

No.1/69/2007-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: the 27th February, 2008

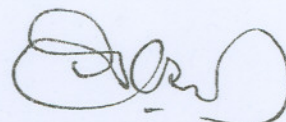
OFFICE MEMORANDUM

Subject: Guidelines for the officers designated as Central Public Information Officer under the Right to Information Act, 2005.

The undersigned is directed to say that the Central Public Information Officer (CPIO) of a public authority plays an important role in effective implementation of the provisions of the Right to Information Act, 2005. At the same time, he is liable for penalty in case of default in performance of duties assigned to him by the Act. It is, therefore, crucial for a CPIO to study the Act carefully and understand its provisions correctly. This Department has prepared a 'Guide' which clarifies some of the important aspects of the Act relating to the functions of the CPIOs. The Guide so prepared is enclosed as Annexure.

2. The Act provides that a CPIO may seek the assistance of any other officer for proper discharge of his/her duties. Such other officer would be deemed to be a CPIO and would be liable for contraventions of the provisions of the Act the same way as the CPIO himself. Since the CPIO may seek the assistance of any officer, it is desirable for all the officers to acquire necessary knowledge about the provisions of the Act, which a CPIO should have. The Guide would help them in this task.

3. All Ministries/Departments etc. are requested to bring the contents of the Guide to the notice of all concerned.



(K.G. Verma)

Director

Tel: 23092158

To

1. All Ministries / Departments of Govt. 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

3. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
- 4.. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
5. Central Information Commission/State Information Commissions.

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

The guidelines contained in the Annexure apply mutatis mutandis to the State Public Information Officers (SPIOs). The State Governments may like to issue similar guidelines for the SPIOs.

A GUIDE FOR THE CENTRAL PUBLIC INFORMATION OFFICERS

The Right to Information Act, 2005 empowers citizens to get information from any 'public authority'. The Central Public Information Officer (CPIO) of a public authority plays a pivotal role in making the right of a citizen to information a reality. The Act casts specific duties on him and makes him liable for penalty in case of default. It is, therefore, essential for a CPIO to study the Act carefully and understand its provisions correctly. Following aspects should particularly be kept in view while dealing with the applications under the Act.

What is Information

2. Information is any material in any form. It includes records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.

Right to Information under the Act

3. A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority.

4. The Act gives the citizens a right to information at par with the Members of Parliament and the Members of State Legislatures. According to the Act, the information which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.

5. A citizen has a right to obtain an information in the form of diskettes, floppies, tapes, video, cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device from which the information may be transferred to diskettes etc.

6. The information to the applicant should ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form would disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied.

7. The Act gives the right to information only to the citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens. However, if an application is made by an employee

or office-bearer of any Corporation, Association, Company, NGO etc. indicating his name and such employee/office bearer is a citizen of India, information may be supplied to him/her. In such cases, it would be presumed that a citizen has sought information at the address of the Corporation etc.

8. Only such information is required to be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. The CPIO is not supposed to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.

Information Exempted From Disclosure

9. Sub-section (1) of section 8 and section 9 of the Act enumerate the types of information which is exempt from disclosure. Sub-section (2) of section 8, however, provides that information exempted under sub-section (1) or exempted under the Official Secrets Act, 1923 can be disclosed if public interest in disclosure overweighs the harm to the protected interest. Further, sub-section (3) of section 8 provides that information exempt from disclosure under sub-section (1), except as provided in clauses (a), (c) and (i) thereof, would cease to be exempted after 20 years from the date of occurrence of the related event etc.

10. It may be noted that section 8(3) of the Act does not require the public authorities to retain records for indefinite period. The records should be retained as per the record retention schedule applicable to the concerned public authority. Information generated in a file may survive in the form of an OM or a letter or in any other form even after destruction of the file/record. The Act requires furnishing of information so available after the lapse of 20 years even if such information was exempt from disclosure under sub-section(1) of Section 8. It means that the information which, in normal course, is exempt from disclosure under sub-section(1) of Section 8 of the Act, would cease to be exempted if 20 years have lapsed after occurrence of the incident to which the information relates. However, the following types of information would continue to be exempt and there would be no obligation, even after lapse of 20 years, to give any citizen-

- (i) information disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interest of the State, relation with foreign state or lead to incitement of an offence;
- (ii) information the disclosure of which would cause a breach of privilege of Parliament or State Legislature; or

- (iii) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other Officers subject to the conditions given in proviso to clause (i) of sub-section(1) of Section 8 of the Act.

Right to Information Vis-a-Vis other Acts

11. The RTI Act has over-riding effect vis-à-vis other laws inasmuch as the provisions of the RTI Act would 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 the RTI Act.

Rendering Assistance to Applicants

12. The Central Public Information Officer has a duty to render reasonable assistance to the persons seeking information. As per provisions of the Act, a person, who desires to obtain any information is required to 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 made. If a person seeking information is not able to make such request in writing, the Central Public Information Officer should render reasonable assistance to him to reduce the same in writing.

13. Where access to a record is required to be provided to a sensorily disabled person, the Central Public Information Officer should provide assistance to such person to enable him to access the information. He should also provide such assistance to the person as may be appropriate for the inspection of records where such inspection is involved.

Assistance Available to CPIO

14. The Central Public Information Officer may seek the assistance of any other officer as he or she considers necessary for the proper discharge of his or her duties. The officer, whose assistance is so sought by the CPIO, would render all assistance to him. Such an officer shall be deemed to be a Central Public Information Officer and would be liable for contravention of any provisions of the Act the same way as any other Central Public Information Officer. It would be advisable for the CPIO to inform the officer whose assistance is sought, about the above provision, at the time of seeking his assistance.

Suo Motu Disclosure

15. The Act makes it obligatory for every public authority to make *suo-motu* disclosure in respect of the particulars of its organization, functions, duties and other matters, as provided in section 4 of the Act. The information so published, according to sub-section (4) of section 4, should be easily accessible with the CPIO in electronic format. The CPIO should, therefore, make concerned efforts to ensure that the requirements of the Section 4 are met and maximum information in respect of the public authority is made available on the internet. It would help him in two ways. First, the number of applications under the Act would be reduced and secondly, it would facilitate his work of providing information inasmuch as most of the information would be available to him at one place.

Fee for Seeking Information

16. An applicant, along with his application, is required to send a demand draft or a banker's cheque or an Indian Postal Order of Rs.10/- (Rupees ten), payable to the Accounts Officer of the public authority as fee prescribed for seeking information. He can also make payment of fee by way of cash to the Accounts Officer of the public authority or to the Central Assistant Public Information Officer against proper receipt.

17. Additional fee has been prescribed by the Right to Information (Regulation of Fee and Cost) Rules, 2005 for supply of information as given below:

- (a) rupees two (Rs. 2/-) 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 for samples or models;
- (d) for inspection of records, no fee for the first hour; and a fee of rupees five (Rs.5/-) for each subsequent hour (or fraction thereof);
- (e) for information provided in diskette or floppy rupees fifty (Rs.50/-) per diskette or floppy; and
- (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.

18. If the applicant belongs to below poverty line (BPL) category, he is not required to pay any fee. However, he should submit a proof in support of his claim to belong to the below poverty line. The application not accompanied by the prescribed fee of Rs.10/- or proof of the applicant's belonging to below poverty line, as the case may be, shall not be a valid application under the Act and, therefore, does not entitle the applicant to get information.

Contents and Format of Application

19. An applicant making request for information is not required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him. Also, the Act or the Rules do not prescribe any format of application for seeking information. Therefore, the applicant should not be asked to give justification for seeking information or to give details of his job etc. or to submit application in any particular form.

Invalid Applications

20. Soon after receiving the application, the CPIO should check whether the applicant has made the payment of application fee of Rs. 10 or whether the applicant is a person belonging to a Below Poverty Line (BPL) family. If application is not accompanied by the prescribed fee or the BPL Certificate, it cannot be treated as a valid application under the RTI Act and may be ignored.

Transfer of Application

21. If the application is accompanied by the prescribed fee or the Below Poverty Line Certificate, the CPIO should check whether the subject matter of the application or a part thereof concerns some other public authority. If the subject matter of the application concerns any other public authority, it should be transferred to that public authority. If only a part of the application concerns the other public authority, a copy of the application may be sent to that public authority, clearly specifying the part which relates to that public authority. While transferring the application or sending a copy thereof, the concerned public authority should be informed that the application fee has been received. The applicant should also be informed about the transfer of his application and the particulars of the public authority to whom the application or a copy thereof has been sent.

22. Transfer of application or part thereof, as the case may be, should be made as soon as possible and in any case within five days from the date of receipt of the application. If a CPIO transfers an application after five days from the receipt of the application, he would be responsible for delay in disposing of the application to the extent of number of days which he takes in transferring the application beyond 5 days.

23. The CPIO of the public authority to whom the application is transferred, should not refuse acceptance of transfer of the application on the ground that it was not transferred to him within 5 days.

24. A public authority may designate as many CPIOs for it, as it may deem necessary. It is possible that in a public authority with more than one CPIO, an application is received by the CPIO other than the concerned CPIO. In such a case, the CPIO receiving the application should transfer it to the concerned CPIO immediately, preferably the same day. Time period of five days for transfer of the application applies only when the application is transferred from one public authority to another public authority and not for transfer from one CPIO to another in the same public authority.

Supply of Information

25. The answering CPIO should check whether the information sought or a part thereof is exempt from disclosure under section 8 or Section 9 of the Act. Request in respect of the part of the application which is so exempt may be rejected and rest of the information should be provided immediately or after receipt of additional fees, as the case may be.

26. Where a request for information is rejected, the Central Public Information Officer should 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 authority to whom an appeal can be made.

27. If additional fee is required to be paid by the applicant as provided in the Right to Information (Regulation of Fee and Cost) Rules, 2005, the Central Public Information Officer should inform the applicant:

- (i) the details of further fees required to be paid;
- (ii) the calculations made to arrive at the amount of fees asked for;
- (iii) the fact that the applicant has a right to make appeal about the amount of fees so demanded;
- (iv) the particulars of the authority to whom such an appeal can be made; and
- (v) the time limit within which the appeal can be made.

Supply of Part Information by Severance

28. Where a request is received for access to information which is exempt from disclosure but a part of which is not exempt and such part can be severed in such a way that the severed part does not contain exempt information then, access to that part of the information/record may be provided to the applicant. Where access is granted to a part of the record in such a way, the Central Public Information Officer should inform the applicant that the information asked for is exempt from disclosure and that only part of the record is

being provided, after severance, which is not exempt from disclosure. While doing so, he should give the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based. The CPIO should take the approval of appropriate authority before supply of information in such a case and should inform the name and designation of the person giving the decision to the applicant also.

Time Period for Supply of Information

29. The CPIO should supply the information within thirty days of the receipt of the request. Where the information sought for concerns the life or liberty of a person, the same should be provided within forty-eight hours of the receipt of the request.

30. Every public authority is required to designate an officer at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer (CAPIO) to receive the applications or appeals under the Act for forwarding the same to the Central Public Information Officer or the first Appellate Authority or the Central Information Commission. If request for information is received through the CAPIO, the information may be provided within 35 days of receipt of application by the CAPIO in normal course and 48 hours plus 5 days in case the information sought concerns the life or liberty of a person.

31. In case of an application transferred from one public authority to another public authority, as referred to in para 21, reply should be provided by the concerned public authority within 30 days of the receipt of the application by that public authority in normal course and within 48 hours in case the information sought concerns the life or liberty of a person.

32. The Central Public Information Officers of the intelligence and security organisations specified in the Second Schedule of the Act may receive applications seeking information pertaining to allegations of corruption and human rights violations. Information in respect of allegations of violation of human rights, which is provided only after the approval of the Central Information Commission, should be provided within forty-five days from the date of the receipt of request. Time limit prescribed for supplying information in regard to allegations of corruption is the same as in other cases.

33. Where the applicant is asked to pay additional fee, the period intervening between the dispatch of the intimation about payment of fee and the payment of fee by the applicant shall be excluded for the purpose of calculating the period of reply. The following table

shows the maximum time which may be taken to dispose off the applications in different situations:

Sr. No.	Situation	Time limit for disposing off applications
1.	Supply of information in normal course.	30 days
2.	Supply of information if it concerns the life or liberty of a person	48 hours
3.	Supply of information if the application is received through CPIO.	05 days shall be added to the time period indicated at Sr. No. 1 and 2.
4.	Supply of information if application/request is received after transfer from another public authority: (a) In normal course (b) In case the information concerns the life or liberty of a person.	(a) Within 30 days of the receipt of the application by the concerned public authority. (b) Within 48 hours of receipt of the application by the concerned public authority.
5.	Supply of information by organizations specified in the Second Schedule: (a) If information relates to allegations of violation of human rights. (b) In case information relates to allegations of corruption.	(a) 45 days from the receipt of application. (b) Within 30 days of the receipt of application.
6.	Supply of information if it relates to third party and the third party has treated it as confidential.	Should be provided after following the procedure given in para 37 to 41 of these guidelines.
7.	Supply of information where the applicant is asked to pay additional fee.	The period intervening between informing the applicant about additional fee and the payment of fee by the applicant shall be excluded for calculating the period of reply.

34. If the CPIO fails to give decision on the request for information within the prescribed period, the Central Public Information Officer shall be deemed to have refused the request. It is pertinent to note that if a public authority fails to comply with the specified time limit, the information to the concerned applicant would have to be provided free of charge.

Third Party Information

35. Third party in relation to the Act means a person other than the citizen who has made request for information. Any public authority other than the public authority to whom the request has been made shall also be included in the definition of third party.

36. It may be noted that information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, is exempt from disclosure. Section 8(1)(d) requires that such information should not be disclosed unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.

37. If an applicant seeks any information which relates to or has been supplied by a third party and that third party has treated that information as confidential, the Central Public Information Officer should consider whether the information should be disclosed or not. The guiding principle in such cases should be 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. However, procedure as given below should be followed before disclosing such information. It may be noted that this procedure need be followed only when the third party has treated the information as confidential.

38. If the CPIO intends to disclose the information, he should within five days from the receipt of the application, give a written notice to the third party that the information has been sought by the applicant under the RTI Act and that he intends to disclose the information. He should request the third party to make a submission in writing or orally, regarding whether the information should be disclosed. The third party should be given a time of ten days, from the date of receipt of the notice by him, to make representation against the proposed disclosure, if any.

39. The Central Public Information Officer should make a decision regarding disclosure of the information keeping in view the submission of the third party. Such a decision should be taken within forty days from the receipt of the request for information. After taking the decision, the CPIO should give a notice of his decision to the third party in writing. The notice given to the third party should include a statement that the third party is entitled to prefer an appeal under section 19 against the decision.

40. The third party can prefer an appeal to the First Appellate Authority against the decision made by the Central Public Information Officer within thirty days from the date of

the receipt of notice. If not satisfied with the decision of the First Appellate Authority, the third party can prefer the second appeal to the Central Information Commission.

41. If an appeal has been filed by the third party against the decision of the CPIO to disclose the third party information, the information should not be disclosed till the appeal is decided.

Appeals and Complaints

42. If an applicant is not supplied information within the prescribed time limit, or is not satisfied with the information furnished to him, he may prefer an appeal to the first appellate authority who is an officer senior in rank to the CPIO. Such an appeal can be made within a period of 30 days from the date on which time limit for supply of information expires or the decision of the CPIO is received. The appellate authority of the public authority is expected to dispose of the appeal within a period of thirty days or in exceptional cases within 45 days of the receipt of the appeal. If the first appellate authority fails to pass an order on the appeal within the prescribed period or if the appellate is not satisfied with the order of the first appellate authority, he may prefer a second appeal with the Central Information Commission within ninety days from the date on which the decision should have been made by the first appellate authority or was actually received by the appellant.

43. If any person is unable to submit a request to a Central Public Information Officer either by reason that such an officer has not been appointed by the concerned public authority; or the Central Assistant Central Public Information Officer has refused to accept his or her application or appeal for forwarding the same to the Central Public Information Officer or the appellate authority, as the case may be; or he has been refused access to any information requested by him under the RTI Act; or he has not been given a response to a request for information within the time limit specified in the Act; or he has been required to pay an amount of fee which he considers unreasonable; or he believes that he has been given incomplete, misleading or false information, he can make a complaint to the Central Information Commission.

Imposition of Penalty

44. As pointed out above, an applicant under the Act has a right to appeal to the Central Information Commission and also to make complaint to the Commission. Where the Central Information Commission at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer has without any reasonable cause, refused to receive an application for information or has not furnished information within the time

specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished subject to the condition that the total amount of such penalty shall not exceed twenty-five thousand rupees. The Central Public Information Officer shall, however, be given a reasonable opportunity of being heard before any penalty is imposed on him. The burden of proving that he acted reasonably and diligently and in case of denial of a request that such denial was justified shall be on the Central Public Information Officer.

Disciplinary Action Against CPIO

45. Where the Central Information Commission at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer has without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it may recommend for disciplinary action against the Central Public Information Officer.

Protection for Work Done in Good Faith

46. Section 21 of the Act provides that 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 the Act or any rule made thereunder. A CPIO should, however, note that it would be his responsibility to prove that his action was in good faith.

Annual Report of the CIC

47. The Central Information Commission prepares a report on the implementation of the provisions of the RTI Act every year, which is laid before each House of the Parliament. This report, *inter-alia*, has to include information about the number of requests made to each public authority, the number of decisions where the applicants were not entitled to access to documents requested for, the provisions of the Act under which these decisions were made and the number of times such provisions were invoked, the amount of charges collected by each public authority under the Act. Each Ministry/Department is required to collect such information from all the public authorities under its jurisdiction and send the same to the Commission. The CPIOs should maintain the requisite information in this regard

so that it may be supplied to their administrative Ministry/Department soon after the end of the year, which in turn may supply to the Commission.

No. 1/8/2007-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi, the 8th November, 2007

OFFICE MEMORANDUM

Subject: Guidelines for information seekers under the Right to Information Act, 2005.

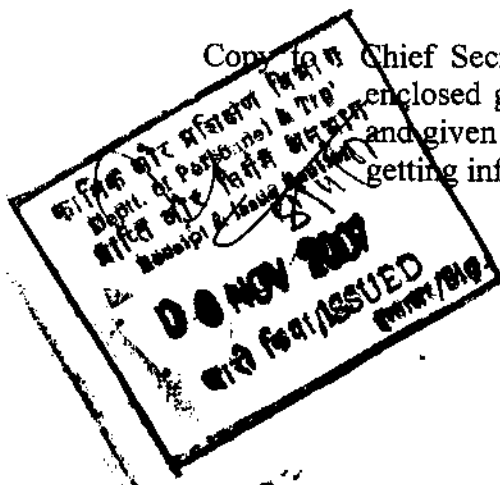
The undersigned is directed to say that this Department, soon after the enactment of the Right to Information Act, 2005, had posted reply to some 'Frequently Asked Questions' regarding implementation of the Act on its website (<http://righttoinformation.gov.in/>) so as to enable smooth exercise of the right to information by persons who wish to do so. A number of references have since been received which would show that there is a need to issue further guidelines elaborating some provisions of the Act and method of its use by the general public. The guidelines have, accordingly, been prepared for the information seekers, a copy of which is enclosed. It is requested that these guidelines may be given wide publicity.


(K.G. Verma)
Director
Tel: 23092158

To

1. All Ministries / Departments of Govt. 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
3. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
4. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
5. Central Information Commission/State Information Commissions.

Copy to Chief Secretaries of all the States/UTs – It is requested that the enclosed guidelines may be translated into the regional language(s) and given wide publicity. They may also issue similar guidelines for getting information from the public authorities under them.



संख्या-1/8/2007-आई.आर.

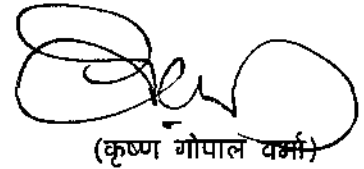
भारत सरकार
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, दिनांक: 08 नवम्बर, 2007

कार्यालय ज्ञापन

विषय: सूचना का अधिकार अधिनियम, 2005 के अंतर्गत सूचना मांगने वालों के लिए दिशा-निर्देश।

अधोहस्ताक्षरी को यह कहने का निदेश हुआ है कि इस विभाग ने सूचना का अधिकार अधिनियम, 2005 के लागू होने के तत्काल बाद इस अधिनियम के कार्यान्वयन के संबंध में बार-बार पूछे गए कुछ प्रश्नों के उत्तर अपनी वेबसाइट (<http://righttoinformation.gov.in>) पर डाल दिये थे ताकि जो लोग सूचना के अधिकार का प्रयोग करना चाहते हैं, इसका सुचारु ढंग से प्रयोग कर सकें। उसके बाद ऐसे कई मामले सामने आए जिनसे महसूस हुआ कि अधिनियम के कुछ प्रावधानों की व्याख्या करने की तथा आम आदमी द्वारा इसको प्रयोग की विधि को स्पष्ट करते हुए दिशा-निर्देश जारी करने की जरूरत है। तदनुसार, सूचना मांगने वालों के लिए दिशा-निर्देश तैयार किए गए हैं जिसकी एक प्रति संलग्न है। अनुरोध है कि इन दिशा-निर्देशों का व्यापक प्रचार किया जाए।



(कृष्ण गोपाल वर्मा)

निदेशक

टेलीफोन : 23092158

सेवा में,

1. भारत सरकार के सभी मंत्रालय/विभाग।
2. संघ लोक सेवा आयोग/लोक सभा सचिवालय/राज्य सभा सचिवालय/मंत्रिमंडल सचिवालय/केन्द्रीय सतर्कता आयोग/राष्ट्रपति सचिवालय/उप राष्ट्रपति सचिवालय/प्रधानमंत्री कार्यालय/योजना आयोग।
3. कर्मचारी चयन आयोग, सी.जी.ओ. काम्पलेक्स, लोदी रोड, नई दिल्ली।
4. भारत के नियंत्रक और महालेखा परीक्षक का कार्यालय, 10, बहादुर शाह जफर मार्ग, नई दिल्ली।
5. केन्द्रीय सूचना आयोग/राज्य सूचना आयोग।

प्रतिलिपि : सभी राज्यों/संघ शासित क्षेत्रों के मुख्य सचिव - अनुरोध है कि संलग्न दिशा-निर्देश क्षेत्रीय भाषा(ओं.) में अनूदित कराए जाएँ तथा इनका व्यापक प्रचार किया जाए। राज्य सरकारें अपने अंतर्गत आने वाले लोक प्राधिकारियों से सूचना प्राप्त करने के संबंध में भी इसी प्रकार के दिशा-निर्देश जारी करने पर विचार करें।

GUIDE FOR THE INFORMATION SEEKERS

HOW TO GET INFORMATION FROM THE PUBLIC AUTHORITIES OF THE CENTRAL GOVERNMENT UNDER THE RIGHT TO INFORMATION ACT, 2005

**Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
North Block, New Delhi**

सूचना मांगने वालों के लिए दिशा-निर्देश

सूचना का अधिकार अधिनियम, 2005
के अंतर्गत
केन्द्रीय सरकार के लोक प्राधिकारियों से
सूचना प्राप्त करने का तरीका

भारत सरकार
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
कार्मिक और प्रशिक्षण विभाग
नॉर्थ ब्लॉक, नई दिल्ली

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FOREWORD

The Right to Information Act, 2005 has converted the prevailing culture of secrecy into a culture of openness and transparency in the working of the Government. It will go a long way in strengthening our democratic institutions, empowering the public, removing corruption and greater involvement of citizens in the development of the nation.

This compilation explains the method of making application for seeking information from the public authorities under the Central Government, the procedure for preparing appeals and the steps for filing complaints in the matter and other related issues. The contents of this document would apply mostly in connection with getting information from the public authorities of the State Governments as well. Nevertheless, since there are different fee rules and appeal rules in different States, the States may like to bring out their own guide on the subject on similar lines.

I wish the Right to Information Act is made use of by the public for larger public good.



(Satyananda Mishra)

Secretary
Department of Personnel & Training,
Ministry of Personnel, Public
Grievances and Pensions

New Delhi

Dated: the 8th November, 2007

A GUIDE FOR THE INFORMATION SEEKERS UNDER THE RIGHT TO INFORMATION ACT, 2005.

Object of the Right to Information Act

The basic object of the Right to Information Act is to empower the citizens, promote transparency and accountability in the working of the Government, contain corruption, and make our democracy work for the people in real sense. An informed citizenry will be better equipped to keep necessary vigil on the instruments of governance and make the government more accountable to the governed. The Act has created a practical regime through which the citizens of the country may have access to information under the control of public authorities.

What is Information

2. Information is any material in any form. It includes records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.

Right to Information under the Act

3. A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; taking certified samples of material held by the public authority or held under the control of the public authority.

4. The public authority under the RTI Act is not supposed to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions. Only such information can be had under the Act which already exists with the public authority.

5. A citizen has a right to obtain information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided

information is already stored in a computer or in any other device from which the information may be transferred to diskettes etc.

6. The information to the applicant shall ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form would disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied.

7. The Act gives the right to information only to the citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens. However, if an application is made by an employee or office-bearer of any Corporation, Association, Company, NGO etc. who is also a citizen of India, information shall be supplied to him/her, provided the applicant gives his/her full name. In such cases, it will be presumed that a citizen has sought information at the address of the Corporation etc.

Exemptions from Disclosure

8. The right to seek information from a public authority is not absolute. Sections 8 and 9 of the Act enumerate the categories of information which are exempt from disclosure. At the same time Schedule II of the Act contains the names of the Intelligence and Security Organisations which are exempt from the purview of the Act. The exemption of the organisations, however, does not cover supply of information relating to allegations of corruption and human rights violations.

9. The applicants should abstain from seeking information which is exempt under Section 8 and 9 and also from the organizations included in the Second Schedule except information relating to allegations of corruption and human rights violations.

Central Public Information Officers

10. Application for seeking information should be made to an officer of the public authority who is designated as Central Public Information Officer (CPIO). All the public authorities have designated their Central Public Information Officers and have posted their particulars on their respective web-sites. This information is also available on the 'RTI PORTAL' (www.rti.gov.in). Persons seeking information are advised to refer to the web-site of the concerned public authority or the 'RTI PORTAL' for

ascertaining the name of the concerned CPIO. If it is found difficult to identify or locate the concerned Central Public Information Officer of a public authority, application may be sent to the Central Public Information Officer without specifying the name of the CPIO at the address of the public authority.

Assistance Available From CPIOs

11. The Central Public Information Officer shall render reasonable assistance to the persons seeking information. If a person is unable to make a request in writing, he may seek the help of the CPIO to write his application. Where a decision is taken to give access to a sensorily disabled person to any document, the Central Public Information Officer, shall provide such assistance to enable access to information, including providing such assistance to the person as may be appropriate for the inspection.

Suo Motu Disclosure

12. The Act makes it obligatory for every public authority to make suo-motu disclosure in respect of the particulars of its organization, functions, duties etc. as provided in section 4 of the Act. Besides, some public authorities under the Central Government have published other information and have posted them on their websites.

Method of Seeking Information

13. A citizen who desires to obtain any information under the Act, should make an application to the Central Public Information Officer (CPIO) of the concerned public authority in writing in English or Hindi or in the official language of the area in which the application is made. The applicant can send the application by post or through electronic means or can deliver it personally in the office of the public authority. The application can also be sent through a Central Assistant Public Information Officer appointed by the Department of Post at sub-divisional level or other sub-district level.

Fee for Seeking Information

14. The applicant, along with the application, should send a demand draft or a banker's cheque or an Indian Postal Order of Rs.10/- (Rupees ten), payable to the Accounts Officer of the public authority as fee prescribed for seeking information. The payment of fee can also be made by way of cash to the Accounts Officer of the

public authority or to the Central Assistant Public Information Officer against proper receipt.

15. The applicant may also be required to pay further fee towards the cost of providing the information, details of which shall be intimated to the applicant by the CPIO as prescribed by the Right to Information (Regulation of Fee and Cost) Rules, 2005. Rates of fee as prescribed in the Rules are given below:

- (a) rupees two (Rs. 2/-) 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 for samples or models;
- (d) for inspection of records, no fee for the first hour; and a fee of rupees five (Rs.5/-) for each subsequent hour (or fraction thereof);
- (e) for information provided in diskette or floppy rupees fifty (Rs.50/-) per diskette or floppy; and
- (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.

16. If the applicant belongs to below poverty line (BPL) category, he is not required to pay any fee. However, he should submit a proof in support of his claim to belong to the below poverty line. The application not accompanied by the prescribed fee of Rs.10/- or proof of the applicant's belonging to below poverty line, as the case may be, shall not be a valid application under the Act and therefore, does not entitle the applicant to get information.

Format of Application

17. There is no prescribed form of application for seeking information. The application can be made on plain paper. The application should, however, have the name and complete postal address of the applicant. Even in cases where the information is sought electronically, the application should contain name and postal address of the applicant.

18. The information seeker is not required to give reasons for seeking information.

Disposal of the Request

19. The CPIO is required to provide information to the applicant within thirty days of the receipt of a valid application. If the information sought for concerns the

life or liberty of a person, the information shall be provided within forty-eight hours of the receipt of the request. If the CPIO is of the view that the information sought for cannot be supplied under the provisions of the Act, he would reject the application. However, while rejecting the application, he shall inform the applicant the reasons for such rejection and the particulars of the appellate authority. He would also inform the applicant the period within which appeal may be preferred.

20. If an applicant is required to make payment for obtaining information, in addition to the application fee, the Central Public Information Officer would inform the applicant about the details of further fees alongwith the calculation made to arrive at the amount payable by the applicant. After receiving such a communication from the CPIO, the applicant may deposit the amount by way of cash against proper receipt or by Demand Draft or by Banker's cheque or by Indian Postal Order in favour of the Accounts Officer of the concerned public authority. The CPIO is under no obligation to make available the information if the additional fee intimated by him is not deposited by the applicant.

21. Where an additional fee is required to be paid, the period intervening between the dispatch of the intimation regarding payment of additional fee and payment of fee by the applicant shall be excluded for the purpose of computing the period of thirty days within which the CPIO is required to furnish the information.

22. If the CPIO fails to send decision on the request on the information within the period of thirty days or forty-eight hours, as the case may be, the information may be deemed to have been refused.

First Appeal

23. If an applicant is not supplied information within the prescribed time of thirty days or 48 hours, as the case may be, or is not satisfied with the information furnished to him, he may prefer an appeal to the first appellate authority who is an officer senior in rank to the CPIO. Such an appeal, should be filed within a period of thirty days from the date on which the limit of 30 days of supply of information is expired or from the date on which the information or decision of the CPIO is received.

24. The appellate authority of the public authority shall dispose of the appeal within a period of thirty days or in exceptional cases within 45 days of the receipt of the appeal.

Second Appeal

25. If the appellate authority fails to pass an order on the appeal within the prescribed period or if the appellant is not satisfied with the order of the first appellate authority, he may prefer a second appeal with the Central Information Commission within ninety days from the date on which the decision should have been made by the first appellate authority or was actually received by the appellant. The appeal made to the Central Information Commission should contain the following information: -

- (i) Name and address of the appellant;
- (ii) Name and address of the Central Public Information Officer against the decision of whom the appeal is preferred;
- (iii) Particulars of the order including number, if any, against which the appeal is preferred;
- (iv) Brief facts leading to the appeal;
- (v) If the appeal is preferred against deemed refusal, particulars of the application, including number and date and name and address of the Central Public Information Officer to whom the application was made;
- (vi) Prayer or relief sought;
- (v) Grounds for prayer or relief;
- (vi) Verification by the appellant; and
- (vii) Any other information, which the Commission may deem necessary for deciding the appeal.

26. The appeal made to the Central Information Commission should be accompanied by the following documents:

- (i) Self-attested copies of the orders or documents against which appeal is made;
- (ii) Copies of the documents relied upon by the appellant and referred to in the appeal; and
- (iii) An index of the documents referred to in the appeal.

Complaints

27. If any person is unable to submit a request to a Central Public Information Officer either by reason that such an officer has not been appointed by the concerned public authority; or the Central Assistant Central Public Information Officer has refused to accept his or her application or appeal for forwarding the same to the Central Public Information Officer or the appellate authority, as the case may be; or he has been refused access to any information requested by him under the RTI Act; or he has not been given a response to a request for information within the time limit specified in the Act; or he has been required to pay an amount of fee which he considers unreasonable; or he believes that he has been given incomplete, misleading or false information, he can make a complaint to the Central Information Commission.

Disposal of Appeals and Complaints by the CIC

28. The Central Information Commission decides the appeals and complaints and conveys its decision to the appellant/complainant and first appellate authority/CPIO. The Commission may decide an appeal/complaint after hearing the parties to the appeal/complaint or by inspection of documents produced by the appellant/complainant and CPIO or such senior officer of the public authority who decided the first appeal. If the Commission chooses to hear the parties before deciding the appeal or the complaint, the Commission will inform of the date of hearing to the appellant or the complainant at least seven clear days before the date of hearing. The appellant/complainant has the discretion to be present in person or through his authorized representative at the time of hearing or may opt not to be present.

Important Web-sites

29. Given below are the addresses of some important web-sites which contain substantial information relevant to the right to information:

- (i) Portal of the Government of India (<http://indiaimage.nic.in>).
- (ii) Portal on the Right to Information (www.rti.gov.in).
- (iii) Website of the Central Information Commission (<http://cic.gov.in>).

प्रस्तावना

सूचना का अधिकार अधिनियम, 2005 ने सरकार में व्याप्त कार्यप्रणाली की गुप्त संस्कृति को खुलेपन एवं पारदर्शिता की संस्कृति में परिवर्तित कर दिया है। यह लोकतांत्रिक संस्थानों को सुदृढ़ बनाने, जनता को अधिकार सम्पन्न बनाने, भ्रष्टाचार हटाने तथा राष्ट्र के विकास में नागरिकों की भागीदारी बढ़ाने में मील का पत्थर साबित होगा।

इस संकलन में केन्द्र सरकार के अधीन कार्य करने वाले लोक प्राधिकारियों से सूचना मांगने के लिए आवेदन देने के तरीके, अपील तैयार करने तथा शिकायत दर्ज करने के उपाय और अन्य संबंधित मुद्दों को समझाया गया है। इस दस्तावेज की विषय-वस्तु राज्य सरकारों के लोक प्राधिकारियों से सूचना प्राप्त करने के लिए भी उपयोगी होगी। तथापि, चूंकि भिन्न-भिन्न राज्यों में शुल्क नियम तथा अपील नियम भिन्न-भिन्न हैं, राज्य सरकारें इस संबंध में इन दिशा-निर्देशों के आधार पर अपने दिशा-निर्देश जारी करने पर विचार कर सकते हैं।

अपेक्षा है कि सूचना का अधिकार अधिनियम का सार्वजनिक हित में व्यापक प्रयोग किया जाएगा।

नई दिल्ली,

दिनांक: 08 नवम्बर, 2007



(सत्यानंद मिश्र)

सचिव

कार्मिक और प्रशिक्षण विभाग,

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

सूचना का अधिकार अधिनियम, 2005 के अंतर्गत सूचना मांगने वालों के लिए दिशा-निर्देश

सूचना का अधिकार अधिनियम का उद्देश्य

सूचना का अधिकार अधिनियम का मूल उद्देश्य नागरिकों को अधिकार सम्पन्न बनाना, सरकार की कार्य प्रणाली में पारदर्शिता तथा उत्तरदायित्व को बढ़ावा देना, भ्रष्टाचार को कम करना तथा लोकतंत्र को सही अर्थों में लोगों के हित में काम करने में सक्षम बनाना है। अथगत नागरिक वर्ग शासन-तंत्र पर आवश्यक निगरानी रखने तथा शासन को शासित के प्रति अधिक उत्तरदायी बनाने में सक्षम होता है। इस अधिनियम ने एक ऐसी शासन प्रणाली सृजित की है जिसके माध्यम से नागरिकों को लोक प्राधिकारियों के नियंत्रण में उपलब्ध सूचना तक पहुंचना सुलभ हुआ है।

सूचना क्या है

2. किसी भी स्वरूप में कोई भी सामग्री 'सूचना' है। इसमें इलेक्ट्रॉनिक रूप से धारित अभिलेख, दस्तावेज, ज्ञापन, ई-मेल, मत, सलाह, प्रेस विज्ञप्ति, परिपत्र, आदेश, लागबुक, संविदा, रिपोर्ट, कागजपत्र, नमूने, माडल, आंकड़ों संबंधी सामग्री शामिल है। इसमें किसी निजी निकाय से संबंधित ऐसी सूचना भी शामिल है जिसे लोक प्राधिकारी तत्समय लागू किसी कानून के अंतर्गत प्राप्त कर सकता है।

अधिनियम के अंतर्गत सूचना का अधिकार

3. नागरिकों को किसी लोक प्राधिकारी से ऐसी सूचना मांगने का अधिकार है जो उस लोक प्राधिकारी के पास उपलब्ध है या उसके नियंत्रण में उपलब्ध है। इस अधिकार में लोक प्राधिकारी के पास या नियंत्रण में उपलब्ध कृति, दस्तावेजों तथा रिकार्डों का निरीक्षण; दस्तावेजों या रिकार्डों के नोट, उद्धरण या प्रमाणित प्रतियां प्राप्त करना; सामग्री के प्रमाणित नमूने लेना शामिल है।

4. सूचना का अधिकार अधिनियम के अंतर्गत लोक प्राधिकारी द्वारा सूचना सृजित करना; या सूचना की व्याख्या करना; या आवेदक द्वारा उठाई गई समस्याओं का समाधान करना; या काल्पनिक प्रश्नों का उत्तर देना अपेक्षित नहीं है। अधिनियम के अंतर्गत केवल ऐसी सूचना प्राप्त की जा सकती है जो लोक प्राधिकारी के पास पहले से मौजूद है।

5. नागरिक को डिस्कट्स, फ्लापी, टेप, वीडियो कैसेट या किसी अन्य इलेक्ट्रानिक रूप में सूचना प्राप्त करने का अधिकार है बशर्ते कि मांगी गई सूचना कम्प्यूटर में या अन्य किसी युक्ति में पहले से सुरक्षित है जिससे उसको डिस्कट आदि में स्थानांतरित किया जा सके।

6. आवेदक को सूचना सामान्यतः उसी रूप में प्रदान की जाती है जिसमें वह मांगता है। तथापि, यदि किसी विशेष स्वरूप में मांगी गई सूचना की आपूर्ति से लोक प्राधिकारी के संसाधनों का अनपेक्षित ढंग से विचलन होता है या इससे रिकार्डों के परिरक्षण में कोई हानि होने की सम्भावना होती है तो उस रूप में सूचना देने से मना किया जा सकता है।

7. अधिनियम के अंतर्गत केवल भारत के नागरिकों को सूचना का अधिकार प्राप्त है। निगम, संघ, कम्पनी आदि वैध हस्तियों/व्यक्तियों की परिभाषा के अंतर्गत तो आते हैं किन्तु नागरिक की परिभाषा में नहीं आते। अधिनियम ने ऐसे 'व्यक्ति' को सूचना प्रदान करने का कोई प्रावधान नहीं किया है। फिर भी, यदि किसी निगम, संघ, कम्पनी, गैर सरकारी संगठन आदि के किसी ऐसे कर्मचारी या अधिकारी द्वारा प्रार्थना पत्र दिया जाता है जो भारत का नागरिक है तो उसे सूचना दी जाएगी बशर्ते वह अपना पूरा नाम इंगित करे। ऐसे मामले में, यह प्रकल्पित होगा कि एक नागरिक द्वारा निगम आदि के पते पर सूचना मांगी गई है।

प्रकटन से छूट

8. लोक प्राधिकरण से सूचना मांगने का अधिकार अनिर्बाधित नहीं है। अधिनियम की धारा 8 और 9 में सूचना की ऐसी श्रेणियों को दिया गया है जिन्हें प्रकटन से छूट प्राप्त है। इसी प्रकार अधिनियम की अनुसूची-II में ऐसी आसूचना और सुरक्षा संगठनों के नाम समाविष्ट हैं जिन्हें अधिनियम के कार्यक्षेत्र से छूट प्राप्त है। फिर भी, संगठनों को दी गई यह छूट इनके द्वारा अपराध के अभिकथन और मानव अधिकारों के उल्लंघन से संबंधित सूचना की आपूर्ति को बाधित नहीं करती।

9. आवेदनकर्ताओं को धारा 8 और 9 के अंतर्गत छूट प्राप्त सूचनाओं तथा दूसरी अनुसूची में शामिल संगठनों से सूचना मांगने से बचना चाहिए। तथापि वे अपराध के अभिकथनों तथा मानव अधिकार के उल्लंघन से संबंधित सूचना प्राप्त कर सकते हैं।

केन्द्रीय लोक सूचना अधिकारी

10. सूचना मांगने के लिए आवेदन, लोक प्राधिकरण द्वारा नामित केन्द्रीय लोक सूचना अधिकारी को भेजा जाना चाहिए। सभी लोक प्राधिकरणों ने केन्द्रीय लोक सूचना अधिकारी पदनामित कर दिए हैं जिनके ब्यौरे संबद्ध लोक प्राधिकरण की वेबसाइट पर उपलब्ध हैं। यह विवरण 'आर.टी.आई.पोर्टल' (www.rti.gov.in) पर भी उपलब्ध है। संबंधित केन्द्रीय लोक सूचना अधिकारी का नाम सुनिश्चित करने

के लिए सूचना मांगने वाले व्यक्ति को संबंधित लोक प्राधिकरण की वेबसाइट अथवा 'आर.टी.आई.पोर्टल' देखने की सलाह दी जाती है। यदि किसी को लोक प्राधिकरण के संबंधित केन्द्रीय लोक सूचना अधिकारी का पता लगाने में कठिनाई होती है तो आवेदन पत्र लोक प्राधिकरण के पते पर केन्द्रीय लोक सूचना अधिकारी का नाम लिखे बिना ही भेजा जा सकता है।

केन्द्रीय लोक सूचना अधिकारियों से उपलब्ध सहायता

11. केन्द्रीय लोक सूचना अधिकारी से अपेक्षा की जाती है कि वह सूचना मांगने वाले व्यक्तियों को युक्तियुक्त सहायता प्रदान करे। यदि कोई व्यक्ति अपना निवेदन लिखित रूप से देने में असमर्थ है तो वह अपना आवेदन तैयार करने में केन्द्रीय लोक सूचना अधिकारी की सहायता ले सकता है। यदि किसी दस्तावेज को, संवेदनात्मक रूप से निःशक्त व्यक्ति को उपलब्ध कराने का निर्णय लिया जाता है तो केन्द्रीय लोक सूचना अधिकारी ऐसे व्यक्ति को उपयुक्त सहायता प्रदान करेगा।

सूचना का अपनी ओर से प्रकटन

12. अधिनियम के धारा 4 के अंतर्गत प्रत्येक लोक प्राधिकरण अपने संगठन, क्रियाकलापों, कर्तव्यों आदि के ब्यौरों के प्रकटन के लिए बाध्य है। इसके अतिरिक्त, केन्द्रीय सरकार के अधीन कुछ लोक प्राधिकरणों ने अन्य सूचनाएँ भी प्रकाशित की हैं और ऐसी सूचनाओं को अपनी वेबसाइट पर डाल दिया है।

सूचना मांगने की विधि

13. यदि कोई नागरिक अधिनियम के अंतर्गत सूचना प्राप्त करना चाहता है तो उसे लोक प्राधिकरण के संबंधित केन्द्रीय लोक सूचना अधिकारी से अंग्रेजी अथवा हिन्दी अथवा उस क्षेत्र की राजकीय भाषा जहां आवेदन किया जाना है, में लिखित रूप में आवेदन करना चाहिए। आवेदनकर्ता अपना आवेदन डाक द्वारा अथवा इलेक्ट्रॉनिक माध्यम से अथवा व्यक्तिगत रूप से लोक प्राधिकारी के कार्यालय में भेज सकते हैं। आवेदन, उप-खण्डीय स्तर अथवा उप जिला स्तर पर, डाक विभाग द्वारा नियुक्त किए गए केन्द्रीय सहायक लोक सूचना अधिकारी के माध्यम से भी किया जा सकता है।

सूचना मांगने का शुल्क

14. आवेदनकर्ता से अपेक्षित है कि वह अपने आवेदन पत्र के साथ, सूचना मांगने का निर्धारित शुल्क 10/- रुपए (दस रुपए) मांग पत्र अथवा बैंकर चेक अथवा भारतीय पोस्टल ऑर्डर के रूप में लोक प्राधिकारी के लेखा अधिकारी के नाम से भेजे। शुल्क का भुगतान लोक प्राधिकरण के लेखाधिकारी अथवा केन्द्रीय सहायक लोक सूचना अधिकारी को नकद भी किया जा सकता है। ऐसे में आवेदनकर्ता को उपयुक्त रसीद अवश्य प्राप्त कर लेनी चाहिए।

15. आवेदनकर्ता को सूचना प्रदान करने में आने वाली लागत के लिए अतिरिक्त शुल्क अदा करना पड़ सकता है। ऐसे शुल्क का निर्धारण सूचना का अधिकार (शुल्क और लागत का विनियमन) नियमावली, 2005 द्वारा किया गया है। केन्द्रीय लोक सूचना अधिकारी अतिरिक्त शुल्क मांगते समय ऐसे शुल्क का विवरण आवेदनकर्ता को सूचित करेगा। नियमावली में निर्धारित शुल्क की दरें निम्नलिखित हैं :-

- (क) सृजित अथवा फोटोकापी किए हुए प्रत्येक पेज (ए 4 अथवा ए 3 आकार) कागज के लिए दो रुपए (2/- रुपए);
- (ख) बड़े आकार के कागज में कापी का वास्तविक प्रभार अथवा लागत कीमत;
- (ग) नमूनों या मॉडलों के लिए वास्तविक लागत अथवा कीमत;
- (घ) अभिलेखों के निरीक्षण के लिए, पहले घण्टे के लिए कोई शुल्क नहीं; और उसके बाद प्रत्येक घण्टे या उसके खंड के लिए पाँच रुपए का शुल्क (5/-रुपए);
- (ङ) डिस्कट अथवा फ्लॉपी में सूचना प्रदान करने के लिए प्रत्येक डिस्कट अथवा फ्लॉपी पचास रुपए (50/-रुपए);
- (च) मुद्रित रूप में दी गई सूचना के लिए, ऐसे प्रकाशन के लिए नियत मूल्य अथवा प्रकाशन के उद्घरणों की फोटोकापी के दो रुपए प्रति पृष्ठ ।

16. गरीबी रेखा के नीचे की श्रेणी के अंतर्गत आने वाले आवेदनकर्ताओं को किसी प्रकार का शुल्क देने की आवश्यकता नहीं है। तथापि, उसे गरीबी रेखा के नीचे के स्तर का होने के दावे का प्रमाणपत्र प्रस्तुत करना होगा । आवेदन के साथ निर्धारित 10/- रुपए के शुल्क अथवा आवेदनकर्ता के गरीबी रेखा के नीचे वाला होने का प्रमाण, जैसा भी मामला हो, नहीं होने पर आवेदन को अधिनियम के अंतर्गत वैध आवेदन नहीं माना जाएगा। ऐसे आवेदक को अधिनियम के अंतर्गत सूचना प्राप्त करने का हक नहीं होगा।

आवेदन का प्रपत्र

17. सूचना मांगने के लिए आवेदन का कोई निर्धारित प्रपत्र नहीं है । आवेदन सादे कागज पर किया जा सकता है । तथापि, आवेदन में आवेदक का नाम तथा डाक का पूरा पता लिखा होना चाहिए। यहां तक कि, इलेक्ट्रॉनिक माध्यम से मांगी जाने वाली सूचना में भी आवेदक का नाम और डाक का पता होना चाहिए ।

18. सूचना मांगने वाले को सूचना मांगने का कारण देना अपेक्षित नहीं है ।

अनुरोध का निपटान

19. केन्द्रीय लोक सूचना अधिकारी से यह अपेक्षित है कि वह एक वैध आवेदन प्राप्त होने के 30 दिनों के भीतर आवेदक को सूचना मुहैया करवाए। यदि मांगी गई सूचना व्यक्ति के जीवन अथवा स्वतंत्रता से संबंधित है तो सूचना, ऐसे अनुरोध के प्राप्त होने के 48 घंटों के भीतर उपलब्ध कराई जाएगी । यदि केन्द्रीय लोक सूचना अधिकारी का यह मत है कि मांगी गई सूचना अधिनियम के प्रावधानों के तहत प्रदान नहीं की जा सकती तो वह आवेदन को अस्वीकार कर देगा । तथापि, आवेदन अस्वीकार करते समय वह आवेदक को ऐसी अस्वीकृति के कारण तथा अपीलीय प्राधिकारी का ब्यौरा सूचित करेगा । वह आवेदक को अपील दायर करने की अवधि का विवरण भी देगा।

20. यदि आवेदक को कोई सूचना प्राप्त करने के लिए आवेदन शुल्क के अतिरिक्त भुगतान करना अपेक्षित है तो केन्द्रीय लोक सूचना अधिकारी, आवेदक को गणना सहित अतिरिक्त शुल्क का ब्यौरा देते हुए आवेदक द्वारा अदा की जाने वाली कुल देय राशि की सूचना देगा । केन्द्रीय लोक सूचना अधिकारी से ऐसा पत्र/संप्रेषण प्राप्त होने के बाद आवेदक, संबंधित लोक प्राधिकारी के लेखा अधिकारी के पक्ष में उपयुक्त रसीद द्वारा नकद धनराशि जमा करवा सकता है अथवा डिमांड ड्राफ्ट अथवा बैंकर चैक अथवा भारतीय डाक आदेश द्वारा धनराशि जमा करवा सकता है । यदि केन्द्रीय लोक सूचना अधिकारी द्वारा सूचित की गई अतिरिक्त धनराशि आवेदक द्वारा जमा नहीं करवाई जाती है तो केन्द्रीय लोक सूचना अधिकारी सूचना उपलब्ध करवाने के लिए बाध्य नहीं है ।

21. जहाँ, अतिरिक्त शुल्क जमा करवाया जाना अपेक्षित है, वहाँ अतिरिक्त शुल्क के भुगतान के संबंध में सूचना डिस्पैच करने और आवेदक द्वारा शुल्क के भुगतान के बीच की अवधि को, उस 30 दिन की अवधि की गणना के प्रयोजन से बाहर रखा जाएगा, जिसके भीतर केन्द्रीय लोक सूचना अधिकारी से सूचना उपलब्ध कराने की अपेक्षा की जाती है ।

22. यदि केन्द्रीय लोक सूचना अधिकारी, 30 दिन की अवधि के भीतर अथवा 48 घंटों के भीतर, जैसी भी स्थिति हो, सूचना के अनुरोध पर अपना निर्णय देने में असफल रहता है तो यह माना जाएगा कि सूचना देने से इंकार कर दिया गया है ।

प्रथम अपील

23. यदि आवेदक को 30 दिन अथवा 48 घंटे की निर्धारित सीमा, जैसी भी स्थिति हो, के भीतर सूचना प्रदान नहीं की जाती है अथवा वह प्रदान की गई सूचना से संतुष्ट नहीं है तो वह प्रथम अपीलीय प्राधिकारी जो कि केन्द्रीय लोक सूचना अधिकारी से रैंक में वरिष्ठ अधिकारी है, को अपील

कर सकता है। ऐसी अपील, उस तारीख से तीस दिन की अवधि के भीतर की जानी चाहिए जिस तारीख को सूचना प्रदान करने की 30 दिनों की सीमा समाप्त हो रही है अथवा उस तारीख से, जिसको केन्द्रीय लोक सूचना अधिकारी की सूचना अथवा निर्णय प्राप्त हुआ है।

24. लोक प्राधिकारी के अपीलीय प्राधिकारी अपील प्राप्त होने के तीस दिनों की अवधि के भीतर अथवा आपवादिक मामलों में 45 दिनों के भीतर अपील का निपटान कर सकते हैं।

द्वितीय अपील

25. यदि अपीलीय प्राधिकारी, निर्धारित अवधि के भीतर अपील पर आदेश जारी करने में असफल रहता है अथवा अपीलकर्त्ता, प्रथम अपीलीय प्राधिकारी के आदेश से संतुष्ट नहीं है तो वह प्रथम अपीलीय प्राधिकारी के निर्णय की तारीख अथवा जिस तारीख को अपीलकर्त्ता को निर्णय वास्तव में प्राप्त हुआ हो से 90 दिनों की अवधि के भीतर केन्द्रीय सूचना आयोग के पास दूसरी अपील कर सकता है। केन्द्रीय सूचना आयोग को की गई अपील में निम्नलिखित सूचनाएं निहित होनी चाहिए:-

- (i) अपीलकर्त्ता का नाम और पता;
- (ii) उस केन्द्रीय लोक सूचना अधिकारी का नाम और पता जिसके निर्णय के विरुद्ध अपील की गई है;
- (iii) उस आदेश की, जिसके विरुद्ध अपील की गई है, की संख्या, यदि कोई है, सहित उसका ब्यौरा;
- (iv) अपील के लिए उत्तरदायी संक्षिप्त तथ्य;
- (v) यदि अपील समझी गई नामंजूरी के विरुद्ध की गई है तो आवेदन की विशिष्टियां, जिसके अंतर्गत संख्यांक और तारीख भी है तथा उस केन्द्रीय लोक सूचना अधिकारी का, जिसको आवेदन किया गया था, नाम और पता;
- (vi) मांगी गई याचना अथवा राहत;
- (vii) याचना अथवा राहत के लिए आधार;
- (viii) अपीलकर्त्ता द्वारा सत्यापन; और
- (ix) कोई और सूचना, जिसकी आवश्यकता आयोग को अपील का निर्णय लेने के लिए पड़ सकती है।

26. केन्द्रीय सूचना आयोग को दी गई अपील में निम्नलिखित दस्तावेज संलग्न होने चाहिए:-

- (i) उन आदेशों अथवा दस्तावेजों की स्वहस्ताक्षरित प्रतियां जिसके खिलाफ अपील की गई है;
- (ii) उन दस्तावेजों की प्रतियां, जिन पर आवेदक निर्भर रहा है और जिन्हें उसने अपील में निर्दिष्ट किया है; और
- (iii) अपील में संदर्भित दस्तावेजों की सूची।

शिकायतें

27. यदि कोई व्यक्ति किसी केन्द्रीय लोक सूचना अधिकारी को इस कारण अभ्यावेदन प्रस्तुत करने में असमर्थ है कि संबंधित लोक प्राधिकारी द्वारा ऐसा कोई अधिकारी नियुक्त नहीं किया गया है; अथवा केन्द्रीय सहायक लोक सूचना अधिकारी ने उसके आवेदन या अपील को केन्द्रीय लोक सूचना अधिकारी अथवा अपील प्राधिकारी, जैसा भी मामला हो, को स्वीकार करने अथवा अग्रेषित करने से मना कर दिया है; अथवा सूचना के अधिकार अधिनियम के तहत उसके द्वारा अनुरोध किए गए किसी सूचना स्वीकृति को अस्वीकार कर दिया है; अथवा अधिनियम में उल्लिखित समय-सीमा के अंदर सूचनार्थ अभ्यावेदन का प्रत्युत्तर उसे नहीं दिया गया है; अथवा उसे फीस की ऐसी राशि चुकाने को कहा गया है जिसे वह अत्यधिक समझता है; या उसे लगता है कि उसे अधूरी, भ्रामक अथवा झूठी सूचना दी गई है तो वह केन्द्रीय सूचना आयोग में शिकायत दर्ज कर सकता है।

केन्द्रीय सूचना आयोग द्वारा अपीलों तथा शिकायतों का निपटान

28. केन्द्रीय सूचना आयोग अपीलों तथा शिकायतों का निपटान करके अपने निर्णय की सूचना अपीलकर्ता/शिकायतकर्ता और पहले अपीलीय प्राधिकारी/केन्द्रीय लोक सूचना अधिकारी को देता है। आयोग अपील/शिकायत करने वाले पक्षों की सुनवाई करके अथवा अपीलकर्ता/शिकायतकर्ता तथा केन्द्रीय लोक सूचना अधिकारी या ऐसे वरिष्ठ अधिकारी जिसने पहली अपील पर निर्णय लिया था, द्वारा प्रस्तुत किए गए दस्तावेजों का निरीक्षण करके अपील/शिकायत पर निर्णय ले सकता है। यदि आयोग अपील अथवा शिकायत पर निर्णय लेने से पहले पक्षों की सुनवाई का चयन करता है तो सुनवाई की तारीख से कम से कम सात सुनिश्चित दिन पहले वह अपीलकर्ता अथवा शिकायतकर्ता को सुनवाई की तारीख की सूचना देगा। यह अपीलकर्ता/शिकायतकर्ता के विवेक पर निर्भर है कि वह सुनवाई के समय स्वयं अथवा प्राधिकृत प्रतिनिधि के माध्यम से उपस्थित रहता है या अनुपस्थित रहता है।

महत्वपूर्ण वेबसाइट

29. कुछ महत्वपूर्ण वेबसाइटों, जिसमें सूचना का अधिकार से संबंधित महत्वपूर्ण सूचना निहित है, के पते नीचे दिए गए हैं:-

- (i) भारत सरकार का पोर्टल (<http://indiaimage.nic.in>).
- (ii) सूचना का अधिकार संबंधी पोर्टल (www.rti.gov.in).
- (iii) केन्द्रीय सूचना आयोग की वेबसाइट (<http://cic.gov.in>).