

CHAPTER - XXI

RIGHT TO INFORMATION

In consonance with judicial pronouncements for giving legal status to “Right to Information”, Govt. of India have enacted a specific law, the Right to Information Act, 2005. It came into force on the 12th October, 2005 (120th day of its enactment on 15th June, 2005).

21.1 Object of the Right to Information Act.—

The basic object of the Right to Information Act is to empower the citizens, promote transparency and accountability in the working of the Government, contain corruption, and make our democracy work for the people in real sense. It goes without saying that an informed citizen is better equipped to keep necessary vigil on the instruments of governance and make the government more accountable to the governed. The Act is a big step towards good governance making the citizens informed about the activities of the Government.

21.2 Main Provisions of the RTI Act, 2005 are as under.—

- (1) All the citizens have the right to information, subject to the provisions of the Act and it extends to the whole of India.
- (2) It covers all the three tiers of government i.e. Central, State and Local governments and all the three branches i.e. Legislative, Executive and Judiciary of the government.
- (3) It applies to “Public Authorities” which are owned, controlled or substantially financed directly or indirectly by the appropriate Government and the NGOs and private bodies substantially financed by the government.
- (4) The Act provides that information of the third party can also be provided after following the due procedure.
- (5) It casts an obligation on the Public Authority to proactively disclose information about itself. They are also supposed to maintain records in an indexed and cataloged manner.

- (6) The Act provides for the designation of First Appellate Authority/Public Information Officer/Assistant Public Information Officer for providing information.
- (7) Provision has also been made for the transfer of a request by a public authority to another authority where the information is held by the latter.
- (8) A time limit of 30 days has been prescribed for the disposal of the requests for information under the Act for normal information, 48 hours for life and liberty related information, 40 days for 3rd party information and 45 days for corruption and human rights related information of the listed organisations.
- (9) The period intervening between the additional fees demand letter and the payment of fee shall be excluded for the purpose of calculating the period of thirty days.
- (10) It provides that in case a PIO rejects the application, he/she is bound to give reasons for the same. The period within which an appeal against such rejection may be preferred as well as the particulars of the appellate authority have also to be given by him/her.
- (11) No fee to be charged from persons Below Poverty Line.
- (12) Information has to be provided free of charge if it is given after the time limit.
- (13) Certain categories of information have been exempted from disclosure. However, these can be given if public interest is larger than the protected interest.
- (14) The Act incorporates the principle of severability in the exempted category of information.
- (15) It provides for a two-tier Appellate Forum. First Appeal is to be made to departmental officer senior to the Public Information Officer. The Second Appeal has to be made to the Commission.
- (16) The Central and State' Information Commissions have the status of an independent non-judicial machinery.
- (17) While inquiring into any matter, the Commission has the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure.

- (18) The Act prescribes for the procedure to be followed by Assistant Public Information Officer/Public Information Officer, First Appellate Authority and Information Commissioner while carrying out their duties and responsibilities.
- (19) It defines legal framework for exercise of powers by the Commission.
- (20) It also prescribes the time limit for preferring an appeal to FAA and IC.
- (21) In case of a grievance at Public Information Officer's level, a provision has been made in it for directly making complaint to the Commission.
- (22) The decisions of the Commission have been made binding by the Act.
- (23) Listed agencies in its Schedule II have been kept out of its ambit. However, the exemption is not absolute in matters relating to corruption and human rights violations.
- (24) The jurisdiction of subordinate courts has also been barred by the Act.
- (25) Its provisions have been made overriding in character.
- (26) The Central Information Commission/State Information Commission can impose a penalty of Rs. 250/- per day on PIO. This penalty can go upto a maximum of Rs. 25,000/- under the provision of the Act.
- (27) There is also a provision of disciplinary action against the PIO, for contravention of provisions of the Act by him/her.
- (29) The Central and State Information Commissions to monitor its implementation and to prepare an Annual Report to be laid before Parliament/State Legislature.
- (30) For its effective operationalisation, the Act gives rule making power to the appropriate government and the competent authorities.

21.3 Procedure for Request for Information.—

Section 6 of the Act stipulates that the request for information may be made to the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority or given to the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be. The request for information can be made as follows:-

- (1) 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;

- (2) Oral request to be reduced to writing with assistance sought from Public Information Officer, where such request cannot be made in writing;
- (3) To specify the particulars of the information being sought by the applicant;
- (4) To be accompanied by fee as prescribed under the rules made under the Act;
- (5) Applicant not to be required to give reason for requesting the information or any other personal details except those that may be necessary for the purpose of contacting.

21.4 Procedure for deposit of further fee.—

- (1) On receipt of an application the PIO/APIO shall give a receipt in token thereof to the applicant.
- (2) On receipt of the application the PIO/APIO shall scrutinize the application and shall assess how much fee is required to be paid by the applicant for obtaining the information.
- (3) The fee assessed shall be informed to the applicant by the PIO/APIO expeditiously, from the date of receipt of the application.

21.5 Procedure for the disposal of request for Information Section 7 of the Act.—

- (1) Request for information shall be disposed by the Public Information Officer within;
 - (i) 30 days of receipt in general cases and 48 hours of receipt in cases where the information sought for concerns the life or liberty of a person [section 7(1)];
 - (ii) A period of 5 days shall be added in computing the response time where an application for information is given to an Assistant Public Information Officer [Section 5(2)];

The period intervening between the dispatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of 30 days, and (b) information concerning the right of the person making request with respect to review the decision as to person to whom access is to be provided is sensorily disabled, the Public Information Officer shall provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection [Section 7(4)];

- (2) Request to be deemed to have been refused by the Public Information Officer, if decision on the request for information is not given within the period specified as above [Section 7(2)];

- (3) Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, the Public Information Officer shall send an intimation in Form B of the Haryana RTI Rules, 2009 to the person making the request, giving: (a) the details of further fees representing the cost of providing the information as determined by her/him, together with the calculations made to arrive at the amount in accordance with fee prescribed, requesting her/him to deposit that fees.
- (4) Before taking any decision to provide information, the Public Information Officer shall take into consideration the representation made by a third party [Section 11(1)];
- (5) Where a request has been rejected (under section 8, 9, 11 or 24 of the Act) the Public Information Officer 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 [Section 7(8)].

21.6 Third Party Information.—

- (1) “Third Party” is defined under the Act to mean a person other than the citizen making a request for information and the public authority to which the request is made. It could be a private individual or a public authority [Section 2 (n)]. Section 11 of the Act requires that if the information sought by the citizen pertains to a record or part thereof relates to, or has been supplied by a third party and if it is not treated as confidential by that third party, the PIO is at liberty to provide the same to the applicant.
- (2) If, however, such information is treated as confidential by that third party, the following steps will have to be taken:-
 - (i) The PIO gives a written notice to the third party, within 5 days of receipt of the application, and conveys his intention to disclose the information or record while requiring the third party to make a submission, within 10 days from the date of receipt of such notice, regarding whether the information should be disclosed or not.
 - (ii) The PIO can, within 40 days after the receipt of application for information, if the third party has been given an opportunity to make

representation, make a decision on disclosure and give a written notice to the third party.

The third party is entitled to prefer an appeal against the decision of the PIO.

- (iii) Except in the case of “trade or commercial secret protected by law”, disclosures involving third part information may be allowed, if the public interest of such third party. If the third party is a private individual, the PIO has to be very cautious and properly weigh the consequences as privacy of an individual is important and protected under Section 8 (1)(j).

21.7 Quantum of fees under Haryana Right to Information Rules, 2009 (as amended upto date).—

- (1) An application for obtaining any information under sub-section (1) of the section 6 shall be accompanied with a fee of Rs. 10/-.
- (2) For providing information under sub-section (1) of section 7, the fee shall be charged from the applicant at the following rates, namely:-
 - (a) Rs. 2/- for each page in A-4 or A-3 size paper, created or copied; and
 - (b) if information is to be provided on a large size of paper than that specified in clause (a), the actual cost shall be charged.
- (3) For providing information under sub-section (5) of section 7, the fee shall be charged from the applicant at the following rates, namely:-
 - (a) Rs. 50/- for providing information in a floppy;
 - (b) Rs. 50/- for providing information in diskette; and
 - (c) if information sought is of such a nature, which is contained in a printed document, of which a price has been fixed, then that information shall be provided after charging the price, fixed for that printed document. However, if only an extract or page of such a printed document is asked for, then a fee of Rs. 2/- per page shall be charged.
- (4) No fee for inspection of record, if any, provided under any section of this Act is made for one hour only.
- (5) However, for more than one hour of inspection, Rs. 5/- shall be charged for every subsequent hour or part thereof.
- (6) There is no fee (Application or other additional fee for Xerox copy, CD and Floppy etc.) for citizens below poverty line. Sec 7(5)
- (7) Postal charges are also to be charged from the information seeker (Haryana RTI Rules, Form A).

- (8) In Haryana, additional fee has to be deposited within 15 days from the issuance of intimation in this if the applicant belongs to the Below Poverty Line (BPL) category, she/he is not required to pay any fee. However, she/he should submit a proof in support of his/her claim of belonging to this category. If the application is not accompanied by the prescribed fee of Rs. 10/- or proof of the applicant's belonging to BPL category, as the case may be, it shall not be a valid application under the Act. It may be pointed out that there is no bar on the public authorities to supply information in response to such applications. However, provisions of Act would not apply to such cases.

21.8 Monitoring and Reporting under RTI.—

Section 25(1) of RTI Act, 2005 stipulate that State Information Commission shall prepare at the end of a year a report on the implementation of provision of the said Act during that period and forward a copy thereof to the State Government. It further stipulates that each public authority within their jurisdiction collect and provide such information to the State Information Commission to prepare the report for further action. Accordingly, all public authorities are required to maintain data in the proforma attached at **Annexure-B** and to supply the same to the commission on their demand from to time.

21.9 Record Retention Schedule for RTI Application.—

The State Government has prescribed the following schedule for the retention/weeding of records pertaining to RTI applications vide instruction No. 1/1/2015-2AR, dated 24th May, 2016:-

Sr. No.	Description of Record	Retention Period	Remarks
1.	RTI cases disposed without attracting any first appeal	3 years	
2.	RTI cases attracting first appeal	3 years	Since they attract second appeal so require a fair retention period
3.	RTI cases attracting second appeal (without any remarkable decision)	3 years or till the compliance of Commission's orders whichever is later 5 years	
4.	RTI cases attracting Second appeal involving a remarkable decision.	5 years	Judgement/Commission ruling 'B'.

5.	First appeal cases file	3 years	As they may attract second appeal
6.	Second appeal cases file	3 years or till the compliance of Commission's orders	
7.	File relating to the administrative aspects or RTI Act, 2015 i.e. implementation, suggestion, guidelines etc.	3 years	
8.	File register of RTI application i.e. other than file.	'B' keep	

Note:— 'B' keep – This category will cover file required for permanent reservation for administrative purpose.

Annexures:

- (1) A copy of the Right to Information Act, 2005, amended upto 1st August, 2019, is at Annexure-A.
- (2) Proforma for Register to maintain data as at Annexure-B.
- (3) A copy of the Haryana RTI Rules 2009, amended upto 12.04.2021, is placed at Annexure-C.
- (4) Main instructions issued by AR Department are at Annexure-D.

Annexure-A

THE RIGHT TO INFORMATION ACT, 2005

No. 22 of 2005

[15th June, 2005]

(Amended upto 1st August, 2019)

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 (RTI Act, 2005)

1. Preliminary.—

- (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;
- (c) "Central Public Information Officer" means the Central Public Information Officer designated under sub-section (1) and includes a Central Assistant Public Information Officer designated as such under sub-section (2) of section 5;
- (d) "Chief Information Commissioner" and "Information Commissioner" mean the Chief Information Commissioner and Information Commissioner appointed under sub-section (3) of section 12;
- (e) "competent authority" means—
 - (i) the Speaker in the case of the House of the People or the Legislative Assembly of a State or a Union territory having such Assembly and the Chairman in the case of the Council of States or Legislative Council of a State;
 - (ii) the Chief Justice of India in the case of the Supreme Court;
 - (iii) the Chief Justice of the High Court in the case of a High Court;
 - (iv) the President or the Governor, as the case may be, in the case of other authorities established or constituted by or under the Constitution;
 - (v) the administrator appointed under article 239 of the Constitution;
- (f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;
- (g) "prescribed" means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be;

- (h) "public authority" means any authority or body or institution of self-government established or constituted—
 - (a) by or under the Constitution;
 - (b) by any other law made by Parliament;
 - (c) by any other law made by State Legislature;
 - (d) by notification issued or order made by the appropriate Government, and includes any—
 - (i) body owned, controlled or substantially financed;
 - (ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;
- (i) "record" includes—
 - (a) any document, manuscript and file;
 - (b) any microfilm, microfiche and facsimile copy of a document;
 - (c) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and
 - (d) any other material produced by a computer or any other device;
- (j) "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—
 - (i) inspection of work, documents, records;
 - (ii) taking notes, extracts or certified copies of documents or records;
 - (iii) taking certified samples of material;
 - (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;
- (k) "State Information Commission" means the State Information Commission constituted under sub-section (1) of section 15;
- (l) "State Chief Information Commissioner" and "State Information Commissioner" mean the State Chief Information Commissioner and the State Information Commissioner appointed under sub-section (3) of section 15;
- (m) "State Public Information Officer" means the State Public Information Officer designated under sub-section (1) and includes a State Assistant Public Information Officer designated as such under sub-section (2) of section 5;
- (n) "third party" means a person other than the citizen making a request for information and includes a public authority.

CHAPTER-II (RTI Act, 2005)

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. (1) Every public authority shall.—

- (a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;
- (b) publish within one hundred and twenty days from the enactment of this Act,—
 - (i) the particulars of its organisation, functions and duties;
 - (ii) the powers and duties of its officers and employees;
 - (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
 - (iv) the norms set by it for the discharge of its functions;
 - (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
 - (vi) a statement of the categories of documents that are held by it or under its control;
 - (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
 - (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
 - (ix) a directory of its officers and employees;
 - (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;

- (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
 - (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
 - (xiii) particulars of recipients of concessions, permits or authorisations granted by it;
 - (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
 - (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
 - (xvi) the names, designations and other particulars of the Public Information Officers;
 - (xvii) such other information as may be prescribed and thereafter update these publications every year;
- (c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;
- (d) provide reasons for its administrative or quasi-judicial decisions to affected persons.
- (2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.
- (3) For the purposes of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public.
- (4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.

Explanation.— For the purposes of sub-sections (3) and (4), "disseminated" means making known or communicated the information to the public through notice boards,

newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.

5. 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.
- (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.

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.
- (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 nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.
- (3) Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place,

occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:

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

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.

CHAPTER-III (RTI Act, 2005)

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 recognized 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 such term as may be prescribed by the Central Government]**¹ 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 such term as may be prescribed by the Central Government]**² or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such Information Commissioner:

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

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

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

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

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

¹ Substituted vide Notification Act No. 24 of 2019 dated 01.08.2019.

² Substituted vide Notification Act No. 24 of 2019 dated 01.08.2019.

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- (5) [The salaries and allowances payable to and other terms and conditions of service of the Chief Information Commissioner and the Information Commissioner shall be such may be prescribed by the Central Government: Provided that the salaries, allowances and other conditions of service of the Chief Information Commissioner or the Information Commissioners shall not be varied to their disadvantage after their appointment: Provided further that the Chief Information Commissioner and the Information Commissioners appointed before the commencement of the Right to Information (Amendment) Act, 2019 shall continue to be governed by the provisions of this Act and the rules made thereunder as if the Right to Information (Amendment) Act, 2019 had not come into force.]¹
- (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 and 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.

¹

Substituted vide Notification Act No. 24 of 2019 dated 01.08.2019.

- (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 an Information Commissioner, as the case may be,—
- (a) is adjudged an insolvent; or
 - (b) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or
 - (c) engages during his term of office in any paid employment outside the duties of his office; or
 - (d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or
 - (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Information Commissioner or an Information Commissioner.
- (4) If the Chief Information Commissioner or an Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of India or participates in any way in the profit thereof or in any benefit or emolument arising there from otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehavior.

CHAPTER-IV (RTI Act, 2005)

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 recognized as such, the Leader of the single largest group in opposition of the Government in the Legislative Assembly shall be deemed to be the Leader of 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.

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- (6) The State Chief Information Commissioner or a State Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.
- (7) The headquarters of the State Information Commission shall be at such place in the State as the State Government may, by notification in the Official Gazette, specify and the State Information Commission may, with the previous approval of the State Government, establish offices at other places in the State.

16. Term of office and conditions of service.—

- (1) The State Chief Information Commissioner shall hold office **[for such term as may be prescribed by the Central Government]**¹ 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 such term as may be prescribed by the Central Government]**² 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

¹ Substituted vide Notification Act No. 24 of 2019 dated 01.08.2019.

² Substituted vide Notification Act No. 24 of 2019 dated 01.08.2019.

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 the State Chief Information Commissioner and the State Information Commissioner shall be such may be prescribed by the Central Government:

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

Provided further that the State Chief Information Commissioner and the State Information Commissioners appointed before the commencement of the Right to Information (Amendment) Act, 2019 shall continue to be governed by the provisions of this Act and the rules made thereunder as if the Right to Information (Amendment) Act, 2019 had not come into force.]¹

- (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

¹

Substituted vide Notification Act No. 24 of 2019 dated 01.08.2019.

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 (RTI Act, 2005)

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;
 - (c) who has not been given a response to a request for information or access to information within the time limit specified under this Act;
 - (d) who has been required to pay an amount of fee which he or she considers unreasonable;
 - (e) who believes that he or she has been given incomplete, misleading or false information under this Act; and
 - (f) in respect of any other matter relating to requesting or obtaining access to records under this Act.
- (2) Where the Central Information Commission or State Information Commission, as the case may be, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof.
- (3) The Central Information Commission or State Information Commission, as the case may be, shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;
 - (b) requiring the discovery and inspection of documents;
 - (c) receiving evidence on affidavit;
 - (d) requisitioning any public record or copies thereof from any court or office;
 - (e) issuing summons for examination of witnesses or documents; and
 - (f) any other matter which may be prescribed.
- (4) Notwithstanding anything inconsistent contained in any other Act of Parliament or State Legislature, as the case may be, the Central Information Commission or the State Information Commission, as the case may be, may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.

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.

- (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:
- 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 (RTI Act, 2005)

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, 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 justification 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 to certain Organisations.—

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

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

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided

after the approval of the Central Information Commission, and notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

- (2) The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other intelligence or security organisation established by that Government or omitting therefrom any organisation already specified therein and on the publication of such notification, such organisation shall be deemed to be included in or, as the case may be, omitted from the Schedule.
- (3) Every notification issued under sub-section (2) shall be laid before each House of Parliament.
- (4) Nothing contained in this Act shall apply to such intelligence and security organisation being organisations established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify:
Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:
Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the State Information Commission and, notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.
- (5) Every notification issued under sub-section (4) shall be laid before the State Legislature.

25. 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;
 - (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;

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- (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. Powers 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;
 - [(ca) the term of office of the Chief Information Commissioner and Information Commissioners under sub-sections (1) and (2) of section 13 and the State Chief Information Commissioner and State Information Commissioners under sub-sections (1) and (2) of section 16;
 - (cb) the salaries, allowances and other terms and conditions of service of the Chief Information Commissioner and the Information Commissioner and the State Information Commissioners under sub-section (5) of section 16;]¹
 - (d) the salaries and allowances payable to and the terms and conditions of service of the officers and other employees under sub-section (6) of section 13 and sub-section (6) of section 16;
 - (e) the procedure to be adopted by the Central Information Commission or State Information Commission, as the case may be, in deciding the appeals under sub-section (10) of section 19; and

¹

Inserted vide Notification Act No. 24 of 2019 dated 01.08.2019.

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

28. Powers 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 is hereby repealed.

THE FIRST SCHEDULE (RTI Act, 2005)

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

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

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

THE SECOND SCHEDULE (RTI Act, 2005)

(See section 24)

Intelligence and security organisation established by the Central Government

1. Intelligence Bureau.
2. Research and Analysis Wing of the Cabinet Secretariat.
3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Enforcement.
6. Narcotics Control Bureau.
7. Aviation Research Centre.
8. Special Frontier Force.
9. Border Security Force.
10. Central Reserve Police Force.
11. Indo-Tibetan Border Police.
12. Central Industrial Security Force.
13. National Security Guards.
14. Assam Rifles.
15. **[Sashtra Seema Bal]¹**
16. **[Directorate General Income Tax “Investigation.”]²**
17. **[National Technical Research Organisation.]³**
18. **[Financial Intelligence Unit, India.]⁴**
19. **Special Protection Group.**
20. **Defence Research & Development Organisation.**
21. **Border Road Development Board.]⁵**
- [22.]⁶**

¹ Substituted vide Notification dated 28.09.2005.

² Substituted vide Notification dated 27.03.2008.

³ Substituted vide Notification dated 27.03.2008.

⁴ Substituted vide Notification dated 27.03.2008.

⁵ Inserted vide Notification dated 28.09.2005.

⁶ Inserted vide Notification dated 28.09.2005 but Omitted vide Notification dated 27.03.2008.

Annexure-B

(See Para 21.8)

Register of requests for information received & disposed under RTI Act, 2005.

(w.e.f. 01.01.2021 to 31.12.2021) (Calendar Year)										
Sr. No.	Name of Public Authority	Number of requests received	Number of requests rejected (reasons in brief) as per provisions	Number of complaints/appeals referred to the State Information Commission	Particulars of any disciplinary action taken against any official on account of violation of RTI Act		The amount of charges collected		Factual report of the efforts made by the Public Authorities to administer and implement the spirit and intention of this Act.	Recommendations. If any, received for the development/improvement/modernisation/reform or amendment to this Act or other legislation or common law or any other matter relevant to RTI Act and action taken thereon.
	1	2	3	4	5		6		7	8
			(a) (b)		(a)	(b)	(a)	(b)		
			u/s u/s		On the recommendation of the Commission	Otherwise	Application charges u/s 6(1)	Documentation charges u/s 7(3)		

Annexure-C

Haryana Right to Information Rules, 2009
(Amendments incorporated upto 12th April, 2021)

HARYANA GOVERNMENT
ADMINISTRATIVE REFORMS DEPARTMENT

Notification

The 21st December, 2009

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

1. Short title and Commencement.—

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

2. Definitions.—

- (1) In these rules, unless the context otherwise requires,
 - (a) “Act” means the Right to Information Act, 2005 (Act 22 of 2005);
 - (b) “Commission” means the Haryana Information Commission, constituted under section 15 of the Act;
 - (c) “Model Form” means a model form appended to these rules;
 - (d) “section” means the section of the Act.
- (2) The words and expressions used in these rules, but not defined, shall have the same meanings as respectively assigned to them in the Act.

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

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

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

4. Deposit of fee, section 6.—

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

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

- (2) The amount of fee shall be credited to the account as referred in sub-rule (1):
Provided that the Boards, Corporations and other autonomous bodies of the State may get the amount of requisite fee deposited in their own accounts maintained by them.
- (3) On receipt of an application, submitted under sub-rule (1) of rule 3, the State Public Information Officer shall scrutinize the application and shall assess how much fee is required to be paid by the applicant for obtaining the information.
- (4) The fee assessed under sub-rule (3), shall be intimated to the applicant by the State Public Information Officer, expeditiously, in Model Form 'B' to ensure the delivery of information within time specified under sub-section (1) of section 7 of the Act.
- (5) In case the applicant fails to deposit the requisite fee within a period of fifteen days after the issuance of the intimation given to him under sub-rule (4), it shall be construed that the applicant is no longer interested in obtaining the information sought for and his application shall be deemed to have been filed.

5. Quantum of fee, sections 6 and 7.—

- (1) An application for obtaining any information under sub-section (1) of the section 6 shall be accompanied with a fee of Rs.10/-.

-
- (2) For providing information under sub-section (1) of section 7, the fee shall be charged from the applicant at the following rates, namely:-
- (a) Rs. 2/- for each page in A-4 or A-3 size paper, created or copied; and
 - (b) if information is to be provided on a large size of paper than that specified in clause (a), the actual cost shall be charged.
- (3) For providing information under sub-section (5) of section 7, the fee shall be charged from the applicant at the following rates, namely:-
- (a) Rs. 50/- for providing information in a floppy;
 - (b) Rs. 50/- for providing information in diskette; and
 - (c) if information sought is of such a nature, which is contained in a printed document, of which a price has been fixed, then that information shall be provided after charging the price, fixed for that printed document. However, if only an extract or page of such a printed document is asked for, then a fee of Rs. 2/- per page shall be charged.
- (4) No fee for inspection of record shall be charged, if such an inspection is made for one hour only. However, if inspection is made for a period of more than one hour, then a fee of five rupees shall be charged for every subsequent hour or fraction thereof.]¹

6. Procedure for filing appeals, section 19(1) and (3).—

- (1) The memorandum of appeal shall contain the following information, namely:-
- (a) name and address of the appellant, including the details of contact telephone/mobile Numbers/e-mail address, if any;
 - (b) official designation and address of State Public Information Officer or State Assistant Public Information Officer, as the case may be;
 - (c) official designation and address of the Officer against the decision of whom the appeal is preferred;
 - (d) particulars of the order including number; if any, against which the appeal is preferred;
 - (e) brief facts leading to the appeal
 - (f) prayer or relief sought;
 - (g) grounds for the prayer or relief
 - (h) verification by the appellant; and

¹

Substituted vide notification No. 5/4/2008-1AR, Dated 18.03.2016

- (i) any other information which the Commission may deem necessary for deciding the appeal.
- (2) The appellant shall submit three copies of the memorandum of appeal for official purpose.
- (3) Every appeal made to the Commission shall be accompanied by the following documents, namely:-
 - (a) self-attested copies of the Orders or documents against which the appeal is being preferred;
 - (b) copies of documents relied upon by the appellant and referred to in the appeal; and
 - (c) an index of the documents referred to in the appeal:

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

7. Procedure for deciding appeal, Section 19(10).—

Before deciding an appeal, the Commission shall, -

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

8. Mode of serving notice, Section 19(10).—

The Commission may serve notice to the persons concerned in any of the following modes, namely:-

- (a) by hand delivery (dasti) through process server;
- (b) by Registered Post, Speed Post, Under Postal Certificate, Courier or such other means;
- (c) by electronic mail, if e-mail address is provided; or

(d) by publication in the newspaper.

9. Appearance of Appellant/Complainant, Section 19.—

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

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

10. Order by Commission, section 19(10).—

- (1) The Commission shall make order in writing and pronounce the same in the Commission in the presence of the concerned parties.
- (2) The Commission may, at the time of deciding any complaint/appeal, impose penalty on a State Public Information Officer in accordance with the provisions of section 20 of the Act.
- (3) A copy of the order of the Commission imposing penalty on a State Public Information Officer shall be forwarded to the Registrar. After receipt of such order, the Registrar shall enter the details thereof in a register maintained for the purpose in Form 'C'.
- (4) The penalty order shall be conveyed by the Registrar vide a letter in Form 'D' to the controlling authority concerned for recovery of the penalty amount from the salary of the State Public Information Officer and for the deposit of this amount in the following head of account, by the date fixed namely:-

Major Head	0070- Other Administrative services
Sub Head	Major 60-Other Services
Minor Head	118- Receipts under Right to Information Act, 2005 (Central) Act 22 of 2005)
Sub Head	98- Penalties imposed under Right to Information Act, 2005 (Central Act 22 of 2005)
Detailed Head	51-NA
Object Head	00-No Standard Object Head

- (5) The Government shall make necessary arrangements to ensure recovery of the penalty amount from the State Public Information Officer concerned in compliance of the order of the Commission.
- (6) The Registrar shall be responsible for following up each such matter in which the Commission has imposed penalty on any State Public Information Officer, till compliance report is received.
- (7) The party concerned may obtain the copy of the order from the Commission.]¹

11. Repeal and Saving.—

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

¹

Substituted vide Notification No. 5/52/2016-1AR, dated 3rd July, 2018.

¹[MODEL FORM 'A']
[See rule 3(1)]

To

State Public Information Officer/
State Assistant Public Information Officer,
_____Name of the office with address)

- (1) Full Name of the applicant:
- (2) Address alongwith following ID :
(Aadhaar Card, Passport, Voter Card, Pan Card,
PPP ID, Government issued Identity Card)
- (3) Particulars of information required—
 - (i) Subject matter of information²:
 - (ii) The period to which the information relates³:
 - (iii) Description of the information required⁴:
 - (iv) Whether information is required by post or in person:
(the actual postal charges shall be included in additional fee)
 - (v) In case by post (Ordinary, Registered or Speed post):

Place:

Date:

Signature of the applicant.

ACKNOWLEDGEMENT

Received your application dated.....Vide diary No.....
dated.....

Signature of State Public Information Officer/
State Assistant Public Information Officer
(Name of the Department/Office).....

¹ Model Form A substituted vide Notification dated 12.04.2021.

² Broad category of the subject to be indicated (such as Grant/ Government Land/ Service matters/ Licences etc.).

³ Relevant period for which information is required to be indicated.

⁴ Specific details of the information are required to be indicated.

MODEL FORM 'B'

[See rule 4(4)]

From

Designation of the State Public
Information Officer.

To

Name of the applicant
Address of the applicant.

Sir,

Please refer to your application dated..... Addressed to the undersigned requesting for information under Right to Information Act, 2005.

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

State Public Information Officer.

[Form 'C']

[see rule 10(2)]

Register of penalties imposed under section 20 of the Right to Information Act, 2005.

Sr. No.	Registration of number of complaint/appeal	Name of the bench which passed the penalty order	Date of order	Amount of penalty imposed with details of Installments, if any	Name and address of complainant/appellant	Name (if available), designation and address of State Public Information Officer against whom penalty imposed	Date on which compliance of penalty order reported	Remarks] ¹
1	2	3	4	5	6	7	8	9

[FORM 'D']

[see Rule 10(3)]

State Information Commission, Haryana.

Complaint/Appeal Registration No.....

Sh./Smt.....Complainant/Appellant

Vs

.....Opposite Party

From: Registrar

State Information Commission, Haryana

.....

.....

Chandigarh

To :

.....

.....

(Name, Designation and address of officer who will recover the penalty imposed)

¹ Inserted vide Notification No. 5/52/2016-1AR, dated 3rd July, 2018.

Whereas a complaint/second appeal was presented by Sh./Smt..... resident of (address) and was registered in this Commission as above;

And whereas the aforesaid complaint/appeal has been decided by the bench of Sh./Smt..... who is exercise of powers vested under section 20 of the Right to Information Act, 2005 has ordered imposition of penalty on the State Public Information Officer concerned as follows:

- (a) Name (if available), designation and address of the SPIO on whom penalty imposed
- (b) Amount of penalty imposed with details of Installments fixed, if any.

A copy of the aforesaid order is annexed.

Now therefore, you are requested to ensure compliance of the aforesaid order by deduction of the amount of the penalty as aforesaid from the salary of the SPIO concerned and deposit the amount so recovered in the following head of account:

Major Head	0070- Other Administrative services
Sub Major Head	60-Other Services
Minor Head	118- Receipts under Right to Information Act, 2005 (Central) Act 22 of 2005)
Sub Head	98- Penalties imposed under Right to Information Act, 2005 (Central Act 22 of 2005)
Detailed Head	51-NA
Object Head	00-No Standard Object Head

You are further requested to send a report on action taken in compliance of aforesaid order of the Commission within three months of the date of this letter.

Date:

Registrar,
State Information Commission, Haryana.]¹

¹ Inserted vide Notification No. 5/52/2016-1AR, dated 3rd July, 2018.

Annexure-D
Main Instructions regarding RTI Act, 2005

No. 5/52/2016-1AR
Government of Haryana
Chief Secretary's Office
Administrative Reforms Department

Dated Chandigarh the, 14th August, 2018

To

- (i) All the Administrative Secretaries to Govt. Haryana,
- (ii) All the Head of Departments in Haryana,

Subject: Appointment of State Public Information Officer and First Appellate Authority under RTI Act, 2005.

Sir/Madam,

I am directed to address you on the subject cited above and to say that to ensure quality and authenticity of information under the RTI Act, 2005 Government has decided that State Public Information Officer and First Appellate Authority at State Head Quarter shall be as under:-

Departments	SPIO	First Appellate Authority
Haryana Civil Secretariat and FC Office	Under Secretary	Joint Secretary/Special Secretary/Secretary
Directorates Public Works Department/Engineering Departments	Executive Engineer	Chief Engineer
Other Directorates	Joint Director	Additional Director/Director

You are, therefore, requested to issue appointment order of State Public Information Officer and First Appellate Authority, accordingly.

Yours faithfully,

Sd/-

(Santosh Kumari)

Under Secretary Administrative Reforms,
for Chief Secretary to Govt., Haryana
Office Telephone No. 2740001, 2740226, Ext. 8818,
e-mail address: admreformshry@gmail.com.

No. 5/52/2016-1AR

**Government of Haryana
Chief Secretary's Office
Administrative Reforms Department**

Dated Chandigarh the, 05th December, 2018

To

- (i) All the Administrative Secretaries to Govt. Haryana.
- (ii) All Head of Departments in Haryana.
- (iii) All the Chief Administrators and Managing Directors of Boards/Corporations in Haryana.

Subject: Appointment of SPIO notified under the RTI Act, 2005.

Sir/Madam,

I am directed to address you on the subject cited above and to say that Govt. has decided that no State Public Information Officer (SPIO) notified under the RTI Act, 2005 should be below Group 'B' officer in any Administrative Department(s)/ Board(s)/ Corporation(s) Authorities or any entity to which the provisions of the Act apply.

It has further been decided that till Govt. is apprised of this having been done by every Administrative Secretary, it may be ensured that all HoD(s) concerned personally check every draft reply to every pending application under RTI Act for its authenticity. Further, if the requisite notification(s) are not but in place by 14.12.2018 for any entity, the Administrative Secretary shall himself check every draft reply from 15.12.2018 onwards till the issuance of the requisition notification(s).

This may kindly be brought to the notice of all concerned for compliance.

Yours faithfully,

Sd/-

(Santosh Kumari)

Under Secretary, Administrative Reforms,
for Chief Secretary to Government, Haryana.

Rax 2740001, 2740226, Ext. 8818.

E-mail address: admnreformshry@gmail.com

**No.5/52/2016-1AR
Haryana Government
Chief Secretary's Office
Administrative Reforms Department.**

Dated Chandigarh the 08th October, 2018.

To

- (i) All the Administrative Secretaries to Govt. Haryana,
- (ii) All the Head of Departments in Haryana,

Subject: Disclosure of Personal information under the RTI Act, 2005.

Sir/Madam,

I am directed to address you on the subject cited above and to inform you that state Information commission, Haryana has noticed that Hon'ble Supreme court of India in the matter of Girish R. Deshpande Vs CIC and others SLP(C) no 27734/2012) has held as under:- "The performance of an employee/officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression "personal information" the disclosure of which has no relationship to any public activity, or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of the privacy of that individual". The Supreme Court further held that such information could be disclosed only if it would serve a larger public interest. Keeping in view the above decision of the Hon'ble Supreme court of India, the State Information Commission has decided that information about the complaint made against an officer of the Government and any possible action the authorities might have taken on those complaint qualifies as personal information within the meaning of provision of section 8(1J)) of the RTI Act, 2005. You are therefore, requested to bring the above in the notice of all concerned/SPIOs under your control for compliance.

Yours faithfully,

Sd/-

(Santosh Kumari)
Under Secretary (Administrative Reforms)
for Chief Secretary to Govt., Haryana
Office Telephone No. 2740001, 2740226, Ext. 8818,
e-mail address: admnreformshry@gmail.com

**No.5/52/2016-1AR
Haryana Government
Chief Secretary's Office
Administrative Reforms Department**

Dated Chandigarh the 08th October, 2018

To

- (i) All Administrative Secretaries to Govt. Haryana
- (ii) All the Head of Departments in Haryana

Subject: Disposal of First Appeals under the RTI Act, 2005

Sir/Madam,

I am directed to address you on the subject cited above and to inform you that State Information Commission, Haryana has noticed that in many cases following deficiencies has been noticed by the Commission while deciding appeals/complaints :-

- I The first Appellate Authorities under the Right to Information Act, do not dispose of the appeals within the time frame prescribed by the Act;
- II The Appellate Authorities do not examine the appeals judiciously and express their agreement with the decision of the State Public Information Officer mechanically;
- III The State Public Information Officer do not comply with the directions of the first Appellate Authority to furnish information to the appellant;
- IV Sometimes the appeals are not heard by the appellate authority themselves.

2. Section 19(6) of the RTI Act provides that the first Appellate Authority should dispose off the appeal within thirty days of the receipt of the appeal. In exceptional cases, the appellate authority may take forty-five days to dispose off the appeal subject to the condition that he shall record in writing the reasons for delay in deciding the appeal. Therefore, each first appellate authority should ensure that an appeal received by him is disposed off within 30 days of the receipt of the appeal. If, in some exceptional cases, it is not possible to dispose off the appeal within 30 days, its disposal should not take more than 45 days. In such cases, the appellate authority should record, the reasons for not deciding the appeal within 30 days.

3. Deciding appeals under the RTI Act is a quasi-judicial function. It is therefore, necessary that the appellate authority should see to it that the justice is not only done but it should also appeal to have been done. In order to do so, the order passed by the appellate authority should be speaking order giving justification for the decision arrived at.

4. If an appellate authority comes to a conclusion that the appellant should be supplied information in addition to what has been supplied to him by the SPIO, he may either (i) pass an order directing the SPIO to give such information to the appellant; or (ii) he himself may give information to the appellant while disposing off the appeal. In the first case the appellate authority should ensure that the information ordered by him to be supplied is supplied to the appellant at the earliest. It would however, be better if the appellate authority chooses the second course of action and he himself furnishes the information alongwith the order passed by him in the matter.
5. the State Information Commission has also pointed out that some of the Departments have appointed very junior officer as appellate authorities who are not in a position to enforce their orders. The Act provides that the first appellate authority would be an officer senior in rank to the SPIO. Thus, the appellate authority as per provision of the Act, would be an officer in a commanding position vis-a-vis the SPIO. Nevertheless, if, in any case the SPIO does not implement the order passed by the appellate authority and the appellate authority feels that intervention of higher authority is required to get his order implemented, he should bring the matter to the notice of the officer in the public authority competent to take action against the SPIO. Such competent officer shall take necessary action so as to ensure implementation of the provisions of the RTI Act.
6. You are, therefore, requested to bring the above in the notice of all concerned/SPIOs under your control for compliance.

Yours faithfully,

(Santosh Kumari)
Under Secretary (Administrative Reforms)
For Chief Secretary to Govt. Haryana
Office telephone No.2740001, 2749226, Ext.8818
e-mail address – admnreformshry@gmail.com

No. 5/52/2016-1AR
Government of Haryana
Chief Secretary's Office
Administrative Reforms Department

Dated Chandigarh the, 10th July, 2019

To

- (i) All the Administrative Secretaries to Govt. Haryana.
- (ii) All Head of Departments in Haryana.
- (iii) All the Chief Administrators and Managing Directors of Boards/Corporations in Haryana.

Subject: Appointment of SPIO notified under the RTI Act, 2005.

Sir/Madam,

In continuation of this Department letter of even Nos. dated 14.08.2018 and 05.12.2018 on the subject cited above, it is clarified that the decision conveyed vide letter dated 14.08.2018 is to be operative in State Head Quarters offices and decision conveyed vide letter dated 05.12.2018 is to be operative in field offices of Haryana Government. If any office has changed any SPIOs to Group B Officers as per letter dated 05.12.2018, you are requested to restore it as per earlier communication dated 14.08.2018.

This may kindly be noted by all concerned for compliance under intimation to the Government.

Yours faithfully,

Sd/-

(Santosh Kumari)

Under Secretary, Administrative Reforms,
for Chief Secretary to Government, Haryana.

Rax 2740001, 2740226, Ext. 8818.

E-mail address: undersecy.ar@hry.gov.in

**No. 5/52/2016-1AR
Haryana Government
Chief Secretary's Office
Administrative Reforms Department.**

Dated Chandigarh the 08th October, 2018.

To

- (i) All the Administrative Secretaries to Govt. Haryana,
- (ii) All the Head of Departments in Haryana,

Subject: Disclosure of Personal information under the RTI Act, 2005.

Sir/Madam,

I am directed to address you on the subject cited above and to inform you that state Information commission, Haryana has noticed that Hon'ble Supreme court of India in the matter of Girish R. Deshpande Vs CIC and others SLP(C) no 27734/2012) has held as under:- "The performance of an employee/officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression "personal information" the disclosure of which has no relationship to any public activity, or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of the privacy of that individual". The Supreme Court further held that such information could be disclosed only if it would serve a larger public interest. Keeping in view the above decision of the Hon'ble Supreme court of India, the State Information Commission has decided that information about the complaint made against an officer of the Government and any possible action the authorities might have taken on those complaint qualifies as personal information within the meaning of provision of section 8(1Xi) of the RTI Act, 2005. You are therefore, requested to bring the above in the notice of all concerned/SPIOs under your control for compliance.

Yours faithfully,

Sd/-

(Santosh Kumari)

Under Secretary (Administrative Reforms)
for Chief Secretary to Govt., Haryana
Office Telephone No. 2740001, 2740226, Ext. 8818,
e-mail address: admreformshry@gmail.com

No.5/52/2016-1AR
Government of Haryana
Chief Secretary's Office
Administrative Reforms Department

Dated Chandigarh the, 11th September, 2018

To

- (i) All the Administrative Secretaries to Govt., Haryana,
- (ii) All the Head of Department in Haryana.

Subject: Format for giving information to the applicant under RTI Act- issue of guidelines regarding.

Sir/Madam,

I am directed to address you on the subject cited above and to inform you that State Information Commission, Haryana has been observed that different public authorities provide information to RTI applicants in different formats. Though there cannot be a standard format for providing information, the reply should however, essentially contain the following information:

- (i) RTI Application number with date and date of its receipt in the public authority.
- (ii) The name, designation, official telephone number and email ID of the SPIO.
- (iii) In case the information requested for is denied, detailed reasons for denial quoting the relevant section of the RTI Act should be clearly mentioned.
- (iv) In case the information pertains to other public authority and the application is transferred under section 6(3) of the RTI Act, then details of the public authority to whom the RTI application has been transferred should be given.
- (v) In case additional fee is sought, provisions of Rule 4(4) and 7(5) should invariably be intimated to the citizen seeking information including the right of appeal against the decision of SPIO.
- (vi) Where the SPIO 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 the third party, the SPIO is obliged to proceed as per Section 11 of the RTI Act, 2005 to take a decision about sharing of information pertaining to third party.
- (vii) In the concluding para of the reply, as mandated in sub-section 8 of Section 7 of the Act, it should be clearly mentioned that the First Appeal, if any against

the reply of the SPIO may be made to the First Appellate Authority within 30 days of receipt of reply of SPIO.

(viii) The name, designation, address, official telephone number and e-mail ID of the First Appellate Authority should also be clearly mentioned.

2. In addition, wherever the applicant has requested for 'certified copies' of the documents or records, the SPIO should endorse on the document "True copy of the document/record supplied under RTI Act", sign the document with date, above a seal containing name of the officer, SPIO and name of public authority; as enumerated below:-

True copy of the document/record supplied under RTI Act. Sd/- Date (Name of the officer) SPIO Name of the Public Authority
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3. Further in case the documents to be certified and supplied is large in number, information on RTI application should be supplied by a designated SPIO but the certification of the documents, if need be, could be done by another Gazetted Officer.

4. You are therefore, requested to bring the above in the notice of all concerned/SPIO under your control for compliance.

Yours faithfully
Sd/-
(Santosh Kumari)
Under Secretary Administrative Reforms,
for Chief Secretary to Govt., Haryana.
Office Telephone No. 2740001, 2740226, Ext.8818,
e-mail address-admnreformshry@gmail.com

Endst. No. 5/52/2016-1AR, Dated Chandigarh the, 11th September, 2018.

A copy is forwarded to the Secretary, State Information Commission, Haryana, SCO No. 70-71, Sector-8 C, Chandigarh w.r.t. their letter No. 14078/SCIC/E-A-I, dated 16.08.2018 for information.

Yours faithfully
Sd/-
(Santosh Kumari)
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for Chief Secretary to Govt., Haryana.
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