

# **THE RIGHT TO INFORMATION ACT - 2005**

(22 of 2005)

along with

**The Right to Information (Regulation of Fee & Cost) Rules, 2005 and Internal Procedure duly approved by the Executive Council vide Reso. No. 16 of its meeting held on 23.6.2006.**



**Circulated By :**

**PUBLIC INFORMATION OFFICE**

**Maharshi Dayanand University**  
**Rohtak - 124 001 (Haryana)**

## CHAPTER

### REGHT TO INFORMATION

#### (Regulation of Fee and Cost) Rules 2005

In exercise of the powers conferred by clause (b) and (c) of Section 27 of the Right to Information Act, 2005, the University makes the following rules, namely :

1. Short Title and commencement : These rules may be called the Right To Information (Regulation of fee and cost) Rules, 2005
2. Definition: In the rules, unless the context otherwise requires,
  - (a) 'Act; means the Right to Information Act, 2005;
  - (b) 'Section' means section of the Act;
  - (c) All other words and expressions used therein but not defined in the Act shall have the meanings assigned to them in the Act.
3. A request for obtaining information under sub-section(1) of section 6 shall be accompanied by an application fee of rupees fifty by way of cash against proper receipt or by demand draft or bankers cheque payable to the Finance Officer, M.D. University, Rohtak.
4. For providing the information under sub-section(1) of section 7, the fee shall be charges by way of cash against proper receipt or by demand draft or bankers cheque payable to the Finance Officer, M.D. University, Rohtak at the following rates:-
  - (a) Rupees ten only for each page (in A-4 or A-3 size paper) created or copied;
  - (b) Actual charge or cost price of a copy in larger size paper;
  - (c) Actual cost or price of samples or models; and
  - (d) For inspection of records, no fee for the first hour; and a fee of rupees five for each subsequent hour (or fraction thereof).
5. For providing the information under sub-section (5) of section 7, the fee shall be charged by way of cash against proper receipt or by demand draft or bankers cheque payable to the Finance Officer, M.D. University, Rohtak at the following rates:-
  - (a) for information provided to diskette or floppy: Rupees fifty per diskette or floppy; and
  - (b) for information provided in printed form: At the price fixed for such publication or rupees ten per page of photocopy for extracts from the publication.

**Notes:****1. What does information mean?**

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 but does not include "file notings" [S.2(f)].

**2. What does Right to Information mean?**

It includes the right to-

- i. Inspect works, documents, records;
- ii. Take notes, extracts or certified copies of documents of records.
- iii. Take certified samples of material;
- iv. Obtain information in form of printouts, diskettes, tapes, video cassettes or in any other electronic mode or through printouts. [S.2(j)]

Registrar  
M.D. University,  
Rohtak

## PROCEDURE FOR RIGHT OF INFORMATION

### Important Guidelines for applicants:

1. **What is the Application Procedure for requesting information?**
  1. Apply in writing or through electronic means in English or Hindi or in the official language of the area, to the PIO, specifying the particulars of the information sought for.
  2. Reason for seeking information are not required to be given;
  3. Pay fee as may be prescribed (if not belonging to the below poverty line category.)
2. **What is the time limit get the information?**
  1. 30 days from the date of application
  2. 48 hours for information concerning the life and liberty of a person.
  3. Five days shall be added to the above response time, in case the application for information is given to the Asst. Public Information Officer.
  4. If the interest of the third party are involved then the time limit will be 40 days(maximum period + time given to the party to make representation.
  5. Failure to provide information within the specified period is a deemed refusal.
3. **What is the Fee?**
  1. Application fees to be prescribed which must be reasonable.
  2. If further fees are required, then the same must be intimated in writing with calculation details of how the figure was arrived at;
  3. Application can seek review of the decision on fee Charged by the PIO by applying to the appropriate appellate authority.
  4. No fees will be charged from people living below the poverty line.
  5. Applicant must be provided information free of cost if the P.I.O. fails to comply with the prescribed time limit.
4. **What could be ground for rejection ?**
  1. If it is covered by exemption from disclosure.(S.8)
  2. If it infringes copy right of any person other than the State(S.9)

## PROCEDURE

Internal Procedure for M.D. University, Rohtak for dealing with application/ request for disclosure of information/ documents under the Right to Information Act, 2005 (No.22 of 2005)

Clause	Sub-Clause	Detail	Title
1.	a	Each University Office where PIO /APIO is based, shall Designate one officer in his office as Receipt officer for receiving application/request. Information about the name, designation, telephone number and location of such designated Receipt Officer shall be displayed on a board affixed at a prominent place in the reception area of the office.	Receipt Officer
	b	The designated Receipt Officer shall receive all such requests directly as far as possible. In case application/request is received through post/courier /email by any other person in the office, the same shall be handed over to the designated Receipt Officer on the same day.	
	c	The Receipt officer shall forward the application/ request to the PIO/APIO to whomsoever it is addressed, on the same working day i.e. the date of its receipt as far as possible.	
2.	a	The Receipt Officer shall, immediately at the time of receipt of such application / request, assign it a registration number, enter the relevant details in the prescribed register.	Registration and acknowledgement of application/ Request
	b	He shall provide/send a written and stamped acknowledgement for the application/request received. Acknowledgement shall be in the format prescribed as per annexure I. The acknowledgement can also be given by way of stamping the same, indicating details as per Annexure I, on the applicants' copy of application/ request.	
3.	a	The Receipt Officer shall maintain a register in the format prescribed as per Annexure II and enter detail of all applications/request. The pages of the register shall be serially numbered and a certificate to that effect made by Receipt Officer on the first page.	Register of application/ request received

	b	The application /request shall be assigned a running serial number starting from the beginning of each calendar year. There shall be one separate register for each calendar year.	
	c	The register shall be presented by Receipt Officer to PIO/ APIO on 1 <sup>st</sup> and 16 <sup>th</sup> day of each month for review and PIO/APIO shall make an entry to this effect in register under his signatures.	
4.		In case, the applicant needs assistance for making request in writing Receipt Officer shall bring it to the notice of the PIO/APIO. PIO/APIO shall provide all reasonable assistance in rendering oral request in written form as laid down in section 6(a).	Assistance to applicant
5.		Where APIO is located at a station different from the location of PIO, APIO shall forward the application/ request through speed post /courier/ any other effective means of to PIO within 2 days of its receipt to ensure that it reaches PIO within 5 days of its date of receipt.	Movement of application from APIO to PIO
6.	a	PIO shall assign the application/request to the concerned Branch head, in writing, seeking relevant information/documents and comments on the desirability of disclosing the requested information and shall prescribe the time limit also for submission of the information by the branch head. The concerned Branch head means the officer-in-charge of the branch which has the relevant information/ Documents.	Disposal by PIO
	b	The concerned branch head shall present the relevant information/documents to the PIO along with comments on the desirability of disclosing the requested information.	
	c	PIO shall take decision whether requested information has to be disclosed or reject the application. The PIO would be free to take assistance of APIO or any other officer, including the concerned Branch head, for processing the application/request.	
	d	In case the PIO decides to disclose information /documents to the applicant, PIO shall prescribe the format and details and direct the branch head to prepare information as per his directions.	
	e	The concerned branch head shall prepare the information and present it before the PIO.	

	f	PIO shall approve the information and direct APIO to send the information under the signature of PIO/APIO to the applicant as expeditiously as possible but within the period of 30 days prescribed under Section 7 (1) of the Act.	
7.		Date of issue of the information shall be immediately communicated to the Receipt Officer who shall make the entry in the register and also enter comment about compliance of the request. The register shall be presented to PIO/APIO on the same day for countersigning the compliance entry.	Entry of disclosure details in Receipt Register
8.		If the information sought concerns the life or liberty of a person, the same shall provided within 48 hours as laid down in the proviso to section 7(1). In such cases, Receipt Officer shall present the request to PIO/APIO within one hour of the receipt of the same.	Information concerning life and liberty
9.	a	In case the information requested pertains to another public authority, the application/request shall be transferred to the PIO of the concerned public authority within 5 days of the receipt of the application, as laid down in section 6(3).	Transfer of application to another public authority
	b	The applicant shall be informed in writing about the transfer of his application giving address of the public authority to whom the application has been transferred. Entry to this effect shall be made in the receipt register.	
10		In case PIO rejects the request for reasons specified in section 8 and 9, the PIO shall communicate to the applicant the reasons for such rejection, period allowed for making an appeal and particulars of appellate authority.	Rejection Order By PIO
11	a	Where the information relates to or has been supplied by third party and has been treated as confidential by that third party or pertains to trade and commercial secrets protected by law, PIO shall issue a written notice to that third party within 5 days of receipt as laid down in section 11 of the Act. The notice shall include a statement that the third party is entitled to prefer an appeal under section 19 against the decision. An entry about the issue of notice shall be made in the Receipt Register.	Third party information
	b	Third party shall be given the opportunity to make representation against the proposed disclosure within 10 days from the date of receipt of notice and representation made by the third party shall be taken in consideration by the PIO before taking the decision on disclosure of information.	

	c	A copy of the decision of PIO shall be given to the third party.	
12	a	Each Receipt Officer shall also work as Appeals Receipt Officer for receiving Appeals.	First Appeals Receipt Officer
	b	Information about the name, designation, telephone number And location of such Appeals Receipt Officer shall be displayed on a board affixed at a prominent place in the reception area of the office.	
13		The Appeals Receipt Officer shall provide a written and stamped acknowledgement for the Appeal received immediately at the time of receipt of such Appeal. Acknowledgement shall be in the format prescribed as per Annexure III.	Acknowledgement of Appeal.
14	a	The Appeals Receipt officer shall maintain a register in the format prescribed as per Annexure IV and enter details of all appeals received. The pages of register shall be serially numbered and a certificate to that effect made by Appeals Receipt Officer on the first page.	Register of Appeals
	b	The appeal shall be assigned a running serial number starting from the beginning of each calendar year. There shall be one separate register for each calendar year.	
	c	The register shall be presented by Appeals Receipt Officer to the Appellate Authority on 1 <sup>st</sup> and 16th day of each month, or as per the norms prescribed by Appellate Authority, for review with an abstract indicating opening balance, receipts disposal and closing balance of appeals during the relevant fortnight.	
	d	The Appeals Receipt officer shall present the appeal before the Appellate Authority on the same working day i.e. the date of its receipt, as far as possible.	
15	a	The Appellate Authority shall issue notice to the concerned PIO within 5 days of the receipt asking him to discharge onus to prove that denial of request was justified as laid down in section 19(5) of the Act.	Disposal of Appeal Appellate Authority.
	b	The Appellate Authority shall prescribe the time limit for filing of reply by the PIO.	
	c	Appeal shall be disposed of within 30 days or within the extended period of 45 days from the date of filing of appeal, as the case may be, for reasons to be recorded in writing.	

	d	Copies of the order of the Appellate authority shall be endorsed to the appellant and the concerned PIO.	
16	a	PIO shall comply with the order of the Appellate Authority within 15 days of the receipt of the order.	Compliance of Orders of Appellate Authority
	b	PIO shall send a compliance report to the Appellate Authority immediately after the compliance is made.	
17		Each PIO shall maintain a register of appeals made against its orders to the Appellate Authority in the format prescribed as per Annexure V. Notice of Appeal received from Appellate Authority shall be entered in the register. This register shall be reviewed by the PIO on fortnightly basis to monitor the appeals made against his orders.	Appeals Register in PIO office
18		Each Appellate Authority and PIO shall maintain a register of second appeals made to the State Information Commission in the format prescribed as per Annexure VI. Notice of Appeal received from Commission shall be entered in the register. This register shall be reviewed by the Appellate Authority /PIO on weekly basis or as per norms prescribed by them to monitor the appeals made against their orders.	Second Appeals Register

Encl

Place  
Date:

**APPLICATION FORM FOR SEEKING INFORMATION**  
**(Under The Right of Information Act, 2005)**

I.D. No.....

To

The Public Information Officer,  
M.D. University,  
Rohtak.

1. Name of the Applicant.....
2. Address:.....  
.....
3. Particulars of Information:
  - a) Concerned Department.....
  - b) Subject Matter of information required:.....  
.....
  - i) Detail of information required:.....
  - ii) Period for which Information asked for:.....
  - iii) Description of the Information required:.....  
.....
  - iv) Whether Information is required by post or in person:.....
  - v) In case by post (ordinary,Registered,Speed):.....
  - vi) Other details:.....
4. I state that the Information sought does not fall within the exemption contained in Section 8 of the R.T.I. Act, 2005 and to the best of my knowledge it pertains to your office.
5. A fee of Rs..... has been deposited vide University Receipt No.....  
Dated..... or A Demand draft No..... dated.....  
For Rs.....drawn on .....(name of the  
Bank) in favour of Finance Officer, M.D .University, Rohtak, is enclosed.

Enclosure:

Signature of the Applicant

Place:

Address:

Date:

E mail address, if any,.....

Tel. No.....

**ACKNOWLEDGEMENT OF APPLICATION FOR SEEKING INFORMATION**

I.D.....

Dated:.....

Received an application from Sh.....

Resident of .....

under section 6(1) of the RTI Act, 2005 vide Diary No.....

dated: ..... Amount and mode of Fee deposited .....

.....

Dated: .....

Signature  
Receipt Officer

## Register for Receipt of Application/Request Under Right to Information Act, 2005

1. Sr. No.
2. Date and Time of receipt
3. Amount and mode fee deposited
4. Name and Address of Applicant
5. Subject
6. Limitation date of supplying of Inf.
7. Signature of RO with time and date

### Disposal of Application/Request

8. Date of issue of third party notice If applicable
9. Date of issue of Information And letter No. and whether issued within prescribed time limit.
10. Date of Transfer and details of PIO to whom transferred
11. Rejection order No. & Date
12. Signature of Receipt Officer & Dated
13. Signature of APIO/PIO and date
14. Remarks/Comments

### Fortnightly Abstract:

Opening balance:

Receipts:

Disposal:

Closing balance:

Remarks:

Signature of APIO & Date ;

Signature of PIO & Date:

OFFICE OF THE APPELLATE AUTHORITY,  
\_\_\_\_\_

Receipt of First Appeal under the Right to Information Act, 2005

Appeal Registration No. \_\_\_\_\_

Date of Receipt \_\_\_\_\_

Amount and mode of fee deposited \_\_\_\_\_

Order No. and PIO details against whose order Appeal is made; \_\_\_\_\_  
\_\_\_\_\_

Name and Address of the Appellant \_\_\_\_\_

Tel and Fax No. , if any \_\_\_\_\_

Office seal

Signature \_\_\_\_\_

Name \_\_\_\_\_

Designation \_\_\_\_\_

(Appeals Receipt Officer)

Tel. No. \_\_\_\_\_

# PIO's Register of First Appeals under Right to Information Act, 2005

## Receipt of Appeal Notice

Sr. No.	Appeal No & date	Order no. and detail of PIO whose order is appealed against	Name & address of appellant	Date of receipt date of Notice from Appellate Authority	Limitation of APIO with date for filing reply	Signature
1.	2.	3.	4.	5.	6.	7.

## Disposal of Notice/Order-in- Appeal

Date of issue of CPIo of reply to Appellate Authority	No. and date of order in Appeal	Date and detail of Compliance of order-in- appeal	Signature
8.	9.	10.	11.

### Fortnightly abstract

Opening balance:                      : Receipt:                      : Disposal:                      Closing Balance:

Remarks:

Signature of APIO  
Date:

Signature of PIO  
Date:

**Register of Second Appeals under the Right to Information Act, 2005**

(To be maintained in the office of Appellate Authority and PIO)

**Receipt of Notice****Disposal of Notice**

Sr. No.	Appeal No. &	PIO's Order No. and Date	Appellate Authority Order no And date	Name and Address of Appellant	Date of Receipt Of notice From the Commission	Limitation Date for Filing Reply	Signature Of APIO PIO	Date Of Filing Of reply To notice From Commission	No and date of Order in appeal Passed By Commission	Detail of Compliance With Orders Of the Commission
1	2	3	4	5	6	7	8	9	10	11

**Weekly abstract**

Opening balance: ; Receipt: ; Disposal: ; Closing balance:

Remarks:

Signature of PIO  
Date:Signature of Appellate Authority  
Date:

## **SALIENT FEATURES OF THE RIGHT TO INFORMATION ACT, 2005**

- ★ The Short title of the legislation has been changed from 'The Freedom of Information Act' to 'Right to Information Act'.
- ★ Provides a very definite day for its commencement i.e. 120 days from enactment.
- ★ It defines "appropriate Government", as meaning, in relation to a "Public Authority" established, constituted or owned or substantially financed by funds provided directly or indirectly or controlled.
  - i) By the Central Government, the Central Government;
  - ii) By the State Government, the State Government.
- ★ It shall apply to "Public Authorities" which means any authority or body or institution of self-government established or constituted by or under the constitution by any law made by the appropriate Government or, any other body owned controlled or substantially financed, directly or indirectly by the appropriate Government, and includes non-government organizations, substantially financed by the government.
- ★ The ambit covers the two Houses of Parliament, State Legislatures, the Supreme Court/High Court/Subordinate Courts including their administrative offices, Constitutional Authorities, like Election Commission Comptroller & Auditor General, Union Public Service Commission etc. Only domestic and foreign private bodies working within the country have been excluded from the purview of the Act.
- ★ All citizens shall have the right to information, subject to the provisions of the Act.
- ★ It casts an obligation on Public Authorities to grant access to information and to publish certain categories of information within 120 days of the enactment. The responsibility about suo-motto disclosure/publication by public authorities has been considerably enlarged.
- ★ The Act lays down the machinery for the grant of access to information. The Public Authorities are required to designate Public Information Officers and Assistant Public Information Officers within 100 days of the enactment and whose responsibility it is to deal with requests for information and also to assist persons seeking information.
- ★ Provision has been made for transfer of a request by a public authority to another public authority wherein the subject matter/information is held by the latter.
- ★ A time limit of 30 days has been prescribed for compliance with requests for information under the Act, which, can be extended to 40 days where third party interests are involved.

- ★ Fee to be reasonable. Also, no fee to be charged from persons who are below poverty line. Further, information to be provided free of charge where the response time limit is not adhered to.
- ★ Certain categories of information have been exempted from disclosure under sections 8 and 9 of the Act. The categories, by way of illustration, include, information likely to affect security of the State, strategic, scientific or economic interests of the State, detection and investigation of offences, public order, conduct of international relations and Cabinet papers. Trade or commercial secrets, information the disclosure of which would cause breach of privilege of Parliament or State Legislature and personnel information which has no relationship with public activity and could cause unwarranted invasion of the privacy of any person, are also exempted from disclosure. However, exemptions provided are not absolute and withholding of information must be balanced against disclosure in the public interest. Information to be released even if harm is shown to the public authority if the public benefit in knowing the information outweighs the harm that may be caused by disclosure.
- ★ Subject to 3 exceptions, the Act also contains a provision for reveal of information, which is otherwise, exempted from disclosure under section 8 on completion of 20 years after the completion of the event.
- ★ The Act also incorporates the principle of severability.
- ★ Envisages creation of an independent non-judicial machinery, viz., Central Information Commission and State Information Commissions comprising a Chief Information Commissioner and Information Commissioners to decide 2nd stage appeals.
- ★ Legal frame work of exercise of powers by the Commission defined in the Act.
- ★ The Act also provides a two-tier Appellate Forum, First appeal to departmental officer senior to the Public Information Officer. The second appeal to be made to Commission.
- ★ On a request for information being refused, the applicant can prefer an appeal to the prescribed authority within 30 days of the decision; the time limit for disposal of appeal being also 30 days extendable to 45 days.
- ★ Intelligence and security agencies specified in Schedule II to the Act have been exempted from being covered within the ambit of the Act. However, the exemption is not absolute; agencies shall have the obligation to provide information in matters relating to corruption and human rights violations.
- ★ The jurisdiction of subordinate courts has been barred expressly by section 23 of the Act.
- ★ The provisions of the proposed Act have been made overriding in character, so that the scheme is not subverted through the operation of other minor Acts.

- ★ Monitoring and reporting -Act makes a provision to produce statistics to assess its implementation so that improvements could be effected.
- ★ Central Information Commission and State Information Commissions to monitor the implementation of the Act and prepare an Annual Report to be laid before Parliament/State Legislature.
- ★ Central Government to prepare programmes for development of information regime.
- ★ FOI Act, 2002 to be repealed

**A. TASK TO BE COMPLETED PRIOR TO COMMENCEMENT OF THE ACT**

**(1) Preparing Manuals**

Clause 4(1)(b) of the RTI Bill lays down that each public authority shall compile and publish, within 120 days from the enactment of the Act, the following 17 manuals;

- (i) the particulars of its organization, 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 administration thereof;
- (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advise, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
- (ix) a directory of its officers and employees;
- (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulation;
- (xi) the budget allocated to each of its agency, indicating the

who is senior in rank to the State Public Information Officer in each public authority. It may perhaps be advisable to take steps to determine and identify now itself such senior officers in each public authority so that the appellate machinery is fully in position and equipped to handle the first stage appeals as and when these are made.

**(4) Constitution of State Information Commission**

Clause 15 of the RTI Bill lays down that every State Government shall constitute its information Commission, comprising of one Chief Information Commissioner as also Information Commissioners (not exceeding 10 in number) who shall deal with appeals from citizens aggrieved by the decision of the State Public Information Officer/first appellate authority. The Commission shall also monitor the implementation of the Act by Public authorities under the State Government and prepare an annual report which shall be laid before the State Legislature. Clause 16 (6) of the Bill lays down that the State Government shall provide the Commission with requisite number of officers and employees in order to discharge its functions. It would be appreciated if this aspect receives adequate attention and Commission is set up preferably by the time the Act comes into force.

**(5) Amendments to existing Acts, Rules, etc.**

Clause 22 of the RTI Bill, which has provisions similar to Section 14 of the FOI Act, 2002, envisages that the contemplated Act would over-ride any other Act, Rule or order. It is suggested that an immediate review may be made of all such Acts and instruments administered by the State Government and , amendments made thereto, wherever necessary, so that the points of conflict between the RTI Act and other Acts/ Rules/instructions etc. are restricted.

**(6) Intelligence and Security Organizations**

Clause 24 of the Bill provides that the Act shall not apply to such intelligence and security organizations established by the State Government and which have been specified as such by the Government to a notification in the Official Gazette. Similar provisions exist in the Freedom of Information Act, 2002. This aspect may be given immediate attention so that the decision regarding exemption of an agency from the Act is taken, and the requisite notification issued, well before the Act comes into operation.

**(7) Framing Rules**

Clause 27 of the Bill lays down that the State Government may make rules to carry out the provisions of the Act. Such rules may provide for all or any of the following matters, namely.

- (a) the cost of the medium or print cost price of the materials to be disseminated under sub section (4) of section 4 ;
- (b) the fee payable under sub-section (1) of section 6;
- (c) the fee payable under sub-sections (1) and (5) of section 7.
- (d) the salaries and allowances payable to and the terms and conditions of service of the officers and other employees under sub-section (6) of section 13 and sub section (6) of section 16.
- (e) the procedure to be adopted by the Commission in deciding the appeals under sub-section (10) of section 16; and
- (f) any other matter which is required to be, or may be prescribed.

Clause 28 of the RTI Bill confers on the various competent authorities the power to make, rules so as to carry out the provisions of the Act. Accordingly, the State Government may initiate action to frame rules under the above enabling provisions and also bring these to the notice of all the public authorities under its control well before the Act comes into force. In case there is any public authority which is attached or administratively under the control of the State Government, and for which the competent authority, as defined in Clause 2(b), is required to make rules for giving effect to the provisions of RTI Act, suitable action may be initiated in this regard on priority.

#### **(8) Internal procedures**

There is another key operational aspect of which has to be looked into by each public authority. Considering that the organizational set up varies from one public authority to another, it is not feasible to lay down in the enactment itself, or for that matter in the rules to be framed thereunder, internal procedures for processing requests as would be common to all such authorities. However, the understanding is that once the Act comes into force, each public authority shall have to follow well defined procedures so that the entire process is stream lined and the decision on request are taken at an appropriate level. Keeping this in view, it may be desirable to examine the issue now itself so that internal procedures, which includes the channel for collecting information, creating facilities for inspection of documents/taking of samples, fixing levels at which a decision shall be taken on a request, preparation of a document for supply to the requester, etc., are formulated in advance. Internal procedures should, like wise, be also devised by each public authority under the State Government to process appeals as are submitted under the Act.

#### **(9) Annual Report of the State Information Commission**

Clause 25 of the Bill provides that the State Information Commission shall monitor the implementation of the Act by Public authorities under

the State Government and prepare an annual report which shall be laid before the State Legislature. For the purpose of compilation of the Report, the Commission would require certain statistical information from the various public authorities under the State Government. Action may be taken to apprise the public authorities of the provision in this clause so that action may be taken by them to compile the statistics from the date the Act comes into operation as would enable the Commission to prepare its Annual Report.

**B. TASKS AS MAY BE TAKEN UP AFTER THE ACT COMES INTO FORCE**

Clause 26 of the Bill lays down that the State Government may to the extent of availability of financial and other resources, prepare programmes for the development of the information regime. In particular, sub-clause (2) lays down that within 18 months from the commencement of the Act, the State Government shall compile in its official language a guide containing such information as would be helpful to citizens who wish to exercise any right specified in the Act. After the Act comes into force, action may be initiated to prepare necessary programmes as also publish a guide for the users.

# MINISTRY OF LAW AND JUSTICE

## (Legislative Department)

*New Delhi, the 21st June, 2005 / Jyaistha 31, 1927*  
(Saka)

The following Act of Parliament received the assent of the President on the 15th June, 2005, and is hereby published for general information:—

### **THE RIGHT TO INFORMATION ACT, 2005**

No. 22 of 2005

[15th June, 2005.]

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

WHEREAS the Constitution of India has established democratic Republic;

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

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

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

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

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

## CHAPTER I

### Preliminary

Short title,  
extent and  
commencement

1. (1) This Act may be called the Right to Information Act, 2005.

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

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

Definitions.

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

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

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

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

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

(c) “Central Public Information Officer” means the Central Public Information Officer designated under sub-section (1) and includes a Central Assistant Public Information Officer

designated as such under sub-section (2) of section 5;

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

(e) "competent authority" means—

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

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

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

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

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

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

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

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

(a) by or under the Constitution;

(b) by any other law made by Parliament;

(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;

(1) "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

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

4. (1) Every public authority shall—

*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;

Right to  
information  
and  
obligations  
of public  
authorities

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

Designation  
of Public  
Information  
Officers

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

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

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

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

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

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

Request for  
obtaining  
information.

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

(b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, specifying the particulars of the information sought by him or her:

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

the request orally to reduce the same in writing.

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

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

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

(ii) the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:

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

Disposal of request.

7. (1) Subject to the proviso to sub-section (2) of section 5 or the proviso to subsection (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 subsection (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. (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

Exemption from disclosure of information.

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

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

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

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

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

(f) information received in confidence from foreign Government;

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

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

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

Provided that the decisions of Council of Ministers, the reasons thereof, and the material

on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

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

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

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

19 of 1923.

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

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

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

Grounds for rejection to access in certain cases.

9. Without prejudice to the provisions of section 8, a Central Public Information Officer or a State Public Information Officer, as the case may be, may reject a request for

information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State. Severability

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

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

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

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

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

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

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

Third party  
information.

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

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

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

(3) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a

decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.

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

### **CHAPTER III**

#### **THE CENTRAL INFORMATION COMMISSION**

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

Constitution  
of Central  
Information  
Commission

(2) The Central Information Commission shall consist of—

(a) the Chief Information Commissioner;  
and

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

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

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

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

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

*Explanation.*—For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the House of the People has not been recognised as such, the Leader

of the single largest group in opposition of the Government in the House of the People shall be deemed to be the Leader of Opposition.

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

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

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

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

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

Term of office and conditions of service.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Removal of  
Chief  
Information  
Commissioner  
or  
Information  
Commissioner

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

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

(a) is adjudged an insolvent; or

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

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

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

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

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

## CHAPTER IV

### The State Information Commission

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

Constitution  
of State  
Information  
Commission

(2) The State Information Commission shall consist of—

(a) the State Chief Information Commissioner, and

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

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

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

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

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

*Explanation.*—For the purposes of removal of doubts, it is hereby declared that where the

Leader of Opposition in the Legislative Assembly has not been recognised as such, the Leader of the single largest group in opposition of the Government in the Legislative Assembly shall be deemed to be the Leader of Opposition.

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

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

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

(7) The headquarters of the State Information Commission shall be at such place in the State as the State Government may, by notification in the Official Gazette, specify and the State Information Commission may, with the previous approval of the State Government, establish offices at other places in the State.

Term of  
office and  
conditions  
of service

**16.** (1) The State Chief Information Commissioner shall hold office for a term of five years from the date on which he enters

upon his office and shall not be eligible for reappointment:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Removal of  
State Chief  
Information  
Commissioner  
or State  
Information  
Commissioner

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

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

(a) is adjudged an insolvent; or

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

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

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

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

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

## CHAPTER V

### POWERS AND FUNCTIONS OF THE INFORMATION COMMISSIONS, APPEAL AND PENALTIES

Powers and  
functions of  
Information  
Commissions.

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

(a) who has been unable to submit a request to a Central Public Information Officer or State Public Information Officer, as the case may be, either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, has refused to accept his or her application for information or appeal

under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or senior officer specified in subsection (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:—

5 of 1908

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

(b) requiring the discovery and inspection of documents;

(c) receiving evidence on affidavit;

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

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

(f) any other matter which may be prescribed.

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

## Appeal

**19.** (1) Any person who, does not receive a decision within the time specified in subsection (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 subsection (1) of section 4;

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

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

(d) reject the application.

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

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

#### Penalties

**20.** (1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer,

## CHAPTER VI

### Miscellaneous

Protection of  
action taken  
in good  
faith.

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

Act to have  
overriding  
effect

**22.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

19 of 1923

Bar of  
jurisdiction  
of courts

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

Act not to  
apply to  
certain  
organisations

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

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

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 subsection (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 subsection:

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 subsection (4) shall be laid before the State Legislature.

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

Monitoring  
and  
reporting

(2) Each Ministry or Department shall, in relation to the public authorities within their

jurisdiction, collect and provide such information to the Central Information Commission or State Information Commission, as the case may be, as is required to prepare the report under this section and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appropriate  
Government  
to prepare  
programmes

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

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

(a) the objects of this Act;

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

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

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

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

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

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

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

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

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

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

Power to  
make rules  
by  
appropriate  
Government

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

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

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

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

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

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

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

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

Power to  
make rules  
by competent  
authority.

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

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

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

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

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

**29.** (1) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Laying of  
rules

(2) Every rule made under this Act by a State Government shall be laid, as soon as may be after it is notified, before the State Legislature.

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

Power to  
remove  
difficulties.

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

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

Repeal

**31.** The Freedom of Information Act, 2002 is hereby repealed.

5 of 2003.

**THE FIRST SCHEDULE**

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

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

"I, ....., having been appointed Chief Information Commissioner/  
Information Commissioner / State Chief Information Commissioner / State  
Information Commissioner swear in the name of God/ 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***(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. Special Service Bureau
16. Special Branch (CID), Andaman and Nicobar.
17. The Crime Branch-C.I.D.-CB, Dadra and Nagar Haveli.
18. Special Branch, Lakshadweep Police.

T. K. VISWANATHAN,  
*Secy. to the Govt. of India.*

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PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND  
PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 2005.

MGIPMRND—1359GI(S3)—22-06-2005.

## THE SECOND SCHEDULE

(See section 24)

### **Intelligence and security organisation established by the Central Government**

1. Intelligence Bureau.
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3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Enforcement.
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8. Special Frontier Force.
9. Border Security Force.
10. Central Reserve Police Force.
11. Indo-Tibetan Border Police.
12. Central Industrial Security Force.
13. National Security Guards.
14. Assam Rifles.
15. Special Service Bureau
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17. The Crime Branch-C.I.D.-CB, Dadra and Nagar Haveli.
18. Special Branch, Lakshadweep Police.

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5. Directorate of Enforcement.
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13. National Security Guards.
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16. Special Branch (CID), Andaman and Nicobar.
17. The Crime Branch-C.I.D.-CB, Dadra and Nagar Haveli.
18. Special Branch, Lakshadweep Police.

T. K. VISWANATHAN,  
*Secy. to the Govt. of India.*

-283-

①

MAHARSHI DAYANAND UNIVERSITY ROHTAK

No.EN-4/08 /M-203(II)/ 7853-72

Dated 23/7/08

To

All C list attached  
Public Information Officers,  
M.D.University,  
Rohtak.

Sub:- information under RTI Act, 2005.

Sir/ Madam,

I am directed to inform you that on a reference with this office, State Information Commissioner, Haryana, Chandigarh has ordered that RTI Act does not envisage transfer of application within public authority, therefore, the relevant para 5 of the instructions issued by this office on this point requires a review. Taking observance of these instructions of the Commission, Registrar has ordered that the relevant para 5 of the instructions already issued by this office at the time of designating you as Public Information Officer may be substituted as under:-

"The PIO may seek the assistance of any officer of the University to whom the desired information relates as he/she considers it necessary for the proper discharge of his or her duties."

Yours faithfully,

188/CC/02/23/07/08  
Dy. Registrar(Estt.)  
for REGISTRAR

7873-80

Endst. No. EN-4/08/M-203(II) dated 23/7/08

Copy of the above is forwarded to the following for information and necessary action :-

1. The Finance Commissioner & Principal Secretary to Govt. information Administrative Reforms Department, Chandigarh.
2. The State Information Commissioner, Haryana, SCO-114-115, Sector-8C Chandigarh with reference to his letter No. 4846/SIC/2008/2-1A dated 26.6.08.
3. Higher Education Commissioner, Haryana, Panchkula.
4. Co-ordinator, University Website, M.D.University, Rohtak.
5. Incharge RTI Cell, M.D.University, Rohtak.
6. P.A. to Vice-Chancellor/ Registrar/ C.O.E. (for kind information of the Vice-Chancellor/ Registrar/ C.O.E.), M.D.University, Rohtak.

188/CC/02/23/07/08  
Dy. Registrar(Estt.)  
for REGISTRAR

23/7/08  
22/7/08

(2)

C-2858  
25/1/09

Public Information Office  
Diary No. 369  
Dated: 28/5/59  
M. D. University, ROHTAK

- ii. All Administrative Secretaries.  
iii. All Heads of the Departments.  
iv. All MD/CA of Boards & Corporations  
Registrar of Punjab & Haryana High Court.

2/25/76

Sir,

ENT 4  
7355

You are requested to make further correspondence regarding RTI Act, 2005 with '**Assistant Research Officer -cum- Assistant Public Information Officer**' of the Cell.

may be sent to D.R.(2.84) NT for  
information and further necessary action

Yours faithfully,  
*K. R. Ramani*  
Superintendent.  
A  
2/5

Anchor (RTI cell)

D.R (C.H.G) or T

Wai  
25/5/08  
25/5/08

१८७

ESTABLISHMENT BRANCH

Endst. No. EN-4/09/M-203(III)/ 6162-87 Dated: 3/6/09

Copy of the above is forwarded to the following for information and necessary action :-

1. Ist Appellate Authority, M.D.University, Rohtak.
2. Officer Incharge RTI Cell, M.D.University, Rohtak.
3. All Public Information Officers, M.D.University, Rohtak.

Superintendent (Estt.)

MDU Rohtak

3

No. 1/39/2008-1AR,  
GOVERNMENT OF HARYANA  
CHIEF SECRETARY'S OFFICE  
ADMINISTRATIVE REFORMS DEPARTMENT

Chandigarh  
21<sup>st</sup> July, 2009

CD 4798 To.  
30/7/09

1/c (P.O. cell) 28/7/09

1. All Administrative Secretaries in Haryana,
2. All Head of Departments in Haryana,
3. All CAs/MDs of Boards & Corporations,
4. All Deputy Commissioner in the State,

Subject: Fee to be chargeable under RTI Act, 2005.

Sir,

I am directed to refer on the subject noted and to inform you that fee chargeable to provide information under RTI Act in Haryana is very reasonable and it needs no change. It may be brought to the notice of all concerned.

As regards the fee chargeable from poor people, proviso of rule 7(5) of the Right to Information Act, 2005 provides that "the fee shall be reasonable and no such fee shall be charged from the person who are of below poverty line, as may be determined by the appropriate government".

You are, therefore, requested to comply with the provisions of the Right to Information Act, 2005 and Haryana Right to Information Rules, 2005, regarding fee chargeable from the applicants.

Yours faithfully,

*K. S. Narain*  
Superintendent.

MAHARSHI DAYANAND UNIVERSITY ROHTAK  
ESTABLISHMENT BRANCH

Endst. No. EN-4/09/M-203(III)/ 8955-80 Dated: 7/8/09

Copy of the above is forwarded to the following for information and necessary action:-

1. Ist Appellate Authority, M.D. University, Rohtak
2. All PIO(s), M.D. University, Rohtak
3. Incharge RTI Cell, M.D. University, Rohtak.

*[Signature]*  
Superintendent (Estt.)  
for Registrar



No. 5/4/2002-1AR,  
GOVERNMENT OF HARYANA  
CHIEF SECRETARY'S OFFICE  
ADMINISTRATIVE REFORMS DEPARTMENT

24/12  
3/c RST cell  
Please get it  
Circulate to all Nos.  
1000/Proch. Officers / Ins. Officers  
Mundani steps & m  
web site  
Form  
24/12/09

Chandigarh  
The 18<sup>th</sup> December, 2009

OSD (SMT)

C2 8764  
24/12/09

E-7730  
28/12/09

1. All Administrative Secretaries in the State.
2. All Commissioners of the Divisions in the State.
3. All Heads of the departments.
4. All MD/CA of the Boards and Corporations.
5. All Deputy Commissioners in the State.
6. Registrar, Punjab & Haryana High Court.



Subject:- Amendment in Haryana Right to Information Rules, 2005.

Sir,

I am directed to refer you to the subject noted above and to forward you a copy of the notification No. 5/4/2002-1AR, dated 11<sup>th</sup> December, 2009 (Hindi & English), vide which the fee to obtain information under Right to Information Act, 2005 on page in A-4 or A-3 size paper, created or copied, has been reduced from Rs. 10/- to Rs. 2/- w.e.f. 1<sup>st</sup> January, 2010, for information.

Yours faithfully,

*KPSnam*  
Superintendent,  
Administrative Reforms.

Endst. No. 5/4/2002-1AR,

Dated the 17<sup>th</sup> December, 2009.

A copy is forwarded to Director, Information & Public Relations, Haryana, Chandigarh with a request to make wide publicity of the matter through mass media in the public.

*KPSnam*  
Superintendent,

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

Mr.  
28/12/09.

EN-4

HARYANA GOVERNMENT  
ADMINISTRATIVE REFORMS DEPARTMENT

Notification

The 11th December, 2009

No. 5/4/2002-1A.R.— 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 further to amend the Haryana Right to Information Rules, 2005, namely :—

1. (1) These rules may be called the Haryana Right to Information (Amendment) Rules, 2009.  
(2) They shall come into force with effect from 1st January, 2010.
2. In the Haryana Right to Information Rules, 2005, in rule 5, in sub-rule (2), for clause (a), the following clause shall be substituted, namely :—  
“(a) Rs. 2/- for each page in A-4 or A-3 size paper, created or copied; and ”.

URVASHI GULATI,  
Chief Secretary to Government, Haryana.

46626—C.S.—H.G.P., Chd.

MAHARSHI DAYANAND UNIVERSITY ROHTAK  
ESTABLISHMENT BRANCH

Endst. No.EN-4/2010/M-203(III) 122-255 Dated: 1/1/10

Copy of the above is forwarded to the following for information and necessary action:-

1. All HODs/Branch Officers, M.D.University, Rohtak.
2. First Appellate Authority, M.D.University, Rohtak.
3. Director, P.G.R.C, Rwar/ILMS Gurgaon.
4. Principal, University Campus School, Rohtak.
5. Co-Ordinator University Website, M.D.University, Rohtak.
6. All PIO(s), M.D.University, Rohtak.
7. Incharge, RTI Cell, M.D.University, Rohtak.
8. P.A. to V.C/Registrar/COE(for kind information of the Vice-Chancellor/Registrar/COE) M.D.University, Rohtak.
9. President, (Teaching and NTEA) M.D.University, Rohtak.
10. All dealing hands (Estt. N.T), M.D. University, Rohtak.

Superintendent (Estt.)  
for Registrar

1/1/2010

OFFICE OF HIGHER EDUCATION COMMISSIONER, HARYANA, PANCHKULA.

Endst. No. 12/182-2009 Ad. (3)

Dated, Panchkula, the 11-2-2010

A copy of letter No. 5/4/2002-1 AR dated 06.01.10 from the Chief Secretary to Govt. Haryana addressed to the all the Heads of Department & other is forwarded to the following for information & necessary action:-

1. All the Principals of Government Colleges in the State.
2. All the Commanding Officers, N.C.C. Units in the State.
3. All the Librarians of Distt./Sub. Div. Libraries in the State of Haryana/Librarian, Central State Library, Ambala Cantt.
4. Director, Haryana Sahitya/Sanskrit/Punjabi/Urdu Academy, Panchkula.
5. Registrar, K.U.Kurukshetra/ M.D.U., Rohtak/ Ch. Devi Lal University, Sirsa/ Bhagat Phool Singh Mahila Vishwavidyalaya, Khanpur Kalan (Sonapat).

D.A. As above.

Dy. Superintendent Administration,  
for Higher Education Commissioner,  
Haryana, Panchkula.

MAHARSHI DAYANAND UNIVERSITY ROHTAK  
ESTABLISHMENT BRANCH

Endst. No.EN-4/2010/M-203(III) 2104-45 Dated: 3/3/10

Copy of the above, alongwith its enclosure, is forwarded to the following for information and necessary action:-

1. First Appellate Authority, M.D.University, Rohtak.
2. All PIO(s), M.D.University, Rohtak. /PGRC,Rewari/ILMS, Gurgaon.
3. Co-Ordinator University Website, M.D.University, Rohtak.
4. Incharge, RTI Cell, M.D.University, Rohtak.
5. All dealing hands (Estt. N.T), M.D. University, Rohtak.

D.A. as above

Superintendent (Estt.)  
for Registrar

DHE-1107 (Higher Education)

50 ② Adm

⑦



No. 5/4/2002-1AR,  
GOVERNMENT OF HARYANA  
CHIEF SECRETARY'S OFFICE  
ADMINISTRATIVE REFORMS DEPARTMENT



Chandigarh  
The 6<sup>th</sup> January, 2010

To

1. All Administrative Secretaries in the State.
2. All Commissioners of the Divisions in the State.
3. All Heads of the departments (10 copies each)
4. All MD/CA of the Boards and Corporations.
5. All Deputy Commissioners in the State.
6. Registrar, Punjab & Haryana High Court.

Subject:- Publication of 'Haryana Right to Information Rules, 2009'  
by repealing 'Haryana Right to Information Rules, 2005'.

I am directed to refer you to the subject noted above and to forward you a copy of the notification No. SO99/CA.A./2005/S.27/2009 dated 21<sup>st</sup> December, 2009 (Hindi & English), vide which 'Haryana Right to Information Rules, 2005' has been repealed by publishing 'Haryana Right to Information Rules, 2009'.

Yours faithfully,

*K.P. Sharma*  
Superintendent,  
Administrative Reforms.

Dated the 6<sup>th</sup> January, 2010.

Endst. No. 5/4/2002-1AR

A copy is forwarded to Director, Information & Public Relations, Haryana, Chandigarh with a request to make wide publicity of the matter through mass media in the public.

*K.P. Sharma*  
Superintendent,

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

AEC  
8.1.10

Addl. Secy  
Adm. (AN)

Subject:-

SP/10

Accumulated  
8.1.10

Today  
Received

18/1/10

for Adm. Secy

25/1/10

8.1.10

8.1.10

8.1.10

8.1.10

8.1.10

8.1.10

भाग-III

हरियाणा सरकार

प्रशासनिक सुधार विभाग

अधिसूचना

दिनांक 21 दिसम्बर, 2009

संख्या का०आ० 99/के०अ० 22/2005/धा० 27/2009.— सूचना का अधिकार अधिनियम, 2005 (2005 का अधिनियम 22), की धारा 27 की उप-धारा (2) के साथ पठित उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हरियाणा के राज्यपाल, इसके द्वारा उक्त अधिनियम के अधीन सूचना उपलब्ध कराने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्,—

1. (1) ये नियम हरियाणा सूचना का अधिकार नियम, 2009, कहे जा सकते हैं।

संक्षिप्त नाम तथा  
प्रारम्भ।

(2) ये प्रथम जनवरी, 2010 से लागू होंगे।

2. (1) इन नियमों में, जब तक संदर्भ से अन्यथा अपेक्षित न हो,—

परिभाषाएं।

(क) “अधिनियम” से अभिप्राय है, सूचना का अधिकार अधिनियम, 2005 (2005 का अधिनियम 22);

(ख) “आयोग” से अभिप्राय है, अधिनियम की धारा 15 के अधीन गठित हरियाणा सूचना आयोग;

(ग) “आदर्श प्ररूप” से अभिप्राय है, इन नियमों से संलग्न आदर्श प्ररूप;

(घ) “धारा” से अभिप्राय है, अधिनियम की धारा।

(2) इन नियमों में प्रयुक्त, किन्तु अपरिभाषित, शब्दों तथा अभिव्यक्तियों के वही अर्थ होंगे जो क्रमशः उन्हें अधिनियम में दिये गये हैं।

3. (1) कोई व्यक्ति, जो अधिनियम के अधीन अनुज्ञेय कोई सूचना प्राप्त करना चाहता है, इन नियमों के नियम 5 के उप-नियम (1) में यथा विनिर्दिष्ट फीस के साथ राज्य लोक सूचना अधिकारी तथा उसकी अनुपस्थिति में राज्य सहायक लोक सूचना अधिकारी को अधिमानतः आदर्श प्ररूप ‘क’ में आवेदन करेगा।

सूचना प्राप्त करने  
के लिए आवेदन  
धारा 2(ड), 6 तथा  
27.

(2) उप-नियम (1) के अधीन किए गए आवेदन के प्राप्त होने पर, राज्य लोक सूचना अधिकारी या राज्य सहायक लोक सूचना अधिकारी, जैसी भी स्थिति हो, आवेदक को उसके प्रतीकस्वरूप की रसीद देगा।

4. (1) फीस राज्य लोक सूचना अधिकारी के पास या तो उचित रसीद के साथ नकदी में बैंक ड्राफ्ट द्वारा, भारतीय पोस्टल ऑर्डर द्वारा या खजाना चालान द्वारा निम्नलिखित लेखा शीर्ष में जमा करवाई जाएगी,—

फीस जमा करवाना।  
धारा 6.

मुख्य शीर्ष

—0070—अन्य प्रशासनिक सेवाएं

उप मुख्य शीर्ष	—80—अन्य सेवाएं
लघु शीर्ष	—800—अन्य प्राप्तियां
उप शीर्ष	—86—सूचना का अधिकार अधिनियम 2005 के अधीन फीस
विस्तृत शीर्ष	—“0070-अन्य प्रशासनिक सेवाएं—60—अन्य सेवाएं—800—अन्य प्राप्तियां—86—सूचना का अधिकार अधिनियम, 2005 के अधीन फीस”।

(2) फीस की राशि उप नियम (1) में यथा निर्दिष्ट खाते में जमा करवाई जाएगी : परन्तु राज्य के बोर्ड, निगम तथा अन्य स्वायत्त निकाय अपेक्षित फीस की राशि उनके द्वारा अनुरक्षित उनके अपने खाते में जमा करवा सकते हैं।

(3) नियम 3 के उप-नियम (1) के अधीन प्रस्तुत किए गए आवेदन के प्राप्त होने पर, राज्य लोक सूचना अधिकारी आवेदन की जांच करेगा तथा निर्धारित करेगा कि सूचना प्राप्त करने के लिए आवेदक द्वारा भुगतान की जाने वाली कितनी फीस अपेक्षित है।

(4) उप-नियम (3) के अधीन निर्धारित फीस, की धारा 7 की उप-धारा (1) के अधीन निर्धारित समय के भीतर सूचना देने को सुनिश्चित करने के लिए आदर्श प्ररूप 'ख' में, राज्य लोक सूचना अधिकारी द्वारा आवेदक को शीघ्रातिशीघ्र सूचित की जाएगी।

(5) यदि आवेदक उप-नियम (4) के अधीन उपर्युक्त दी गई सूचना के जारी होने के बाद पन्द्रह दिन की अवधि के भीतर अपेक्षित फीस जमा करवाने में असफल रहता है, तो यह माना जाएगा कि आवेदक वांछित सूचना प्राप्त करने में दिलचस्पी नहीं रखता है और आवेदन फाइल कर दिया गया समझा जाएगा।

5. (1) धारा 6 की उप-धारा (1) के अधीन कोई सूचना प्राप्त करने के लिए आवेदन 50/- रुपये की फीस के साथ होगा।

(2) धारा 7 की उप-धारा (1) के अधीन सूचना उपलब्ध करवाने के लिए, आवेदक से निम्नलिखित दसों पर फीस प्रभारित की जाएगी, अर्थात् :—

(क) ए-4 या ए-3 आकार के कागज पर बनाई गई या प्रतिलिपि के प्रत्येक पृष्ठ के लिए 2/- रुपये; तथा

(ख) यदि सूचना खण्ड (क) में विनिर्दिष्ट से भिन्न बड़े आकार के कागज पर उपलब्ध करवाई जाती है, तो वास्तविक लागत प्रभारित की जाएगी।

(3) धारा 7 की उप-धारा (5) के अधीन सूचना उपलब्ध कराने के लिए आवेदक से निम्नलिखित दसों पर फीस प्रभारित की जाएगी, अर्थात् :—

(क) फ्लोपी में सूचना उपलब्ध करवाने के लिए 50/- रुपये;

(ख) डिस्कट में सूचना उपलब्ध करवाने के लिए 100/- रुपये; तथा

फीस की प्रमाणा।  
धारा 6 तथा 7.

(ग) यदि चाही गई सूचना ऐसे स्वरूप की है, जो कि मुद्रित दस्तावेज में है, जिसकी कीमत नियत की गई है, तब वह सूचना उस मुद्रित दस्तावेज के लिए नियत कीमत प्रभारित करने के बाद उपलब्ध करवाई जाएगी। तथापि, यदि ऐसे मुद्रित दस्तावेज का केवल उद्धरण या पृष्ठ मांगा गया है, तब प्रति पृष्ठ 2/- रुपये की फीस प्रभारित की जाएगी।

(4) अभिलेख के निरीक्षण के लिए कोई भी फीस प्रभारित नहीं की जाएगी, यदि ऐसा निरीक्षण केवल एक घण्टे के लिए किया गया है। तथापि, यदि निरीक्षण एक घण्टे से अधिक की अवधि के लिए किया गया है तब प्रथम घण्टे से अधिक प्रत्येक पन्द्रह मिनट के लिए दस रुपये की फीस प्रभारित की जाएगी। उपरोक्त पन्द्रह मिनट की अवधि का प्रत्येक अंश पन्द्रह मिनट की पूर्ण अवधि के रूप में माना जाएगा तथा यह पन्द्रह मिनट की संपूर्ण अवधि के रूप में प्रभारित किया जाएगा।

6. (1) अपील के ज्ञापन में निम्नलिखित सूचना होगी, अर्थात् :—

अपील दायर करने  
के लिए प्रक्रिया।

धारा 19(1) तथा (3)

- (क) सम्पर्क दूरभाष/मोबाइल नम्बर/ई-मेल पता, यदि कोई हो, के व्यौरों सहित अपीलार्थी का नाम तथा पता;
- (ख) राज्य लोक सूचना अधिकारी या राज्य सहायक लोक सूचना अधिकारी, जैसी भी स्थिति हो, का कार्यालय पदनाम तथा पता;
- (ग) अधिकारी जिसके निर्णय के विरुद्ध अपील की गई है का कार्यालय पदनाम तथा पता;
- (घ) संख्या, यदि कोई हो, सहित आदेश के विवरण जिसके विरुद्ध अपील की गई है;
- (ङ) अपील करने के लिए संक्षिप्त तथ्य;
- (च) प्रार्थना या चाही गई राहत;
- (छ) प्रार्थना या राहत के लिए आधार;
- (ज) अपीलार्थी द्वारा सत्यापन; तथा
- (झ) कोई अन्य सूचना जो आयोग अपील के निर्णय के लिए आवश्यक समझे।

(2) अपीलार्थी कार्यालय प्रयोजन के लिए अपील के ज्ञापन की तीन प्रतियां प्रस्तुत करेगा।

(3) आयोग को की गई प्रत्येक अपील निम्नलिखित दस्तावेजों के साथ होगी, अर्थात् :—

- (क) आदेश या दस्तावेज जिसके विरुद्ध अपील की जा रही है की स्वयं अनुप्रमाणित प्रतियां;

(ख) अपीलार्थी द्वारा निर्भर किए गए तथा अपील में निर्दिष्ट दस्तावेजों की प्राप्ति

(ग) अपील में निर्दिष्ट दस्तावेजों की सूची :

परन्तु यदि पूर्ण दस्तावेज प्रस्तुत नहीं किए गए हैं तो अपील अस्वीकृत नहीं की जाएगी किन्तु अपीलार्थी को उपरोक्त औपचारिकताएं पूर्ण करने के लिए कहा जाएगा।

अपील का निर्णय  
करने के लिए  
प्रक्रिया।  
अपील धारा 19(10).

#### 7. अपील का निर्णय करने से पूर्व आयोग,—

(क) सम्बद्ध व्यक्तियों को नोटिस तामील करेगा;

(ख) अपील के समर्थन में कोई साक्ष्य लेगा, जो सम्बद्ध व्यक्तियों से मौखिक या लिखित में लिया जा सकता है;

(ग) सम्बद्ध व्यक्तियों से शपथ पत्र या शपथ-पत्र पर बयान लेगा;

(घ) दस्तावेजों या किन्हीं अभिलेखों या उनकी प्रतियों की जांच करेगा;

(ङ) अपील के तथ्यों की प्राधिकृत कार्यालय के माध्यम से जांच-पड़ताल करवायेगा या विस्तार में तथ्यों की अपेक्षा करेगा, यदि वह ऐसा समुचित समझे तो राज्य लोक सूचना अधिकारी या किसी अन्य वरिष्ठ अधिकारी जिसने प्रथम अपील का निर्णय किया था, जैसी भी स्थिति हो, की सुनवाई करेगा; तथा

(च) राज्य लोक सूचना अधिकारी या किसी वरिष्ठ अधिकारी, जिसने प्रथम अपील का निर्णय किया था या किसी अन्य व्यक्ति जिससे साक्ष्य लेना आवश्यक समझा जाए, से शपथ-पत्र पर साक्ष्य प्राप्त करेगा।

नोटिस की तामील  
का ढंग।  
धारा 19(10).

#### 8. आयोग सम्बद्ध व्यक्तियों को निम्नलिखित ढंगों में से किसी एक में नोटिस तामील कर सकता है, अर्थात् :—

(क) आदेशिका तामीलकर्ता के माध्यम से व्यक्तिगत रूप से (दस्ती);

(ख) रजिस्टर्ड डाक, स्पीड पोस्ट, पोस्टल प्रमाण-पत्र, के अधीन, कोरियर या ऐस ही अन्य साधनों द्वारा;

(ग) इलेक्ट्रॉनिक मेल द्वारा, यदि इ-मेल पता उपलब्ध करवाया गया है; या

(घ) समाचार-पत्र में प्रकाशन द्वारा।

अपीलार्थी/  
शिकायतकर्ता की  
उपस्थिति। धारा 19.

#### 9. अपीलार्थी या शिकायतकर्ता, जैसी भी स्थिति हो, को प्रत्येक मामले में सुनवाई की तिथि से कम से कम पन्द्रह दिन ठीक पूर्व सूचित किया जाएगा। यदि शिकायतकर्ता/अपीलार्थी सुनवाई की तिथि को उपस्थित होने में असफल रहता है तो आयोग मामले का गुणगुण आधार पर निर्णय करेगा :

परन्तु जहां आयोग की संतुष्टि हो गई है कि ऐसी परिस्थितियां विद्यमान हैं जिनके कारण शिकायतकर्ता/अपीलार्थी को आयोग की सुनवाई में उपस्थित होने से रोका गया है तब वह

शिकायतकर्ता/अपीलार्थी को अंतिम निर्णय देने से पूर्व सुनवाई के लिए दूसरा अवसर प्रदान कर सकता है।

10. (1) आयोग लिखित में आदेश करेगा तथा सम्बद्ध पक्षकारों की उपस्थिति में उसे आयोग द्वारा आदेश।  
सुनाएगा। धारा 19(10)।

(2) सम्बद्ध पक्षकार आयोग से आदेश की प्रति प्राप्त कर सकता है।

11. हरियाणा सूचना अधिकार नियम, 2005, इसके द्वारा, निरसित किए जाते हैं :

निरसन तथा  
व्यावृत्ति।

परन्तु इस प्रकार निरसित नियमों के अधीन किया गया कोई आदेश या की गई कोई कार्रवाई इन नियमों के तत्सम उपबंधों के अधीन किया गया कोई आदेश या की गई कार्रवाई समझी जाएगी।

1004

HARYANA GOVT. GAZ. (EXTRA.), DEC. 21, 2009  
(AGHN. 30, 1931 SAKA)

आदर्श प्ररूप 'क'

[ देखिए नियम 3(1) ]

सेवा में

राज्य लोक सूचना अधिकारी/  
राज्य सहायक लोक सूचना अधिकारी,

( पते सहित कार्यालय का नाम )

- (1) आवेदक का पूरा नाम
- (2) पता
- (3) अपेक्षित सूचना के विवरण—
  - (i) सूचना की विषय-वस्तु\*
  - (ii) अवधि जिससे सूचना सम्बन्धित है \*\*
  - (iii) अपेक्षित सूचना का वर्णन \*\*\*
  - (iv) क्या सूचना डाक द्वारा या व्यक्तिगत रूप में अपेक्षित है (वास्तविक डाक प्रभार अतिरिक्त फीस में शामिल होंगे )
  - (v) यदि डाक द्वारा (सामान्य, रजिस्टर्ड या स्पीड पोस्ट)

स्थान :

तिथि :

आवेदक के हस्ताक्षर

\* निर्दिष्ट किये जाने वाले विषय का विस्तृत प्रवर्ग (जैसे कि अनुदान/सरकारी भूमि/सेवा मामले/अनुज्ञप्तियाँ इत्यादि)।

\*\* सम्बद्ध अवधि जिसके लिए सूचना निर्दिष्ट की जानी अपेक्षित है।

\*\*\* सूचना के विशिष्ट विवरण निर्दिष्ट किये जाने अपेक्षित हैं।

पावती

आपका आवेदन दिनांक ..... डायरी संख्या .....

दिनांक ..... द्वारा प्राप्त हुआ।

लोक सूचना अधिकारी/राज्य सहायक

लोक सूचना अधिकारी के हस्ताक्षर

( विभाग / कार्यालय का नाम ) .....

आदर्श प्ररूप 'ख'

[देखिए नियम 4(4)]

प्रेषक

राज्य लोक सूचना अधिकारी का पदनाम।

सेवा में

आवेदक का नाम

आवेदक का पता।

महोदय,

कृपया सूचना का अधिकार अधिनियम, 2005 के अधीन सूचना के लिए निम्न हस्ताक्षरित को सम्बोधित किए गए आपके आवेदन दिनांक ..... के संदर्भ में।

2. यह सूचना भेजने के लिए अतिरिक्त फीस ..... रुपये है।

3. आपको हरियाणा सूचना का अधिकार नियम, 2009 के नियम 4 के उप-नियम (1) में यथावर्णित किसी एक ढंग के माध्यम से अर्थात् या तो उचित रसीद के साथ नकदी में, बैंक ड्राफ्ट द्वारा, भारतीय पोस्टल आर्डर द्वारा या खजाना चालान द्वारा भुगतान करने का अनुरोध किया जाता है, तथा इस कार्यालय को उसके सबूत की एक प्रति भेजने के लिए अनुरोध किया जाता है ताकि आपको अपेक्षित सूचना दी जा सके।

4. यदि आप उपरोक्त अनुमान से असन्तुष्ट हैं तो आपको अपीलीय प्राधिकारी ..... (विभाग का नाम) के सम्मुख अपील प्रस्तुत करने के लिए अनुरोध किया जाता है।

राज्य लोक सूचना अधिकारी

उर्वशी गुलाटी,  
मुख्य सचिव, हरियाणा सरकार।

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. (1) An application for obtaining any information under sub-section (1) of the section 6 shall be accompanied with a fee of Rs. 50/-.

Quantum of fee.  
sections 6 and 7

(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. 100/- 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 rupees ten shall be charged for every fifteen minutes in excess of first hour. Every fraction of the period above fifteen minutes shall be construed as a complete period of fifteen minutes and it shall be charged as full period of fifteen minutes.

Procedure for  
filing appeals,  
sections 19(1)  
and (3)

6. (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
- (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.

Procedure for  
deciding appeal,  
section 19(10)

7. 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 affidavits 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. The Commission may serve notice to the persons concerned in any of the following modes, namely :—

Mode of serving notice.  
section 19(10)

- (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. 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 complainant/appellant fails to appear on the date of hearing, the Commission will decide the matter on merits:

Appearance of Appellant/  
Complainant.  
Section 19

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. (1) The Commission shall make order in writing and pronounce the same in the presence of the concerned parties.

Order by Commission  
section 19(10)

(2) The party concerned may obtain the copy of the order from the Commission.

11. The Haryana Right to Information Rules, 2005 are hereby repealed:

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.

1010

121 — (18)  
HARYANA GOVT. GAZ. (EXTRA.), DEC. 21, 2009  
(AGHN. 30, 1931 SAKA)

**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:

(3) Particulars of information required —

(i) Subject matter of information \*

(ii) The period to which the information relates \*\*

(iii) Description of the information required \*\*\*

(iv) Whether information is required by post or in person  
(the actual postal charges shall be include in additional fee)

(v) In case by post (Ordinary, Registered or Speed post)

Place :

Date :

Signature of the applicant.

\* Broad category of the subject to be indicated  
(such as grant/Government land/Service matters/Licenses etc.).

\*\* Relevant period for which information is required to be indicated.

\*\*\* Specific details of the information are required to be indicated.

**ACKNOWLEDGEMENT**

Received your application dated ..... vide diary  
No. .... dated .....

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

**MODEL FORM 'B'**

[ See rule 4(4) ]

(19)

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.

4. 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.

URVASHI GULATI,  
Chief Secretary to Government, Haryana.

Lila Krishnan  
Superintendent (Estt.) 9.8.10  
9/8/10

189  
Dir. Higher Education

368 Ad.  
13/7

(21)

No.5/43/2010-1AR

From

The Chief Secretary to Government Haryana,  
Administrative Reforms Department.

To

1. All Heads of Department in the State
2. All Commissioners of Divisions.
3. All Deputy Commissioners.
4. Sub Divisional Officers (Civil) in the State.
5. Registrar, Punjab & Haryana High Court.

Dated Chandigarh, the 2<sup>nd</sup> July, 2010.

Subject: - Disclosure of third party information under the RTI Act, 1995.

Sir/Madam

I am directed to refer to the subject cited above and to enclose a copy of office Memorandum received from Government of India, Ministry of Personnel, PG & Pensions Department of Personnel & Training, vide their letter No.8/2/2010-1R, dated 27-04-2010 for information and further necessary action.

2. You are requested to bring it to the notice of all SPIOs/ASPIOs and First Appellate Authorities, working under your control at Headquarters as well as in the field offices.

Yours faithfully,

*himmed chatur*  
Superintendent Administrative Reforms,  
for Chief Secretary to Govt., Haryana  
Administrative Reforms Department.



Handwritten notes on the left side include: 'anday', 'received', '8/7/10', and '9/7/10'.

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No. 8/2/2010-IR  
Government of India  
Ministry of Personnel, PG & Pensions  
Department of Personnel & Training

\*\*\*

North Block, New Delhi-110001  
Dated: the 27<sup>th</sup> April, 2010

**OFFICE MEMORANDUM**

**Subject:** Disclosure of third party information under the RTI Act, 2005.

\*\*\*

The undersigned is directed to say that the Government, in a number of cases makes inter departmental consultations. In the process, a public authority may send some confidential papers to another public authority. A question has arisen whether the recipient public authority can disclose such confidential papers under the RTI Act, 2005. If yes, what procedure is required to be followed for doing so.

Section 11 of the Act provides the procedure of disclosure of 'third party' information. According to it, if a Public Information Officer (PIO) intends to disclose an information supplied by a third party which the third party has treated as confidential, the PIO, before taking a decision to disclose the information shall invite the third party to make submission in the matter. The third party has a right to make an appeal to the Departmental Appellate Authority against the decision of the PIO and if not satisfied with the decision of the Departmental Appellate Authority, a second appeal to the concerned Information Commission. The PIO cannot disclose such information unless the procedure prescribed in section 11 is completed.

3. As defined in clause (n) of Section 2 of the Act, 'third party' includes a public authority. Reading of the definition of the term, 'third party' and Section 11 together makes it clear that if a public authority 'X' receives some

information from another public authority 'Y' which that public authority has treated as confidential, then 'X' cannot disclose the information without consulting 'Y', the third party in respect of the information and without following the procedure prescribed in Section 11 of the Act. It is a statutory requirement, non-compliance of which may make the PIO liable to action.

4. The Public Information Officers and the First Appellate Authorities should keep these provisions of the Act in view while taking decision, about disclosure of third party information in general and disclosure of the third party information, when third party is a public authority, in particular.

5. Hindi version will follow.

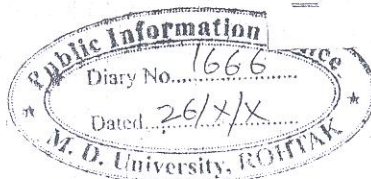


(K.G. VERMA)  
Director  
Tel: 23092158

Copy to:

1. All the Ministries/Departments of the Government of India.
2. Union Public Service Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/Vice-Presidents's Secretariat/Prime Minister's Office/Planning Commission/Election Commission.
3. Central Information Commission/State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi.
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All Officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensions Welfare.

Copy to: Chief Secretaries of all the States/UTs.



OFFICE OF HIGHER EDUCATION COMMISSIONER, HARYANA, PANCHKULA.

6456  
29/10/10  
Endst. No. 1/71-2003 Admn. (3)

Dated, Panchkula, the 12/11/10

A copy of letter No. 5/4/2002-1 AR dated 27-8-2010 received from the Chief

Secretary to Govt. Haryana addressed to the all the Administrative Secretaries to Govt. Haryana

is forwarded to the following for information & necessary action:-

1. All the Principals of Government Colleges in the State.
2. All the Commanding Officers, N.C.C. Units in the State.
3. Registrar, K.U.Kurukshetra/ M.D.U., Rohtak/ Ch. Devi Lal University, Sirsa/  
Bhagat Phool Singh Mahila Vishwavidyalaya, Khanpur Kalan (Sonapat).

D.A. As above.

Superintendent Administration,  
for Higher Education Commissioner,  
Haryana, Panchkula

MAHARSHI DAYANAND UNIVERSITY ROHTAK  
ESTABLISHMENT BRANCH(NT)

Endst.No.EN-4/10/M-203(III)/ 12392-12435 Dated 9/11/10

Copy of the above, alongwith it enclosures, is forwarded to  
the following for information and necessary action:-

1. First Appellate Authority, M.D.University, Rohtak.
2. All PIO(s), M.D.University, Rohtak.
3. Incharge RTI Cell, M.D.University, Rohtak.
4. Co-ordinator University Website, M.D.U, Rohtak.
5. All dealing hands (Estt. N.T.), M..D.U, Rohtak.

D.A.as above

Superintendent (Estt) 9.11.10

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No.12/9/2009-IR  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training

\*\*\*\*\*

North Block, New Delhi  
Dated the 24<sup>th</sup> May, 2010

OFFICE-MEMORANDUM

Subject : Payment of fee under the Right to Information Act, 2005 – scope of sub-section (3) of Section 7 of the Act.

\*\*\*\*\*

The Undersigned is directed to say that a question is raised from time to time whether a Public Information Officer (PIO) has power to charge fee under Section 7(3) of the RTI Act, 2005 in addition to fee prescribed under Sections 6(1), 7(1) and 7(5) of the Act.

Section 6(1) of the Act enables the Government to prescribe application fee and sub-sections (1) and (5) of Section 7 to prescribe fee in addition to application fee for supply of information. On the other hand sub-section (3) of Section 7 provides the procedure which a PIO has to follow for realizing the fee prescribed under sub-sections (1) and (5) of the Section. Details of fees that can be charged by a public authority under the Central Government are contained in the Right to Information (Regulation of Fee & Cost) Rules, 2005. The Rules or the Act do not give power to the PIO to charge any fee other than prescribed in the Fee and Cost Rules. Attention in this regard is invited to following extracts from the common order passed by the Central Information Commission in Appeal No. CIC/MA/A/2008/0185 (Shri K.K. Kishore Vs. Institute of Company Secretaries of India) and Complaint No.CIC/WB/C/2007/00943 (Shri Subodh Jain Vs. Dy. Commissioner of Police):

"The Act under proviso to sub-section (5) of Section 7 also provides that fee prescribed under sub-sections (1) and (5) of Section 7 shall be reasonable and no such fee shall be charged from the persons who are below poverty line as may be determined by the Appropriate Government. The Government has already prescribed fees as deemed reasonable mandated under Sections 7(1) and 7(5) of the Act and in the view of the Commission, there is no provision for any further fee apart from the one already prescribed under Sections 7(1) and 7(5) of the Act".

XXX

XXX

XXX

21/7/10

172

233- RTI cell  
2 :-

(26)

"Thus, there is provision for charging of fee only under Section 6(1) which is the application fee; Section 7(1) which is the fee charged for photocopying etc. and Section 7 (5) which is for getting information in printed or electronic format. But there is no provision for any further fee and if any further fee is being charged by the Public Authorities in addition to what is already prescribed under Section 6(1), 7(1) and 7(5) of the Act, the same would be in contravention of the Right to Information Act. The "further fee" mentioned in Section 7(3) only refers to the procedure in availing of the further fee already prescribed under 7(5) of the RTI Act, which is "further" in terms of the basic fee of Rs.10/- Section 7(3), therefore, provides for procedure for realizing the fees so prescribed".

3. The Commission, while delivering decision in above cases, recommended to this Department to make rules, for charging fee towards supply of information which may include fee for supply of books, maps, plans, documents, samples, models etc. that are priced and towards postal/courier charges for mailing information, when postal/courier charges are in excess of minimum slab prescribed by the Department of Posts and for other similar situations.
4. The Right to Information (Regulation of Fee & Cost) Rules, 2005 already provide provisions for charging of fee for giving information in diskettes or floppies or in the form of photo copy; for providing samples, models, printed material like books, maps, plans etc; and for inspection of records. The Government have, however, not considered it desirable to charge fee towards expenditure involved in mailing information or overhead expenditure etc. Nevertheless, supply of information in a form which would disproportionately divert the resources of the public authority is taken care of by Section 7(9) of the Act according to which information shall ordinarily be provided in the form in which it is sought but supply of information in a particular form may be refused if supply of information in that form would divert the resources of the public authority disproportionately.
5. It is hereby clarified that where a Public Information Officer takes a decision to provide information on payment of fee in addition to the application fee, he should determine the quantum of such fee in accordance with the fee prescribed under the Fee and Cost Rules referred to above and give the details of such fee to the applicant together with the calculation made to arrive at such fee. Since the Act or the Rules do not provide for charging of fee towards postal expenses or cost involved in deployment of man power for supply of information etc., he should not ask the applicant to pay fee on such account. However, wherever supply of information in a particular form would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the records, the PIO may refuse to supply the information in that form.

Sd/-  
Director

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(27)

Copy of the letter addressed to the First Appellate Authority and P.I.O. (Dy.Registrar Colleges), M.D.University, Rohtak and copy endorsed to the Registrar vide No. 12716 dated 25.10.2010 by the Research Officer-cum-Consultant Office of the State Information Commission, Haryana.

.....

Sub: Case No.2341 of 2010-Appeal under Section 19 (3) of the RTI Act, 2005.

In continuation of the Commission's letter No. 10045-47/SIC/2010/2- IA dated 30.8.2010 on the subject cited above.

I am directed to forward herewith a copy of the orders dated 14.10.2010, passed by this Commission in the above noted case for information of the Appellant and for immediate compliance at the level of Respondent under intimation to the Commission.

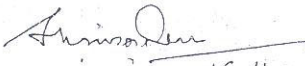
.....

**MAHARSHI DAYANAND UNIVERSITY ROHTAK  
ESTABLISHMENT BRNCH (N.T.)**

Endst. No. EN-4/M-203 (III)/2010/12809-12915 Dated: 16/11/10

Copy of the above, alongwith a copy of case No. 2341 of 2010, received from the State Information Commissioner, Haryana is forwarded to all Heads of Departments/ Branch Officers for complying the instructions conveyed in the above orders including point No.5 (ii).

D.A: As above

  
16-11-10  
Assistant Registrar(Estt)  
for Registrar

- 242 -

(28)

BEFORE STATE INFORMATION COMMISSION HARYANA, CHANDIGARH.  
APPEAL UNDER SECTION 19(3) OF THE RIGHT TO INFORMATION ACT, 2005

Case No. 2341 of 2010

Smt. Mona Devi W/o Dr. Raj Kumar Siwach,  
Reader in Public Administration,  
B-7, Ch. Devi Lal University,  
Bhisra (Haryana)- 125055.

.....Appellant.

Versus

1. First Appellate Authority o/o Department of Law, Maharishi Dayanand University, Rohtak.
2. State Public Information Officer -cum- Deputy Registrar (Colleges) Maharishi Dayanand University, Rohtak.

.....Respondents.

Present:

1. Shri S.P. Verma, Superintendent (Colleges) on behalf of the First Appellate Authority.
2. Shri Vipin Bhardwaj, State Public Information Officer -cum- Deputy Registrar (Colleges) Maharishi Dayanand University, Rohtak in person.
3. None present on behalf of the appellant.

Order

This case has come up for hearing with reference to appellant's RTI application dated 13.2.2010 addressed to State Public Information Officer (Estt. and Teaching) M.D. University, Rohtak. The appellant had sought information on eight points relating to letter no. P-1-13/91 (CPP) dated 5.3.1992 addressed by Secretary, University Grants Commission, New Delhi to Registrar, M.D. University, Rohtak regarding Qualifications for the post of Lecturer in Political Science. An application fee of Rs.70/- had been deposited along with the application. SPIO-cum-Deputy Registrar (Teaching), vide letter dated 15.2.2010, had forwarded original application to SPIO-cum-Deputy Registrar (Colleges), M.D. University, Rohtak for immediate appropriate action. SPIO-cum-Deputy Registrar (Colleges), MDU, Rohtak, vide letter dated 18.2.2010, had transferred point no. 4 of the application under Section 6(3) of the RTI Act to SPIO o/o University Grants Commission, New Delhi. UGC, vide letter dated 25.2.2010, had furnished information on remaining points to the appellant. Dissatisfied with the contents of the furnished information, the appellant had submitted an appeal dated 2.4.2010 with the First

Appellate Authority (henceforth called FAA) who vide order dated 23.4.2010, decided the appeal by directing the SPIO-cum-Deputy Registrar (Colleges) to furnish certified copies of Diary and Dispatch Registers to the appellant. SPIO, vide letter dated 27.4.2010, had furnished additional information to the appellant in compliance of the directions of the First Appellate Authority. Dissatisfied with the contents of the furnished information, the appellant had submitted a complaint dated 8.7.2010 to the Commission. Since the complainant had already submitted her appeal to the First Appellate Authority, Commission took cognizance of the matter under Section 19 (3) of the RTI Act. Notices had been issued seeking comments from the respondents and rejoinder from the appellant by 18.9.2010 and 10.10.2010 respectively. Comments dated 13.9.2010 and 14.10.2010, received from SPIO-cum- Deputy Registrar (Colleges), have been taken on record. Rejoinder dated 11.10.2010, received from the appellant, has been taken on record.

2. The appellant, being dissatisfied with the contents of the furnished information, had approached this Commission. It had been submitted that the original letter i.e. UGC No. F-1-13 (91(CPP) dated 5.3.1992 had not been shown to her. Again, the copy of the letter furnished to him is a reproduction of the contents of the furnished information and neither carry the signatures and designation of any official issuing the letter nor the seal of UGC. It had further been contented that despite of untraced endorsement of the letter under reference, SPIO had treated the extract as 'the original' letter. It had also been contended that there was nothing to show that the record had been destroyed as per duly prescribed procedure. She had prayed for Commission's directions to respondent-SPIO to furnish complete and accurate information to her.

3. Respondent-SPIO submits that complete information as available with the respondent public authority has been furnished to the appellant within the specified time limit. It is submitted that the record regarding the receipt of the letter dated 5.3.1992 in the Registrar's office had been weeded out in terms of orders of the competent authority. A photocopy of the orders dated 8.1.2004 had been furnished to the appellant. It is further submitted that 18 years old original letter is unavailable as only record relating to routine correspondence are required to be maintained only for two years. An extract of the

Instructions on the subject are submitted in this regard. Respondent-SPIO further submits that the contents of the letter as part of the agenda had been considered by Academic/Council/Executive Council. It is submitted that since agenda at that time was cyclostyled the authorized official had initialed it before getting the fair copies. Accordingly, copy of the initialed agenda carrying reproduced contents of the letter under reference has been furnished to the applicant. Respondent-SPIO contests the stand of the appellant and submits that the University Grants Commission has not denied the issuance of the letter. Respondent-SPIO while regretting the failure of respondent public authority not to keep the proper documentation of the weeding out of the old files, assures the Commission that now proper documentation is being maintained.

4. After hearing the respondent and perusal of the record on file, it is found that though information had been furnished by SPIO-cum-Deputy Director (Colleges) within the specified time limit with respect to record relating to the respondent public authority after transferring point no. 4 of the concerned public authority yet the furnished information was not complete on point nos. 1-3 and 5-6 of RTI-application. Respondent-SPIO has been able to show that due to weeding out of the receipt and dispatch the registers of the office of Registrar on the directions of the competent authority information on point no. 2 & 3 of the RTI-application could not be furnished. Regarding information sought by the applicant on point nos. 1, 5 & 6 of RTI-application respondent-SPIO has been able to show that the relevant record had not been created while following weeding regulations which require this category of the record to be maintained for two years. Though respondent-SPIO has not been able to produce documentary proof about the weeding out of relevant record on the plea of its non-documentation yet it is found that information about the contents of the letter on basis of the available secondary record has been furnished to the applicant. Commission finds no merits in appellant's averments about the non-genuineness of the document as the record of proceedings maintained by the respondent public authority shows that the contents of the letter under reference was duly verified by the concerned officer on 23.5.1992 when they had been cyclostyled as part of the agenda item for consideration of the Academic Committee/Executive Council. Noting that the respondent-SPIO has intimated the applicant that matters considered by

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(31)

the Council are circulated to all concerned, an effort to trace the record from office of Higher Education Commissioner, Haryana and some of the old affiliated colleges could bring positive results. Commission, however, agrees with the respondent-SPIO that UGC has not specifically denied that such a letter had not been issued. Respondent-SPIO has been able to show that his failure to furnish complete information was due to reasonable cause.

5. In view of the above findings, the appeal is decided with the following directions

- (i) State Public Information Officer --cum- Deputy Registrar (Colleges) Maharishi Dayanand University, Rohtak shall make another effort to trace the relevant record from various concerned branches of the University as well as from Higher Education Commissioner, Haryana and some of the old affiliated colleges. He shall intimate the result of his efforts to the appellant within one month from the receipt of this decision under intimation to the Commission.
- (ii) Respondent public authority through Registrar, Maharishi Dayanand University, Rohtak is directed to ensure that record is properly maintained for easy retrieval of the information in terms of its obligations under Section 4 of the RTI Act. He should ensure that decisions and procedures of weeding of old record, as per its policy and regulations, are properly recorded and documented in future.

A copy of the decision be communicated to Registrar, Maharishi Dayanand University, Rohtak for compliance of the above directions and submission of compliance report within two months from today.

Announced. To be communicated.

Place : Chandigarh  
Dated : 14.10.2010

*Two copy*  
*CKG*

Research Officer-cum-Consultant  
State Information Commission  
Haryana, Chandigarh.

*Meenaxi*  
(Meenaxi Anand Chaudhry)  
State Information Commissioner,  
Haryana.

STATE INFORMATION COMMISSION, HARYANA,  
SCO NO. 70-71(1<sup>st</sup> floor), SECTOR 8-C, CHANDIGARH.  
Telephone No. 0172-2726568, fax No. 0172-2783834

To

1751  
10/11/10

No. 7878

/SCIC/7 IA/2010

32

1. The Chief Secretary to Govt. Haryana,
2. All the Financial Commissioners & Principal Secretaries/Commissioners & Secretaries to Govt. Haryana.
3. All Heads of the Department, Haryana.
4. All the Managing Directors/Chief Administrator of Boards/Corporations in Haryana State.
5. The Registrar, Punjab & Haryana High Court at Chandigarh.
6. All the Divisional Commissioners in Haryana.
7. All the Deputy Commissioners in Haryana.
8. All the Registrars of the Universities of the State.

Dated, Chandigarh the 4 November, 2010

Subject:

Appointment of Mrs. Meenaxi Anand Chaudhry as State Chief Information Commissioner, Haryana.

Sir,

I am directed to inform you that Mrs. Meenaxi Anand Chaudhry has assumed the charge of office of the State Chief Information Commissioner, Haryana w.e.f. the Afternoon of 29<sup>th</sup> October, 2010. All correspondence requiring her personal attention may kindly be addressed to her by name.

Her office address and telephone numbers are as under:-

1. State Information Commission, Haryana,  
SCO No. 70-71, 1<sup>st</sup> Floor, Madhya Marg,  
Sector 8-C, Chandigarh-160 009.
2. Telephone No. 0172-2726568.
3. Fax No. 0172-2783834.

Under Secretary,  
for State Information Commission,  
Haryana

MAHARSHI DAYANAND UNIVERSITY ROHTAK  
ESTABLISHMENT BRANCH(NT)

Endst.No.EN-4/10/M-203(III)/13/55-90 Dated 22/11/10

Copy of the above is forwarded to the following for information:-

1. First Appellate Authority, M.D.University, Rohtak.
2. All PIO(s), M.D.University, Rohtak.
3. Incharge RTI Cell, M.D.University, Rohtak.
4. Co-ordinator University Website, M.D.U, Rohtak.
5. All dealing hands (Estt. N.T.), M.D.U, Rohtak.

Superintendent (Estt) 19.11.10  
22/11/10

12.45

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26.67  
28/12/10  
OFFICE OF HIGHER EDUCATION COMMISSIONER, HARYANA,  
PANCHKULA.

Endst. No. K.W. 1/71-2003 Admn.(2)

Dated, Panchkula, the 15.12.2010

A copy of letter No. 10/8/2010-2 Cabinet dated 29.11.2010 from the

Chief Secretary to Govt. Haryana addressed to all Heads of the Departments &amp; others

is forwarded to the following for information &amp; necessary action:-

1. All the Principals of Government Colleges in the State.
2. All the Commanding Officers, N.C.C. Units in the State.
3. Registrar, K.U.Kurukshetra/M.D.U., Rohtak/ Ch. Devi Lal University, Sirsa/ Bhagat Phool Singh Mahila Vishvavidyalaya, Khanpur Kalan (Sonapat).

D.A. As above.

Superintendent Administration,  
for Higher Education Commissioner,  
Haryana, Panchkula.

Endst. No. Even.

Dated Panchkula, the 21/12/2010

A copy is forwarded to the following for information &amp; necessary

action:-

1. All Headquarter Officers and Head of Branches.
2. PS/HEC.
3. Steno to Addl.Dir.Admn./A.D.Admn./R.E.
4. All Assistants in Administration Branch.

D.A. As above.

Superintendent Administration,  
for Higher Education Commissioner,  
Haryana, Panchkula.

MAHARSHI DAYANAND UNIVERSITY ROHTAK  
ESTABLISHMENT BRANCH

Endst. No. EN-4/11/M-203(III) 386-425 Dated: 10/11/11

Copy of the above, alongwith its enclosure, is forwarded to the following for information and necessary action:-

1. First Appellate Authority, M.D.University, Rohtak.
2. All PIO(s), M.D.University, Rohtak. /PGRC, Rewari/ILMS, Gurgaon.
3. Co-Ordinator University Website, M.D.University, Rohtak.
4. Incharge, RTI Cell, M.D.University, Rohtak.
5. All dealing hands (Estt. N.T), M.D. University, Rohtak.

D.A. as above

Superintendent (Estt.) 10-1.11  
for Registrar

07-12-2010

1-12-10

HCC

HARYANA GOVERNMENT  
CHIEF SECRETARY'S OFFICE  
CABINET BRANCH  
ORDER

(34)

In terms of sub-section (1) of section 5 of Right to information Act, 2005 (Act No. 22 of 2005 of Government of India) the Governor of Haryana hereby designates the Special Senior Secretary/Sr. Secretary/Secretary/Private Secretary as First Appellant Authority as the case may be and the Senior most PA as State Public Information Officer who are working in the O/o Ministers/State Ministers in Haryana Government. In case there are two Private Secretaries are appointed in the Minister's Office then the Junior person shall be designated as SPIO and the senior one as First Appellant Authority.

Dated Chandigarh  
the 25<sup>th</sup> November, 2010

URVASHI GULATI  
Chief Secretary to Government, Haryana

Endst.10/8/2010-2 Cabinet

Dated Chandigarh the, 29<sup>th</sup> November, 2010.

A copy, each, is forwarded to the following for information and necessary action:-

1. Chief Information Commissioner, Haryana.
2. All Administrative Secretaries, Government, Haryana.
3. Principal Resident Commissioner, Govt., of Haryana, Haryana Bhawan, Copernicus Marg, New Delhi.
4. Secretary to Governor, Haryana Raj Bhawan, Chandigarh.
5. All Managing Directors / Directors of Boards & Corporations.
6. Special Secretary to Govt., Haryana Administrative Reforms Department.
7. Joint Secretary to Government, Haryana, Secretariat Establishment.
8. Joint Secretary, (II) to Government Haryana, Secretariat Establishment.
9. Under Secretary (General), to Government, Haryana.
10. All Deputy Secretaries/Under Secretaries/ Superintendents/Deputy Superintendents and Branches In-charge of Haryana Civil Secretariat.
11. Spl.Sr. Secy/Sr. Secy/ Secretary/Pvt. Secy/Senior most PA to the Ministers/State Ministers, Haryana.

Narash Kumar  
Superintendent Cabinet  
for Chief Secretary to Government, Haryana.

INTERNAL DISTRIBUTION

1. Spl.Sr. Secy./CM
2. PS/CS



RIGHT TO  
INFORMATION

STATE INFORMATION COMMISSION, HARYANA,  
SCO NO. 70-71 (1<sup>st</sup> floor), SECTOR 8-C, CHANDIGARH.  
Telephone No. 0172-2726568, fax No. 0172-2783834

No. 872/SCIC/2011/7 IA

1. All Heads of Departments, Commissioners, Ambala, Hisar, Rohtak and Gurgaon Divisions and all the Deputy Commissioners in the State of Haryana.
2. The Registrar, Punjab & Haryana High Court, Chandigarh.
3. All the Managing Directors of Boards/Corporations/Public Undertaking.
4. All the Registrars of the Universities in the State.

Dated Chandigarh, the 8<sup>th</sup> December, 2011

**Subject:-** Maintenance of records and publication of information under the Right to Information Act, 2005.

I am directed to refer to the directions of the Government on the subject noted above and to state that despite issue of numerous reminders action on one of the most important provision of the RTI Act i.e. Section 4 which was required to be implemented within a period of 120 days of the enactment is yet to be completed by a majority of departments/organizations functioning under the State. Section 4 of the Right to Information Act, 2005 sets out a practical regime of transparency in the working of the public authorities by way of disclosure of as much information to the public as possible, suo-motu so that the public may not have to resort to section 6. It is an important part of the Act observance of which is essential for its effective implementation to the extent mentioned below:-

**Section 4 (1)(a) - Records duly Catalogued and Indexed:**

2. The first obligation expects that all organizations have already made arrangements for maintaining all the records. Clause (a) of sub-section (1) of the section makes it obligatory for every public authority to maintain all its records duly catalogued and indexed. Record management in accordance with this provision is an important step to enable the State Public Information Officers to furnish information sought under the Act. The clause also requires the public authority to have its records computerized and connected through a network. The public authorities are expected to complete the requirements of this clause on top priority, if it is not completed yet.

**Section 4 (1)(b) - The 17 Departmental Manuals:**

3. The most urgent and important obligation is provided in Section 4(1)(b) and this relates to the 17 Manuals which have been clearly identified under this Act. Clause (b) of the sub-section ibid mandates the public authorities to publish the information mentioned therein within one hundred and twenty days from the date of enactment of the Act. It is expected that all public authorities would have complied with this requirement already. If it has not been done, its compliance may be ensured without any further delay. All the public authorities, in this regard have its own interest

Registration  
15/12/11

In charge RTI Cell

CG 9724  
16/12/11

Pl. ensure compliance  
of mandatory provision of  
RTI under Section 4  
of above directions.

16/12/11  
17/12/11

17/12/11

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11.20.11

E-2225  
16/12/11



in getting these manuals prepared, published and also updated periodically as their ready availability shall not only reduce the disclosure of information to a citizen but it shall improve effectiveness and efficiency of the public authorities of the State.

**Section 4(1) (c & d) – Transparent formulation of policies:**

4. Section 4(1) (c) now makes it mandatory to publish all relevant facts while formulating important policies and announcing decisions affecting the public.

**Section 4(4) – Duty to publish Clause: Suo-Moto publication:**

5. Section 4 of the Act requires wide dissemination of every information required to be disclosed suo-moto in such form and manner which is accessible to the public. Dissemination may be done through notice boards, news papers, public announcements, media broadcast, the internet or any other means including inspection of offices of any public authority. While disseminating the information, the public authority should take into consideration the cost effectiveness, local language and the most effective method of communication in the local area concerned. The information should be easily accessible, to the extent possible, available with the State Public Information Officer in the electronic format which could be made available free of cost or at such price as may be prescribed. A copy of the document published, referred to in para 3, and also the copies of publications referred to in para 4 above, should be kept with an officer or the public authority and should be made available for inspection by any person desirous of inspecting these documents.

6. All the Departments/organizations are, therefore, once again requested to comply with the above referred mandated requirements of the Act.

Under Secretary,  
for State Information Commission,  
Haryana.

Endst. No. /SCIC/7 IA/2011 Dated the Chandigarh, 2011

A copy of the above is forwarded to the Chief Secretary to Government Haryana, Administrative Reforms Department, Haryana Civil New Secretariat with the advise to issue necessary instructions to the public authorities under them for strict compliance of the mandated provision as stated above to implement Right to Information Act, 2005 in letter and spirit.

Under Secretary,  
for State Information Commission,  
Haryana.

**MAHARSHI DAYANAND UNIVERSITY ROHTAK  
ESTABLISHMENT BRANCH(NT)**

Endst.No.EN-4/12/M-203(IV)/ 551-700 Dated 16/1/12

Copy of the above is forwarded to the following for information and compliance:-

1. All H OD(s)/Branch Officer, M.D.University, Rohtak.
2. Director, Indira Gandhi PGRC, Rewari/ILMS, Gurgaon.
3. Director, University Campus School, Rohtak.
4. First Appellate Authority, M.D.University, Rohtak.
5. All PIO(s), M.D.University, Rohtak.
6. Incharge RTI Cell, M.D.University, Rohtak.
7. Co-ordinator, CNEM Unit, Vivekanand Library, M.D.U, Rohtak.
8. P.A. to V.C./Registrar/C.O.E(for kind information of the Vice-Chancellor/Registrar/C.O.E.), M.D.University, Rohtak
9. All dealing hands (Estt. N.T.), M.D.U, Rohtak.

Superintendent (Estt.)

16/1/2012

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CD 6775  
21/9/12

(37)

ATORATE OF TECHNICAL EDUCATION, HARYANA, PANCHKULA

dst. No 6745-52 /Engg.

8- 2824  
21/9/12

Dated. 13-9-12

A copy of letter no. 7/49/2012 dated 16.08.2012 received from the Under Secretary, Govt. of Haryana Chief Secretary Office Administrative Reforms Department, Chandigarh is forwarded to the following Universities for information & compliance of the instructions and compliance report of these instructions may also be acknowledged to Administrative Reforms Department and this Department.

The Registrar,

1. Maharishi Dayanand University, Rohtak.
2. Kurukshetra University, Kurukshetra.
3. YMCA University of Science & Technology, Faridabad.
4. Deenbandhu Chhotu Ram University of Science & Technology, Murthal. (Sonapat).
5. Guru Jambheshwar University of Science & Technology, Hisar.
6. BPS Mahila Vishavidhaya, Khanpur kalan, (Sonapat).
7. CCS, Haryana Agriculture University, Hisar.
8. Ch. Devi Lal University, Sirsa.

Joint Director (Univ.),

For Director-General, Technical Education,  
Haryana, Panchkula.

MAHARSHI DAYANAND UNIVERSITY ROHTAK  
ESTABLISHMENT BRANCH(NT)

Endst.No.EN-4/12/M-203(IV) 16090-16235 Dated 15/9/12  
Copy of the above is forwarded to the following for information and compliance:-

1. All H OD(s)/Branch Officer, M.D.University, Rohtak.
2. Director, Indira Gandhi PGRC, Rewari/ILMS, Gurgaon.
3. Director, University Campus School, Rohtak.
4. First Appellate Authority, M.D.University, Rohtak.
5. All PIO(s), M.D.University, Rohtak.
6. Incharge RTI Cell, M.D.University, Rohtak.
7. Co-ordinator, CNEM Unit, Vivekanand Library, M.D.U, Rohtak.
8. P.A. to V.C./Registrar/C.O.E.(for kind information of the Vice-Chancellor/Registrar/C.O.E.), M.D.University, Rohtak
9. All dealing hands (Estt. N.T.), M.D.U, Rohtak.

Superintendent (Estt.)

11/10/12

PS/Tech Education

Please examine & put up  
& discuss on 3-9-2012

(DHANIPAT SINGH IAS)

PSTE

23-23-2012

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NO: 7/49/2012-4AR  
GOVERNMENT OF HARYANA  
CHIEF SECRETARY'S OFFICE  
ADMINISTRATIVE REFORMS DEPARTMENT

Chandigarh  
15 August, 2012.

IV.

att.

acc

be

1. All Administrative Secretaries to Government Haryana.
2. All Heads of Department in Haryana.
3. Commissioner Ambala, Hisar, Rohtak and Gurgaon Division.
4. All Deputy Commissioners and Sub Divisional Officers (C) in Haryana.
5. Managing Director of all Boards/Corporations in Haryana.
6. Secretary/HPSC/SSC/Rajya Sanik Board, Haryana, Panchkula.

Subject: CWP No. 23871 of 2011- Shri Anshul Joy Vs State of Haryana-placing the Rules, bylaws, Notifications, Guidelines, amendments, Gazettees and Regulations etc at a single place.

Sir/Madam,

I am directed to refer to this department letter of even no. dated 18-05-2012 on the subject noted above and to inform you that following directions has been passed by the Hon'ble High Court on 13-07-2012 while deciding the CWP No. 23871 of 2011- Shri Anshul Joy Vs State of Haryana.

"After going through the contents of the writ petition and the replies filed, we are of the opinion that the matter is squarely covered by the ratio of judgment of this Court rendered in H.C. Arora v. State of Punjab and Others (Civil Writ Petition No. 8209 of 2007, decided on 10.8.2009) wherein directions to the States of Haryana and Union Territory, Chandigarh were issued to get the rules, regulations, instructions and manuals updated regularly. The State of Punjab was also directed to publish the rules, regulations, instructions and manuals referred to in Section 4(1)(b)(v) of the Right to Information Act, 2005, as early as possible but not later than six months.

Under the circumstances, we feel that there is no need to issue any fresh directions in the matter. We hope and trust that the authorities shall comply with the directions issued in case H.C. Arora (supra) and shall also publish all the rules, regulations, instructions and manuals etc. with promptitude but not later than one month."

In view of the above decision of the Hon'ble High Court, it has been decided that institutional arrangements may be device where all the Rules/Acts/Regulations/Instructions/manual may be automatically placed/uploaded on the website when they are either enacted/put in place or amended or changed.

These instructions may be brought to the notice of all concerned under your control for their information & compliance and compliance report of these instructions may also be acknowledge

Yours faithfully,

Under Secretary  
Administrative Reforms Department.

To

- 1-All Administrative Secretaries to Government Haryana.
- 2-All head of Department in Haryana
- 3- Commissioner Ambala, Hisar, Rohtak, and Gurgaon Division.
- 4- All Deputy Commissioners and sub Divisional Officers(C) in Haryana
- 5- Managing Director of all boards/Corporations in Haryana.
- 6- Secretary/HPSC/SSC/Rajya Sainik Board,Haryana,Panchkula.

Subject:- Security of Official Information & documents

Sir/madam

I am directed to refer to the Government of India vide letter No 46013/3/2007-O&M dated 13/25 July 2012- (copy enclosed)on the subject noted above.

In this regard it is informed you that 2<sup>nd</sup> Administrative reforms Commission in its first report titled Right to information -Master key to good governance has recommended that the para 116 of the chapter XIII of the central Secretariat manual of office procedure may be amended and needs to be rewarded as follows:-

"Communication of official information: Every Government servant shall, in performance of his duties in good faith, communicate to a Member of public or any organization full and accurate Information, which can be disclosed under the Right to Information Act 2005( nothing stated above shall be Construed as permitting communication of classified information In an unauthorized manner or for improper gains to a Government Servant or others. )"

2- The Commission has also recommended that the state Government may also be advised to carry out similar amendments in their manuals, if such provision exists therein.

3- It is therefore, requested to examine the matter and take suitable necessary action on the aforesaid amended and rewarded recommendation of para 116, by your department, after taking necessary action, it may be sent to the Government of India, Ministry of personnel public grievances & pension department Administrative Reforms & public grievances, Sardar patel bhawan, Parliament Street, New Delhi on priority basis under intimation to this department.

Yours faithfully

28/8/12  
Superintendent

For Chief Secretary to Govt Haryana  
Administrative Reforms department

MAHARSHI DAYANAND UNIVERSITY ROHTAK  
ESTABLISHMENT BRANCH(NT)

Endst.No.EN-4/12/M-203(IV)/17972-1802/Dated 7/11/12

Copy of the above, alongwith its enclosures, is forwarded to the following for information and necessary action:-

1. First Appellate Authority, M.D.University, Rohtak.
2. All PIO(s), M.D.University, Rohtak.
3. Incharge RTI Cell, M.D.University, Rohtak.
4. The Coordinator,CNEM unit Vivekananda Library, M.D.U.Rohtak.
5. All dealing hands (Estt. N.T.), M..D.U, Rohtak.

D.A. as above

7.11.12  
Superintendent (Estt.)

for Registrar  
7/11/12

2/15/2012 - 4AR 24-2/18/12  
- 150

No.46013/3/2007-D&M  
Government of India  
Ministry of personnel, Public Grievances & Pension  
Department of Administrative Reforms & Public Grievances

5th floor, Sardar Patel Bhawan,  
Parliament Street, New Delhi.  
Dated 13th July 2012  
25th

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To  
Mrs. Urvashi Gulati, IAS,  
Chief Secretary,  
Government of Haryana,  
Haryana Civil Secretariat,  
Chandigarh-160009

Subject: Security of Official Information & Documents.

I am directed to say that the 2nd Administrative Reforms Commission in its 1st Report titled "Right to Information - Master Key to Good Governance" had recommended that the Para 116 of the Chapter XIII of the Central Secretariat Manual of Office Procedure be amended and reworded as follows:

Communication of Official Information: Every Government Servant shall in performance of his duties in good faith, communicate to a member of public or any organization full and accurate information, which can be disclosed under the Right to Information Act 2005. Nothing stated above shall be construed as permitting communication of classified information in an unauthorized manner or for improper gains to a Government Servant or others."

Commission had also recommended that the State Governments may also be advised to carry out similar amendments in their Manuals, if such provisions exist therein.

3. Keeping in view the above recommendations of the 2nd Administrative Commission, the Department of Administrative Reforms & Public Grievances, Government of India had written to the all the State/UT Governments vide O.M. No.46013/3/2007 dated 28.5.2008 to take suitable necessary action in the matter (Copy enclosed).

4. It is requested that action taken in the matter may kindly be intimated to this Department on priority.

G. Selvarajan Prasad, ASST, BSIO

Yours faithfully,

(P.K. Jha)  
Joint Secretary

788  
3-8-2012

for 4AR  
Not for me I.T. Gulati to RO (RU)  
7/8/12  
SAR  
RO (R.U)

For A.R.B.R.

श्री सुभाष चन्द्र शर्मा  
मुख्य सचिव  
10/8  
9/8/2012  
SAR  
4AR  
Please put up immediately  
13-8-2012

संख्या/No.: 46013/3/2007-O&M

भारत सरकार / GOVERNMENT OF INDIA

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय  
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS

प्रशासनिक सुधार और लोक शिकायत विभाग  
DEPARTMENT OF ADMINISTRATIVE REFORMS & PUBLIC GRIEVANCES

सरदार पटेल भवन, संसद मार्ग, नई दिल्ली-110001  
SARDAR PATEL BHAVAN, SANSAD MARG, NEW DELHI-110001

Dated: 28.05.2008

OFFICE MEMORANDUM

Sub: Security of Official Information & Documents.

The Department of Administrative Reforms & Public Grievances in the Ministry of Personnel, Public Grievances & Pensions, as a nodal Government agency is charged with the responsibility of prescribing procedures for Secretariat work. These find embodiment in the Central Secretariat Manual of Office Procedure (CSMOP).

2. Chapter XIII of the MOP deals with Security of Official Information & Documents. Para 116 of this chapter is reproduced below:-

116.	Unauthorized communication of official information: - Unless authorized by general or specific orders, no official will communicate to another official or a non-official, any information or documents(s) (including electronic document(s) which has come into his possession in the course of his official duties.
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3. It would be recalled that the Government of India appointed the 2<sup>nd</sup> Administrative Reforms Commission on 31<sup>st</sup> August 2005. This Commission has already submitted its first report on Right to Information Act. In this report the Commission has made a recommendation that this Para may be amended as follows:

contd...2/-

1382

6.	The Manual of Office Procedure (Para 3.2.3)
6. (a)	Para 116 of the Manual of Office Procedure needs to be reworded as follows: "Communication of Official Information: Every Government Servant shall, in performance of his duties in good faith, communicate to a member of public or any organization full and accurate information, which can be disclosed under the Right to Information Act. (Nothing stated above shall be construed as permitting communication of classified information in an unauthorized manner or for improper gains to a Government Servant or others)."

4. The Commission also recommended that the State Governments may be advised to carry out similar amendments in their Manuals, if such provisions exist therein.

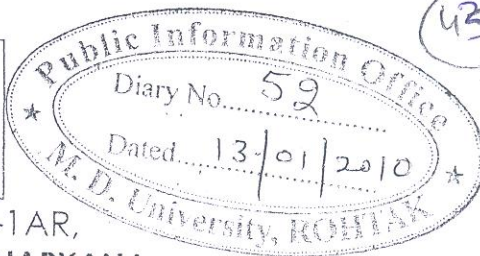
5. Consequent upon the recommendation of the ARC, the Government of India has amended the Para 116 accordingly vide order dated 10.5.2008 (copy attached)

6. Accordingly all the State Governments are requested to examine the matter and take suitable necessary action under intimation to this Department.



(S.K. Gupta)  
Deputy Secretary  
Tele : 2336 2325

Chief Secretaries of all State Govts/UTs



GOVERNMENT OF HARYANA  
CHIEF SECRETARY'S OFFICE  
ADMINISTRATIVE REFORMS DEPARTMENT

The 6<sup>th</sup> January, 2010

1. All Administrative Secretaries in the State.
2. All Commissioners of the Divisions in the State.
3. All Heads of the departments (10 copies each)
4. All MD/CA of the Boards and Corporations.
5. All Deputy Commissioners in the State.
6. Registrar, Punjab & Haryana High Court.

Subject:- Publication of '**Haryana Right to Information Rules, 2009**'  
by repealing '**Haryana Right to Information Rules, 2005**'.

Sir,

I am directed to refer you to the subject noted above and to forward you a copy of the notification No. SO99/CA.A./2005/S.27/2009 dated 21<sup>st</sup> December, 2009 (Hindi & English), vide which 'Haryana Right to Information Rules, 2005' has been repealed by publishing '**Haryana Right to Information Rules, 2009**'.

Yours faithfully,

K. B. N. S. S. S.  
Superintendent,  
Administrative Reforms.

Endst. No. 5/4/2002-1AR

Dated the 6<sup>th</sup> January, 2010.

A copy is forwarded to Director, Information & Public Relations, Haryana, Chandigarh with a request to make wide publicity of the matter through mass media in the public.

*K. D. S. S. S.*  
Superintendent,  
Government, Haryana,  
Agriculture Department.

भाग-III

हरियाणा सरकार

प्रशासनिक सुधार विभाग

अधिसूचना

दिनांक 21 दिसम्बर, 2009

संख्या का०आ० 99/के०अ० 22/2005/धा० 27/2009.— सूचना का अधिकार अधिनियम, 2005 (2005 का अधिनियम 22), की धारा 27 की उप-धारा (2) के साथ पठित उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हरियाणा के राज्यपाल, इसके द्वारा उक्त अधिनियम के अधीन सूचना उपलब्ध कराने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्,—

1. (1) ये नियम हरियाणा सूचना का अधिकार नियम, 2009, कहे जा सकते हैं।  
(2) ये प्रथम जनवरी, 2010 से लागू होंगे।
2. (1) इन नियमों में, जब तक संदर्भ से अन्यथा अपेक्षित न हो,—
  - (क) “अधिनियम” से अभिप्राय है, सूचना का अधिकार अधिनियम, 2005 (2005 का अधिनियम 22);
  - (ख) “आयोग” से अभिप्राय है, अधिनियम की धारा 15 के अधीन गठित हरियाणा सूचना आयोग;
  - (ग) “आदर्श प्ररूप” से अभिप्राय है, इन नियमों से संलग्न आदर्श प्ररूप;
  - (घ) “धारा” से अभिप्राय है, अधिनियम की धारा।

(2) इन नियमों में प्रयुक्त, किन्तु अपरिभाषित, शब्दों तथा अभिव्यक्तियों के वही अर्थ होंगे जो क्रमशः उन्हें अधिनियम में दिये गये हैं।
3. (1) कोई व्यक्ति, जो अधिनियम के अधीन अनुज्ञेय कोई सूचना प्राप्त करना चाहता है, इन नियमों के नियम 5 के उप-नियम (1) में यथा विनिर्दिष्ट फीस के साथ राज्य लोक सूचना अधिकारी तथा उसकी अनुपस्थिति में राज्य सहायक लोक सूचना अधिकारी को अधिमानतः आदर्श प्ररूप ‘क’ में आवेदन करेगा।

(2) उप-नियम (1) के अधीन किए गए आवेदन के प्राप्त होने पर, राज्य लोक सूचना अधिकारी या राज्य सहायक लोक सूचना अधिकारी, जैसी भी स्थिति हो, आवेदक को उसके प्रतीकस्वरूप की रसीद देगा।
4. (1) फीस राज्य लोक सूचना अधिकारी के पास या तो उचित रसीद के साथ नकदी में बैंक ड्राफ्ट द्वारा, भारतीय पोस्टल ऑर्डर द्वारा या खजाना चालान द्वारा निम्नलिखित लेखा शीर्ष में जमा करवाई जाएगी,—

संक्षिप्त नाम तथा  
प्रारम्भ।

परिभाषाएं।

सूचना प्राप्त करने  
के लिए आवेदन  
धारा 2(ड), 6 तथा  
27.

फीस जमा करवाना।  
धारा 6.

मुख्य शीर्ष

—0070—अन्य प्रशासनिक सेवाएं

उप मुख्य शीर्ष	—60—अन्य सेवाएं
लघु शीर्ष	—800—अन्य प्राप्तियां
उप शीर्ष	—86—सूचना का अधिकार अधिनियम, 2005 के अधीन फीस
विस्तृत शीर्ष	—“0070-अन्य प्रशासनिक सेवाएं—60—अन्य सेवाएं—800— अन्य प्राप्तियां—86—सूचना का अधिकार अधिनियम, 2005 के अधीन फीस”।

(2) फीस की राशि उप नियम (1) में यथा निर्दिष्ट खाते में जमा करवाई जाएगी :

परन्तु राज्य के बोर्ड, निगम तथा अन्य स्वायत्त निकाय अपेक्षित फीस की राशि उनके द्वारा अनुरक्षित उनके अपने खाते में जमा करवा सकते हैं।

(3) नियम 3 के उप-नियम (1) के अधीन प्रस्तुत किए गए आवेदन के प्राप्त होने पर, राज्य लोक सूचना अधिकारी आवेदन की जांच करेगा तथा निर्धारित करेगा कि सूचना प्राप्त करने के लिए आवेदक द्वारा भुगतान की जाने वाली कितनी फीस अपेक्षित है।

(4) उप-नियम (3) के अधीन निर्धारित फीस, की धारा 7 की उप-धारा (1) के अधीन निर्दिष्ट समय के भीतर सूचना देने को सुनिश्चित करने के लिए आदर्श प्ररूप 'ख' में, राज्य लोक सूचना अधिकारी द्वारा आवेदक को शीघ्रातिशीघ्र सूचित की जाएगी।

(5) यदि आवेदक उप-नियम (4) के अधीन उसको दी गई सूचना के जारी होने के बाद पन्द्रह दिन की अवधि के भीतर अपेक्षित फीस जमा करवाने में असफल रहता है, तो यह अनुमान लगाया जाएगा कि आवेदक वाही गई सूचना प्राप्त करने में दिलचस्पी नहीं रखता है और उसका आवेदन फाइल कर दिया गया समझा जाएगा।

फीस की प्रमाणा।  
धारा 6 तथा 7.

5. (1) धारा 6 की उप-धारा (1) के अधीन कोई सूचना प्राप्त करने के लिए आवेदन 50/- रुपये की फीस के साथ होगा।

(2) धारा 7 की उप-धारा (1) के अधीन सूचना उपलब्ध करवाने के लिए, आवेदक से निम्नलिखित दरों पर फीस प्रभारित की जाएगी, अर्थात् :—

(क) ए-4 या ए-3 आकार के कागज पर बनाई गई या प्रतिलिपि के प्रत्येक पृष्ठ के लिए 2/- रुपये; तथा

(ख) यदि सूचना खण्ड (क) में विनिर्दिष्ट से भिन्न बड़े आकार के कागज पर उपलब्ध करवाई जाती है, तो वास्तविक लागत प्रभारित की जाएगी।

(3) धारा 7 की उप-धारा (5) के अधीन सूचना उपलब्ध कराने के लिए आवेदक से निम्नलिखित दरों पर फीस प्रभारित की जाएगी, अर्थात् :—

(क) फ्लोपी में सूचना उपलब्ध करवाने के लिए 50/- रुपये;

(ख) डिस्कट में सूचना उपलब्ध करवाने के लिए 100/- रुपये; तथा

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(ग) यदि चाही गई सूचना ऐसे स्वरूप की है, जो कि मुद्रित दस्तावेज में है, जिसकी कीमत नियत की गई है, तब वह सूचना उस मुद्रित दस्तावेज के लिए नियत कीमत प्रभारित करने के बाद उपलब्ध करवाई जाएगी। तथापि, यदि ऐसे मुद्रित दस्तावेज का केवल उद्धरण या पृष्ठ मांगा गया है, तब प्रति पृष्ठ 2/- रुपये की फीस प्रभारित की जाएगी।

(4) अभिलेख के निरीक्षण के लिए कोई भी फीस प्रभारित नहीं की जाएगी, यदि ऐसा निरीक्षण केवल एक घण्टे के लिए किया गया है। तथापि, यदि निरीक्षण एक घण्टे से अधिक की अवधि के लिए किया गया है तब प्रथम घण्टे से अधिक प्रत्येक पन्द्रह मिनट के लिए दस रुपये की फीस प्रभारित की जाएगी। उपरोक्त पन्द्रह मिनट की अवधि का प्रत्येक अंश पन्द्रह मिनट की पूर्ण अवधि के रूप में माना जाएगा तथा यह पन्द्रह मिनट की संपूर्ण अवधि के रूप में प्रभारित किया जाएगा।

6. (1) अपील के ज्ञापन में निम्नलिखित सूचना होगी, अर्थात् :—

अपील दायर करने  
के लिए प्रक्रिया।  
धारा 19(1) तथा (3).

- (क) सम्पर्क दूरभाष/मोबाईल नम्बर/ई-मेल पता, यदि कोई हो, के व्यौरों सहित अपीलार्थी का नाम तथा पता;
- (ख) राज्य लोक सूचना अधिकारी या राज्य सहायक लोक सूचना अधिकारी, जहाँ भी स्थिति हो, का कार्यालय पदनाम तथा पता;
- (ग) अधिकारी जिसके निर्णय के विरुद्ध अपील की गई है का कार्यालय पदनाम तथा पता;
- (घ) संख्या, यदि कोई हो, सहित आदेश के विवरण जिसके विरुद्ध अपील की गई है;
- (ङ) अपील करने के लिए संक्षिप्त तथ्य;
- (च) प्रार्थना या चाहती गई राहत;
- (छ) प्रार्थना या राहत के लिए आधार;
- (ज) अपीलार्थी द्वारा सत्यापन; तथा
- (झ) कोई अन्य सूचना जो आयोग अपील के निर्णय के लिए आवश्यक समझे।

(2) अपीलार्थी कार्यालय प्रयोजन के लिए अपील के ज्ञापन की तीन प्रतियां प्रस्तुत करेगा।

(3) आयोग को की गई प्रत्येक अपील निम्नलिखित दस्तावेजों के साथ होगी, अर्थात् :—

- (क) आदेश या दस्तावेज जिसके विरुद्ध अपील की जा रही है की स्वयं अनुप्रमाणित प्रतियां;

(ख) अपीलार्थी द्वारा निर्भर किए गए तथा अपील में निर्दिष्ट दस्तावेजों की प्रतियां;

(ग) अपील में निर्दिष्ट दस्तावेजों की सूची :

परन्तु यदि पूर्ण दस्तावेज प्रस्तुत नहीं किए गए हैं तो अपील अस्वीकृत नहीं की जाएगी किन्तु अपीलार्थी को उपरोक्त औपचारिकताएं पूर्ण करने के लिए कहा जाएगा।

अपील का निर्णय  
करने के लिए  
प्रक्रिया।  
अपील धारा 19(10).

7. अपील का निर्णय करने से पूर्व आयोग,—

(क) सम्बद्ध व्यक्तियों को नोटिस तामील करेगा;

(ख) अपील के समर्थन में कोई साक्ष्य लेगा, जो सम्बद्ध व्यक्तियों से मौखिक या लिखित में लिया जा सकता है;

(ग) सम्बद्ध व्यक्तियों से शपथ पर या शपथ-पत्र पर बयान लेगा;

(घ) दस्तावेजों या किन्हीं अभिलेखों या उनकी प्रतियों की जांच करेगा;

(ङ) अपील के तथ्यों की प्राधिकृत कार्यालय के माध्यम से जांच-पड़ताल करवायेगा या विस्तार में तथ्यों की अपेक्षा करेगा, यदि वह ऐसा समुचित समझे तो राज्य लोक सूचना अधिकारी या किसी अन्य वरिष्ठ अधिकारी जिसने प्रथम अपील का निर्णय किया था, जैसी भी स्थिति हो, की सुनवाई करेगा; तथा

(च) राज्य लोक सूचना अधिकारी या किसी वरिष्ठ अधिकारी, जिसने प्रथम अपील का निर्णय किया था या किसी अन्य व्यक्ति जिससे साक्ष्य लेना आवश्यक समझा जाए, से शपथ-पत्र पर साक्ष्य प्राप्त करेगा।

नोटिस की तामील  
का ढंग।  
धारा 19(10).

8. आयोग सम्बद्ध व्यक्तियों को निम्नलिखित ढंगों में से किसी एक में नोटिस तामील कर सकता है, अर्थात् :—

(क) आदेशिका तामीलकर्ता के माध्यम से व्यक्तिगत रूप से (दस्ती);

(ख) रजिस्टर्ड डाक, स्पीड पोस्ट, पोस्टल प्रमाण-पत्र, के अधीन, कोरियर या ऐसे ही अन्य साधनों द्वारा;

(ग) इलेक्ट्रॉनिक मेल द्वारा, यदि ई-मेल पता उपलब्ध करवाया गया है; या

(घ) समाचार-पत्र में प्रकाशन द्वारा।

अपीलार्थी/  
शिकायतकर्ता की  
उपस्थिति। धारा 19.

9. अपीलार्थी या शिकायतकर्ता, जैसी भी स्थिति हो, को प्रत्येक मागले में सुनवाई की तिथि से कम से कम पन्द्रह दिन ठीक पूर्व सूचित किया जाएगा। यदि शिकायतकर्ता/अपीलार्थी सुनवाई की तिथि को उपस्थित होने में असफल रहता है तो आयोग मामले का गुणागुण आधार पर निर्णय करेगा :

परन्तु जहां आयोग की संतुष्टि हो गई है कि ऐसी परिस्थितियां विद्यमान हैं जिनके कारण शिकायतकर्ता/अपीलार्थी को आयोग की सुनवाई में उपस्थित होने से रोका गया है तब वह

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शिकायतकर्ता/अपीलार्थी को अंतिम निर्णय देने से पूर्व सुनवाई के लिए दूसरा अवसर प्रदान कर सकता है।

10. (1) आयोग लिखित में आदेश करेगा तथा सम्बद्ध पक्षकारों की उपस्थिति में उसे सुनाएगा। आयोग द्वारा आदेश।  
धारा 19(10).

(2) सम्बद्ध पक्षकार आयोग से आदेश की प्रति प्राप्त कर सकता है।

11. हरियाणा सूचना अधिकार नियम, 2005, इसके द्वारा, निरसित किए जाते हैं :

निरसन तथा  
व्यावृत्ति।

परन्तु इस प्रकार निरसित नियमों के अधीन किया गया कोई आदेश या की गई कोई कार्रवाई इन नियमों के तत्सम उपबंधों के अधीन किया गया कोई आदेश या की गई कार्रवाई समझी जाएगी।

आदर्श प्ररूप 'क'

[ देखिए नियम 3(1) ]

सेवा में

राज्य लोक सूचना अधिकारी/  
राज्य सहायक लोक सूचना अधिकारी,

( पते सहित कार्यालय का नाम )

- (1) आवेदक का पूरा नाम
- (2) पता
- (3) अपेक्षित सूचना के विवरण—
  - (i) सूचना की विषय-वस्तु\*
  - (ii) अवधि जिससे सूचना सम्बन्धित है \*\*
  - (iii) अपेक्षित सूचना का वर्णन \*\*\*
  - (iv) क्या सूचना डाक द्वारा या व्यक्तिगत रूप में अपेक्षित है (वास्तविक डाक प्रभार अतिरिक्त फीस में शामिल होंगे )
  - (v) यदि डाक द्वारा (सामान्य, रजिस्टर्ड या स्पीड पोस्ट)

स्थान :

तिथि :

आवेदक के हस्ताक्षर

- \* निर्दिष्ट किये जाने वाले विषय का विस्तृत प्रवर्ग (जैसे कि अनुदान/सरकारी भूमि/सेवा मामले/अनुज्ञप्तियाँ इत्यादि)।
- \*\* सम्बद्ध अवधि जिसके लिए सूचना निर्दिष्ट की जानी अपेक्षित है।
- \*\*\* सूचना के विशिष्ट विवरण निर्दिष्ट किये जाने अपेक्षित हैं।

पावती

आपका आवेदन दिनांक ..... डायरी संख्या .....  
दिनांक ..... द्वारा प्राप्त हुआ।

लोक सूचना अधिकारी/राज्य सहायक  
लोक सूचना अधिकारी के हस्ताक्षर

( विभाग / कार्यालय का नाम ) .....

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आदर्श प्ररूप 'ख'

[देखिए नियम 4(4)]

प्रेषक

राज्य लोक सूचना अधिकारी का पदनाम।

सेवा में

आवेदक का नाम

आवेदक का पता।

महोदय,

कृपया सूचना का अधिकार अधिनियम, 2005 के अधीन सूचना के लिए निम्न हस्ताक्षरित को सम्बोधित किए गए आपके आवेदन दिनांक ..... के संदर्भ में।

2. यह सूचना भेजने के लिए अतिरिक्त फीस ..... रुपये है।

3. आपको हरियाणा सूचना का अधिकार नियम, 2009 के नियम 4 के उप-नियम (1) में यथावर्णित किसी एक ढंग के माध्यम से अर्थात् या तो उचित रसीद के साथ नकदी में, बैंक ड्राफ्ट द्वारा, भारतीय पोस्टल आर्डर द्वारा या खजाना चालान द्वारा भुगतान करने का अनुरोध किया जाता है, तथा इस कार्यालय को उसके सबूत की एक प्रति भेजने के लिए अनुरोध किया जाता है ताकि आपको अपेक्षित सूचना दी जा सके।

4. यदि आप उपरोक्त अनुमान से असन्तुष्ट हैं तो आपको अपीलीय प्राधिकारी ..... (विभाग का नाम) के सम्मुख अपील प्रस्तुत करने के लिए अनुरोध किया जाता है।

राज्य लोक सूचना अधिकारी

उर्वशी गुलाटी,  
मुख्य सचिव, हरियाणा सरकार।

[Authorised English Translation]

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 :—

Short title and  
commencement.

1. (1) These rules may be called the **Haryana Right to Information Rules, 2009** commencement.

(2) They shall come into force from **1st January, 2010**.

Definitions

2. (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.

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

3. (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 an 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.

Deposit of fee.  
section 6

4. (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. (1) An application for obtaining any information under sub-section (1) of the section 6 shall be accompanied with a fee of Rs. 50/-.

Quantum of fee.  
sections 6 and 7

(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. 100/- 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

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one hour, then a fee of rupees ten shall be charged for every fifteen minutes in excess of first hour. Every fraction of the period above fifteen minutes shall be construed as a complete period of fifteen minutes and it shall be charged as full period of fifteen minutes.

Procedure for  
filing appeals.  
sections 19(1)  
and (3)

6. (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
- (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.

Procedure for  
deciding appeal.  
section 19(10)

7. 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 affidavits 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. The Commission may serve notice to the persons concerned in any of the following modes, namely :—

Mode of  
serving notice.  
section 19(10)

- (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. 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 complainant/appellant fails to appear on the date of hearing, the Commission will decide the matter on merits:

Appearance of  
Appellant/  
Complainant.  
Section 19

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. (1) The Commission shall make order in writing and pronounce the same in the presence of the concerned parties.

Order by  
Commission  
section 19(10)

(2) The party concerned may obtain the copy of the order from the Commission.

11. The Haryana Right to Information Rules, 2005 are hereby repealed:

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.

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**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:
- (3) Particulars of information required ---
  - (i) Subject matter of information \*
  - (ii) The period to which the information relates \*\*
  - (iii) Description of the information required \*\*\*
  - (iv) Whether information is required by post or in person  
(the actual postal charges shall be include in additional fee)
  - (v) In case by post (Ordinary, Registered or Speed post)

Place :

Date :

Signature of the applicant.

\* Broad category of the subject to be indicated  
(such as grant/Government land/Service matters/Licenses etc.).

\*\* Relevant period for which information is required to be indicated.

\*\*\* Specific details of the information are required to be indicated.

**ACKNOWLEDGEMENT**

Received your application dated ..... vide diary  
No. .... dated .....

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

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HARYANA GOVT. GAZ. (EXTRA.), DEC. 21, 2009  
(AGHN. 30, 1931 SAKA)

**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:
- (3) Particulars of information required ---
  - (i) Subject matter of information \*
  - (ii) The period to which the information relates \*\*
  - (iii) Description of the information required \*\*\*
  - (iv) Whether information is required by post or in person  
(the actual postal charges shall be include in additional fee)
  - (v) In case by post (Ordinary, Registered or Speed post)

Place :

Date :

Signature of the applicant.

\* Broad category of the subject to be indicated  
(such as grant/Government land/Service matters/Licenses etc.).

\*\* Relevant period for which information is required to be indicated.

\*\*\* Specific details of the information are required to be indicated.

**ACKNOWLEDGEMENT**

Received your application dated ..... vide diary  
No. .... dated .....

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

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.
4. 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.

URVASHI GULATI,  
Chief Secretary to Government, Haryana.