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सूचना का अधिकार अधिनियम, 2005

(2005 का अधिनियम संख्यांक 22)

[1 फरवरी, 2011 को यथाविद्यमान]

Right to Information Act, 2005

(Act No. 22 of 2005)

[As modified up to 1st February, 2011]

2011

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PREFACE

This edition of the Right to Information Act, 2005 is being published in diglot form. The English text and the authoritative Hindi text of the Act have been modified up to the 1st day of February, 2011.

NEW DELHI;
The 1st February, 2011

V.K. BHASIN,
Secretary to the Government of India.

THE RIGHT TO INFORMATION ACT, 2005

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THE RIGHT TO INFORMATION ACT, 2005

NO. 22 OF 2005

[15th June, 2005.]

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

WHEREAS the Constitution of India has established democratic Republic;

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

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

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

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

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

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Right to Information Act, 2005.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) The provisions of sub-section (1) of section 4, sub-sections (1) and (2) of section 5, sections 12, 13, 15, 16, 24, 27 and 28 shall come into force at once, and the remaining provisions of this Act shall come into force on the one hundred and twentieth day* of its enactment.

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

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

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

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

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

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

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

(e) "competent authority" means—

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

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

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

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

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

(f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

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

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

(a) by or under the Constitution;

(b) by any other law made by Parliament;

(c) by any other law made by State Legislature;

(d) by notification issued or order made by the appropriate Government, and includes any—

(i) body owned, controlled or substantially financed;

(ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;

(i) "record" includes—

(a) any document, manuscript and file;

(b) any microfilm, microfiche and facsimile copy of a document;

(c) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and

(d) any other material produced by a computer or any other device;

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

(i) inspection of work, documents, records;

(ii) taking notes, extracts or certified copies of documents or records;

(iii) taking certified samples of material;

(iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

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

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

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

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

CHAPTER II

RIGHT TO INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES

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

4. Obligations of public authorities.—(1) Every public authority shall—

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

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

(i) the particulars of its organisation, functions and duties;

(ii) the powers and duties of its officers and employees;

(iii) the procedure followed in the decision making process, including channels of supervision and accountability;

(iv) the norms set by it for the discharge of its functions;

(v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;

(vi) a statement of the categories of documents that are held by it or under its control;

(vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;

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(viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;

(ix) a directory of its officers and employees;

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

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

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

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

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

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

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

(xvii) such other information as may be prescribed;

and thereafter update these publications every year;

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

(d) provide reasons for its administrative or quasi-judicial decisions to affected persons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) the details of further fees representing the cost of providing the information as determined by him, together with the calculations made to arrive at the amount in accordance with fee prescribed under sub-section (1), requesting him to deposit that fees, and the period intervening between the despatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to in that sub-section;

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

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

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

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

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

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

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

(i) the reasons for such rejection;

(ii) the period within which an appeal against such rejection may be preferred; and

(iii) the particulars of the appellate authority.

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

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

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

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

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

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

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

(f) information received in confidence from foreign Government;

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

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

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

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

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

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

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

(2) Notwithstanding anything in the Official Secrets Act, 1923 (19 of 1923) nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

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

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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.

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

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

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

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

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

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

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

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

11. Third party information.—(1) Where a Central Public Information Officer or a State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:

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

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

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

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

*Right to Information Act, 2005**(Chapter III.—The Central Information Commission.)*

CHAPTER III

THE CENTRAL INFORMATION COMMISSION

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

(2) The Central Information Commission shall consist of—

(a) the Chief Information Commissioner; and

(b) such number of Central Information Commissioners, not exceeding ten, as may be deemed necessary.

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

(i) the Prime Minister, who shall be the Chairperson of the committee;

(ii) the Leader of Opposition in the Lok Sabha; and

(iii) a Union Cabinet Minister to be nominated by the Prime Minister.

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

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

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

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

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

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

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

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

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

*Right to Information Act, 2005**(Chapter III.—The Central Information Commission.)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) is adjudged an insolvent; or

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

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

CHAPTER IV

THE STATE INFORMATION COMMISSION

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

(2) The State Information Commission shall consist of—

(a) the State Chief Information Commissioner, and

(b) such number of State Information Commissioners, not exceeding ten, as may be deemed necessary.

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

(i) the Chief Minister, who shall be the Chairperson of the committee;

(ii) the Leader of Opposition in the Legislative Assembly; and

(iii) a Cabinet Minister to be nominated by the Chief Minister.

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

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

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

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

*Right to Information Act, 2005**(Chapter IV.—The State Information Commission.)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Right to Information Act, 2005**(Chapter IV.—The State Information Commission. Chapter V.—Powers and functions of the Information Commissions, appeal and penalties.)*

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

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

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

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

(a) is adjudged an insolvent; or

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

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

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

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

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

CHAPTER V

POWERS AND FUNCTIONS OF THE INFORMATION COMMISSIONS, APPEAL AND PENALTIES

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

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

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

*Right to Information Act, 2005**(Chapter V.—Powers and functions of the Information Commissions, appeal and penalties.)*

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

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

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

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

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

(3) The Central Information Commission or State Information Commission, as the case may be, shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;

(b) requiring the discovery and inspection of documents;

(c) receiving evidence on affidavit;

(d) requisitioning any public record or copies thereof from any court or office;

(e) issuing summons for examination of witnesses or documents; and

(f) any other matter which may be prescribed.

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

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

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

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

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

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

*Right to Information Act, 2005**(Chapter V.—Powers and functions of the Information Commissions, appeal and penalties.)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) reject the application.

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

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

20. Penalties.—(1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

Right to Information Act, 2005

*(Chapter V.—Powers and functions of the Information Commissions, appeal and penalties.
Chapter VI.—Miscellaneous.)*

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

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

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

CHAPTER VI

MISCELLANEOUS

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

22. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923 (19 of 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.

23. Bar of jurisdiction of courts.—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.

24. Act not to apply in certain organizations.—(1) Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government:

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

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

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

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

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

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

*Right to Information Act, 2005**(Chapter VI.—Miscellaneous.)*

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

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

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

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

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

(a) the number of requests made to each public authority;

(b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;

(c) the number of appeals referred to the Central Information Commission or State Information Commission, as the case may be, for review, the nature of the appeals and the outcome of the appeals;

(d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;

(e) the amount of charges collected by each public authority under this Act;

(f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of this Act;

(g) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernisation, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information.

(4) The Central Government or the State Government, as the case may be, may, as soon as practicable after the end of each year, cause a copy of the report of the Central Information Commission or the State Information Commission, as the case may be, referred to in sub-section (1) to be laid before each House of Parliament or, as the case may be, before each House of the State Legislature, where there are two Houses, and where there is one House of the State Legislature before that House.

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

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

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

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

*Right to Information Act, 2005**(Chapter VI.—Miscellaneous.)*

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

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

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

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

(a) the objects of this Act;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) the salaries and allowances payable to and the terms and conditions of service of the officers and other employees under sub-section (6) of section 13 and sub-section (6) of section 16;

*Right to Information Act, 2005**(Chapter VI.—Miscellaneous.)*

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

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

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

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

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

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

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

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

29. Laying of rules.—(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.

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

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

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

31. Repeal.—The Freedom of Information Act, 2002 (5 of 2003) is hereby repealed.

Right to Information Act, 2005

(The First Schedule.)

THE FIRST SCHEDULE

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

FORM OF OATH OR AFFIRMATION TO BE MADE BY THE CHIEF INFORMATION COMMISSIONER/THE INFORMATION COMMISSIONER/THE STATE CHIEF INFORMATION COMMISSIONER/THE STATE INFORMATION COMMISSIONER

"I,, having been appointed Chief Information Commissioner/Information Commissioner/State Chief Information Commissioner/State Information Commissioner swear in the name of God that I will bear true faith and solemnly affirm allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws."

Right to Information Act, 2005

(The Second Schedule.)

THE SECOND SCHEDULE

(See section 24)

INTELLIGENCE AND SECURITY ORGANISATION ESTABLISHED BY THE CENTRAL GOVERNMENT

1. Intelligence Bureau.
2. Research and Analysis Wing of the Cabinet Secretariat.
3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Enforcement.
6. Narcotics Control Bureau.
7. Aviation Research Centre.
8. Special Frontier Force.
9. Border Security Force.
10. Central Reserve Police Force.
11. Indo-Tibetan Border Police.
12. Central Industrial Security Force.
13. National Security Guards.
14. Assam Rifles.
- ¹[15. Sashtra Seema Bal.]
16. Special Branch (CID), Andaman and Nicobar.
17. The Crime Branch-C.I.D.-CB, Dadra and Nagar Haveli.
18. Special Branch, Lakshadweep Police.
- ²[19. Special Protection Group.
20. Defence Research and Development Board.
21. Border Road Development Board.
22. Financial Intelligence Unit, India.]

1. Subs. by Notification No. G.S.R. 347, dated 28-9-2005.

2. Ins. by *ibid.* (w.e.f. 28-9-2005).

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- विक्रेता:—(1) प्रकाशन और विक्रय प्रबंधक, विधि साहित्य प्रकाशन, भारत सरकार, भारतीय विधि संस्थान भवन,
भगवानदास रोड़, नई दिल्ली-110 001.
- (2) प्रकाशन-नियंत्रक, भारत सरकार, सिविल लाईन्स, दिल्ली-110 054.

HIGH COURT OF DELHI : New Delhi
NOTIFICATION

No.162/ Rules/DHC

Dated : 06.05.2009

In exercise of the power conferred by sub-section (1) of Section 28 of the Right to information Act, 2005, read with Article 235 of the Constitution of India and all other enabling provisions, the High Court of Delhi hereby makes, in respect of the courts subordinate to it, following Rules:

CHAPTER I
General

1. Short title and commencement— (a) These Rules may be called the Delhi District Courts (Right to Information) Rules, 2008.

(b) They shall come into force from the date of publication in the Official Gazette.

2. Definitions — In the rules, unless the context otherwise requires —

(a) 'Act' means the Right to Information Act, 2005;

(b) 'Section' means section of the Act;

(c) 'Court' means Courts subordinate to the High Court of Delhi, including Motor Accident Tribunals, Industrial Tribunals and Labour Courts;

(d) 'High Court' means High Court of Delhi;

(e) 'District Judge' means the District Judge of Delhi;

(f) 'Public Information Officer', means an officer so designated under sub-section(1) of section 5 of the Act, and includes an officer designated as 'Link Officer' under said sub-section to work in the absence of the 'Public Information Officer' by the District Judge who shall not be below the rank of a Superintendent;

(g) 'Assistant Public Information Officer' means an officer so designated under sub-section (2) of section 5 of the Act and includes an officer designated as 'Link Officer' under said sub-section to work in the absence of 'Assistant Public Information Officer' by the District Judge who shall not be below the rank of a Superintendent;

(h) 'First Appellate Authority' means an officer so designated to hear appeals under sub-section(1) and sub-section (2) of section 19 of the Act and includes an officer designated as 'Link Appellate Authority' under said sub-section to work in the absence of 'First Appellate Authority';

(i) 'Form' means Forms appended with these rules;

(j) All other words and expressions used herein but not defined and defined in the Act shall have the same meaning as assigned to them in the Act.

3. Endeavour to publish information suo motu- The District Judge shall make constant endeavour to provide as much information as possible in accordance with the requirement of sub-section (1) (b) of section 4 of the Act, to the public at regular intervals through various means at his disposal including Internet.

CHAPTER II
Filing of application, payment of fees and instructions

4. Application for seeking information - (a) A person desirous of seeking information under sub section (1) of section 6 of the Act, shall submit an application in writing or through the electronic means in English or Hindi in Form A, accompanied by an application fee of rupees ten by way of cash against a proper receipt or by bank draft or banker's cheque, or an Indian postal order payable to the District Judge. A receipt in Form B shall be given to the applicant of having submitted the application.

(b) A register in Form C shall be maintained called Information Register to register and keep the record of the applications filed under sub-section (1) of section 6 of the Act.

(c) For providing the information under sub-section (1) of section 7, the fee shall be charged by way of cash against a proper receipt or by a demand draft or bankers cheque or Indian postal order payable to the District Judge at the following rates : —

(i) rupees two for each page; and

(ii) for the inspection of records, no fee for the first hour; and a fee of rupees five for each subsequent hour or fraction thereof.

(d) For providing the information under sub-section (5) of section 7, the fee shall be charged by way of cash against a proper receipt or by demand draft or banker's cheque or Indian postal order payable to the District Judge at the following rates : —

(i) for information provided in diskette or floppy- rupees fifteen per diskette or floppy with rupees two for each page scanned and stored in the diskette or the floppy; and

(ii) for information provided in printed form - at the price fixed for such publication or rupees two per page of photocopy for extract from the publication.

(e) The information for payment to be made under sub-rule (c) and (d), if necessary, shall be sent to the applicant in Form D, asking the applicant to make the payment within fifteen days of the receipt of the intimation failing which the application shall be rejected.

(f) The application submitted in electronic form shall be digitally signed by the applicant. It shall be sent at the designated electronic mail address of the Public Information Officer. An application so sent shall not be considered till the time prescribed fee has been paid in the manner stated in sub-rule (a). The applicant shall take the steps for depositing the fee within seven days of sending the application in the electronic form. In case, the applicant fails to deposit the fee within this time, it will be considered as if no such application has been filed.

(g) No applicant who belongs to 'below poverty line' category shall be required to pay any fee for seeking any information. He shall, however, be required to file with his application some record which may suggest that he or she belongs to this category.

(h) No applicant who requires information concerning life and liberty of any person shall be required to pay fee for seeking information. He shall, however, be required to state clearly the purpose of the information with brief explanation of the same.

(i) The applicant, if he or she so desires, may be allowed to deposit fee in advance, to be deposited under sub-rule (c) and (d) subject to being adjusted at the time of delivering the

information.

(j) An applicant desirous of information being supplied by post, shall file adequately pre-stamped envelope for sending the information by registered post / speed post.

(k) Where the applicant fails to turn up for collecting the information on the appointed day, the same shall be kept pending for another fifteen days. After fifteen days the information shall not be supplied to the applicant unless he or she submits a fresh application with the requisite fees in accordance with sub-rule (a) and paying the fee as charged under sub-rule (c) and sub-rule (d), if any, in case the fee has not been deposited in advance in accordance with sub-rule (i).

(l) In the event of failure to put in a fresh application or pay the charges referred to in sub-rule (k) action shall be taken under Rule 6 to recover the balance due, if any, against the applicant.

(m) For every information sought a separate application shall be made except where the informations sought are consequential or related to one another.

5. Information relating to third party: (a) Where an applicant files an application relating to information referred to in Section 8 (j) of the Act, which may constitute unwarranted invasion of the privacy of an individual, he shall clearly state the reasons justifying the disclosure of information in the larger public interest and shall also produce such other documents or material, if any, which may justify such a disclosure.

(b) Where the Public Information Officer or the Assistant Public Information Officer intends to send a notice to the third party under sub-section (1) of section 11 of the Act, he or she, shall within five working days of the filing of the application send the same in Form E, inviting the third party to make a representation orally or in writing against the proposed disclosure of the information within ten days from the date of the receipt of the notice, by speed post in a pre-stamped envelope furnished by applicant within two working days after being informed that the information asked for is intended to be disclosed to him, accompanied by the copy of the Application and the documents or material, if any, produced in support of the application. In case, the applicant fails to furnish the pre-stamped envelope within the prescribed time unless extended by another two working days by the Public Information Officer and Asst. Public Information Officer, as the case may be, the applicant shall be deemed to be not interested in the prosecution of the application and the same shall be dismissed.

(c) Where the Public Information Officer or the Assistant Public Information Officer has made a decision under sub-section 3 of section 11 of the Act, as to whether or not to disclose the information or record or part thereof shall give in writing the notice of his or her decision to the third party, in Form F informing inter-alia that the said party has a right to prefer an appeal under sub-section (2) of section 19 of the Act against the decision.

6. Account of the fee deposited : A separate income account shall be kept by the Public Information Officer of the fee received under these rules, in the Form G. After the close of every month he shall prepare or get a statement prepared showing the applications in which the fee or part of the fee remains to be realized. The statement shall be checked and signed by the Public Information Officer and submitted to the Collector through the District Judge for recovery of fees as land revenue.

7. Exemption from disclosure of information: The Public Information Officer or the Assistant Public Information Officer may not provide the information to the applicant on the following grounds:

- (i) The information asked for is covered by sections 8, 9, 11 or 24 of the Act.
- (ii) The information asked for relates to Delhi Judicial Service or Delhi Higher Judicial Service and it has no jurisdiction to provide such an information to the applicant.
- (iii) The information relates to the confidentiality of any examination or selection process conducted by the office of the District Judge for the appointment of ministerial staff.
- (iv) The information amounts to intrusion in the judicial work of any court.
- (v) The information amounts to overreaching a decision of any judicial body which was authorized to provide the information but has declined to do so.
- (vi) The information to be sought relates to a judicial proceeding, or judicial functions or the matters incidental or ancillary thereto.
- (vii) The information is non-existent and will be necessary to create it for supplying it to the applicant.
- (viii) The information sought amounts to seeking "opinion" or "advice", which does not form part of any record.
- (ix) The information amounts to analyzing the information for the applicant which does not form part of any existing record.
- (x) The information asked for is not by a citizen but by an Alien or a Company registered under the Company Registration Act or any other body corporate including a non-government organization except where the information has been asked for by any of the office bearers of these organizations in their individual capacity as the citizens of India.
- (xi) The application of the applicant may be dismissed if the name and the address provided by the applicant are found to be not correct.
- (xii) The information asked for relates to a vigilance enquiry, except for the final result of the enquiry.
- (xiii) Any other reason which may justify not providing the information to the applicant.

8. Instruction for deciding the application filed for seeking information: The Public Information Officer or the Assistant Public Information officer should, as far as possible, follow the following instruction:

- (i) The right to information is a valuable right granted to a citizen, therefore, granting the information is the rule and its rejection an exception.
- (ii) Where ever there is a doubt as to whether the information should be supplied to the applicant or not, it should be supplied to applicant.
- (iii) The application should not be rejected merely because it does not conform to the Form prescribed if it is otherwise possible to clearly understand what information is being asked for.
- (iv) If the application is found to be vague or it is not possible to make out as to what is being asked for by the applicant, the Public Information Officer or the Assistant

Public Information Officer may extend help to the applicant, in re-framing the information asked for.

- (v) Where the information asked for relates to a voluminous record and the applicant desires to be supplied with copies of the part of the record, the applicant may be allowed to inspect the record to point out the documents the copies of which he would like to be supplied.
- (vi) Where the applicant is sensorily disabled or illiterate, the Public Information Officer or the Assistant Public Information Officer shall provide assistance to enable access to information, including the assistance to reduce the application in writing and to inspect the record.
- (vii) The Public Information Officer or the Assistant Public Information Officer, shall always keep in mind, while dealing with an application relating to courts that Section 4(1)(d) of the Act does not apply to judicial proceedings conducted by a court or a tribunal as it refers to only administrative and quasi-judicial decisions.
- (viii) Where the application is being declined for the reason stated in Rule 7(iii), the confidentiality shall be decided by the District Judge whose decision shall be final in the matter.
- (ix) Where the Public Information Officer or the Assistant Public Information Officer intends to disclose the personal information relating to a third party, he or she will not do so without following the procedure laid down in Section 11 of the Act. It will, however, not be necessary to do so in case the information is intended to be declined.
- (x) Where the Public Information Officer or the Assistant Public Information Officer intends to decline the information on the ground of it being covered by section 8(1)(d) of the Act, he or she shall do so only with the approval of the District Judge.
- (xi) Where the Public Information Officer or the Assistant Public Information Officer, intends to disclose the information covered by Section 8(1)(e) of the Act, he or she shall not do so without the permission of the High Court.
- (xii) Where the Public Information Officer or the Assistant Public Information Officer intends to disclose the information under section 8(2) of the Act, he or she shall do so only with the permission of the District Judge.
- (xiii) Where the part of the information asked for is vague or it is difficult to make out from it, what is being asked for or it cannot be provided for the reasons stated in rule 4 or part of the information is such which can be supplied, the Public Information Officer or the Assistant Public Information Officer shall supply part of the information which can be supplied.
- (xiv) Where the information asked for is readily available on the website of the Delhi District Court or in any book or in any other printed form, the Public Information Officer or the Assistant Public officer shall inform the applicant of the source where this information is available and supply him copy or copies of the same only when specifically asked for.
- (xv) The Public information Officer or the Assistant Public Information Officer shall provide information in the form in which it is sought unless it would disproportionately divert the resources of the District Court or would be detrimental to the safety or preservation of the record in question.
- (xvi) Where the information is supplied as the copies of the record, the same shall be paginated, stamped and signed by the Public Information Officer or the Assistant Public Information Officer on each page, as the case may be.

9. Instruction to the applicants: The applicants approaching the Public Information Officer or Assistant Public Information Officer, as far as possible, follow the following instructions:

- (i) The application should clearly state the information desired to be supplied by the Public Information Officer or the Assistant Public Information Officer.
- (ii) In one application information asked for should be limited to one subject matter for which it would be possible to provide the information from one set of record.
- (iii) The information asked for should, as far as possible, be precise and brief so as to enable the Public Information Officer or the Assistant Public Information Officer to process the information expeditiously.
- (iv) In the application filed, avoid using foul or defamatory language or including extraneous matter having no bearing on the information sought.
- (v) Although the applicant is not bound to inform as to the reason for which the information is being asked for but providing such an information voluntarily, may help in identifying information asked for and result in providing the information expeditiously.
- (vi) Do not ask too many informations in one application, unless it is necessary to do so.
- (vii) Do not ask for information in the shape of opinions or advises, unless they have been part of any record.
- (viii) Do not expect the Public Information officer or the Assistant Public Information Officer to provide information on the basis of hypothetical questions.
- (ix) Do not expect the Public Information Officer or the Assistant Public Information Officer will create an information and supply it.
- (x) Do not expect the Public Information Officer or the Assistant Public Information Officer to analyze facts and provide the information unless such an analysis is a part of any record.
- (xi) No information can be provided relating to any judicial proceeding under this Act.
- (xii) An individual is welcome to file as many applications as he or she may desire but care should be taken that they are not aimed at causing harassment to any one.
- (xiii) Name and address are required to be stated correctly. If it is found that the name and address given in the application are not correct, it may result in the dismissal of the application.
- (xiv) If the applicant is an employee of the office of the District and Sessions Judge office and aim of his seeking the information is linked with the redressal of any of his grievances, it would be appropriate for him to approach the concerned authority first before seeking information under the Act.

10. Communication of order on the application: The Public Information Officer or the Assistant Public Information Officer shall communicate the order of rejection of the application of providing the information or its disclosure to the applicant in Form H and I, as the case may be.

CHAPTER IV

Appeals to First Appellate Authority

11. Appeal to the First Appellate Authority: (a) An appeal preferred by any person under sub-section(1) or an appeal preferred by a third party under sub-section (2) of section 19 of the Act, shall be accompanied by a fee of rupees fifty, except where the applicant belongs to 'below poverty line' category or the information asked for concerns life or liberty of any person, by way of cash against a proper receipt or by bank draft or bankers cheque or an Indian postal order payable to the District Judge and it shall contain the following:

- (i) Name and address of the appellant;
- (ii) particulars of the order including number, if any, against which the appeal is preferred ;
- (iii) brief facts leading to the appeal;
- (iv) grounds of appeal;
- (v) relief claimed; and
- (vi) any other information which the First Appellate Authority may require to be filed before hearing the appeal.

(b) **Documents to accompany appeal:** Every appeal made to the First Appellate Authority shall be accompanied by following documents :

- (i) Self -attested copies of the orders or documents of the Public Information Officer or of the Assistant Public Information Officer against which the appeal is being preferred; and
- (ii) copies of documents relied upon and referred to by the appellant in the appeal.

12. Register of Appeals: A Register of appeals shall be maintained by the office of the First Appellate Authority in Form J and following details shall be entered in it:-

- (i) Registration No.
- (ii) Name and particulars of applicant/appellant.
- (iii) Name and particulars of respondent/non-applicant.
- (iv) Details of the order of Public Information Officer/Asst. Public Information Officer against which appeal is preferred.
- (v) Date of order.
- (vi) Decision.
- (vii) Remarks.

13. Powers of First Appellate Authority: (a) Any order passed by the First Appellate Authority shall be binding on the appellant as well as on the Public Information Officer or the Assistant Public Information Officer subject to it being set aside, varied or modified in second appeal filed under sub-section (3) of section 19 of the Act.

(b) The First Appellate Authority may by its orders set aside, vary or modify the orders of the Public Information Officer or the Assistant Public Information Officer and in doing so the First Appellate Authority shall have power to :

- (i) go into not only the manner in which the decision was made also the merits of the decision;

- (ii) pass orders as to the payment of the fee and the charges to be paid for receiving the information;
- (iii) direct the information to be supplied in a particular form;
- (iv) dismiss the appeal; or
- (v) pass any other orders or directions as may be necessary and considered appropriate in the given circumstances of the case.

**CHAPTER V
Miscellaneous**

14. Reasons for decisions : The Public Information Officer or the Assistant Public Information Officer or the First Appellate Authority, shall give reasons for declining the request of the Applicant of providing information or taking any decision as to the fees or the charges against the Applicant.

15. Duty to supply the information: (a) Every officer or the employee of the District and Sessions Judge's office, who is called upon to supply the information, shall do so as expeditiously and accurately in accordance with the record without concealing or withholding any information.

(b) In case of his or her failing to supply the information in time or it being inaccurate or false, without any reasonable explanation, the District Judge, on being informed by the Public Information Officer or Assistant Public Information Officer, may proceed to take disciplinary action against such an officer or employee under sub-rule (1)(ii) of Rule 3 of Central Civil Services (conduct) Rules, 1964.

16. Preservation of the record: (a) All records relating to the application filed for seeking information and the appeals filed under the provisions of the Act, shall be preserved in accordance with the table given below:

TABLE

S. No.	Nature of the Record	Period for which the record is to be preserved
1	All applications under section 6 of the Act and all proceedings and papers related thereto, wherein the information has been supplied.	Six months
2	All applications under section 6 of the Act and all proceedings and papers related thereto, wherein the information has not been supplied or partially supplied.	One year
3	All appeals under section 19(1) and 19(2) of the Act, which have been allowed.	Six months
4	All appeals which have been disallowed or partially allowed.	One year
5	All Registers maintained in respect of application filed under section 6 of the Act and the appeals filed under section 19 (1) of the Act.	Three years
6	Annual Returns.	Ten years

(b) Notwithstanding anything in sub-rule (a) the record of an application filed under section 6 of the Act shall be preserved till the time any appeal preferred under section 19(1) or 19(2) of the Act has been concluded and the directions given, if any, by the Appellate Authority has been carried out.

(c) Notwithstanding anything stated in sub-rule (a) the record of an appeal filed under section 19(1) or 19(2) of the Act, shall be preserved till the appeal preferred, if any, against it under section 19(3) has been concluded and the direction given, if any, in such an appeal has been carried out.

(d) Notwithstanding anything stated in sub-rule (a), sub-rule (b) and sub-rule (c), the District Judge may in his discretion direct any record to be preserved for a period longer than stated above.

(e) The destruction of the record should be carried out under the supervision of the Public Information Officer or any other officer instructed to supervise the destruction.

(f) The waste paper should be sold in the open market along with the other waste paper generated in the office of the District and Sessions Judge. It shall not be necessary to keep a separate account of the sale of the waste paper so generated.

17. Annual Returns: (a) As soon as practicable after the end of each year, the Public Relation Officer, shall prepare a report on the implementation of the provision of the Act during that year and forward a copy thereof to the Central Information Commission in Form K.

(b) Each report shall state in respect of the year to which the report relates:

(i) the total number of requests received during the year;

(ii) decisions where applications for information were rejected;

(iii) number of cases where disciplinary action was taken against any officer/employee for not supplying the information;

(iv) number of times various provisions were invoked while rejecting request such as section (1), section 9, section 11, section 24 of the Act or for other reasons.

Explanation: An application where partial information has been supplied shall be counted as an application which has been allowed.

(v) amount of fee collected, additional fee and any other charges and amount of penalties imposed and recovered.

18. Powers of the Public Information officer to lay down instruction: The Public Information Officer shall lay down such instruction as may be necessary for observing the hours for the filing of applications, inspection of record or the manner in which the inspection is to be made or such other matters relating to the convenience of the applicants, with the prior permission of the District Judge.

19. Power of the District Judge to issue instructions and directions : The District Judge shall have the power to issue, from time to time, such instructions or directions or pass orders as may be necessary for the implementation of these rules, the provisions of the Act, the rules framed thereunder by the Central Govt, the direction or instruction given by the Govt. of National Capital Territory of Delhi, Central Govt., Central Information Commission, State Information Commission or the High Court.

20. Powers of the High Court to call for the reports and pass orders for the removal of difficulties: The High court shall have the power to call for the report on any of the subject matter covered by these rules and the provisions of the Act and to pass such orders or give such instructions as appear to be necessary or expedient for the removal of any difficulty, arising in giving effect to these rules and the provisions of the Act.

FORM A

Application for information under Section 6 (1) of the Act
[Rule 4 (a)]

Application. No.....
(for official use)

To

The Public Information Officer/Assistant Public Information Officer

1. Name of the applicant:
2. Father's/Husband's name:
3. Permanent address:
4. Address at which information is required to be sent :
5. Form in which the information is required :
(State if the information is required in the form of copies of documents/ information is required in diskette or floppy / copies of the extracts from any publication.)
6. How would you like the information to be sent:
(State if you will collect the information yourself or through any of your representative or would like it to be sent by Fax or E-mail, if so, give the Fax number or the e -mail address. If you want the information to be sent by registered post or speed post, file the self-addressed prepaid envelope.)
7. Do you belong to BPL category?
(If yes, give the details of the proof being submitted and also self - attested copy of the same. It may be noted, if required, the applicant can be asked to produce the original of the same at any time considered necessary.)
8. E-mail address (if any):
9. Mobile number (if any):
10. Land line number (if any):
11. If the information required concerns life and liberty of a person, give details:
12. The purpose for which the information is required :
(Although the furnishing of this information is not mandatory, the same may be furnished as it may be of use in retrieving the required information.)
13. The name and address of the third party :
(where the information sought relates to a third party)
14. Department from which the information is required:
15. Particulars of the information requested for :
(The information(s) requested for should relate to only one subject matter, retrievable from one set of records. If the space found is not adequate a separate sheet may be used. The number of sheets, if any, being attached with this form, be mentioned here.)

16. Any other information which may be useful in the expeditious disposal of the application.

Place _____ Signatures with full name and address of the applicant

Date _____

FOR OFFICE USE

DETAILS OF THE FEE REMITTED

Mode of remittance	Amount	Cash Receipt No./ Draft or Banker's Cheque No./ IPO No. *	Date of Remission
		Receipt No: Name of Bank and Branch: Number of the Bank Draft/ Banker's Cheque: Branch of the Post Office: Number of the IPO: * Strike out which ever is not applicable.	

FORM – B

Acknowledgment of the Application submitted in Form A
[See Rule 4(a)]

Application No.....

Dated.....

1. Received an application in Form A from Shri/Ms.....
Resident of under Section of the
Right to Information Act, 2005.
2. The information is proposed to be given normally within fifteen days and in any case
within thirty days from the date of receipt of application and in case it is found that the
information asked for cannot be supplied the rejection letter shall be issued stating reason
thereof.
3. The applicant is advised to contact the undersigned on..... from to
..... PM.
4. The applicant shall have to deposit the balance fee, if any, with the Public Information
Officer/Asst. Public Information Officer before collecting the information.
5. For the attention of the applicant rules 4 (k) and 6 are being reproduced here as under:

“4(k) Where the applicant fails to turn up for collecting the information on the
appointed day, the same shall be kept pending for another fifteen days. After fifteen
days the information shall not be supplied to the applicant unless he or she submits a
fresh application with the requisite fees in accordance with sub-rule (a) and paying the
fee as charged under sub-rule (c) and sub-rule (d), if any, in case the fee has not been
deposited in advance in accordance with sub-rule (i).”

“6. Account of the fee deposited : A separate income account shall be kept by the
Public Information Officer of the fee received under these rules, in the Form G. After
the close of every month he shall prepare or get a statement prepared showing the
applications in which the fee or part of the fee remains to be realized. The statement
shall be checked and signed by the Public Information Officer and submitted to the
Collector through the District Judge for recovery of fees as land revenue.”

Place: Signature with full name and Stamp of the Public Information
Officer/Assistant Public Information Officer
Date: E-mail
Web-site
Telephone No.

FORM – C

Format for the Information Register
[See Rule 4(b)]

Registration No. of application	Date of receipt of application	Fee affixed on application	Fee to be charged under sub-section (1) of Section 7/ sub-section (5) of Section 7	Name and address of applicant	Date of first appearance of the applicant after the submission of the application
1	2	3	4	5	6

Brief description of the desired information	Date of dispatch of application to the concerned department (s)	Date of receipt of information from the concerned department	Date of disposal of application	Decision/Note of Public Information Officer/Asst. Public Information Officer on the application
7	8	9	10	11

Date of supplying/dispatch of information	Applicant or his representative's signatures where the information is supplied by hand*	Order of First Appeal, if any	Order of Second Appeal, if any	Remarks
12	13	14	15	16

*Mention the postal receipt No. when the information is sent by post.

Mention Fax No./E-mail address of the applicant as well as of the office of the District Judge, from where the Fax/E-mail has been sent along with the date, when the information is sent by Fax/E-mail.

FORM D

Information for Payment
[See Rule 4(e)]

From

(Name and Designation of the Public Information Officer)

To

(Name of the applicant &
Address)

Sir,

Please refer to your application bearing number -----
dated _____ addressed to the undersigned. I am to inform you that the following
amount towards the fee for providing information may be deposited to enable the undersigned to
furnish the said information.

Please make payment within a period of fifteen days from the date of receipt of this
intimation.

Fee:

Number of pages :

*Number photocopies of printed material:

*Number of diskettes/floppy:

*Number of documents scanned and stored in diskettes/floppy:

Place:

Signature with full name and Stamp of the Public Information
Officer/Assistant Public Information Officer

Date:

E-mail
Web-site
Telephone No.

*Strike out which is not applicable.

FORM – E

[See Section 8(j) and 11(a) of the Act]

[See Rule 5(b)]

From

(Name and address of the Public Information Officer/Asst. Public Information Officer)

To

(Name and address of the third party)

Sir,

The applicant (name of the applicant)----- has filed an application before the undersigned seeking disclosure of information which may amount to invasion of your privacy/breach of confidentiality, if the same is supplied to the applicant. The undersigned intends to make disclosure of the said information to the applicant. You are invited to make your submissions in writing or orally on -----at ----- . In case, you fail to appear on the said date and time, it will be presumed that you have nothing to say in the matter.

Place: Signature with full name and Stamp of the Public Information Officer/Assistant Public Information Officer
Date: E-mail
Web-site
Telephone No.

Encl:

- (1) Application
- (2)
- (3)

FORM – F

(Information to the third party under sub-section (3) of Section 11 of the Act)
[See Rule 5(c)]

From

(Name and address of the Public Information Officer/Asst. Public Information Officer)

To

(Name and Address of the third party)

Sir,

On an application filed by the applicant (name of the applicant)-----
under section 6(1) of the Act, the undersigned has passed the following orders under sub-section (3)
of section 11 of the Act: (Reproduce the operative part of the order).

You are entitled to prefer an appeal against the said order under section 19 of the Act
within thirty days from the date of the order. Copy of the order has also been enclosed.

Place: Signature with full name and Stamp of the Public Information
Officer/Assistant Public Information Officer
Date: E-mail
Web-site
Telephone No.

FORM – G

Register of the Account of the Fee Deposited
(See Rule 6)

Application No.	Name and address of the applicant	Date and the particulars of the fee deposited at the time of filing the application	Advance charges paid, if any, for supplying photocopies of documents /diskette/photocopies of printed material
1	2	3	4

Charges due to be paid, for supplying photocopies of documents /diskette/photocopies of printed material	Charges paid for supplying photocopies of documents /diskette/photocopies of printed material	Balance Charges remaining to be paid for supplying photocopies of documents /diskette/photocopies of printed material	Refund, if any	Remarks
5	6	7	8	9

FORM – H

Rejection Order
[See Rule 10]

No.....

Date.....

To,

Sir/Madam,

Please refer to your application No.dated..... addressed to
the undersigned regarding supply of information on

2. The information asked for cannot be supplied due to following reasons:-

(i)

(ii)

3. As per section 19 of the Right to Information Act, 2005, you may file an appeal to
the First Appellate Authority within thirty days of the issue of this order.

Place:

Signature with full name and Stamp of the Public Information
Officer/Assistant Public Information Officer

Date:

E-mail
Web-site
Telephone No.

FORM – I

Form of Supply of information to the applicant
[See Rule 10]

No.....

Date.....

To

Sir/Madam,

Please refer to your application No.dated..... addressed to the undersigned regarding supply of information on

2. The information asked for is enclosed for reference.*

3. The information has been partly allowed. The part of the information allowed to be disclosed is enclosed for reference. The remaining part of the information is not being supplied for the following reasons:*

(i)

(ii)

(iii)

4. The requested information does not fall within the jurisdiction of this Public Information Officer/Asst. Public Information Officer.

5. As per Section 19 of the Right to Information Act, 2005, you may file an appeal to the First Appellate Authority within thirty days of the issue of this order.

Place: Signature with full name and Stamp of the Public Information Officer/Assistant Public Information Officer

Date: E-mail
Web-site
Telephone No.

* Strike out whichever is not applicable.

FORM -J

Format of the Register for Registration of Appeal
(See Rule 12)

Registration Number of the Appeal	Registration Number of the application	Fee affixed on the Appeal	Name and particulars of applicant/appellant	Name and particulars of respondent/non-applicant
1	2	3	4	5

Details of the order of Public Information Officer/Asst. Public Information Officer against which appeal is preferred	Date of Order	Decision	Remark
6	7	8	9

FORM – K
(See Rule 12)

OFFICE OF THE DISTRICT & SESSIONS JUDGE, DELHI

Proforma for Annual Return to Central Information Commission
(Under Section 25 of the Right to Information Act, 2005)

As on _____

Total no. of request received during the year	Decisions where applications for information rejected	No. of cases where disciplinary action taken against any officer

No. of times various provisions were invoked while rejecting request													
Relevant Section of RTI ACT 2005													
Section 8(1)										Other Sections			Other reasons
a	b	c	d	e	f	g	h	i	j	9	11	24	

Amount of Charges Collected (in Rs.)		
Fee amount	Additional fee & other charges	Penalties amount

By order of the Court,

Sd/-

(AJIT BHARIHOKE)
Registrar General