

No 05/01/2014-Coord (RTI)
Government of India
Ministry of Corporate Affairs

5th Floor, 'A' Wing, Shastri Bhavan
Dr. Rajendra Prasad Road
New Delhi-110 001
Dated 14th July, 2014

OFFICE MEMORANDUM

Subject: Compliance of provisions of RTI Act, 2005.

Recently it has been brought to the notice of the Nodal Officer (RTI) that some provisions of the Right to Information Act, 2005 are not being complied with in letter and spirit by the Central Public Information Officers. This necessitates filing of unnecessary and avoidable appeals by the applicants.

2. Accordingly, attention of all Central Public Information Officers is invited to the following sections of the Right to Information Act, 2005 which are not being scrupulously complied with:

Section 2 (j)

"Right to information" means the right to information accessible under this Act which is 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 or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

Section 7(1)

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.

Section 7(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.

Please note that demand for additional fee, if any, **must be raised through the portal** <https://www.rtionline.gov.in/RTIMIS> for all online RTI requests by the concerned CPIOs. A hard copy for additional fee demanded should be sent via post to the applicant.

Section 7(6)

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

3. Keeping in view the above all the concerned CPIOs are directed to comply with the above provisions of the RTI Act, 2005. Any lapse in complying with the provisions of Right to Information Act by CPIOs would be taken seriously.


(A.H. Agarwal)

Under Secretary to the Govt. of India & CPIO
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To,

All CPIO's
M/o Corporate Affairs