act, you have the:

Right to Inspect Records or Works

You can ask to inspect any work, document or record in person. For example, you can ask to physically inspect the construction of a bridge or installation of a handpump to make sure that the work is being undertaken according to proper service standards or you can examine government files as one way of keeping down costs so that you decide what papers you want and then ask only for copies of those you want;¹⁴

Right to Certified Copies

You can get certified copies or extracts of documents or records and can even ask to take notes from documents and records;¹⁵

Right to Get Samples or Models

You can ask for certified samples of materials or models. For example, you can ask for a sample of the road being built in front of your house so that you can check whether proper materials are being used in accordance with the contract;¹⁶

¹³ Section 2(f) and 2(i)

¹⁴ Section 2(j)(i).

¹⁵ Section 2(j)(ii).

¹⁶ Section 2(j)(iii).

Right to Get Information in Electronic Form

You have the right to get information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic form or through printouts. The Act has been drafted broadly enough so that even information held in new types of technology will be covered.¹⁷

You can access information about private companies from public authorities

Apart from getting information from public authorities under the Act, you can also request information from a public authority which relates to a private body if the public authority can access that information under an existing law. For example, industries are required by the Ministry of Environment and Forests to submit “Environmental Statements” (ES) to the State Pollution Control Boards (SPCBs). These statements are used to determine the efforts made by an industry to minimise pollution and conserve resources. You can use the RTI Act to access these statements. The point of this provision is that public authorities should not be able to reject your request just because they have not done their duty under the law. If they should have collected the information by law, then under the RTI Act they are required to go out and retrieve the information - and then pass it on to you. Ideally, this will mean that they must also act on the information they collect.

Is there any information which is not accessible?

Though the RTI Act gives you the right to access a very broad range of information, there are still situations wherein you may not be able to get access to information because it is very sensitive. Such information is “exempt” from being given to you by the government, on the basis that making it public would cause more harm than good to the public. The RTI Act spells out specific cases where information can legitimately be denied to you,¹⁸ namely if:

- (a) disclosure would harm national security, scientific or economic interests of India or relations with a foreign State or lead to the incitement of an offence;
- (b) any court of law or tribunal has forbidden the information from being published or the release would constitute a contempt of court;
- (c) disclosure would cause a breach of privilege of Parliament or the State Legislature;
- (d) the information is confidential commercial information, trade secrets or intellectual property or giving it out would harm the competitive position of a third party

¹⁷ Section 2(j)(iv).

¹⁸ Sections 8(1) and 9.

- (such as the company that provided it to the public authority);
- (e) the information is available to a person because he has a fiduciary relationship with another person (such as a doctor/patient or lawyer/client relationship);
 - (f) the information has been given by a foreign government in confidence;
 - (g) disclosure would endanger the life or physical safety of a person;
 - (h) disclosure would impede the process of criminal investigation or apprehension or prosecution of offenders;
 - (i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers, although information should be released after a decision is made;
 - (j) the information requested is personal information, the giving out of which has nothing to do with any public activity, or which would cause an unwarranted invasion of the privacy of the individual;
 - (k) disclosure would infringe the copyright of a body other than the State.

These exemptions are not absolute. Even where the information you have requested is covered by an exemption, if the public interest in disclosure outweighs the harm against which the exemptions are protecting, then it should still be released. This is known as the “public interest override” and it applies to all categories of exempt information.¹⁹ For example, in the past, access to copies of defence contracts between the Government of India and foreign companies was denied under the pretext of protecting the national and security interests of the country. However, if there are allegations of payment of kickbacks and undue influence exerted by middlemen to secure these contracts, there is a greater public interest in knowing the details of the contract. Taxpayers have a right to know whether the country got value for money spent, whether the best quality equipment was selected or not, and whether bribes were paid to crucial people in the decision making process. This information cannot be denied using the exemption for security and strategic interests provided in the Act because there is a greater public interest in disclosing it.

Information Parliament can get, you can get too

The guiding principle that determines information access under the RTI Act is that any information which cannot be denied to the Parliament or a State Legislature cannot be denied to you.²⁰ So, even where an exemption applies, if that information has to be given to the Parliament or the State Legislature, then it has to be given to you.

¹⁹ Section 8(2). See the box on page 26 for further discussion on the “public interest override”.

²⁰ Section 8(1).

In any case, exempt information, like most other things, has a shelf life and will not be exempt forever. Sometimes, once a bit of time has passed, releasing the information will no longer cause any kind of harm. For example, national economic information which could affect India's international financial standing today may not be sensitive 10 or 20 years down the track. The RTI Act allows you to request information about any event, occurrence or matter after 20 years, even though at one time or another it may have been covered by one or more exemptions.²¹

²¹ Section 8(3).

PART 5: What information must be proactively published?

The RTI Act requires all public authorities covered under the law to publish *suo moto* or proactively a wide range of information on their own, even if no one has specifically requested it. This is a key provision because it recognises that some information is so useful and important to the community at large, that it should be given out regularly, without anyone specifically requesting it. More broadly, it recognises that transparency is generally in the public interest and that public authorities should therefore strive to make as much information public as possible.

Information that promotes participation and oversight

Section 4 of the RTI Act requires all public authorities to routinely publish 17 categories of information,²² which should be updated regularly.²³ This ensures that citizens always have access to authentic, useful and relevant information. The information to be published falls under the following general areas:

Structure of the organisation - Its functions and duties, powers and duties of its officers, a directory of its employees, monthly remuneration received by each employee.

For example: The organisational chart of the organisation, names of the officers in charge of departments, the functions and powers of each and every officer employed and the salary they receive.

Process of functioning - The procedures followed in decision-making, norms, rules and regulations, categories of documents held by the public authority.

For example: Government Regulations on how ration cards are issued, old age pensions schemes are administered or visas are provided. In fact the very laws, rules, internal orders, memos and circulars that guide the day-to-day functioning of public authorities.

²² Section 4(1).

²³ Section 4(2).

Financial details and schemes relating to the organisation - The budget for all authorities (including the schemes and activities they manage and any reports regarding implementation) the manner of execution of subsidy programmes (including funds allocated and the details of beneficiaries of such programmes) plus particulars of recipients of all concessions, permits or authorisations granted by the office.

For example: Expenditure estimates, details of grants and funds received by the public authorities, lists of people below the poverty line (BPL), regular updates on the administration of rural development schemes, details of the beneficiaries under the Employment Guarantee Scheme, recipients of industrial licences, and budget documents for panchayats.

Details of consultative arrangements - Opportunities for people to get involved in the formulation of policies or their implementation, as well as a statement of government boards, committees, councils and advisory groups.

For example: Committees of Panchayats and municipalities to deal with specific issues, parliamentary committees, boards of inquiry, departmental purchase committees, departmental promotion committees or technical advisory bodies.

Details related to accessing information - A list of all the categories of documents available in an office, details of information available/held in electronic form, facilities available to citizens to access information, and the names and designations of Public Information Officers.

For example: Days and timings of public dealings, timings of libraries and reading rooms, and contact names for all officials working to administer the RTI Act.

Already, a number of public authorities at the Central and State Government levels have published Section 4 information on their websites and through various other means. You can access the proactive disclosure statements of ministries/departments under the Central or state governments by logging on to the RTI Portal developed by the Government of India at <http://www.rti.gov.in>.

Public authorities need to make sure that all Section 4 information gets widely disseminated. It is not enough to just collect it all and keep it on file. It needs to be published widely and in forms which make it accessible to ordinary people - for example, by posting the information on office notice boards, publishing it in newspapers, uploading it onto

government websites, making public announcements and making sure that it is published in the local language of the area.²⁴ At a minimum, every PIO has to have the information available in the form of a document or on a computer where it can be produced for ready inspection or given out immediately if requested as a printout or photocopy instantly.²⁵

Information that promotes accountable decision-making

The government regularly develops policies, projects and schemes that affect the public. The RTI Act requires that all public authorities also publish all relevant facts when formulating policies or announcing decisions. This means that citizens can more actively engage in the policy process and can more effectively scrutinise whether decisions made were soundly based.²⁶ This would include, for example, publishing details of any plans relating to the acquisition of private lands for constructing dams or power projects, or the development of new poverty alleviation policies and schemes.

Public authorities now also have to give the reasons for their decisions to all people who will be affected by them.²⁷ For example, if a decision has been made to withdraw the benefits given to a citizen under a welfare scheme, then the public authority taking the decision should specifically write to the affected person to explain the reasons for doing so. In any case, the decision should be published so that all members of the public can scrutinise whether decisions are being made properly.

You have no application fee or long wait for Section 4 information!

The RTI Act envisages that proactive disclosure information will be widely published for free by the government. No specific application needs to be made and no application fee paid. Because it is not treated as an application, you do not need to wait 30 days to get the information. The information should be given to you immediately. At most, you may be charged for the cost of any copies you may ask for, but inspection should be free. If a public authority asks you to submit an application with a fee, you should ask them to check with the Central and State Information Commissions, who will be sure to confirm that you do not have to file an application.

²⁴ Sections 4(2), (3) and (4).

²⁵ Section 4(4).

²⁶ Section 4(1)(c).

²⁷ Section 4(1)(d).

PART 6: How do I request information?

If you want access to specific information not proactively disclosed by the government, for example, if you want to know how your MP is spending his/her MP Local Area Development fund, how much money is sanctioned for road and drain maintenance in your neighbourhood or you want to see a copy of the contract for the refurbishment of a ministry's offices, the RTI Act gives you the right to make a specific written request for information to a public authority.²⁸

Step 1: Identify the public authority which holds the information

The first thing you will need to do is identify which public authority holds the information you want. If you are not certain who that is, make a list of the possible public authorities who you think might deal with the information and then consider the one most likely to have it. You do not need to be too worried about getting it wrong, because the RTI Act requires that even if the office to which you submit your application does not have the information you have requested, they should not return the application, but instead are under a duty to transfer the application to the relevant public authority within five days.²⁹ If your application is transferred, the first public authority must inform you of the transfer in writing. The second public authority then becomes responsible for providing you with the information you have requested within the original 30 day period.

For example: If you want to know how much money was allocated to construct a by-lane in your colony/neighbourhood, you would need to submit an application to the local municipal corporation responsible for roads and public works in your area. Or if you want to know about the progress of your application for a new electricity connection then you need to apply to the electricity department. Or if you want to know details of the kinds of free health services available free at primary health care centres, then you would need to submit an application to the health department.

²⁸ Section 6(1).

²⁹ Section 6(3).

Step 2: Identify who to submit your application to within the public authority

Once you have identified the public authority that holds the information you want, you will need to decide who to submit the application to. You should be able to get a list of Public Information Officers (PIOs) and Assistant Public Information Officers (APIOs) appointed in each department from the relevant department website or by contacting the department directly and asking them for guidance.³⁰ You should note though, that if you submit your application to an APIO, then the time limits for a response to your application increase from 30 days to 35 days. The RTI Act requires that every department must maintain a list of its PIOs and APIOs in electronic or in printed form.

Although it is the duty of EVERY public authority covered under the RTI Act to designate PIOs to receive and process applications, in practice it has been reported that some public authorities have yet to designate PIOs and are refusing applications for information on that basis. If this happens to you, you can directly complain to the Central Information Commission or State Information Commission as the case may be and demand the appointment of PIOs (see Part 8 for more details). The Information Commissions have the power to require the appointment of Central or State Public Information Officers.³¹

Step 3: Draft a clearly focused application

You can make a written or electronic application in English, Hindi or in the official language of your area.³² When writing out your application, it is important that you draft your request in a clear and concise way. It is absolutely essential that you make your request as specific as possible so that you get the information you want and avoid getting loads of documents you do not want and for which you may have to pay for. It is important to draft your application in specific terms so that the PIO cannot return it on the grounds that it was too vague or difficult to understand.

³⁰ Alternatively, log on to the official RTI Portal developed by the Government of India for links to the lists of PIOs and APIOs appointed at the Centre and in the States: <http://www.rti.gov.in> as on 20 March 2006.

³¹ Section 19(8)(a)(ii).

³² Section 6(1).

You do not need to explain why you want information

The Act makes it very clear that there is no need for you to give reasons for why you want a particular piece of information.³³ You can request any kind of information without saying why or for what purpose you want the information in your application. This reflects the fact that the right to information is YOUR right, and you do not need to justify your request. Secrecy is now what needs to be justified.

The Act does not specify a particular form that must be used to make applications, though some state governments appear to be demanding that. Significantly, the Central Government *Right to Information (Regulation of Fee and Cost) Rules 2005* do not prescribe a fixed format for applications. Additionally, some state governments have made it clear that applications have to be made in a specific format but not on a specific form.³⁴ In a landmark decision, the Central Information Commission has ruled that a request for information even on an ordinary piece of paper should be treated as a formal application. Government departments may prescribe forms for administrative purposes but this should not prevent handwritten applications from being made on plain paper or photocopied forms.³⁵

Step 4: Submit your application

After completing the application, you need to send it to:

- The PIO in the public authority which has the information you want; or
- The APIO located at the sub-district or sub-divisional level near you, who is then under a duty to forward your application to the relevant PIO.

You can submit your application in person or send it by post, fax or email. If you are sending your application by post you should send it by registered post or under certificate of posting (UCP) so that you have proof of postage and the PIO cannot claim that he/she never received the application. If you are submitting your application in person, always

³³ Section 6(2).

³⁴ The Gujarat and Maharashtra RTI Fee Rules allow applications made on plain paper provided they contain all details required in the printed format.

³⁵ NDTV(2006) "Slumdweller Wins Right to Information", NDTV.com, 8 February: <http://www.ndtv.com/morenews/showmorestory.asp?category=National&slug=Slum+dweller+%27wins%27+right+to+information&id=84602> as on 20 March 2006.

make sure to ask for a receipt for the application. The acknowledgment should indicate the time and date when the application was received, where it was received and who received it.

The Act requires that an application fee must be paid before an application will be processed. Different fees have been prescribed by the Centre and the States (see Annex 2 for details). If you are submitting your application in person, the PIO or APIO should give you a receipt on the spot, acknowledging on what date he/she received your application and that he/she received payment of the application fee. In some departments, the PIO may not accept the fee themselves, but may send you to another section which is permitted to deal with cash payment. In any case, be sure to get a receipt for any fees you pay. Alternatively, if you are mailing your application, you can pay the fee by demand draft, bankers' cheque or money order, but if you pay by cash, you will need to send in a copy of your payment receipt.

The RTI Act does not specify any mode for paying application fees (or additional fees for accessing information). The modes of payment are specified in the Fee Rules issued by the Central and state Governments (see Annex 2 for details). Some states have limited the payment options, specifying that you can only pay by demand draft, bankers' cheque or in cash. Ideally, however you should be able to choose from a wider range of options, including non-judicial stamps and postal orders. If you have doubts about how you can pay the fee, you should check the Rules prescribed by your government and/or contact the PIO or the nodal agency responsible for implementing the Act because they should help you.

People who are "Below the Poverty Line" pay no fees³⁶

Applicants who are below the poverty line (BPL) do not have to have to pay any fees under the RTI Act. When applying for information, BPL cardholders need to attach a copy of their BPL card as proof or an extract from the BPL list containing their name or some other such proof signed by a competent officer. Alternatively, when submitting an application in person, BPL Applicants have a right to get the PIO to put on acknowledgement of their BPL states on their application as proof

³⁶ Section 7(5).

Suggested format for applications under RTI*

It is important when writing your application that you word your question tightly so that it is perfectly clear what information you want. At a minimum, your application should contain enough information to enable a PIO to provide you with the information you want. An application under the RTI Act would look something like the following:

To: Public Information Officer/Assistant Public Information Officer

(Name of the Department)

(Postal Address)

1. **Full name of applicant:** *Ms Kavita Joshi*
2. **Address:** *105 Sundar Nagar, 2 Floor, New Delhi - 110003*
3. **Phone number:** *(011) 2436 7489*
4. **Application submission date:** *10 March 2010*
5. **Name of the department:** *Public Works Department*
6. **Details of information requested:** Do not write a general question like "I want to know why the road in front of my house was not fixed". It is more likely to get a vague response as opposed to:
 - (a) *How much money was allocated in the last two years for the maintenance of Aurobindo Marg between IIT Flyover and Adchini?*
 - (b) *How much money was actually spent on fixing the road, and:*
 - (i) *who was the relevant contract(s) awarded to;*
 - (j) *what were the tender specifications;*
 - (k) *when was the work completed;*
 - (l) *what is the name and designation of the officer who verified completion of the work according to the specifications in the contract.*
7. **Period for which information is requested:** *January 2008 to present date*
8. **Form of information requested:** *copy/inspection of works/inspection of records/certified copy of records/certified sample.*
9. **Details of fee payment:** *Receipt No. XXXX, Date: 10 March 2010*
10. **Does the applicant fall below the poverty line :** *Yes/No*
(if yes, then attach proof of BPL status)

Signature of the Applicant

* This is only a sample format for applications. CHRI recommends you confirm with the PIO of the public authority you are seeking information from what details you should include in your application.

Step 5: Wait for a decision

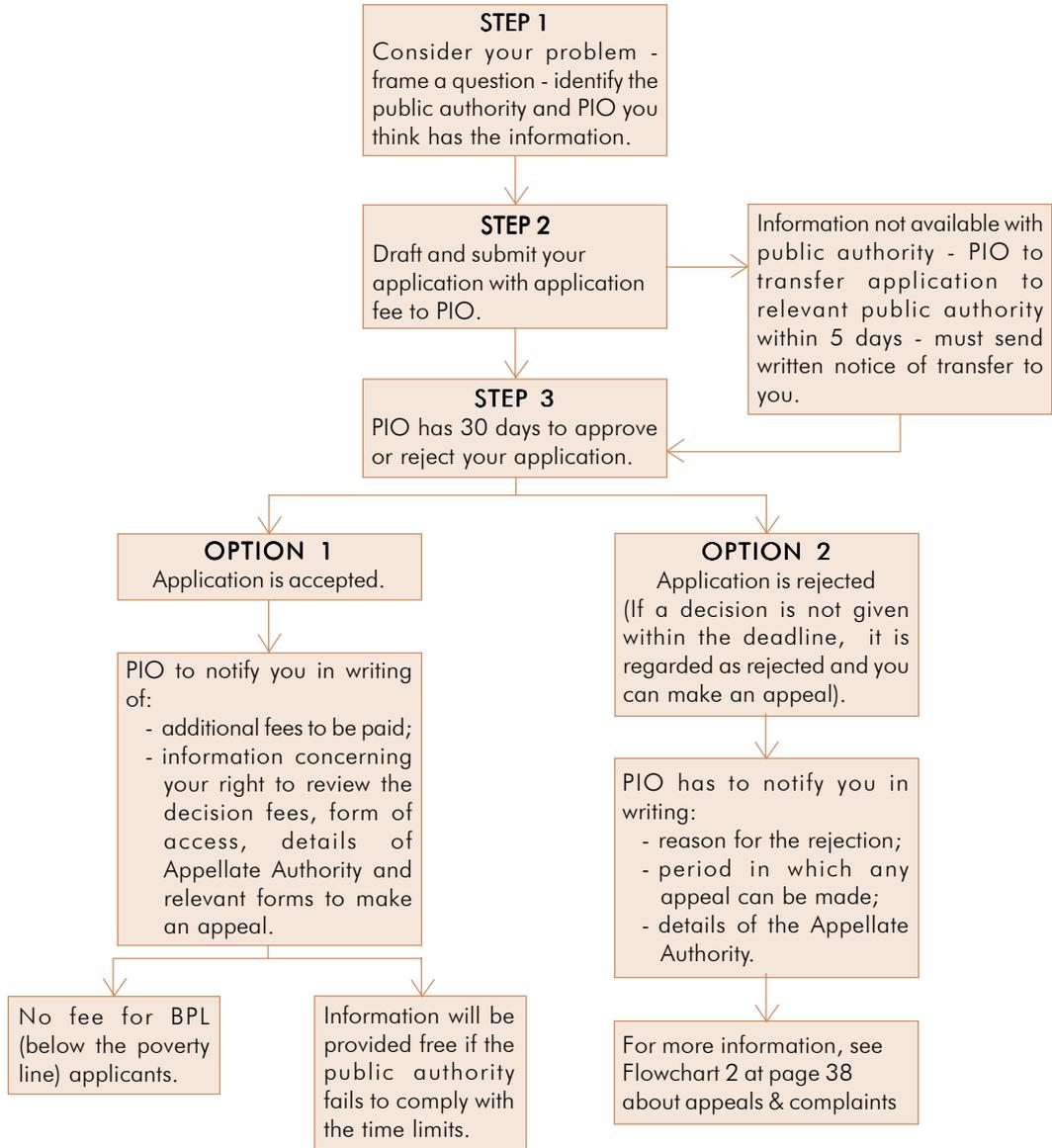
Once the PIO receives your application, complete with the application fee, he/she is required to process it as fast as possible but no later than 30 days from the date on which he/she receives the application.³⁷ If an APIO passed the application on, another 5 days gets added to this timeline.³⁸ However, where the information requested is vital to ensuring the life or liberty of a person, a decision has to be made within 48 hours.³⁹ For example, if a person is picked up by the police without an arrest warrant or an arrest memo, his family, friends or even a concerned third person can ask for his whereabouts from the PIO of the police department and a response must be made within 2 days. Where such an application is made, it is good practice to include in the application an explanation as to why you think the application relates to “life or liberty” so the PIO does not delay assessing your application.

³⁷ Section 7(1).

³⁸ Section 5(2).

³⁹ Section 7(1).

Flow Chart 1: Application Process



PART 7: How is a decision made on my application?

When processing your request, the PIO will need to determine immediately whether the information you have requested:

- (a) Is available in the office, and if not, transfer it to another public authority and provide you with written notice of the transfer;
- (b) Relates to confidential third party information and therefore requires consultation with the third party before a decision can be made; and
- (c) Is covered by an exemption and whether there is a public interest in disclosing it.

What if the information involves a “Third Party”?

Usually, people make applications for information created by the government which relates to the public authority receiving the application. In such cases, there are only two parties involved in the request process - the requester and the public authority. However, sometimes requesters will ask for information which also affects a third party. For example, if you want to have a look at the tender submitted by a rival company or a letter to your MP from your work colleague, the company and your colleague are a “third party”.

Sometimes - but not always - the RTI Act requires that third parties are consulted about applications. A third party only needs to be consulted if:

- the PIO is considering releasing the information; AND
- the information relates to the third party or was given to the public authority by the third party “in confidence”; AND
- the third party treated the information as confidential.

This last requirement is key. While a lot of information might relate to third parties, there are only a small number of cases where the third party would have treated the information as confidential. Information like lists of recipients of subsidies or permits, submissions to committees or government contracts, although involving third parties, do not involve confidential third party information and do not therefore require consultation with the third party.

Where the 3-part test above is satisfied, the third party has the right to be consulted about whether the information should be released. The PIO needs to send a written notice within 5 days inviting the third party to make a submission regarding disclosure.⁴⁰

⁴⁰ Section 11(1).

The third party has 10 days from the date the notice is received to make a submission.⁴¹ Whether or not a response is received, the PIO has to make a decision about whether or not to disclose the information within 40 days of receipt of the application.⁴² Before making a decision, the PIO must take into account any representation by a third party. However, even if the third party objects, the PIO must still release the information if no exemption applies. In such a case, the third party can appeal the decision to the departmental Appellate Authority and/or Information Commission (see Part 8 for more details).

What if the PIO approves my application?

If the PIO decides to give you the information, the PIO will send you a decision notice within 30 days. The notice will include advice regarding any additional fees payable to actually access the information you have requested and inform you of your right to appeal the decision about the amount of fee charged or the form in which you want to access the information, including details of the Appellate Authority, time limit and any other forms.⁴³ Note that if the PIO fails to meet the time limits prescribed under the RTI Act, then the information has to be provided free of cost to you.⁴⁴

The Central and State Governments have all prescribed different additional fees for access (see Annex 2 for details). The notice sent by the PIO needs to include an explanation of how any additional fees were calculated.⁴⁵ For example, if you have requested information that totals 1,000 A4 pages and the cost prescribed for providing A4 size paper is Rs 2 per page, then the PIO will need to show that the total cost would be: $1,000 \times 2 = \text{Rs } 2,000$. The PIO does not have the power to charge you additional fees for searching, collecting or processing the information.

In the decision notice you are sent, the PIO will ask you to deposit the calculated fee so that the information can be dispatched to you. In some states, such as Maharashtra, the cost of sending the information by post is included in the fee calculation.⁴⁶ However, there

⁴¹ Section 11(2).

⁴² Section 11(3).

⁴³ Section 7(3).

⁴⁴ Section 7(6).

⁴⁵ Section 7(3)(a).

⁴⁶ Section 4, Maharashtra Right to Information Rules 2005.

is nothing to stop you from collecting the information in person if that is possible. Remember that you also have the right to inspect the information - for a fee (eg. Rs 5 per hour under the Central Government Fee Rules⁴⁷) - before you request copies of any documents. Inspecting documents could cut down on costs because you can use the inspection time to decide which documents you really need. The intervening time between sending the notice and the payment of additional fees is excluded from the 30 day time limit for providing information.⁴⁸

Unfortunately, some state governments have levied exorbitant additional fees. If you feel that the additional fees for information are too high, you can appeal to the departmental Appellate Authority or complain to the concerned Information Commission (see Part 8 for details). If the PIO charges you money for giving the information despite the fact that you provided proof of your BPL status, you also have the right to send a complaint to the concerned Information Commission.

No bar on voluminous requests for information⁴⁹

The RTI Act specifically provides that information has to be provided in the form that you request, UNLESS it would disproportionately divert the resources of the public authority or is likely to damage the record.⁵⁰ Unfortunately, some departments have been using this provision to deny citizens access to information. This issue was the subject of a complaint filed with the Central Information Commission (CIC). Mr Sarbajit Roy applied to the Delhi Development Authority (DDA) for information relating to the modification of the Master Plan of Delhi. In particular, he requested access to the responses the Board of Enquiry and Hearing had received from the public on the draft Master Plan. The DDA refused to part with the information on several grounds, including that giving the information would disproportionately divert the resources of the DDA. After hearing from both Mr Roy and the DDA, the CIC stated that the Act does not authorise a public authority to deny information if it is voluminous. It simply allows the authority to provide the information in a form which is easy to access. The CIC has directed the DDA to provide Mr Roy with an opportunity to examine the responses and give him certified copies of those identified by him.

⁴⁷ Section 2, *Central Right to Information (Regulation of Fee and Cost) (Amendment) Rules 2005*.

⁴⁸ Section 7(3)(a).

⁴⁹ Central Information Commission (2006) Appeal No. 10/1/2005-CIC, 25 February: www.cic.gov.in as on 20 March 2006.

⁵⁰ Section 7(9).

What if the PIO rejects my application?

The PIO can only reject your application if the information you have requested falls under one of the exemptions in the Act (see Part 4 for details) and the PIO additionally decides that there is no overriding public interest in releasing the information. No other reason is valid under the RTI Act for justifying why an information request was refused. For example, it is not enough that the information might embarrass the government or an official or that you have not provided a good enough reason for wanting the information. You now have a legal right to information - and officials are the ones who must justify continued secrecy.

Applying the “public interest override” to exemptions

Section 8(2) of the Act requires that even where an exemption applies to an application for information, a public body may release the information if the public interest in disclosure outweighs the interest protected by the exemption. The term “public interest” is not defined anywhere in the Act. This makes sense because what is in the public interest will change over time and will also depend on the particular circumstances of each case. Because of this, public authorities - more specifically, PIOs and departmental Appellate Authorities - as well as Information Commissions will need to consider each case on its individual merits. They need to decide whether any exemption applies and if so, whether it is overridden by more important public interest considerations, such as the need to promote public accountability, the imperative to protect human rights, or the fact that disclosure will expose an environmental or health and safety risk.

The PIO has to give you written notice of his/her decision to reject your request within the 30 day time limit.⁵¹ The decision notice must state:

- (a) The reasons for the rejection, which should include information regarding the exemption being relied upon and any relevant facts considered by the PIO in arriving at the decision;
- (b) The period within which you can appeal the decision;
- (c) The name and contact details of the Appellate Authority to whom you can make an appeal.

If the PIO fails to give you a decision notice, then this is regarded as a “deemed refusal”.⁵² You may then appeal to the departmental Appellate Authority or send a complaint to the concerned Information Commission (see Part 8 for details).

⁵¹ Section 7(8).

⁵² Section 7(2).

You can have information “partially disclosed” to you⁵³

Sometimes one document will contain both some sensitive information which falls under an exemption, and some information which could be disclosed without causing any harm. In such cases, access to the information which is not sensitive can still be provided. This is known as “partial disclosure”. In practice, this means the PIO will often black out portions of a document - certain lines or paragraphs - or will disclose some documents requested but not others. If a PIO decides to partially disclose information, he/she has to notify you that you will only be getting partial disclosure of the information you asked for, the reasons for the decision, the details of who made the decision, the fees to be paid, and your right to get the decision reviewed.

⁵³ Section 10.

PART 8: What if I do not get the information I requested?

Unfortunately, with secrecy still very much the norm in the bureaucracy, PIOs today frequently reject RTI applications on flimsy grounds. For example, PIOs have rejected applications because the information was not under their control even though they have a duty to transfer the application in such cases, they have often applied exemptions wrongly and some have even refused to accept applications because the PIO is not available in the office or is on leave.

In anticipation of non-compliance, the RTI Act sets in place appeals and complaints procedures which provide requesters with cheap, simple options for taking issue with decisions or poor performance of public authorities and government officials under the Act. Requesters can make appeals to a senior officer within the concerned department (referred to as the Appellate Authority) or they can complain to one of the new Information Commissions, which are to be set up at the Centre and in all the States.

Appeals vs Complaints - what is the difference?

Requesters who are aggrieved by a decision of a PIO can make an APPEAL to a departmental Appellate Authority, who will be an officer senior in rank to the PIO but in the same public authority. The Appellate Authority, after hearing from you and the PIO, has to make a decision on whether the PIO made the correct decision. If the order of the Appellate Authority also does not satisfy you, you can make a second appeal to the Information Commission.

Alternatively, a COMPLAINT can be made directly to the relevant Information Commission where it concerns ANY matter relating to accessing information under the RTI Act, for example, not giving information within a time limit, charging unreasonable fees, denying you a fee waiver despite being a BPL person, destroying a record which you had requested, or making a bad decision about disclosure. You can bypass the departmental Appellate Authority with a complaint, but it is important to call it a 'complaint' because otherwise the Information Commission may treat your communication as an appeal and tell you to go through the departmental Appellate Authority first.

Option 1 - Make an appeal

The appeals process falls under section 19 of the Act and envisages a two-step process: firstly, an appeal to the Appellate Authority and secondly, an appeal to one of the newly established Information Commissions. The appeals process is supposed to be a quicker, cheaper way of enabling requesters to get a decision reviewed, as opposed to going to the courts.

First appeal to the Appellate Authority

In every public authority, an officer who is senior in rank to the PIO has been designated to hear appeals. He/she is referred to as the Appellate Authority. The original decision or rejection notice you receive from the PIO should include contact details for the relevant Appellate Authority so that you know to whom you can go to get the decision reviewed. If the notice is deficient, you may want to check the website of the public authority or contact the PIO directly and ask for the Appellate Authority's details.

You can make an appeal to the Appellate Authority if:

- (a) you are aggrieved by the decision made;
- (b) no decision was made within the proper time limits;
- (c) you are a third party consulted during the application process and you are unhappy with the decision made by the PIO.

You need to send your appeal to the Appellate Authority within 30 days from the date on which you received the decision (or you should have received a decision) from the PIO. However, if you miss that deadline but the Appellate Authority feels that you have been prevented from making an appeal within this time limit for justifiable reasons, he/she may allow you to submit an appeal even after the 30 days have expired.⁵⁴

You need to send your appeal to the concerned Appellate Authority in writing. Some state governments have prescribed forms for filing appeals. You should check with the concerned Appellate Authority to see if your state has prescribed such a form. You can file appeals directly by handing them over in person or by sending them by post/courier. Additionally, you can also send the appeal to the APIO in the relevant public authority who then has a duty to forward it to the relevant Appellate Authority.⁵⁵

⁵⁴ Section 19(1).

⁵⁵ Section 5(2).

Information to be included when making an appeal / complaint*

Whether or not a specific form has been prescribed by your state for making an appeal, at a minimum, all appeals should include:

- (a) Your name and contact details, including (if possible), a postal address, telephone numbers and email address;
- (b) Name and address of the PIO against whose decision you are appealing;
- (c) Details of the order against which you are appealing (including the number);
- (d) If the appeal is being made because you received no response (a “deemed refusal”), the particulars of your application, including the receipt number of the application, date it was submitted, and the name and address of the PIO;
- (e) Brief facts of your case;
- (f) Relief sought by you and grounds for the relief sought, for example, you want release of the information requested because no exemption legitimately applies;
- (g) Verification by you, for example, a statement saying “I attest that all the information in this application is true and correct, to my knowledge”; and
- (h) Any other useful information which you think may help in deciding your appeal.

* This is only a basic summary of the usual contents of an appeal notice. CHRI recommends that you check the relevant rules or confirm with the Appellate Authority or Information Commission what details you should include in your appeal.

The RTI Act does not permit any fee being levied on an applicant for filing an appeal to an Appellate Authority (or the Information Commissions). Unfortunately, some state governments, like Maharashtra⁵⁶ and Madhya Pradesh⁵⁷, have prescribed rules which impose an appeal fee. It is not legal to impose an appeal fee or reject an appeal because of non-payment. If your state government has prescribed an appeal fee, you can either move the relevant Information Commission or your High Court to consider the matter or attempt to bring up the issue before your State Legislative Assembly for debate.

Ordinarily after receiving your appeal, the Appellate Authority is required to give his/her decision within 30 days. This time limit is extendable, but the maximum time limit for a decision from the Appellate Authority is 45 days. If additional time is taken over and above the 30 day time limit, the Appellate Authority has to record the reasons for the extension in writing and provide those reasons to you when issuing his/her final order.⁵⁸

⁵⁶ Section 5, Maharashtra *Right to Information Rules 2005*.

⁵⁷ Sections 7 and 8, Madhya Pradesh *Right to Information (Fees and Appeal) Rules 2005*.

⁵⁸ Section 19(6).

How are appeals usually handled by Appellate Authorities?

The RTI Act does not prescribe a procedure that Appellate Authorities should follow when deciding appeals. In general, however, appeals proceedings should not be adversarial but should be a search for the truth, to simply find out whether the Act was applied properly. In any appeal, it is the PIO who has to prove that the rejection of an application was justified. This means that in any hearing, the PIO should first be asked to explain themselves. Only if they make a defensible case should you be called on to explain why you think they are wrong. In any case, the Appellate Authority needs to apply his/her mind to consider all the facts again and decide whether the action of the PIO was correct. All parties involved - you, the PIO and any third party who was consulted about the disclosure - have the right to be heard before any decision is made.

If the Appellate Authority accepts your appeal and decides that the information should be given to you, then he/she should inform you and the public authority of the decision in writing. If the Appellate Authority rejects your appeal, the notice of the decision to you must include details of your right to appeal to either the Central or State Information Commission.

Notably, the RTI Act does not give Appellate Authorities the power to impose penalties on officials, even where non-compliance with the RTI Act has been proven. Only Information Commissions have the power to impose penalties. This means that even if the Appellate Authority decides in your favour, you still may want to ask the Appellate Authority to refer the case to the Information Commission on the issue of penalties. Alternatively, you may want to make a complaint to the Information Commission (see pg 35 for details) on the issue of penalties alone.

Second appeal to the Information Commission

If you are unhappy or dissatisfied with the decision of the Appellate Authority, the RTI Act provides you with the option of filing a second appeal with the newly constituted Information Commissions at the Centre or the States. A second appeal against a decision of an Appellate Authority to the Information Commission must be made within 90 days from the date on which the decision should have been made or from the date a decision was actually received. However, the Information Commission has the discretion to allow appeals after this period has expired.⁵⁹

⁵⁹ Section 19(3).

Information Commissions - Champions of Openness

At the Central and State Government levels, independent and autonomous Information Commissions are required to be set up under the RTI Act.⁶⁰ These Commissions comprising of one or more members have been set up at the Centre and in all the States. (see Annex 4 for more details). The Commissions have a number of key roles to play in ensuring that the RTI Act is an effective tool in assisting the public to access information. Specifically, every Information Commission is responsible for:

- *Handling complaints and appeals:* All citizens have the right to appeal or complain to the Information Commission if their information needs under the Act have not been fulfilled. In reviewing decisions, the Information Commissions have broad investigation powers - including the right to see any document, even if an exemption has been claimed. They also have strong and binding powers to require public authorities to comply with the Act; these include ordering release of information, appointment of PIOs, improvement of records systems, provision of compensation and the imposition of fines.⁶¹
- *Monitoring implementation:* At the end of each year, the Central and State Information Commissions have to produce an annual report which is tabled in Parliament/State Legislature, as the case may be. Each report has to include basic application and appeal statistics as well as comment on implementation efforts and recommendations for improvements. The Commission's annual reports are based on monitoring information submitted by each public authority under the Commission's jurisdiction.⁶²
- *Special human rights oversight:* Some intelligence and security agencies have been exempted from the Act, except where they are requested for information in respect of an allegation of corruption or a human rights violation. Information Commissions must deal with all such requests related to human rights violations.

The Commissions that have been set up so far are still working out their mandate. They have a crucial role to play in ensuring the RTI Act is implemented effectively and as such, the public needs to be vigilant to ensure that they are working effectively.

⁶⁰ Chapters III and IV. The Jammu & Kashmir Right to Information Act, 2004 has been amended recently to enable the constitution of an Information Commission for Jammu & Kashmir to receive appeals & complaints regarding access to information under that law.

⁶¹ Section 19(8) and Section 20.

⁶² Section 25.

You need to send your appeal to the relevant Information Commission in writing. In matters relating to Central Government public authorities, you need to send your appeal to the Central Information Commission. For matters relating to state government public authorities you will need to send your appeal to the concerned State Information Commission. Appeals against Panchayats will be sent to the relevant State Information Commission.

The Central Government and all state governments have issued Rules about what information needs to be included in an appeal to the Information Commissions. In addition to basic information (see page 30 for a sample appeal format), your appeal should attach supporting documents, including: self-attested copies of the orders/decision notice against which the appeal is being made and copies of any additional documents upon which you are relying that are referred to in your appeal.

The Central and State Information Commissions manage appeals in accordance with procedures prescribed under the relevant Appeal Rules. Commissions have the power to take oral or written evidence on oath/affidavit; inspect documents or copies; hear and receive affidavits from the PIO against whom the appeal has been made and/or the Appellate Authority who has decided the first appeal; and to hear from you.⁶³ If the decision of a PIO or Appellate Authority relates to a third party, then that third party also has the right to be heard by the Information Commission before it makes a decision.⁶⁴

Burden of proof⁶⁵

In any appeals proceeding, the burden of proof that the denial of a request was justified lies on the person who wants to keep the information secret - the PIO or a third party. In practice, this means that you should only need to interact with the Commission after the person who wants to withhold the information has first been questioned, because they are the ones who have to show the Commission that they are right. If a hearing is then organised, the PIO or third party arguing for secrecy needs to be called on to make their case first. You will only need to make a case if the Commission thinks the PIO or third party has a point worth considering. At that stage, you then need to argue in favour of disclosure.

⁶³ Section 18(3).

⁶⁴ Section 19(4).

⁶⁵ Section 19(5).

Appeals proceedings at the Information Commissions are not meant to be formal, like a court. It should not be necessary to hire a lawyer to plead your case before the Information Commission. Proceedings are meant to be informal and non-confrontational. Although the Commission does have the powers of a civil court under the RTI Act,⁶⁶ the Commission is not supposed to operate like a court. If you feel uncomfortable during an appeals or complaints proceeding you should inform the Information Commission and should be able to seek assistance from someone during your hearing. In any case, the Information Commission is an openness champion, and the Commissioners and their staff should be alert to ensure that arguments in favour of disclosure are not overlooked simply because you did not hire a lawyer.

The RTI Act does not prescribe a time limit for the Information Commission to decide on an appeal and no time limit has yet been included in any of the Appeal Rules which have been prescribed. However, best practice supports a deadline of 30-45 days to dispose of any appeal just like the Appellate Authorities.

If an Information Commission decides that your appeal is justified, the Commission will need to give you a written decision. The Information Commission has broad and binding powers to:

- (a) order the public authority to take concrete steps towards meeting its duties under the RTI Act, for example, by providing access to the information you requested or by reducing the amount of fees you need to pay;⁶⁷
- (b) order the public authority to compensate you for any loss you may have suffered in the process;⁶⁸
- (c) impose penalties on the PIO or any other official who failed in their duties under the Act.⁶⁹

If the Information Commission decides that your case is groundless, it will reject your appeal.⁷⁰ In either case, the Commission must give notice of its decision to you and the public authority, which should include any right of appeal.⁷¹ Even though the RTI Act states that appeals to the Courts are barred, you have a right under the Constitution to approach the High Court or Supreme Court, because the right to information is considered a fundamental constitutional right (see page 37 for details).

⁶⁶ Section 18(3).

⁶⁷ Section 19(8)(a)(i),(ii),(iii).

⁶⁸ Section 19(8)(b).

⁶⁹ Section 20.

⁷⁰ Section 19(8)(d).

⁷¹ Section 19(9).

Option 2 - Make a complaint

Instead of making an appeal to the Appellate Authority and then the Information Commission, you also have the option of approaching the Information Commission directly and submitting a complaint under section 18(1) of the Act if you are not satisfied with the decision of a PIO or if you think a public authority is failing to comply with its information duties under the Act. This is a particularly useful route if you immediately wish to seek a penalty for the PIO or compensation for yourself. The Appellate Authority does not have the power to order either of these, but Information Commissions do. By approaching the Information Commission directly you will be able to bypass the Appellate Authority, although the lack of a specified time limit for the Information Commission to give its decision is a drawback to this procedure. The Appellate Authority has to give its decision within a maximum of 45 days. It is for you to carefully decide which procedure is best in your case.

You can file a complaint⁷² if you have any trouble in accessing information under the RTI Act, for example if:

- (a) you have not been able to submit an application either because a PIO has not been appointed in a particular department to accept your application or an APIO has refused to accept your application;
- (b) you have been refused access to any information requested;
- (c) you do not get a response to your request or access to the information you requested within the specified time limit;
- (d) you have been asked to pay fees which you think are unreasonable;
- (e) you believe the information you have been given is incomplete, misleading or false;
- (f) you face any other problem related to accessing information under the RTI Act.

This last provision is purposely broad to allow you to complain to the Information Commission in relation to ANY problems that prevent you from effectively accessing information, even those not mentioned specifically under the RTI Act. These include, for example, failure by a public authority to - implement proactive disclosure requirements properly, appoint PIOs, provide proper training to officials or failure by the government to produce the User's Guide required under the Act.

⁷² Section 18(1).

Whether the Information Commissions are hearing an appeal or a complaint, they have the same investigative and decision-making powers (see pages 31-34 in relation to appeals to Information Commissions for details). In summary, the Information Commissions have broad investigative powers because they have the same powers as a civil court.⁷³ The RTI Act currently contains no time limit for disposal of appeals by the Information Commission. If, after investigating the complaint, the Information Commission decides that your complaint is justified, the Information Commission has very broad and binding powers to require the public authority or official concerned to take any and all steps to comply with the RTI Act. For example, by ordering release of the information you requested, appointing PIOs to receive and process applications or providing better proactive disclosure. The Information Commission can also require the public authority to compensate you for any loss or detriment you may have suffered and they can impose a penalty on non-compliant officials.⁷⁴ Alternatively, if the Information Commission finds that your complaint was not justified, it can reject your application. In such a case, you can appeal to the State High Court or the Supreme Court of India.

Information Commissions have the power to impose penalties

Information Commissions alone - and not Appellate Authorities - have the power to recommend disciplinary action⁷⁵ and impose monetary penalties⁷⁶ of Rs 250 per day up to a maximum of Rs 25,000 on officials who are found to have:

- refused to receive an application;
- failed to provide information within the time limits specified in the Act;
- malafidely denied a request for information;
- knowingly given incorrect, incomplete or misleading information;
- destroyed information which was the subject of a request; or
- obstructed in any manner the furnishing of information.

Before a penalty can be imposed, an official must be given an opportunity to be heard. The official has to prove to the Information Commission that he/she acted reasonably and diligently.

⁷³ Section 18(3)

⁷⁴ Section 19(8) and Section 20.

⁷⁵ Section 20(2).

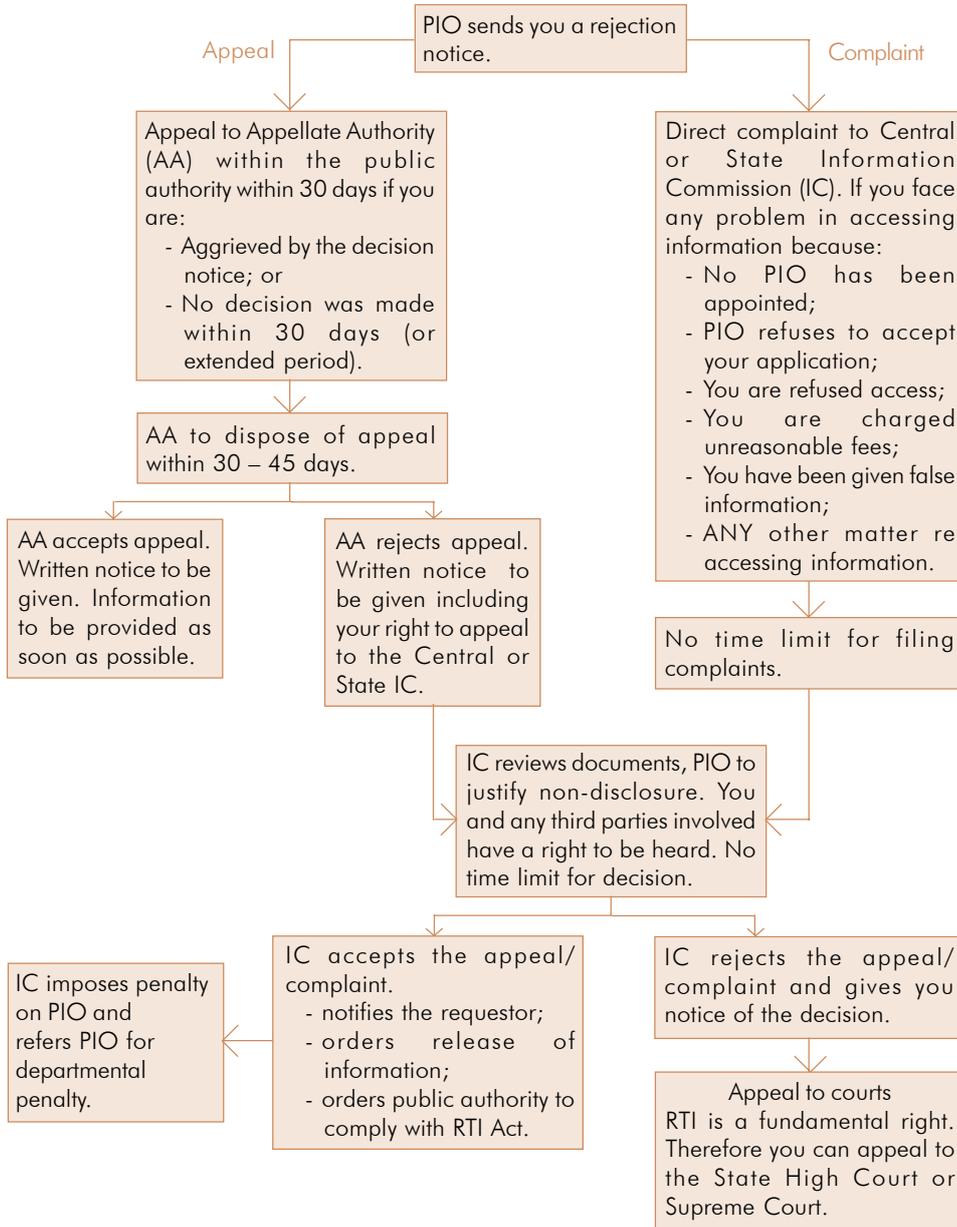
⁷⁶ Section 20(1).

Option 3: Appeal to the courts

If you are faced with a situation where you are not satisfied with the decision of the Information Commission, an appeal or a complaint, you can file an appeal in the State High Court or the Supreme Court. The RTI Act specifically bars the courts from considering any suit, application or any proceeding made under the RTI Act.⁷⁷ However, it must be remembered that the RTI Act gives effect to a fundamental right, and according to the Constitution, the High Courts (under Article 226) and the Supreme Court (under Article 32) have the power to look into any matter relating to the fundamental rights of citizens. Technically, therefore, you DO have the right to approach the High Court or the Supreme Court if you are not satisfied with the decision of the State or Central Information Commission as the case may be.

⁷⁷ Section 23.

Flow Chart 2: Appeal Process



PART 9: How can I help promote the Right to Information?

The RTI Act sets out a legal framework for accessing information, but the key to the law's practical success as a tool for good governance lies in your hands. Citizens have a fundamental duty to use the RTI Act to ensure that public authorities across the country are meeting their obligations and fulfilling their duties to develop a strong and pro-citizen access to information regime. The right to information can become a powerful and living right with your help.

Requesting information

To make sure that the RTI Act is effective as a tool for curbing corruption and improving government service-delivery, people have to use it to apply for information from the government. This is one of the surest ways of getting the government accountable and answerable to the people.

Already, individuals and civil society groups have begun using the RTI Act to expose massive corruption and mismanagement in government, to ensure that government schemes and plans are being properly implemented, to demand accountability in government and above all to demand a say in how policies are being designed and implemented across the country.

Monitoring the government

Applying and getting the information you want is only a first step. What you do with the information you get is just as important. For example, if the information you have reveals evidence of misconduct, corruption or misadministration, it is essential that you take the matter up with higher authorities - whether this be an Information Commission, the police, the courts or an anti-corruption agency - and ensure that it becomes a matter of public knowledge. In fact, even the RTI Act itself needs to be monitored in this way. You can monitor its implementation to assess whether officers in public authorities are making efforts to comply with the law and the government is meeting its obligations to publish information, appoint PIOs and provide access in a timely manner. Based on your findings, you can lobby and advocate with the government to improve its efforts at implementation.

Getting into the Act: RTI activist exposes corruption in government⁷⁸

Since January 2004, the Madhya Pradesh Government has been running the Indus Child Labor Project in five districts, funded by the International Labour Organization (ILO). The Indus Project is aimed at providing primary education to child labourers. It is implemented through a registered society, the National Child Labour Project (NCLP), which receives monies from the ILO through the State Government and makes disbursements. The District Collector is the President of NCLP and the District Labour Officer is its Secretary. In addition, five Project Directors have been appointed to oversee the execution of the project. Big money is at stake - in Katni district alone, a sum of Rs 31,80,750 has been earmarked for the execution of the Indus Project.

Since its inception, the Project has been dogged by rumours of corruption. In December 2005, an RTI activist in Katni filed an application with the PIO of the Indus Project, asking for: the number of first aid kits bought for Teaching Centres being run under the Project in Katni; the rate at which the kits were bought; an inventory of the contents of the kit; and a copy of the Project's proactive disclosure statement.

The PIO responded to say that 40 first aid kits had been bought at the rate of Rs 3,500 per kit. Seeking out the prevalent market rates from local distributors of companies producing similar first aid kits, the requester found rates ranged from Rs 760 to the high quote of Rs 970. The requestor realised that the Project had purchased the kits far above even the most expensive quote in the market. The implementing agency spent Rs 1,40,000 for buying 40 kits at the rate Rs 3,500 per kit. Had the agency bought the kits from the open market from the most expensive distributor - quoting a rate of Rs 970 per kit, it would have spent only Rs 38,800.

Armed with this information, the activist visited 10 Teaching Centres to examine the kits only to find that none of the kits displayed any company logo. In three centres, the kits were found to be empty and the contents of seven kits in other centres were of a cheaper quality than mentioned in the quality specifications. This scandal has been highlighted in the local newspapers. The district administration conducted an inquiry and ordered the supplier to refund Rs. 80,000/- to the exchequer. RTI can be used as an effective tool to monitor spending of the tax payer's money.

⁷⁸ MP Suchana Adhikar Abhiyan (2006).

Educating and advising others

Today, across the country, few are aware that such an empowering law has come into force and is accessible to them. The Central and State Governments are responsible for spreading awareness and education on the RTI Act amongst the public, but their efforts have been slow. It is the duty of all citizens of India to ensure that the message of RTI is spread far and wide across the country in as many languages and through as many mediums as possible. If you have used the RTI Act - irrespective of whether your efforts have been successful or unsuccessful - you should consider making your experience public knowledge by writing an article for the papers or publishing your case study on the internet or simply by talking about it with your friends and colleagues. You can also help people to make similar requests for information by teaching them how to ask, write and submit an application. Your experience in using the RTI Act can serve as a source of inspiration to others and sharing it is vital to ensuring that the RTI Act is successfully entrenched in the hearts and minds of the public.

Look what is happening in Mumbai's prisons⁷⁹

In Maharashtra, there were regular updates in the media about inmates in Mumbai's Arthur Road Jail being allowed to use their mobile phones to extort money and conduct illegal and potentially dangerous activities. In October 2001, the Inspector General of Prisons proposed the installation of jammers in the jail at the cost of Rs 6,01,736 to prevent the use of mobile phones. Over the next four years, the proposal no action was taken on the proposal and the use of mobile phones continued.

On 20 December 2005, Shailesh Gandhi made an application under the RTI Act asking for details of the movement of the papers in the case. Within 6 days of his request, on 26 December 2005, the Inspector General of Prisons was asked to place an order for the jammers. On 10 January 2006, less than a month after Shailesh Gandhi's initial request, the jammers were finally installed in the prison at the cost of Rs 7 lakh.

What the government could not or would not do in four years, the RTI Act accomplished in days. Monitoring the government and exposing poor performance through the Act can be very effective in turning bureaucratic words into official action.

⁷⁹ Shailesh Gandhi (2006).

*Indian Express reveals Employment Guarantee Scheme scam*⁸⁰

Thane district in Maharashtra is home to some of the poorest and underdeveloped talukas in the State. In Jawhar and Mokhada talukas, up to 75 per cent of families live well below the poverty line. The Maharashtra Employment Guarantee Scheme (MEGS) was developed with the aim of providing gainful employment to people living in such areas. Recent use of the RTI Act to get information on how the scheme is being implemented shows that the system is rife with corruption.

The *Indian Express* applied under the RTI Act for copies of the muster rolls from the Thane Public Works Department (PWD). The *Indian Express* was particularly interested in the muster roll detailing the work done on building the Bopdari-Chandoshi approach road in the district. The road was meant to act as a lifeline to the area's poorest villages under the MEGS. The muster roll showed that a villager, Ganga Ghatal of Bopdari, had been paid Rs 961 for 11 days of excavating the road, certified by his fingerprint on the muster roll. Armed with the muster roll, the newspaper went to Bopdari only to find that Ganga Ghatal had committed suicide in 2004 and neither he nor his family had received any money. Ganga Ghatal was one amongst a large number of deceased individuals still shown as receiving payments under the EGS. The muster rolls revealed several other ghost entries including the names of government officers as beneficiaries. Faced with this evidence, the State EGS Minister was forced to look into the matter.

Joining the RTI movement

Across the country, there are many activists and civil society groups working to promote the right to information. These groups are actively finding ways of making this right accessible to men, women and marginalised communities across India with remarkable results and success stories. In addition, there are also a number of online discussion forums and local groups which are closely involved in monitoring the application and implementation of the RTI Act. You may want to join one of these groups and/or an organisation working in your State on the right to information. You could even set up a discussion group of your own (see Annex 5 for details of some groups working on RTI).

⁸⁰ Chitragada Choudhury (2006) "In Model Maharashtra the Dead are Paid to Siphon off Job Funds", *The Indian Express*, 12 January: http://www.indianexpress.com/full_story.php?content_id=85784 as on 20 March 2006.

Getting involved with the RTI implementation campaign

Many groups are networking throughout the country to consolidate the gains already made and to continue building pressure on the government to implement the RTI Act properly. For example, the National Campaign for People's Right to Information (NCPRI) was set up in 1996 with the prime objective of carrying out advocacy on the right to information at the national level. They lobbied to get the RTI Act passed and now focus on improving implementation. In addition, there are a number of online discussion groups where activists across the country can discuss and share their experiences. For example, in Maharashtra, right to information supporters set up the web based discussion group Mahadhikar (now Hum Janenge) to serve as a platform for sharing experiences, discussing problems, and devising strategies for tackling deficiencies in the law and its implementation, and coordinating activities to promote the right to information. Similarly, in Karnataka, advocates set up the KRIA KATTE discussion board. These on-line forums have been a very useful way for drawing people together from diverse backgrounds and locations to pursue a united campaign.

Government paid Rs.10 Lakhs to a teacher who had no work

In India, access to higher education is a luxury that few can afford. While 25 lakh graduates pass out of the 300 universities and 15,600 colleges every year, less than 5% of the population has access to higher education.⁸¹ Primary education has been made compulsory and free in state run schools but anybody may opt for secondary and tertiary education on a voluntary basis. Barring a few elite and privately run institutions, higher education is subsidised by the government at the Central and State level. In many states the government provides funds to cover the salary of teachers in private institutions as well. However it is not uncommon to find teachers continuing to be on the pay rolls while there are no takers for their courses. One such case came to light in Karnataka through the use of the RTI Act.

Mr. G.G. Hegde Kadekodi filed an RTI application in November 2006 with the M.M. Arts & Science College, Sirsi, Karnataka seeking details about the lecturer appointed for teaching Geology; the number of students enrolled for that course and the salary being paid to that lecturer. The reply revealed that the lecturer was drawing a salary of Rs.27, 490/- every month but did not have any student to teach. Nobody had enrolled for the Geology course for more than three years. Mr. Hegde's RTI intervention also brought to light the fact that the College had been writing to the State Government seeking transfer of the lecturer to any other college where students had opted for a similar course. The Joint Director of Education wrote to the Directorate of Collegiate Education admitting the fact that the lecturer was being paid salary even though he had no work. The public exchequer was poorer by Rs.10 lakhs because of the delay in transferring him to another college. The Directorate informed Mr.Hegde in March 2007 that the lecturer had been transferred to a college in Tumkur where a similar course had been opted for by students.

⁸¹ Kaushik Basu, 'India's Faltering Education System, BBC News, 18th August, 2006: http://news.bbc.co.uk/2/hi/south_asia/4793311.htm as on 20 September, 2007 and Victoria A Velkoff, 'Womens ' Education in India ', October 1998: .<http://www.census.gov/ipc/prod/wid-9801.pdf> as on 20 September, 2007

Fixing accountability - as important as problem solving

In our country it is difficult for the common person to hold officers accountable for either shirking work or playing the game of pass the buck. Although grievance redressal systems exist on paper they are not always effective in providing justice to people aggrieved by lack of or poor service delivery. As this story shows, RTI can be used to redress grievances successfully.

In September 1989, Sukhlal of Ramnagar in Anuppur district, Madhya Pradesh bought an insurance policy worth Rs. 25,000/- from the Life Insurance Corporation of India (LIC). The policy was to mature in 2004; his wife Smt. Rambai was the nominee and the premiums were paid regularly. Sukhlal was killed in a road accident in January 2004, a mere 8 months before the insurance policy was to mature. The grieving widow informed the LIC office of the accidental death and claimed the insurance amount that was due to her. On 30th September the LIC office sent a cheque for Rs. 25,000/- in the name of the late Sukhlal and washed its hands off the case. However under the terms of the policy his wife was entitled to receive double benefit if the insured person died in an accident. She should have been paid Rs. 50,000/- and the cheque should have been drawn in her favour. So Smt. Rambai returned the cheque with a request that the full amount be paid as per the terms of the policy agreement.

Smt. Rambai was made to run from pillar to post for pursuing the claim. Fed up with this 'kind' treatment after two and a half years, Smt. Rambai contacted Mr. Sunil Chaurasia - the Chairperson of the District Consumer Forum in Anuppur.⁸² When Mr. Chaurasia called up the LIC Branch office enquiring about her case he was assured that the claim would be settled soon. Still there was no sign of the money. On 31st May, 2006 Mr. Chaurasia sent a written complaint to the Branch Manager informing him about the lack of progress made on the claim. LIC did not bother to respond to that complaint at all.

After a five-month long wait, in November, Mr. Chaurasia filed an RTI application with the PIO of the LIC office seeking details of action taken on his complaint, the name and designation of the officers responsible for not finalising Smt. Rambai's

⁸² Sunil Chaurasia is Chief Editor, Koylanchal Times and a core group member of the Suchana Adhikar Abhiyan a state-wide network of CSOs and activists involved in public education, advocacy and monitoring implementation of the RTI Act in Madhya Pradesh. CHRI works with the Abhiyan on RTI related issues.

claim and reasons for non-payment. RTI set the wheels in motion in the LIC office and a meeting was held a day after the application was received. The next day LIC issued a cheque for Rs. 33,344/- being the first instalment of the payment and delivered it to Smt. Rambai. The remaining amount was also paid subsequently. While the original problem was solved the information requested was not provided.

Mr. Chaurasia filed an appeal with the Appellate Authority but it was returned to him with wrong advice about where it should be filed again. Mr. Chaurasia filed a second appeal before the Central Information Commission in March 2007.

The CIC summoned both parties for a hearing in July. LIC representatives informed the CIC that Smt. Rambai had been paid Rs. 4,707/- as interest for the period of delay. A technical problem in the computer module was said to have caused the delay. Therefore no officer could be held responsible. The Commission agreed with the appellant's representative that fixing accountability was important as LIC had taken a very long time to settle the claim. The appellant's representative also pointed out that the computer problem should have been rectified by the concerned officers in a timely manner. LIC being a public authority has a chain of decision-making, supervision and accountability which has to be disclosed proactively under the Act. The Commission agreed with this view and ordered LIC to disclose the identity of all officers who were involved in the decision making process on Smt. Rambai's claim.

RTI revives Panchayat Social Justice Committees in Gujarat⁸³

In the course of its work in the rural areas of Panchmahals district, Gujarat, CHRI realised that a large number of community level problems were related to the poor functioning of panchayats and the lack of voice for the weaker sections of society. This despite the existence of laws that made participation of representatives of such communities mandatory in the decision-making processes of local bodies. Under the *Gujarat Panchayats Act, 1993* a Social Justice Committee (SJC) is required to be set up for ensuring the participation of weaker sections of society in the decision-making process of the Gram Panchayat. Panchayat members nominate adult representatives from communities of dalits, adivasis and women to the SJC in every village. SJsCs have the power to identify the developmental needs of the village with particular emphasis on areas inhabited by weaker and marginalised families and make recommendations for initiating development projects. The Panchayat has a duty to implement these projects upon receiving sanction from the district administration. Hardly anybody knew about the existence of SJsCs in Panchmahals.

CHRI surveyed 13 villages to ascertain the existence of the SJC and assess its working. The survey revealed that SJsCs were formed only in four villages. In two villages the Talathis (revenue officials) told CHRI that the names of the SJsCs members were not readily available. In three villages, upper caste people had been nominated to the SJC in place of dalits and adivasis. In the remaining villages the SJC had not been constituted at all. Where committees had been formed CHRI quizzed its members about their roles and responsibilities. It was no surprise that they appeared clueless.

Zakir, a resident of Panchmahals had been trained to use the RTI Act at a CHRI training workshop. He filed an RTI application before the PIO of the Taluka Development Office seeking information about all SJsCs constituted in various villages of Kalol taluka; the names and addresses of all members and copies of the minutes of the Taluka level meetings of the chairpersons of the SJC. Within a week Zakir was invited to the office to discuss the issue.

When the Taluka Development Officer (TDO) told Zakir that the formation of the SJC was not his responsibility, Zakir drew his attention to the Panchayat Act which clearly

⁸³ [http : cic.gov.in/Best %20 Practices/Gujarat-12-Aug 2006. htm](http://cic.gov.in/Best%20Practices/Gujarat-12-Aug-2006.htm) - as on 28th September 2007.

stated that the overall responsibility for ensuring the formation and smooth functioning of the SJC lay with the TDO. The TDO conceded and assured Zakir that all information requested by him would be given within a few days. Subsequently the TDO sent a circular to all Talathis instructing them to constitute SJCs. After 45 days of filing the RTI application Zakir got the list of SJC members. He could not get the minutes of the SJC meetings held at taluka level as they had never been recorded in the Panchayat Resolution Book.

Today, across the taluka, SJCs have become functional - three and a half years after the Panchayats were elected. Through the intelligent use of RTI Zakir was able to revive a defunct mechanism meant for ensuring the participation of weaker sections of society in the development process.

RTI helps to include name in BPL (Below Poverty Line) list ⁸⁴

Even after 60 years of independence India still has the world's largest number of poor people living in a single country. Of its 1 billion plus citizens an estimated 260.3 million are below the poverty line. More than 75% of India's poor live in villages. Governments have instituted several welfare schemes for the benefit of the impoverished and through periodic surveys, identify families that deserve assistance under such schemes. Poverty is measured by calculating the monetary equivalent of basic commodities like food grains consumed by a family to stay alive and healthy. The criteria is based on 13 parameters such as ownership (or lack of it) of land, household assets and access to non-food items like education and health care. A national poverty line has been calculated on the basis of statistical surveys conducted in all states. Any person consuming commodities and services worth Rs. 327.56 per month or less, in rural areas and Rs. 454.11 per month or less, in urban areas is identified as a person living below the poverty line.⁸⁵ States have fixed their own BPL benchmarks using similar criteria. The last survey was conducted in all states from 2002. There are many complaints about truly deserving people being left out of the BPL list while some of their wealthier counterparts find mention on it. Politics plays a big role in deciding who gets on the list and who does not. RTI can be used to get the truly poor their rightful entitlements as shown in this story.

Shankar Satnami is an unlettered, landless agricultural labourer who lives in Rajpur Kesri village in Bilaspur district of Chattisgarh. Shankar's name was included in the BPL list prepared during the 1990's. However, in 2002 when the new BPL list was drawn up, Shankar was shocked to see that his name was missing. He was even more surprised to find that a relative of the local patwari had made it to the new list even though he was financially better off. Shankar rushed to the village Sarpanch and the Panchayat Secretary to find out why his name had been left out. They advised him to use the Right to Information Act.

Shankar filed an information request with the Takhatpur Janpad Panchayat seeking the following information :

"1. What are the criteria for including the names of the poor in the BPL list?"

⁸⁴ Courtesy : Shri Prateek Pandey, Convenor Chhattisgarh Nagarik Pahal, Raipur, 2007.

⁸⁵ Reply of the Government of India to a question raised in the Lok Sabha in 2005: <http://164.100.24.208/lsq14/quest.asp?gref=10770> as on 25 September, 2007.

2. What was the basis for the points awarded to me during the survey?”

After Shankar received the information from the Janpad Panchayat, he learnt that he had qualified on 12 points based on the BPL survey that had been conducted in his block. This indicated that he fulfilled almost all criteria for being included in the list. Nevertheless his name had been left out. Armed with this information Shankar then approached the office of the Janpad Panchayat demanding to know why his name did not figure on the BPL list even though he fulfilled the criteria. The officers responsible for drawing up the BPL list had no answers. It was clear that his name had been deliberately omitted to include the names of other more influential people. The Janpad Panchayat finally agreed to include Shankar’s name in the list as they had no legitimate reason for denying him his entitlement.

With the inclusion of his name in the BPL list Shankar has once again become eligible for receiving assistance under various welfare schemes meant for the poor.

Annex 1: Right to Information Act 2005

विन्डी से से एल—(एन)04/0007/2003—05

REGISTERED NO. 01—(N)04/0007/2003—05



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं 25]

शुक्र दिवस, जून 21, 2005/ज्यैष्ठ 31, 1927

No. 25]

NEW DELHI, TUESDAY, JUNE 21, 2005/JYAJSTHA 31, 1927

इस भाग में विभिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 21st June, 2005/Jyajstha 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;

(e) 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;

(f) "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;

(g) "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;

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

(i) "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;

(j) "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;

(k) "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—

Obligations of public authorities.

(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 therefor 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 *pro 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.

Designation of Public Information Officers

(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.

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-

Request for obtaining information

(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.

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 fee, 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 (3) 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,—

Exemption from disclosure of information.

(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;

(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.

Constitution of Central Information Commission.

(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.

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.

Term of office and conditions of service.

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 is, 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 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.

Removal of Chief Information Commissioner or Information Commissioner.

(2) The President may suspend from office, and if deemed 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.

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.

Constitution of State Information Commission.

- (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.

(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 Chair person 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 is, 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.

(5) 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.

Removal of
State Chief
Information
Commissioner
or State
Information
Commissioner

(2) The Governor may suspend from office, and if deemed 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 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 (7), be deemed to be guilty of misbehaviour.

CHAPTER V

POWERS AND FUNCTIONS OF THE INFORMATION COMMISSIONS, APPEAL AND PENALTIES

Powers and
functions of
Information
Commissions

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 sub-section (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:—

(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 such public authority.

5 of 1985.

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 appellant shall be required 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 maliciously 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 sub-section (1) of section 7 or maliciously 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.

19 of 1923.

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 in 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 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 organization 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.

Monitoring and reporting.

(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.

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.

Power to make rules by appropriate Government

(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 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.

Power to make rules by competent authority.

(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.

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.

Laying of rules.

(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.

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:

Power to remove difficulties.

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.

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 that I will bear true faith and allegiance to the
solemnly affirm

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 ORGANISATIONS 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. Sashastra Seema Bal.
16. Directorate General of Income Tax (Investigation).
17. National Technical Research Organisation.
18. Financial Intelligence Unit, India.
19. Special Protection Group.
20. Defence Research & Development Organisation.
21. Border Road Development Board.
22. National Security Council Secretariat.

(As Amended up to 08 October, 2008)

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**Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training**

.....

New Delhi, dated the 28th September, 2005

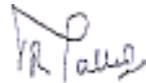
Notification

GSR 347 In exercise of the powers conferred by sub-section (2) of section 24 of the Right to Information Act, 2005 (22 of 2005), the Central Government hereby makes the following amendments in the Second Schedule to the said Act, namely :-

In the Second Schedule to the said Act -

- (1) for S.No. 15 and the entries relating thereto, the following shall be substituted, namely :-
“(15) Sashtra Seema Bai.”;
- (2) after S.No. 18 and the entries relating thereto, the following serial numbers and entries shall be added, namely :-
“(19) Special Protection Group.
(20) Defence Research and Development Organisation.
(21) Border Road Development Board.
(22) Financial Intelligence Unit, India.”

[File No. 34012/12(s)/2005-Estt.(B)]



(Rakesh Malhotra)

Under Secretary to the Government of India TO

The Manager,
Government of India Press,
Mayapuri, New Delhi

....2/-



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

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(कार्मिक और प्रशिक्षण विभाग)

अधिसूचना

नई दिल्ली, 27 मार्च, 2008

सा.का.नि. 235(अ).—केन्द्रीय सरकार, सूचना का अधिकार अधिनियम, 2005 (2005 का 22) की धारा 24 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम की दूसरी अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

सूचना का अधिकार अधिनियम, 2005 की दूसरी अनुसूची में,—

- (i) क्र. सं. 16 और इससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—
“16. आयकर महानिदेशालय (अन्वेषण)।”;
- (ii) क्र. सं. 17 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—
“17. राष्ट्रीय तकनीकी अनुसंधान संगठन।”;
- (iii) क्र. सं. 18 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—
“18. वित्तीय आसूचना यूनिट, भारत।”;
- (iv) क्र. सं. 22 और उससे संबंधित प्रविष्टि का लोप किया जाएगा।

[फा. सं. 1/7/2007-आईआर]

ज़ोया सी. बी., अवर सचिव

टिप्पण : सूचना का अधिकार अधिनियम, 2005 की अनुसूची सा. का. नि. सं. 347 तारीख 28 सितम्बर, 2005 द्वारा संशोधित की गई।

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS
(Department of Personnel and Training)
NOTIFICATION

New Delhi, the 27th March, 2008

G.S.R. 235(E).—In exercise of the powers conferred by sub-section (2) of Section 24 of the Right to Information Act, 2005 (22 of 2005), the Central Government hereby makes the following further amendments in the Second Schedule to the said Act, namely :—

In the Second Schedule to the Right to Information Act, 2005 :—

- (i) for serial number 16 and the entries relating thereto, the following shall be substituted, namely :—
“16. Directorate General of Income-tax (Investigation).”;
- (ii) for serial number 17 and the entries relating thereto, the following shall be substituted, namely :—
“17. National Technical Research Organisation.”;
- (iii) for serial number 18 and the entries relating thereto, the following shall be substituted, namely :—
“18. Financial Intelligence Unit, India.”;
- (iv) Serial number 22 and the entry relating thereto shall be omitted.

[F.No.1/7/2007-IR]

ZOYAC.B., Under Secy.

Note: The Schedule to the Right to Information Act, 2005 was amended vide No. G.S.R. 347 dated 28th September, 2005.

रजिस्ट्री सं० डी० एल०-33004/99

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भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

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कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

अधिसूचना

नई दिल्ली, 8 अक्टूबर, 2008

सा.का.नि. 726(अ).—सूचना का अधिकार अधिनियम, 2005 (2005 का 22) की धारा 24 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उपर्युक्त अधिनियम की दूसरी अनुसूची में एतद्द्वारा और आगे निम्नलिखित संशोधन करती है, अर्थात् :—

सूचना का अधिकार अधिनियम, 2005 की दूसरी अनुसूची में क्रम संख्या 21 और उससे संबंधित प्रविष्टि के बाद, निम्नलिखित क्रम संख्या और प्रविष्टि को जोड़ा जाएगा, अर्थात् :—

“22. राष्ट्रीय सुरक्षा परिषद् सचिवालय”।

[फा. सं. 1/6/2008-आई.आर.]

डॉ. एस. के. सरकार, संयुक्त सचिव

टिप्पणी : सूचना का अधिकार अधिनियम, 2005 की अनुसूची सं. सा.का.नि. 347, दिनांक 28 सितम्बर, 2005 और सं. सा.का.नि. 235 (अ), दिनांक 28 मार्च, 2008 के द्वारा संशोधित की गई थी।

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

NOTIFICATION

New Delhi, the 8th October, 2008

G.S.R. 726(E).—In exercise of the powers conferred by sub-section (2) of Section 24 of the Right to Information Act, 2005 (22 of 2005), the Central Government hereby makes the following further amendments in the Second Schedule to the said Act, namely :—

In the Second Schedule to the Right to Information Act, 2005, after serial number 21 and the entry relating thereto, the following serial number and the entry shall be added, namely :—

“22. National Security Council Secretariat”.

[F. No. 1/6/2008-IR]

Dr. S. K. SARKAR Jt. Secy.

Note : The Schedule to the Right to Information Act, 2005 was amended *vide* No. G.S.R. 347 dated 28th day of September, 2005 and No. G.S.R. 235 (E) dated 28th day of March, 2008.

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Annex 2: Fee Rules - Comparative Table

(Current as at September 2007)

Government	Application Fees	Additional Fees	Mode of Payment
Andhra Pradesh	No fee at village level; Rs 5 at mandal level; Rs10 for all other public authorities	<ul style="list-style-type: none"> • A4/A3 paper-Rs 2 per page; • Larger paper-actual cost; • Priced publications, printed matter text, maps, plans, floppies, CDs, models/material-sale price; • Maps/plans-actual cost; Floppy of 1.44 MB-Rs 50, CD of 700 MB Rs 100, DVD - Rs 200; • Samples, models-actual cost; • Postal charges additional; • Inspection of records-1st hour free and Rs 5 for each subsequent hour or a fraction thereof. 	Cash against receipt/ demand draft/bankers cheque.
Arunachal Pradesh	Rs. 50 (for electronic applications-fees to be submitted within 7 days); Rs 500 for tender documents/bids/ quotation/ business contracts	<ul style="list-style-type: none"> • Other than priced publications-Rs 5 per page; • Priced Publications - price fixed <p style="margin-left: 20px;">Appeal Fee</p> <ul style="list-style-type: none"> • First appeal to Appellate Authority Rs 50 	Treasury challan.

- Jammu and Kashmir is not covered by the RTI Act because of its special constitutional status and hence no Rules have been notified under this law.
- This Fees Table is a sample guideline. CHRI does not warrant that this information is correct in all its details. You may want to check your state Rules if you have any problems with this table.
- BPL applicants need not pay any fee for obtaining information.

Government	Application Fees	Additional Fees	Mode of Payment
Assam	Rs 10	<ul style="list-style-type: none"> • A4/A3 paper - Rs 2 per page; • Larger paper-actual cost; • Printed publications-fixed price, photocopies/extracts - Rs 2 per page; • Floppy/diskette-Rs 50; • Samples/models-actual cost; • Inspection of records-1st hour free and Rs 5 for each subsequent 15 mins. 	Cash against receipt/ demand draft/bankers' cheque
Bihar	Rs 10	<ul style="list-style-type: none"> • A4/A3 paper-Rs 2 per page; • Large paper-Actual cost • Printed publications-fixed price, photocopies/extracts-Rs 2/-per page • Floppy diskette-Rs-50 • Samples/models-actual cost; • Inspection of records-First hour free and Rs 5 for each subsequent hour. <p>For BPL requestors : Information upto 10 pages - Free of cost, information exceeding 10 pages - Fee rules to apply.</p> <p>Appeal Fees</p> <ul style="list-style-type: none"> • First appeal to Appellate Authority Rs. 10 • Second Appeal to State Information Commission Rs. 10 	Cash against receipt/ demand draft/bankers' cheque/non-judicial stamp paper

Government	Application Fees	Additional Fees	Mode of Payment
Central/ Andaman & Nicobar Islands/ Chandigarh	Rs. 10	<ul style="list-style-type: none"> • A4/A3 paper-Rs 2 per page; • Large paper-actual cost • Printed publications-fixed price. • photocopies/extracts-Rs. 2 per page • Floppy diskette- Rs. 50 • Sample/models-actual cost; • Inspection of records-First hour free and Rs. 5 for each subsequent hour or fraction thereof. 	Cash against receipt/ demand draft/bankers cheque/Indian Postal Order
Daman & Diu (UT)/Dadra & Nagar Haveli	Rs. 25	<ul style="list-style-type: none"> • A-4/A-3-Rs 2 per page • Large paper-actual cost • Floppy - Rs. 50 • CD-Rs100 • Sample, models-actual cost • Inspection of records-fees per day for 10 year old records from date of application-Rs.100 per day. Fees per day for 20 year old records from date of application-additional fee of Rs. 25 per day. No inspection permissible for more than 3 hours a day. 	Treasury challan (i.e. State Bank of India. Daman & State Bank of Saurashtra, Diu)
Goa	Rs. 10	<ul style="list-style-type: none"> • A-4/A-3 paper-Rs. 2 per page • Large size paper-Actual cost • Printed publication-At the price fixed by such publication or at the cost of Rs. 2 per page photocopy or in printed form 	Cash against receipt/ demand draft/bankers cheque payable to the concerned PIO

Government	Application Fees	Additional Fees	Mode of Payment
Gujarat	Rs. 20 (Electronic Application-Fees to be submitted within 7 days)	<ul style="list-style-type: none"> • Floppy/C.D/Diskette-Rs. 50 • Sample, models-actual cost or price • Inspection of records-1st hour free, Rs. 5 for each subsequent hour or fraction thereof • A-4/A-3 paper Rs. 2 per page • Large size paper-Actual cost • Printed publication-At the price fixed by such publication • Floppy/C.D/Diskette-Rs. 50 • Inspection of records-1st half hour free, Rs. 20 for each subsequent half hour 	Cash against receipt/bankers' cheque/demand draft/pay order/non-judicial stamp/IPO/Revenue stamp/courtfee stamp/Treasury Challan
Haryana	Rs. 50	<ul style="list-style-type: none"> • Printed publication-printed price, Rs. 10 per page; • A3/A4/smaller paper-Rs. 10 per page; • Larger paper-actual cost • Floppy-Rs. 50 / CD-Rs. 100 • Inspection of records-1st hour free Rs. 10 for each subsequent 15 minutes 	Cash against receipt/Treasury challan./demand draft/Indian postal order
Himachal Pradesh	Rs. 10	<ul style="list-style-type: none"> • Printed publications-printed price; • A4/smaller paper-Rs. 10 per page; • Larger paper-actual cost subject to a minimum of Rs. 20 per page; • Floppy-Rs. 50, • CD-Rs. 100 • Inspection of records-Rs.10 per 15 mins. 	Treasury challan./demand draft

Government	Application Fees	Additional Fees	Mode of Payment
Jharkhand	Rs. 10	<ul style="list-style-type: none"> • A4/A3 paper-Rs. 2 per page; • Larger paper-actual cost; • Printed publications-fixed price, photocopies/extracts-Rs. 2 per page; • Floppy/diskette-Rs. 50 • Sample/models-actual cost; • Inspection of records-1st hour free, Rs. 5 for each subsequent 15 minutes of fraction thereof 	Cash against receipt/ demand draft/bankers' cheque
Karnataka	Rs. 10	<ul style="list-style-type: none"> • A4 paper copies - Rs. 2 per page • Maps, plans, reports partial record, technical data, sample or models free cheque/pay order- fixed by PIO. • Floppy/CD/diskette or any other electronic mode-Rs. 50 per item; • Inspection of records-1st hour free, Rs. 10 for each subsequent half hour; • Inspection of works-fee fixed by PIO. 	Indian Postel Order/ demand draft/bankers' cheque/pay order drawn in favour of SPIO or by remitting it to the treasury as per Karnataka Financial Code
Kerala	Rs. 10	<ul style="list-style-type: none"> • A4 Paper-Rs. 2 per page • Large size paper-actual cost of copy • Floppy/CD-Rs. 50 per item. • Print copies-Rs. 2 per page; • Samples/models-actual cost; • Inspection of records-1st hour free, Rs. 10 for each subsequent half hour. 	Cash against receipt/ court fee stamp/treasury challan/demand draft/ bankers' cheque payable to the concerned state public information officer or state assistant public information officer

Government	Application Fees	Additional Fees	Mode of Payment
Madhya Pradesh	Rs. 10	<ul style="list-style-type: none"> • A3/A4-Rs. 2 per page • Large size paper-Actual cost of copy • Printed or electronic format-actual cost; • Floppy/diskette/video cassette-actual cost as determined by SPIO or SAPIO; • Samples-cost fixed by the SPIO or SAPIO; • Inspection of documents-Rs. 50 for first hour or less than one hour, Rs. 25 for each subsequent 15 minutes. <p>Appeal Fee</p> <ul style="list-style-type: none"> • First appeal to Appellate Authority Rs. 50 • Second appeal to SIC-Rs. 100 	Cash against receipt/; non-judicial stamp
Maharashtra	Rs. 10	<ul style="list-style-type: none"> • A-4/A-3 paper Rs. 2 per page; • Large size paper-Actual cost • Printed publications-fixed price, photocopies/extracts-Rs.2 per page • Floppy/CD/diskette-Rs.50 per item; • Additional postal charges-No postal charges if applicant collects in person; • Inspection of Records-Free for first hour and Rs. 5 for each subsequent 15 minute. 	<p>Application fee; Cash against receipt/demand draft/bankers' cheque/court fee stamp.</p> <p>Additional fee; Cash against receipt/demand draft/bankers' cheque/money order</p>

Government	Application Fees	Additional Fees	Mode of Payment
		Appeal Fee: <ul style="list-style-type: none"> • First to Appellate Authority-Rs. 20 • Second Appeal to SIC-Rs. 20 	Appeal fee : Cash against receipt/demand draft/bankers' cheque/court fee stamp
Manipur	Rs. 10	<ul style="list-style-type: none"> • A-4/A-3 paper - Rs. 2 per page; • large size paper-Actual cost • Floppy/CD/diskette-Rs.50 per item; • Samples/models - actual cost • Inspection of Records-Free for first hour and Rs 5 for each subsequent 15 minutes. • Printed publications fixed price, photocopies/extracts-Rs 2 per page. 	Cash against receipt/demand draft/bankers cheque payable to the Accounts Officer of the public authority
Meghalaya	Rs. 10	<ul style="list-style-type: none"> • A-4/A-3 paper photocopied-Rs. 2 per page; • Large size paper-Actual cost • Printed publications-fixed price, photocopies/extracts-Rs.2 per page • Samples and Models-Actual cost • Inspection of Records-Free for first hour and Rs. 5 for each 15 minutes or a fraction thereof; • Floppy/CD/diskette or any other electronic mode-Rs.50 per item; 	Cash against receipt/demand draft/bankers' cheque

Government	Application Fees	Additional Fees	Mode of Payment
Rajasthan	Rs. 10	<ul style="list-style-type: none"> • Printed publication - At the price fixed by such publication or at the cost of Rs. 2 per page photocopy or in printed form • Photocopy/extract-Rs 10 per page • Floppy/Diskette-Rs. 50 • Inspection of records-1st hour free, Rs. 5 for each subsequent 15 minutes or fraction thereof • A-4/A-3 paper Rs. 2 per page • Large size paper-Actual cost; • Printed publication - fixed price • Floppy/CD/diskette or any other electronic mode Rs. 50 per item • Photocopy/extracts Rs 2 per page • Samples and Models-Actual cost • Inspection of Records-Free for first hour and Rs. 5 for each 15 minutes or a fraction thereof. 	Cash against receipt/bankers' cheque/demand draft
Sikkim	Rs. 100 (electronic applications-fees to be submitted within 7 days)	<ul style="list-style-type: none"> • A4/A-3 paper photocopied Rs. 10 per page • Large size paper - Actual cost or cost price of copy plus postal charges • Printed publication - fixed price or at the cost of Rs. 5 per page plus postal charge photocopy or in printed form • Floppy/CD/diskette or any other electronic mode Rs. 50 per item • Samples and Models, documents- Actual cost dept. plus postal charges 	Bank Receipt For electronic application- money order / cheque / demand draft of Rs. 100

Government	Application Fees	Additional Fees	Mode of Payment
<p>Tamil Nadu</p>	<p>Rs. 10</p>	<ul style="list-style-type: none"> • Inspection or Records-Free for first hour and Rs. 5 for each 15 mins. or a fraction thereof. • Appeal Fee • Appeal Fees - Rs. 100 • Second Appeal to sIC - Rs. 100 • A-4/A-3 paper - Rs. 2 per page; • Large size paper - Actual cost. • Printed publication - fixed price or at the cost of Rs. 2 per page photocopy or in printed form • Floppy/CD/diskette or any other electronic mode - Rs. 50 per item; • Samples and models - Actual cost • Inspection of Records - Free for first hour and Rs. 5 for each one hour or a fraction thereof. 	<p>Appeal Fee : Bank Receipt</p> <p>Cash/demand draft/bankers' cheque</p>
<p>Tripura</p>	<p>Rs. 10</p>	<ul style="list-style-type: none"> • A-4/A-3 paper photocopied - Rs. 2 per page; • Large size paper - Actual cost. • Printed publication - fixed price or at the cost of Rs. 2 per page photocopy or in printed form • Photocopy / Extract - Rs. 2 per page • Floppy/CD/diskette or any other electronic mode - Rs. 50 per item • Samples and models - Actual cost or price • Inspection or Records - Free for first hour and Rs. 5 for every hour or a fraction thereof. 	<p>Cash payment against receipt/Tresury challan/ indian Postal Order</p>

Government	Application Fees	Additional Fees	Mode of Payment
Uttar Pradesh	Rs. 10	<ul style="list-style-type: none"> • A-4/A-3 paper created or photocopied - Rs. 2 per page; • Printed publication - Actual cost fixed or Rs. 2 per page of photocopy or in printed form • Samples or models-Actual cost price • Floppy/CD/diskette or any other electronic mode-Rs. 50 per item; • Inspection or records-Rs.10 for first hour and Rs. 5 for each 15 min. (or a fraction thereof) 	Cash/demand draft/bankers' cheque
Uttarakhand	Rs. 10	<ul style="list-style-type: none"> • A-4/A-3 paper - Rs 2 per page • Large size paper-Actual cost • Printed publication-price fixed by such publication or at the cost of Rs 2 per page photocopy or in printed form • Floppy/Diskette-Rs 50 • Samples/models - Actual cost • Inspection of records-1st hour free, Rs. 5 for each subsequent 15 min. 	Cash/Demand draft/bankers' cheque/IPO/treasury challan/non-judicial stamp paper
West Bengal	Rs. 10	<ul style="list-style-type: none"> • A-4/A-3 paper created or photocopied-Rs 2 per page • Large size paper-Actual cost or price • Publication and printed form-Actual cost fixed or Rs 2 per page of photocopy and information in printed form • Sample or models-Actual cost • Floppy/CD/diskette or any other electronic mode - Rs 50 per item • Inspection of records-Rs 5 for each 15 minutes or a fraction thereof 	Court fees/Bank draft/Banker's cheque/non Judicial stamp paper/ Indian Postal Order

Annex 3: Appeal Rules (Current as on September 2010)

The Central and State Governments have prescribed Appeals Rules under the RTI Act. CHRI has not reproduced all of these rules here because they are quite detailed, such that a summary could miss important information.

In general, the Appeal Rules outline the procedure that citizens should follow when making an appeal to the Appellate Authority or to the Information Commission. For a copy of the Central Government Appeal Rules please log on to the Ministry of Personnel, Public Grievances and Pensions RTI website at <http://rti.gov.in> To find out if your State has issued Appeal Rules you can log on to the official State government website.

Notably, even though the RTI Act does not require a fee to be charged for filing appeals, some state governments have prescribed appeal fees in their rules. These fees are not valid under the RTI Act. You may wish to consider lodging a complaint with your State Information Commission requesting the Commission to declare the rules invalid and order the public authorities not to collect appeal fees. The states which have prescribed appeal fees are listed below:

Government	Fee for Appeal to AA	Fee for Appeal to IC	Mode of Payment
Arunachal Pradesh	Rs. 50	Nil	Treasury challan
Bihar	Rs 10	Rs. 10	Cash against receipt/demand draft /bankers' cheque/non-judicial stamp paper
Chattisgarh	Rs 50 By Post Rs 75	Rs 100 By Post Rs. 125	Cash or nonjudicial stamp paper
Madhya Pradesh	Rs 50	Rs 100	Cash/non-judicial stamp
Maharashtra	Rs 20	Rs 20	Cash against receipt/demand draft/bankers' cheque/court fee stamp
Mizoram	Rs 40	Rs 50	Court fee stamp
Orissa	Rs 20	Rs 25	Court fee stamp
Sikkim	Rs 100	Rs 100	Bank Receipt

Annex 4: Information Commissions - Contact Details

(Current as on September 2010)

<p>Central Information Commission (Central Government, Delhi Government, and the Union Territories of Puducherry, Andaman and Nicobar, Lakshadweep, Daman and Diu, Dadra and Nagar Haveli and Chandigarh)</p> <p>Chief Information Commissioner</p> <p>Address 1: Central Information Commission Club Building, Old J.N.U Campus New Delhi – 110 067 Tel: 011-26717355 Fax: 011-26167931</p> <p>Address 2: Central Information Commission 306, 2nd Floor, B Wing August Kranti Bhavan Bhikaiji Cama Place New Delhi – 110 066 Tel/fax: 011-26717354/26186536</p>	
<p>Andhra Pradesh Information Commission State Chief Information Commissioner Ground Floor, HACA Bhavan, Opposite Public Gardens, Hyderabad - 500 004 Phone: 040-23230245/246 Fax: 040-23230591/592 E-mail: info.apic@gmail.com Website: www.apic.gov.in</p>	<p>Arunachal Pradesh Information Commission State Chief Information Commissioner Hotel Bomdila Gohpur Tinali, P.O: Itanagar, District Papum Pare, Arunachal Pradesh- 791 111 Tel/Fax: 0360-2292024 Fax: 0360-2291051 Website: http://arnsic.nic.in</p>
<p>Assam Information Commission State Chief Information Commissioner Janata Bhawan, Dispur Guwahati - 781 006 Tel:0361-2261676, 0361-2262704 Fax: 0361-2261900 E-Mail - cic@sicassam.in; scic-as@nic.in Website: http://www.sicassam.in</p>	<p>Bihar Information Commission State Chief Information Commissioner Fourth Floor, Soochana Bhawan Bailey Road, Patna – 800021 Tel: 0612-2225713 Fax: 0612-2235466 E-mail: query@bsic.co.in Website: http://bsic.co.in</p>

<p>Chattisgarh Information Commission State Chief Information Commissioner Nirmal Chaaya Bhavan, Near Bottle House, Meera Datar Rd, Shankar Nagar, Raipur, Chattisgarh – 492 007 Tel: 0771-4024406/ 4025868 Fax: 0771-2221204 Email: webmaster.gc@nic.in Website: http://www.siccg.gov.in</p>	<p>Goa Information Commission State Chief Information Commissioner Shrama Shakti Bhavan, Ground Floor, Patto Plaza, Panaji, Goa-403 401 Tel: 0832-2437908 Fax: 0832-2438109 Email: spio-gsic.goa@nic.in Website: http://goasic.gov.in</p>
<p>Gujarat Information Commission State Chief Information Commissioner 1st Floor, Bureau of Economics and Statistics Bldg., Sector-18, Gandhinagar – 382 010 Tel: 079-232 52706, 52701 Fax: 079-23252829 E-mail: gic@gujarat.gov.in Website: http://gic.guj.nic.in</p>	<p>Haryana Information Commission State Chief Information Commissioner 12, Sector-7, Chandigarh - 160 019 Tel: 0172-2726568 Fax: 0172-2783834 E-mail: madhavang@hry.nic.in Website: http://cicharyana.gov.in</p>
<p>Himachal Pradesh Information Commission State Chief Information Commissioner HP Secretariat, Shimla – 171 002 Tel/Fax: 0177-2621529 E-mail: scic-hp@nic.in Website: http://admis.hp.nic.in/scic</p>	<p>Jharkhand Information Commission State Chief Information Commissioner Engineer's Hostel 2, Near Golchakkar, Dhurwa, Ranchi – 834 004 Website: http://210.212.20.92:8080/jsic</p>
<p>Karnataka Information Commission State Chief Information Commissioner Room No. 347, 3rd Floor, Multistoried Buildings Dr. Ambedkar Road, Bangalore – 560 001 Tel: 080-22371191 Fax: 080-22371192 E-mail: scic@karnataka.gov.in; scic-kic@karnataka.gov.in Website: http://www.kic.gov.in</p>	<p>Kerala Information Commission State Chief Information Commissioner T.C. 26/298, Punnen Road Thiruvananthapuram- 695 039 Tel: 0471-2335199, 2320920 Fax: 0471-2330920 Email: sic@kerala.nic.in Website: http://keralasic.gov.in</p>

<p>Madhya Pradesh Information Commission State Chief Information Commissioner Nirvachan Bhawan, Second Floor, 58, Arera Hills Bhopal - 462 011 Tel: 0755-2761367/68 Fax: 0755-2761368 Website: http://www.mpsic.nic.in</p>	<p>Maharashtra Information Commission State Chief Information Commissioner 13th Floor, New Administrative Building Madam Cama Road Mumbai - 400 032 Tel: 022-22856078 E-mail: sic-mh@nic.in Website: http://sic.maharashtra.gov.in</p>
<p>Manipur Information Commission State Chief Information Commissioner Room No. 58, Manipur Secretariat, New Block Imphal – 795 001 Tel/Fax: 0385 - 2456302</p>	<p>Meghalaya Information Commission State Chief Information Commissioner 1st Floor, New Administrative Building, Lower Lachumiere, Shillong – 793 001 Tel: 0364- 2500160 Website: http://www.megsic.gov.in</p>
<p>Mizoram Information Commission State Chief Information Commissioner Near Assam Rifle Camp New Capital Complex Aizwal – 796 001 Tel: 0389-2334825, 833 Email: mizoram.sic@gmail.com Website: http://msic.mizoram.gov.in</p>	<p>Nagaland Information Commission State Chief Information Commissioner Old Secretariat Complex Post Box – 148, Kohima – 797001 Tel: 0370-2291595 Fax: 0370-2291774 Email: sic-ngl@nic.in / cic_nagaland@yahoo.co.in Website: http://nlsic.gov.in</p>
<p>Orissa Information Commission State Chief Information Commissioner B-1 Block, Toshali Bhavan, Satyanagar, Bhubaneswar-751 007 Helpline: 18003456777 E-mail: orissasoochana@nic.in Website: http://www.orissasoochanacommission.nic.in</p>	<p>Punjab Information Commission State Chief Information Commissioner Address 1: SCO 84-85, Sector 17-C, Chandigarh-160 017 Tel: 0172-4630054 Address 2: SCO 32-34, Sector 17 C Chandigarh- 160 017 Tel: 0172-4630074 E-mail- scic@punjabmail.gov.in Website: http://infocommpunjab.com</p>

<p>Rajasthan Information Commission State Chief Information Commissioner HCM Rajasthan State Institute of Public Administration (OTS), Jawahar Lal Nehru Marg, Jaipur – 302 017 Tel: 0141-2700645/ 2702342 E-mail: ric.rajasthan@yahoo.com Website: http://ric.rajasthan.gov.in</p>	<p>Sikkim Information Commission State Chief Information Commissioner Lower Secretariat, Gangtok-737101 Tel: 03952-205718 Fax: 03592-228526 Website: http://www.cicsikkim.gov.in</p>
<p>Tamil Nadu Information Commission State Chief Information Commissioner Kamadhenu Co-operative Supermarket Building, 1st Floor, Teynampet, (Near Vanavil) Old No.273, New No.378, Anna Salai, Chennai - 600 018 Tel : 044-24312841 Fax: 044-24357580 Email : sic@tn.nic.in Website : www.tnsic.gov.in</p>	<p>Tripura Information Commission State Chief Information Commissioner Secretariat Annexe, PN Complex (Gurkhabasti), Agartala – 799 006 Tel: 0381-2218021 E-mail: scic-tic-tr@nic.in Website: http://rtitripura.nic.in</p>
<p>Uttarakhand Information Commission State Chief Information Commissioner C-30, Sector 1, Defence Colony Dehradun – 248 001 Tel: 0135-2666778 Tele/fax: 0135-2666779 E-mail: uicddn@gmail.com Website: http://uic.gov.in</p>	<p>Uttar Pradesh Information Commission State Chief Information Commissioner 615 -A, Indira Bhawan, Ashok Marg Lucknow– 751 001 Tel: 0522-2288599 / 2288598 Fax: 0522-2288600 E-mail: scic.up@up.nic.in Website: http://upsic.up.nic.in</p>
<p>West Bengal Information Commission State Chief Information Commissioner Bhabani Bhaban, (2nd Floor), Alipore Kolkata – 700 027 Tel/Fax: 033-2479 1966 E-mail: scic-wb@nic.in Website: http://wbic.gov.in</p>	

Annex 5: Resources & links

- **Right to Information - A Citizen Gateway**
A RTI portal developed by the Government of India for citizens to access information published by government departments on the web.
Website: <http://rti.gov.in/>
- **Central Information Commission**
The official website of the Central Information Commission which gives citizens an insight into the functioning of the Commission, its decision making processes, decisions on appeals and complaints, etc.
Website: <http://www.cic.gov.in>
- **Commonwealth Human Rights Initiative**
A comprehensive background to the right to information movement in India along with the latest developments at the Centre and the States.
Email: info@humanrightsinitiative.org
http://www.humanrightsinitiative.org/index.php?option=com_content&view=article&id=62&Itemid=71
- **National Campaign for People's Right to Information**
The NCPRI was formed to advocate for the right to information at the national level. It is a national forum for civil society groups, activists and individuals across India to share their experiences on the right to information and is a platform for discussion, debate and advocacy between individuals and the Government.
Email: ncprimailinglist@yahoogroups.com
Website: <http://www.righttoinformation.info>
- **India Right to Information BlogSpot**
An online blog capturing the latest debates, news and information on RTI across the country.
Website: <http://www.indiarti.blogspot.com>
- **Parivartan (New Delhi)**
A leading citizen's group working for right to information in Delhi, which has regularly reported on its struggles to access information from the Delhi Government and has successfully used the right to information.
Website: <http://www.parivartan.com>

- **HumJanenge**
An online discussion board focused on monitoring the use and implementation of the right to information in India, providing a forum for discussing issues/problems and sharing successes. Hum Janenge's primary networking mode is via their listserve, which all members of the public are welcome to sign up to.
Email: humjanenge@yahoogroups.co.in
- **KRIA Katte (On-Line Discussion Board, Karnataka)**
An online platform for interested groups and individuals to meet, share experiences and spread awareness about the right to information in Karnataka. The group closely monitors the implementation of the RTI Act in Karnataka and across the country.
Email: kria@yahoogroups.com
Website: <http://groups.yahoo.com/group/kria>
- **Jaankaari**
A call centre in Bihar for facilitating the use of RTI especially by people living in villages who are unable to read and write. The call centre executives virtually write applications on behalf of the complainants. A sum of Rs. 10 as fees (under RTI provisions) is automatically charged in the caller's telephone bill. The caller is allotted a registration number by the call centre. Ph. No. : 155331
- **The National RTI Act Helpline (080) 666-00-999 (The Manjunath Shanmugam Trust Helpline)**
The National Helpline provides information about the RTI Act, guidance to the caller through the application, first and second appeal process and also provides contacts of RTI activists across the country. The helpline is run by trained people who provide information in four languages: English, Hindi, Kannada and Tamil on all days of the week, from 8am - 8pm.
Website: <http://www.manjunathshanmugamtrust.org>
- **Right to Information Group, Aligarh, Uttar Pradesh**
Website: <http://www.rtigroupaligarh.blogspot.com>
- **SARTIAN**
South Asia Right to Information Advocates Network is an email discussion group moderated by CHRI to share RTI best practices and push for the adoption of transparency laws in South Asian countries.
Email : sartianetwork@yahoogroups.com

CHRI Programmes

CHRI's work is based on the belief that for human rights, genuine democracy and development to become a reality in people's lives, there must be high standards and functional mechanisms for accountability and participation within the Commonwealth and its member countries. Accordingly, in addition to a broad human rights advocacy programme, CHRI advocates access to information and access to justice. It does this through research, publications, workshops, information dissemination and advocacy.

Human Rights Advocacy : CHRI makes regular submissions to official Commonwealth bodies and member governments. From time to time CHRI conducts fact finding missions and Since 1995, has sent missions to Nigeria, Zambia, Fiji Islands and Sierra Leone. CHRI also coordinates the Commonwealth Human Rights Network, which brings together diverse groups to build their collective power to advocate for human rights. CHRI's Media Unit also ensures that human rights issues are in the public consciousness.

Access To Information : CHRI catalyses civil society and governments to take action, acts as a hub of technical expertise in support of strong legislation, and assists partners with implementation of good practice. CHRI works collaboratively with local groups and officials, building government and civil society capacity, as well as advocating with policy makers. CHRI is active in South Asia, most recently supporting the successful campaign for a national law in India; provides legal drafting support and inputs in Africa and in the Pacific; works with regional and national organisations to catalyse interest in access legislation.

ACCESS TO JUSTICE

Police Reforms : In too many countries the police are seen as oppressive instruments of state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that police act as upholders of the rule of law rather than as instruments of the current regime. In India, CHRI's programme aims at mobilising public support for police reform. In East Africa and Ghana, CHRI is examining police accountability issues and political interference.

Prison Reforms : CHRI's work is focused on increasing transparency of a traditionally closed system and exposing malpractice. A major area is focused on highlighting failures of the legal system that result in terrible overcrowding and unconscionably long pre-trial detention and prison overstay, and engaging in interventions to ease this. Another area of concentration is aimed at reviving the prison oversight systems that have completely failed. We believe that attention to these areas will bring improvements to the administration of prisons as well as have a knock on effect on the administration of justice overall.

The Right to Information is a power tool, which gives you the chance to transform the way the government and its officials function. By asking the government for information, you ask for the government to be transparent and accountable to you. Today, this power tool is in your hands.

Don't Sit on the Sidelines. Get Involved
And
Use Your Right to Information TODAY!

If you want to know more about your right to information please log on to CHRI's RTI India website http://www.humanrightsinitiative.org/index.php?option=com_content&view=article&id=62&Itemid=71.

The national section of the website (http://www.humanrightsinitiative.org/index.php?option=com_content&view=article&id=65&Itemid=84) provides a comprehensive background to the right to information campaign in India, details of activities and advocacy, government and civil society resources and contact details of various organisations working at the national level.

Please log on to http://www.humanrightsinitiative.org/index.php?option=com_content&view=article&id=66&Itemid=85 for separate web pages on the 28 States and 7 Union Territories - where you can access the rules, regulations, information on the latest implementation efforts of each State Government and contact details of organisations working on the right to information.



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