RIGHT TO INFORMATION ACT, 2005
IN HARYANA

State Information Commission, Haryana,
SCO No. 70-71, Sector 8-C, Chandigarh.
Telephone No. 0172-2726568,
Fax No. 0172-2783834
In order to ensure greater and more effective access to information, the Government resolved that the *Freedom of Information Act, 2002* enacted by the Parliament needs to be made more progressive, participatory and meaningful. The National Advisory Council deliberated on the issue and suggested certain important changes to be incorporated in the existing Act to ensure smoother and greater access to information. The Government examined the suggestions made by the National Advisory Council and others and decided to make a number of changes in the law.

The important changes *inter alia*, include establishment of an appellate machinery with investigating powers to review decisions of the Public Information Officers; penal provisions for failure to provide information as per law; provisions to ensure maximum disclosure and minimum exemptions, consistent with the constitutional provisions, and an effective mechanism for access to information and disclosure by authorities, etc. In view of significant changes proposed in the existing Act, the Government also decided to repeal the Freedom of Information Act, 2002. The new legislation provides a powerful framework for giving effect to the right to information recognized under Article 19 of the Constitution of India.

A key objective of the Right to Information Act, 2005 is to promote transparency and accountability in the working of every public authority in the country. The Act mandates a legal-institutional framework for setting out the practical regime of right to information for every citizen to secure access to information held by or under the control of public authorities. It prescribes mandatory disclosure of certain information to citizens and designation of Public Information Officers in all public authorities to attend to requests from citizens for information within stipulated time limits. It provides for appeal to designated appellate officers against the decisions of Public Information Officers. It also mandates the constitution of a Central Information Commission and State
Information Commissions to enquire into complaints hear second appeals and guide the implementation of the Act.

The setting up of Information Commissions at the Central and State levels to ensure the effective implementation of the right to information regime in the country is one of the most important provisions of the Act. The role played by the respective Commissions is likely to have a significant effect on whether or not the Act is implemented in letter and spirit by the public authorities operating at different levels. Apart from exercising the statutory functions entrusted to them the Information Commissions are expected to act as “friend, philosopher and guide” to citizens in exercise of their right to information, and to public authorities in the discharge of their duties to make information accessible to the people.

In order to ensure the effective implementation of Right to Information Act, 2005, the State Government on 31st October 2005 by notification in the Official Gazette, constituted a body known as the State Information Commission, Haryana to exercise the powers conferred on, and to perform the functions assigned to, it under this Act and also appointed Shri G.Madhavan, IAS (Retired) as the first Chief Information Commissioner of the State Information Commission, Haryana. He was sworn in on 1st November 2005 and the State Information Commission came into existence from this day and by a coincidence the State of Haryana also came into existence on this very day in the year 1966. Later on vide notification dated 5th May 2006, Ms Meenaxi Anand Chaudhry, IAS (Retired) was appointed as State Information Commissioner in the newly constituted State Information Commission, Haryana. She was sworn in on 9th May 2006. Subsequently 5 more State Information Commissioners namely Mrs. Asha Sharma, IAS (Retired), Lt. Gen. Sh. J.B.S.Yadav, Sh. Ashok Mehta, Sh. M.R.Ranga and Sh. Prem Veer Singh were inducted. They were sworn in on 3rd of January 2008.
The powers and duties of its officers and employees;

Section 15 (4) provides that 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.

Section 18 of the Act spells out the powers and functions of the State Information Commission.

(1) It shall be the duty of the State Information Commission to receive and inquire into a complaint from any person,---

(a) who has been unable to submit a request to a Public Information Officer either by reason that no such officer has been appointed under this Act, or because the Assistant Public Information Officer has refused to accept his or her application for information or appeal under the Act for forwarding the same to the Public Information Officer or appellate officer of the Information Commission as the case may be;

(b) who has been refused access to any information requested under the Act;

(c) who has not been given a response to a request for information or access to information within the time limit specified under the 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 the Act; and

(f) in respect of any other matter relating to requesting or obtaining access to records under the Act.
(2) Where the State Information Commission is satisfied that there are reasonable grounds to inquire into the matter, may initiate an enquiry in respect thereof.

(3) The State Information Commission shall, while inquiring into a complaint, have the same powers as are vested in a civil court 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 go give oral or written evidence on oath and to produce the documents of 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 or 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 the State Information Commission 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.

Section 19 [(7), (8), (9) & (10)] of the Act highlight the powers of the Commission pertaining to the decision in appeals:

- The Information Commission to decide appeals in accordance with the prescribed procedure and its decision shall be binding;
- In its decision, the State Information Commission 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 the Act, including---

(i) by providing access to information, if so requested, in a particular form;
(ii) by appointing a Public Information Officer;
(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 (1) 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 the Act;

(d) reject the application.

➢ The information Commission shall give notice of its decision, including any right of appeal, to the complainant and the public authority.

The Commission may also impose penalty on and/or recommend for disciplinary action against erring Public Information Officers [Section 20 (1), (2)]

➢ Where the State Information Commission, at the time of deciding any complaint or appeal is of the opinion that the Public Information Officer, has, without any reasonable cause, refused to
receive an application for information or has not furnished information within the time specified under sub section (1) 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 Rs. 250/- each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed Rs. 25,000/-;

- the Public Information Officer shall be given a reasonable opportunity of being heard by the Commission before any penalty is imposed on him or her;

- the burden of proving that a Public Information Officer acted reasonably and diligently shall be on himself/herself;

- where the Information Commission, at the time of deciding any complaint or appeal is of the opinion that the Public Information Officer, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information it shall recommend for disciplinary action against the Information Officer under the service rules applicable to him or her.
iii) Procedure followed in the decision-making process, including channels of supervision and accountability.
iv) **The norms set by it for the discharge of its functions:**

and

v) **The rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions.**

The State Information Commission, Haryana discharge its function according to norms as under:

1) Provisions made in the Right to Information Act, 2005 for disposing of various complaints or Appeals received in the Commission.

2) Any amendment received for the implementation of Right to Information Act, 2005 from the Central or the State Government.


4) Punjab Civil Service Rules for disposing of service matters of the employees posted with the Commission.


6) Policy instructions of the State Government issued from time to time.

There is no time limit fixed in the Act for disposal of second Appeals/Complaints received by the Commission. However, the Commission has been disposing off such matters expeditiously. It shall be the endeavor of the Commission that such matters are finalized with in a maximum period of 3 months of their receipt in the Commission.
vi) **A statement of the categories of documents that are held by it or under its control: -**

(1) The files of complaints received from the complainants under section 18(2) of RTI Act, 2005 for inquiring into the matter and their final disposal.

(2) The files of appeals received from the Appellants under section 19(3) of RTI, Act, 2005 and their final disposal.

(3) Files advising the applicants to take action as provided under the Act to get the delivery of information more expeditiously.

(4) Personal files of staff functioning in the State Information Commission, Haryana.

(5) Files of accounts on account of expenditure incurred out of the budget allocated to the State Information Commission, Haryana.
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 administration thereof;

The Main function of the State Information Commission is to implement Right to Information Act, 2005 by providing for setting out the practical regime of right to information for citizens to secure access to information under the control of a public authority, in order to promote transparency and accountability in the working of every public authority. There is no arrangement for consultation with or representation by members of the public in relation to the formulation of its policy or administration thereof in the Commission.
viii) **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.**

-Not applicable-
ix) **A directory of its officers and employees**

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name &amp; Designation</th>
<th>Address</th>
<th>Telephone Nos.</th>
<th>Office</th>
<th>Res.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Sh.G.Madhavan, Chief Information Commissioner, Haryana</td>
<td>12, Sector-7, Chandigarh</td>
<td>2726568 2783834 (Fax)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Ms. Meenaxi Anand Chaudhry, State Information Commissioner</td>
<td>287, Sector 16 Chandigarh</td>
<td>2783621 (Tele Fax)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Ms. Asha Sharma, State Information Commissioner</td>
<td>55, Sector 5, Chandigarh</td>
<td>2720114 2740096 9878891128</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Sh. Ashok Mehta, State Information Commissioner</td>
<td>-</td>
<td>2720118 9878891124</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Sh. Prem Veer Singh, State Information Commissioner</td>
<td>-</td>
<td>2720117 9878891126</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Sh. Chander Shekhar, HCS, Secretary</td>
<td>720, Sector 7B, Chandigarh</td>
<td>2725494 2794554</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Sh. H.C Bansal, Sr. Secy./CIC</td>
<td>1250, Sector-11, Panchkula</td>
<td>272568 2579154</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Yagya Dutt Chugh, Under Secretary</td>
<td>5810, MHC, Mani Majra, Chandigarh</td>
<td>2783670 2735810</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Ms. Triprta, PS/State Information Commission</td>
<td>1033, Sector 20 B, Chandigarh</td>
<td>2783621 2716250</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>Ms. Sneh Lata, PS/SIC (AS)</td>
<td>155, Sector 19, Chandigarh</td>
<td>2720114 2725144</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Sh. Om Parkash Kapoor, PS/SIC(JBSY)</td>
<td>749, Sector 7, Chandigarh</td>
<td>2720116 2794051</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14.</td>
<td>Sh. Suraj Bhan, PS/SIC (AM)</td>
<td>469, Sector 25, Panchkula.</td>
<td>2720118 2550212</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>Sh. Som Parkash PS/SIC(NRR)</td>
<td>1233-A, Sector 20-B, Chandigarh</td>
<td>2720115 9317899000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16.</td>
<td>Ms. Usha Saini, PS/SIC(PVS)</td>
<td>3885, Sector 22, Chandigarh</td>
<td>2720117 2702885</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17.</td>
<td>Sh. K.L.Sharma, Research – Officer-cum-Consultant.</td>
<td>2184, Sector 27-C, Chandigarh</td>
<td>2783670 2638808</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations.

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Nomenclature of post</th>
<th>Sanctioned pay scale.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>One Chief Information Commissioner</td>
<td>Rs. 30,000/- plus allowances as sanctioned to the Election Commissioner of India.</td>
</tr>
<tr>
<td>2.</td>
<td>One State Information Commissioner</td>
<td>Rs. 26,000/- plus allowances as sanctioned to the Chief Secretary of the State.</td>
</tr>
<tr>
<td>3.</td>
<td>One Secretary</td>
<td>Rs. 15100-400-18300.</td>
</tr>
<tr>
<td>4.</td>
<td>One Sr. Secretary to CIC</td>
<td>Rs. 12000-375-16500+ 400 Special pay.</td>
</tr>
<tr>
<td>5.</td>
<td>One Under Secretary</td>
<td>10000-325-13900 + 400 Special pay.</td>
</tr>
<tr>
<td>6.</td>
<td>One Research Officer-cum-consultant</td>
<td>Rs. 7450-225-11500.</td>
</tr>
<tr>
<td>7.</td>
<td>One Superintendent</td>
<td>Rs. 6500-10500 + 200 Special pay.</td>
</tr>
<tr>
<td>8.</td>
<td>One Accounts Officer</td>
<td>Rs. 6500-10500</td>
</tr>
<tr>
<td>9.</td>
<td>Legal Consultant</td>
<td>As fixed by the Commission</td>
</tr>
<tr>
<td>10.</td>
<td>Programmer</td>
<td>Rs. 6500-10500</td>
</tr>
<tr>
<td>11.</td>
<td>Six Private Secretary to SIC</td>
<td>Rs. 6500-10500 + 200 Special pay.</td>
</tr>
<tr>
<td>12.</td>
<td>Eight Posts of Personal Assistants</td>
<td>Rs. 5500-9000+150 Special pay.</td>
</tr>
<tr>
<td>13.</td>
<td>Two Posts of Assistants</td>
<td>Rs. 5450-8000+60 Special Pay.</td>
</tr>
<tr>
<td>14.</td>
<td>One post of Accounts Assistant</td>
<td>Rs. 5450-8000+60 Special Pay.</td>
</tr>
<tr>
<td>15.</td>
<td>Five Posts of Readers</td>
<td>Rs. 5450-8000+60 Special Pay.</td>
</tr>
<tr>
<td>16.</td>
<td>One Jr. Scale Steno</td>
<td>Rs. 4000-6000+40 Special Pay.</td>
</tr>
<tr>
<td>17.</td>
<td>Five Steno Typists</td>
<td>Rs. 3050-4590 + 100 Special pay.</td>
</tr>
<tr>
<td>18.</td>
<td>Eight Clerks-cum-computer operators</td>
<td>Rs. 3050-4590 + 40 Special pay.</td>
</tr>
<tr>
<td>19.</td>
<td>Nine Drivers</td>
<td>Rs. 4000-6000 + 300 Special Pay.</td>
</tr>
<tr>
<td>20.</td>
<td>Twenty One Peons</td>
<td>Rs. 2550-3200 + 30 Special pay.</td>
</tr>
</tbody>
</table>
x) **The budget allocated to each of its agencies, indicating the particulars of all plans, proposes expenditures and reports on disbursement made.**

In Haryana, The State Information Commission was set up with effect from 1.11.2005. To run the establishment of the newly constituted Commission, the State Government made the following provisions in the Head of Account 2070-Other Administrative Services-Non Plan:-

<table>
<thead>
<tr>
<th>Year</th>
<th>Funds provided (Rs in Lac)</th>
<th>Original Allotment</th>
<th>Final Allotment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005-2006</td>
<td></td>
<td>30.00</td>
<td>26.79</td>
</tr>
<tr>
<td>2006-07</td>
<td></td>
<td>140.04</td>
<td>126.00</td>
</tr>
<tr>
<td>2007-08</td>
<td></td>
<td>167.94</td>
<td>135.05</td>
</tr>
<tr>
<td>2008-09</td>
<td></td>
<td>244.27</td>
<td>--</td>
</tr>
</tbody>
</table>
xi) The manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes:

Not applicable to the State Information Commission, Haryana.

xii) Particulars of recipients of concessions, permits or authorization granted by it.

Not applicable to the State Information Commission, Haryana.

xiv) Details in respect of the information, available to or held by it reduced in an electronic form;

Nil
xv)  **The particulars of facilities available to the citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use:**

Like any other Public Authority Information concerning the Commission and its working can be obtained under the Right to Information Act, 2005. In view of the paucity of the space it is not possible to provide arrangement for a library or reading room for the public at large at present.
xvi) The names, designations and other particulars of the Public Information Officers:

<table>
<thead>
<tr>
<th>Name of the Officer</th>
<th>Designated as</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secretary</td>
<td>1st Appellate Authority</td>
</tr>
<tr>
<td>Under Secretary</td>
<td>State Public Information Officer.</td>
</tr>
<tr>
<td>Superintendent</td>
<td>Assistant State Public Information Officer.</td>
</tr>
<tr>
<td>Accounts Assistant</td>
<td>To collect fee in cash.</td>
</tr>
</tbody>
</table>
xvii) **Such other information as may be prescribed and thereafter update these publications every year.**

The Commission has launched its own web site. Information pertaining to the activities of the Commission including its orders in various public hearings conducted from time to time has been put up on the web site cicharyana.gov.in and being updated regularly for information of all concerned.
The details of staff provided by the Government to run the State Information Commission, Haryana.

The State Government while setting up of State Information Commission, Haryana, also decided to sanction following staff vide Government orders issued bearing endorsement No. 5/6/2005-1AR dated 23-1-2006:-

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<thead>
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<td>7.</td>
<td>One Superintendent</td>
<td>Rs. 6500-10500 + 200 Special pay.</td>
</tr>
<tr>
<td>8.</td>
<td>One Accounts Officer</td>
<td>Rs. 6500-10500</td>
</tr>
<tr>
<td>9.</td>
<td>Legal Consultant</td>
<td>As fixed by the Commission</td>
</tr>
<tr>
<td>10.</td>
<td>Programmer</td>
<td>Rs. 6500-10500</td>
</tr>
<tr>
<td>11.</td>
<td>One Private Secretary to SIC</td>
<td>Rs. 6500-10500 + 200 Special pay.</td>
</tr>
<tr>
<td>12.</td>
<td>Three Posts of Personal Assistants</td>
<td>Rs. 5500-9000+150 Special pay.</td>
</tr>
<tr>
<td>13.</td>
<td>Two Posts of Assistants</td>
<td>Rs. 5450-8000+60 Special Pay.</td>
</tr>
<tr>
<td>14.</td>
<td>One post of Accounts Assistant</td>
<td>Rs. 5450-8000+60 Special Pay.</td>
</tr>
<tr>
<td>15.</td>
<td>Two Posts of Readers</td>
<td>Rs. 5450-8000+60 Special Pay.</td>
</tr>
<tr>
<td>16.</td>
<td>One Jr. Scale Steno</td>
<td>Rs. 4000-6000+40 Special Pay.</td>
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<td>18.</td>
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<td>Rs. 3050-4590 + 40 Special pay.</td>
</tr>
<tr>
<td>19.</td>
<td>Four Drivers</td>
<td>Rs. 4000-6000 + 300 Special Pay.</td>
</tr>
<tr>
<td>20.</td>
<td>Eleven Peons</td>
<td>Rs. 2550-3200 + 30 Special pay.</td>
</tr>
</tbody>
</table>

The State Government has also decided in principle that as and when an Information Commissioner is appointed, the supporting staff like Private Secretary, Personal Assistant, Reader, Steno typist, Clerk-cum-Computer Operator, Driver, each one and two Peons would automatically be created for each Information Commissioner.
Budget allocation :-

In Haryana, the State Information Commission was set up with effect from 1-11-2005. To run the establishment of newly constituted Commission, the State Government made the following provisions in the Head of Account 2070-Other Administrative Services-Non Plan

<table>
<thead>
<tr>
<th>Sr.No</th>
<th>Object</th>
<th>Final allotment of funds</th>
<th>Details of Original Allotment of funds and Expenditure 2007-08</th>
<th>(Rs. in lac)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Salary</td>
<td>1.44</td>
<td>24.69</td>
<td>29.41</td>
</tr>
<tr>
<td>2.</td>
<td>Dearness Allowance</td>
<td>0.40</td>
<td>07.23</td>
<td>08.53</td>
</tr>
<tr>
<td>3.</td>
<td>Travel Expenses</td>
<td>0.17</td>
<td>02.87</td>
<td>03.50</td>
</tr>
<tr>
<td>4.</td>
<td>Office Expenses</td>
<td>24.78</td>
<td>00.26</td>
<td>66.00</td>
</tr>
<tr>
<td>5.</td>
<td>Motor/Vehicle</td>
<td>0.00</td>
<td>00.62</td>
<td>15.00</td>
</tr>
<tr>
<td>6.</td>
<td>P.O.L.</td>
<td>0.00</td>
<td>74.00</td>
<td>07.00</td>
</tr>
<tr>
<td>7.</td>
<td>Medical Charges</td>
<td>0.00</td>
<td>09.85</td>
<td>04.10</td>
</tr>
<tr>
<td>8.</td>
<td>L.T.C.</td>
<td>0.00</td>
<td>03.30</td>
<td>08.00</td>
</tr>
<tr>
<td>9.</td>
<td>Information and Technology</td>
<td>0.00</td>
<td>03.18</td>
<td>06.40</td>
</tr>
<tr>
<td>10.</td>
<td>Rate Rent Tax (RRT)</td>
<td>0.00</td>
<td>0.00</td>
<td>20.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>26.79</td>
<td>126.00</td>
<td>167.94</td>
</tr>
</tbody>
</table>
RTI Act

Haryana Government
Administrative Reforms Department
Notification
The 28th October, 2005

No. 5/4/2002-IAR In exercise of the powers conferred by sub-section (I) read with Sub section (2) of section 27 of the Right to Information Act, 2005 (Central Act 22 of 2005), the Governor of Haryana hereby makes the following rules providing for information under the said Act, namely:-

1. **Short title and commencement.**

   (1) These rules may be called the Haryana Right to Information Rules, 2005.

   (2) They shall come into force on the date of their publication in the official Gazette.

2. **Definitions.**

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

   (a) “Act” means the Right to Information Act, 2005 (Central Act 22 of 2005).

   (b) “Commission” means the Haryana Information Commission.

   (c) “Form” means a form, appended to these rules.

   (d) “section” means the section of the Act.

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

3. **Application for obtaining information.**

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

sections 2(m), 6 and 27
(2) On the receipt of an application, made under sub-rule (1), the State Public Information Officer/State Assistant Public Information Officer shall give a receipt in token thereof to the applicant.

4. Deposit of fee.

(1) The fee shall be deposited with the State Public Information Officer/State Assistant Public Information Officer either in cash against proper receipt or by treasury challan.

(2) The amount of fee shall be credited to the receipt head/account number of the concerned public authority.

(3) On receipt of an application, submitted under sub-rule (1) of rule 3, the State Public Information Officer/State Assistant Public Information Officer shall scrutinize the application and shall assess how much fee is required to be paid by the applicant for obtaining the information.

(4) The fee assessed under sub-rule (3), shall be informed to the applicant by the State Public Information Officer/State Assistant Public Information Officer in Form B within a period of seven days from the receipt of application.

(5) In case the applicant fails to deposit the requisite fee within a period of fifteen days after the issuance of the intimation given to him under sub-rule (4), it shall be construed that the applicant is no longer interested in obtaining the information, sought for, and his application shall be deemed to have been filed.

5. Quantum of fee.

(1) An application for obtaining any information under sub-section (1) of section 6 shall be accompanied with a fee of Rs. 50.

(2) For providing an information under sub-section (1) of section 7, the fee shall be charged from the applicant at the following rates, namely:-

(a) Rs. 10 for each page in A-4 or A-3 size paper, created or copied; and

(b) If information is to be provided on a large size of paper than that of specified in clause (a), the actual cost price of such a paper shall be charged.
(3) For providing an information under sub-section (5) of section 7, the fee shall be charged from the applicant at the following rates, namely;

(a) Rs.50 for providing information in a floppy;

(b) Rs. 100 for providing information in diskette; and

(c) If information sought is of such a nature, which is contained in a printed document of which a price has been fixed, then that information shall be provided after charging the price, fixed for that printed document.

(d) However, if only an extract or page of such a printed document is asked for, then a fee of Rs. 10 per page shall be charged.

(4) No fee for inspection of record shall be charged, if such an inspection is made for one hour only. However, if inspection is made for a period of more than one hour, then a fee of rupees ten shall be charged for every fifteen minutes in excess of first hour. Every fraction of the period above fifteen minutes, shall be construed as a complete period of fifteen minutes and it shall be charged as full period of fifteen minutes.

6. Procedure to be followed in deciding appeal.

Before deciding an appeal, the Commission shall,--

(a) serve notice to the concerned persons;

(b) entertain any evidence in support of appeal, which may be oral or in writing form the concerned persons;

(c) examine on oath or by having affidavits from the persons concerned;

(d) peruse or inspect the documents or any records or copies thereof;

(e) inquire through the authorized officer the facts of an appeal or may require facts in detail, if it so deems appropriate, hear the State Public Information Officer or any other senior officer who had decided the first appeal, as the case may be; and
(f) receive evidence on affidavits from the State Public Information Officer or any senior officer who had decided the first appeal or from any other person from whom the evidence may be deemed necessary.

7. **Mode of serving notice.**

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

(a) by hand delivery (dasti) through process server; or
(b) by registered post with acknowledgement due; or
(c) by publication in the newspaper.

8. **Order by the Commission.**

(1) The Commission shall make order in writing and pronounce the same in the presence of the concerned parties.

(2) The party concerned may, obtain the copy of the order from the Commission.
Form A  
[See rule 3(1)]

To

The State Public Information Officer/  
State Assistant Public Information Officer,  
(Name of the office with address)

1. Full name of the applicant:
2. Address;
3. Particulars of information required:-

   (i) Subject matter of information*
   (ii) The period to which the information related**
   (iii) Description of the information required***
   (iv) Whether information is required by post or in person  
        (the actual postal charges shall be included in addition to  
         the fees.)
(v) In case by post (Ordinary, Registered or Speed)

Place:
Date: Signature of the Applicant.

- Broad category of the subject to be indicated (such as Grant/Government Land/Service matters/Licenses etc.)
- Relevant period for which information is required to be indicated.
- Specific details of the information are required to be indicated.

Acknowledgement:
Received your application dated____________________-, vide Diary No._____________dated________________

(Signature)
State Public Information Officer/
State Assistant Public Information Officer

Name of the Department/Office

Form B
[See rule 4(4)]

From
State Public Information Officer/
State Assistant Public Information Officer
(Name of the Department/Office)

To
Name and address of the applicant.

Sir,
Please refer to your application dated
____________________addressed to the undersigned requesting information
regarding ___________. The additional fee for supplying this information to you is Rs/___________________.

2. You are hereby informed to pay the fee at this office either in cash or in a Government treasury through challan and send a copy of the challan to this office within a period of fifteen days and collect the information on ____________

3. The amount of fee shall be deposited in the receipt head/account No. (to be intimated to the applicant by the concerned department.)

State Public Information Officer/
State Assistant Public Information Office.


In order to ensure the effective implementation of Right to Information Act, 2005, the State Government on 31st October 2005 by
notification in the Official Gazette, constituted a body known as the State Information Commission, Haryana to exercise the powers conferred on, and to perform the functions assigned to, it under this Act and also appointed Shri G. Madhavan, IAS (Retired) as the first Chief Information Commissioner of the State Information Commission, Haryana. He was sworn in on 1st November 2005 and the State Information Commission came into existence from this day and by a coincidence the State of Haryana also came into existence on this very day in the year 1966. Later on vide notification dated 5th May 2006, Ms Meenaksi Anand Chaudhry, IAS (Retired) was appointed as State Information Commissioner in the newly constituted State Information Commission, Haryana. She was sworn in on 9th May 2006.
Notification regarding constitution of State Information Commission, Haryana.

HARYANA GOVERNMENT
ADMINISTRATIVE REFORMS DEPARTMENT

Notification

The 31st October, 2005

No. 35/4/2002-1AR.- In exercise of the powers conferred by Sub-section (1) of Section 15 of the “Right to Information Act, 2005” ( Central Act 22 of 2005 ), and all other powers enabling him in this behalf, the Governor of Haryana is please to constitute the Haryana State Information Commission to exercise the powers conferred upon and perform the functions assigned to it under Chapter IV, V, VI and other provisions of the Act and to appoint Sh. G. Madhavan, IAS(Retd.) as State Chief Information Commissioner, Haryana of the aforesaid Commission.

2. The terms and conditions of the Commission as also the State Chief Information Commissioner, Haryana shall be determined and notified in due course.

Chandigarh
The 31st Oct. 2005

S. C. CHOUDHARY,
Financial Commissioner and Principal Secretary to Govt., Haryana, Administrative Reforms Department.
HARYANA GOVERNMENT
ADMINISTRATIVE REFORMS
GENERAL ADMINISTRATION DEPARTMENT

Notification
The 5th May, 2006


2. The terms and conditions of the State Information Commissioner shall be determined and notified in due course.

Chandigarh
The 5th May, 2006

PREM PRASHANT,
Chief Secretary to Government,
Haryana.
Notification
The 31st December, 2007


2. The terms and conditions of the State Information Commissioners shall be determined and notified in due course.

Chandigarh
The 31st December 2007
Haryana.

PROMILLA ISSAR
Chief Secretary to Government,
Profile of State Chief Information Commissioner/State Information Commissioner.

Curriculum Vitae

Shri G. Madhavan, IAS (Retd.)
Chief Information Commissioner, Haryana.

Born on 29th October 1945 at Taruchirapalli in Tamil Nadu. Sh. G. Madhavan was educated in St. Joseph’s college, Triuchirappli. He competed Post Graduation in Mathematics in April, 1966 but had to wait an year and a half to compete in the Civil Services examinations as he was below the prescribed age. After successfully clearing the examinations held in 1967 he joined the IAS in July 1968. Allotted to the IAS Cadre of Haryana Shri Madhavan has served the State with distinction in various important assignments, He has successfully handled big Government undertakings like the Haryana Urban Development Authority, Agricultural Marketing Board, Haryana Cooperative Marketing Federation, apart from Departments like Health, Transport, Labour and Employment, Food & Supplies, Sports & Youth Welfare, Industries, Forests, Revenue, Development & Panchayats etc. He served as Secretary under four Governors namely Shri B.N.Chakravarthy, Shri Jaishukhlal Hathi, Shri Harcharan Singh Brar and Shri R.S.Narula. He was the Member Secretary of the Fist State Finance Commission set up in the year 1994 to make recommendations for devolution of the funds to Panchayati Raj Institutions & Urban Local
Bodies. He retired as the Chief Secretary to Govt. of Haryana on 31st October 2005 and was sworn in as the Chief Information Commissioner on the 1st November 2005.
Mrs. Meenaxi Anand Chaudhry, IAS (Retd.)
State Information Commissioner, Haryana.

Born on 29th April 1946 at Rawalpindi (now in Pakistan) Smt. Meenaxi Anand Chaudhry completed her graduation in 1964 from Panjab University, Chandigarh and awarded Gold Medal. She completed Post Graduation in Political Science from Panjab University in April 1966 and awarded University Medal. She completed diploma in Russian Languages from Panjab University in 1968. After successfully clearing the examinations, she joined the IAS in July, 1969. Allotted to the IAS Cadre of Haryana, Smt. Meenaxi Anand Chaudhry has served the State with distinction in various important assignments. She has successfully handled big Government Undertakings like the Haryana State Electricity Board, apart from Departments like Women & Child Development, Health, Welfare of Scheduled Castes/Backward Classes, Education, Vocational Education, Technical Education, Labour & Empowerment, Manpower, Cultural Affairs, Finance and Excise & Taxation, Haryana. She served as Secretary, Ministry of Youth Affairs & Sports and Principal Advisor, Planning Commission, Government of India. She has been involved in various aspects of human resource development and capacity building both in governmental and non-governmental sectors. She received LIGURIA Award on Nutrition for Child Health in Developing countries in 1991 on behalf of the Government of India. She attended various International Conferences & Conventions like UNESCO, UNICEF, CGF & ILO from time to time. She retired as Chief
Sectary to Government of Haryana on 30-4-2006 and was sworn in as the State Information Commissioner.
Work Distribution amongst the State Chief Information Commissioner and State Information Commissioners.

Subject:- Allocation of work between the Chief Information Commissioner and the State Information Commissioner. Ref: Right to Information Act 2005 (Section 15, sub section 4).

(i) **Chief Information Commissioner : Sh. G.Madhavan :**
   a) Raj Bhawan, Hospitality, High Court/Subordinate Courts and General Administration (CS Establishment).
   b) Home including CID and Vigilance.
   c) Revenue, Consolidation and Rehabilitation.
   d) Town and Country Planning, Urban Estates and HUDA.
   e) Industries, HSIDC, HFC.
   f) All other departments not mentioned against Sr. No. ii to vii.

(ii) **State Information Commissioner (MAC) : Mrs. Meenaxi Anand Chaudhry:**
   a) Agriculture, Horticulture and Cooperation.
   b) Higher Education/Universities.
   c) PWD (B&R and Public Health).
   d) Excise and Taxation.
   e) Power.

(iii) **State Information Commissioner (AS) : Mrs. Asha Sharma:**
   a) Health, Ayurveda and Medical Education.
   b) Food & Supplies.
   c) Technical Education.
   d) Industrial Training & Vocational Education.

(iv) **State Information Commissioner (JBSY) : Lt. Gen. (Retd) J.B.S.Yadav:**
   a) Haryana Public Service Commission.
   b) Printing and Stationery Department.
   c) Animal Husbandry, Dairy Development and Fisheries.
   d) Transport and Housing.
   e) Irrigation/HSMITC.
   f) Department of Secondary Education.

(ii) **State Information Commissioner (AM) : Sh. Ashok Mehta:**
   a) Forest & Wildlife Preservation and Environment.
   b) Sports and Youth Affairs.
   c) Urban Development/Municipal Administration.
   d) Architecture, Archaeology & Museums.
   e) Consumer Forums.
(iii) State Information Commissioner(MRR) : Sh. M.R. Ranga:

a) Women & Child Development.
b) Development & Panchayats.
c) Rural Development.
d) Labour & Employment.

(iv) State Information Commissioner(PS) : Sh. Prem Veer Singh:

a) Mines & Geology.
b) Law, Jails & Judicial.
c) Staff Selection Commission.
d) Primary Education/Board of School Education.
e) State Finance Commission/State Election Commission/Elections Department
f) Finance & Planning, Tourism, Civil Aviation, Culture and Public Relations.
Organizational Chart of State Information Commission, Haryana.

Procedure followed in the decision-making process, including channels of supervision and accountability.
Right to Know:

When does it come into force?

It comes into force on the 12th October, 2005 (120th day of its enactment on 15th June, 2005). Some provisions have come into force with immediate effect viz. obligations of public authorities [S.4 (1)], designating of Public Information Officers and Assistant Public Information Officers [S.5(1) and 5(2)], constitution of State Information Commission (S.15 and16), non-applicability of the Act to Intelligence and Security Organizations (S.24) and power to make rules to carry out the provisions of the Act (S.27 and 28).

2. Who is covered?

The Act extends to the whole of India except the State of Jammu and Kashmir. [S.(12)]

3. What does information mean?

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

4. What does Right to information mean?

It includes the right to –

i. inspect works, documents, records.
ii. Take notes, extracts or certified copies of documents or records.
iii. Take certified samples of material.
iv. Obtain information in form of printouts, diskettes, floppies, tapes, Video cassettes or in any other electronic mode or through printouts. [S.2(i)]

5. What are the obligations of public authority?

It shall publish within one hundred and twenty days of the enactment:-

i. the particulars of its organization, functions and duties;
ii. the powers and duties of its officers and employees;
iii. the procedure followed in its decision making process, including channels of supervision and accountability;
iv. the norms set by it for the discharge of its functions;
v. the rules, regulations, instructions, manuals and records used by its employers for discharging its functions;
vi. a statement of the categories of the documents 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 policy or implementation thereof;
viii. a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted by it. Additionally, information as to whether the meetings of these are open to the public, or the minutes of such meetings are accessible to the 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;
xii. 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 and beneficiaries of such programmes;
xiii. particulars of recipients of concessions, permits or authorizations granted by it;
xiv. details 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 name, designations and other particulars of the Public Information Officer. [S.4(1)(b)]

6. What is not open to disclosure?

The following is exempt from disclosure [S.8]

i. 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;

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

iii. information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

iv. 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
v. satisfied that larger public interest warrants the disclosure of such information;
vi. 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;
vii. information received in confidence from foreign Government;
viii. 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;
ix. information which would impede the process of investigation or apprehension or prosecution of offenders;
x. cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers;
xi. information which relates too 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;
xii. Notwithstanding any of the exemptions listed above, a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

7. Is partial disclosure allowed?

Only that part of the record which does not contain any information which is exempted from disclosure and which can reasonably be severed from any part that contains exempt information, may be provided [S.10]

8. What does a “Public authority” mean?

It means any authority or body or institution of self-government established or constituted: [S.2(h)]

- by or under the Constitution;
- by any other law made by Parliament;
- by any other law made by State Legislature;
- by notification issued or order made by the appropriate Government and includes any-

  (a) body owned, controlled or substantially financed
  (b) non-Government organization substantially financed directly or indirectly by the appropriate Government.

9. Who are `third Parties`?

A third party means a person other than the citizen making a request for information and includes a public authority. Third parties have a right to be heard in respect of applications and appeals dealing with information submitted by them to the Government in confidence. [S.2(n) and S.11]

10. Who are Public Information Officers (PIOs)?
PIOs are officers designated by the public authorities in all administrative units or offices under it to provide information to the citizens requesting for information under the Act. Any officer, whose assistance has been sought by the PIO for the proper discharge of his or her duties, shall render all assistance and for the purpose of contraventions of the provisions of this Act, such other officer shall be treated as a PIO.

11. What are the duties of a PIO?

- PIO shall deal with requests from persons seeking information and where the request cannot be made in writing, to render reasonable assistance to the person to reduce the same in writing.
- If the information requested for is held by or its subject matter is closely connected with the function of another public authority, the PIO shall transfer, within 5 days, the request to that other public authority and inform the applicant immediately.
- PIO may seek the assistance of any other officer for the proper discharge of his/her duties.
- PIO, on receipt of a request, shall as expeditiously as possible, and in any case within 30 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 S.8 or S.9.
- Where the information requested for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.
- If the PIO fails to give decision on the request within the period specified, he shall be deemed to have refused the request.
- Where a request has been rejected, the PIO shall communicate to the requester-(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.
- PIO shall provide information 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.
- If allowing partial access, the PIO 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;
© 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.

- If information sought has been supplied by third party or is treated as confidential by that third party, the PIO shall give a written notice to the third party within 5 days from the receipt of the request and take its representation into consideration.
- Third party must be given a chance to make a representation before the PIO within 10 days from the date of receipt of such notice.

12. What is the Application Procedure for requesting information?

1. Apply in writing or through electronic means in English or Hindi or in the official language of the area, to the PIO, specifying the particulars of the information sought for.
2. Reason for seeking information are not required to be given;
3. Pay fees as may be prescribed (if not belonging to the below poverty line category.

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

1. 30 days from the date of application
2. 48 hours for information concerning the life and liberty of a person
3. 5 days shall be added to the above response time, in case the application for information is given to Assistant Public Information Officer.
4. If the interests of a third party are involved then time limit will be 40 days (maximum period + time given to the party to make representation.)

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

14. What is the fee?

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

2. If further fees are required, then the same must be intimated in writing with calculation details of how the figure was arrived at;

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

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

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

15. What could be the ground for rejection?

1. If it is covered by exemption from disclosure. (S.8)

2. If it infringes copyright of any person other than the State. (S.9)

16. Who are the Appellate Authorities?

1. **First Appeal**: First appeal to the officer senior in rank to the PIO in the concerned Public Authority within 30 days from the expiry of the prescribed time limit or from the receipt of the decision (delay may be condoned by the Appellate Authority if sufficient cause is shown).

2. **Second Appeal**: Second appeal to the State Information Commission as the case may be, within 90 days of the date on which the decision was given or should have been made by the First Appellate Authority. (delay may be condoned by the Commission if sufficient cause is shown).

3. Third Party appeal against PIO’s decision must be filed within 30 days before first Appellate Authority; and, within 90 days of the decision on the first appeal, before the appropriate Information Commission which is the second appellate authority.
4. Burden of proving that denial of Information was justified lies with the PIO.
5. First Appeal shall be disposed of within 30 days from the date of its receipt. Period extendable by 15 days if necessary. (S.19)

17. **How is the State Information Commission constituted?**

1. The State Information Commission will be constituted by the State Government through a Gazette notification. It will have one State Chief Information Commissioner (SCIC) and not more than 10 State Information Commissioners (SIC) to be appointed by the Governor.
2. Oath of which will be administrated by the Governor according to the form set out in the First Schedule.
3. The headquarters of the State Information Commission shall be at such place as the State Government may specify. Other offices may be established in other parts of the State with the approval of the State Government.
4. The Commission will exercise its powers without being subjected to any other authority.

18. **What is the eligibility criterion and what is the process of appointment of State Chief Information Commissioner/ State Information Commissioners?**

The Appointment Committee will be headed by the Chief Minister. Other members include the Leader of the Opposition in the Legislative Assembly and one Cabinet Minister nominated by the Chief Minister.

The qualifications for appointment as SCIC / SIC shall be the same as that for Central Commissioners.

The salary of the State Chief Information Commissioner will be the same as that of an Election Commissioner. The salary of the State Information Commissioner will be the same as that of the Chief Secretary of the State Government. (S.15)

19. **What are the powers and functions of Information Commissions?**

1. The State Information Commission has a duty to receive complaints from any person-

   a) Who has not been able to submit an information request because a PIO has not been appointed;
b) Who has been refused information that was requested;
c) Who has received no response to his/her information request within the specified time limits;
d) Who thinks the fees charged are unreasonable;
e) Who thinks information given is incomplete or false or misleading; and
f) Any other matter relating to obtaining information under this law.

2. Power to order inquiry if there are reasonable grounds.

3. SIC will have powers of Civil Court such as-
   a) summoning and enforcing attendance of persons,
   b) requiring the discovery and inspection of documents;
   c) receiving evidence on affidavit;
   d) requisitioning public records or copies from any court or office
   e) issuing summons for examination of witnesses or documents
   f) any other matter which may be prescribed.

4. All records covered by this law (including those covered by exemptions) must be given to SIC during inquiry for examination.

5. Power to secure compliance of its decisions from the Public Authority includes:-
   a) providing access to information in a particular form;
   b) directing the public authority to appoint a PIO/APIO where none exists;
   c) publishing information or categories of information;
   d) making necessary changes to the practices relating to management, maintenance and destruction of records;
   e) enhancing training provision for officials on RTI;
   f) seeking an annual report from the public authority on compliance with this law;
   g) require it to compensate for any loss or other detriment suffered by the applicant;
   h) impose penalties under this law; or
   i) reject the application.(S.18 and S.19)

20. What is the role of State Governments?
1. Develop educational programmes for the public especially disadvantaged communities on RTI.
2. Encourage Public Authorities to participate in the development and organization of such programmes.
3. Promote timely dissemination of accurate information to the public.
4. Train officers and develop training materials.
6. Publish names, designation postal addresses and contact details of PIOs and other information such as notices regarding fees to be paid, remedies available in law if request is rejected etc. (S.26)

21. Who has the Rule making power?

State Governments and the Competent Authority as defined in S.2(e) are vested with powers to make rules to carry out the provisions of the Right to Information Act, 2005. (S.27 & S.28)

22. Who has the power to deal with the difficulties while implementing this act?

If any difficulty arises in giving effect to the provisions in the Act, the Central Government may; by Order published in the Official Gazette, make provisions necessary/expedient for removing the difficulty (S.30)

1. State Information Commission will send an annual report to the State Government on the implementation of the provisions of this law at the end of the year.
2. Each Department has a duty to compile reports from its Public Authorities and send them to the State Information Commission, as the case may be.
3. Each report will contain details of number of requests received by each Public Authority, number of rejections and appeals, particulars of any disciplinary action taken, amount of fees and charges collected etc.
4. The State Government will table the report of the State Information Commission before the Vidhan Sabha (and the Vidhan Parishad wherever applicable). (S.25)

23. What are the penalty provisions?

Every PIO will be liable for fine of Rs. 250 per day, up to a maximum of Rs. 25,000/-, for –
i. not accepting an application;  
ii. delaying information release without reasonable cause;  
iii. malafidely denying information;  
iv. knowingly giving incomplete, incorrect, misleading information;  
v. destroying information that has been requested and  
vi. obstructing furnishing of information in any manner.

The Information Commission (IC) at the State level will have the power to impose this penalty. The Information Commission can also recommend disciplinary action for violation of the law against an erring PIO. (S.20)

24. What is the jurisdiction of courts?

Lower Court are barred from entertaining suits or applications against any order made under this Act. (S.23) However, the writ jurisdiction of the Supreme Court and high Courts under Articles 32 and 225 of the Constitution remains unaffected.
Fee Structure:

(1) An application for obtaining any information under sub-section (1) of section 6 shall be accompanied with a fee of Rs. 50.

(2) For providing an information under sub-section (1) of section 7, the fee shall be charged from the applicant at the following rates, namely:-

   (a) Rs. 10 for each page in A-4 or A-3 size paper, created or copied; and

   (b) If information is to be provided on a large size of paper than that of specified in clause (a), the actual cost price of such a paper shall be charged.

(3) For providing an information under sub-section (5) of section 7, the fee shall be charged from the applicant at the following rates, namely;

   (a) Rs.50 for providing information in a floppy;

   (b) Rs. 100 for providing information in diskette; and

   (c) If information sought is of such a nature, which is contained in a printed document of which a price has been fixed, then that information shall be provided after charging the price, fixed for that printed document.

   (d) However, if only an extract or page of such a printed document is asked for, then a fee of Rs. 10 per page shall be charged.

(4) No fee for inspection of record shall be charged, if such an inspection is made for one hour only. However, if inspection is made for a period of more than one hour, then a fee of rupees ten shall be charged for every fifteen minutes in excess of first hour. Every fraction of the period above fifteen minutes, shall be construed as a complete period of fifteen minutes and it shall be charged as full period of fifteen minutes.

(5) Mode of payment of fee:

“The fee shall be deposited with the State Public Information Officer/State Assistant Public Information Officer either in cash against proper receipt by treasury challan or through Indian Postal Order or Bank Draft.”

Circulars/instructions/Notifications issued by the Government regarding implementation of Right to Information Act, 2005.

No. 5/4/2002-1AR

From

The Financial Commissioner & Principal Secretary to Govt., Haryana Administrative Reforms Department.

To

(i) All Heads of Departments.
(ii) Registrar, Punjab and Haryana High Court, Chandigarh.
(iii) Commissioner, of Divisions in Haryana.
(iv) All Deputy Commissioners and SDOs (Civil), in Haryana.
(v) All Chief Administrators and Managing Directors of Boards/Corporations in Haryana.

Dated Chandigarh the 30th Sept., 2005

Subject: Right to Information Act, 2005.

Sir,

I am directed to refer to the subject noted above and to state that with a view to promoting openness, transparency and accountability in the working of every public authority, the Government of India have enacted “The Right to Information Act, 2005” and notified the same in the Gazette of India on 21st June, 2005.

Section 4© & (d) of the Act cast an obligation upon all public authorities, whether of the State or the Center, to publish certain categories of information and also to grant access to citizens to information. This marks the advent of a new work culture where the public authority shall have to:

(i) 4© publish all relevant facts while formulating important policies or announcing the decisions which affect public;

(ii) 4(d) provide reasons for its administrative or quasi-judicial decisions to affected persons.

Further section 4 prescribes that record shall have to be maintained in prescribed manner and certain information shall have to be published within one hundred and twenty days from the enactment of this Act.
At this stage your office is required:

(i) To give wide publicity to this Act and bring the contents of its intuition known to all Employees and the administrative officers under your charge.

(ii) To take immediate steps to publish the documents mentioned under section 4(b)(i) to (xvii) of this Act.

(iii) Since this Act will have overriding effect, so all the existing Acts/Instruments governing secrecy of the instruments/record would have to be modified so that the new Act prevails and there are no escapades.

(iv) To take immediate steps for designating Public Information Officers and Assistant Public Information Officers in the offices under your charge.

Action taken in respect of the above referred Act may be intimated to the Administrative Reforms Department by 5th October, 2005, positively.

Encl.: (1) RTI ACT, 2005
(2) Salient features of the RTI Act, 2005
(3) Tasks to be completed prior to for Commencement of the Act

Yours faithfully

Superintendent Administrative Reforms,
Financial Commissioner & Principal Act Secretary to Govt., Haryana
Administrative Reforms Department.
No. 5/4/2004/Personal Attention

From

The Financial Commissioner & Principal Secretary
To Govt., Haryana, Administrative Reforms Department.

To

i) All Heads of Departments.
ii) Registrar, Punjab & Haryana High Court, Chandigarh.
iii) Commissioners of Divisions in Haryana.
iv) All Deputy Commissioners in Haryana and S.D.O. (civil) in Haryana.
v) All Chief Administrators and Managing Directors of Boards/Corporations in Haryana.

Dated, Chandigarh, the 14th October, 2005

Subject: Right to Information Act, 2005.

Sir,

I am directed to refer to this Department letter No. 5/4/2002-1AR, dated 30-9-2005 and subsequent reminders of even number dated 7-10-2005 and 7/10.10.2005, on the subject noted above and to state that the departments/organizations which have not so far designated the State Public Information Officers at District/Sub-Divisional level should immediately issue orders in this regard, under intimation to the State Government. The departments which have no Sub-divisional level officers may designate the said officers at district and headquarters level. The Administrative Departments depending upon their organizational structure may designate as many number of officers as State Assistant Public Information Officers which may facilitate the applicants seeking information under the provisions of the Act. However, at the Secretariat level, in each administrative department, a Superintendent /Under Secretary/ Deputy Secretary, as the case may be, shall be considered for designating as such by the Administrative Secretary.

2. The designations mentioned as Public Information Officer/Assistant Public Information Officer in this department letters referred to above may be read as State Public Information Officer/State Assistant Public Information Officer.
3. In each department only one officer, senior in rank to the State Public Information Officer may be designated as First Appellate Authority for the entire department/organization at the headquarters.

4. It is also requested that for giving publicity and making information/documents available to the public under section 4(1) (b) (i) to (xvii) of the Act each department/organization may immediately add all available information to their websites. Where this facility is not available, the information may be added to the Haryana State website. Besides, this information may also be displayed on Notice Boards at the headquarters and in the field offices of the department.

5. Action taken in this regard may be intimated to the Administrative Reforms Department, Haryana, 5th Floor, New Civil Secretariat, Haryana, Sector-17, Chandigarh immediately.

Yours faithfully,

Sd/-

(K.L. Sharma)
Research Officer (AR)
for Financial Commissioner & Principal Secretary to Government, Haryana,
Administrative Reforms Department.
Subject: Information regarding notification of Public Information Officers, Assistant Information Officers and Appellate Authorities.


Sir,

I am directed to refer to the subject noted above and to say that most of the Departments/Boards/Corporations have already notified the PIOs., APIOs as well as the First Appellate Authorities under the Right to Information Act, 2005. This have also been probably put on the website of the State Government. Letters are being received in the Information Commission that many of them are not able to access the website and have asked for details. Departments/Boards/Corporations may take the following action :-

1. All the departments both at the headquarters and in the field should prominently display on their notice boards the details of officers who have been notified as PIOs/APIOs as well as first Appellate Authorities under the Right to Information Act, 2005.

2. The Format of application for seeking information under the Act should also be displayed on the notice boards of all Govt. offices/Boards/Corporations alongwith the details of the fee, which is required to be deposited.

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A seminar on the Right to Information Act, 2005 was convened on 7.2.2006 at 9.30 AM at Haryana Niwas, Sector-3, Chandigarh wherein the discussion on certain points pertaining to the said Act took place, detail of which is mentioned below:

9. It was asked/directed to furnish the information under Section 4(i) b of the Right to Information Act, 2005 and the same be put on the State website (www.rti.gov.in). Organizations with heavy information demands may create their own website. A link to the website of the organizations would be provided from the State RTI site.

10. The participating officers were asked to give an update about designating officials as State Public Information Officers at Secretariat/directorates, State Assistant Public Information Officers at districts and subdivisions and the First Appellate Authority at the Headquarters. It was also asked to put such designated officers/officials on the State website or concerned departments’ website and also on notice boards of the organizations with full address and telephone numbers of State Public Information Officer/Assistant State Public Information Officer and First Appellate Authority.

11. It was also decided to maintain the record for sending annual report to State Information Commission.

12. It was also decided to circulate a note on the experiences in implementation as well as salient features of the Act for easy reference to all Departments/Public Sector Undertakings.

The seminar ended with a thanks to the Chair.
Notification
The 20th October, 2005

No. 5/4/2002-1AR.- In exercise of the powers conferred by section 15 (3) of the “Right to Information Act”, 2005 (Central Act. No. 22 of 2005), the Governor of Haryana is pleased to constitute a Committee consisting of the following:-

1. Chief Minister, Haryana Chairperson
2. Shri Om Parkash Chautala, MLA Member
3. Shri Venod Kumar Sharma, Member
   Excise and Taxation and Forests Minister, Haryana

This Committee shall recommend the names for appointment of the Haryana State Information Commissioner and the Haryana State Information Commissioners. The Director, Information and Technology, Haryana shall assist the Committee as its Secretary.
Notification
The 29th December, 2005

No. 5/4/2005-1AR.- In exercise of the powers conferred by sub. Section (4) of Section 24 of the “Right to Information Act., 2005 (Central Act. No. 22 of 2005) the Governor of Haryana hereby specifies the intelligence and security organizations as mentioned in the schedule given below for the purpose of the said sub-section.

Schedule

(i) State Criminal Investigation Department (C.I.D.: including the Crime Branch:
(ii) Haryana Armed police:
(iii) Security Organizations of Police:
(iv) Haryana Police Telecommunication Organization:
(v) India Reserve Battalion:
(vi) Commando:
HARYANA GOVERNMENT

ADMINISTRATIVE REFORMS DEPARTMENT

Notification
The 25th July, 2006

No. 5/4/2002-IAR-In exercise of the powers conferred by Sub-section (1) read with Sub-section (2) of Section 27 of the Right to Information Act, 2005 (Central Act 22 of 2005), the Governor of Haryana hereby makes the following rules further to amend the Haryana Right to Information Rules, 2005, namely:-

1. These rules may be called the Haryana Right to Information (Amendment) Rules, 2006.
2. In the Haryana Right to Information Rules, 2005, in rule 4, for sub-rule(1), the following sub-rule shall be substituted, namely:-

“(1) The fee shall be deposited with the State Public Information Officer/State assistant Public Information Officer either in cash against proper receipt or by treasury challan or through Indian Postal Order or Bank Draft.”

PREM PRASHANT,
Chief Secretary to Government Haryana,
Administrative Reforms Department
FOR PERSONAL ATTENTION OF ADMINISTRATIVE SECRETARIES

SUBJECT: IMPLEMENTATION OF RTI ACT, 2005- SUBMISSION OF CERTIFICATE.

Will all the Financial Commissioners & Principal Secretaries and Commissioners & Secretaries to Government, Haryana kindly refer to this department’s U.O. of even number dated 30-9-2005 and subsequent reminders dated 7-10-2005, 7/10.10.2005, 14-10-2005, 2-12-2006 and 1-2-2006 on the subject noted above?

2. In order to ensure the implementation of RTI Act, 2005 in letter and spirit, it has been decided that all the Administrative Secretaries may be requested to positively furnish a certificate by 31st August, 2006 stating therein that:

- all steps required under the ibid Act and the Rules make thereunder have since been taken by their respective Departments, HODs, Boards/Corporations and all the field officers subordinate thereto in the State.
- All the concerned HODs, Heads of Offices, PIOs, APIOs and 1st Appellate Authorities have been sensitized about the application of RTI Act.
- All necessary information and formats as required under the Act and the Rules made there under have been displayed on the; notice board of their respective offices.
- Their concerned functionaries have downloaded the RTI Rules, 2005 from the State website www.rti.gov.in or arranged a copy thereof otherwise and kept this copy handy for the convenience of the public at large.

Joint Secretary Administrative Reforms,
For Chief Secretary to Government Haryana,
Administrative Reforms Department.

To

(i) All Financial Commissioners & Principal Secretaries to Government, Haryana.
(ii) All Commissioners & Secretaries to Government, Haryana.
