

## Right to Information Act, 2005 and RTI Rules 2012

Act No. 22 of 2005

\*Enactment in 56<sup>th</sup> year of Republic of India\*

### Purposes of this Act: -

- (1) The practical regime of right to information for citizens to secure access to information under the control of public authorities.
- (2) Promote transparency and accountability in the working of every public authority.
- (3) Controlling of corruption.

### Chapter I- Preliminary

#### Section-1. Preliminary

- (1) This Act may be called the Right to Information Act, 2005. It shall come into force from 15.06.2005.
- (2) It is extent to whole of India from 31.10.2019 (After removed the Article 370 on Aug 9, 2019).
- (3) **Sections effected from 15.06.2005:** - Section 4(1), section 5(1), 5(2), section 12, 13, 15, 16, 24, 27 and 28.
- (4) **Sections effected from 12.10.2005:** - After 120 days remaining sections of RTI Act.

#### Section-2. Definition

- (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 central Government or UT administration, the Central Government.
  - ii. By the state Government, the State Government.
- (b) **Central Information Commission (CIC):** - Under section 12 (1).
- (c) **Central Public Information Officer (CPIO):** - CPIO under section 5 (1) and CAPIO under 5 (2).
- (d) **Chief Information Commissioner and Information Commissioner** appointed under section 12 (3).
- (e) **Competent Authority:** -
  - 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;



**8000661414**



/basicpay



@basicpay



/basicpay

- 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—**
  - (a) body owned, controlled or substantially financed
  - (b) Non- Govt. organization substantially financed directly or indirectly by funds provided by the appropriate Government.
- (i) **"Record"** includes—
  - (a) any document, manuscript and file;
  - (b) any microfilm, microfiche and facsimile copy of a document
  - (c) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and
  - (d) any other material produced by a computer or any other device
- (j) **"Right to information"** means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—
  - i. Inspection of work, documents, records;
  - ii. Taking notes, extracts or certified copies of documents or records;
  - iii. taking certified samples of material



- iv. obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.
- (k) "State Information Commission" means the State Information commission constituted under sub-section (1) of section 15;
- (l) "State Chief Information Commissioner" and "State Information Commissioner" mean the State Chief Information Commissioner and the State Information Commissioner appointed under sub-section (3) of section 15.
- (m) "State Public Information Officer" means the State Public Information Officer designated under sub-section (1) and includes a State Assistant Public Information Officer designated as such under sub-section (2) of section 5;
- (n) "Third party" means a person other than the citizen making a request for information and includes a public authority.

### **Chapter-II Right to information and obligations of public authorities**

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

### **Section-4. Obligations of public authorities**

- (1) Every public authority shall—
  - (a) Maintain all its records duly catalogued and indexed in a manner and ensure that all records shall be computerized and connected through a network all over the country on different systems so that access to such records is facilitated.
  - (b) Publish within 120 days from the enactment of this Act, —
    - i. the particulars of its organization, functions and duties;
    - ii. the powers and duties of its officers and employees;
    - iii. the norms set by it for the discharge of its functions;
    - iv. the rules, regulations, instructions, manuals and records.
    - v. a directory of its officers and employees;
    - vi. the monthly remuneration received by each of its officers and employees.
    - vii. the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
    - viii. the manner of execution of subsidy programs, including the amounts allocated and the details of beneficiaries of such programs.
    - ix. the names, designations and other particulars of the Public Information Officers;

- (c) Publish all relevant facts while formulating important policies or announcing the decisions which affect public.
- (2) 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) every information shall be disseminated widely and, in such form, and manner which is easily accessible to the public in local language, cost effeteness.

#### **Govt. Decisions**

- (1) **Courteous behavior** with the persons seeking information under the RTI Act, 2005.
- (2) **Suo motu (Proactive) under section 4:** - Information related to procurement, Public Private partnerships, Transfer policy and Transfer orders, RTI applications, CAG & PAC paras, Citizen charter, Discretionary and non- discretionary grants and Foreign Tours of PM/Ministers.
- (3) **Nodal Officer:** - Each central ministry/ public authority should appoint a senior officer **not below rank of a Joint- secretary** and not below rank of Additional HOD in case of attach offices for ensuring compliance with the proactive disclosure guidelines.

#### **Section-5. Designation of Public Information Officers: -**

- (1) Every public authority within **100 days** from enactment of this act, CPIO and SPIO, as the case may be, in all administration office and units.
- (2) At sub-divisional level or sub-district level public authority appoint as CAPIO and SAPIO, as the case may be, to receiving application for information and appeal under this act for forwarding the same forthwith to the CPIO and SPIO as the case may be.
- (3) Where an application for information or appeal is given to a CAPIO or a SAPIO, as the case may be, a period of **05 days** shall be added in computing the period for response.

#### **Govt. Decisions**

- (1) **All the public authorities may ensure that-**
  - (a) CPIO/CAPIO are designated immediately. The details of these officers may also be posted on websites.
  - (b) Fee paid by any of modes i.e., **Cash/DD/Banker's cheque/IPOs/online payment** made payable to the account office of the public authorities are accepted.



**8000661414**



/basicpay



@basicpay



/basicpay

- (c) Applications submitted by the applicants are not refused on the ground that it has not been submitted in prescribed form.

#### Section-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) CPIO or SPIO, as the case may be.
  - (b) CAPIO or SAPIO, as the case may be.
- (2) There is no requirement to give any reason for requesting the information or any other personal details except contact details.
- (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 application shall be transferred as soon as practicable but in no case later than 05 days from the date of receipt of the application.

#### Section-7. Disposal of request

- (1) On receipt of a request under section 6 shall, as expeditiously as possible, and in any case within 30 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.
- **Where the information** sought for concerns the life or liberty of a person, the same shall be provided within 48 hours of the receipt of the request.
- (2) If the CPIO or SPIO, as the case may be, fails to give decision on the request for information within the period specified, shall be deemed to have refused the request.
- (3) Where a decision is taken to provide the information on payment of any fee, the CPIO or SPIO, as the case may be, shall send an intimation to the person requesting him to deposit that fee.
- (4) **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.
- **No fee shall be charged** from the persons who are of below poverty line as may be determined by the appropriate Government.

- (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.
- (6) Before taking any decision under sub-section (1), the CPIO or SPIO, as the case may be, shall take into consideration the representation made by a third party under section 11.
- (7) Where a request has been rejected by the CPIO or SPIO, 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.
  - iii. the particulars of the appellate authority.
- (8) 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.

#### Section-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 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. (**Relation between lawyer and client, Patient and Doctor etc.)**
- (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.



**8000661414**



/basicpay



@basicpay



/basicpay

- (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.
- (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 CPIO or SPIO 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) 19 of 1923 (Official Secret Act): -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 occurred or happened 20 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 20 years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.

### Govt. Decisions

- a) Disclosure of ACR is exempt under 8 (1)(j) of RTI 2005 but the public authority may be disclosed in public interest.
- b) File noting may be disclosed except file noting containing information exempt under section 8.

### **Section-9. Ground 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.



**8000661414**



/basicpay



@basicpay



/basicpay

## Section-10. Severability

- (1) 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 CPIO or SPIO, 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 reason of decision.
  - (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.

## Section-11. Third party information

- (1) Any information or record which relates to or has been supplied by a third party and has been treated as confidential by that third party, the CPIO or a SPIO, 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 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) The third party within 10 days from the date of receipt of such notice, shall be given the opportunity to make representation against the proposed disclosure.
- (3) When the notice was served to third party by CPIO or SPIO shall, within 40 days after receipt of the request, information shall be provided, if the third party has been given an opportunity to make representation.
- (4) A notice given, 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.



**8000661414**



/basicpay



@basicpay



/basicpay

### Chapter III- The Central Information Commission

#### Section-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.
- (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**.
- (4) 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.
- (5) The CIC or an IC 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.
- (6) The headquarters of the Central Information Commission shall be at **Delhi**.

#### Section-13. Term of office and conditions of service

- (1) The CIC shall hold office for such term as may be prescribed by the central Government and shall **not be eligible for reappointment**. No CIC shall hold offices after the age of **65 years**.
- (2) Every Information Commissioner shall hold office for such term as may be prescribed by the central Government or till he attains the age of 65 years, whichever is earlier, and shall **not be eligible for reappointment** as such Information Commissioner:
  - An Information commissioner eligible to appointment of Chief Information commissioner, his term of office **not more than 5 years** in aggregate as the IC and



**8000661414**



/basicpay



@basicpay



/basicpay

CIC.

- (3) The CIC or an IC 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 CIC or an IC may, at any time, by writing under his hand addressed to the President, resign from his office.
- (5) The salaries and allowances and other terms and conditions of service of the CIC and IC shall be prescribed by the Central Government.

#### Section-14. Removal of Chief Information Commissioner or Information commissioner

- (1) 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 misbehavior or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the CIC or any IC, 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.
- (3) Notwithstanding anything contained in sub-section (1), the President may by order remove from office the CIC or any IC if the CIC or an IC, 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 CIC or an Information Commissioner.

#### Chapter IV- The state information commission

#### Section-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.
- (2) **The State Information Commission shall consist—**
  - (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.
- (4) The SCIC and the SIC 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.
- (5) The SCIC or a SIC 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.
- (6) The headquarters of the State Information Commission shall be at such place in the State.

#### Section-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 and shall not be eligible for reappointment. No SCIC shall hold offices after the age of 65 years.
- (2) Every State Information Commissioner shall hold office for such term as may be prescribed by the central Government or till he attains the age of 65 years, whichever is earlier, and shall not be eligible for re-appointment as such State Information Commissioner:
- A State Information commissioner eligible to appointment of State Chief Information commissioner, his term of office not more than 5 years in aggregate as the SIC and SCIC.
- (3) The SCIC or a State Information Commissioner shall before he enters upon his office make and subscribe before the Governor or some other person appointed by him in that behalf, an oath or affirmation according to the form set out for the purpose in the First Schedule.

- (4) The State Chief Information Commissioner or a state Information Commissioner may, at any time, by writing under his hand addressed to the Governor, resign from his office.
- (5) The salaries and allowances payable to and other terms and conditions of service of the SCIC and in SIC shall be such as may be prescribed by the Central Government.

#### **Section-17. Removal of State Chief Information Commissioner or State Information commissioner**

- (1) The SCIC or any SIC shall be removed from his office only by order of the Governor on the ground of proved misbehavior or incapacity after the Supreme Court, on a reference made to it by the Governor, has, on inquiry, reported that the SCIC or any SIC, 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.
- (3) Notwithstanding anything contained in sub-section (1), the Governor may by order remove from office the SCIC or any SIC if the SCIC or a SIC, as the case may be, -
  - Other conditions of removal SCIC or SIC same as mentioned in sub-section (3) of Section 14.

#### **Chapter V Powers and functions of Information Commissions, appeal and penalties.**

#### **Section-18. Powers and functions of Information Commissions**

- (1) 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 or appeal to a CPIO or SPIO, due to non-appointed of such official and CAPIO or SAPIO refuse to accept request or denied to forwarding application.
  - (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.

- (2) Where the CIC or SCIC, 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 CIC or SCIC, as the case may be, have the same powers as are vested in a civil court while trying a suit under the CPC, 1908.

## Section-19. Appeal

- (1) Any person who, does not receive a decision within the time specified, or is aggrieved by a decision of the CPIO or SPIO, as the case may be, may within 30 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 CPIO or SPIO as the case may be, in each public authority:
- (2) Where an appeal is preferred against an order made by a CIPO or a SPIO, as the case may be, under section 11 to disclose third party information, the appeal by the concerned third party shall be made within 30 days from the date of the order.
- (3) A second appeal against the decision within 90 days from the date on which the decision should have been made or was actually received, with the CIC or the SIC.
- (4) If the decision of the CPIO or SPIO, as the case may be, against which an appeal is preferred relates to information of a third party, CIC or SCIC, as the case may be, shall give a reasonable opportunity of being heard to that third party.
- (5) An appeal shall be disposed of within 30 days of the receipt of the appeal and not exceeding a total of 45 days from the date of filing thereof, for reasons to be recorded in writing.
- (6) The CIC or SCIC, as the case may be, shall give notice of its decision, including any right of appeal, to the complainant and the public authority.

## Section-20. Penalties

- For refused to receive an application of information or appeal, mala-fidely denied the request of information or has not furnished information within the time specified, knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request.



**8000661414**



/basicpay



@basicpay



/basicpay

- (1) It shall impose a penalty of **Rs. 250/- Per day** till application is received or information is furnished. The total amount of such penalty **shall not exceed Rs. 25000/-**
- (2) Recommend **disciplinary action** against the CPIO or SPIO, as the case may be, under the service rules applicable to him.

## Chapter VI- Miscellaneous

### Section-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.

### Section-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.

### Section-23. Bar of jurisdiction of courts –

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

### Section-24. Act not to apply to certain organizations

- (1) Intelligence and security organizations specified in the **Second Schedule**,
- (2) The information pertaining to the allegations of corruption and human rights violations
- (3) 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, such information shall be provided **within 45 days from the date of the receipt of request**.

### Section-25. Monitoring and Reporting

- 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.

### Section-26. Appropriate Government to prepare programs

- (1) The appropriate Government may develop and organize educational programs to advance the understanding of the public.



**8000661414**



/basicpay



@basicpay



/basicpay

- (2) Encourage public authorities to participate in the development and organization of programs
- (3) 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.

#### **Section-27. Power to make rules by appropriate Government**

- The appropriate Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act. i.e., fee of application, print cost of materials, term of office, salaries and allowances.

#### **Section-28. Power to make rules by competent authority**

- The competent authority may, by notification in the Official Gazette, make rules to carry out the provisions of this Act. i.e., fee of application, print cost of materials, term of office, salaries and allowances.

#### **Section-29. Laying of rules**

- 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,

#### **Section-30. Power to remove difficulties.**

- If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, removed difficulties within 2 years from the date of the commencement of this Act.

#### **Section-31. Repeal: -The Freedom of Information Act, 2002 is hereby repealed.**

#### **Keys of RTI**

**RTI Week celebration — 5th October to 12th October.**

**The First Schedule-** Oath and affirmation of CIC/IC/SCIC/SIC.

**The Second Schedule-** Intelligence and security organization established by the Central Government.



**8000661414**



/basicpay



@basicpay



/basicpay

## Right to Information Rules, 2012

### Rule-1. Short title and commencement

- (1) These rules may be called the Right to Information Rules, 2012
- (2) They shall come into force from **31<sup>st</sup> July, 2012**.

### Rule-2. Definition

- (a) “Act” means the Right to Information Act, 2005 (22 of 2005);
- (b) “Commission” means the Central Information Commission constituted under sub-section (1) of Section 12 of the Act;
- (c) “First Appellate Authority” means an officer in the public authority who is senior in rank to the Central Public Information Officer to whom an appeal under sub-section (1) of Section 19 of the Act lies.
- (d) “Registrar” means an officer of the Commission so designated and includes an Additional Registrar, Joint Registrar and Deputy Registrar.
- (e) “Section” means a Section of the Act.

### Rule-3. Application fee

- An application under sub-section (1) of Section 6 of the Act shall be accompanied by a fee of rupees ten (Rs. 10/-) and shall ordinarily not contain more than five hundred words (500 words), excluding annexures, containing address of the Central Public Information Officer and that of the applicant.
- Provided that no application shall be rejected only on the ground that it contains more than **five hundred** words.

### Rule-4. Fees for providing information.

- i. Rs. 2/- for each page in A-3 or smaller size paper;
- ii. actual cost or price of a photocopy in large size paper
- iii. actual cost or price for samples or models
- iv. **Rs. 50/-** per diskette or floppy;
- v. price fixed for a publication or Rs.2/- per page of photocopy for extracts from the publication;
- vi. No fee for inspection of records for the first hour of inspection and a fee of rupees 5 for each subsequent hour or fraction thereof; and
- vii. so much of postal charge involved in supply of information that exceeds **Rs. 50/-**.



**8000661414**



/basicpay



@basicpay



/basicpay

#### Rule-5. Exemption from Payment of Fee.

- No fee under **rule 3 and rule 4** shall be charged from any person who, is **below poverty line** provided a copy of the certificate issued by the appropriate Government in this regard is submitted along with the application.

#### Rule-6. Mode of Payment of fee

- **In cash against a proper receipt**/DD or Banker Cheque/IPO/electronic means if available with the public authority.

#### Rule-7. Appointment of Secretary to the Commission.

- The Central Government shall appoint an officer not below the rank of Additional Secretary to the Government of India as Secretary to the Commission.

#### Rule-8. Appeal to the Commission.

- Any person aggrieved by an order passed by the First Appellate Authority or by non-disposal of his appeal by the First Appellate Authority, may file an appeal to the Commission in the format given in the Appendix and shall be accompanied by the following documents, duly authenticated and verified by the appellant, namely-
  - i. a copy of the application submitted to the Central Public Information Officer;
  - ii. a copy of the reply received, if any, from the Central Public Information Officer;
  - iii. a copy of the appeal made to the First Appellate Authority;
  - iv. a copy of the Order received, if any, from the First Appellate Authority;
  - v. copies of other documents relied upon by the appellant and referred to in his appeal
  - vi. an index of the documents referred to in the appeal.

#### Rule-9. Return of Appeal.

- An appeal may be returned to the appellant, if it is not accompanied by the documents as specified in rule 8, for removing the deficiencies and filing the appeal complete in all respects.

#### Rule-10. Process of appeal.

- (1) On receipt of an appeal, if the **Commission is not satisfied that it is a fit case to proceed with**, it may, after giving an opportunity of being heard to the appellant and after recording its reasons, dismiss the appeal. **No appeal shall be dismissed only** on the ground that it has not been made in the specified format.
- (2) If he had filed an appeal before the First Appellate Authority and the First Appellate Authority or any other person competent to pass order on such appeal had made a final order on the appeal.



**8000661414**



**/basicpay**



**@basicpay**



**/basicpay**

- (3) where no final order has been made by the First Appellate Authority with regard to the appeal preferred, and a period of 45 days from the date on which such appeal was preferred has elapsed.

**Rule-11. Procedure for deciding appeals.** The Commission, while deciding an appeal may.—

- i. receive oral or written evidence on oath or on affidavit from concerned or interested person;
- ii. peruse or inspect documents, public records or copies thereof;
- iii. inquire through authorized officer further details or facts;
- iv. hear CPIO, CAPIO or the First Appellate Authority, or such person against whose action the appeal is preferred, as the case may be;
- v. hear third party; and
- vi. receive evidence on affidavits from CPIO, CAPIO, First Appellate Authority and such other person against whom the appeal lies or the third party.

**Rule-12. Presence of the appellant before the Commission.**

- (1) The appellant shall be informed of the date at least seven clear days before the date of hearing.
- (2) The appellant may be present in person or through his duly authorized representative or through video conferencing, if the facility of video conferencing is available, at the time of hearing of the appeal by the Commission.
- (3) Where the Commission is satisfied that the circumstances exist due to which the appellant is unable to attend the hearing, then, the Commission may afford the appellant another opportunity of being heard before a final decision is taken or take any other appropriate action as it may deem fit.

**Rule-13. Presentation by the Public Authority**

- The public authority may authorize any representative of any of its officers to present its case.

**Rule-14. Service of notice by Commission**

- The Commission may issue the notice by name, which shall be served in any of the following modes, namely:—
  - i. service by the party itself;
  - ii. by hand delivery (dasti) through Process Server;
  - iii. by registered post with acknowledgement due;
  - iv. by electronic mail in case electronic address is available.

**Rule-15. Order of the Commission.**

- The order of the Commission shall be in writing and issued under the seal of the Commission duly authenticated by the Registrar or any other officer authorized



**8000661414**



/basicpay



@basicpay



/basicpay

by the Commission for this purpose.

**(RTI Rules Amendment 2019, Notification on 24 Oct. 2019)**

- (1) **Term of office.** 3 years (CIC, IC and SCIC, SIC)
- (2) **Retirement from parent service on appointment.** -The CIC, IC and SCIC, SIC, as the case may be, who on the date of his appointment to the Commission.
- (3) **Pay-**
  - (a) Chief Information Commissioner- **Rs. 2,50,000/-** (fixed) per mensem
  - (b) IC, SCIC and SIC -**Rs. 2,25,000 (fixed)** per mensem.
  - (c) In case the **CIC or IC and SCIC or SIC**, as the case may be, at the time of his appointment is, in receipt of any pension, the pay of such **CIC or IC and SCIC or SIC**, shall be reduced by the amount of that pension.
  - (d) **Dearness Allowance- The CIC or IC and SCIC or SIC**, as the case may be, shall be entitled to draw dearness allowance at the rate admissible.
- (4) **Leave-**
  - (a) The **CIC or IC and SCIC or SIC**, as the case may be, shall be entitled to rights of leave as per admissibility to an officer holding a post carrying the same pay in the Central Government or State Government, as revised from time to time.
  - (b) **President** -Leave sanctioning authority of CIC.
  - (c) **Governor** -Leave sanctioning authority of SCIC.
  - (d) **CIC or SCIC** -Leave sanctioning authority of IC or SIC.
- (5) **Cash Payment in lieu of unutilized Earned Leave. —**
  - The **CIC or IC and SCIC or SIC**, as the case may be, shall be entitled to encashment of **fifty per cent. (50%)** of earned leave to his credit at the time of completion of tenure.
- (6) **Medical Facilities-** The **CIC or IC and SCIC or SIC**, as the case may be, shall be entitled to medical treatment and Hospital facilities as provided in the CGHS and at places where the CGHS is not in operation, entitled to Central Service (Medical Attendance) Rules, 1944.
- (7) **Accommodation-**
  - (a) The **CIC or IC and SCIC or SIC**, as the case may be, shall be eligible subject to availability, to the use of official residence of the type as admissible on the payment of the license fee at the rates prescribed by Central /State Govt. from time to time.
  - (b) Where **CIC or IC and SCIC or SIC** is not provided with or does not avail himself of govt. accommodation, he may be paid HRA at the rate admissible to an officer holding a post carrying the same pay in Central or state Govt.
- (8) **Leave Travel Concession, Travelling Allowance, Daily Allowance. —**
  - The **CIC or IC and SCIC or SIC**, as the case may be, shall be entitled to LTC, TA and Daily allowance as admissible to an officer holding a post carrying the same pay in the Central /State Govt.