



ՀՀ Կրթության և գիտության նախարարություն

**Իրավաբանական ֆակուլտետի ֆակուլտետի; 2005**

**Երկրորդ & 17**

**ՎՍՀ Կրթության և գիտության նախարարություն**

**Իրավաբանական ֆակուլտետի ֆակուլտետի  
նախարարություն**



## v/; k; &1

- 1- Nii; k gLr i qLrdk dh i`BHKkie ij izdk`k Mkyas 1/4 puk dk vf/kdkj vf/kfu; e&2005 1/2 ; g vf/kfu; e 15 tu 2005 dks iDUk gq/kA Hkkjrh; ukxfjdka dks I puk iklr djus ds fy, vksj vf/kd rFkk dkjxj igp nus dsfy, iDUk fd; k x; k gA
- 1-2 gLr i qLrdk dk mnas; I puk ds vf/kdkj vf/kfu; e 2005 dh iwz tkudkjh nus graq rkd jkt dh; ; k v)Z'kkI dh; dk; k ea ikjnf`kz`k miyC/k jgA
- 1-3 ; g gLr i qLrdk fdu 0; fDr; k@I .Fkkuka@I xBuka vkfn dsfy, mi ; ksch gA ; g tEew, oad`ehj dks NkMoj Hkkjr ds l eLr ukxfjdka dsfy; s gA
- 1-4 gLr i qLrdk dk ik: i& mUkj k[k.M fl pkbz foHkkx
- 1-5 ifjHkk'kk; &t\$ k fd vf/kfu; e&2005 dh /kkjk&2 eafn; k x; k gA
- 1-6 vf/kd tkudkjh dsfy, I Ei dZ 0; fDr& fl pkbz foHkkx ds eq; ; vfHk; ark , oa foHkkxk/; {k ngjknw 1/2 mUkj k[k.M 1/2 dk; ky; ds ofj`B LVkQ vf/kdkjh@v/kh{k.k vfHk; ark@vf/k`kkl h vfHk; arkA
- 1-7 gLr i qLrdk eamiyC/k tkudkjh ds vrfjDr I puk iklr djus dh fof/k , oa `ky`d& t\$ k mUkj k[k.M I jdkj }kj k fu/kkZjr fd; k tk; A

**ešy&17**  
**vU; mi ;kx tkudkj ;ka**

17-1 ykd ikf/kdj.k l s tuekul }kjk l keku; r% i Ns tkusokys i'zu o mudsmükj&

^l pük dk vf/kdkj vf/kfu; e&2005\*\* i dük gkus ds i"pkr tuekul }kjk fdl h izdkj ds Hkh izu rFkk l pükj ftl dh dYiuk dh tk l drh gš i Nh tk l drh gš fl pkbz foHkkx , d rduhdh foHkkx gš rFkk ugjka o uydiw ka dks NkM edj vU; txgka ij l keku; r% ykd 0; ogkj ugha gš l pük dk vf/kdkj vf/kfu; e ds i dr gkus ds i"pkr turk dks bl dh tkudkj gkus ij fdl h izdkj dh l pük vFkok fdl h izdkj ds i'zu i Ns tk l drsgš

17-2 l pük ikr djus ds l æk e&

vkonu i = &  
 , d: irk j[kus ds fy, bl sjkT; ljdkj }kjk r; fd; k tk jgk gš

"kq d&  
 vkonu i = ds l kFk nš rFkk jkT; ljdkj }kjk fu/kkZjrA

l pük vkonu i = ij fdl rjg ekax tk; & dN fVII &  
 ¼½ l pük fdl LFku@dk; kzy; @l d"ku@mi [kM@[kM@eMy@eQ; vfhk; ark l s ikr gkxh ; g Kkr djuk vkl ku gkuk pkfg; A  
 ½c½ fo" k'V : i l sftl l pük dh vko"; drk gš dšy ml sgh fy [kA  
 ¼ ½ ; g Li'V dja fd D; k ; g dk; kzy; vfhky [k gš vFkok ešy] vkns'k] vuq's'k] fu; e ; k jš'kkfp= gš  
 ¼n½ D; k fdl h vfhky [k@LFky ds fujh{k.k dh vko"; drk gš

**l pük u nuso vihy djus ds l æk eaulxfjd ds vf/kdj o vihy djus dh i fØ; k&**

tc dHkh fdl h dks l pük l s ofpr fd; k tkrk gš rks og ukxfjd 30 fnuka ds Hkhrj vf/kfu; e dh /kkjk 19 ds vUrxZ vihy dj l drk gš

17-3 ykd ikf/kdj.k }kjk turk dks fn; s tkusokys i f" k{k.k ds l æk ea ehfM; k ds }kjk] v[kckj ds }kjk rFkk l pük ds vU; ek; eka l A

17-4 ykd ikf/kdj.k }kjk fn; s tkusokys i æ.k k i =] vuki fük i æ.k k i = vkfn ds l æk ea tkfd ešy&13 ea l fEefyr gkA ; g fl pkbz foHkkx l s l æf/kr ugha gš

- 17-5 ykd i kf/kdj.k ea gkus okys i ath; u ds l ædk ea
- 1- i ath; u dk mnns; & turk dks l puk dh mi yfC/kA
  - 2- vkond dh ik=rk&i ath; u ds fy; s dkbZ Hkh Hkjr rh; ukxfjd l qk= gA
  - 3- i mka {kk; & dkbZ ughA
  - 4- vkonu djus ds fy, dgk@fdl l s l Ei dz dj&esu py&16 ds vuq kj fdl h ykd l puk vf/kdkjh dka blga i R; d dk; kÿ; ds ukVI ckMz ij n"kkz; k tkuk pfg; A
  - 5- ¼½ vkonu "kq'd& 10@& #0  
½½ vU; "kq'd& mÜjk [k.M jkT; l jdkj }kjk fu/kkZjr fu; eka ds vuq kj A
  - 6- vkonu i= dk ik: i ¼; fn vkonu l kns dkxt ij gkrk gS rks ml dk mYy [k djrs gq ; g crk; afd vkonudrkZ vkonu djrs le; fdu crka dk o.ku dj&or&ku ea dkbZ fu/kkZjr i i= ugha gA vkonu l kns i= ij i klr fd; k tk; skA Hkfo'; ea vuqko ds vk/kkj ij fu/kkZjr i i= ij fopkj fd; k tk; skA
  - 7- l yXudka dh l ph&bl eabM/D l ds l kFk l yXudka dh l ph n"kkz; h tk; skA
  - 8- l yXudka dk ik: i& jkT; l jdkj }kjk fu/kkZjr gskA
  - 9- vkonu djus dh i fØ; k&vkonu ykd l puk vf/kdkjh dks l EckS/kr gsk rFk ftl dk; kÿ; l s l puk i klr djuh gS ml ds ykd l puk vf/kdkjh dks fn; k tk; skA
  - 10- vkonu djus ds ckn ykd i kf/kdj.k ea gkus okyh i fØ; k ¼; gka ij ml i fØ; k dk foj.k na tks vkond }kjk l kjh i kFkfedrk; a ijh djus ds i "pkr ykd i kf/kdj.k }kjk dh tkrh g&&  
tS s gh ykd l puk vf/kdkjh ds }kjk l puk ds fy; s vkonu i klr gkrk gS og ml s i athÑr djxk rFk l æû/kr l puk dks vi us dk; kÿ; ea fudyokus dh dk; bkgh djxkA ; fn ml l puk ds fy; s vks "kq'd dh vko"; drk gS rks vkond dks "kq'd tek djkus dks dgskA ; g vfrfjDr "kq'd tek gkus ds 30 fnu ds Hkhrj og vkond dks rRl ædkh l puk mi yC/k dj; sk vFkok l puk u nus dh n"kk ea vkond dks rneq kj l fipr djxk rFk l kFk gh ; g Hkh l fipr djxk fd ; fn vkond dks vihy djuh gS rks og fdl ds ; gka o dc rd dj l drk gA l puk mi yC/k u dj; s tkus dh fLFkr vf/kfu; e dh /kkj 8 o 9 ds vuq kj gskhA
  - 11- çHkkoh jgus dh l e; l hek ¼; fn gsrks&tS k jkT; l jdkj fu/kkZjr djA
  - 12- uohudj.k dh i fØ; k ¼; fn gsrks&tS k jkT; l jdkj fu/kkZjr djA
- 17-6 ykd i kf/kdj.k ¼uxe] VM VDI ] eukjat u dj vkfn½ }kjk VDI yus ds l ædk e& fl pkbZ foHkkx l s l æû/kr ughA

17-7 ykd ikf/kdj.k }kjk ukxfjdka dks nh tkus okys fctyh@ikuh ds duD"ku] duD"ku] dks vLFkkbZ@LFkkbZ: i l sfopNnu vkfn ds l cdk e&fl pkbZ foHkkx l s l cfi/kr ughA

17-8 ykd ikf/kdj.k }kjk ukxfjdka dks nh tkus okyh vl; l okvka dk fooj.k&fl pkbZ foHkkx l s l cfi/kr ughA

**fl pkbZvutHx  
tu&l lekl; rd l pukvka, oavfHky{Kadh igp**

<p>I puk dk vf/kdkj vf/kfu; ej 2005 ¼ fjf" k'V&amp;I½</p>	<p>1-</p>	<p>iR; d ykd ikf/kdkjh ds dk; Zj.k ea ikjnf" k'k vkš mÜkjnkf; Ro ds l o/kZu ds fy; } ykd ikf/kdkfj; ka ds fu; æ.kk/khu l puk rd igp l fuf"pr djus ds fy, ukxfjdka ds l puk ds vf/kdkj dh 0; ogkfjd "kkl u i) fr LFkfr djus ds mnas"; l s l puk dk vf/kdkj vf/kfu; e 2005] fnukad 12 vDVncj 2005 l s vLrRo eagA</p>
<p>ykd l puk dk vf/kdkj l gk; d ykd l puk vf/kdkjh , oavihyh; vf/kdkjh ¼ fjf" k'V&amp;I½</p>	<p>2-</p>	<p>fl E foHkx dh l eLr iz" kkl fud bdkbz; ka ea vf/kfu; e dh /kkjk 5¼1¼ /kkjk 5¼1¼ , oa /kkjk 19¼1¼ ds vLrxr Øe" k% ykd l puk vf/kdkfj; k; l gk; d ykd l puk vf/kdkfj; ka , oa foHkxh; vihyh; vf/kdkfj; ka dk ukekadu fd; k x; k gA</p>
<p>l puk gsrq iklr vujksk i=ka dk iathdj.k , oa fuLrkj.k</p>	<p>3-</p>	<p>ukxfjdka l s iklr l puk ds vujkska dk iathdj.k ; FkflLFkr i"okadr "kkl ukns'k ea fn; s x; s fdl h , d ik: i ea fd; k tk; skA l gk; d ykd l puk vf/kdkjh Lrj ij l puk ds vujksk dks iklr djus dh flLFkr ep mu ykd l puk vf/kdkjh dks "kh?kar"kh?kz ijUrq foyEcr% 5 fnu ds vnj fu/kkZj r ik: i dks vxš'kr djskA</p>
	<p>3-1</p>	<p>vujkskdrkZ dks l puk dk vujksk dk ikflr i= vkonu "kq'd dh j l hn l fgr fn; k tk; skA ; fn vujkskdrkZ xjhch js'kk l s fuEu vk; oxZ dk gks rks ml l s fdl h idkj dk "kq'd ugha fy; k tk; skA</p>
<p>"kkl ukns'k l E 146@ l E@XXXI½½G@ 2006 fnukad 22 ekp] 2006 ¼ fjf" k'V III½</p>	<p>3-2</p>	<p>vf/kfu; e dh /kkjk 6 ds v/khu l puk dk vujksk iklr gksus ij ykd l puk vf/kdkjh ; Fkkl Etko "kh?kar" l s vkš fdl h Hkh n"kk ea vujksk ikflr ds rhu fnu ds Hkhrj , d h Qhl ds l nk; ij tk fofgr dh tk; s ; k rks l puk miyC/k dj; sk ; k /kkjk 8 vkš /kkjk 9 ea fofufnZV dkj. ka ea l s fdl dkj.k l s vujksk dks vLohdkj djskA ; fn ykd l puk vf/kdkjh fofufnZV vof/k ds Hkhrj l puk ds fy; s vujksk ij fofu"p; djus ea vl Qy jgrk gš rks ; g l e&gt;k tk; sk fd ml us vujksk dks ukeatij dj fn; k gA</p>
<p>l puk dk vf/kdkj ¼Qhl , oa ykxr dk fofu; eu½ fu; ej 2005</p>	<p>4-</p>	<p>vf/kfu; e dh /kkjk 6 dh mi /kkjk ¼1¼ ds v/khu l puk ekacs tkus gsrqvkonu i= ds l kFk ns Qhl , oa vfhkyš'kka dh Nk; ki fr; ka vujkskdrkZ dks miyC/k djkus gsrq i"okadr vf/kl puk ds vuq kj "kq'd ns gloskA</p>
<p>vf/kl puk , (E&amp;266@ XXII@205&amp;9 ¼B1½ fnukad 13 vDVncj 2005  , oa l akks/kr vf/kl puk l E 165@e@XXXI½½ G&amp;½½@2006 fnukad 31 ekp] 2006</p>	<p>5-</p>	<p>; fn ykd l puk vf/kdkjh ds ikl fdl h , d h l puk fn; s tkus dk vujksk iklr gsrk gš rks rks rhl js i {kdj l s l Ecfl/kr gš vkš rhl js i {kdj }kj ml s xkiuh; ekuk x; k gš rks , d h n"kk ea ykd l puk vf/kdkjh vujksk iklr gksus l s ikp fnuka ds Hkhrj] , d s rhl js i {kdj dks bl rF; dh fyf[kr Lo; a l s l puk nsx vkš bl ckjs ea fd l puk izdV dh tkuh pkfg; s ; k ugha fyf[kr : i ea ; k ekš[kd : i eafuonu djus ds fy; s rhl js i {kdj dks vkef=r djsk , oa l puk ds izdVu ds ckjs ea dkbZ fu.kZ djrs l e; rhl js i {kdj ds mÜkj dks /; ku ea</p>

¼ fjf" k'V & IV , oa ifjf" k'V&V)		j [kskA
ij 0; fDr l puk	5-1	rhl js i {kdkj dks , dh l puk ds iLrkfor idVu ds fo: ) vH; konu djus dk vol j fn; k tk; sxA ykd l puk vf/kdkjh }kjk rhl js i {kdkj dks l æ/kr l puk ds vugksk ikr gkus ds i "pkr 40 fnu ds Hkhrj bl ckjs ea fu.kz fy; k tk; sX fd mDr l puk ; k vfHkyS k ; k ml ds Hkx dk idV fd; k tk; s ; k ugha vkSj vius fu.kz dh l puk fyf[kr ea rhl js i {kdkj dks Hkh nsxk} ykd l puk vf/kdkjh rhl js i {kdkj dks ; g Hkh l fpor djsk fd ml s fu.kz l s vl æV gkus ij foHkxh; vihy; vf/kdkjh ds ; gka 30 fnu ds vlnj vihy djus dk vf/kdkj gA
	6-	vihy djus okyk 0; fDr l puk ikr ds fy, fu/kkZr le; l hek dh l ekfr dh frfFk l s 30 fnu ds vñj vFkok ykd l puk vf/kdkjh ds vkns'k dh ikr dh frfFk l s 30 fnu ds vñj foHkxh; vihy; vf/kdkjh ds le{k vihy dj l drk gA l æ/kr vihy; vf/kdkjh dks ; fn ; g fo"okl gks tkrk gS fd fdUgha vijgk; l dkj.kka l s vihydrk viuh vihy dh ; kfpdk fu/kkZr le; ea iLrj djus ea vl eFkZ jgk gks rks og mDr le; l hek ds ckn Hkh vihy lohdj dj l drk gA
iEke vihy /kkjk 19 ¼½	6-1	ykd l puk vf/kdkjh }kjk vf/kfu; e dh /kkjk 11 ds vlrxZ ; fn rhl js i {k l s l æ/kr l puk vugkskdrkZ dks nsus ds l æk ea fu.kz fn; k x; k gS rks bl vkns'k l s iHkfor rhl jk i {k vkns'k dh frfFk l s 30 fnu ds vñj foHkxh; vihy; vf/kdkjh ds ; gka vihy dj l drk gA
	6-2	foHkxh; vihy; vf/kdkjh }kjk vihy dk fuLrkj.k] ; kfpdk dh frfFk l s 30 fnu ds vñj fd; k tk; sxA
l pukvka dk LoSPNd idVu	7-	vf/kfu; e dh /kkjk 4¼½ ¼½ ds v/khu foHkx dh l Hkh i'kkI fud bdkbZ ka tks ykd ikr/kdkjh ?kks'kr gA ds }kjk 17 fcnyka ij l puk; a l æfyr dj iR; d fclnq ij eSuqy cuk; s tk; sX mDr l Hkh eSuqy ij l Hkh rS kj dj jk'Vh; l puk dñnz dks miyC/k djkbZ tk; sxA foHkx ds iR; d ykd ikf/kdkjh Lrj ij mDr eSuqy dh gkMZ ifr , oa l kMv ifr miyC/k jgsxA
¼mUkjky l puk vk; ksx ifji = l æ 65@mE l æ vkE@eE l ævkE@2005 fnukd 6 fnl Ecj] 2005¼ fjf" k'V& V¼½	7-1	mDr eSuqy ; FkkLFkr iR; d o'kZ ds vlr ea v  kof/kd fd; s tk; sX rFk eSuqy l puk ds vf/kdkj vf/kfu; e ds vlrxZ tu l k/kj.k voykdukfZ cjkcj miyC/k jgxA
ekfl d ixfr ifronu	8	l puk ds vf/kdkj vf/kfu; e dh /kkjk 25¼½ ds v/khu miyC/k ¼d½ l s ¼M½ ds l æk ea 5 fcnyka ij fl pkbZ foHkx dh iR; d ykd ikr/kdkjh bdkbZ ekfl d ixfr ifronu vius mPp ykd ikf/kdkjh dks i f'kr djxA fl pkbZ foHkx ds funs'kky; Lrj l s , d s ikr ixfr ifronu dks l æfyr dj mUkj[k.M l puk vk; ksx dks iR; d ekg nloha rkjh[k rd i f'kr fd; k tkuk



		glsxA
	8-1	Lpuk vk; kx bu ekfl d ixfr ifronu dk mi; kx viuh okf'kd fjikZ r\$ kj djuseadjxA
Lpuk iVla dks inf"kr djuk	9-	tu lkekU; dh lfo/kk grq iR; d ykd ikf/kdkjh Lrj ij viusdk; ky; o iedk LFku ij ukfer ykd Lpuk vf/kdkjh l gk; d ykd Lpuk vf/kdkjh ,oa vihyh; vf/kdkjh ds uke inuke rFkk nijkk'k uEcj inf"kr djrs gq Lpuk iê yxk; s tk; xA
ykd ikf/kdkfj; ka }kjk vk; kx Lrj l s ikr f"kd; rka ,oa vihyka ij dk; bkgh	10-	vk; kx ea /kkjk 18½ ds v/khu ikr f"kd; rka ,oa /kkjk 19½ ds vlrxr ikr nijkh vihy ij ykd ikf/kdkjh dks tkjh ukvI dks iR; d ykd ikf/kdkjh Lrj ij , d iFd iFtdk ea ntZ fd; k tk; xA bl iFtdk ea ikr f"kd; rka ,oa vihyka ij ykd ikf/kdkjh Lrj ij l e; & l e; ij dh xbl dk; bkgh dk fnukd l fgr vdu fd; k tk; xA
f}rh; vihy jkT; Lpuk vk; kx %vihy ifØ; k½ fu; e] 2005 vf/kl Lpuk I E 305@XXII/2005&9 ½3½ 2005 fnukd 13 fnl Ecj] 2005 ¼ fjf"V&VII½	11-	vf/kfu; e dh /kkjk 19 ½ ea jkT; Lpuk vk; kx dks f}rh; vihy nk; j djus grq jkT; Lpuk vk; kx %vihy ifØ; k½ fu; e 2005 dk ikyu fd; k tk; xA

i kcd]

, eE jkeplnu  
ed; I fpo]  
mUkjky "kkl uA

I ok e]

I eLr iedk I fpo@I fpo  
mUkjky "kkl uA

I kekl; iz'kkl u vuUkkx

fnukd 22 ekp] 2005

fo'k; % I puk ds vugjkskka ij I efpr dk; bkg h gsq ifO; k I Ecl/kh fn"kk funz'ka

I puk dk vf/kdkj vf/kfu; e 12 vDVej 2005 I s iHkkoh gks x; k gA "kkl u Lrj ij bl ds fO; klu; u ds fy, 0; ki d r\$ kfj; ka igys gh dh tk pph gA foHkkxka o vl; ykd i kf/kdj.kka ea vf/kfu; e ds ikfo/kkuka ds vuq kj ykd I puk vf/kdkjh] I gk; d ykd I puk vf/kdkjh vk\$ foHkkxh; vihy vf/kdkfj; ka dk ukeddu gks pph gA I Hkh Lrjka ij vf/kdkfj; ka dk vf/kfu; e ds ikfo/kkuka dh tkudkj nh ds fy, dk; Z'kkyk, a vk; kstr dh x; h gA bl ds vrfjDr vf/kdkfj; ka dh I fo/kk ds fy, "kkl u I puk dk vf/kdkj vf/kfu; e&2005 ekxhf"kdz dk Hkh izdk"ku fd; k x; k gA ftl dh ifr; ka I Hkh foHkkxka dks i f'kr dj nh x; h gA

bu r\$ kfj; ka dks nf'Vxr j[krs gq ykd i kf/kdkfj; ka }kjk I puk ds vugjkskka dk fuLrkj.k I qerf I sfd; s tkus dh vi\$kk dh x; h g\$ y\$du i kf/EHkd vuHkoka I s ikr tkudkj dh vuq kj vf/kfu; e ds vLrxr I puk miyC/k djkus ea dN dfBukb; ka vk jgh g\$ ftudk ed; dkj.k ifO; k dh vLi'Vrk o foHkkx , oa ykd i kf/kdkjh Lrj ij bl I adk ea I efpr 0; oLFk dk ughagkuk ekuk tk jgk gA bl fy, ; g vko"; d I e>k x; k fd I puk ds vugjkskka ij 0; ofLFkr] rRdky o I qe dk; bkg h djus dh dk; fof/k I Ecl/kh funz'k tkjh fd; s tk, a ftl I s bl I adk ea fdl h Hkh rjg dh vfuf"prrk u cuh jgs vk\$ I puk ds vf/kdkjh vf/kfu; e ds ikfo/kkuka ds vuq i fuEu fcUnq/ka ij dk; bkg h I fuf"pr dj ifO; k I s I adkh vLi'Vrk nij gks I dA bl I nHkZ ea Ni; k vius v/khu ykd i kf/kdkjh bdkb; ka , oa ykd I puk vf/kdkfj; ka o I gk; d ykd I puk vf/kdkfj; ka ds Lrj ij fuEkuq kj dk; bkg h I fuf"pr djA

**1- I puk ds vugjkskdriz/kadsfy, I fo/kk d{k dh LFki uk%**

vf/kdkk "kcdk; a I puk ds bPNed 0; fDr; ka I sokrkZ dj nij dh tk I drh gA I EHko g\$ fd ckrphr ds ckn I puk ds vk\$ pkfjd vugjksk dh vko"; drk gh u iMA bl ds fy, iR; d dk; ky; ea tgka Hkh ykd I puk vf/kdkjh ; k I gk; d ykd I puk vf/kdkjh

ukeladr gđ I p̄uk ds vujkskdrkz/ka dh I f̄o/kk ds fy, I p̄uk dk vf/kdkj uke dk , d i Fkd ekxh"kd ; k I f̄o/kk d{k (Facilitation Counter) dh LFkkiuk dh tkuh vko"; d gđ ftu dk; k̄y; ka ea Lokxr d{k igys l s gh LFkfi r gđ muea blgha Lokxr d{kka ea I p̄uk dk vf/kdkj I Ecl/kh tkudkj n̄s dh Hkh 0; oLFk dh tkuh pkfg, A bl ds fy, Lokxr d{k ds , d fgLl s ea pkgrs gđ r̄n̄d kj I p̄uk ds vujksk dk vkonu r̄s kj djok dj ok̄N̄r I p̄uk ; k vufhkKrk ds dkj.k dkbz Hkh 0; fDr vuko"; d I p̄ukvka ds fy, vujksk u djA Lokxr d{k ds vfrfjDr] i qrdky; ] okpuky; ] irh{k d{k ; k dk; k̄y; ea miyC/k dkk̄u Lid (common space) dks Hkh I f̄o/kk d{k ds : i ea fodfl r fd; k tk l drk gđ buea foHkxh; I p̄ukvka l s l eā/kr 17 eāq/YI ] foHkx dk ok̄kd̄ ifronu] dk; ā firz fnXnf"kd̄k o vke turk ds mi ; kx dh vl; I p̄uk; a Hkh j [kh tk l drh gđ

## 2- vujksk i=kdsiāhdj.k dk ik: i%

I p̄uk ds vujkskka dk fof/kor- iāhdj.k fd; k tkuk vko"; d gđ bl ds vk/kkj ij gh I p̄uk ds vf/kdkj I Ecl/kh dk; b̄yika dh ixfr fjikz/ ykd ikf/kdkjh] i'kk̄l dh; foHkx , oa jkT; Lrj ij r̄s kj dh tk l dschA bl ds fy, ins̄k ds l Hkh foHkxka , oa ykd ikf/kdj.kka ea I p̄uk ds vujkskka ds iāhdj.k dh l eku 0; oLFk ykxw djus dh vko"; drk gđ bl mn̄s; l s vujkskka ds iāhdj.k ds fy, rhu ik: i l āXu fd; s tk jgs gđ ¼ āXu d 1] 2] 3¼ i Fke ik: i l gk; d ykd I p̄uk vf/kdkjh Lrj ij iāhdj.k ds fy, ] n̄j k ik: i ykd I p̄uk iāhdj.k ds fy, fofgr gđ l Hkh foHkxk/; {kka o ykd ikf/kdkj; ka dks pkfg, fd I p̄uk ds vujkskka ds iāhdj.k ds fy, foHkx@ykd ikf/kdj.k Lrj ij fofgr ik: i ka ds vuq kj "I p̄uk dk vujksk iāhdj.k if=dk\*\* o I p̄uk ds fy, vihy fd; k tkuk pkfg, rkd Lor% ixfr fjikz/ r̄s kj gks l da , oa vf/kfu; e dh 0; oLFk ds vuq i jkT; I p̄uk vk; kx dks ixfr foj.k Hkst k tk l dā ifof'V dsckn iR; d l l rkg@I f̄o/kkuq kj ml /kujkf" k dks foHkxh; jktLo y[kk"kh'kd̄ ds v/khu jkt dksk ea tek djā

## 3- vujski=kdsiāhdj.k dh 0; oLFk%

i kj fEkd vutkoka l s ; g Hkh Kkr ḡr k gSfd d̄N dk; k̄y; ka ea ykd I p̄uk vf/kdkjh dh vuq l Fkr ea I p̄uk ds vujkskka dks ikr djus ds fy, dkbz vf/kdkjh ; k depkj miyC/k ugha ḡr k gS ; k mi l Fkr 0; fDr vujksk i= ȳs l seuk dj nr̄k gđ bl fy, ; g I fuf"pr fd; k tkuk pkfg, fd I p̄uk dk vf/kdkj I f̄o/kk d{k ea gj l e; dkbz u dkbz vf/kdkjh vFok depkj I p̄uk ds vujkskka dks ikr djus ds fy, mi l Fkr jgā vf/kfu; e ds ikfo/kkuka ds vuq kj I p̄uk dk vujksk i= l gk; d ykd I p̄uk vf/kdkjh vFok ykd I p̄uk vf/kdkjh }jk̄k ikr fd; k tkuk gđ rFkfi tgka ij dk; k̄y; k/; {k ; k ofj'B vf/kdkjh ykd I p̄uk vf/kdkjh ukfer gđ ogkaos viuh l gk; rk

ds fy, fdl h nlt js vf/kdkjh@deþkjh ;k Lokxr vf/kdkjh ds vugjksk i= dks iklr djus o ml ds iathdj.k dh ftEenkjh ns l drs gA ;g l fuf"pr djuk ykd l puk vf/kdkjh@l gk; d ykd l puk vf/kdkjh dk nkf; Ro gkxk fd mudh vuifLFkfr ea Hkh l puk ds vugjksk i=ka dks iklr o iat hN r fd; k tk; A bl fn"kk ea l eþpr 0; oLFk djus ykd l puk vf/kdkjh vius Lrj ij gh ,d h f"kd; rka dks nuj dj nar kfd fdl h dks Hkh l puk ds vugjksk i=ka ds iklr u fd; s tkus dh f"kd; r fdl h vl; Lrj ij djus dh vko"; drk uk iM+ rFk l qerk l s vkonu i= vxU rþka }kjk tek dj; s tk l dA

#### 4- l puk "kYd ys[kadu dh i fØ; k%

l puk ds vugjksk i=ka ds l kFk 10@#E vkonu "kYd iklr fd; k tkuk gA xjhch js[kk ds uhps ds vugjkskdrkz/ka l s dkbz "kYd ugha fn; k tkuk gA exzhf"kdz ea fn; s x; s funzka ds vuq kj vkonu "kYd udn] cd MRV ;k cd l Z pd ds ek/; e l s gh fn; k tk l drk gA bl fo'k; ij foRr foHkx }kjk dk; ky; Kki l E 1@xxvii/7½ 2005 fnukd 14 vDVej 2005 }kjk "kYd iklr djus vks ml ds ys[kadu dh foLr i fØ; k l q-k; h x; h gA fQj Hkh bl l cak ea ;g Li'V fd; k x; k gsf l puk ds vugjkskdrkz }kjk udn vFkok foHkx@ykd ikf/kdj.k ds ys[kk vf/kdkjh ds uke dk cd MRV ;k cd l Z pd iLr dj "kYd fn; k tk l drk gA bl ds fy, l Hkh ykd l puk vf/kdkj; ka dks pfg, fd vius tuin dh Vstjh l s mDr i i= dh j l hn cpd iklr dj ys vks foHkxh; vks foHkxh; vkgj.k forj.k vf/kdkjh dh vks l s "kYd iklr j l hn fuxr dja ; gh i fØ; k vrfjDr "kYd dks iklr djus ds fy, viukbz tk; xhA "kYd l s iklr /kujkf"k ykd l puk vf/kdkjh ;k l gk; d ykd l puk vf/kdkjh foHkxh; vkgj.k forjd vf/kdkjh dks miyC/k dj; ks tks fd foHkx dh jkdM+ cgh (cash book) ea bl vf/kfu; e ds varxh "kYd tek djus dh i fØ; k dks vks l jyhN r fd; s tkus dh dk; bkg dh tk jgh gA

#### 5- l puk ds vugjkska i j dk; bkgf%

l puk dk vugjksk iklr gaus ds ckn exzhf"kdz ea nh x; h i fØ; k ds vuq kj ml ij vks dh dk; bkg l fuf"pr dj ; Fk lLFkfr 30] 35 ;k 45 fnuka ds vlnj vugjkskdrkz dks okN r l puk miyC/k dj nh tkuh gA bl i fØ; k ds foHkU pj.kka ea l EHkfor i=kpkj dks l e: i cukus ds fy, fuEufyf[kr i i= fu/kkzr dj l yXu fd; s tk jgs gA

l yXud % l gk; d ykd l puk vf/kdkjh }kjk l puk ds vugjksk ds vxsk.k dk i i= l yXud % l puk ds vugjkska dk i kofr dk i i=

I ȳXud % vfrfjDr "kŷd dsfy, I ƿuk dk i i =

I ȳXud % rhl js i {k/kj dks I ƿuk dk i i =

I ȳXud % I ƿuk ds vugjksk dks nŷ js i kf/kdkjh dks gLrkŲrj.k dsfy, i i =

I ȳXud % vugjksk dks vLohdkj djus dh I ƿuk dk i i =

I ȳXud % 0 vugjkskdrkZ dks I ƿuk i f'kr djus I Ecl/kh i i =

; Fkk I Etko i =kpkj ykcd I ƿuk ea bu i i =ka dk gh iz kx fd;k tkuk pfg, A bl I Ecl/k ea ykcd I ƿuk vf/kdkjh ;fn vko"; d I e>s rks foHkx ds ofj'B vf/kdkfj; ka I s ekxh"ku iklr dj I drs gA ;g iz kl fd;k tk; fd fdl h Hkh fLFkr ea I ƿuk ds vf/kdkj vf/kfu; e ds vŲrxŲr vugjkskdrkZ/ka dks I ƿuk mi yC/k djkus ea dkbZ xfrjksk mRi Ųu u gkA I Hkh foHkxk/; {kka@ykcd i kf/kdkfj; ka I s vi Ųkk dh tkrh gS fd os I ƿuk ds fy, vkonu i = iklr djus o I ƿuk nsus o ml ds i athdj.k vkfn dh mi jkDr i f0; k dks ;fn vko"; d gqk rkŲ foHkxh; fof"K'Vrkvka@0; ogkfjdrk ds vuq i I ŲkkŲ/kr dj mi ; kx djxŲ ft I ea I ƿuk nsus dh i f0; k ea dkbZ Hke foHkxh; vf/kdkfj; ka ea u jgŲ I kFk gh vugjkskdrkZ/ka dks Hkh fuf"pr i f0; k o ik: i dk Kku gkusea de I s de dfBukbZ gkA

Hkonh;

¼ eE jkeplnu½  
eŲ; I fpo

## I gylud 1

I gk; d ykd I puk vf/kdkjh dsLrj ij I puk ds vujkksa ds i ahdj.k dk iLrkfor ik: i

ØE I E	vujkksk i kflr frfFk	vujkkskdrkz dk uke	i=kpkj dk iwKz irk	njHkk'k I d; k ¼ fn gl&	ekxh xbz I puk dk fooj.k	I c@kr foHkkx@ vujkks dk uke	vkonsu "kYd dk Hkqrku ¼#E½	ykd I puk vf/kdkjh dks vx&k.k dh frfFk
1	2	3	4	5	6	7	8	9

## I gylud 2

ykd I puk vf/kdkjh }kjk I puk ds vujkksa ds i ahdj.k dk iLrkfor ik: i

ØE I E	vujkksk i= i kflr dh frfFk	vujkkskdrkz dk uke	i=kpkj dk iwKz irk	njHkk'k I d; k	ekxh xbz I puk dk fooj.k	vkonsu "kYd ¼#E½	vfrfjDr "kYd #E
1	2	3	4	5	6	7	8

dy "kYd #E	vujkksk vLoHckj djus ij ml dk fooj.k	vfrfjDr "kYd dh I puk dh frfFk	vfrfjDr "kYd i kflr dh frfFk	rhl js i {k dks I fpr djus dh frfFk ¼ fn vko"; d I e>k tk; ½	rhl js i {k I smÜkj i kflr dh frfFk	vujkksk ij vfire vkn&k	vkn&k fuxr djus dh frfFk
9	10	11	12	13	14	15	16

### I gylud 3

foHkxh; Lrj ij vihy dsvujkklk ds i h d j . k dk i L r k f o r i k : i

ØE I E	vi hy ds fy, vujkklk i = ikflr frffk	foHkx@vu Hkx dk uke	vi hy I s I EcfU/kr rF; ka dk I ð{kflr fooj .k	yk d I p u k vf/kdkjh ds vkn'sk dk I ð{kflr fooj .k	vi hy LohÑr@ vLohÑr	foHkxh; vi hy vf/kdkjh ds vkn'sk dh frffk	vi hy drkz dks vkn'sk i = fuxr djus dh frffk
1	2	3	4	5	6	7	8

### I gylud 4

I gk; d ykd I p u k v f / k d k j h } k j k I p u k d s v u j k k l k d s v x f ' k r d j u s d k i i =  
dk; k y ; dk uke o i r k

i =koyh I E ; k-----

fnukd-----

i k d ]

-----  
-----  
-----

I o k e j

yk d I p u k v f / k d k j h

-----  
-----

vujkklkdrkz dk uke-----

i =kpkj dk i r k-----

oxZ%chE i hE , yE@, E i hE , yE-----

vujkklk i kflr dh frffk-----

vxsk.k dh frffk-----

ekxh xbZ I p u k dk fo'k; -----

-----

I EcfU/kr foHkx@vuHkx dk uke%-----

I p u k "kyd dh ek=k #E-----

vU; foj.k ¼ fn dkbZ gkZ-----

I 3yXud %vujk8k i= dh eny i fr

I gk; d ykd I p8uk vf/kdkjh  
dk; k8y; egj

### I 3yXud 5

vfrfjDr "k8d dsfy, I p8uk dk ii=

dk; k8y; dk uke o irk

i=koyh I 8; k-----  
-----

fnuk8-----

fo'k; %vfrfjDr "k8d tek djus ds I Ecu/k e8

Jh@Jherh-----  
-----  
-----

8i; k vius fnuk8----- ds I p8uk ds vujk8k i= dk I mHkZ  
xg.k dja vki ds }kjk ek8h xbZ I p8uk I kexh d8s, df=r djus vk8 bfpNr : i eamiyC/k  
djus ij I jdkj }kjk fuEufyf[kr fu/kk8jr njka ds vk/kkj ij #E-----vfrfjDr  
"k8d n8 g8r8k g8

### vfrfjDr "k8d dk fo8j.k

ØE I 8E	I kexh ; k 0; ; dh en	nj	diy /kujkf"8

vr% mDr /kujkf"8 d8s ; Fk8"kh?kz c8d MR8V ; k c8d I Z p8d t8s foHk8x ds y8[kk@fo8k  
vf/kdkjh dsuke cuk g8s i8'kr dj8@vf8ok dk; k8y; e8udn tek dj8@djok n8

ek8h xbZ I p8uk d8s miyC/k djus I Ecu/kh dk; 8kghj mDr vfrfjDr "k8d tek djus  
ds ckn gh ikjEHk g8x8A bl i= dh frf8k I s vfrfjDr "k8d i8kr g8us dh frf8k dkj I e;  
I p8uk miyC/k dj8us dsfy, fu/kk8jr 30 fnuk8 e8ugh8fxuk tk; x8A

g8rk{kj  
ykd I p8uk vf/kdkjh  
dk; k8y; egj



## I ʒʌud 6

rhl jsi {k/ kj dh l pʌk dsfy, i i =

dk; kʌy; dk uke o irk

i = koyh l ʒ; k-----

fnukd-----

-----  
-----  
-----

I ʒʌu Jh@Jherh-----l s iklr l pʌk ds vʌjksk  
i = dh , d ifr vki dks bl vk" k; l s Hksth tk jgh gsf d bl fo'k; ea ; fn vki dks dʌN dguk  
gks rks vki viuk i {k bl i = dh frfFk ds 10 fnu ds vʌnj v/kkʌLrk{kjh dks fy [kdj ; k Lo; a  
dk; kʌy; ea mifLFkr gkʌj eks [kd : i ea i Lrʌ djʌ

; fn vki dh vkj l s bl i = ds fo'k; ea 10 fnu ds vʌnj geʌ dks l pʌk iklr ugha  
gkʌh gS rks ; g eku fy; k tk; sk fd vki dks bl l EcU/k ea dʌN ugha dguk gʌ

I ʒʌud %vʌjksk i = dh i frfyi

Hkonh;  
ykd l pʌk vf/kdkjh  
dk; kʌy; egj

## I ʒʌud 7

I pʌk ds vʌjksk dks nʌ jsi l f/kdkjh dks gLrLrj.k dsfy, i i =

dk; kʌy; dk uke o irk

i = koyh l ʒ; k-----

fnukd-----

ykd l pʌk vf/kdkjh

-----  
-----  
-----

I ɔɣu I ɔuk dk vuɣksk i = vki dks bl vk''k; I si f'kr gsf d bl ea ekah xbZ I ɔuk vki ds foHkx@mi Øe I s I Ecfu/kr gA Ńi ; k vuɣksk d r kZ dks oki Nr I ɔuk vius Lrj I s mi yC/k dj kus dk d'V djA

bl i = dh , d ifr vuɣksk d r kZ dks I ɔuk f'kz i f'kr dh tk jgh gA

I ɔɣud % I ɔuk dk vuɣksk i = ey : i ea %

Hkonh;  
ykd I ɔuk vf/kdkjh  
dk; kɔy; egj

### I ɔɣud 8

dk; kɔy; dk uke o irk

I ɔuk dk vuɣksk i f'kr i =

i = koyh I ɔ; k-----

fnukd-----

Jh@Jherh-----

fuokl h-----

-----

I s I ɔuk dk vf/kdkj vf/kfu; e] 2005 dh /kkjk 6 d vlr xZ I ɔuk dk vuɣksk i = #E-----vkonu "kɔd ds I kfk i klr fd; kA

vuɣksk d r kZ xjhch jɔkk I s fuEu vk; oxZ dk gS vr%vkonu "kɔd ns ugha gA

I ɔɣud % "kɔd j I hn]

ykd I ɔuk vf/kdkjh  
dk; kɔy; egj

### I ɔɣud 9

vuɣksk dks vLohdkj djus dh I ɔuk i i =

dk; kɔy; dk uke o irk

i = koyh I ɔ; k-----

fnukd-----

-----  
-----  
-----

Ńi ; k vi usfnukd -----ds I ɔuk ds vuɣksk i = dk I anHkZ xg.k  
djA

vki ds vujkšk dks fuEufyf[kr dkj .kka l s vLohÑr fd; k x; k gA

¼½-----

½½-----

¾½-----

bl vknšk ds fo: ) ;fn vki pka rks foHkx ds mPp vf/kdkjh o vihy  
vf/kdkjh ftudk irk fn; k x; k gš l s bl i= dh ikfir dh frfFk ds 30 fnuka ds vñj&vñj  
viuh vihy dj l drsgA

vihy vf/kdkjh dk irk

-----

-----

-----

Hkonh;  
ykd l puk vf/kdkjh  
dk; kŷ; egj

**l ayXud 10**

**vujkškrk dks l puk nsil EcUkh ii =  
dk; kŷ; dk uke o irk**

i=koyh l ũ; k-----

fnuka-----

Jh@Jherh-----

-----

-----

Ñi; k v/kkLrk{kjh dks l Eckš/kr vius l puk ds vujkšk l ũ; k-----  
fnuka-----dk l mHkz xg.k djA

2- vki ds }kjk ekach xbz l puk dk fooj.k l ayXu gA

3- fuEu fyf[kr vki"kd l puk; a l ayXu dh tk jgh gA

¼½

½½

¾½

5- bl vknšk ds vlrXr nh xbz tkudkj l s ;fn vl arqV gks rkš vknšk ikfir dh frfFk  
l s 30 fnuka ds vñj foHkx ds vihy vf/kdkjh ftudk irk fuEuor gš vihy nk; j dj  
l drsgA

vihy vf/kdkjh dk irk

-----

-----

-----

Hkonh;  
ykd l puk vf/kdkjh  
dk; kŷ; dh egj

l ayXud%mi ; Dr ds vuq kj l puk dk fooj.kA

m0kjkpy "kk1 u  
I p0uk vu0kkx  
I 0; k %266/XXII/2005-9(31)  
I fpoky;] ngjknw  
fnuk0d %13 vDV0ej] 2005

**vf/kl puka**

jkT; iky] I p0uk dk vf/kdkj vf/kfu; e 2005 1/2 vf/kfu; e I 0; k 22@20051/2 dh /kkjk 27 dh mi /kkjk&1/2 ds [k.M [k rFkk x ds v/khu in0k "kfDr; ka dks iz kx djrs gq fuEufyf[kr fu; e cukrs g0 vfFkr %

**I 0{kr uke ,oa ikjEHk %**

- 1- bu fu; eka dk I 0{kr uke I p0uk dk vf/kdkj 1/2 Qh1 , oaykxr dk fofu; eu1/2 fu; e 2005 g0
- 2- ; sjkti= ea izdk"ku dh rkjh[k l si 00k gk0
- 3- i fjHkk'kk; a%& bu fu; eka ea tc rd dh l nHkZ l s vU; Fkk vi 0{kr u gka

1/2 "vf/kfu; e l s I p0uk dk vf/kdkj vf/kfu; e 2005 vfHkir g0  
 1/4 k1/2 /kkjk l s vf/kfu; e dh /kkjk vfHkir g0  
 1/2 mu "kCnka vks inka ds tks bl ea iz 0r gS vks i fjHkkf'kr ugha gS fdUrq I p0uk dk vf/kdkj vf/kfu; e 2005 ea i fjHkkf'kr g0 ogha vFkZ gk0s tks ml vf/kfu; e ea g0

- 4- vf/kfu; e dh /kkjk 6 dh mi /kkjk 1/2 ds v/khu I p0uk ek0s tkus gsrq vkonu i= ds I kFk ykd ikf/kdkjh ds fo0k@y0kkvf/kdkjh ds uke n0 #E nl dh Qh1 mfpr j l hn ds ifr udn ; k fMekUM MR0V ; k c0d l Z p0d ds ek/; e l s Hk0rku fd; k tk; 0kA
- 5- /kkjk 7 dh mi /kkjk 1/2 ds v/khu I p0uk fn; s tkus gsrq ikf/kdkjh ds fo0k@y0kk vf/kdkjh ds uke n0 fuEu njka ds vuq i Qh1 mfpr j l hn ds ifr udn ; k fMekUM MR0V ; k c0d l Z p0d ds ek/; e l s Hk0rku fd; k tkuk gk0kA

1/2 , &3 ; k , &4 vdkj ds i" B 1/2 nk; k ifr ; k r0kj I p0uk1/2 gsrq : E nks ifr i" B vks bl l s cM0s vdkj ds i" B gsrqokLrfod ykxRA

¼[k½ vfllky[ kka ds fujh{k.k grq iEke ?k.Vk grq dkbZ Qhl nš ugha gksch] ml ds mijkUr iR; d ilng feuV ¼vFkok ml ds Hkkx ¼grq : - ikp dh Qhl dk Hkqrku fd; k tkuk gksckA

¼x½ ins'kka , oa uenuka dh okLrfod ykxr dk Hkqrku fd; k tkuk gksckA

6- vf/kfu; e dh /kkjk 7 dh mi /kkjk ¼5½ ds v/khu l pūk fn; s tkus grq ykd ikf/kdkjh ds foÜk y[ kfk/kdkjh ds uke nš fuEu njka ds vuq i Qhl mfpr jl hn ds ifr udn ; k fMek.M MR[V ; k cbl Z pd dsek/; e l s Hkqrku fd; k tkuk gksckA

¼d½ fMLdV/ vFkok ¼jykw h ij l pūk fn; s tkus grq #E i pkl ifr ¼jykw h@fMLdV vkj ¼k½ fd l h efnr idk"ku dh n"kk eam l dk fu/kkZjr eV; ; k , d s idk"ku l sm) j . kka dh QkV/ks ifr ds ifr i'B dsfy, nks : i ; A

MhE dE dksV; k  
l fpo

mÜkj kpy "kkl u  
l keU; i'kkl u foHkkx  
l ¼; k % 165/XXI(13)G-2 (2)/2006  
ngjknw %fnukad 31 ekp] 2006

**vf/kl pūkA**

jkT; i ky] l pūk dk vf/kdkj vf/kfu; e 2005 ¼2005 dk 22½ dh mi /kkjk & ¼2½ ds [k.M ¼k½ rFkk ¼x½ ds v/khu inÜk "kfdR dk iz ks djds "kkl u dh vf/kl pūk fnukad 13 vDVUj] 2005 dks fuEuor-l ¼kkku djus dh l g'kZ LohÑfr inku djrs g] vFkZr %&

fo eku i fo/ku	l ¼k/kr i fo/ku
iLrj & 3 vf/kfu; e dh /kkjk 6 dh mi /kkjk ¼1½ ds v/khu l pūk ekxs tkus grq vkonu i = ds l kfk ykd ikf/kdkjh ds foÜk@y[ k vkf/kdkjh ds uke nš #E 10-00 dh Qhl ] mfpr jl hn ds ifr uxn ; k fMek.M MR[V] cbl Z pd dsek/; e l s Hkqrku fd; k tk, xkA	iLrj & 3 vf/kfu; e dh /kkjk 6 dh mi /kkjk ¼1½ ds v/khu l pūk ekxs tkus grq vkonu i = ds l kfk ykd ikf/kdkjh ds v/khu fpflgr ykd l pūk vf/kdkjh] l gk; d ykd l pūk vf/kdkjh ; k ykd ikf/kdkjh ds foÜk@y[ k vkf/kdkjh ds uke nš #E 10-00 ¼#E nl ek=½ dh Qhl mfpr jl hn ds ifr uxn] fMek.M MR[V] cbl Z pd] Hkkjrh; ikkVy vkMj] Vstjh pkyku ; k ukk T; ¼Mf" k; y LVKei isj ds ek/; e l s Hkqrku fd; k tk, xkA

¼kt h xlr½  
çe[ k l fpoA

mÜkjKpy I pük vk; kx  
I DVj 1] I h&10 fMQ§ dkyksuh] ngjknw

I d; k %65@m-l wvk-@eql wvk-@2005

fnukad %06 fnl Ecj] 2005

i kkd]

ed; I pük vk; Ør  
mÜkjKpy I pük vk; kx

I ok eþ

ekud I ph&1 ds vuq kj

fo'k; % mÜkjKpy I pük vk; kx }kjK jkT; I jdkj ds ek/e IsfofHku I Hk dks iLrø dh  
tkus okyh ok'kd fjik&ykd ikf/kdkfj; ka ds }kjK I pük ds LoPNd : i Is idV  
djus dsmicak dh ixfr rFk foHkxh; tkudkjH dk Lor%(Suo-Motto) idVhdj.kA

fi z egkn; @egkn; k]

mÜkjKpy I pük vk; kx }kjK I pük dk vf/kdkj vf/kfu; e dh /kkjk 25/11/14 tks bl  
vf/kfu; e dh fuxjkuh rFk fjik&Z ds vkadMka l s l æf/kr g§ ds Åij jkT; I jdkj ds  
I elr foHkxka }kjK ykd ikf/kdkjh ds : i ea vk; kx dh ok'kd fjik&Z ds fy, ekg dh  
ixfr fjik&Z mDr i= ea fu/kkZjr fcUnu/ka ds vuq kj] dks vxys ekg dh 10 rkjh[k  
rd vk; kx dks i f'kr djus ds fy, vujksk fd; k x; k g§ dk Ñi; k l mHkZ dj] vk"kk g§  
fd ykd ikf/kdkjh ds : i ea iR; d foHkx }kjK vius }kjK rSkr I Hk ykd I pük  
vf/kdkfj; ka l s bl l æk ea vko"; d I pük iLr dh tk jgh gkschA vk; kx }kjK budh  
foHkxokj rFk ykd I pük vf/kdkjhokj fooj.k dks ekgokj ixfr ds : i ea l æfyr  
dj ml dk viuh ok'kd fjik&Zeami; kx fd; k tkuk iLrkfor g§

2- vki dk /; ku I pük dk vf/kdkj vf/kfu; e dh /kkjk 25 1/5½ rFk /kkjk 4 dh vkj  
vkd f'kr djuk gSftl ea l Hk ykd ikf/kdkfj; ka }kjK I pük dks LoPNd : i Is idV  
(Pro-Active Disclosure) djus dk ikfo/kku gA vf/kfu; e dh /kkjk 1/8½ ds vuq kj  
iR; d ykd ikf/kdkjh dks vf/kfu; e dh /kkjk 4/1½ ds vrxr dN vfHky[ka dks  
vf/kfu; e ds ctV ukSvfQds ku ds 120 fnu ds vUnj vFkr 12@10@2005 rd iwKZ  
dj ysk vi f'kr Fk] ftl l s bl vf/kfu; e ds vrxr I pük dk vf/kdkj tu&l kekl;  
dks vkl kuh l s l yHk gks l dA

3- jkT; ljdkj dk iR; d foHkx rFk funskky; ykd ikf/kdkfj; ka ds : i ea dk; jr gS rFk iR; d foHkx l s vi fkr gS fd og foHkx ds vkdkj rFk dk; ka dh ixfr ds vuq kj ykd ikf/kdkjh bdkbz; ka dks Lo; a pflgr djskA

4- mUkjky l puk vk; kx ds }kjk ; g l puk , df=r dh tk jgh gSfd iR; d foHkx ds vlrzr ykd ikf/kdkfj; ka }kjk bl vf/kfu; e dh /kkjk 4¼½ ds vlrzr fu/kkzjr vfHky[kka dks r\$ kj dj fy; k gS vFkok ugha vks ; fn r\$ kj dj fy; k gS rks og fdl : i ea l jf{kr j [ks x; s gS vks ; fn mudk dEl; Wjhdj.k dj fy; k x; k gS rc mlga jkT; dh ; k foHkxh; oE: l kbV ea l fefyr fd; k x; k gS vFkok ugha Ni; k voxr djkus dk d'V dja fd vki ds foHkx l s l e/kr ykd ikf/kdkfj; ka }kjk l puk ds LoSPNd : i l s idV djus ds mUkjnkf; Ro ds l ki \$k fuEu vfHky[kka ea l s fdrus vfHky[kka dks foHkxh; Lrj ij ; g l puk i sk.k djus dh frfFk rd iwZ dj fy; k x; k gS rFk fdrus vfHky[kka dks iwZ fd; k tkuk vo"ksk gS rFk bu viwZ vfHky[kka dks dc rd iwZ dj fy; k tk; skA

5- foHkx ds }kjk ftu vfHky[kka ds l aak ea l puk] t\$ s vf/kfu; e dh /kkjk 4¼½ ¼k½ ea fn; k x; k gS vk; kx dks i f'kr dh tkuh gS os fuEufyf[kr g\$ %

- (i) l xBu dh fo"kf'V; kj NR; vks drD;
- (ii) vf/kdkfj; ka vks depkfj; ka dh "kfDr; kj vks drD;
- (iii) ykd ikf/kdkjh vFkok ml ds dfez; ka }kjk vi us NR; ka ds fuozu ds fy; s /kkfjr rFk iz; kx fd; s tkus okys fu; e] fofu; e] vumsk] funi"kdk vks vfHky[kk dh l puk
- (iv) uhfr cukus ; k ml ds dk; kD; u ds l aak ea turk ds l nL; ka l s ijke"KZ ds fy; s ; k muds i fruf/kRo ds fy; s fo | eku 0; oLFk ds l Ecu/k ea l puk
- (v) nLrkostk; tks ykd ikf/kdkjh }kjk /kkfjr ; k ml ds fu; a .kk/khu g\$ Jf.k; ka (Categories) ds vuq kj fooj.k
- (vi) ckMk; i fj'knk; l fefr; ka vks vU; fudk; ka dk fooj.k] l kFk gh fooj.k fd D; k mu ckMk; i fj'knk; l fefr; ka vks vU; fudk; ka dh cBda turk ds fy; s [kyh glach ; k cBda ds dk; bUk rd turk dh igp glachA
- (vii) ykd l puk vf/kdkfj; ka ds uke] i nuke vks vU; fo"kf'V; ka
- (viii) fu.kz; djus dh i fO; k ¼i ; bsk.k , oa mUkjnkf; Ro ds Lrj l fgr½
- (ix) vf/kdkfj; ka vks depkfj; ka dh funi"kdk
- (x) vi us iR; d vf/kdkjh vks depkj }kjk i klr ekf l d i kfjJfed vks ml ds fu/kkzj.k dh i ) fr
- (xi) iR; d vfHkdj.k (Agency) dks vkofVr ctV ¼i Hkh ; kst ukvk; 0; ; i Lrkoka rFk /ku fooj.k dh l puk l fgr½

- (xii) vuṗku@jktl gk; rk dk; Øeka %Subsidy Programmes% ds fØ; klu; u dh jhfr] ftl ea vkofVr jkf" k vksj , d s dk; Øeka ds ykHkkfFKz ka ds C; kSs l fEefyr gA
- (xiii) fj; k; rkp vuKk i =ka rFkk i kf/kdkjka ds i kflrdrkz/ka ds l ædk ea fooj .kA
- (xiv) ÑR; ka ds fuoḡu ds fy; sLFkfi r ekud@fu; eA
- (xv) fdl h byDVMLud : i ea mi yC/k l pūk ds l EclU/k ea C; kS A
- (xvi) l pūk i ktr djus ds fy, ukxfjdka dks mi yC/k l qo/kkvka dk fooj .k fdl h i krdky; ; k okpuky; dh ; fn ykd mi ; kx ds fy; s 0; oLFkk dh xbz gkS rks ml dk Hkh fooj .kA
- (xvii) , d h vl; l pūk tks fofgr dh tk; A

6- vki dk /; ku fo"ksk : i l s bl vksj vkdf'kr djuk gS fd vf/kfu; e ds vuq kj /kkjk 4¼½ %k½ ds mi jkDr vfHkyS[kka dks 12@10@2005 rd iwZ dj fy; k tkuk Fkk] vr%ftu foHkkxka ea ; g vfHkyS[k vc rd iwZ u fd; s x; s gla mlga l okPp i kFfedrk ds vk/kkj ij iwZ djrs gq s bl i = ds mUkj ea mudh i xfr Hkh vk; kx dks voxr dj nh tk; xhA

7- mUkj kpy l pūk vk; kx ds }kjk vfHkyS[khdj .k ds dk; Z dks Hkh l okPp oj h; rk ds vk/kkj ij fy; k x; k gS rFkk bl ds vfHkyS[k dñz (Library and Documentation Center) }kjk i R; d foHkkx ds ykd i kf/kdkjh }kjk vf/kfu; e dh /kkjk 4¼½ dh ck/; rk ds varxZ rS kj fd; s x; s vfHkyS[kka dks gkMZ , oa l kMv ifr ds : i ea l g f{kr j [kk tkuk gA vr% vugjSk gS fd vi us foHkkx l s l æb/kr l Hkh vfHkyS[kka dh , d ifr vk; kx ds vfHkyS[k dñz ds fy; s mi yC/k dj kus dk d'V dja

8- LoPNd : i l s idV dh tkus okyh l pūk (Pro-Active Disclosure) rFkk Lor% : i l s (Suo-Mutto) l pūk idVhdj .k gh bl vf/kfu; e dh eq; Hkkouk gS vr% vk; kx ds }kjk ok'kd : i ea foHkkx rFkk foHkkx }kjk ?kkS'kr ykd i kf/kdkfj; ka dk eV; kadu djrs l e; eq; ; i l s foHkkxh; Pro-Active Disclosure rFkk Suo-Mutto Disclosure dh i xfr dks gh i æ[krk nh tk; xh] vr% vugjSk gS fd vf/kfu; e dh /kkjk 4¼½ dh ck/; rk dks l e; l s iwZ djus rFkk foHkkxh; dk; Z i) fr ds varxZ , d h l pūk ds Lor% idVhdj .k dh vksj vki Lo; a /; ku na rFkk bl ea fo"ksk : fp yus dk d'V dja

9- vk; kx dks ; g tkus ea i l urk gkxh fd vki ds }kjk ykd i kf/kdkjh ds : i ea Pro-Active Disclosure rFkk Suo-Mutto Disclosure ds l ædk ea vc rd D; k dk; Z fd; s x; s gS rFkk bl n"kk ea vl; dk& l s {ks=} xfrfof/k; ka , oa i) fr; ka ykbZ tkuh i Lrkfor gS bu fooj .kka dk vk; kx dh ok'kd fj i kS/Z ea vfuok; Z : i l s mi ; kx fd; k



tkuk iLrkfor gS rFkk bl ds fy; s okf'kd fji kS/Z ea , d Loræ v/; k; Hkh fpflgr fd; k x; k gA

10- I pūk dk vf/kdkj vf/kfu; e ds micāka rFkk Hkkouk ds vuq i dk; bkg h dks rc rd l eqpr : i fn; k tkuk l Hko ugha gS tc rd iR; d foHkkx rFkk ykd ikf/kdkjh ds Lrj ij vfhky[ka , oa i=kofy; ka ds fujh{k.k dh l eqpr 0; oLFkk mi yC/k ugha djkbZ tkrhA bl l ædk ea vki dk fo"ksk /; ku vf/kfu; e dh /kkjk 2 ¼½ (i) dh vkj fd; k tkrk gSftl ea l pūk ds vf/kdkj vf/kfu; e ds varx̄r Ñfr] nLrkost ka rFkk vfhky[ka dk fujh{k.k] nLrkost ka ; k vfhky[ka ds fVli .k] m)j.k ; k iæf.kr ifrfyfi nauk rFkk l kexh ds iæf.kr ueus yus l fefyr fd; k x; k gA vk; ksx ; g tkuus dks bPNpd gS fd vki ds foHkkx ds varx̄r foHkkou ykd ikf/kdkj; ka ds Lrj ij vfhky[ka ds fujh{k.k] iæf.kr ifr; ka rFkk ueus nauk ds fy, D; k 0; oLFkk dh xbZ gS rFkk ; g l "uf"pr fd; k x; k gS vFkok ugha fd fdl h Hkh ikFkhZ dks mi jkDr l qo/kk; a vf/kfu; e ds ikfo/kkuka ds varx̄r l qerkl siklr gksjgh gA

11- vk; ksx mi jkDr fujh{k.k} rFkk iæf.kr ifr; ka nauk dh tks okLrfod 0; oLFkk foHkkx ds Lrj ij mi yC/k djkbZ x; h gS ml dh tkudkj yus dk bPNpd gSftl l s bl l ædk ea tks 0; oLFkk dh xbZ gS ml dk l eqpr ipkj id kj fd; k tk l ds rFkk ml jh vkj ; fn mDr 0; oLFkk djus ea dkbZ dfBukbZ gks jgh gks rks ml ds fy, jkT; l jdkj dks vko"; d l qko , oafun'k fn; s tk l dA

12- ykd ikf/kdkjh ds : i ea rFkk foHkkxh; iæqk l fpo@l fpo ds : i ea vk; ksx vki l svi[kk djrk gSfd vki l pūk dk vf/kdkj vf/kfu; e ds v/; k; 2 ea /kkjk 3 l s /kkjk 10 rd tks micāka rFkk ck/; rk; a nh xbZ gA mudk Lo; a vius Lrj ij xgurk l s ijh{k.k} dja rFkk QhYM ea Hkh buds fØ; kJo; u ds fy, l eqpr 0; oLFkk dh xbZ gS bl ds fy, Lo; a rFkk foHkkx ds ofj'B vf/kdkjh Lrj ij i qVdj.k Hkh dj k yA

13- vujksk gSfd bl i= ea mBk; s x; s fcnp/ka rFkk fn; s x; s l qkoka dk vki vius Lrj ij ijh{k.k} dj k dj vk; ksx dks "kh?kfr"kh?kz mlkj i f'kr djus dk d'V dja rFkk l ædk/kr vf/kdkj; ka l svi[kk dja fd os vf/kfu; e dh /kkjk 4 ¼½ ¼½ ea of.kr l Hkh vfhky[ka dh gkMZ , oa l kMv ifr dk , d l s' vk; ksx ds vfhky[ka dlnz dks mi yC/k dj k; s tkus dh 0; oLFkk Hkh l "uf"pr djA

14- Ñi; k i= dh ikflr Lohdkj djA

Hkonh;  
¼/kjE , l E Vksy; k½  
eq; l pūk vk; qR

mũkjłpy "kkl u  
I pũk vutłkkx  
I Ź; k&305@XXII/2005-9(33) 2005  
I fpoky; ] ngjknũ  
fnukłd 13] fnl Ecj] 2005

**vf/kl pũk**  
fu; e

I pũk dk vf/kdkj vf/kfu; e] 2005 ¼vf/kfu; e I Ź; k 22] o'kz 2005½ dh /kkjk 27 dh mi /kkjk ½½ ds [k.M ¼M½ ds v/khu inũk "kfdR; ka dk iz kx djrs gq Jh jkT; i ky fuEufyf[kr fu; e cukrs gš%&

**jkT; I pũk vk; kx ¼vihy ifØ; k½fu; e] 2005½**

**I Ź{łr uke , oai kjEHk %**

¼¼½ bu fu; eka dk I Ź{łr uke jkT; I pũk vk; kx ¼vihy ifØ; k½fu; e] 2005 gš  
¼½½ ; sjkt i = eamuds izdk"ku dh rkjh[k I si dũk gkxš

- 2- ijHkk'kk; a% bu fu; eka ea tc rd fd I UnHkZ I svU; Fk vi Ź{kr u gkš%  
¼d½ ^vf/kfu; e\*\* I s I pũk dk vf/kdkj vf/kfu; e] 2005 vfHki r gš  
¼[ k½ ^ykkjk\* I svf/kfu; e dh /kkjk vfHki r gš  
¼x½ ^vk; kx\*\* I sjkT; I pũk vfHki r gš  
¼qk½ mu "kCnka vłš inka dš tks bl ea iz Ør gš vłš ijHkkf'kr ugha gš fdUr q I pũk dk vf/kdkj vf/kfu; e 2005 ea ijHkkf'kr gš ogha vFkz gkxš tks ml vf/kfu; e eagaš

**3 vihy dh fo'k; oLrq & vk; kx dks iLrq dh tkusokyh vihy ea I pũk dh fuEufyf[kr fo'k; oLrq gkxš] vfHkz %**

- (i) vihykFkhz dk uke o irk(
- (ii) jkT; ykd I pũk vf/kdkjh dk uke o irk] ftl ds fu.kz ds fo: ) vihy dh x; h gš
- (iii) vkns'kka ds foj.k I Ź; k I fgr ; fn dkbz gkš ftl ds fo: ) vihy dh x; h gš
- (iv) vihy dseŹ; I Ź{łr rF; %
- (v) ; fn vihy bl d kj I e>h x; h gkš rks , d s vkonu i = ka dk foj.k] I Ź; k I fgr rkjh[k jkT; ykd I pũk vf/kdkjh dk uke vłš irk ftl dks vkonu i = iLrq fd; k x; k FkA
- (vi) bZl r vuqsk ; k i kFkZuk(
- (vii) bZl r vuqsk ; k i kFkZuk ds vk/kkjA
- (viii) vihykFkhz }kj k I R; ki u] vłš

(ix) vll; dkbZl p̄uk ftl svk; k̄x vihy dsfu.k̄z dsfy, vko"; d l e>A

4 vihy ds l kFk i Lr̄r̄ fd; s tkusokys nLrkost &vk; k̄x dks i Lr̄r̄ dh tkusokyh vihy eal p̄uk dh fuEufyf [kr fo'k; oLrqgkxh] vFkzr %&

- (i) mu vkns'k o nLrkostka dh Loiekf.kr ifr; ka ftl ds fo: ) vihy i Lr̄r̄ dh tk jgh gS
- (ii) vihykFkz }kjk vihy eafufnZV vL̄ I EcfU/kr nLrkostka dh ifrfyfi ftudk vihy eavk/kkj fy; k x; k gS vL̄
- (iii) vihy eafufnZV nLrkostka dh vu@ef.kdkA

5 vihy dsfu.k̄z dh if̄; k& vk; k̄x %&

- (i) I EcfU/kr ; k fgrc) 0; fDr l s "ki Fk ; k "ki Fki = ij ekS[kd ; k fyf[kr l k{; l p̄sck(
- (ii) nLrkostk̄ ykd vflky[ka ; k mudh ifrfyfi ; ka dk ifj "khyu ; k fujh{k.k dj l dsck(
- (iii) vf/kN̄r vf/kdkjh }kjk vx̄kij fooj.k ; k rF; ka dh tkp dj l dsck(
- (iv) jkT; ykd l p̄uk vf/kdkjh jkT; l gk; d ykd l p̄uk vf/kdkjh ; k , d k ofj 'B vf/kdkjh tks iFke vihy fuf.k̄r djrk gk ; k , d k 0; fDr ftl ds fo: ) f"kd; r dh x; h gk tS h fLFkr gk̄ dks l p̄ l dsckA
- (v) rhl js i {k dks l p̄sck vL̄
- (vi) fdl h rhl js i {k ; k jkT; l gk; d ykd l p̄uk vf/kdkjh jkT; ykd l p̄uk vf/kdkjh ; k , d s ofj 'B vf/kdkjh ftl us iFke vihy l qh gk ; k , d k 0; fDr ftl ds fo: ) f"kd; r gk l s "ki Fk i = ij l k{; ys l dsckA

6 vk; k̄x }kjk uk̄VI rkehy fd; k tkuk&vk; k̄x }kjk tkjh fuEu eal sfdl h Hkh izdkj l s rkehy fd; k tk l dsck%&

- (i) Lo; ai {kdkj dsek/; e l §
- (ii) rkehy drkz dsek/; e l snLrh(
- (iii) i korh ds l kFk i a h N̄r Mkd }kjk( ; k
- (iv) dk; k̄y; k/; {k ; k foHkxk/; {k dsek/; e l s

7 vihykFkz ; k ifjoknh dh 0; fDrxr mi fLFkr % ¼ ½ vihykFkz ; k ifjoknh tS h Hkh fLFkr gk̄ dks l p̄okbz dsfy, i wZ l kr fnol ka ds i wZ l p̄r fd; k tk; sckA

½ ½ vihykFkz ; k ifjoknh tS h Hkh fLFkr gk̄ vk; k̄x foosckud kj vihy ; k ifjokn dh l p̄okbz ds l e; 0; fDrxr : i l s ; k vf/kN̄r ifrfuf/k ds ek/; e l s mi fLFkr jg l dsck ; k mi fLFkr u gkus dk fodYi ys l dsckA

1/3½ tgka vk; ksx dk ; g l ek/kku gls tk; fd , s h ifjFLFkr; ka gš ftuds dkj.k vihykFkhz ; k ifjoknh] tš h Hkh fLFkr gkš dks vk; ksx dh l qokbz ea miFLFkr gkus l s jkd k x; k gš rc vk; ksx vihykFkhz ; k ifjoknh] tš k Hkh fLFkr gkš dks vāre fu.kz yus l s i wZ l qokbz dk vol j nsxk] ; k tš k mfpr l e>a l E; d dk; bkg h dj l dskA

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**MINISTRY OF LAW AND JUSTICE**

(Legislative Department)

New Delhi, the 21<sup>st</sup> June, 2005/Jyaistha 31, 1927 (Saka)

The following Act of Parliament received the assent of the President on the 15<sup>th</sup> June 2005, and is hereby published for general information:-

**THE RIGHT TO INFORMATION ACT, 2005**

No. 22 of 2005

(15<sup>th</sup> June, 2005)

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

Whereas the Constitution of India has established democratic Republic;

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

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

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

Now, therefore, it is expedient to provide for furnishing certain information to citizens who desire to have it;

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

## CHAPTER I

### **Short title, extent and commencement:**

1. (1) This Act may be called the Right to Information Act, 2005.
- (2) It extends to the whole of India except, the State of Jammu and Kashmir.
- (3) The provisions of sub-section (1) of section 4, sub-sections (1) and (2) of section 5, sections 12, 13, 15,16, 24, 27 and 28 shall come into force at once, and the remaining provisions of this Act shall come into force on the one hundred and twentieth day of its enactment.

Definitions:

2. In this Act, unless the context otherwise requires, -
  - (a) "appropriate Government" means in relation to a public authority which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly
    - (i) by the Central Government or the Union territory administration, the Central Government;
    - (ii) by the State Government, the State Government;
  - (b) "Central Information Commission" means the Central Information Commission constituted under sub-section (1) of section 12;
  - (c) "Central Public Information Officer" means the Central Public Information Officer designated under sub-section (1) and includes a Central Assistant Public Information Officer designated as such under sub-section (2) of section 5;
  - (d) "Chief Information Commissioner" and "Information Commissioner" mean the Chief Information Commissioner and Information Commissioner appointed under sub-section (3) of section 12;
  - (e) "competent authority" means

- (I) the Speaker in the Case of the House of the People or the Legislative Assembly of a State or & Union territory having such Assembly and the Chairman in the case of the Council of States or Legislative Council of a State;
  - (II) the Chief Justice of India in the case of the Supreme Court;
  - (III) the Chief Justice of the High Court in the case of a High Court;
  - (IV) the President or the Governor, as the case may be, in the case of other authorities established or constituted by or under the Constitution;
  - (V) the administrator appointed under article 239 of the Constitution;
- (f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circular, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;
- (g) "prescribed" means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be;
- (h) "public authority" means any authority or body or institution of self-government established or Constituted
- (a) by or under the Constitution;
  - (b) by any other law made by Parliament;
  - (c) by any other law made by State Legislature;
  - (d) by notification issued or order made by the appropriate Government

and includes any-

- (i) body owned, controlled or substantially financed;
  - (ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;
- (i) "record" includes
- (a) any document, manuscript and file;
  - (b) any microfilm, microfiche and facsimile copy of a document;
  - (c) any reproduction of image or images embodied in such microfilm. (whether enlarged or not); and
  - (d) any other material produced by a computer or any other device;
- (j) "right to information" means the right to information accessible under this Act which held by or under the control of any public authority and includes the right to-
- (i) inspection of work, documents, records;
  - (ii) taking notes, extracts or certified copies of documents or records;

- (iii) taking certified samples of material;
- (iv) obtaining information in the form of diskettes, floppies, tapes, video-cassettes in any other electronic mode or through printouts where such information is stored in a computer or in any other device;
- (k) "State Information Commission" means the State Information Commission constituted under sub-section (/) of section 15;
- (l) "State Chief Information Commissioner" and "State Information Commissioner" mean the State Chief Information Commissioner and the State Information Commissioner appointed under sub-section (3) of section 15;
- (m) "State Public Information Officer" means the State Public Information Officer designated under sub-section (/) and includes a State Assistant Public Information Officer designated as such under sub-section (2) of section 5;
- (n) "third party" means a person other than the citizen making a request for information and includes a public authority.

## CHAPTER II RIGHT TO INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES

### **Right to information:**

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

### **Obligations of public authorities:**

4. (1) Every public authority shall-
- (a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network over the country on different systems so that access to such records is facilitated;
  - (b) publish within one hundred and twenty days from the enactment of this Act-
    - (i) the particulars of its organisation, function and duties.
    - (ii) the powers and duties of its officers and employees.
    - (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
    - (iv) the norms set by it for the discharge of its function.



- (v) the rules regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
  - (vi) a statement of the categories of documents that are held by it or under its control;
  - (vii) the particulars of any arrangement that exists for consultation with, or representation by the members of the public in relation to the formulation of its policy or implementation thereof::
  - (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public:
  - (ix) a directory of its officers and employees;
  - (x) the monthly remuneration received by each of its officers and employees. Including the system of compensation as provided in its regulations:
  - (xi) the budget allocated to each of its agency. indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
  - (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
  - (xiii) particulars of recipients of concessions, permits or authorisations granted by it;
  - (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
  - (xv) the particulars of facilities available to citizens for obtaining information. including the working hours of a library or reading room, if maintained for public use;
  - (xvi) the names, designations and other particulars of the Public Information Officers:
  - (xvii) such other information as may be prescribed;
- and thereafter update these publications every year;
- (c) publish all relevant fact, while formulating important policies or announcing the decisions which affect public;
  - (d) provide reasons for its administrative or quasi-judicial decisions to affected persons.
- (2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motto to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

- (3) For the purposes of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public.
- (4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.

*Explanation-*For the purposes of sub-sections (3) and (4), "disseminated" means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the Internet or any other means, including inspection of offices of any public authority.

#### **Designations of Public Information Officers:**

- 5 (1) Every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as the Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act.
- (2) Without prejudice to the provisions of sub-section (1), every public authority shall designate an officer, within one hundred days of the enactment of this Act, at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, to receive the applications for information or appeals under this Act for forwarding the same forthwith to the Central Public Information Officer or the State Public Information Officer or senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be:

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

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

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

**Request for obtaining information:**

- 6 (1) A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to-
- (a) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority;
  - (b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be,

specifying the particulars of the information sought by him or her:

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

- (2) An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.
- (3) Where an application is made to a public authority requesting for an information,-
  - (i) which is held by another public authority; or
  - (ii) the subject matter of which is more closely connected with the functions of another public authority;

the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:

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

**Disposal of request:**

7. (1) Subject to the proviso to sub-section (2) of section 5 or the proviso to 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 under sub-section (l), 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 dispatch 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 or 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 (l) 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 (l).

- (7) Before taking any decision under sub-section (l), 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.

**Exemption from disclosure of information:**

8. (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 part)', unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
  - (e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
  - (f) information received in confidence from foreign Government;
  - (g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or

assistance given in confidence for law enforcement or security purposes;

- (h) information which would impede the process of investigation or apprehension or prosecution of offenders;
- (i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

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

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

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

- (2) Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (J), 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 (l) of sub-section (I), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:

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

**Grounds for rejection to access in certain cases:**

- 9. Without prejudice to the provisions of section 8, a Central Public Information Officer or a State Public Information Officer, as the case may be, may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.

**Severability:**

10. (1) Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.
- (2) Where access is granted to a part of the record under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall give a notice to the applicant, informing
- (a) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;
  - (b) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;
  - (c) the name and designation of the person giving the decision;
  - (d) the details of the fees calculated by him or her and the amount of fee which the applicant is required to deposit; and
  - (e) his or her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be, time limit, process and any other form of access.

**Third party information:**

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

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

- (2) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity make representation against the proposed disclosure.
- (3) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, Within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part there of and give in writing the notice of his decision to the third party.
- (4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 against the decision.

### **CHAPTER III**

#### **The Central Information Commission**

##### **Constitution of Central Information Commission:**

- 12 (1) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the Central Information Commission to exercise the powers conferred on, and to perform the functions assigned to it under this Act.
- (2) The Central Information Commission shall consist of-
  - (a) the Chief Information Commissioner; and
  - (b) such number of Central Information Commissioners, not exceeding ten, as may be deemed necessary,
- (3) The Chief Information Commissioner and Information Commissioners shall be appointed by the President on the recommendation of a committee consisting of-
  - (i) the Prime Minister, who shall be the Chairperson of the committee;
  - (ii) the Leader of Opposition in the Lok Sabha; and
  - (iii) a Union Cabinet Minister to be nominated by the Prime Minister.

*Explanation-*For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the House of the People has not been recognised as such, the Leader of the single largest group in opposition of the Government in the House of the People shall be deemed to be the Leader of Opposition.



- (4) The general superintendence, direction and management of the affairs of the Central Information Commission shall vest in the Chief Information Commissioner who shall be assisted by the Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the Central Information Commission autonomously without being subjected to directions by any other authority under this Act.
- (5) The Chief Information Commissioner and Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.
- (6) The Chief Information Commissioner or an Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.
- (7) The headquarters of the Central Information Commission shall be at Delhi and the Central Information Commission may, with the previous approval of the Central Government, establish offices at other places in India.

**Term of office and conditions of service:**

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

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

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

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

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

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

- (4) The Chief Information or an Information Commissioner may, at any time by writing under his hand addressed to the President, resign from his office:
- (5) The salaries and allowance payable to and other terms and conditions of service of-
  - (a) the Chief Information Commissioner shall be the same as that of the Chief Election Commissioner;
  - (b) an Information Commissioner shall be the same as that of an Election Commissioner;

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

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

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

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

**Removal of Chief Information Commissioner or Information Commissioner:**

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

- (2) The president may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the Chief Information Commissioner or Information Commissioner in respect of whom a reference has been made to the Supreme Court under sub-section (i) until the President has passed orders on receipt of the report of the Supreme Court on such reference.
- (3) Notwithstanding anything contained in sub-section (i) the President may by order remove from office the Chief Information Commissioner or any Information Commissioner if the Chief Information Commissioner or a Information Commissioner, as the case may be,-
  - (a) is adjudged an insolvent; or
  - (b) has been convicted of an offence which, in the opinion of the president, involves moral turpitude; or
  - (c) engages during his term of office in any paid employment outside the duties of his office: or
  - (d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or
  - (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Information Commissioner or an Information Commissioner.
- (4) If the Chief Information Commissioner or a Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of India participates in any way in the profit thereof or in any benefit or emolument arising there from otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section, (1), be deemed to be guilty of misbehaviour.

#### **CHAPTER IV**

#### **THE STATE INFORMATION COMMISSION**

##### **Constitution of State Information Commission:**

- 15 (1) Every State Government shall, by notification in the official Gazette, constitute a body to be known as the.....(name of the State) Information Commission to exercise the powers conferred and to perform the functions assigned to, it under this Act.
- (2) The State Information Commission shall consist of-
    - (a) the State Chief Information Commissioner, and
    - (b) such number of State Information Commissioners, not exceeding ten, as may be deemed necessary.

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

- (i) the Chief Minister, who shall be the Chairperson of the committee;
- (ii) the Leader of Opposition in the Legislative Assembly; and
- (iii) the Cabinet Minister to be nominated by the Chief Minister.

Explanation- For the purposes of removal of doubts, it is hereby declared that where the leader of Opposition in the Legislative Assembly has not been recognised as such, the leader of the single largest group in opposition of the Government in the Legislative Assembly shall be deemed to be the Leader of Opposition.

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

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

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

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

**Terms of office and conditions of service:**

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

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

(2) Every State Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the

age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such State Information Commissioner:

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

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

- (3) The State Chief Information Commissioner or a State Information Commissioner, shall before he enters upon his office make and subscribe before the Governor or some other person appointed by him in that behalf, an oath or affirmation according to the form set out for the purpose in the First Schedule.
- (4) The State Chief Information Commissioner or a State Information Commissioner may, at any time, by writing under his hand addressed to the Governor, resign from his office

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

- (5) The salaries and allowances payable to and other terms and conditions of service of-
  - (a) the State Chief Information Commissioner shall be the same as that of an Election Commissioner;
  - (b) the State Information Commissioner shall be the same as that of the Chief Secretary to the State Government:

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

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

reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent to the retirement benefits :

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

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

**Removal of State Chief Information Commissioner or State Information Commissioner:**

- 17 (1) Subject to the provisions of sub-section (3), the State Chief Information Commissioner or a state Information Commissioner shall be removed from his office only by order of the Governor on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the Governor, has on inquiry, reported that the State Chief Information Commissioner or a State Information Commissioner, as the case may be, ought on such ground be removed.
- (2) The Governor may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the State Chief Information Commissioner or a State Information Commissioner in respect of whom a reference has been made to the Supreme Court under sub-section (i) until the Governor has passed orders on receipt of the report of the Supreme Court on such reference.
- (3) Notwithstanding anything contained in sub-section (i), the Governor may by order remove from office the State Chief Information Commissioner or a State Information Commissioner if a State Chief Information Commissioner or a State Information Commissioner, as the case may be-
  - (a) is adjudged an insolvent; or
  - (b) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or
  - (c) engages during his term of office in any paid employment outside the duties of his office; or
  - (d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or

- (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the State Chief Information Commissioner or a State Information Commissioner.
- (4) If the State Information Commissioner or a State Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of the State of participates in any way in the profit thereof or in any benefit or emoluments arising there from otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (i), be deemed to be guilty of misbehaviour.

**CHAPTER V**  
**POWERS AND FUNCTIONS OF THE INFORMATION COMMISSIONS,**  
**APPEAL AND PENALTIES**

**Powers and functions of information commissions:**

- 18(1) Subject to the provisions of this Act, it shall be the duty of the Central Information Commission of State Information Commission, as the case may be, to receive and inquire into a complaint from any person-
  - (a) who has been unable to submit a request to a Central Public Information Officer or State Public Information Officer, as the case may be, either by reason that no such officer has been appointed, under this Act, or because the Central Assistant Public Information
  - (b) who has been refused access to any information requested under this Act;
  - (c) who has not been given a response to a request for information or access to information within the time limit specified under this Act;
  - (d) who has been required to pay an amount of fee which he or she considers unreasonable;
  - (e) who believes that he or she has been given incomplete, misleading or false information under this Act; and
  - (f) in respect of any other matter relating to requesting or obtaining access to records under this Act.
- (2) Where the Central Information Commissioner or State Information Commission, as the case may be, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect there of.
- (3) The Central Information Commission or State Information Commission, as the case may be, shall, while inquiring into any matter under this section, have the same powers as are vested in a civil while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;
  - (b) requiring the discovery and inspection of documents;
  - (c) receiving evidence on affidavit;
  - (d) requisitioning any public record or copies thereof from any court of office;
  - (e) issuing summons for examination of witnesses or documents; and
  - (f) any other matter which may be prescribed.
- (4) Notwithstanding anything inconsistent contained in any other Act of Parliament or State Legislature, as the case may be, may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.

**Appeal:**

- 19 (1) Any person who, does not receive a decision within the time specified in sub-section (i) or clause (a) of sub-section (3) of section, or is aggrieved by a decision of the Central Public Information Officer or State Public Information, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each public authority;

Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (2) Where an appeal is preferred against an order made by a Central Public Information Officer or State Public Information Officer, as the case may be under section 11 to disclose third party information the appeal by the concerned third party shall be made within thirty day, from the date of the order
- (3) A second appeal against the decision under sub-section (i) shall lie within ninety days from the date on which he decision should have been made or was actually received, with the Central Information Commission or the State Information Commission:

Provided that the Central Information Commission or the State Information Commission, as the case may be, may admit the appeal the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (4) If the decision of the Central Information Office or State Public Information Officer, as the case may be, against which an appeal is preferred relates



- to information of a third party, the Central Information Commission or State Information Commission, as the case may be, shall give a reasonable opportunity of being heard to that third party.
- (5) In any appeal proceeding, the onus to prove that a denial of a request was justified shall be on the Central Public Information Officer or State Public Information Officer, as the case may be, who denied the request.
  - (6) An appeal under sub-section (i) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.
  - (7) The decision, the Central Information Commission or State Information Commission, as the case may be, shall be binding.
  - (8) In its decision the Central Information Commission or State Information Commission, as the case may be, has the power to-
    - (a) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including-
      - (i) by providing access to information, if so requested, in particular form.
      - (ii) by appointing a Central Public Information Officer or State Public Information Officer, as the case may be
      - (iii) by publishing certain information or categories of information.
      - (iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;
      - (v) by enhancing the provision of training on the right to information for its officials;
      - (vi) by providing it with an annual report in compliance with clause (b) of sub-section (i) of section 4;
    - (b) require the public authority to compensate the complainant for any loss or other detriment suffered;
    - (c) impose any of the penalties provided under this Act;
    - (d) reject the application.
  - (9) The Central Information Commission or State Information Commission, as the case may be, shall give notice of its decision, including any right of appeal, to the complainant and the public authority.
  - (10) The Central Information Commission or State Information Commission, as the case may be, shall decide the appeal in accordance with such procedure as may be prescribed.

**Penalties:**

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

the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (i) of section 7 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, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees.

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer or the State Public Information Officer, as the case may be.

- (2) Where the Central Information Commission or the State Information Commission as the case may be, at the State of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section (l) of section 7 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 recommend for disciplinary action against the Central Public Information Officer or the Slate Public Information Officer, as the case may be, under the service rules applicable to him.

## **CHAPTER VI MISCELLANEOUS**

### **Protection of action taken in good faith:**

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

### **Act to have overriding effect:**

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

**Bar of jurisdiction of courts:**

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

**Act not to apply to certain organisations:**

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

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section.

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Central Information Commission, and notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

- (2) The Central Government may, by notification in the Official Gazette, amend the Schedule by including by including therein any other intelligence or security organisation established by that Government or omitting there from any organisation already specified therein and on the publication of such notification, such organisation shall be deemed to be included in or, as the case may be, omitted from the Schedule.
- (3) Every notification issued under sub-section (2) shall be laid before each House of Parliament.
- (4) Nothing contained in this Act shall apply to such intelligence and security organisation being organisations established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify:

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

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the State Information Commission and, notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

- (5) Every notification issued under sub-section (4) shall be laid before the State Legislature.

**Monitoring and reporting:**

- 25(1) The Central Information Commission or State Information Commission, as the case may be, shall, as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of this Act during that year and forward a copy thereof to the appropriate Government.
- (2) Each Ministry or Department shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the Central Information Commission or State Information Commission, as the case may be, as is required to prepare the report under this section and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of this section.
- (3) Each report shall state in respect of the year to which the report relates-
- (a) the number of requests made to each public authority;
  - (b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests the provisions of this Act under which these decisions were made the number of times such provisions were invoked.
  - (c) the number of appeals referred to the Central Information Commission or State Information Commission, as the case may be, for review, the nature of the appeals and the outcome of the appeals.
  - (d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;
  - (e) the amount of charges collected by each public authority under this Act;
  - (f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of this Act;
  - (g) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernisation, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information.
- (4) The Central Government or the State Government, as the case be, may as soon as practicable after the end of each year, cause a copy of the report of the Central information Commission or the State Information commission, as the case may be, referred to in sub-section (i) to be laid before each House of Parliament or, as the case may be, before each House the State Legislature, where there are two Houses, and where there is one House of the State Legislature before that House.
- (5) If it appears to the Central Information Commission or State Information Commission, as the case may be that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this Act, it may give to the authority a

recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity.

**Appropriate Government to prepare programmes:**

- 26(1) The appropriate Government may, to the extent of availability of financial and or her resources.
- (a) develop and organise educational programmes to advance the understanding of the public, in particular of disadvantaged communities as to how to exercise the rights contemplated under this Act;
  - (b) encourage public authorities to participate in the development and organisation of programmes referred to in clause (a) and to undertake such programmes themselves;
  - (c) promote timely and effective dissemination of accurate information by public authorities about their activities; and
  - (d) train Central Public Information Officers or State Public Information Officers, as the case may be, of public authorities and produce relevant training materials for use by the public authorities themselves.
- (2) The appropriate Government shall, within eighteen months from the commencement of this Act, compile in its official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified in this Act.
- (3) The appropriate Government shall, if necessary, update and publish the guidelines referred to in sub-section (2) at regular intervals which shall, in particular and without prejudice to the generality of sub-section (2), include
- (a) the objects of this Act;
  - (b) the postal and street address, the phone and fax number and, if available, electronic mail address of the Central Public Information Officer or State Public Information Officer, as the case may be, of every public authority appointed under sub-section (1) of section 5;
  - (c) the manner and the form in which request for access to an information shall be made to a Central Public Information Officer or State Public Information Officer, as the case may be;
  - (d) the assistance available from and the duties of the Central Public Information Officer or State Public Information Officer, as the case may be, of a public authority under this Act;
  - (e) the assistance available from the Central Information Commission or State Information Commission, as the case may be;
  - (f) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act including the manner of filing an appeal to the Commission;

- (g) the provisions providing for the voluntary disclosure of categories of records in accordance with section 4;
  - (h) the notices regarding fees to be paid in relation to requests for access to an information, and
  - (i) any additional regulations or circulars made or issued in relation to obtaining access to an information in accordance with this Act.
- (4) The appropriate Government must, if necessary, update and publish the guidelines at regular intervals.

**Power to make rules by appropriate Government:**

- 27 (1) The appropriate Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
- (a) the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4;
  - (b) the fee payable under sub-section (i) of section 6;
  - (c) the fee payable under sub-section (i) and (5) of section 7;
  - (d) the salaries and allowances payable to and the terms and conditions of service of the officers and other employees under sub section (6) of section 13 and section (6) of section 16.
  - (e) the procedure to be adopted by the Central Information Commission or State Information Commission as the case may be. In deciding the appeals under sub-section (10) of section 19 and
  - (f) any other matter which is required to be, may be, prescribed.

**Power to make rules by competent authority:**

- 28 (1) The competent authority may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely
- (i) the cost of the medium or print price of the materials to be disseminated under sub-section (4) of section 4.
  - (ii) the fee payable under sub-section (i) of section 6;
  - (iii) the fee payable under sub-section (i) of section 7, and
  - (iv) any other matter which is required to be, or may be prescribed

**Making of rules:**

- 29 (1) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be composed in

one session or in two or more successive sessions, and it, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule of both House agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule

- (2) Every rule made under this Act by a State Government may be after it is notified, before the State legislature.

**Power to remove difficulties:**

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

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

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

**Repeal:**

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

**THE FIRST SCHEDULE  
(See Sections 13 (3) and 16 (3))**

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

I,.....having been appointed Chief Information Commissioner/Information Commissioner/State Chief Information Commissioner/State Information Commissioner swear in the name of God that I will bear true faith and allegiance to the solemnly affirm

Constitution of India as by law established that I will uphold the sovereignty and integrity of India, the will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will and I will uphold the Constitution and laws”

**THE SECOND SCHEDULE**  
**(See Section 24)**

Intelligence and security organisation established by the Central Government

1. Intelligence Bureau
2. Research and Analysis Wing of the Cabinet Secretariat.
3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Enforcement.
6. Narcotics Control Bureau.
7. Aviation Research Center.
8. Special Frontier Force.
9. Border Security Force.
10. Central Reserve Police Force.
11. Indo-Tibetan Border Police.
12. Central Industrial Guards
13. National Security Guards.
14. Assam Rifles.
15. Special Service Bureau
16. Special Branch (CID), Andaman and Nicobar.
17. The Crime Branch C.I.D.-CB, Dadra and Nagar Haveli.
18. Special Branch, Lakshadweep Police.

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

**Forwarding Information Requests and Appeals**  
**A Step by Step Guide**  
**for**  
**State Assistant Public Information Officers**  
**under the**  
**Right to Information Act, 2005**

**Introduction**

The Right to Information Bill was introduced in the Lok Sabha in December 2004. It was passed by both houses of Parliament in May 2005. The assent of the President was received on 15<sup>th</sup> June and the Act was notified in the Gazette of India on 21<sup>st</sup> June. The Right to Information Act will become operational by the 12<sup>th</sup> October, 2005 after the completion of 120 days from the date of Presidential assent. The Freedom of Information Act passed by Parliament in 2002 has been repealed.



The Right to Information Act (RTI Act) will cover all level of government-Centre, State, district and local self governing bodies like Panchayats and Municipal bodies. It will also cover non- governmental organisations - Le. NGOs, VOs and other private bodies - *that* are financed substantially with public funds provided by the government. This means every citizen has the right to put in an application requesting information or copies of records held by these bodies and such information should be given *by* the concerned body.

The citizens right to information is not explicitly mentioned in the fundamental rights chapter of the Constitution. But in more than 10 cases the Supreme Court of India has declared that the fundamental right to life and liberty [Art. 21] and the fundamental right to freedom of speech and expression [Art. 19(1)] include every citizen's fundamental right to access information held by public authorities. Parliament passed the RTI Act to enable all citizens to use their fundamental right to access information from public bodies.

#### **The main objectives of the RTI Act are**

- To promote transparency and accountability in the working of every public authority and
- to set up a practical regime for giving citizens access to information that is under the control of public authorities.

#### **The Three Level Regime for Accessing Information**

At the first level of the regime, every public authority has designated officers for receiving applications (also called information requests) from citizens.

**At the second level**, every public authority has designated senior officers to look into those cases where citizens' requests for information have been refused. If citizens do not get the requested information or are unsatisfied with the information they have received, under this law they have the right to send an appeal to the Departmental Appellate Authority (DAA) designated within the concerned public authority.

**At the third level**, an independent State Information Commission (SIC) has been set up to look into those cases where citizens are unsatisfied with the decision of the DAA. The SIC also has the powers and responsibility to monitor compliance of public authorities to this Act and submit an annual report to the State Legislature.

#### **Role of Courts**

According to the RTI Act the decision of the SIC is binding on all parties. Courts are barred from inquiring into the decision of the SIC. But it must be remembered that this law gives effect to a fundamental right of citizens. According to *the* Constitution, the High Courts (Art. 224) and the Supreme Court (Art. 32) have the power to look into any matter relating to the fundamental rights of citizens. Technically, a citizen has the right to approach the High Court or the Supreme Court if he/she is not satisfied with the decision of the SIC.

### **Role of the Public Information Officer**

Under the RTI Act, Public Information Officers (PIOs) should be designated in all administrative units of every public authority in order to receive information requests from citizens. They also have the responsibility and duty to provide the requested information within 30 days. The PIO is the main point person whom citizens will contact for exercising their right to information under this law. In public authorities controlled by the State Government they are called State Public Information Officers (SPIOs).

### **The Assistant Public Information Officer**

The RTI Act requires that the State Government designate Assistant Public Information Officers at the sub-divisional or sub-district level.

#### **Please remember**

- the Assistant Public Information Officer is not an assistant to the CPIO or the SPIO.

In public authorities controlled by State Governments they are called State Assistant Public Information Officers (SAPIOs).

### **DUTY TO FORWARD INFORMATION REQUESTS TO THE PIO**

Under the law the SAPIOs will act like a Post Office. Every SAPIO has the duty and responsibility to receive information requests from citizens and forward them to the PIO of the concerned public authority that is likely to have the information being sought by the applicant.

**Please remember - a SAPIO is not responsible for giving information to the requestor. (It is the responsibility of the Public Information Officer to give information to the requestor.)**

**- a SAPIO does not have the power to ask the requestor why he/she wants such information.**

(The RTI Act states clearly that the requestor should not be asked to give reasons for seeking information)

### **Duty to Forward Appeals to the DAA and the Information Commission**

The SAPIO also has the duty and responsibility to receive appeals against the decision of PIOs and forward them to the Departmental Appellate Authority or the State Information Commission as required in the letter of appeal submitted by the aggrieved citizen.

#### **Please remember-**

- The SAPIO must forward all applications received by him immediately- (The RTI Act allows the PIO only 5 extra days over and above the limit of 30 days to give information to the applicant if the request is forwarded through the SAPIO. So it is important to send the application to the PIO without any delay)
- The SAPIO must forward all appeals received by him to the concerned DAA or the SIC immediately.

- The citizen has the right to send a complaint to the IC if the SAPIO does not accept his application and forward it to the PIO, if proven guilty the SAPIO may be fined by the SIC from a minimum of Rs. 250/- up to a maximum of Rs. 25,000/- for each offence.

## **Forwarding Information Requests**

### **A step by Step Guide**

#### **For Application received in person**

##### **Step 1 : Receiving the Application**

As far as possible receive citizens' applications for information personally.

##### **Advice:**

If you are on leave or travelling on duty please delegate the task of receiving applications to your colleague or subordinate in writing. This standby arrangement must be displayed on the main notice board for the benefit of common people.

##### **Step 2: Checking the Application**

Please check whether the application contains the following details and enclosures-

- i) name of the applicant
- ii) name of the father/husband (as the case may be) of the applicant.
- iii) contact details of the applicant including complete postal address, telephone numbers and email address (if any)
- iv) name of the public authority from whom the information is being requested
- v) nature and details of the information requested
- vi) whether proof of payment of application fee is attached or not
- vii) if the applicant claims fee waiver whether proof of BPL status is attached or not
- viii) date on which application is being submitted.

##### **Advice:-**

- 1) If the application is not legible please assist the applicant to write it clearly.
- 2) If the applicant has not filled in one or more of the above details please bring the same to his/her notice and request him/her to fill in the details.
- 3) Please make sure that the date mentioned on the application matches with the date on which you are actually receiving the application. This is very important for calculating the deadline while forwarding the application to the PIO.
- 4) The Government will notify the amount of application fee payable.
- 5) The applicant may have attached a bank draft, postal order, court fee stamp or proof of payment of application fee by any other mode prescribed by the Government. All such payments are valid. Please do not insist on a particular mode of payment.
- 6) The applicant may not always know the exact name and complete postal address of the public authority who has the information he/she wants. So please do not insist upon the applicant to furnish these details. It is the duty of the SAPIO to send the application to the concerned PIO. (The PIO directory published by the State Government may be consulted for this purpose.

- 7) If claiming fee waiver, the BPL applicant must attach a photocopy of a BPL/Antyodaya ration card or any other valid proof of BPL identity that may be prescribed by the Government.

**Step 3: Collecting Application Fees/Proof of Identity**

If the applicant has not already attached proof of payment of application fees you may collect the prescribed application fee in cash.

**or**

If the applicant has not attached proof of BPL identity in support of his/her claim for fee waiver please request the applicant to furnish the same.

**Step 4: Issuing Receipt**

Please issue a written receipt in the prescribed for every complete application received.

**Advice:**

- A complete application must include all details mentioned in Step 2 above and proof of payment of application fee or proof of BPL identity (as the case may be).
- Receipt format will be printed in triplicate. Please issue the original to the applicant.

Receipt must be issued to BPL applicant also. The receipt may include details such as the name and address of the applicant, the date on which the application was received and whether application fees has been paid in cash or by any other mode. If fee waiver is being claimed please mention so. Please sign and stamp the receipt.

**Advice:**

- Please remember this is not just a cash receipt. It is a receipt issued as proof of having received the citizen's application for information with or without the prescribed fees.
- Please issue this receipt immediately. Do not request the applicant to come back another day to collect the receipt.
- Please remember to mention the date on the receipt dearly.

**Step 5: Registering Complete Applications**

Please enter the details of the complete application into the RTI Applications register prescribed by Government. All complete applications should be entered into this register the same day they are received.

**Step 6: Dispatching Complete Applications to the concerned PIO**

Please dispatch the complete application along with the duplicate of the receipt issued, to the concerned SPIO by post or courier on the same day you receive it. If for some reason you are unable to dispatch the application on the same day you should dispatch it the following working day. The prescribed format may be used for the covering letter. This format will contain details such as your name, designation and contact address, date of receipt of application, registration number, fees collected (if any) and enclosures (if any).

**Advice:**

- If the application is not addressed to a specific SPIO or a public authority please read through the nature of information being requested. This will help you identify the public authority that is most likely to possess the information requested. You may then dispatch the complete application to the concerned PIO using the PIO directory published by the Government.
- You need not maintain a copy of the application for your records.

**For applications received by post or courier**

- Please follow Step 2.
- If the application is complete in all respect, please enter the details of the application in the prescribed RTI Applications register on the same day you receive it.
- After registering the application in the RTI Applications Register please issue a receipt in the prescribed format and dispatch it to the applicant by post/courier on the same day. If for some reason you are unable to dispatch the receipt on the same day you should dispatch it the following working day.
- If the application clearly mentions the public authority from which information is being requested please dispatch it to the concerned SPIO on the same day you receive it. If for some reason you are unable to dispatch the application on the same day you should dispatch it the following working day.
- If the application is not addressed to a specific public authority please read through the nature of information being requested. This will help you identify the public authority that is most likely to possess the information requested. (The PIO directory published by the State Government may be consulted for this purpose). You may then dispatch the complete application to the concerned SPIO with a covering letter in the prescribed format.

**Advice:**

- If the applicant has not attached proof of payment of application fees and has also not claimed fee waiver-please send a communication by post/courier to the sender requesting him to furnish proof of payment of the prescribed application fees or visit your office to pay the fees in cash. If the application contains a contact telephone number please call up the applicant advising him/her to pay the application fees. This action saves time and effort and prevents wastage of stationery.
- Similarly if the applicant has not attached proof of payment of despite claiming fee waiver in the application-please send a communication by post/courier to the sender requesting him to furnish proof of payment of BPL identity. If the application contains a contact telephone number please call up the

applicant advising him/her to furnish proof of BPL identity. This action saves time and effort and prevents wastage of stationery.

- If any of the details are missing or illegible please return the application by post/courier to the sender requesting him/her to fill in the missing or unclear details. If the application contains a contact telephone number please call up the applicant requesting him/her to visit your office to fill in the missing details.

### **Forwarding Information Requests A step by Step Guide**

#### **For Application received in person**

##### **Step 1: Receiving Appeal**

As far as possible please receive citizens' appeals personally. A SAPIO is empowered to receive appeals addressed to the Departmental Appellate Authority (DAA) and the State information Commission (SIC).

##### **Advice:**

If you are on leave or travelling on duty please delegate the task of receiving appeal to your colleague or subordinate in writing. This standby arrangement must be displayed on the main notice board for the benefit of common people.

##### **Step 2: Checking Appeals**

Please check whether the application contains the following details and enclosures-

- i) name of the appellant
- ii) name of the father/husband (as the case may be) of the appellant.
- iii) contact details of the applicant including complete postal address, telephone numbers and email address (if any)
- iv) Authority to which appeal is being sent (whether DAA Sic)
- v) nature of the authority/against whose decision the appeal is being made whether PIO or DAA)
- vi) nature and details of the information requested original.

##### **Advice:-**

- 1) If the application letter is not legible please assist the applicant to write it clearly.
- 2) If the applicant has not filled in one or more of the above details please bring the same to his/her notice and request him/her to fill in the details.
- 3) Please make sure that the date mentioned on the application matches with the date on which you are actually receiving the application. This is very important for calculating the deadline while forwarding the appeal to the concerned application authority.
- 4) The applicant may not always know the exact name and complete postal address of the public authority who has the information he/she wants.

So please do not insist upon the applicant to furnish these details. It is the duty of the SAPIO to send the application to the concerned PIO. (The PIO directory published by the State Government may be consulted for this purpose.

### **Step 3: Issuing receipt**

Please issue a written receipt in the prescribed format for every complete appeal received.

#### **Advice:**

The appellant is not required to pay any fees for sending an appeal.

The appeal letter must be treated as complete if it contains the above details and enclosures relevant to the case.

### **Step 4: Registering the Appeals**

Details of every complete appeal letter should be entered in the RTI Appeals register prescribed by the Government.

### **Step 5: Dispatching Appeals**

Every complete appeal must be dispatched to the concerned DAA or the SIC (as the case may be) on the same day you receive it along with a covering letter in the prescribed format. If for some reason you are unable to dispatch the appeal on the same day you should dispatch it the following working day. The covering letter will include details such as your name, designation and contact address, date of receipt of appeal, registration number and details of enclosures.

#### **Advice:**

- You need not maintain a copy of the appeal for your records.

#### **For appeals received by post or courier**

- Please follow Step 2. If the appellant has not filled in one or more of the above details please return the appeal letter by post/courier to the sender requesting him/her to fill in the missing or unclear details. If the appeal letter contains a contact telephone number please call up the appellant requesting him/her to visit your office to fill in the missing details. This action save time and effort and prevents wastage of stationery.
- If the appeal is complete in all respects, please enter the details of the appeal in the prescribed RTI Appeals register on the same day you receive it.
- After registering the appeal please issue a receipt in the prescribed format and dispatch it to the appellant by post/courier on the same day. If for some reason you are unable to dispatch the receipt on the same day you should dispatch it the following working day.
- If the appeal clearly mention the public authority to which the appeal is being made please dispatch it to the concerned DAA on the same day you receive it. If for some reason you are unable to dispatch the application on the same day you should dispatch it the following working day.



- If the application is not addressed to a specific public authority please read through the appeal letter. This will help you identify the DAA that is most likely to decide upon the appeal. (The directory published by the State Government may be consulted for this purpose). You may then dispatch the complete application to the concerned DAA. If not you may forward the appeal to the State Information Commission directly. The appeal should be accompanied with a covering letter in the prescribed format.

**Processing Appeals  
Guidelines for Consideration  
for  
Departmental Appellate Authorities  
under the  
Right to Information Act, 2005**

**Introduction**

The Right to Information Bill was introduced in the Lok Sabha in December 2004. It was passed by both houses of Parliament in May 2005. The assent of the President was received on 15<sup>th</sup> June and the Act was notified in the Gazette of India on 21<sup>st</sup> June. The Right to Information Act will become operational by the 12<sup>th</sup> October, 2005 after the completion of 120 days from the date of Presidential assent. The Freedom of Information Act passed by Parliament in 2002 has been repealed.

The Right to Information Act (RTI Act) will cover all level of government-Centre, State, district and local self governing bodies like Panchayats and Municipal bodies. It will also cover non- governmental organisations – i.e. NGOs, VOs and other private bodies - that are financed substantially with public funds provided by the government. This means every citizen has the right to put in an application requesting information or copies of records held by these bodies and such information should be given by the concerned body.

The citizens right to information is not explicitly mentioned in the fundamental rights chapter of the Constitution. But in more than 10 cases the Supreme Court of India has declared that the fundamental right to life and liberty [Art. 21] and the fundamental right to freedom of speech and expression [Art. 19(1)] include every citizen's fundamental right to access information. Parliament passed the RTI Act to enable all citizens to use their fundamental right to access information from public bodies.

**The main objectives of the RTI Act are**

- To promote transparency and accountability in the working of every public authority and
- to set up a practical regime for giving citizens access to information that is under the control of public authorities.

### **Definition of Information**

- Information means material in any form including records, documents, memos, emails, 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.

### **Definition of Record**

- any document, manuscript or file;
- any microfilm, microfiche and facsimile copy of a document;
- any reproduction of image or images embodied in such micro-film (whether enlarged or not); and
- any other material produced by a computer or any other device.

### **Definition of Right to Information**

Right to information accessible under this Act which is held by or under the control of any public authority and includes the right to-

- inspection of work, documents, records;
- taking notes, extracts or certified copies of documents or records;
- taking certified samples of material;
- Obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.

### **Exemptions to RTI covered by Sec. 8 and 9**

The RTI Act exempts ten categories of information from disclosure under Sec. 8. But information covered by all exemptions are subject to disclosure in the greater public interest. If public interest in disclosing information outweighs the harm caused to the protected interests then such information should be disclosed by the public authority. **Please remember, these exemptions relate to categories of information and not categories of records.** An entire record or file need not be considered exempt. So if information requested by an applicant is available in a record that contains exempt information then partial access may be provided by severing those portions of the record which contain exempt information.

Additionally Sec. 9 empowers the PIO to reject an application if disclosure will infringe upon the copyright of a third party other than the State. But this is also subject to the public interest override. Sec. 8 of the RTI Act is reproduced below-

**“8(1) (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;

**8(1) (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;

**8(1) (c)** information the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

**8(1) (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;

**8(1) (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;

**8(1) (f)** information received in confidence from foreign Government

**8(1) (h)** information which would impede the process of investigations or apprehension or prosecution of offenders;

**8(1) (i)** cabinet papers including records of deliberations of the council of Ministers, Secretaries and other officers;

Provided that the decisions of the council of Ministers, the reasons therefore, 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;

**8(1) (j)** information which relates to personal information the disclosure of which has no relationship at 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 justified the disclosure of such information:

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

**One of the guiding principles of the RTI Act is-“information which cannot be denied to Parliament or a State Legislature shall not be denied to any person.”**

### **The Three Level Regime for Accessing Information**

**At the first level** of the regime, every public authority has designated officers for receiving applications (also called information requests) from citizens.

**At the second level**, every public authority has designated senior officers to look into those cases where citizens' requests for information have been refused. If citizens do not get the requested information or are unsatisfied with the information they have received, under this law they have the right to send an appeal to the Departmental Appellate Authority (DAA) designated within the concerned public authority.

**At the third level**, an independent State Information Commission (SIC) has been set up to look into those cases where citizens are unsatisfied with the decision of the DAA. The SIC also has the powers and responsibility to monitor compliance of public authorities to this Act and submit an annual report to the State Legislature.

### **Role of Courts**

According to the RTI Act the decision of the SIC is binding on all parties. Courts are barred from inquiring into the decision of the SIC. But it must be remembered that this law gives effect to a fundamental right of citizens. According to *the* Constitution, the High Courts (Art. 224) and the Supreme Court (Art. 32) have the power to look into any matter relating to the fundamental rights of citizens. Technically, a citizen has the right to approach the High Court or the Supreme Court if he/she is not satisfied with the decision of the SIC.

### **Role of the Public Information Officer**

Under the RTI Act, Public Information Officers (PIOs) should be designated in all administrative units of every public authority in order to receive information requests from citizens. They also have the responsibility and duty to provide the requested information within 30 days. The PIO is the main point person whom citizens will contact for exercising their right to information under this law. In public authorities controlled by the State Government they are called State Public Information Officers (SPIOs).

### **Please remember-**

- **PIOs may not have access to all records in their office. They have the right to seek assistance from any other officer (senior or subordinate) if they consider it necessary for the proper discharge of their duties under this Act.**
- **Any officer whose assistance is sought by a PIO has a duty to render all such assistance. If such refuses assistance of which the PIO is unable to provide information to the citizen then such officer is liable for penalty and disciplinary action.**
- 

### **The Assistant Public Information Officer**

The RTI Act requires that the State Government designate Assistant Public Information Officers at the sub-divisional or sub-district level.

### **Please remember-**

- **the Assistant Public Information Officer is not an assistant to the PIO.**

In public authorities controlled by State Governments they are called State Assistant Public Information Officers (SAPIOs). Under the law the SAPIOs will act

like a Post Office. Every SAPIO has the duty and responsibility to receive information requests from citizens and forward them to the PIO of the concerned public authority that is likely to have the information being sought by the applicant.

**Please remember-**

- **It is the responsibility of the Public Information Officer to give information to the requestor** (A SAPIO is not responsible for giving information to the requestor).

**Duties and Powers of the Departmental Appellate Authorities**

The RTI Act creates an appeal mechanism within every public authority to deal with grievances of citizens who are unhappy with the decision of the PIO. The State Government is required to designate Departmental Appellate Authorities (DAA) within each public authority that will look into the grievances of applicants. This is the first of the two-level appeals mechanism. The State Information Commission (SIC) represents the second level of appeal. Despite being appeal bodies there are significant differences between the powers and functions of the DAA and the SIC.

**Please remember-**

- Under the RTI Act the State Information Commission has administrative powers to ensure and monitor compliance with the law apart from quasi-judicial powers to dispose appeals. Such powers are not given to the DAA. **For example**, based on a complaint, the SIC has the power to appoint a PIO in a public authority where none exists. **Second**, the SIC has the power to make a public authority provide access to information in the form requested by the applicant. Third, the SIC has the power to get the public authority to make changes to its maintenance, management and destruction of records to facilitate better implementation of this law. **Fourth**, the SIC has the power to seek a compliance report from the public authority annually. **Fifth**, the SIC has the power to seek an annual report from every public authority giving details of its compliance with the proactive-disclosure provision under sec. 4. None of these powers are given to the DAA.
- The SIC has been given the powers of a civil court to enable it to effectively perform its role as the second appeals body under the RTI Act. This allows the SIC to even requisition records relevant to a particular case even if they are exempt under Sec. 8. These powers are not available to the DAA. (But being senior level officers within the public authority, the DAA can requisition records and documents internally while deciding upon appeals.)

- In a number of instances the aggrieved applicant can bypass the DAA and approach the SIC directly for violation his/her rights guaranteed under this law. **For example**, this SIC can look complaints where PIOs have simply refused to accept information requests or where SAPIOS have refused to forward applications to the PIOs or appeals to the DAA. The DAA does not have the power to look into such complaints. Nor can the SIC refuse to look into a complaint simply because the appellant had not approached the DAA first.
- The SIC has the power to penalise the SAPIO and the SPIO with monetary fines ranging from Rs. 250/- per day to maximum of Rs. 25,000/- The SIC may also recommend to the public authority disciplinary action against the erring SAPIO/SPIO. The DAA does not have the power to impose penalties on PIOs.
- The SIC has the power to order a public authority to pay compensation for any loss or detriment suffered by a citizen who sends a complaint. This power is not available to the DAA.

**The DAA therefore has a limited set of duties and powers while dealing with appeals from citizens. But the role of the DAA is an important one as they have the power to resolve disputes between the aggrieved applicant and the PIO internally and thereby save PIOs from paying penalties or facing disciplinary proceedings.**

#### **Instances where appeals may arise**

The DAA is likely to receive appeals from aggrieved citizens in the following cases-

- where the PIO fails to provide the requested information within thirty days in ordinary cases;
- where the PIO fails to provide the requested information within 48 hours where the requested information relates to the life and liberty of a person;
- where the citizen believes that the additional fee charged by the PIO for supplying the requested information is unreasonable (not to be confused with application fees);
- where the citizen believes the rejection order issued by the PIO in response to his/her information request is unjustifiable;
- where the citizen believes the decision of the PIO granting partial access to records is unjustifiable;
- where the citizen believes the PIO has knowingly provided incorrect, incomplete or misleading information;

**In all such cases the burden of proof lies on the PIO to justify his/her decision. The RTI Act makes it crystal clear that the applicant is not required to give reasons for requesting information at any state. [See Sec. 6 (2) & 19 (5)]**

### **Appeals from Third Parties**

The RTI Act provides the right of appeal to third parties aggrieved by the decision of a PIO. A third party may be anybody other than the applicant and the public authority to which the information request has been sent. This includes any individual, private body and any other public authority.

If the information requested by the citizen was in fact given to the public authority by a third party treating it as confidential, the PIO is required to serve a written notice to that third party inviting submissions whether such information may be disclosed to the applicant. The PIO is required to serve to make its submission orally or in writing within ten days of receiving such notice. Nevertheless if the PIO decides to disclose the information the third party has the right to appeal against such decision before the DAA and if necessary with the SIC.

### **Manner of Receipt of Appeals**

Aggrieved citizens may file appeals directly by handing them over in person or send them by post/courier. Additionally they may send the appeal letter to the SAPIO. The SAPIO is duty bound to forward such appeals to the concerned DAA.

### **Please remember-**

- there are no fees for filling appeals. Appeals must be received, processed and disposed of without imposing any financial burden on the appellant.
- however forms for filling appeals may be prescribed [Sec. 7 (3) (b) mentions forms for filling an appeal against the intimation order of PIO requiring payment of additional fee].
- Nevertheless keeping in mind the convenience of the common person living in remote areas who may not have easy access to such forms it is best to allow appeals made on plain paper as long as they contain the following details and enclosure
  - name of the appellant
  - name of the father/husband (as the case may be) of the appellant
  - contact details of the appellant including complete postal address, telephone numbers and email address (if any)
  - authority to which appeal is being sent (whether DAA or the SIC) details of the authority against whose decision the appeal is being made (whether PIO or DAA)
  - nature and details of the information requested originally

- copy of the information request submitted to the PIO/appeal letter sent to the DAA (whichever is applicable)
- rejection letter issued by the PIO against the appellant's information request (if any) or
- copy of the order of the PIO/information disclosed which is being contested including order of partial access (if any) or
- copy of the letter issued by the PIO intimating additional fee to be paid towards cost of providing information which is being contested by the appellant (if any)
- copy of the order issued by the DAA which is being contested (if any)
- date on which appeal is being submitted.

### **The limit for filing appeals**

The RTI Act allows the following time limit for filling appeals-

- If the citizen does not receive any decision on his/her application from the PIO-**within thirty days of the expiry of the time period** (usually thirty days or 40 days if a third party's submission have been invited).
- If the citizen is not satisfied with the information provided by the PIO or is aggrieved by the decision of the PIO where partial access has been provided. **within thirty from the receipt of such decision**

**(Please note-** the time limit mentioned immediately above does not begin from the date of the issue of the PIO's order. It starts with the date on which the applicant receives the order.

- If the DAA is satisfied that there was sufficient cause that prevented the appellant from filling the appeal within the time limit he/she may admit the appeal after the expiry of the deadline.
- If third party is aggrieved by the order of the PIO-**within thirty from the date of such order.**

### **Time limit for deciding appeals**

Ordinarily the DAA is required to give its decision **within 30 days of the receipt of the appeal**. This time limit is extendable out in no case should it exceed 15 days. If additional time is taken over and above the thirty-day limit the DAA is required to record its reasons for the same in writing issuing the order on the appeal.



**Please remember-**

- the appellant has the right to file a second appeal with the SIC within ninety days of the expiry of the time limit prescribed for the DAA whether or not a decision has been received.

**The procedure to be followed while deciding appeals**

The RTI Act empowers the State Government to make rules relating to the procedure that will be followed by the State Information Commission while deciding on appeals. However there is no reference to the procedure that needs to be adopted by the DAA while looking into appeals cases. It is advisable for the State Government to lay down the procedure for the DAAs as well in order to ensure clarity of process and uniformity of treatment to appeals across the public authorities in the State.

It is also advisable that the procedure for deciding on appeals be made as less cumbersome to the appellant as possible. Appeals under the RTI Act do not require procedures that are adversarial in nature as the appellant is not required to give reasons for seeking information or filing an appeal under the Act. The burden of proving that rejection of the application for information was justified lies on the SPIO concerned. It is not necessary to summon the appellant in every case. The DAA can and should apply its mind to the case to decide whether the decision of the PIO was reasonable or not. The presence of the appellant is not always required to such an exercise. However if the appellants presence is required in order to seek some clarification in his/her information request in such cases the appellant may be summoned.

**Interpreting Exemptions and Determining Public Interest**

It is worth mentioning here that a significant number of appeals will be filed by citizens against rejection orders of PIOs where Sec. 8 exemption/s have been invoked. The DAA will be called upon to interpret these exemptions in light of the public interest that may be upheld in disclosing such information. The State Government will have to draw up detailed guidelines for interpreting every category of exempt information as well as good practices to determine the primacy of public interest. If these practical guidelines are made available to the PIOs in the form of a practice manual there may be a significant decline in the number of appeals filed by citizens.