



Introduction

About Right to Information Act 2005

1. When does it come into force?
2. Who is covered?
3. What does information mean?
4. What does Right to Information mean?

1. When does it come into force?

It comes into force on the 12th October, 2005 (120th day of its enactment on 15th June, 2005). Some provisions have come into force with immediate effect viz. obligations of public authorities, designation of Public Information Officers and Assistant Public Information Officers and constitution of Central Information Commission, constitution of State Information Commission, non-applicability of the Act to Intelligence and Security Organizations and power to make rules to carry out the provisions of the Act

2. Who is covered?

The Act extends to the whole of India except the State of Jammu and Kashmir.

3. What does information mean?

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



4. What does Right to Information mean?

It includes the right to -

- i. Inspect works, documents, records.
- ii. Take notes, extracts or certified copies of documents or records.
- iii. Take certified samples of material.
- iv. Obtain information in form of printouts, diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts.



Procedure for Request of Information

1. What is the Application Procedure for requesting information?
2. What is the time limit to get the information?
3. What is the fee?
4. What could be the ground for rejection?

1. What is the Application Procedure for requesting information?

1. Apply in writing or through electronic means in English or Hindi or in the official language of the area, to the PIO, specifying the particulars of the information sought for.

2. Reason for seeking information are not required to be given;

3. Pay fees as may be prescribed (if not belonging to the below poverty line category).

2. What is the time limit to get the information?

1. 30 days from the date of application

2. 48 hours for information concerning the life and liberty of a person

3. 5 days shall be added to the above response time, in case the application for information is given to Assistant Public Information Officer.

4. If the interests of a third party are involved then time limit will be 40 days (maximum period + time given to the party to make representation).

5. Failure to provide information within the specified period is a deemed refusal.

3. What is the fee?

1. Application fees to be prescribed which must be reasonable.

2. If further fees are required, then the same must be intimated in writing



with calculation details of how the figure was arrived at;

3. Applicant can seek review of the decision on fees charged by the PIO by applying to the appropriate Appellate Authority;

4. No fees will be charged from people living below the poverty line.

5. Applicant must be provided information free of cost if the PIO fails to comply with the prescribed time limit.

4. What could be the ground for rejection?

1. If it is covered by exemption from disclosure.

2. If it infringes copyright of any person other than the State.



Section 6,7 and 8 of the Right To Information Act, 2005

6. Request for obtaining information.—

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

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

(b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, specifying the particulars of the information sought by him or her: Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

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

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

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

(ii) the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer: Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.



Section 7 in The Right To Information Act, 2005

7. Disposal of request.—

(1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9: Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.

(2) If the Central Public Information Officer or State Public Information Officer, as the case may be fails to give decision on the request for information within the period specified under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be shall be deemed to have refused the request.

(3) Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, the Central Public Information Officer or State Public Information Officer, as the case may be shall send an intimation to the person making the request, giving—

(a) the details of further fees representing the cost of providing the information as determined by him, together with the calculations made to arrive at the amount in accordance with fee prescribed under sub-section (1), requesting him to deposit that fees, and the period intervening between the despatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to in that sub-section;

(b) information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms.



(4) Where access to the record or a part thereof is required to be provided under this Act and the person to whom access is to be provided is sensorily disabled, the Central Public Information Officer or State Public Information Officer, as the case may be shall provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection.

(5) Where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to the provisions of sub-section (6), pay such fee as may be prescribed: Provided that the fee prescribed under sub-section (1) of section 6 and sub-sections (1) and (5) of section 7 shall be reasonable and no such fee shall be charged from the persons who are of below poverty line as may be determined by the appropriate Government.

(6) Notwithstanding anything contained in sub-section (5), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section (1).

(7) Before taking any decision under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be shall take into consideration the representation made by a third party under section 11.

(8) Where a request has been rejected under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be shall communicate to the person making the request,—

(i) the reasons for such rejection;

(ii) the period within which an appeal against such rejection may be preferred; and

(iii) the particulars of the appellate authority.

(9) An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.



Section 8 in The Right To Information Act, 2005

8. Exemption from disclosure of information.—

(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

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

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

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

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

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

(f) information received in confidence from foreign government;

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

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

(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers: Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over: Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;



(i) information which relates to personal information the disclosure of which has not relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information: Provided that the information, which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

(2) Notwithstanding anything in the Official Secrets Act, 1923 (19 of 1923) nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

(3) Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section: Provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.



**GOVERNMENT OF PUNJAB DEPARTMENT OF INFORMATION
TECHNOLOGY (Administrative Reforms Branch) NOTIFICATION**

No.G.S.R.16/C.A.22/2005/S.27/2007. In exercise of the powers conferred by sub-section (1) of section 27 of the Right to Information Act, 2005(Central Act No.22 of 2005), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules to provide for the matters specified in subsection (2) of the said section, namely:-

RULES

1. Short title and commencement:- (1) These rules may be called the Punjab Right to Information Rules, 2007. (2) They shall come into force on and with effect from the date of their publication in the Official Gazette

2. Definitions:-

(1) In these rules, unless the context otherwise requires-

1. "Act" means the Right to Information Act, 2005(Central Act No.22 of 2005);
2. "Commission" means the Punjab Information Commission, constituted under section 15 of the Act;
3. "Form" means a Form, appended to these rules; and
4. "Section" means a section of the Act.

(2) The words and expressions used in these rules, but not defined, shall have the same meanings as assigned to them in the Act.

3. Application obtaining information:- (Sections 2(m), 6 and 27)

1. A person, who desires to obtain any information admissible under the Act, shall make an application in Form 'A' to the State Public Information Officer alongwith a fee, as specified in sub-rule (1) of rule 5 of these rules.



2. On the receipt of an application, made under sub-rule (1), the State Public Information Officer shall give a receipt in token thereof to the applicant in Form 'B'.
3. Each public authority shall maintain the information register in Form 'C' in respect of the records of requests received from the applicants for seeking information under the Act.
4. The application, received without requisite fee, shall not be entertained and shall be liable to be rejected straightway without giving any notice to the applicant.

4. Deposit of fee:- (Section 6)

1. The fee may be paid in the following modes, namely:-
 - a. by Crossed Bank Draft/Banker's Cheque/IPO or in cash in favour of concerned Drawing and Disbursing Officer from where the information is to be obtained; or
 - b. in cash with the concerned Drawing and Disbursing Officer ; or
 - c. through Treasury Challan in the following Heads of Account:-

Major Head	.. 0070 -Other Administrative Services
Subj-Major Head	.. 60 - Other Services
Minor Head	.. 800 - Other Receipts
Sub-Head	.. 86 - Fee under the Right to Information Act, 2005
Detailed Head	.. 0070 Other Administrative Services
	60 Other Services- 800- Other Receipts-
	86- Fees under the Right to Information Act, 2005.
2. The amount of fee shall be credited to the account as referred to in clause (c) of sub-rule (1) :

Provided that the Board, Corporations and other Autonomous bodies of the State, may get the amount of requisite fee deposited in their own accounts maintained by them



3. On receipt of an application, submitted under sub- rule (1) of rule 3, the State Public Information Officer shall scrutinize the application and shall assess how much fee is required to be paid by the applicant for obtaining the information.
4. The fee, assessed under sub-rule (3), shall be informed to the applicant by the State Public Information Officer in Form 'D' within a period of ten days from the receipt of application.
5. The intimation of rejection of an application of the applicant seeking information under the Act, shall be intimated by the State Public Information Officer concerned, in Form 'E'.
6. The amount of fee collected under this rule, shall be maintained in the Cash register as specified in Form 'F'.

5. Quantum of fee:- (Section 6 and 7)

1. An application for obtaining any information under sub-section (1) of section 6 shall be accompanied with a fee of rupees ten only.
2. The following fee shall be charged for providing information under sub-section (1) of section 7, namely:-
 - a. Rupees two for each page in A-4 or A-3 size paper, created or copied; and
 - 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 for each fifteen minutes (or fraction thereof) thereafter;
 - e. for information provided in diskette or floppy rupees fifty 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.



3. The applicant shall, while depositing fee under sub-rule(2) of rule 4, shall also submit a self addressed envelope duly stamped for supplying the information. Stamps on the envelope shall be affixed according the mode of supplying the information, as desired by the applicant i.e. through ordinary registered or speed post.

6. Procedure to be followed in deciding appeal:- (Section 19 (10))

Before deciding an appeal, the Commission shall,-

1. serve notice to the concerned persons;
2. entertain any evidence in support of appeal, which may be oral or in writing from the concerned persons;
3. examine on oath or by having affidavits from the persons concerned;
4. peruse or inspect the documents or any records or copies thereof ;
5. inquire through the authorized officer the facts of an appeal or may require facts in detail, if it so deems appropriate, hear the State Public Information Officer or any other senior officer, who had decided the first appeal, as the case may be; and
6. receive evidence on affidavits from the officer senior in rank to State Information Officer who had decided the first appeal or from any other officer or person authorized in this behalf from whom the evidence may be deemed necessary

7. Mode of serving notice:- (Section 19 (10))

The Commission may serve notice to the persons concerned in any of the following modes, namely:-

1. by hand delivery(dasti) through process server; or
2. by registered post with acknowledgment due; or
3. by publication in the news paper;.



8. Order by the Commission:-Section 19 (10))

1. The Commission shall make order in writing and pronounce the same in the presence of the concerned parties
2. After the decision is pronounced by the Commission, it shall intimate the same to the complainant and the State Information Officer of the Department or the public authority concerned

9. Repeal and Saving. – The Punjab Right to Information Rules 2006 are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules
