

No. 10-1/2011-RTI
Government of India
Ministry of Communications & I. T.
Department of Telecommunications
(RTI Section)

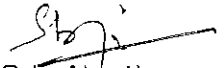
Sanchar Bhavan, 20, Ashoka Road,
New Delhi-110001

Dated: 7th January, 2011

OFFICE MEMORANDUM

Subject: Draft Right to Information Rules in supersession of the Central Information Commission (Appeal Procedure) Rules, 2005 and the Right to Information (Regulation of fee and cost) Rules, 2005 - seeking comments - regarding.

The undersigned is directed to circulate herewith a copy of DoP&T OM No. 1/3/2009-IR dated 27.12.2010 (received in this office on 31.12.2010) on the subject mentioned above for information and for furnishing comments, if any, as desired by DoP&T under intimation to the undersigned.


(S.L. Negi)
Director (Coord.) & CPIO
Tel. No. 23036225

Encl: As above.

To

1. All CPIOs in DoT.
2. CPIOs in BSNL/MTNL/TCIL/ITI/C-DoT/TRAI/TD-SAT/ TEC

9/DEC/11
11/1

New Delhi, dated the 27th December, 2010

OFFICE MEMORANDUM

The undersigned is directed to say that based on experience of working of the RTI Act and feedback received, this Government is considering a proposal to notify consolidated Right to Information Rules in supersession of the Central Information Commission (Appeal Procedure) Rules, 2005 and the Right to Information (Regulation of Fee and Cost) Rules, 2005. A copy of the draft Rules prepared by this Department was put on the Website of this Department seeking comments/reaction of the public thereon.

2. One of the provisions provided in the draft Rules is that an RTI application shall relate only to one subject matter and shall not have more than 250 words. Large numbers of people who have responded have opposed imposition of any such restriction.

3. A copy of the draft Rules prepared by this Department is enclosed with the request that all Ministries/Departments may send their reasoned comments on the draft rules in general and on the issue of restrictions regarding one subject and word limit of 250 words for one RTI application, in particular, latest by 31st December, 2010.



(K.G. Verma)
Director

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-President's Secretariat/Prime Minister's Office/Planning Commission/Election Commission
3. Staff Selection Commission, CGO Complex, New Delhi
4. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi
5. All Officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensions Welfare

DY. 01/2011/RTI

03/01/2011,

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, PART-II, SECTION 3,
SUB-SECTION (i)]

Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

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New Delhi, dated the _____, 2010

NOTIFICATION

G.S.R.....- In exercise of the powers conferred by section 27 of the Right to Information Act, 2005 (22 of 2005) and in supersession of the Central Information Commission (Appeal Procedure) Rules, 2005 and the Right to Information (Regulation of Fee and Cost) Rules, 2005 except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:-

1. **Short title and commencement.** – (1) These rules may be called the Right to Information Rules, 2010.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions.**– In these rules, unless the context otherwise requires, -
 - (a) “Act” means the Right to Information Act, 2005 (22 of 2005);
 - (b) “Commission” means the Central Information Commission as constituted under sub-section (1) of section 12 of the Act.

- (c) "First Appellate Authority" means an officer in the public authority who is senior in rank to the Central Public Information Officer to whom an appeal under sub-section (1) of section 19 lies;
- (d) "Government" means the Central Government;
- (e) "Registrar" mean officers of the Commission so designated and unless otherwise requires includes an Additional Registrar, Joint Registrar and Deputy Registrar;
- (f) "Registry" means the Registry of the Commission comprising the Registrar General, Registrar, Additional Registrar, Joint Registrar or Deputy Registrar;
- (g) "section" means a section of the Act;
- (h) all other words and expressions used herein but not defined in the rules shall have the same meanings assigned to them in the Act.

3. **Appointment of Secretary to the Commission:** The Government shall appoint an officer not below the rank of Additional Secretary to the Government of India as Secretary to the Commission who shall be the Chief Executive Officer and Registrar General of the Commission.

4. **Request for Information:** A person who desires to obtain any information from a public authority under sub-section (1) of Section 6 of the Act, shall pay an application fee of Rs. 10/- to the public authority alongwith the application;

Provided that the request for information shall relate only to one subject matter and shall be limited to two hundred and fifty words, excluding the address of the Central Public Information Officer and the address of the applicant.

5. **Fees for providing information:** Fee for providing information under Section 4(4), Section 7 (1) and Section 7 (5), as the case may be, shall be charged at the following rates:

- (a) rupees two for each page in A-3 size or smaller size paper;
- (b) actual cost or price of a copy in larger size paper;
- (c) actual cost or price for samples or models;
- (d) for inspection of records, no fee for the first hour; and fee of rupees five for each subsequent hour (or fraction thereof);
- (e) for information provided in diskette or floppy, rupees fifty per diskette or floppy;
- (f) for information provided in printed form, at the price fixed for such publication or rupees two per page of photocopy for extracts from the publication;
- (g) the actual amount spent by public authority on hiring a machine or any other equipment, if any, to supply information;
- (h) Postal charges, in excess of rupees ten, if any, involved in supply of information.

Provided that no Fee shall be charged under this rule from the persons who are below poverty line as may be determined by respective State Governments.

6. **Payment of fee:** Fee under these rules shall be paid by way of:
- (a) cash, to the public authority or to the Central Assistant Public Information Officer of the public authority , as the case may be, against proper receipt; or
 - (b) demand draft or bankers cheque or Indian Postal Order payable to the Accounts Officer of the public authority; or
 - (c) electronic means to the Accounts Officer of the public authority, if facility for receiving fee through electronic means is available with the public authority:

Provided that a public authority may accept fee by any other mode of payment.

7. **Appeal to the first Appellate Authority:** A person aggrieved by any order passed by the Central Public Information Officer or non-disposal of his application by the Central Public Information Officer within the prescribed time, may file an appeal to the first Appellate Authority in the format as given in the Appendix.

8. **Documents to accompany first appeal to the first Appellate Authority:** Every appeal made to the first Appellate Authority shall be accompanied by the following documents, duly authenticated and verified:

- (i) Copy of the application submitted to the Central Public Information Officer;
- (ii) Copy of the reply, if any, of the Central Public Information Officer.

9. **Appeal to the Commission:** A person aggrieved by any order passed by the First Appellate Authority or by non-disposal of his appeal by the First Appellate Authority, may file an appeal to the Commission in the format as given in the **Appendix**.

10. **Documents to accompany Appeal to Commission:** Every Appeal made to the Commission shall be accompanied by the following documents, duly authenticated and verified:

- (i) Copy of the application submitted to the Central Public Information Officer;
- (ii) Copy of the reply, if any, of the Central Public Information Officer;
- (iii) Copy of the appeal made to the First Appellate Authority;
- (iv) Copy of the Order, if any, of the First Appellate Authority;
- (v) Copies of other documents relied upon by the Appellant and referred to in the Appeal;
- (vi) An index of the documents referred to in the Appeal.

11. **Admission of appeals:** (1) On receipt of an appeal, if the Commission is satisfied that it is a fit case for consideration, it may admit such appeal; but where the Commission is not so satisfied, it may, after giving an opportunity to the appellant of being heard and after recording its reasons, reject the appeal.

(2) The Commission shall not admit an appeal unless it is satisfied that the appellant had availed of all the remedies available to him under the Act.

(3) For the purposes of sub-rule (2), a person shall be deemed to have availed of all the remedies available to him under the Act:

(a) if he had filed an appeal before the First Appellate Authority and the First Appellate Authority or any other person competent to pass order on such appeal had made a final order on the appeal; or

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

12. **Procedure for deciding appeals:** The Commission, while deciding an appeal may,

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

13. Amendment or withdrawal of an Appeal: The Commission may allow a prayer for any amendment or withdrawal of an Appeal during the course of hearing, if such a prayer is made by the Appellant on an application made in writing.

Provided that such request shall not be entertained by the Commission after the matter has been finally heard or a decision or order has been pronounced by the Commission.

14. Personal presence of the appellant before the Commission:

(1) The appellant shall be informed of the date of hearing at least seven clear days before that date.

(2) The appellant may, at his discretion, be present in person or through his duly authorized representative or, if permitted by the commission, through video conferencing, at the time of hearing of the appeal by the Commission.

(3) Where the Commission is satisfied that the circumstances exist due to which the appellant is being prevented from attending the hearing of the Commission, then, the Commission may afford the appellant another opportunity of being heard before a final decision is taken or take any other appropriate action as it may deem fit.

15. Presentation by the Public Authority: The public authority may authorize any representative or any of its officers to present its case.

16. **Abatement of an Appeal / Complaint:** The proceedings pending before the Commission shall abate on the death of the appellant.
17. **Service of notice by Commission:** Notice by name to be issued by the Commission may be served in any of the following modes, namely:-
- (i) service by the party itself;
 - (ii) by hand delivery (dasti) through Process Server;
 - (iii) by registered post with acknowledgement due;
 - (iv) by electronic mail in case electronic address is available.
18. **Order of the Commission:** An order of the Commission shall be in writing and issued under the seal of the Commission duly authenticated by the Registrar or any other officer authorized by the Commission for this purpose.
19. **Compliance of the order of the Commission:** The head of a public authority shall ensure that an order passed by the Commission, unless varied or stayed by a validly passed order, is complied with and compliance report filed with the Commission within the time limit specified by the Commission, or within 60 days if no such limit is specified.
20. **Recovery of Penalty and Payment of Compensation:** (1) If a penalty is imposed by the Commission on a Central Public Information Officer as per the provisions of the Act and if the Commission requires a Public Authority to compensate a person for any loss or detriment suffered, an order duly authenticated

by the Registrar shall be served on the Public Authority for recovery of penalty and payment of compensation.

(2) The Public Authority shall deduct the amount of penalty in such installments as may be allowed by the Commission in its Order and authenticated by the Registrar from the monetary payments due to such person against whom penalty has been imposed by the Commission and compensation shall be paid as per order of the Commission.

21. **Recommendation for Disciplinary Action:** If disciplinary action is recommended by the Commission on a Central Public Information Officer as per the provisions of the Act, an order duly authenticated by the Registrar shall be served on the Public Authority to initiate such action and the action taken on such order will be communicated to the Registrar within the time specified by the Commission in its order.

F.No.1/35/2009-IR

(Rajeev Kapoor)

Joint Secretary

FORMAT OF APPEAL

- 1. Name and address of the appellant**
- 2. Name and address of the Central Public Information Officer to whom the application was addressed.**
- 3. Name and address of the Central Public Information Officer who gave reply to the application.**
- 4. Name and address of the First Appellate Authority who decided the First Appeal.**
- 5. Particulars of the application.**
- 6. Particulars of the order(s) including number, if any, against which the appeal is preferred.**
- 7. Brief facts leading to the appeal.**
- 8. Prayer or relief sought.**
- 9. Grounds for the prayer or relief.**
- 10. Any other information relevant to the appeal**
- 11. Verification / authentication by the appellant**