

No. 1/5/2016-IR
Govt. of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated the 31st March, 2017

CIRCULAR

Subject:- Framing RTI Rules, 2017 in supersession of RTI Rules, 2012 – comments regarding.

A proposal for making Rules under RTI i.e. RTI Rules, 2017 in supersession of RTI Rules, 2012-by the Central Government under section 27 of the RTI Act, 2005, is under consideration of the Department of Personnel & Training.

2. A copy of draft RTI Rules, 2017 in this regard is enclosed at Annexure-I.

3. It has been decided to invite views / suggestions of the concerned stakeholders on the draft RTI Rules, 2017. The views / suggestions may be sent latest by 15th April, 2017 through e-mail only to Ms. Preeti Khanna, Under Secretary (RTI), North Block at email ID usrti-dopt@nic.in.

Encl. As above.


(Gayatri Mishra)
Joint Secretary (IR)
Tele: 2309 2755

THE RIGHT TO INFORMATION RULES, 2017

In exercise of the powers conferred by section 27 of the Right to Information Act, 2005 (22 of 2005) and in supersession of the Right to Information Rules 2012, 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, 2017.

(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) “Chief Information Commissioner” means the Chief Information Commissioner appointed under sub-section (3) of Section 12 of the Act.
- (c) “Commission” means the Central Information Commission constituted under sub-section (1) of section 12 of the Act;
- (d) “Decision” includes an order, direction or determination of an issue.
- (e) “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) or sub-section (2) of section 19 of the Act lies.
- (f) “Information Commissioner” means an Information Commissioner appointed under sub-section (3) of section 12 of the Act.
- (g) “Non-Compliance” means non-implementation of the decisions in an appeal/complaint of the Commission by any person including the Central Public Information Officer or the public authority.
- (h) “Registrar” means an officer of the Commission so designated and includes an Additional Registrar, Joint Registrar, Deputy Registrar and Assistant Registrar.
- (i) “Representative” means a person duly authorized by or on behalf of any of the parties to the proceedings or interveners.
- (j) “Secretary” means an officer so appointed as Secretary to the Commission by the Central Government.
- (k) “Section” means a section of the Act;
- (l) All other words and expressions used herein but not defined in these rules shall have the same meanings as assigned to them in the Act.

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3. Application Fee:- An application under sub-section (1) of section 6 of the Act shall be accompanied by a fee of rupees ten or as notified by Central Government from time to time and shall ordinarily not contain more than five hundred words, excluding annexures, containing address of the Central Public Information Officer and that of the applicant:-

Provided that no application shall be rejected only on the ground that it contains more than five hundred words.

4. Fees for providing information:- Fee for providing information under sub-section (4) of section 4 and sub-section (1) and (5) of section 7 of the Act or as notified by Central Government from time to time shall be charged at the following rates, namely:-

- (a) rupees two for each page in A-3 or smaller size paper;
- (b) actual cost or price of a photocopy in large size paper;
- (c) actual cost of price for samples of models;
- (d) rupees fifty per diskette or floppy;
- (e) price fixed for a publication or rupees two per page of photocopy for extracts from the publication;
- (f) no fee for inspection of records for the first hour of inspection and a fee of rupees 5 for each subsequent hours or fraction thereof; and
- (g) so much of postal charge involved in supply of information that exceeds fifty rupees.

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

6. Mode of Payment of fee:- Fees under these rules may be paid in any of the following manner, namely;--

- (a) in cash, to the public authority or to the Central Assistant Public Information Officer of the public authority, as the case may be, against a proper receipt; or
- (b) by demand draft or bankers cheque or Indian Postal Order payable to the Accounts Officer of the public authority; or

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- (c) by electronic means to the Accounts Officer of the Public authority, if facility for receiving fees through electronic means is available with the public authority.
 - (d) by any other mode notified by Central Government.

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

8. Appeal to the Commission:-

(1) Any person aggrieved by an order passed by the First Appellate Authority or by non –disposal of his appeal by the First Appellate Authority, may file an appeal to the Commission either online or offline in the format given in the Appendix and shall be accompanied by the following documents, duly authenticated and verified by the appellant, namely:-

- (i) a copy of the application submitted to the Central Public Information Officer;
- (ii) a copy of the reply received, if any , from the Central Public Information Officer;
- (iii) a copy of the appeal made to the First Appellate Authority;
- (iv) a copy of the order received, if any, from the First Appellate Authority;
- (v) copies of other documents, if any, relied upon by the appellant and referred to in his appeal;
- (vi) an index of the documents referred to in the appeal;
- (vii) A request for condonation of delay in submission of appeal wherever required, giving reasons.
- (viii) A certificate stating that the matter under appeal has not been previously filed and disposed or are pending, with the Commission or any court; and
- (ix) Proof of service of appeal to respondent.

(2) Every appeal, application, statement, rejoinder, reply or any other document filed before the Commission shall be typed, printed or written neatly and legibly and in double line spacing.

(3) Before submitting an appeal to the Commission, the appellant shall cause a copy of the appeal, as the case may be, to be served on the Central Public Information Officer and shall submit a proof of such service to the Commission.

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

Provided that no appeal shall be returned only on the ground that it has not been made in the specified format if it is accompanied by documents as specified in rule 8.

Provided further that no appeal which is accompanied by the documents specified in Rule 8 will be returned only on the ground that the attached documents have not been authenticated and verified by the appellant. However, the appellant may be required to authenticate/verify the document(s) before disposal of appeal.

10. Process of Appeal:- (1) The Commission shall not consider an appeal unless it is satisfied that the appellant has availed of all the remedies available to him under the Act.

(2) For the purposes of sub- rule (1), 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 forty –five days from the date on which such appeal was preferred has elapsed.

11. Procedure for deciding appeals:- The Commission, while deciding an appeal may

(i) receive oral or written evidence on oath or on affidavit from concerned or interested person;

(ii) peruse or inspect documents, public records or copies thereof;

(iii) inquire through authorized officer further details or facts;

(iv) hear Central Public Information Officer, Central Assistant Public Information Officer or the First Appellate Authority, or such person against whose action the appeal is preferred, as the case may be;

(v) hear third party; and

(vi) receive evidence on affidavits from Central Public Information Officer, Central Assistant Public Information Officer, First Appellate Authority and such other person against whom the appeal lies or the third party;

12. Withdrawal/Abatement of Appeal :-

- (1) The Commission may in its discretion allow a prayer for withdrawal of an appeal if such a prayer is made by the appellant on an application made in writing duly signed or during hearing. However, no such prayer may be entertained by the Commission after the matter has been finally heard or a decision or order has been pronounced by the Commission.
- (2) The proceedings pending before the Commission shall abate on the death of the appellant.

13. Complaint to the Commission:-

(1) A person may file a complaint to the Commission on the grounds mentioned in clauses (a) to (f) of sub-section (1) of section 18 of the Act either online or offline in the format given in the Appendix and shall be accompanied by the following documents, duly authenticated and verified by the complainant, namely:-

- (i) a copy of the application submitted to the Central Public Information Officer;
- (ii) copies of other documents, if any, relied upon by the complainant and referred to in his complaint;
- (iii) an index of the documents referred to in the complaint;
- (iv) A complaint submitted beyond 90 days from the date the cause of complaint arises, should be accompanied with the request for condonation of delay giving reasons.
- (v) A certificate stating that the matter under complaint has not been previously filed and disposed or are pending, with the Commission or any court; and
- (vi) Proof of service of complaint to respondent.

(2) Every complaint, application, statement, rejoinder, reply or any other document filed before the Commission shall be typed, printed or written neatly and legibly and in double line spacing.

(3) Before submitting a complaint to the Commission, the complainant shall cause a copy of the complaint, as the case may be, to be served on the Central Public Information Officer and shall submit a proof of such service to the Commission.

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Provided that if the complainant does not know the name, address and other particulars of the Central Public Information Officer or of the First Appellate Authority and if he approaches the Commission under section 18 of the Act, he shall cause a copy of his complaint petition to be served on the concerned Public Authority and proof of such service shall be annexed along with the complaint petition.

14. Return of Complaint:- A complaint may be returned to the complainant, if it is not accompanied by the documents as specified in rule 13, for removing the deficiencies and filing the complaint complete in all respects.

Provided that no complaint shall be returned only on the ground that it has not been made in the specified format if it is accompanied by documents as specified in rule 13.

Provided further that no complaint which is accompanied by the documents specified in Rule 13 will be returned only on the ground that the attached documents have not been authenticated and verified by the complainant. However, the complainant may be required to authenticate/verify the document(s) before disposal of the complaint.

15. Procedure for deciding complaints:- (i) After a complaint is registered, comments/replies of the opposite parties shall be obtained within the specified time to be indicated in the notice issued for the purpose.

ii) On receipt of the comments/replies of the opposite parties or if no response is received within the specified time, the matter shall be placed before the Information Commissioner concerned for orders/disposal.

iii) On perusal of the case file if the Commission is satisfied that there are reasonable grounds to inquire in to the matter, an enquiry in respect thereof shall be made in accordance of section 18 of the Act otherwise the complaint shall be closed by passing an order.

iv) The Commission may in its discretion allow a prayer for any amendment of a complaint during the course of its hearing, including conversion of the complaint into second appeal, if available remedies have been exhausted, on a prayer made by the complainant. However, no such prayer may be entertained by the Commission after the matter has been finally heard or a decision or order has been pronounced by the Commission.

16. Compliance of the orders of the Commission:- A communication as per the format given in the appendix reporting non-compliance of the Commission's orders passed under the Act shall be dealt with as follows:-

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(i) A non-compliance communication which is not submitted in the format or does not contain sufficient details may be returned to the sender with an appropriate facilitation memo.

(ii) The communication for non-compliance of the Commission's order shall be entertained only if it is made within 3 months from the date of non-compliance.

(iii) Provided that a communication of non-compliance may be considered after the prescribed period, if the applicant satisfies the Commission that he had sufficient cause for not submitting the application within such period.

(iv) In cases where no time period is fixed for complying with the orders of the Commission, it shall be presumed that the same are to be complied within 30 days from the date of the said order.

(v) On receipt of a non-compliance communication, the Commission shall determine whether compliance of the decision has been made. Where the Commission finds non-compliance of its decisions, it may proceed for action under the Act.

17. Posting of appeal/complaint/non-compliance before the Information Commissioner:-

An appeal/complaint/non-compliance shall be posted before a Single Bench for hearing/disposal, unless the Chief Information Commissioner by a special or general order issued in this behalf from time to time directs that the appeal/complaint/non-compliance or a category of the same may be posted for hearing/disposal by another bench or a bench of two or more Information Commissioners either at the request of an Information Commissioner, or suo motu if the same involves an intricate question of law or larger public interest.

18. Presence of the parties before the Commission:- (1) The parties shall be informed before the date of hearing.

(2) The Commission shall notify the parties the date and place of hearing of the appeal or complaint in such manner as the Chief Information Commissioner may by general or special order direct.

(3) The Commission may allow the parties to be present in person or through their duly authorized representative or through video/audio conferencing, at the time of hearing by the Commission.

(4) Where the Commission is satisfied that the circumstances exist due to which the any party is unable to attend the hearing, then, the Commission may afford the parties another opportunity of being heard before a final decision is taken or take any other action as it may deem fit.

(5) The public authority may authorize any representative or any of its officers to present its case.

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19. Filing of Counter Statement by the Central Public Information Officer or the First Appellate Authority: After receipt of a copy of the appeal or complaint, the Central Public Information Officer or the First Appellate Authority or the Public Authority may file counter statement along with documents, if any, pertaining to the case. A copy of the counter statement(s), if any, shall be served to the appellant or complainant by the CPIO, the First Appellate Authority or the Public Authority, as the case may be and proof of service submitted to the Commission.

20. Service of notice by Commission:- The Commission may issue the notice which shall be served in any of the following modes, namely,

- (i) service by the party itself;
- (ii) by hand delivery (dasti) through Process Server;
- (iii) by registered post with acknowledgement due/speed post;
- (iv) by electronic mail in case electronic address is available;

21. Seal and Emblem:- The Official Seal and Emblem of the Commission shall be such as the Commission may specify.

22. Language of the Commission:-

- (i) An appeal or a complaint or non-compliance communication may be filed in English or in Hindi and all the documents or copies thereof shall also be filed in English or in Hindi. Where a document, in original, is in a language other than English or in Hindi, a certified authenticated copy of its translated version in English or in Hindi shall also be filed along with the original. This shall also apply in the case of a counter statement, rejoinder, reply or any other document or documents filed before the Commission.
- (ii) The proceedings of the Commission shall be conducted in English or in Hindi.

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APPENDIX - A

FORMAT OF APPEAL
(See rule 8)

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. Proof of service of appeal to respondent.
12. An index of the documents referred to in the appeal

Verification/Authentication:

I..... do hereby solemnly verify that the contents provided above are true and correct to the best of my knowledge and nothing material has been concealed therefrom.

I also certify that the matter under appeal has not been previously filed and disposed or are pending, with the Commission or any court; and

I also pray for condonation of delay in submission of appeal due to reasons as under:-

Affirmed at..... this.....day of

(Signature)
Applicant

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APPENDIX - B

FORMAT OF COMPLAINT
(See rule 13)

1. Name and address of the complainant
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. Copy of the application submitted to the Central Public Information Officer/Public Authority
5. Particulars of the order(s) including number, if any, against which the complaint is preferred
6. Brief facts leading to the complaint
7. Prayer or relief sought
8. Grounds for the prayer or relief
9. Any other information relevant to the complaint
10. Proof of service of complaint to respondent.
11. An index of the documents referred to in the complaint, if any.

Verification/Authentication:

I..... do hereby solemnly verify that the contents provided above are true and correct to the best of my knowledge and nothing material has been concealed therefrom.

I also certify that the matter under complaint has not been previously filed and disposed or are pending, with the Commission or any court; and

I also pray for condonation of delay in submission of complaint due to reasons as under:-

Affirmed at..... this.....day of

(Signature)
Applicant

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Appendix – C
Format for Filing Non-compliance Application
(See rule 16)

Ministry/Department/Public Authority Details

Name & address of Public Authority _____

Applicant's Particulars

Name of Applicant _____

Address Change Intimation

Change of address of Applicant (if any) _____

Change of mobile number (if any) _____

Change in email I/D (if any) _____

Details of Application

Commission's Order No. & Date _____

Response of CPIO

CPIO's response received in pursuance to the Commission's order Yes _____ No _____

Copy of CPIO Reply, if received _____

Ground of Non-compliance application _____

Reasons for delay in filing non-Compliance, if any and grounds for seeking extension of limitation of time. _____

Verification/Authentication:

I..... do hereby solemnly verify that the contents provided above are true and correct to the best of my knowledge and nothing material has been concealed therefrom.

I also certify that the matter under non-compliance application has not been previously filed and disposed or are pending, with the Commission or any court; and

I also pray for condonation of delay in submission of non-compliance application due to reasons as under:-

Affirmed at..... this.....day of

(Signature)
Applicant