

**National Campaign for People's Right to Information (NCPRI)
Draft Rules for the Right to Information Act 2005, June 2005**

Submitted to the National Advisory Council.

SUGGESTED FORMS ARE IN THE ANNEXES

| <p style="text-align: center;">As passed by Lok Sabha on 11 May 2005 THE RIGHT TO INFORMATION BILL, 2005 A Bill</p> | <p style="text-align: center;">Proposed Rules</p> |
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| <p><i>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 Commission and for matters connected therewith or incidental thereto.</i></p> <p><i>WHEREAS the Constitution of India has established democratic Republic;</i></p> <p><i>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;</i></p> <p><i>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;</i></p> <p><i>AND WHEREAS it is necessary to harmonise these conflicting interests while preserving the paramountcy of the democratic ideal;</i></p> <p><i>NOW, THEREFORE, it is expedient to provide for furnishing certain information to citizens who desire to have it</i></p> <p>BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:-</p> | |

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| CHAPTER I PRELIMINARY | |
| 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-section (1) and (2) of section 5, section 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. | |
| 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 a 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 | |

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| (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 a Legislative Council of States”; | |
| (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 the 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 Government or the competent authority, as the case may be; | |
| h) “public authority” means any authority or body or institution of self government established or constituted,— | |
| (a) by or under the Constitution ; | |
| (b) by any other law made by Parliament; | |
| (c) by any other law made by State Legislature; | |

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| <p>(d) by notification issued or order made by the appropriate Government' and includes any--</p> | |
| <p>(i) body owned, controlled or substantially financed;</p> | |
| <p>(ii) non-Government organisation substantially financed,</p> | |
| <p>directly or indirectly by funds provided by the appropriate Government;”</p> | |
| <p>I) "record" includes</p> | |
| <p>(i) any document, manuscript and file;</p> | |
| <p>(ii) any microfilm, microfiche and facsimile copy of a document;</p> | |
| <p>(iii) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and,</p> | |
| <p>(iv) any other material produced by a computer or any other device;</p> | |
| <p>(j) "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to-</p> | |
| <p>(i) inspection of work, documents, records;</p> | |
| <p>(ii) taking notes, extracts, or certified copies of documents or records;</p> | |
| <p>(iii) taking certified samples of material;</p> | <p>2 (j) (iii) 1. Where an application is made for taking a sample or inspecting a record or public works, the PIO shall intimate the date, time and venue when the applicant and/or his/her authorised representative(s) can obtain a sample of material or inspect information or works. 2. In accordance with s.7(1), the date for providing a sample and/or permitting inspection shall not exceed 30 days from the date of receipt of application, unless the applicant requests a later date for inspection. 3. The applicant may bring along anyone (not exceeding at any time two persons in addition to the applicant/the authorized person), to help him/her when taking a sample or making an inspection The applicant can also authorise, in writing, another person to take the sample/inspect records/ inspect works on his/her behalf , and the person so authorized shall have all the rights that an applicant has under this act.</p> |

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| | <p>4. If the applica work inspect application a prescribed fe</p> <p>5. The PIO sha accompanyin be made to f</p> <p>6. For Sample procedure as</p> <ul style="list-style-type: none">a. The date law,b. Whe spot depa applc. If th by b him/ to a <p>7. For Record: inspection, d inspection at</p> |
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| <p>(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; .</p> | <ol style="list-style-type: none"> 1. As far as possible, electronic information should be given in a read only format and, where available, with an electronic signature so that the authenticity of the information cannot be compromised. 2. Each public authority should make public and widely disseminate information regarding the facilities available with them for providing access to information, like for example computer, cd writer, tape writer, facility for read only format, electronic signature. 3. In case the storage device (floppy, CD etc.) is faulty and/or cannot be read properly by the applicant, a new storage device would be provided within 48 hours of the complaint and without any further charges. |
| <p>(k) “State Information Commission” means the State Information Commission constituted under sub-section (1) of section 15 ;</p> | |
| <p>(l) “State Chief Information Commissioner “ and “State Information Commissioner” mean the State Chief Information Commissioner and the State Information Commissioner appointed under sub-section (3) of section 15 ;</p> | |
| <p>(m) “State Public Information Officer” means the State Public Information Officer designated under sub-section (1) and includes an State Assistant Public Information Officer designated as such under sub-section (2) of section 5;</p> | |
| <p>(n) "third party" means a person other than the citizen making a request for information and includes a public authority.</p> | |
| <p>CHAPTER II RIGHT TO INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES</p> | |
| <p>3. Subject to the provisions of this Act, all citizens shall have the right to information.</p> | |
| <p>4. (1) Every public authority shall</p> | |

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| <p>(a) maintain all <i>its</i> records duly catalogued and indexed in a manner and 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;</p> | <p>4 (1) (a)</p> <ol style="list-style-type: none"> 1. The appropriate Information Commission should, within three months of the act coming into force, seek an Automation Plan from the public authorities for the purpose of implementation of the provisions of the Act and thereafter, monitor it and ensure its implementation within a reasonable time and subject to availability of resources. 2. The Automation Plan referred to in sub-rule (a) would provide for the automation preferably within a period of three years. 3. Such Automation Plan would be made public and a Progress Statement would also be made available to the public every six months. | | | | | | | | | | | | |
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| <p>(b) publish within one hundred and twenty days from the enactment of this Act,-</p> | <p>4 (1) (b)</p> <ol style="list-style-type: none"> 1. Every Public Authority shall designate one or more officers to be responsible for the publication of information, as required under this section. 2. Every public authority in every office and administrative unit shall designate one computer that can be used by the public to access information on the internet which is required to be published under section 4(1)(b) of the Act. 3. The public authority shall <i>suo moto</i> publish information as per section 4(1)(b) of the Act as follows, and in a user friendly manner: <table border="1" data-bbox="850 1036 1774 1352"> <thead> <tr> <th>Clause 4(1)(b)</th> <th>Particulars of information</th> <th>Minimum Form*</th> </tr> </thead> <tbody> <tr> <td>(i)</td> <td>Particulars of its organisation, functions and duties;</td> <td>Noticeboard; hard copy in every office/unit; internet</td> </tr> <tr> <td>(ii)</td> <td>Powers and duties of its officers and employees;</td> <td>Hard copy in every office/unit; internet</td> </tr> <tr> <td>(iii)</td> <td>Procedure followed in the decision making process, including channels of</td> <td>Hard copy in every office/unit; internet</td> </tr> </tbody> </table> | Clause 4(1)(b) | Particulars of information | Minimum Form* | (i) | Particulars of its organisation, functions and duties; | Noticeboard; hard copy in every office/unit; internet | (ii) | Powers and duties of its officers and employees; | Hard copy in every office/unit; internet | (iii) | Procedure followed in the decision making process, including channels of | Hard copy in every office/unit; internet |
| Clause 4(1)(b) | Particulars of information | Minimum Form* | | | | | | | | | | | |
| (i) | Particulars of its organisation, functions and duties; | Noticeboard; hard copy in every office/unit; internet | | | | | | | | | | | |
| (ii) | Powers and duties of its officers and employees; | Hard copy in every office/unit; internet | | | | | | | | | | | |
| (iii) | Procedure followed in the decision making process, including channels of | Hard copy in every office/unit; internet | | | | | | | | | | | |

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| | supervision and accountability; | |
| (iv) | Norms set by it for the discharge of its functions; | Hard copy in every office/unit; internet |
| (v) | Rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions; | Hard copy in every office/unit; internet |
| (vi) | Statement of the categories of documents that are held by it or under its control; | Hard copy in every office/unit; internet |
| (vii) | 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; | Hard copy in every office/unit; internet |
| (viii) | Statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advise, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public; | Hard copy in every office/unit; internet |
| (ix) | Directory of its officers and employees; | Hard copy in every office/unit; internet |
| (x) | Monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations; | Hard copy in every office/unit; internet |
| (xi) | Budget allocated to each of its agency, indicating the particulars of all plans, | Hard copy in every office/unit; Notice board in |

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| | proposed expenditures and reports on disbursements made; | relation to budget for local area; Internet |
| (xii) | Manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes; | Hard copy in every office/unit as pertains to subsidy programmes administered by that public authority; Collated copy of all such information on the internet |
| (xiii) | Particulars of recipients of concessions, permits or authorisations granted by it; | Hard copy in every office/unit as pertains to subsidy programmes administered by that public authority; Collated copy of all such information on the internet |
| (xiv) | Details in respect of the information, available to or held by it, reduced in an electronic form; | Internet, Notice board |
| (xv) | Particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use; | Notice board, internet, regular updates through the media |
| (xvi) | Names, designations and other particulars of the Public Information Officers; | Noticeboard, internet, regular updates through the media |
| <p>These Rules prescribed the minimum requirements. However, reference must be made to section 4(2), (3) and (4) for further guidance on publication obligations.</p> | | |

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| (i) the particulars of its organisation, functions and duties; | |
| employees; | |
| (ii) the powers and duties of its officers and | |
| (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 advise, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes 'of such meetings are accessible for public; | |
| (ix) a directory of its officers and employees; | |
| (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as | |

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| | provided in its regulations; | | | | | | | | |
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| (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; | <p>4(1)(b)(xvii)</p> <p>1. In accordance with this clause, the following additional information must be proactively published:</p> <table border="1"> <thead> <tr> <th>Particulars of information</th> <th>Minimum Updating</th> <th>Minimum Form</th> </tr> </thead> <tbody> <tr> <td>Names, designations, contact details and other particulars of the Appellate Authorities; Organisational chart of</td> <td>1 month</td> <td>On a noticeboard in every office of every public authority & on</td> </tr> </tbody> </table> | | Particulars of information | Minimum Updating | Minimum Form | Names, designations, contact details and other particulars of the Appellate Authorities; Organisational chart of | 1 month | On a noticeboard in every office of every public authority & on |
| Particulars of information | Minimum Updating | Minimum Form | | | | | | | |
| Names, designations, contact details and other particulars of the Appellate Authorities; Organisational chart of | 1 month | On a noticeboard in every office of every public authority & on | | | | | | | |

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| | the public authority | | the internet |
| | Names, designations, contact details and other particulars of the Information Commission and Commissioners; | 1 month | On a noticeboard in every office of every public authority & on the internet |
| | A collated list of all of the applications received by the Government in the preceding month, including: (i) The name of the Department which received the request (ii) The documents/Information requested; (iii) Date of the request. | 1 month | On the internet and in every office/unit a list of the application received by them must be kept for inspection. |
| | All contracts entered into by public authorities, detailing at a minimum for each contract: (iv)The public works, goods acquired or rented, and the contracted service, including any sketches, scopes of service and/or terms of reference; (v) The amount; (vi)The name of the provider, contractor or individual to whom the contract has been granted, and (vii) The periods within which the contract must be completed. (viii) Comparative statement of technical and financial bids received. | Within 2 weeks of signing the contract | On the internet. Also, where the contract relates to public works in relation to a particular area, a hard copy in a location easily accessible to the public of that area, like a panchayat house, public library or some other such location Head of the public authority shall be personally responsible for ensuring that information relating to all contracts entered into |

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| | | | <p>in any month is available on the internet by the 1st of the following month.</p> <p>These records (including copies of the contract) should be open for public audit and inspection at pre-declared hours every week. Any citizen should be able to inspect these records during these hours without any prior intimation or application and without payment of any fee.</p> | |
| | The citizen's charter for each public authority | 12 months | On a noticeboard in every office of every public authority & on the internet | |
| | The eligibility criteria, and the process of identification of recipients, of subsidies, being offered by the authority | 3 months | On a noticeboard in every office of every public authority & on the internet | |
| | The eligibility criteria, and the process of identification of recipients, of grants or loans, being offered by the authority | 3 months | On a noticeboard in every office of every public authority & on the internet | |
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1. Names, designations and contacts details of all PIOs, Appellate Authorities and Information

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| | <p>Commissions must be published at least annually in every telephone directory.</p> <ol style="list-style-type: none"> 2. In accordance with Clause 4(1)(b)(xvii), every 3 months every public authority shall make an assessment of the kind of information sought by the public in the previous quarter, and where it is identified that certain information has been requested more than 10 times, said information shall be made available to the public suo moto by the government. 3. Where there is a public demand for the type of information that is not ordinarily collected by public authorities, the head of that public authority should start collecting that information, as long as it is pertinent to the authority and is not exempt from disclosure under this act. 4. Similarly, if pertinent information is repeatedly requested for in a form that it is not usually being collected in, then the public authority should start collecting that information also. 5. The Head of the public authority shall be personally responsible for ensuring that all the designated officers under his/her authority have complied with the publication provisions of the Act. 6. Each Ministry/Department of the appropriate government shall publish and widely disseminate the list of public authorities set up by it or directly or indirectly funded by it, as per the provisions of subsection (h) of section 2. |
| <p>and thereafter update these publications every year;</p> | |
| <p>(c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;</p> | <p>4(1)(c)</p> <ol style="list-style-type: none"> 1. Each public authority shall publish, prior to the formulation of a policy or the taking of a decision that affects the public, the details of the proposed policy/decision and all the relevant facts. It would also periodically, and at least once in three months, publicly list all such decisions taken and policies formulated. |
| <p>(d) provide reasons for its administrative or quasi judicial decisions to affected persons;</p> | <p>4(1)(d)</p> <ol style="list-style-type: none"> 1. Each public authority shall publish, within two weeks of taking an administrative or quasi judicial decision has been taken, the details of, and the reasons behind, the decision. |
| <p>(2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo moto to the public at regular intervals through various means of communications, including</p> | <p>4 (2)</p> <ol style="list-style-type: none"> 1. Every six months every public authority shall make an assessment of the kind of information sought by the public in the preceding six months. The type of information that is repeatedly sought shall start being made available within three months to the public suo moto. Apart from |

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| <p>internet, so that the public have minimum resort to the use of this Act to obtain information.</p> | <p>making such information available on the net and through other means, where public records are involved, such records should be thrown open for public audit and inspection at pre-declared hours every day. Any person from the public should be able to inspect these records during these hours without any prior intimation or application and without payment of any fee.</p> |
| <p>(3) For the purpose of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public.</p> | |
| <p>(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.</p> | |
| <p><i>Explanation:</i> 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.</p> | |
| <p>5. (1) Every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as 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.</p> | <p>5(1)</p> <ol style="list-style-type: none"> 1. Till such time as a PIO is appointed by a public authority, the Head of that public authority shall be treated to be the deemed PIO for the purposes of this Act. This could be the Secretary or the Chief Executive Officer or the Director or any other person holding highest position in that authority. 2. The PIO in government agencies should ordinarily be a class 1 officer, second or third in seniority in the department. This is to ensure easy access to information and also accountability at a senior level for implementing the act. Where there are no class 1 officers or only one class one officer in a department, the PIO should be at least a gazetted class 2 officer. 3. Every Public Authority shall prepare a list of all the Public Information Officers designated from time to time. Each PIO should have clear geographical and functional jurisdictions, which should |

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| | <p>be communicated to all applicants.</p> <ol style="list-style-type: none"> 4. The list shall also contain the names, designations, addresses of and the administrative units and offices under such public information officers 5. The list prepared by the Public Authority under sub-rule (1) shall be kept available for information of general public at all administrative units and offices under such Authority and shall be made known or communicated to the public through press notes released to the media, public announcements, media broadcast, the internet or any other means. |
| <p>(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.</p> | <p>5(2)</p> <ol style="list-style-type: none"> 1. Wherever feasible, one officer per sub-district level can be designated as an APIO to receive applications/appeals pertaining to all public authorities of the state government. This APIO should be from among the gazetted class 1 or class 2 state government officers posted in the sub district level. It must be ensured that the APIO is an officer who is accessible and who the people would feel comfortable to approach for the purpose. 2. Similarly, one officer per sub-district level can be designated as an APIO to receive applications/appeals pertaining to all public authorities of the Central Government. This APIO should be from among the gazetted class 1 or class 2 Central Government officers posted in the sub district level. It must be ensured that the APIO is an officer who is accessible and who the people would feel comfortable to approach for the purpose. Where no Central Government officer is available, an appropriate state official should be authorised to accept and pass on requests and appeals pertaining to Central Government Public Authorities. 3. In a city/town or village where there are no designated PIOs or APIOs, all gazetted officers of the state government posted there would have the obligation to accept requests/appeals, along with the required fees and communicate these to the nearest PIO/APIO. However, the official receipt for the fee would be issued by the receiving APIO/PIO. |
| <p>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.</p> | |

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| <p>(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.</p> | <p>5(3) 1. The rendering of reasonable assistance would include, but not be limited to, helping the applicant to draft an application in a manner such that the request for information could be understood and acceded to.</p> |
| <p>(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.</p> | <p>5(4) 1. Where such assistance is sought, to trace or forward required information/document/samples etc, arrange inspections, or for the transmission of requests or appeals, the PIO/APIO must give, as far as possible, the request in writing specifying that this is a request under section 5(4) of this act. Where it might not be possible to give such a request in writing, the oral request must at the earliest opportunity be reduced to writing and forwarded to the concerned official, provided that the concerned official would be deemed to have been asked for assistance from the time and date that the request was first conveyed orally. 2. Also provided that no PIO/APIO can seek assistance under this clause for any work that is legitimately that of the PIO/APIO, unless permission has been got from the controlling officer of the PIO/APIO and fro the controlling officer of the officer whose assistance has been sought.</p> |
| <p>(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 .</p> | |
| <p>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 in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to -</p> | <p>6(1) 1. Any person, desirous of obtaining information as provided under the provisions of the Act, shall make an application in writing, in the prescribed form, as specified below, to the concerned Public Information Officer or the Assistant Public Information officer, as the case may be, in English or Hindi or in the official language of the state in which the application is being made. 2. Any person seeking information under this Act shall make an application</p> |

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- a. in Form 'B' for inspecting any document
 - b. in Form 'C' for seeking inspection of any work
 - c. in Form 'D' for taking sample of material
 - d. in Form 'A' for any other information
3. The form can be photocopied, or typed or even hand written.
 4. A fee of Rs. 10 is required to be deposited with every such application made under sub-rule (1).
 5. The applicant may pay the requisite fee in cash or in the form of affixing non-judicial stamp of equivalent amount on the application form or by way of a postal order or cheque or local Bank draft or Banker's cheque or money order in the name of the PIO/APIO, as the case may be.
 6. The applicant may make the application and deposit requisite fee by going in person to the office of the concerned PIO/APIO, or through a messenger or representative..
 7. The applicant may send the application along with the requisite fee by sending it through a registered post with acknowledgement due to the concerned PIO.
 8. Provided that in such case, payment of requisite fee shall be made through any mode mentioned in sub-rule (3) other than by way of cash payment.
 9. The applicant may send the application electronically through the concerned PIO's website or via email or any other electronic mode to the concerned PIO, in which case, the PIO would immediately issue to the applicant an Application Receipt Number. The applicant shall send a copy of the application with the Application Receipt Number written on it along with the requisite fee by registered post with acknowledgement due to the concerned PIO.
 10. Provided that in such case, payment of requisite fee shall be made through any mode mentioned in sub-rule (3) other than by way of cash payment.
 11. On receiving the application either under sub-rule (4), (5) or (6), the concerned PIO would immediately issue a receipt to the applicant. This receipt shall, amongst other information as deemed fit by the concerned PIO, include, the Application Receipt Number, the name and address of the applicant, name and address of the concerned PIO, position, department/public authority, date on which the application was received, the date by which a response must be provided and the amount of fee deposited and the mode by which it was deposited.
 12. Provided that in case the application has been received under sub-rule (5) or (6), the concerned PIO would send the said receipt by registered post with acknowledgement due.
 13. The mandatory period of 30 days for the Public Information Officer to respond to the application in the prescribed format shall be counted from the day the application fee is received by him or

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| <p>her in any manner..</p> <p>14. In accordance with ss. 6(1) and 7(1) and (5), the following fees are prescribed:</p> | <p align="center">Description of Information</p> <p align="center">Price / Fees in Rupees</p> | |
| | Application fee | Rs. 10 per application |
| | Appeal fee | Rs. 10 per appeal |
| | Where information is provided in the form of a copy of a paper document. | <ul style="list-style-type: none"> ▪ Re 1 per A/4 page ▪ proportionately for larger size pages |
| | Where information is provided in the form of a computer disk/video/tape/etc. | <ul style="list-style-type: none"> • Nil if the applicant provides his/her own disk/video/tape/etc. • No more than the cost price of the disk/video/tape/etc. |
| | Inspection of records | First hour free and Rs 5 for every quarter hour thereafter, which amount is to be determined from the time the records were given to the applicant to inspect |
| | Sample of material | Rs 50 per sample |
| | Any information, which should have been provided to the applicant, either under any law or as a normal governance norm or which should have been publicly disseminated under section 4 and has not been done | No charge |
| | Where the information is provided in the form of a priced publication. | Price so fixed or photocopying charges, as specified, whichever is less. |
| | <p>(a) the Central Public Information Officer or</p> | |

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| 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. | <p>6(1)</p> <ol style="list-style-type: none"> 1. For the purpose of proviso to sub-section (1) of section 6, the concerned PIO would provide all reasonable assistance to the person making the request orally to reduce the same in writing. <i>Explanation:</i> "Reasonable assistance" for the purpose of sub-rule (1) would include, but not be limited to, making available, to the best of the resources at hand, the presence of a person who speaks, writes and understands the language of the applicant and who shall faithfully record the applicant's oral request in writing and read over the application to the applicant. 2. If the concerned Public Information is well-versed with the language of the applicant, he shall reduce the oral request in writing himself. 3. If the oral request has been reduced in writing in accordance with the provision to sub-section (1) to section 6, such fact of reducing the oral request in writing shall be mentioned on the application form by the concerned Public Information Officer at the time of making the application and he/she shall also put his/her name, signature and seal. |
| (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, | 6(3) |

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| <p>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:</p> | <ol style="list-style-type: none"> 1. If all the information sought by an applicant does not fall within the jurisdiction of the public authority, the public authority shall forward in Form H the application form along with the fee, within five working days of the receipt of the application form, to the public authority in whose jurisdiction that information lies. A copy of Form H shall also be sent to the applicant. 2. Where only a part of the information asked for is dealt with by another public authority, the receiving PIO shall transfer that part to the appropriate public authority, using form I, and a copy of form I will be sent to the applicant. However, the fee received shall not be transferred. The concerned PIO shall, however, get a receipt from the PIO to whom the request has been transferred, recording the time and date of transfer. 3. Where the part of the application so transferred related to information that should legitimately have been a part of a separate request to a distinct public authority, then the public authority to whom it has now been transferred shall seek payment of appropriate fees and raise a demand, as per section 7(3) of this act. 4. If the requested information, or a part thereof, falls within the PIO's jurisdiction and also in one or more of the categories of restrictions listed in section 8, 9 or 24 of the Act, the PIO will reject the application or part thereof, as the case may be, by issuing a rejection order in Form J within five working days from the date of receipt of application form. 5. If the requested information, or part thereof, falls within the PIO's jurisdiction but not in one or more of the categories of restrictions listed in section 8, 9 or 24 of the Act, the PIO shall supply the information falling within his/her jurisdiction to the applicant in Form K. 6. Each document/page of information supplied shall be stamped & certified to be a true copy of the original by an appropriate functionary. |
| <p>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.</p> | |
| <p>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</p> | <p>7(1)</p> <ol style="list-style-type: none"> 1. As soon as the PIO has compiled the requisite information and determined whether access shall be granted, he/she shall send an intimation to the applicant in the prescribed form (Form E) within a period of thirty days from the date of receipt of the application either informing him/her |

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| <p>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:</p> | <p>in writing of the decision to reject or to grant the application. Where the request has been rejected, detailed reasons as also details of appeals allowable, will be communicated. Where the request has been allowed, the applicant shall be informed of the amount of fees payable by him/her as specified under s 6(1) of the act, the possible methods of payment and the proposed process for receiving the information.</p> |
| <p>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.</p> | <p>7(1)</p> <ol style="list-style-type: none"> 1. Where an application is made for information relating to the life and liberty of a person, as referred to under s.7(1), the applicant should note this clearly on the application and should include an explanation as to why the application should be expedited under this provision. 2. For the purposes of applying s.7(1), the PIO should at a minimum expedite an application where the information requested relates to a person’s imminent or illegal confinement or internment, arbitrary detention, imminent death at the hands of the State or another individual. |
| <p>(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.</p> | <p>7(2)</p> <ol style="list-style-type: none"> 1. The specified deemed refusal does not relieve the PIO from providing the information but facilitates the filing of the appeal by the applicant, who can file it as an appeal against the deemed refusal. However, if the information sought was not such that it was exempt, than despite the deemed refusal, the PIO would be liable for penalty for late provision of information, as laid down in section 20 (1) or (2) of the Act. |
| <p>(3) Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, 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-</p> | <p>F</p> |
| <p>(a) the details of further fees representing the cost of providing the information as determined</p> | |

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| <p>by him, together with the calculations made to arrive at the amount in accordance with fee prescribed under sub-section (1), requesting him to deposit that fees, and the period intervening between the despatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to in that sub-section;</p> | |
| <p>(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.</p> | |
| <p>(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.</p> | <p>7(4) 1. For the purpose of this clause, assistance would include the provision of a reader or, as per the requirement, a person who can assist the applicant by reading the asked for document or in other required manner in order to facilitate the sought after access to information.</p> |
| <p>(5) Where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to the Provisions sub-section (6), pay such fee as may be prescribed:</p> | |
| <p>“Provided that the fee prescribed under sub-section (1) of section 6 and sub-section (1) and (5) of section 7 shall be reasonable and no such fee shall charged from the persons who are of below poverty line as may be determined by the appropriate Government.”</p> | <p>7(5) F 1. Information pertaining to the applicant or the applicant’s family will be provided without any fee to individuals below the poverty line. Normal fee will be charged if information sought does not pertain to the applicant or the applicant’s family. However, while determining whether the information asked for pertains to the applicant or the applicant’s family, a liberal interpretation must be taken and all requests that could even indirectly pertain to the applicant/ applicant’s family must be so treated.</p> |

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| | <p>2. For the purpose of determining whether an applicant is below the poverty line, the applicant must either attach an attested copy of the ration card or any other documentation declared by the appropriate government to be sufficient proof, or show this in the original to the PIO/APIO who should then record this fact on the application and return the original there and then to the applicant.</p> |
| <p>(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 (I).</p> | <p>7(6)</p> <p>1. Where information asked for has not been supplied in the time frame prescribed under section 1 of section 7, the fee recovered from the applicant under sections 6(1), 7(3) and 7(5) shall be refunded to him/her and no further fee shall be recovered from the applicant regarding that application.</p> <p>2. Where part of the information was provided in time but part was delayed, the full application fee, as specified in section 6(1), would be refunded but further fee as asked for under section 7(3) would be refunded for only that portion that was delayed.</p> <p>3. It would be the responsibility of the PIO to refund this fee within 30 days of the expiry of the period specified under section 7(1), without requiring any application from the applicant. Failure to do this or to do this within thirty days would tantamount to a violation of the act and would be subject to penalties, as prescribed under section 20 (1) and (2) of the act.</p> |
| <p>(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.</p> | |
| <p>(8) Where a request has been rejected under subsection (1), the Central Public Information Officer or State Public Information Officer, as the case may be shall communicate to the person making the request,-</p> | <p>7(8) F</p> <p>1. Where an application is rejected in accordance with s.7(8) or partially rejected in accordance with s.10(2), the PIO will inform the applicant using form E.</p> |
| <p>(i) the reasons for such rejection;</p> | |
| <p>(ii) the period within which an appeal against</p> | |

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| such rejection may be preferred; | |
| (iii) the particulars of the appellate authority. | |
| <p>(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.</p> | <p>7(9)</p> <ol style="list-style-type: none"> 1. Nothing in this section should be seen to affect the obligation of the public authority to provide information that needs to be extracted or collated from its records, or needs to be, before or after extracting and/or collating, classified under the asked for categories. It also does not affect the obligation of the public authority to provide data that is electronically available and needs to be processed using standard software packages. 2. However, the public authority can refuse from providing data which is not available in the form asked for and is impossible reduce to such form. 3. If, due to the age of the document, it has become so delicate that handling it is likely to result in its destruction, then a copy of that document can be refused under this section and it shall be treated as detrimental to the safety or preservation of that documents for the purposes of that section. 4. However, in such a case a true copy of the document needs to be provided and the cost of making a true copy can be recovered from the applicant, provided that the cost is in no case more than the cost price and has been agreed by the applicant in advance. |
| <p>8. (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,-</p> | <p>8(1)</p> <ol style="list-style-type: none"> 1. If information is to be denied under this section, the letter conveying the denial to the applicant must give detailed reasons how the information sought is covered under one of the sub-sections. This would help in preventing unnecessary appeals and also facilitate the disposal of appeals, where any are made. |
| <p>(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;</p> | |

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| <p>(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;</p> | |
| <p>(c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;</p> | |
| <p>(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;</p> | |
| <p>(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;</p> | |
| <p>(f) information received in confidence from foreign government;</p> | |
| <p>(g) information, the disclosure of which would endanger the life or physical safety of any person or identity the source of information or assistance given in confidence for law enforcement or security purposes;</p> | |
| <p>(h) information which would impede the process of investigation or apprehension or prosecution of offenders;</p> | |
| <p>(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:</p> | |

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| <p>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:</p> | <p>8(1)(i)</p> <ol style="list-style-type: none"> 1. For the purpose of this section, a decision would be deemed to have been taken and the matter completed or over when that decision has been explicitly or implicitly made public and/or come into effect and/or is no longer under active consideration. 2. Apart from the text of the decision, a note giving the reasons on the basis of which the decision was taken should also be provided. The material to be provided would include copies of any documents that were considered in the process of making the decision, any information, data or analysis considered and any opinions tendered, or petitions made, by any individual or group or body, within or outside the government, that was taken into consideration while making the decision, should also be provided. |
| <p>Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;</p> | |
| <p>(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:</p> | <p>F</p> |
| <p>Provided that the information, which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.</p> | <p>F</p> |
| <p>(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 interests in</p> | <p>F</p> |

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| disclosure outweighs the harm to the protected interests. | |
| <p>(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:</p> | <p style="text-align: center;">R/f 8(3)</p> <ol style="list-style-type: none"> 1. For the purpose of calculating the time that has passed relating to an actual happening or event, the date of the occurrence of the event or happening would be the date relevant to determine whether twenty years have passed and not the date of the document sought to be accessed, which might be of a later date. 2. Where information is sought about a series of connected events that occurred over a period of time, even where some might have occurred less than 20 years ago, the PIO shall provide information relating to all those that occurred more than 20 years ago and clearly indicate to the applicant the dates on which the remaining records would become available under this rule, subject to any exclusion provisions that might apply. |
| <p>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</p> | |
| <p>9. Without prejudice to the provisions of section 8, a Central Public Information Officer or 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. .</p> | |
| <p>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.</p> | <p style="text-align: center;">10(1) R/F</p> <ol style="list-style-type: none"> 1. As far as possible, it must be ensured that while withholding exempt information, all the remaining information asked for is provided. Therefore, rather than removing the pages which might contain some exempt information, it must be ensured that, after the exempt bits are deleted or blacked out in a manner that makes it clear that portions of the record have been withheld, all the remaining record is provided to the applicant. 2. Care must be taken to ensure that under no circumstances is non-exempt information withheld, as |

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| | this would tantamount to giving incomplete information and attract penalties as specified in section 20)1) and (2). |
| (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, - | F |
| (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 nondisclosure 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. | |
| 11. (1) Where a Central Public Information Officer or the 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 | R/F 11(1) 1. The information relating to or supplied by a third party could reasonably be treated as |

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| <p>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:</p> | <p>confidential only if it is the sort of information that is covered under sub-sections (1)(d), (1)(e), (1)(g), or (1)(j) of section 8 or under section 9. Where the PIO, for reasons of overriding public interest, as provided for in subsections (1)(d), (1)(e), (1)(j), or (2) of section 8, is inclined to allow access to this type of information, then the stipulated notice must be issued to the third party.</p> <p>2. The basis for issuing the notice must be communicated to both the third party and the applicant.</p> |
| <p>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.</p> | |
| <p>(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.</p> | <p>R/F</p> |
| <p>(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.</p> | <p>11(3)</p> <p>1. Information pertaining to a third party would not be disclosed:</p> <ol style="list-style-type: none"> a. If it is covered under the relevant subsections of section 8(1) or under section 9, and b. If, in the opinion of the PIO the public interest in disclosing the information does not outweigh the harm that it might do to the third party concerned, as provided for in subsections (1)(d), (1)(e), (1)(j), or (2) of section 8 |

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| <p>(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.</p> | <p style="text-align: center;">F</p> |
| <p>CHAPTER III THE CENTRAL INFORMATION COMMISSION</p> | |
| <p>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.</p> | |
| <p>(2) The Commission shall consist of-</p> | |
| <p>(a) the Chief Information Commissioner; and</p> | |
| <p>(b) such number of Central Information Commissioners not exceeding ten as may be deemed necessary.</p> | |
| <p>(3) The Chief Information Commissioner and Information Commissioners shall be appointed by the President on the recommendation of a committee consisting of-</p> | <p>12(3)</p> <ol style="list-style-type: none"> 1. To fulfill any post of Information Commissioner, a panel of 10 persons eligible to be appointed to that post shall be made in such a way that at least 70% of them have never been bureaucrats. The names on the panel shall be made public at least two weeks before the meeting of the selection committee. The selection should also be done in such a manner that the Information Commission, where it has three or more members including the Chief Information Commissioner, at any point of time contains a majority of people from non-bureaucratic background. Where there are only two members, at least one should be with a non-bureaucratic background. 2. In keeping with the letter and spirit of this act, the process of the appointment of Chief Information Commissioners and Information Commissioners would be transparent, with the government making public, within two weeks of the decision being made, the basis of the selection along with details of the consultations that might have preceded the decision. |

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| (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. | |
| <i>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 the Opposition.</i> | |
| (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 | |

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| <p>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.</p> | |
| <p>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:</p> | |
| <p>Provided further that no Information Commissioner shall hold office as such after he has attained the age of sixty-five years.</p> | |
| <p>(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:</p> | |
| <p>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:</p> | |
| <p>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.</p> | |
| <p>(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.</p> | |
| <p>(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</p> | |

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| 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 the if the Chief Information Commissioner or an Information Commissioner, at the time of his appointment is, in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as the Chief Information Commissioner or an Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity: | |
| Provided further that if the Chief Information Commissioner or an Information Commissioner if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the Chief Information Commissioner or the Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits: | |

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

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| <p>(b) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or</p> | |
| <p>(c) engages during his term of office in any paid employment out side the duties of his office; or</p> | |
| <p>(d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or</p> | |
| <p>(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.</p> | |
| <p>(4) If the Chief Information Commissioner or any 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 there from 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 misbehavior.</p> | |
| <p>CHAPTER IV</p> <p>THE STATE INFORMATION COMMISSION</p> | |
| <p>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.</p> | |
| <p>(2) The State Information Commission shall consist of--</p> | |
| <p>(a) the State Chief Information</p> | |

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| 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 Chairperson of the committee; | |
| (ii) the Leader of opposition in the Legislative Assembly; and | |
| (iii) a Cabinet Minister to be nominated by the Chief Minister. | |
| <i>Explanation---</i> For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the Legislative Assembly has not been recognized 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 the 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, | |

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| | 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. | |
| 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 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 | |

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| 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 an 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 | |

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| forms of retirement benefits excluding pension equivalent of retirement gratuity: | |
| Provided further that where the State Chief Information Commissioner or a State Information Commissioner if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the State Chief Information Commissioner or the State Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits: | |
| Provided also that the salaries, allowances and other conditions of service of the State Chief Information Commissioner and the State Information Commissioners shall not be varied to their disadvantage after their appointment. | |
| (6) The State Government shall provide the State Chief Information Commissioner and the State Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed. | R |
| 17. (1) Subject to the provisions of sub-section (3), the State Chief Information Commissioner or any 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 any State Information Commissioner, | |

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| as the case may be, ought on such ground be removed. | |
| (2) The Governor may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the State Chief Information Commissioner or State Information Commissioner in respect of whom a reference has been made to the Supreme Court under subsection (1) until the Governor has passed orders on receipt of the report of the Supreme Court on such reference. | |
| (3) Notwithstanding anything contained in subsection (1), the Governor may by order remove from office the State Chief Information Commissioner or any State Information Commissioner if the 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 any State Information Commissioner in any way, concerned or interested in any contract or agreement made by or on | |

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| <p>behalf of the Government of the State or participates in any way in the profit thereof or in any benefit or emoluments arising there from 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.</p> | |
| <p>CHAPTER V POWERS AND FUNCTIONS OF THE INFORMATION COMMISSIONS, APPEAL AND PENALTIES</p> | |
| <p>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,-</p> | |
| <p>(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;</p> | <p>Form F</p> |
| <p>(b) who has been refused access to any information requested under this Act;</p> | |
| <p>(c) who has not been given a response to a request for information or access to information</p> | |

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| within the time limits 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 | |

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| (f) any other matter which may be prescribed. | |
| (4) Notwithstanding anything inconsistent contained in any other Act of Parliament, or the State Legislature, as the case may be, the Central Information Commission or the State Information Commission 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. | |
| 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 the 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 the State Public Information Officer, as the case may be, in each public authority; | 19(1) 1. For the purpose, each public authority shall, within 120 days of enactment of this Act, designate one or more officers, under section 16(1), to hear appeals against the decisions or actions of the PIOs or APIOs. 2. The name, designation, and contact details of the relevant officers so designated shall be widely publicised and shall be mentioned in the receipts, acknowledgement letters and other correspondence done by any public authority under this act. |
| 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. | 19(1) 1. Explanation: Apart from the usual extenuating circumstances, the economic condition of the applicant and the fact that they might be illiterate or semi literate or living in a place where no PIO/APIO was based should also be taken as extenuating circumstances for any delays in filing appeals. |
| (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 | |

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| 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 applicant was prevented by sufficient cause from filing the appeal in time; | 19(3) 1. Explanation: Apart from the usual extenuating circumstances, the economic condition of the applicant and the fact that they might be illiterate or semi literate or living in a place where no PIO/APIO was based should also be taken as extenuating circumstances for any delays in filing appeals. |
| (4) If the decision of the Central Public Information Officer or State Public Information Officer, as the case may be, against which an appeal is preferred relates to information of a third party, the Central Information Commission or State Information Commission, as the case may be shall give a reasonable opportunity of being heard to that third party. | |
| (5) In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the Central Public Information Officer or State Public Information Officer, as the case may be, who denied the request. | 19(5) 1. Towards this end, the first appellate authority specified under section 19(1) and the information commission would rule in favour of release of information unless it was prove beyond reasonable doubt that the information was exempt under the act. |
| (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 | |

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| (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. | <p>19(10)</p> <ol style="list-style-type: none"> 1. Appeals to the Appellate Authority or Information Commission do not need to be made on a particular form, but may be made in form F, if preferred. 2. Whatever form an appeal is received in, it should include the following: <ol style="list-style-type: none"> a. An address to which notices and information can be sent; |

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| | <ul style="list-style-type: none"> b. The date the appeal is submitted; c. A copy of the order, if the appeal is against an order d. Copy of the application requesting information e. Grounds on which appeal is being made f. Any other information which the complainant wishes to put before the appeal body. <p>3. Whereas appeals for release of information can be allowed by a single commissioner who has jurisdiction, as per the delegation of work determined by the commission, the rejection of an appeal under sections 8, 9 or 24 will need a majority of the commissioners where there is more than one commissioner, provided that where there is a tie the chief Information commissioner will have the casting vote.</p> <p>4. For the purpose it is not necessary that the commissioners meet – their opinion can be solicited on file or through other means, on the basis of a draft speaking order incorporating all pertinent facts and arguments and attaching all relevant documentation.</p> <p>5. Whereas all concerned parties will be given the opportunity of being heard either in person or through affidavit, and whereas applicants and third parties shall be permitted to be assisted by non-lawyers, the proceedings shall not require the presence of any of the parties, in case they choose not to be present and communicate their decision in writing to the commission.</p> <p>6. The commission, as laid out in section 19(5) and 20(1), shall start the appeal process with the assumption that all information should be made public and it would be incumbent on the public authority or the third party to prove beyond reasonable doubts that the information sought is covered under the exclusions laid out in the act.</p> <p>7. The commission shall always give a speaking order with detailed reasons for their decision.</p> |
| 20. (1) Where the Central Information Commission or the | 20(1) |

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| <p>State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty five thousand rupees;</p> | <p>1. Explanation: Where the violation involves any type of delay, the daily fine, as specified, shall be imposed. Where the violation is of a type other than delay, a fine within the limits prescribed shall be imposed.</p> |
| <p>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:</p> | |
| <p>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.</p> | |
| <p>(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 malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which</p> | <p>20(2) 1. The information commission, for the purpose, will maintain a record of all the officials against whom complaints have been received and those who have been found guilty. If any PIO is found to have delayed the provision of information more than three times in a financial year, the information commission shall recommend within one month of the third instance of delay being established, in writing, to the controlling authority of the concerned PIO that disciplinary action be initiated against the concerned official. 2. Where in the opinion of the information commission an official has 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, or malafidely denied the</p> |

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| <p>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.</p> | <p>request for information, a similar recommendation shall be sent, within one month of the relevant appeal being disposed off, in writing. 3. The controlling authority shall report receipt of the recommendation to the Information Commission, and keep it updated on the progress of the proceedings.</p> |
| <p>CHAPTER VI MISCELLANEOUS</p> | |
| <p>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 there under.</p> | |
| <p>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.</p> | |
| <p>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.</p> | |
| <p>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:</p> | |
| <p>Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:</p> | <p>24(1) 1. Where information is sought regarding alleged corruption in or by members of the concerned organisation, an application will be given to the designated PIO of that organisation or, in the absence of a PIO, to the head of the organisation or to the head of an office of that organisation from which information is sought. It would be the duty of the head of the organisation or of the head of any office of the organisation to receive such an application and to forward it to the concerned department official.</p> |
| <p>Provided further that in the case of information sought for is in respect of allegations of violation of human rights,</p> | <p>1. Where information is sought regarding alleged violation of human rights in or by members of the</p> |

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| <p>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;</p> | <p>concerned organisation, the request will be submitted to a designated official in the Central Information commission and the Central Information Commission, if it determines that the information is allowable, will forward the application to the concerned agency, so that they agency can provide the information asked for within the time frame stipulated. Where thought necessary, the Central Information Commission can ask for the views of the concerned agency and also discuss the matter with the applicant before making a decision.</p> <p>2. However, if the Central Information Commission decides to reject the request for information, this would only be done after the reasons are communicated to the applicant, in writing, and the applicant is given a reasonable opportunity of being heard.</p> |
| <p>(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 there from 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.</p> | |
| <p>(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament.</p> | |
| <p>(4) Nothing contained in this Act shall apply to such intelligence and security organisations, being organisations established by the State Government, as that Government may, from time to time, by notification in the official gazette, specify:</p> | |
| <p>Provided that the information pertaining to the allegations of corruption and human rights violation shall not be excluded under this sub-section:</p> | |
| <p>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</p> | <p>1. Where information is sought regarding alleged violation of human rights in or by members of the concerned organisation, the request will be submitted to a designated official in the State Information commission and the State Information Commission, if it determines that the information is allowable, will forward the application to the concerned agency, so that they agency can provide the information asked for within the time frame stipulated. Where thought</p> |

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| <p>of request.</p> | <p>necessary, the State Information Commission can ask for the views of the concerned agency and also discuss the matter with the applicant before making a decision.</p> <p>However, if the State Information Commission decides to reject the request for information, this would only be done after the reasons are communicated to the applicant, in writing, and the applicant is given a reasonable opportunity of being heard.</p> |
| <p>(5) Every notification issued under sub-section (4) shall be laid before the State Legislature;</p> | |
| <p>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.</p> | |
| <p>(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.</p> | <p>25(2)</p> <p>1. A register of applications received shall be maintained by each PIO and Assistant PIO. The register may be electronic or in hard copy. At a minimum, the register will note the following information:</p> <ul style="list-style-type: none"> (i) Application reference number; (ii) Name and address of applicant; (iii) Date of application and date of payment of fees; (iv) Summary of applicant’s request; (v) Date of response provided to applicant; (vi) Where information was provided, copy of the information provided (vii) Where application was rejected, specific clause relied upon and brief explanation of reasons; (viii) Whether appeal filed and outcome; (ix) Any additional remarks |

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2. At the end of every month, every PIO and Assistant PIO will provide a monthly report containing the information collected under sub-section (1) above to the Head of the public authority or his/her delegate and to the appropriate information commission.
3. A register of appeals received shall be maintained by each Appellate Authority and Information Commission. At a minimum, the register will note the following information:
 - (i) Application reference number;
 - (ii) Name and address of applicant;
 - (iii) Date of appeal;
 - (iv) Date response provided to applicant;
 - (v) Outcome of the appeal, including the provision(s) of the law being disputed, the interpretation of the provision(s) relied upon and a summary of the order passed;
 - (vi) Any additional remarks
4. At the end of every month, each Appellate Authority will provide a monthly report containing the information collected under sub-section (3) above to the Head of the Department or public body or his/her delegate.
5. Within 14 days from the end of every month, each Information Commission will publish the information collected under sub-section 2 and 3 on the web.
6. Each PIO/Information Commission shall also make this information available for inspection by any citizen.
7. In addition, each Information Commission shall make this information available on the web and update it every month.
8. Information that is covered under subsection j of section 8, and whose disclosure to the public other than the person to whom it pertains might be an invasion of privacy, will not be disclosed under this section.

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| | 9. Each Public Authority shall designate a nodal person who will be the contact person with the appropriate information commission. |
| (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 | |

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| <p>Government, as the case may be, 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, 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.</p> | |
| <p>(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.</p> | <p>25(5) 1. Without prejudice to the generality of the clause, this would include the manner of keeping and destroying records, the suitability of the PIOS/APIOS designated, the arrangements made to receive applications, receive complaints and appeals, provide information, provide records to the information commission, produce and update reports required under the law, computerise information, and maintain web sites.</p> |
| <p>26. (1) The appropriate Government may, to the extent of availability of financial and other resources,-</p> | <p>.</p> |
| <p>(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;</p> | |
| <p>(b) encourage public authorities to participate in the development and organisation of programmes referred to in clause (a) and to undertake such programmes themselves;</p> | |
| <p>(c) promote timely and effective dissemination of accurate information by public authorities about their activities; and</p> | |
| <p>(d) train Central Public Information Officers or State Public Information Officers, as the case may be of public authorities and produce relevant</p> | |

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| 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 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 | |

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| | manner of filing an appeal to the Commission; | |
| | (g) the provisions providing for the voluntary disclosure of categories of records in accordance with section 4; | |
| | (h) the notices regarding fees to be paid in relation to requests for access to an information; and | |
| | (i) any additional regulations or circulars made or issued in relation to obtaining access to an information in accordance with this Act. | |
| | (4) The appropriate Government must, if necessary, update and publish the guidelines at regular intervals. | |
| 27. | (1) The appropriate government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act. | |
| | (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:- | |
| | (a) the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4; | |
| | (b) the fee payable under sub-section (1) of section 6; | |
| | (c) the fee payable under sub-section (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 (7) 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 | |

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| | (f) any other matter which is required to be, or may be, prescribed. | |
| 28. | (1) The competent authority may, by notification in the Official Gazette, make rules to carry out the provisions of this Act. | |
| | (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:- | |
| | (i) the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4; | |
| | (ii) the fee payable under sub-section (1) of section 6; | |
| | (iii) the fee payable under sub-section (1) of section 7; | |
| | (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. | |
| | (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. | |

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| <p>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:</p> | |
| <p>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. .</p> | |
| <p>(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.</p> | |
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| <p>31. The Freedom of Information Act, 2002 is hereby repealed.</p> | |
| <p>THE FIRST SCHEDULE (See sub-section (3) of section 13)</p> | |
| <p>FORM OF OATH OR AFFIRMATION TO BE MADE BY THE CHIEF INFORMATION COMMISSIONER, THE INFORMATION COMMISSIONER, THE STATE CHIEF INFORMATION COMMISSIONER OR THE STATE INFORMATION COMMISSIONER</p> | |
| <p>“I,....., having been appointed Chief Information Commissioner/Information Commissioner/State Chief Information Commissioner/ State Information Commissioner swear in the name of God/ solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws.”</p> | |

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| THE SECOND SCHEDULE (See section 24) INTELLIGENCE AND SECURITY ORGANISATION ESTABLISHED BY THE CENTRAL GOVERNMENT | |
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| 1. Intelligence Bureau. | |
| 2. Research and Analysis Wing of the Cabinet Secretariat. | |
| 3. Directorate of Revenue Intelligence. | |
| 4. Central Economic Intelligence Bureau. | |
| 5. Directorate of Enforcement. | |
| 6. Narcotics Control Bureau. | |
| 7. Aviation Research Centre | |
| 8. Special Frontier Force. | |
| 9. Border Security Force. | |
| 10. Central Reserve Police Force. | |
| 11. Indo-Tibetan Border Police. | |
| 12. Central Industrial Security Force. | |
| 13. National Security Guards. | |
| 14. Assam Rifles. | |
| 15. Special Service Bureau. | |
| 16. Special Branch (CID), Andaman and Nicobar. | |
| 17. The Crime Branch-CID- CB, Dadra and Nagar Haveli. | |
| 18. Special Branch, Lakshadweep Police. | |