

# Annual Report 2005-06

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## CHAPTER - I

### INTRODUCTION

- 1.1 The Right to Information Act, 2005 received the assent of the President on 15<sup>th</sup> June 2005. Section 1(3) of the Act provides that provisions of sub-section (1) of section 4, sub-sections (1) and (2) of section 5 and sections 12, 13, 15,16, 24, 27 and 28 shall come into force at once whereas the remaining provisions of the Act shall come into force on the one hundred and twentieth day of its enactment.
- 1.2 Section 15 of the Act, which section came in force at once, provides for constitution of State Information Commissions. Accordingly Karnataka Information Commission came into being on the afternoon of 31<sup>st</sup> July 2005 with the swearing in of Sri K. K. Misra as the State Chief Information Commissioner. Sri K. A. Thippeswamy was sworn in as the State Information Commissioner on 28<sup>th</sup> October 2005.
- 1.3 Since the remaining provisions of the Act came into force on 12-10-2005, the Commission became fully functional on that date.
- 1.4 Karnataka was one of the States which already had a State legislation on right to information namely Karnataka Right to Information Act, 2000 before the passing of the Central Act. The provisions of the new Central Act and the existing State Act were by and large similar as regards exercise of the right to information. The State therefore had some initial advantage in securing compliance with the provisions of the new Act. The State Act was repealed on 17<sup>th</sup> October 2005.
- 1.5 Government of Karnataka has adopted a user friendly approach while framing rules under the Central Act. Thus although a form of application has been suggested for information seekers, it has not been made mandatory.
- 1.6 The initial fee has been kept low at Rs. ten only. The additional fee payable has been fixed at Rs. 2 per page for a document of A4 size and has been further reduced to Re. 1 per page for suo-moto disclosures under section 4(1)(b).
- 1.7 Inspection of documents is free for the first hour. No fee has been prescribed for filing of complaints or appeals before the Commission. Further, no fee is payable by the Appellant / Complainant for issue of summonses. Single copies of the order passed by the Commission are sent to the parties free of cost. The presence of Appellant / Complainant is not mandatory at the hearings.
- 1.8 Commission has also adopted a less formal approach in its proceedings. The Commissioners and the parties sit on the same table. All the cases are posted for final disposal and the emphasis is on completing the hearing and

pronouncing the final orders in the open court on the day of first hearing itself.

- 1.9 Unlike some other Commissions, Karnataka Information Commission has held that an applicant who has been refused access to information by a PIO may approach the Commission directly by way of a complaint under section 18(1)(b) instead of approaching the first appellate authority through an appeal petition under section 19(1) of the Act.
- 1.10 Commission has adopted this approach for several reasons. Firstly, the Act provides for it. Secondly, in emergent cases, where life and /or liberty of an individual is at stake, he can ill afford the delay involved in approaching the first appellate authority. Thirdly, this Commission has noticed that PIOs generally consult their superior officers, formally or informally, before refusing access to information and therefore appeal before an officer who is a party to the refusal becomes infructuous.
- 1.11 Fourthly, the first appellate authorities are not disposing of the appeals within the prescribed period of thirty days and therefore waiting for their decisions would only result in loss of time. And fifthly, two appeals have been provided under the Act because as a rule, a person whose case has been rejected should have option of at least two appeals. If the Appellant is himself voluntarily giving up his right of first appeal, the Respondent cannot object to it. However where rights of third parties get involved, the Commission insists that it should be approached only through a second appeal.
- 1.12 It has also been pleaded before the commission that an applicant whose request for information has been refused could approach the first appellate authority under section 19(1) for obtaining information. But nothing prevents him from simultaneously filing a complaint before the Commission for taking action against the PIO under section 18(1) of the Act for having refused the information without any reasonable cause, for delaying the information, etc., because only the Commission has the right to penalise the PIOs.

- 1.13 Commission would like to take this opportunity to acknowledge the positive role played by the activists in seeking information of general interest and making it public. They have also helped the Commission by making some very useful suggestions.
- 1.14 Commission would also like to thank the State Government and specially the Department of Personnel and the Department of Administrative Reforms for their support.

## **CHAPTER - II**

### **ABOUT THE COMMISSION**

- 2.1 Karnataka Information Commission was constituted vide orders dated 30.7.2005. It started functioning from Vidhana Soudha. The Commission is now functioning from the Third floor, 2nd Gate, Multi Storied Building, Dr Ambedkar Veedhi, Bangalore-560 001.
- 2.2 During the year of inception, the Commission functioned with the SCIC, one SIC, one Under Secretary and some supporting staff.

### **MAIN FUNCTIONS & DUTIES**

- 2.3 The powers and functions of Information Commissions are contained in Chapter V of RTI Act. Under these provisions, the Commission is to receive and enquire into complaints regarding non appointment of PIOs, refusal by PIOs/APIOs to accept/forward an application seeking information or an appeal under the provisions of the Act, refusal of access to requested information, non receipt of the response to request for information or access to information within specified time limit, seeking payment of fee which appears unreasonable, giving of incomplete, misleading or false information under RTI Act or in respect of any other matter relating to requesting or obtaining access to records under RTI Act.
- 2.4 The Act provides that while inquiring into a complaint under section 18, the Commission shall have the same powers as are vested in a Civil Court while trying a suit under Code of Civil Procedure, 1908 in respect of summoning and enforcing attendance of persons, discovery and inspection of documents, receiving evidence on affidavit, requisitioning any public records, issuing summonses for examination of witnesses or documents etc. During the year under review, the Commission has disposed off 24 complaints.
- 2.5 Under Section 19(3), the Commission is also the Second Appellate Authority (against the order of First Appellate Authority). Under Section 19(8) of the Act, the Commission has also been empowered to require the Public Authorities to take steps as may be necessary to secure compliance with the provisions of the Act. During the year under review, the Commission has disposed off 15 appeals.
- 2.6 Section 20 of the Act empowers the Commission to impose penalties on State PIOs/APIOs as also recommend disciplinary action against them. Government has directed that the penalties under the Act may be credited under the head "0070-60-118-0-03-Penalties under the Act."
- 2.7 Under section 25 of the Act, the Commission is required to prepare its Annual Report on the implementation of the Act and the State Government is required to cause a copy of the report of the Commission laid before each House of the State Legislature.
- 2.8 Under section 15(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.

- 2.9 The Commission is governed by The Right to Information Act 2005 and Rules made by the Government under the said Act. The Commission also exercises some powers of Courts under The Code of Civil Procedure, 1908.

#### **SALARIES AND ALLOWANCES**

- 2.10 The salaries and allowances payable to and other terms and conditions of service of:

- (i) The State Chief Information Commissioner shall be the same as that of an Election Commissioner.
- (ii) The Information Commissioner shall be the same as that of Chief Secretary to the State Government.
- (iii) The salaries and allowances payable to other officers and employees of Karnataka Information Commission shall be on par with other State Government Employees of equivalent rank. Outsourced personnel are entitled for payments at the contracted rates which shall not be less than the minimum wages.

#### **BUDGET ALLOCATION AND EXPENDITURE FOR THE YEAR 2005-2006**

- 2.11 For the year 2005-2006, the State Government had budgeted a sum of Rs.50, 00,000 (Rs. Fifty lakhs only) under the budget Head 2251-00-090-0-03-101 Secretariat - Social Services Karnataka Information Commission.

The Main expenditure was on establishment, salaries, office furnishing and equipments.

#### **WEBSITE & EMAIL ADDRESSES**

- 2.12 The *website* of the commission: [www.kic.gov.in](http://www.kic.gov.in) is operational. The “Cause lists” as well as “orders” passed by the Commission on appeals and complaints are being posted on the website. The site is hosted on the domain of the National Informatics Centre, Karnataka. The e-mail addresses of the State Chief Information Commissioner, State Information Commissioner and Secretary of the Commission are:

- \* [scic@karnataka.gov.in](mailto:scic@karnataka.gov.in)
- \* [sic.kic@karnataka.gov.in](mailto:sic.kic@karnataka.gov.in)
- \* [secy-kic@karnataka.gov.in](mailto:secy-kic@karnataka.gov.in)

## CHAPTER - III

### IMPLEMENTATION OF THE ACT

- 3.1 Information pertaining to the implementation of the Act has been arranged in the following tables:
- Table 1: Department-wise number of Public Authorities and designated Public Information Officers.
- Table 2: Requests for information filed under Sec. 6 of the RTI Act and their disposal by the Public Information Officers.
- Table 3: Provision-wise number of requests rejected by the State Public Information Officers.
- Table 4: Disposal of appeals by First Appellate Authorities under Sec.19 (1) of the Act.
- Table 5: Disposal of complaints by Karnataka Information Commission.
- Table 6: Reasons for complaints to the Commission and their disposal.
- Table 7: Disposal of second appeals by Karnataka Information Commission.
- Table 8: Summary of costs, fees & charges collected by Public Authorities.
- 3.2 Department wise information has been collected from the concerned departments.

#### **Public Authorities & Public Information Officers:**

- 3.3 According to data received from the departments, the total number of public authorities in the state was 65,717 and the total number of public information officers were 73,512. The largest number of public authorities and PIOs have been reported by Education Department because of the aided institutions.
- 3.4 Cooperation Department has reported 315 public authorities and 213 PIOs. The Department does not appear to have included all the cooperative societies as public authorities, although the Registrar of Cooperative Societies has issued a notification to that effect. It should however be mentioned that although the Commission has upheld the said notification, the same has been challenged before Karnataka High Court.
- 3.5 Home Department has reported only 7 public authorities and 123 public information officers because officers of the rank of superintendants of police have been appointed as public information officers. Commission is of the view that all the station house officers of the Department should be appointed as public information officers. If this is not found feasible, they should at least be appointed as assistant public information officers (APIOs.).
- 3.6 Rural Development and Panchayat Raj (RDPR) Department has reported 5861 public authorities and 6090 public information officers. They have correctly included all Gram Panchayats as public authorities.



- 3.7 Revenue Department has also correctly notified all Tahasildars as public information officers, although it would have been better if they had been notified as public authorities.
- 3.8 Law and Human Rights Department (including Courts) has reported 34 public authorities and 42 public information officers.
- 3.9 Public Enterprises Department has reported only 1 public authority and 1 public information officer.
- 3.10 Health and Family Welfare Department has reported only 8 public authorities and 108 public information officers. Commission is of the view that this number should have been considerably higher.

**Number of requests and their disposal:**

- 3.11 As regards number of requests received, the largest number of 3952, was reported by Urban Development Department followed by 3220 by Revenue Department. From the data provided by the departments, it appears that disposal of requests has been by and large satisfactory.
- 3.12 According to data provided, largest number of requests (18) have been rejected in DPAR followed by (9) in the RDPR. Other Departments which have reported rejection of requests were Commerce and Industries Department (4), Finance Department (1), Labour Department (3) and Karnataka Legislative Assembly (1). Thus the total number of requests rejected is 36 as against the total of 8576 disposed off during the period under report. This shows that information was provided in most of the cases.

**First Appeals and their disposal:**

- 3.13 According to information provided by the departments, the number of first appeals preferred was 471 of which 428 have been disposed off. 15 appeals were rejected during the period of report.
- 3.14 Since very few requests for information were rejected, most of the first appeals would have been filed due to deemed rejection because of delay in providing the information.

**Second appeals and complaints to the Commission:**

- 3.15 During the year, the Commission received a total of 56 second appeals and 151 complaints, of which 15 appeals and 24 complaints were disposed off. The disposal is low because period of report is October 2005 to March 2006. Since the Act came into full effect only from 12<sup>th</sup> of October 2005, most of the complaints and appeals were received only during January-March 2006 and as such could not be disposed off before 31<sup>st</sup> March 2006.

- 3.16 None of the appeals or complaints were rejected by the Commission and information was ordered to be provided in all cases disposed off by the Commission during the period.

**CHAPTER - IV****RECOMMENDATIONS**

- 4.1 Karnataka Information Commission started functioning with effect from the afternoon of 31-07-2005. However, all the provisions of Right to Information Act, 2005 came into force only on 12<sup>th</sup> of October 2005. Filing of complaints and appeals therefore started only thereafter. As may be seen from the data forming part of this report, not many cases (complaints and appeals) were filed before the Commission up to 31-03-2006.
- 4.2 Although this report relates to the year 2005-06, the Commission has drawn from its experience gained even subsequently in framing these recommendations.
- 4.3 Besides, Central Information Commission had organized a National Convention on one year of RTI during 13-15<sup>th</sup> October, 2006 at New-Delhi. The then Hon'ble President of India Dr. A. P. J. Abdul Kalam had inaugurated it on 13<sup>th</sup> October, 2006 and Dr. Manmohan Singh, Prime Minister of India addressed a valedictory to the Convention on 15<sup>th</sup> October, 2006.
- 4.4 During the Convention, four Panels were formed to deliberate on various topics. Panel (1) was headed by Sri K. K. Misra, State Chief Information Commissioner, Karnataka, panel (2) by Dr. R. S. Tolia, State Chief Information Commissioner, Uttaranchal, panel (3) by Sri Anna Hazare and panel (4) by Sri S. Ramakrishna, State Chief Information Commissioner, Tamilnadu.
- 4.5 These panels made far-reaching recommendations, which, after their adoption by the convention, have been forwarded to Central Government for consideration. Commission has included some of these recommendations in this chapter for consideration of the State Government.

**(A) Publication of names of PIOs, etc.**

- 4.6 Most of the departments have not published the names, telephone numbers and addresses of the Public Authorities, PIOs and First Appellate Authorities under them. This causes genuine hardship to citizens. All

departments as well as Public Authorities must publish these details for the benefit of citizens.

**(B) Proper maintenance of records:**

- 4.7 The act defines information as records, documents, circulars, orders, contracts, papers etc. In most cases, applicants seek access to such records and documents. To facilitate such access, proper maintenance and management of records is of utmost importance.
- 4.8 Section 4(1)(a) of the Act therefore requires every public authority to maintain its records duly catalogued and indexed. Commission has however noted that maintenance and management of records in all Government offices has been neglected for a very long period.
- 4.9 The upkeep of record rooms needs to be improved at once, to facilitate quick retrieval of required records. PIOs are increasingly reporting that several important records sought by the applicants have gone missing. A number of these are permanent records relating to lands and loss of such records could give rise to fraudulent claims.
- 4.10 The Central Government has enacted The Public Records Act, 1993 to regulate the management, administration and preservation of public records. The said Act provides for punishment up to 5 years for unauthorized destruction of records. Karnataka has no such legislation. Commission recommends that the State Government must consider a similar but more comprehensive legislation to deal with the increasing menace of missing public records.
- 4.11 Wherever any public record / document is reported missing, its absence must be explained in context of the weeding rules. Commission, in all such cases, has been directing the concerned officers (i) to conduct an internal enquiry to fix responsibility and (ii) to lodge a complaint with jurisdictional police.
- 4.12 Commission is informed that the police are not registering FIRs on basis of these complaints because according to them, loss of a public record is non-cognizable. Commission recommends that till such time as a comprehensive legislation is enacted, the Government must direct that loss of government records be treated as theft and / or criminal breach of trust and police must

record a FIR and start investigation in all reported cases involving loss of important public records.

**(C) Citizens' Charter should form part of suo-moto declaration under section 4(1)(b) and should be enforceable:**

4.13 A large number of RTI requests concern failure of public authorities to provide delivery of services expected of them. This Commission is of the view that a part of suo-moto disclosure to be made under section 4(1)(b)(i) to (iv) of Right to Information Act, 2005, such as functions, duties, procedures, accountability and norms set by Public Authorities for discharge of their functions, has all the characteristics of the Citizens' Charter.

4.14 Citizens' Charter should therefore form an integral part of the disclosures under 4(1)(b), so that the public is aware of the commitments of a Public Authority towards the Citizens. All Public Authorities must, wherever necessary, re-visit their procedures. Irksome procedures should be debated in public and made more citizen-friendly. Citizens should be able to enforce the norms disclosed under the RTI Act wherever necessary.

4.15 Disclosures under Section 4(1)(b) must contain all the details as required under the Act and these details should be periodically updated. Commissions should have the authority to penalize public authorities for inadequate disclosure or non-disclosure of details required under this section.

4.16 It should be obligatory for public authorities to publish these disclosures in their Annual Reports.

**(D) Training of PIOs**

4.17 PIOs need training to sensitize them to the needs of citizens. A massive round of training of PIOs must therefore be undertaken to enable them to discharge the responsibilities cast on them under the Act.

**(E) Power to punish for contempt:**

4.18 Commissions should be empowered to enforce their decisions as also initiate contempt proceedings for non-implementation of their orders. This could be done by framing of rules under section 27 of Right to Information Act, 2005 and / or vesting of powers of civil courts in regard to contempt on the

Commissions under clause (f) of sub-section (3) of section 18 of Right to Information Act, 2005.

**(F) Compensation under section 19(8)(b):**

- 4.19 Section 19(8)(b) empowers the Commissions to require the public authorities to compensate the Complainant for any loss or detriment suffered by him. It has been pointed out by some activists that public money should not be used for this purpose since the delay and consequential loss/detriment is usually caused due to the fault of the PIOs. They have therefore suggested that the Commission should fix responsibility on the concerned PIO / deemed PIO and direct that the compensation be paid by him personally.
- 4.20 They also pointed out that in several cases, where such amounts were ordered to be paid by the public authorities, such public authorities have decided to recover the same from concerned PIOs. They have therefore suggested that the Act should be suitably amended to provide that the Commission while ordering compensation, could also direct that the same be recovered from the defaulting officials. This Commission supports the suggestion.

**(G) Creation of awareness**

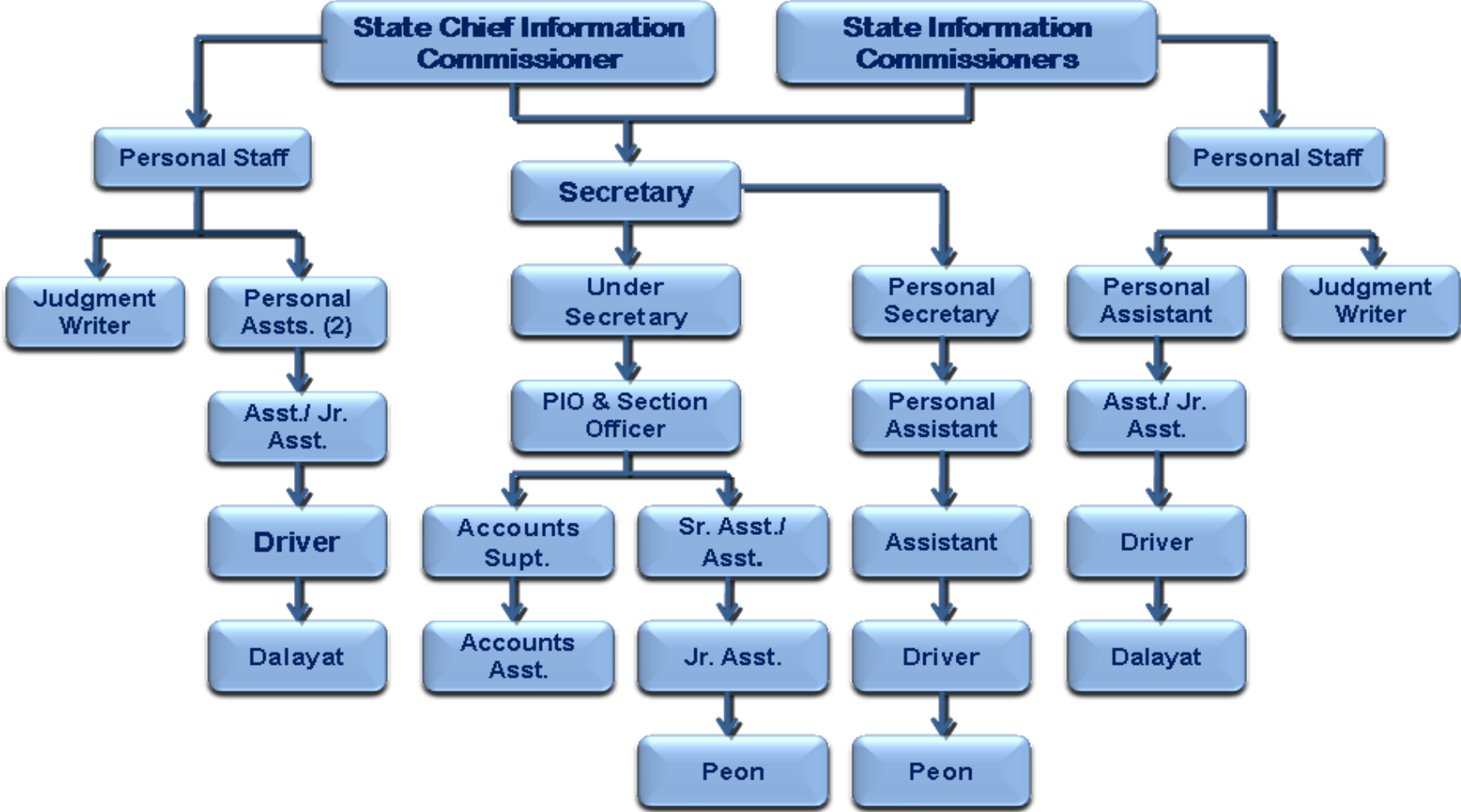
- 4.21 Under section 26 of Right to Information Act, State Government is required to publish a guide for persons, who wish to exercise their rights under this Act. Such a guide has to include a list of public authorities and public Information officers, their addresses etc. Some efforts have been made to compile such a list of public authorities and public information officers, but a complete and comprehensive list has not been published so far. This task needs to be completed expeditiously.
- 4.22 Some voluntary organizations have prepared learning materials on RTI (in Kannada and English). Government and public authorities should supplement these efforts.

**(H) Performance Appraisal**

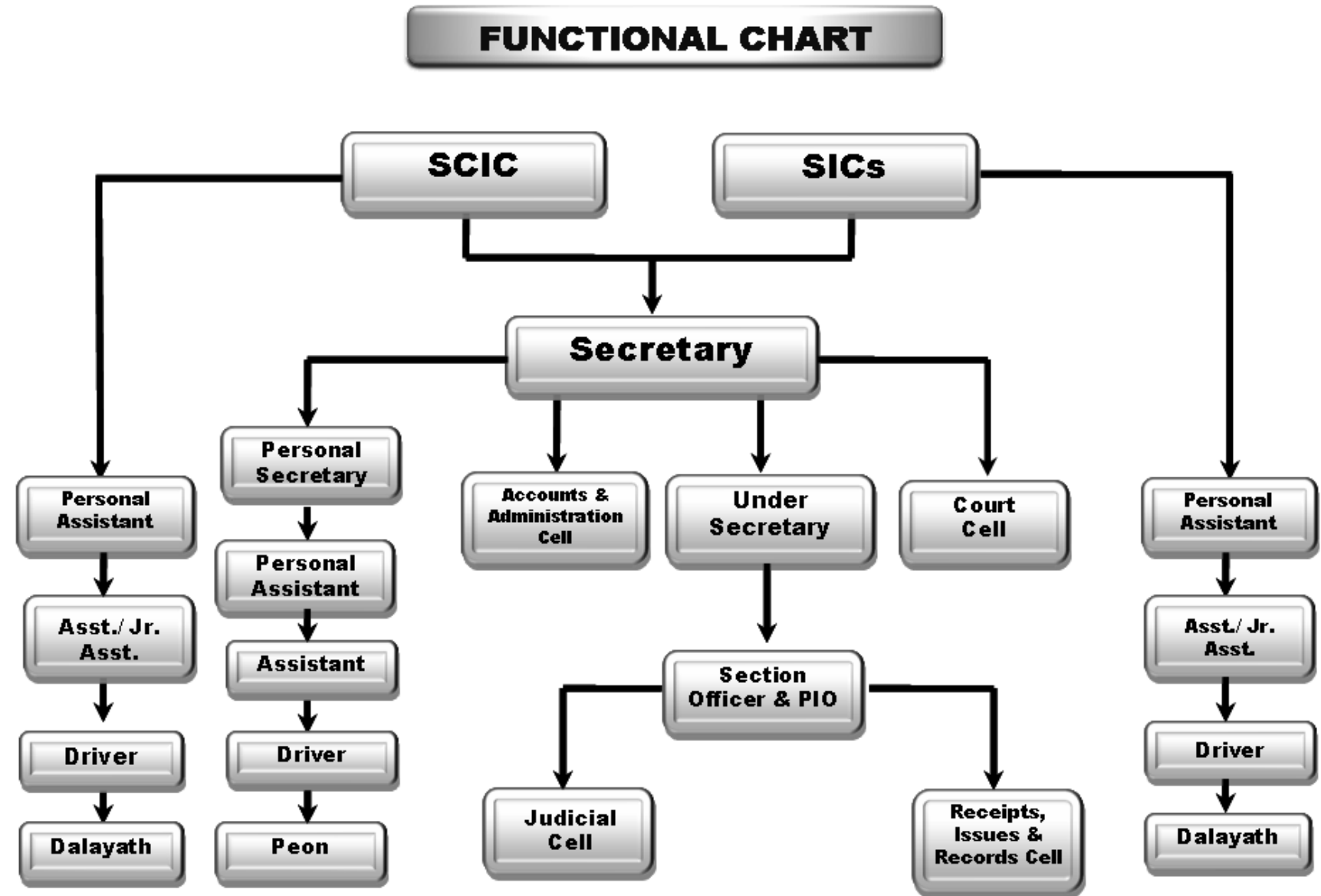
- 4.23 It is suggested that specific columns be included in the Annual Confidential Reports of Officers regarding their attitude towards implementation of the R.T.I Act. The self assessment report of Public Information Officer must include information regarding number of applications received by them and their disposal.

# **ANNEXURE**

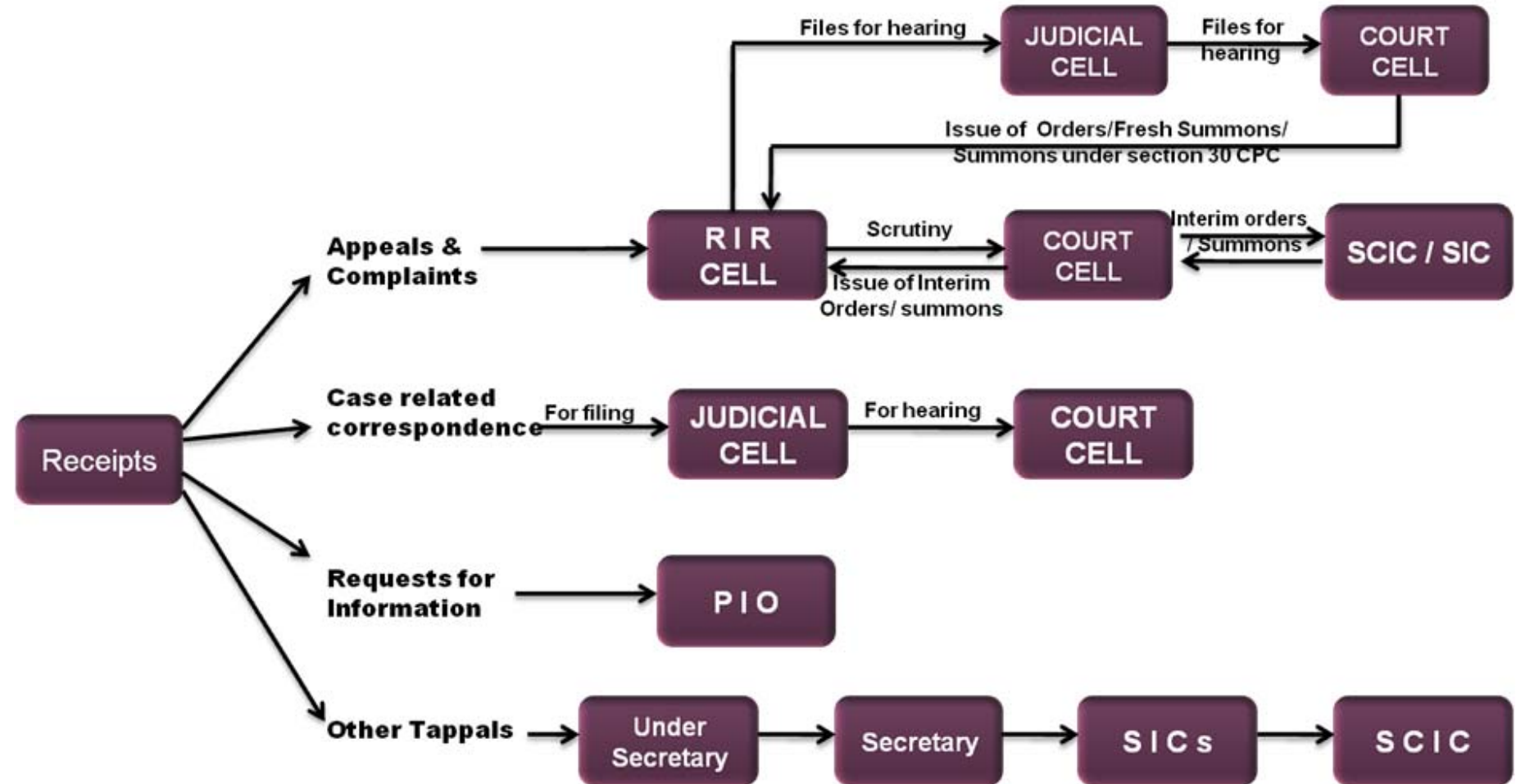
# ORGANISATIONAL CHART







## WORK FLOW CHART





**Table 1**  
**Designation of Public Information Officers [See Section 5(1)]**  
**Reporting Year: 2005-06**

[Source: Reports from Departments]

Sl. No.	Name of the Department	No of Public Authorities	No of Public Information Officers Designated
1	2	3	4
1	Agriculture including Horticulture & Food Processing	189	276
2	Animal Husbandry & Fisheries Department	12	3732
3	Commerce & Industries including Mines, Textiles and Small Scale Industries	32	218
4	Co-operation Department	315*	213*
5	Department of Personnel & Administrative Reforms including DPAR (AR), e-Governance, Public Grievance and K I C	28	53
6	Education including Higher Education & Technical Education.	56277	56227
7	Energy Department	11	486
8	Finance Department	1796*	1664*
9	Forest including Environment & Ecology	11	108
10	Food & Civil Supplies Department	383	417
11	Health & Family Welfare including Medical Education Department	8	108
12	Home including Prisons	7	123
13	Housing Department	5	45
14	Information, Bio-technology, Science & Technology.	12	12
15	Infrastructure Development Department	1	3
16	Kannada & Culture & Information Department	14	120
17	Karnataka Legislature Assembly and Council	2	2
18	Law & Human Rights Department including Courts	34	42
19	Labour Department	5	123
20	Department of Parliamentary affairs & Legislation	2	2
21	Planning & Statistics Department	5	36
22	Public Enterprises Department	1	1
23	Public Works Department & National Highways	9	350
24	Revenue Department including Mujrai, Stamps & Registration and KAT	36	1096

\* The number of PIOs reported here is less than the number of public authorities, because some public authorities have not reported the number of PIOs appointed by them.

Sl. No.	Name of the Department	No of Public Authorities	No of Public Information Officers Designated
25	Rural Development including Panchayat Raj	5861	6090



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26	Social Welfare Department including Minority welfare	8	279
27	Transport Department	6	175
28	Water Resources including Major, Medium & Minor	10	367
29	Women & Child Welfare Department	358	358
30	Youth Services	5	10
31	Governor's Secretariat	1	2
32	Chief Electoral Officer & Ex-Officio Principal Secretary to Government, D.P.A.R.	1	2
33	Urban Development including Municipal Administration & Corporation	323	773
	TOTAL	65,717	73,512



**Table 2**  
**Requests for Information filed Under Sec.6 of the RTI Act and their Disposal by the Public Information Officers Reporting Year 2005-06**

[Source: Reports from Departments]

Sl. No.	Name of the Department	No of requests pending at the end of Last year	No of Requests received during the year	Total No of Requests	No of requests Disposed
1	2	3	4	5	6
1	Agriculture including Horticulture & Food Processing	0	44	44	40
2	Animal Husbandry & Fisheries Department	0	29	29	28
3	Commerce & Industries including Mines, Textiles and Small Scale Industries	0	395	395	384
4	Co-operation Department	0	74	74	69
5	Department of Personnel & Administrative Reforms including DPAR (AR), e-Governance, Public Grievance and K I C	0	127	127	122
6	Education including Higher Education & Technical Education.	0	183	183	168
7	Energy Department	0	24	24	21
8	Finance Department	0	61	61	54
9	Forest including Environment & Ecology	0	238	238	236
10	Food & Civil Supplies Department	0	123	123	123
11	Health & Family Welfare Department	0	63	63	63
12	Home including Prisons	0	768	768	759
13	Housing Department	0	9	9	9
14	Information Bio-technology, Science & Technology.	0	2	2	2
15	Infrastructure Development Department	0	1	1	1
16	Kannada & Culture & Information Department	0	1505	1505	1499
17	Karnataka Legislative Assembly & Council	0	55	55	53
18	Law & Human Rights Department including Courts	0	0	0	0
19	Labour Department	0	28	28	28
20	Department of Parliamentary affairs & Legislation	0	0	0	0
21	Planning & Statistics Department	0	5	5	4
22	Public Enterprises Department	0	0	0	0
23	Public Works Department & National Highways	0	89	89	76
24	Revenue Department including Mujrai, Stamps and Registration and KAT		3220	3220	3180
25	Rural Development including Panchayat Raj	0	288	288	283



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Sl. No.	Name of the Department	No of requests pending at the end of Last year	No of Requests received during the year	Total No of Requests	No of requests Disposed
26	Social Welfare Department including Minority welfare	0	26	26	25
27	Transport Department	0	23	23	22
28	Water Resources including Major, Medium & Minor	0	108	108	88
29	Women & Child Welfare Department	0	40	40	40
30	Youth Services	0	2	2	2
31	Governor's Secretariat	0	9	9	9
32	Chief Electoral Officer & Ex-Officio Principal Secretary to Government, D.P.A.R.	0	0	0	0
33	Urban Development including Municipal Administration & Corporation	0	3952	3952	3726
	TOTAL		10014	10014	8576

**Note:** Ministers' establishments have not been shown separately as they are not independent Departments. They have been treated as Public Authorities under the concerned Departments.



Table 3.3

**Provisions of the Act under which the requests were rejected by the State Public Information Officers  
Reporting Year: 2005-06**

[Source: Reports from Departments]

Sl. No.	Name of the Department	Section 8(1)(a)	Section 8(1)(b)	Section 8(1)(c)	Section 8(1)(d)	Section 8(1)(e)	Section 8(1)(f)	Section 8(1)(g)	Section 8(1)(h)	Section 8(1)(i)	Section 8(1)(j)	Other Sections
1	2	3	4	5	6	7	8	9	10	11	12	15
1	Agriculture including Horticulture & Food Processing	0	0	0	0	0	0	0	0	0	0	0
2	Animal Husbandry & Fisheries Department	0	0	0	0	0	0	0	0	0	0	0
3	Commerce & Industries including Mines, Textiles and Small Scale Industries	0	0	0	4	0	0	0	0	0	0	0
4	Co-operation Department	0	0	0	0	0	0	0	0	0	0	0
5	Department of Personnel & Administrative Reforms including DPAR (AR), e-Governance, Public Grievance and K I C	9	0	0	3	1	0	0	0	0	1	4
6	Education including Higher Education & Technical Education.	0	0	0	0	0	0	0	0	0	0	0
7	Energy Department	0	0	0	0	0	0	0	0	0	0	0
8	Finance Department	0	0	0	0	0	0	0	0	0	1	0
9	Forest including Environment & Ecology	0	0	0	0	0	0	0	0	0	0	0
10	Food & Civil Supplies Department	0	0	0	0	0	0	0	0	0	0	0
11	Health & Family Welfare Department	0	0	0	0	0	0	0	0	0	0	0
12	Home including Prisons	0	0	0	0	0	0	0	0	0	0	0
13	Housing Department	0	0	0	0	0	0	0	0	0	0	0
14	Information Bio-technology, Science & Technology.	0	0	0	0	0	0	0	0	0	0	0
15	Infrastructure Development Department	0	0	0	0	0	0	0	0	0	0	0
1	2	3	4	5	6	7	8	9	10	11	12	15



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16	Kannada & Culture & Information Department	0	0	0	0	0	0	0	0	0	0	0
17	Karnataka Legislative Assembly	0	0	1	0	0	0	0	0	0	0	0
18	Law & Human Rights Department including Courts	0	0	0	0	0	0	0	0	0	0	0
19	Labour Department	0	0	0	0	0	0	0	0	0	3	0
20	Parliamentary affairs & Legislation Department	0	0	0	0	0	0	0	0	0	0	0
21	Planning & Statistics Department	0	0	0	0	0	0	0	0	0	0	0
22	Public Enterprises Department	0	0	0	0	0	0	0	0	0	0	0
23	Public Works Department & National Highways	0	0	0	0	0	0	0	0	0	0	0
24	Revenue Department including Mujrai, Stamps and Registration and KAT	0	0	0	0	0	0	0	0	0	0	0
25	Rural Development including Panchayat Raj	0	0	0	0	0	0	0	0	0	0	9
26	Social Welfare Department including Minority welfare	0	0	0	0	0	0	0	0	0	0	0
27	Transport Department	0	0	0	0	0	0	0	0	0	0	0
28	Water Resources including Major, Medium & minor	0	0	0	0	0	0	0	0	0	0	0
29	Women & Child Welfare Department	0	0	0	0	0	0	0	0	0	0	0
30	Youth Services	0	0	0	0	0	0	0	0	0	0	0
31	Governor's Secretariat	0	0	0	0	0	0	0	0	0	0	0
32	Chief Electoral Officer & Ex-Officio Principal Secretary to Government, D.P.A.R.	0	0	0	0	0	0	0	0	0	0	0
33	Urban Development including Municipal Administration & Corporation	0	0	0	0	0	0	0	0	0	0	0

*Note: A request for information could be rejected under more than one provision.*





Table 4  
**Disposal of Appeals by First Appellate Authorities under Sec.19 (1) of the Act**  
**Reporting Year: 2005-06**

[Source: Reports from Departments]

Sl. No.	Name of the Department	No of First Appeals pending with Appellate Officers	No of First Appeals preferred during the Year	Total No of First Appeals with Appellate Officers	No of First Appeals Disposed	No of First Appeals Rejected	% of First Appeals Rejected	No of First Appeals pending beyond 30 Days
1	2	3	4	5	6	7	8	9
1	Agriculture including Horticulture & Food Processing	0	14	14	14	0	0	0
2	Animal Husbandry & Fisheries Department	0	0	0	0	0	0	0
3	Commerce & Industries including Mines, Textiles and Small Scale Industries	0	4	4	0	0	0	4
4	Co-operation Department	0	3	3	3	0	0	0
5	Department of Personnel & Administrative Reforms including DPAR (AR), e-Governance, Public Grievance and K I C	0	9	9	7	0	0	2
6	Education including Higher Education & Technical Education.	0	1	1	0	0	0	1
7	Energy Department	0	0	0	0	0	0	0
8	Finance Department	0	2	2	2	0	0	0
9	Forest including Environment & Ecology	0	1	0	0	0	0	1
10	Food & Civil Supplies Department	0	17	17	17	0	0	0
11	Health & Family Welfare Department	0	0	0	0	0	0	0
12	Home including Prisons	0	1	1	1	0	0	0
13	Housing Department	0	2	2	2	0	0	0
14	Information Bio-technology, Science & Technology.	0	2	2	2	0	0	0
15	Infrastructure Development Department	0	0	0	0	0	0	0
16	Kannada & Culture & Information Department	0	0	0	0	0	0	0
17	Karnataka Legislative Assembly	0	1	1	1	0	0	0



Karnataka Information Commission - Annual report 2005-06

Sl. No.	Name of the Department	No of First Appeals pending with Appellate Officers	No of First Appeals preferred during the Year	Total No of First Appeals with Appellate Officers	No of First Appeals Disposed	No of First Appeals Rejected	% of First Appeals Rejected	No of First Appeals pending beyond 30 Days
18	Law & Human Rights Department including Courts	0	0	0	0	0	0	0
19	Labour Department	0	3	3	3	0	0	0
20	Parliamentary affairs & Legislation Department	0	0	0	0	0	0	0
21	Planning & Statistics Department	0	4	4	4	0	0	0
22	Public Enterprises Department	0	0	0	0	0	0	0
23	Public Works Department & National Highways	0	12	12	6	0	0	6
24	Revenue Department including Mujrai, Stamps and Registration and KAT	0	0	0	0	0	0	0
25	Rural Development including Panchayat Raj	0	57	57	57	0	0	0
26	Social Welfare Department including Minority welfare	0	0	0	0	0	0	0
27	Transport Department	0	0	0	0	0	0	0
28	Water Resources including Major, Medium & minor	0	23	23	2	0	0	21
29	Women & Child Welfare Department	0	0	0	0	0	0	0
30	Youth Services	0	1	1	1	0	0	1
31	Governor's Secretariat	0	0	0	0	0	0	0
32	Chief Electoral Officer & Ex-Officio Principal Secretary to Government, D.P.A.R.	0	0	0	0	0	0	0
33	Urban Development Dept.	0	314	314	306	0	0	8
	TOTAL	0	471	471	428	0	0	43

**Table 5**  
**Disposal of Complaints by Karnataka Information Commission**  
**Reporting Year: 2005-06**

[Source: KIC]

Sl. No.	Name of the Department	No of Complaints pending at the end of Last year	No of Complaints Preferred during the year	Total No of Complaints	No of Complaints Disposed	No of Complaints rejected	% of complaints rejected	No of Complaints pending beyond 90 Days
1	2	3	4	5	6	7	8	9
1	Agriculture including Horticulture & Food Processing	0	0	0	0	0	0	0
2	Animal Husbandry & Fisheries Department	0	0	0	0	0	0	0
3	Commerce & Industries including Mines, Textiles and Small Scale Industries	0	0	0	0	0	0	0
4	Co-operation Department	0	8	8	0	0	0	0
5	Department of Personnel & Administrative Reforms including DPAR (AR), e-Governance,	0	7	7	2	0	0	0
6	Education including Higher Education & Technical Education.	0	13	13	1	0	0	0
7	Energy Department	0	8	8	0	0	0	0
8	Finance Department	0	2	2	0	0	0	0
9	Forest including Environment & Ecology	0	1	1	0	0	0	0
10	Food & Civil Supplies Department	0	0	0	0	0	0	0
11	Health & Family Welfare Department	0	6	6	1	0	0	0
12	Home including Prisons	0	7	7	0	0	0	0
13	Housing Department	0	2	2	0	0	0	0
14	Information, Bio-technology, Science & Technology.	0	0	0	0	0	0	0
15	Infrastructure Development Department	0	0	0	0	0	0	0
16	Kannada & Culture & Information Department	0	1	1	0	0	0	0
17	Karnataka Legislative Assembly	0	0	0	0	0	0	0
18	Law & Human Rights Department including Courts	0	2	2	1	0	0	0



Karnataka Information Commission - Annual report 2005-06

Sl. No.	Name of the Department	No of Complaints pending at the end of Last year	No of Complaints Preferred during the year	Total No of Complaints	No of Complaints Disposed	No of Complaints rejected	% of complaints rejected	No of Complaints pending beyond 90 Days
19	Labour Department	0	3	3	1	0	0	0
20	Parliamentary affairs & Legislation Department	0	0	0	0	0	0	0
21	Planning & Statistics Department	0	0	0	0	0	0	0
22	Public Enterprises Department	0	0	0	0	0	0	0
23	Public Works Department & National Highways	0	4	4	1	0	0	0
24	Revenue Department including Mujrai, Stamps and Registration and KAT	0	14	14	0	0	0	0
25	Rural Development including Panchayat Raj	0	15	15	3	0	0	0
26	Social Welfare Department including Minority welfare	0	0	0	0	0	0	0
27	Transport Department	0	2	2	2	0	0	0
28	Water Resources including Major, Medium & minor	0	2	2	0	0	0	0
29	Women & Child Welfare Department	0	0	0	0	0	0	0
30	Youth Services	0	0	0	0	0	0	0
31	Governor's Secretariat	0	4	4	1	0	0	0
32	Chief Electoral Officer & Ex-Officio Principal Secretary to Government, D.P.A.R.	0	0	0	0	0	0	0
33	Urban Development Dept.	0	50	50	11	0	0	0
TOTAL		0	151	151	24	0	0	0



**Table 6**  
**Reasons for Complaints to the Commission and their disposal**

[Source: Analysis by KIC]

Classification of Complaints	No of Complaints pending at the end of Last year	No of Complaints Preferred during the year	Total No of Complaints	No of Complaints Disposed	No of Complaints rejected	No of Complaints pending for more than 90 Days
1	2	3	4	5	6	7
Section 18.1(a)	0	2	2	0	0	0
Section 18.1(b)	0	4	4	0	0	0
Section 18.1(c)	0	92	92	17	0	0
Section 18.1(d)	0	3	3	0	0	0
Section 18.1(e)	0	14	14	1	0	0
Section 18.1(f)	0	36	36	6	0	0
Total in the State	0	151	151	24	0	0



**Table 7**  
**Disposal of Second Appeals by Karnataka Information Commission**  
**Reporting Year:2005-06**

[Source: KIC]

Sl. No.	Name of the Department	No of Second Appeals pending with Information Commission at end of Last Year	No of Second Appeals preferred during the Year	Total No of Second Appeals with Information Commission	No of Second Appeals Disposed	No of Second Appeals Rejected	% of Second Appeals Rejected
1	2	3	4	5	6	7	8
1	Agriculture including Horticulture & Food Processing	0	0	0	0	0	0
2	Animal Husbandry & Fisheries Department	0	0	0	0	0	0
3	Commerce & Industries including Mines, Textiles and Small Scale Industries	0	0	0	0	0	0
4	Co-operation Department	0	4	4	2	0	0
5	Department of Personnel & Administrative Reforms including DPAR (AR), e-Governance,	0	1	1	1	0	0
6	Education including Higher Education & Technical Education.	0	5	5	2	0	0
7	Energy Department	0	4	4	2	0	0
8	Finance Department	0	1	1	0	0	0
9	Forest including Environment & Ecology	0	0	0	0	0	0
10	Food & Civil Supplies Department	0	0	0	0	0	0
11	Health & Family Welfare Department	0	5	5	0	0	0
12	Home including Prisons	0	1	1	1	0	0
13	Housing Department	0	0	0	0	0	0
14	Information Bio-technology, Science & Technology.	0	0	0	0	0	0
15	Infrastructure Development Department	0	0	0	0	0	0
16	Kannada & Culture & Information Department	0	2	2	1	0	0
17	Karnataka Legislative Assembly	0	0	0	0	0	0
18	Law & Human Rights Department including Courts	0	0	0	0	0	0
19	Labour Department	0	3	3	1	0	0



Karnataka Information Commission - Annual report 2005-06

Sl. No.	Name of the Department	No of Second Appeals pending with Information Commission at end of Last Year	No of Second Appeals preferred during the Year	Total No of Second Appeals with Information Commission	No of Second Appeals Disposed	No of Second Appeals Rejected	% of Second Appeals Rejected
20	Parliamentary affairs & Legislation Department	0	0	0	0	0	0
21	Planning & Statistics Department	0	0	0	0	0	0
22	Public Enterprises Department	0	0	0	0	0	0
23	Public Works Department & National Highways	0	0	0	1	0	0
24	Revenue Department including Mujrai, Stamps and Registration and KAT	0	5	5	0	0	0
25	Rural Development including Panchayat Raj	0	4	4	0	0	0
26	Social Welfare Department including Minority welfare	0	0	0	0	0	0
27	Transport Department	0	0	0	0	0	0
28	Water Resources including Major, Medium & minor	0	0	0	0	0	0
29	Women & Child Welfare Department	0	0	0	0	0	0
30	Youth Services	0	0	0	0	0	0
31	Governor's Secretariat	0	0	0	0	0	0
32	Chief Electoral Officer & Ex-Officio Principal Secretary to Government, D.P.A.R.	0	0	0	0	0	0
33	Urban Development Dept.	0	21	21	4	0	0
Total		0	56	56	15	0	0

**Table 8**  
**Summary of Costs, Fees & Charges Collected by Public Authorities**  
**Reporting Year: 2005-06**

[Source: Reports from Departments]



Karnataka Information Commission - Annual report 2005-06

Sl No	Name of Department	Cost Collected: Section 4(4)	Fee Collected: Section 6(1)	Fee Collected: Section 7(1)	Fee Collected: Section 7(5)	Other Charges Collected: (Specify)	Total Collection
1	Agriculture including Horticulture & Food Processing	NA	NA	NA	NA	NA	2669.00
2	Animal Husbandry & Fisheries Department	NA	NA	NA	NA	NA	969.00
3	Commerce & Industries including Mines, Textiles and Small Scale Industries	NA	NA	NA	NA	NA	19011.00
4	Co-operation Department	NA	NA	NA	NA	NA	6830.00
5	Department of Personnel & Administrative Reforms including DPAR (AR), e-Governance,	NA	NA	NA	NA	NA	21968.00
6	Education including Higher Education & Technical Education.	NA	NA	NA	NA	NA	6742.00
7	Energy Department	NA	NA	NA	NA	NA	1425.00
8	Finance Department	NA	NA	NA	NA	NA	1722.00
9	Forest including Environment & Ecology	NA	NA	NA	NA	NA	8247.00
10	Food & Civil Supplies Department	NA	NA	NA	NA	NA	4424.00
11	Health & Family Welfare Department	NA	NA	NA	NA	NA	2759.00
12	Home including Prisons	NA	NA	NA	NA	NA	40498.00
13	Housing Department	NA	NA	NA	NA	NA	620.00
14	Information Bio-technology, Science & Technology.	NA	NA	NA	NA	NA	20.00
15	Infrastructure Development Department	NA	NA	NA	NA	NA	0.00
16	Kannada & Culture & Information Department	NA	NA	NA	NA	NA	46043.00
17	Karnataka Legislative Assembly	NA	NA	NA	NA	NA	2477.00
18	Law & Human Rights Department including Courts	NA	NA	NA	NA	NA	0.00
19	Labour Department	NA	NA	NA	NA	NA	1406.00

Breakup not available.

Sl No	Name of Department	Cost Collected: Section 4(4)	Fee Collected: Section 6(1)	Fee Collected: Section 7(1)	Fee Collected: Section 7(5)	Other Charges Collected: (Specify)	Total Collection
20	Parliamentary affairs & Legislation Department	NA	NA	NA	NA	NA	0.00
21	Planning & Statistics Department	NA	NA	NA	NA	NA	100.00
22	Public Enterprises	NA	NA	NA	NA	NA	0.00





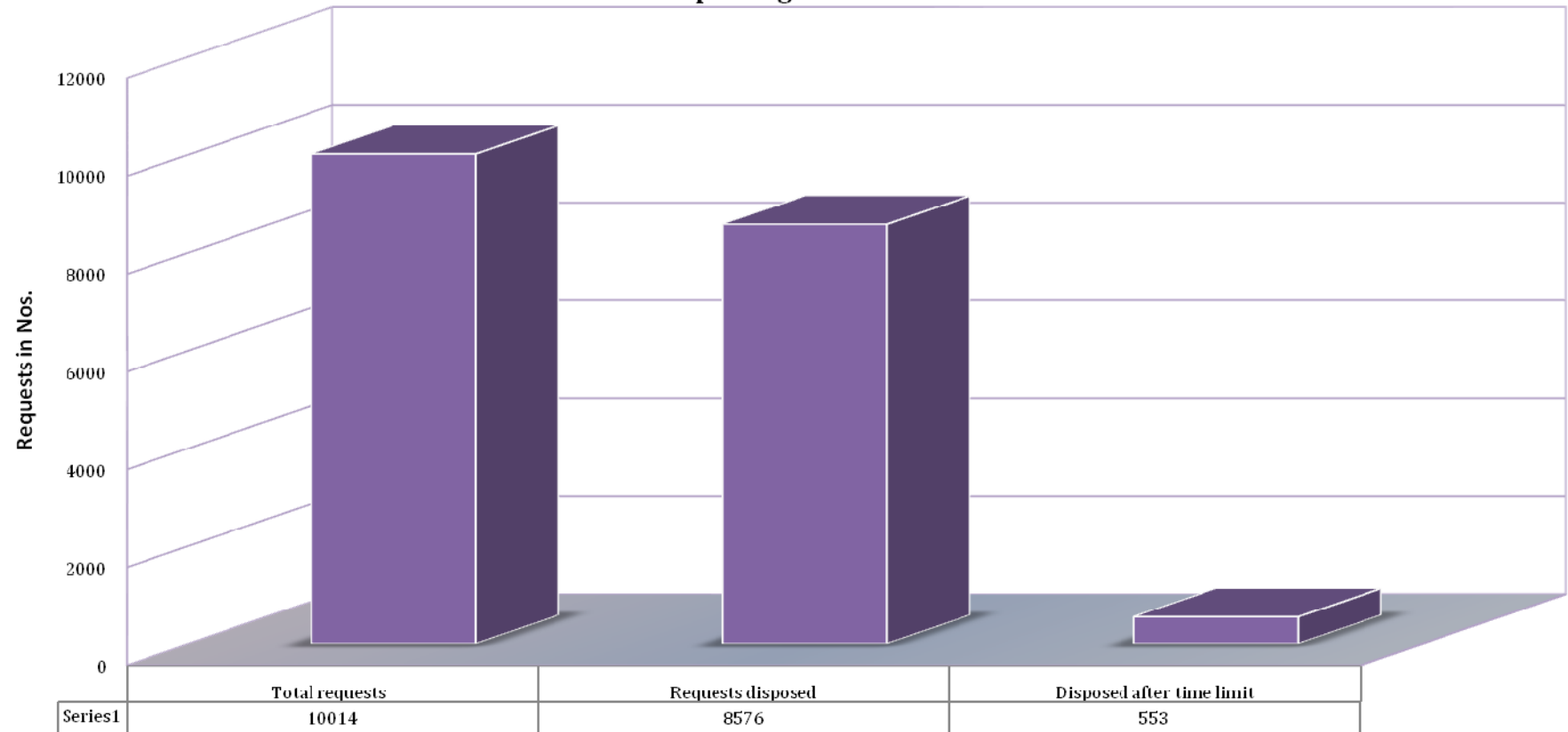
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	Department						
23	Public Works Department & National Highways	NA	NA	NA	NA	NA	2443.00
24	Revenue Department including Mujrai, Stamps and Registration and KAT	NA	NA	NA	NA	NA	36705.00
25	Rural Development including Panchayat Raj	NA	NA	NA	NA	NA	11437.00
26	Social Welfare Department including Minority welfare	NA	NA	NA	NA	NA	986.00
27	Transport Department	NA	NA	NA	NA	NA	906.00
28	Water Resources including Major, Medium & minor	NA	NA	NA	NA	NA	6745.00
29	Women & Child Welfare Department	NA	NA	NA	NA	NA	600.00
30	Youth Services	NA	NA	NA	NA	NA	1000.00
31	Governor's Secretariat	NA	NA	NA	NA	NA	185.00
32	Chief Electoral Officer & Ex-Officio Principal Secretary to Government, D.P.A.R.	NA	NA	NA	NA	NA	0.00
33	Urban Development Dept.	NA	NA	NA	NA	NA	158839.00
	TOTAL	NA	NA	NA	NA	NA	388162.00

Breakup not available.



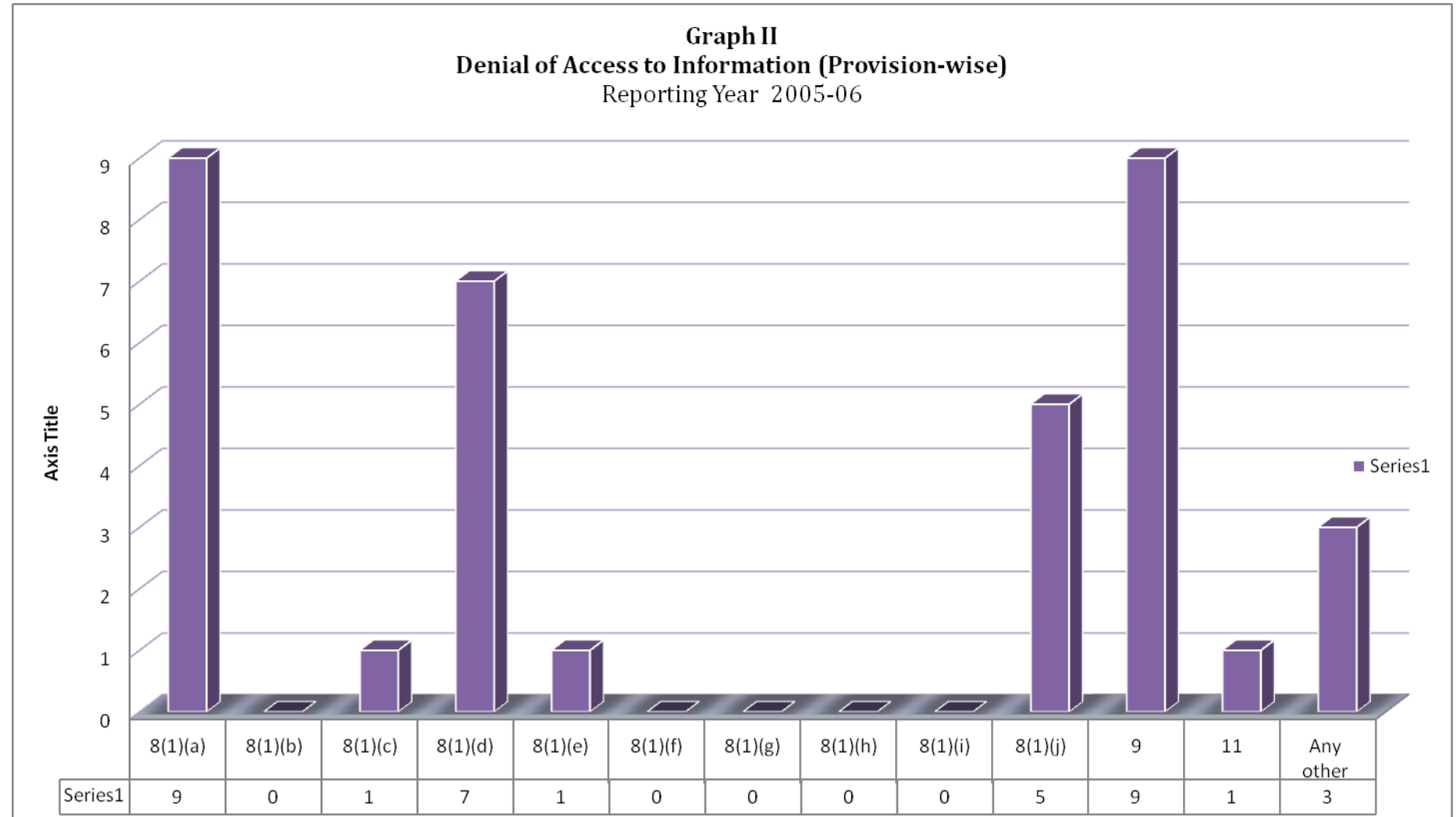
**Graph I**  
**Details of Requests by Primary Information Officers**  
**Reporting Year 2005-06**



Source: Reports from the Government Departments



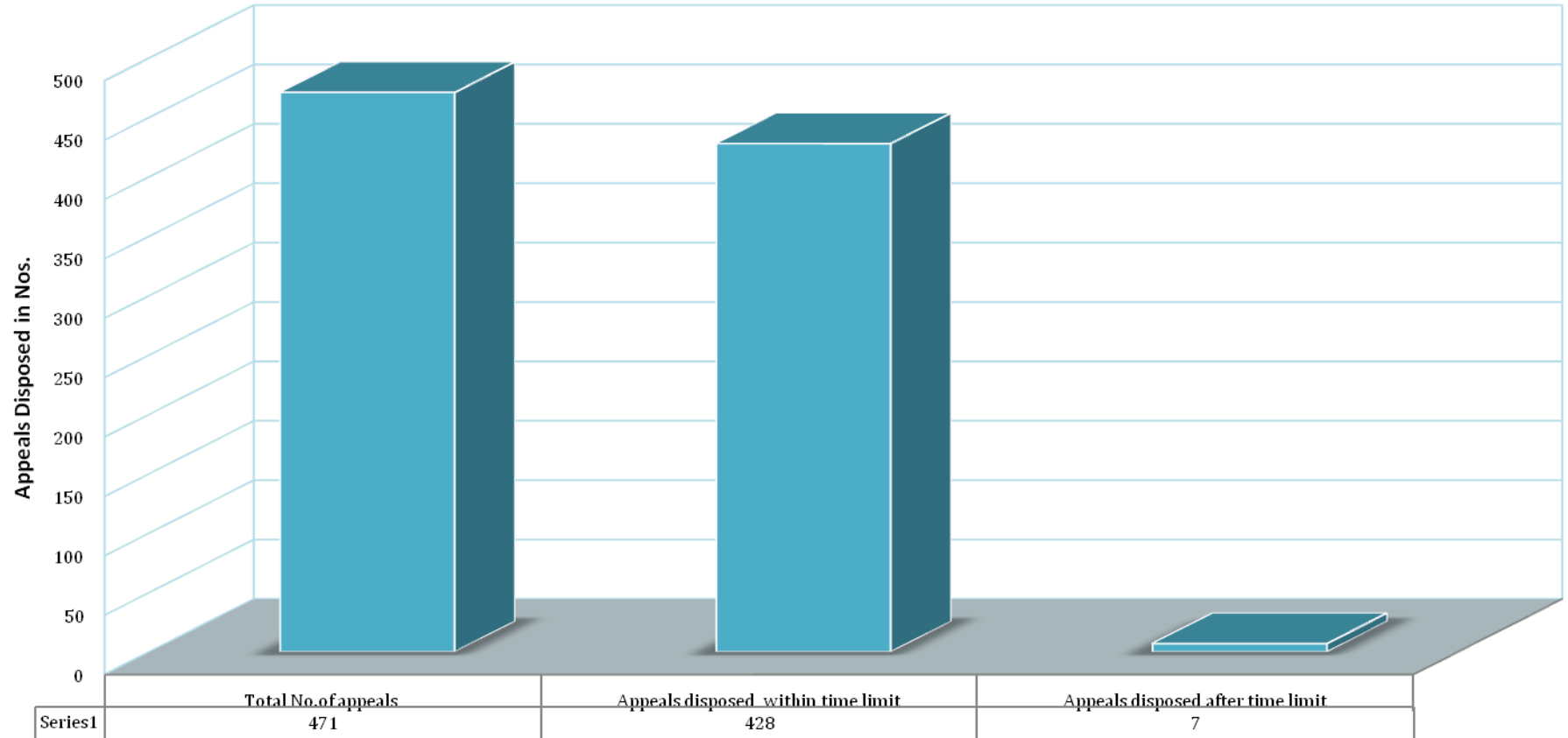
**Graph II**  
**Denial of Access to Information (Provision-wise)**  
Reporting Year 2005-06



Source: Reports from the Government Departments



**Graph III**  
**Disposal of Appeals by First Appellate Authorities**  
**Reporting Year 2005-06**



Source: Reports from the Government Departments



**GOVERNMENT OF KARNATAKA**

No. DPAR : 109 RTI : 2005

Karnataka Government Secretariat,  
Dept. of Personnel & Administrative Reforms,  
Janaspandana Cell,  
Bangalore, dated: 5<sup>th</sup> August 2005

**NOTIFICATION**

In exercise of the powers conferred under section 15(1) of the Right to Information Act, 2005 (Central Act 22 of 2005) the Government is pleased to constitute with effect from 30.7.2005 "The Karnataka Information Commission" to exercise the powers conferred on and to perform the functions assigned to it under the Act.

Under section 15(7) of the said Act it is hereby notified that the Head Quarters of The Karnataka Information Commission shall be at Bangalore.

By Order and in the name of the  
Governor of Karnataka

**K.R.BADIGER**

Under Secretary to Government  
Department of Personnel and  
Administrative Reforms  
(Janaspandana Cell)

**Personnel and Administrative Reforms Secretariat**

**Notification**

**No. DPAR 77 RTI 2005, Bangalore, dated 30th July, 2005**

In exercise of the powers conferred on me by sub-section (3) of Section 15 of the Right to Information Act, 2005 (No. 22 of 2005) I, T.N. CHATURVEDI, Governor of Karnataka, do hereby appoint Shri K.K. Misra, as the State Chief Information Commissioner.

The term of the Commissioner shall be five years from the date on which he assumes his office or until he attains the age of 65 years whichever is earlier, under Section 16(1) of the Act.

**Sd/-**

**T.N. CHATURVEDI**  
**Governor of Karnataka.**

By Order and in the name of the Governor of Karnataka

**K.R. BADIGER**

Under Secretary to Government  
DPAR (Janaspandana Cell)

**GOVERNMENT OF KARNATAKA**



No. DPAR : 77 RTI : 2005

Karnataka Government Secretariat,  
Dept. of Personnel & Administrative Reforms,  
Janaspandana Cell,  
Bangalore, dated: 21st October 2005

**NOTIFICATION**

In exercise of the powers conferred on me by sub-section (3) of Section 15 of the Right to Information Act, 2005 (No. 22 of 2005) I, T.N.CHATURVEDI, Governor of Karnataka do hereby appoint Shri K.A.Thippeswamy, as the State Information Commissioner.

The term of the Commissioner shall be five years from the date on which he assumes his office or until he attains the age of 65 years whichever is earlier, under section 16(1) of the Act.

Sd/-

**T.N.CHATURVEDI**  
Governor of Karnataka

By Order and in the name of the  
Governor of Karnataka

**K.R.BADIGER**

Under Secretary to Government  
Department of Personnel and  
Administrative Reforms (Janaspandana)



**Karnataka Information Commission**

No. SCIC (Pay) : 082 : 05

Room No. 302, 3<sup>rd</sup> Floor,  
Vidhana Soudha, Bangalore – 1  
Dated: 6<sup>th</sup> October 2005

**OFFICE ORDER**

Shri K.K.Misra assumed the charge of the office of State Chief Information Commissioner (SCIC), Karnataka Information Commission with effect from the afternoon of 31<sup>st</sup> July 2005.

2, Under Section 16(5) of the Right to Information Act, 2005 the salaries and allowances Payable to State Chief Information Commissioner shall be the same as that of an Election Commissioner. In terms of the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Act, 1991 (11 of 1991) as amended vide Act 4 of 1994, the pay emoluments of Shri K.K.Misra are fixed with effect from 1<sup>st</sup> August 2005 as follows:

2.1	Pay as State Chief Information Commissioner		
	To be reduced by pension as per Pension Pay Order Rs.		30,000/- p.m.
	(A) Pension after commutation	(-) Rs.	11,700/- p.m.
	(B) Amount of commuted pension	(-) Rs.	7,800/- p.m.
			<hr/>
	Total (A+B)	(-) Rs.	19,500/- p.m.
	Net pay payable w.e.f. 01.08.2005	Rs.	10,500/- p.m.
2.2	Dearness Pay		15,000/- p.m.
2.3	D.A. (On Rs. 45,000 @ 17%)		7,650/- p.m.
2.4	CCA		300/- p.m.
2.5	Sumptuary Allowance	Rs.	7,500/- p.m.
3.	Shri K.K.Misra will also be entitled to the following amenities:		
3.1	House Rent Allowance (w.e.f. 05.09.05)		13,500/- p.m.
3.2	Free consumption of fuel up to 250 liters or actual, Whichever is less, per month.		
4.	The House Rent Allowance, the value of conveyance facilities and the Sumptuary Allowance provided to Shri K.K.Misra shall not be included in the computation of Income under the head 'Salary'.		
5.	Shri K.K.Misra shall also be entitled to contribute towards the General Provident Fund. The new GPF Account Number allocated by the Accountant General in Karnataka (A&E) to Shri K.K.Misra is G.A. 30297.		

**S.R.Sayinath Prakash**  
Under Secretary

**Parliamentary Affairs and Legislation Secretariat**



**Notification**

**No. DPAL 62 SHASANA 2005, Bangalore, dated 17th October, 2005**

The Karnataka Right to Information (Repeal) Ordinance, 2005 promulgated by the Governor of Karnataka in the fifty-sixth year of the Republic of India, be published as Karnataka Ordinance No. 3 of 2005 in the Karnataka Gazette for general information.

Karnataka Ordinance No. 3 of 2005

**The Karnataka Right to Information (Repeal) Ordinance, 2005**

(Promulgated by the Governor of Karnataka in the Fifty-sixth year of the republic of India and first published in the Karnataka Gazette Extra-ordinary on the Seventeenth day of October, 2005)

An Ordinance to repeal the Karnataka Right to Information Act, 2000.

Whereas both the Houses of the Karnataka State Legislature are not in session and the Governor of Karnataka is satisfied that the circumstances exist which render it necessary for him to take immediate action to repeal the Karnataka Right to Information Act, 2000 (Karnataka Act 28 of 2000) for the purpose hereinafter appearing ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely :-

**1. Short title and Commencement.-** (1) This Ordinance may be called the Karnataka Right to Information (Repeal) Ordinance, 2005.

(2) It shall come into force at once.

**2. Repeal of Karnataka Act 28 of 2000.-** The Karnataka Right to Information Act, 2000 (Karnataka Act 28 of 2000) is hereby Repealed ;

Provided that the provisions of section 6 of the Karnataka General Clauses Act, 1899 shall be applicable in respect of the repeal of the said enactment.

**T.N. Chaturvedi**  
**Governor of Karnataka.**

By Order and in the name of the Governor of Karnataka

**G.K. Boregowda**  
Secretary to Government (I/c),  
Department of Parliamentary Affairs and Legislation.

**Department of Personnel and Administrative Reforms Secretariat**





**Notification**

**No: DPAR : 44 : RTI : 2004, Bangalore, dated 5th December, 2005**

In exercise of the powers conferred under Section 24(4) of the Right to Information Act, 2005 (Central Act 22 of 2005) it is hereby notified that the said Act shall not apply to the following Intelligence and Security Organisations of the Government of Karnataka.

1. State Intelligence of Police Department in Karnataka State.
2. Special Branches in Commissionerates and District Police Offices in Police Department in the State.
3. Corps of Detectives (C.O.D.) in Police Department.

However the information pertaining to the allegations of corruption and Human Rights violations are not exempted under this Notification.

This Notification issues with the concurrence of Home Department vide U.O. Note No. HD 31 ಸರ್ಕಾರಿ 2003 dated: 5.10.2005.

By Order and in the name of the Governor of Karnataka

**K.R. BADIGER**

Under Secretary to Government  
Department of Personnel and Administrative Reforms  
(Janaspandana)

**Department of Personnel and Administrative Reforms Secretariat**

**Notification**

**No: DPAR : 74 RTI 2005 (Part-2), Bangalore, dated 11th October, 2005**

In exercise of the powers conferred by sub-section (1) and (2) of section 27 of the Right to Information Act, 2005 (Central Act No. 22 of 2005) the Government of Karnataka hereby makes the following rules, namely:-

**1. Title and commencement.**- (1) These rules may be called the Karnataka Right to Information Rules, 2005.

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

**2. Definitions.**- In these rules, unless the context otherwise requires:-

- (i) 'Act' means the Right to Information Act, 2005 (Central Act 22 of 2005);
- (ii) 'Section' means section of the Act.

**3. Publication of certain other informations etc; under section 4.**- (1) The information under section 4(4) shall be easily accessible to the public. It shall be indicated on the notice board by the Public Information Officer where these particulars are available. Further the public authorities can adopt any of the methods provided under the Act for disseminating the information.



(2) The information so disseminated shall also contain the details of phone number, tax number etc., of the State Public Information Officers and the Assistant State Public Officers of the office in question.

**4. Fee.-** (1) Any person desirous of obtaining information under sub-section (1) of section 6 of the Act shall make an applicant in Form-A or in any other format as far as possible containing the particulars specified under the format to the State Public Information Officer or State Assistant Public Information Officer as the case may be along with an initial fee of Rs. 10 with his application. Every officer receiving request under the Act shall give an acknowledgement.

(2) (a) For providing information under subsection (1) of section 7, the fees for supplying the information shall be charged at Rs. 2/- for each page in respect of matter in A4 size paper.

(b) For providing information under subsection (1) of section 7 in the case of Maps, Plans, Reports a Partial record or any Technical data or Sample or Models, a reasonable fee shall be fixed by the State Public Information Officer in each case depending upon the cost of labour and material required to be employed.

(c) As regards inspection of records and documents, no fee for the first hour. For every subsequent half an hour or fraction thereof, Rs. 20/- shall be charged from persons making application with initial payment as prescribed under rule 4(1) above. For Inspecting of works a reasonable fee shall be fixed by the State Public Information Officer in each case depending upon the cost of labour and material required to be employed apart from initial fees as prescribed under rule 4(1).

(3) For providing information under sub-section (5) of section 7, the fees for supplying information in Diskette or Floppy or C.D. or in any other Electronic mode shall be Rs. 50/-

(4) The fee shall be collected in the form of Indian Postal order or D.D. or Bankers Cheque or Pay order drawn in favour of the State Public Information Officer or in cash or by remitting it to the Treasury as per Karnataka Financial Code (KFC).

(5) A person claiming exemption under proviso to sub-section (5) of section 7 shall produce a valid certificate issued by the concerned authority that he/she belongs to Below Poverty Line category.

**5. Salary and allowances and conditions of service of officers and employees of the State Information Commission.-** (1) The salary and allowances payable to the Officers and employees of State Information Commission shall be on par with other State Government employees of equivalent rank.

(2) The rules governing conditions of service and disciplinary matter of the State Government employees shall mutatis-mutandis apply to the employees of State information Commission subject to modifications specified in schedule to these rules.

(3) The method of recruitment shall be in accordance with the provisions under K.C.S. (General Recruitment) Rules, 1977 by Deputation of Government Servants or equivalent rank from any of the States Civil Services or Public sector undertakings or by outsourcing:

Provided that the outsourcing shall be restricted to posts of Cleaning, Housekeeping, Home Orderlies and Security Guards.

**6. Appeal under sub-section (1) of section 19.-** (1) The Public Authority shall by notification specify the designation of the officer to whom the appeals under sub-section (1) of section 19, shall be.

(2) Every such appeal shall be accompanied by a copy of the order, if any, appealed against and it shall specify:-



(i) the name and address of the applicant and the particulars regards the State Public Information Officer appealed against.

(ii) the date of receipt of order, if any, from the State Public Information Officer appealed against:

(iii) the grounds of appeal: and

(iv) the relief which the applicant claims.

(3) The Appellate Authority under sub-section (1) of section 19 shall fix a day for hearing of the appeal. On the date fixed for hearing the appeal or on further date to which the appeal may be adjourned the Appellate Authority shall after hearing the parties pass such orders on the appeal as it deems fit.

**7. Procedure in Appeal under sub-section (3) of section 19.-** The provisions of rule 6 shall mutatis-mutandis apply to an appeal preferred under-section 19(3).

**Schedule**

Class of Posts	Authority empowered to appoint	Authority empowered to impose penalties and penalties which he may impose		Appellate Authority
		Authority	Penalties	
1	2	3	4	5
Senior Stenos/ Stenos/Senior Assistants/Assistants/ Junior Assistants/ Drivers and any other Group C Posts	Secretary of the State Information Commission	Secretary of the State Information Commission Principal Secretary/Secretary to Government concerned/Disciplinary Authority Concerned in the Parent Dept./Chief Executive of the respective Public Sectors Undertaking	(ii) to (iva) of Rule 8 of KCS (CCA) Rules 1957  (v) to (viii) of Rule 8 of KCS (CCA) Rules, 1957	State Chief Information Commissioner  Chief Secretary to Government/ Appellate Authority Concerned in the Parent Dept/ Board of the concerned Public Sectors undertakings.
Private Secretary/ Section Officers/ Under Secretary	Secretary of the State Information Commission	State Chief Information Commissioner Government/Disciplinary Authority Concerned in the Parent Dept./ Chief Executive of the respective Public Sectors Undertakings	(ii) to (iva) of KCS (CCA) Rules 1957 (v) to (viii) of Rule-8 of KCS (CCA) Rules 1957	Government Governor/Appellate Authority Concerned in the Parent Dept/Board of the concerned Public Sectors Undertakings
Peons / Other group D employees	Under Secretary to the Information Commission	Under Secretary to the Information Commission Appointing Authority of the concerned parent department	(i) to (iva) of KCS (CCA) Rules 1957 (v) to (viii) of Rules 8 of KCS (CCA) Rules 1957	Secretary Information Commission Concerned Appellate Authority in parent Department



**Form A (Section 6 (1) and 7 (1) of the RTI Act, 2005**

1. Full Name of the Applicant :
2. Address :
3. Details of the document/Inspection/Samples required :
4. Year to which the above pertains :
5. Designation and Address of the Public Information Officer from whom the Information is required :

Place :

Date :

Signature of the applicant

By Order and in the name of the Governor of Karnataka

**K.R. BADIGER**

Under Secretary to Government  
Department of Personnel and Administrative Reforms  
(Janaspandana Cell)

**Personnel and Administrative Reforms Secretariat**

**Notification**

**No. DPAR 74 RTI 2005 (Part-II) dated 15th July, 2006**

In exercise of the powers conferred by sub-section (1) and (2) of section 27 of the Right to Information Act, 2005 (Central Act 22 of 2005), the Government of Karnataka hereby makes the following rules to amend the Karnataka Right to Information Rules, 2005, namely :-

**1. Title and Commencement** :- These rules may be called the Karnataka Right to Information (Amendment) Rules, 2006.

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

**2. Amendment of rule 7** :- For rule 7 of the Karnataka Right to Information Rules, 2005 (hereinafter referred to as the said rules), the following shall be substituted, namely :-

**“7. Appeal under sub-section (3) of section 19** :- (1) An appeal to the State Information Commission under sub-section (3) of section 19 shall contain the following information, namely :-

- (i) name and address of the appellant;
- (ii) name and address of the State Public Information Officer against the decision of whom the appeal is preferred;
- (iii) particulars of the order including number, if any, against which the appeal is preferred;
- (iv) brief facts leading to the appeal
- (v) if the appeal is preferred against deemed refusal, the particulars of the application, including number and date and name and address of the State Public Information Officer to whom the application was made;
- (vi) prayer or relief sought;



- (vii) grounds for the prayer or relief;
- (viii) verification by the appellant; and
- (ix) any other information which the Commission may deem necessary for deciding the appeal”.

**3. Insertion of new rules 8, 9, 10, 11 and 12 :-** After rule 7 of the said rules, the following new rules shall be inserted, namely :-

**“8. Documents to accompany appeal :-** Every appeal made to the State Information Commission shall be in triplicate accompanied by the following documents, namely :-

- (i) self-attested copies of the Orders or documents against which the appeal is being preferred;
- (ii) copies of documents relied upon by the appellant and referred to in the appeal; and
- (iii) an index of the documents referred to in the appeal;

**9. Procedure in deciding appeal :-** In deciding the appeal, the State Information Commission may,-

- (i) hear oral, or written evidence on oath or an affidavit from concerned or interested person;
- (ii) peruse or inspect documents, public record or copies thereof;
- (iii) inquire through authorized officer further details or facts;
- (iv) hear State Public Information Officer, State Assistant Public Information Officer or such Senior Officer who decided the first appeal, or such person against whom the complaint is made, as the case may be;
- (v) hear third party; and
- (vi) receive evidence on affidavits from State Public Information Officer, State Assistant Public Information Officer, such other Senior Officer who decided the first appeal, or such person against whom the complaint lies or the third party.

**10. Service of notice by Commission :-** Notice to be issued by the State Information Commission may be served in any of the following modes, namely :-

- (i) service to the party itself;
- (ii) by hand delivery (dusty) through process server;
- (iii) by registered post with acknowledgement due; or
- (iv) through Head of Office or Department
- (v) By fax;
- (vi) By e-mail

**11. Personal presence of the appellant or complainant , -**

(1) The appellant or the complainant, as the case may be shall in every case be informed of the date of hearing at least ten clear days before that date.

(2) The appellant or the complainant, as the case may be, may at his discretion at the time of hearing of the appeal or complaint by the State Information Commission be present in person or through his duly authorized representative or may not to be present.



(3) Where the State Information Commission is satisfied that the circumstances exist due to which the appellant or the complainant, as the case may be, is being prevented from attending the hearing before the State Information Commission, then, the State Information Commission may afford the appellant or the complainant, as the case may be, another opportunity of being heard before a final decision is taken or take only other appropriate action as it may deem fit.

(4) The appellant or the complainant, as the case may be, may seek the assistance of any person in the process of the appeal while presenting his points and the person representing him may not be a legal practitioner.

**12. Order of the State Information Commission :-** Order of the State Information Commission shall be in writing and be pronounced in open proceedings. Such order shall be duly authenticated by the Under Secretary or any other officer authorized by the State Information Commission for this purpose”.

By Order and in the name of the Governor of Karnataka

**Saguna Bai**

Under Secretary to Government  
Department of Personnel and Administrative Reforms  
(Janaspandana Cell).

**Personnel and Administrative Reforms Secretariat**

**Notification**

**No. DPAR 90 RTI 2005, Bangalore, dated 30th July, 2005**

The following posts are created for the State Information Commission with immediate effect and until further orders.

1. State Chief Information Commissioner's Office :
  - (i) Personal Assistants (in the cadre of Stenographers/  
Senior Stenographers) 2
  - (ii) Assistant/Junior Assistant (in the secretariat Cadre) 1
  - (iii) Driver 1
  - (iv) Dalayat 1
  
2. The State Information Commissioner's Office :
  - (i) Personal Assistants (in the cadre of Stenographers) 1
  - (ii) Assistant/Junior Assistant (in the secretariat Cadre) 1
  - (iii) Driver 1
  - (iv) Dalayat 1
  
3. Supporting Staff for State Information Commission
  - (i) A secretary (in the rank of secretary to Government) 1
  - (ii) Private Secretary (in the rank of Sections Officer or equivalent rank) 1
  - (iii) Personal Assistant 1
  - (iv) Assistant/Junior Assistant 1
  - (v) Driver 1
  - (vi) Peons 1
  
- The Commission shall have one Section with the following staff:-
  - (i) Under Secretary (in the Secretariat Cadre) 1
  - (ii) Section Officer (in the Secretariat Cadre) 1
  - (iii) Senior Assistant/Assistant (in the Secretariat Cadre) 1



(iv) Junior Assistant (in the Secretariat Cadre)	1
(v) Peon	1

The above staff shall be drawn on deputation basis only.

The Under Secretary of State information Commission will be the Drawing and Disbursing officer who will operate Budget and disburse salaries etc. The Budget Head of Account shall be "2251-00-090-0-02 Karnataka State Information Commission."

The Head quarters of the State Information Commission shall be at Bangalore.

This Notification issues with the concurrence of Finance Department under its U.O.Note No. FD 1339 Exp-5/2005, dated : 29.7.2005 and F.D.No. 1401Exp-2005, dated : 28.7.2005.

By Order and in the name of the Governor of Karnataka

**K.R. BADIGER**

Under Secretary to Government  
Department of Personnel and Administrative Reforms  
(Janaspandana Cell)

**ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ನಡವಳಿಗಳು**

ವಿಷಯ : ರಾಜ್ಯ ಮಾಹಿತಿ ಆಯೋಗದಲ್ಲಿ ಹೊಸ ಹುದ್ದೆಗಳನ್ನು ಸೃಷ್ಟಿಸುವ ಬಗ್ಗೆ.

- ಓದಲಾಗಿದೆ :-
1. ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ : ಸಿಆಸುಇ 90 ಆರ್‌ಇಬಿ 2005, ದಿ : 30.07.2005.
  2. ರಾಜ್ಯ ಮಾಹಿತಿ ಆಯೋಗದ ಪತ್ರ ಸಂಖ್ಯೆ: ಕೆಐಸಿ/42/ಜಿಆರ್‌ಆರ್ /2006, ದಿ: 30.11.2006.

**ಪ್ರಸ್ತಾವನೆ :**

ಮೇಲೆ ಓದಲಾಗಿರುವ (1) ರಲ್ಲಿ ಅಧಿಸೂಚನೆಯಲ್ಲಿ ರಾಜ್ಯ ಮಾಹಿತಿ ಆಯೋಗಕ್ಕೆ ಕೆಲವು ಹುದ್ದೆಗಳನ್ನು ಸೃಷ್ಟಿಸಿರುವುದು ಸಲಿಯಷ್ಟೆ. ಮೇಲೆ ಓದಲಾಗಿರುವ (2)ರಲ್ಲಿನ ಪತ್ರದಲ್ಲಿ ರಾಜ್ಯ ಮಾಹಿತಿ ಆಯೋಗವು ಈಗಾಗಲೇ ಸೃಷ್ಟಿಸಿರುವ ಹುದ್ದೆಗಳನ್ನು ಹೊರತುಪಡಿಸಿ, ಆಯೋಗದಲ್ಲಿ ಈಗ ಹೆಚ್ಚಿನ ಕಾರ್ಯಭಾರವಿರುವುದರಿಂದ ಈ ಕೆಳಕಂಡ ಹೊಸ ಹುದ್ದೆಗಳನ್ನು ಸೃಷ್ಟಿಸಲು ಕೋರಲಾಗಿದೆ.

1. ಅಕೌಂಟೆಂಟ್
2. ಲೆಕ್ಕ ಅಧೀಕ್ಷಕರು
3. ಜಡ್ಜ್‌ಮೆಂಟ್ ಬರಹಗಾರರು

ಮೇಲಿನ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಪರಿಶೀಲಿಸಿ, ಈ ಕೆಳಕಂಡಂತೆ ಆದೇಶ.

**ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ : ಸಿಆಸುಇ 05 ಆರ್‌ಇಬಿ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ : 03.02.2006**

ಮೇಲೆ ವಿವರಿಸಲಾದ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ರಾಜ್ಯ ಮಾಹಿತಿ ಆಯೋಗದಲ್ಲಿ ಈ ಕೆಳಕಂಡ ಹುದ್ದೆಗಳನ್ನು ಈ ಕೂಡಲೇ ಜಾಲಗೆ ಬರುವಂತೆ ಅಥವಾ ಮುಂದಿನ ಆದೇಶದವರೆಗೆ ಸೃಷ್ಟಿಸಿ ಅವುಗಳ ಮುಂದೆ ತೋಲಿಸಲಾದ ಸಂಖ್ಯೆ ಮತ್ತು ಲೇತಿಯಲ್ಲಿ ತುಂಬಲು ಆದೇಶಿಸಿದೆ.

ಲೆಕ್ಕ ವಿಭಾಗ			
1.	Accountant	01 ಹುದ್ದೆ	To be filled by deputation from State





2.	Accounts Superintendent	01 ಹುದ್ದೆ	Accounts Department
<b>Commission Office</b>			
3.	Judgement writer cum Stnograper	02 ಹುದ್ದೆಗಳು	To be filled by Deputation or on on contract or by outsourcing.

ರಾಜ್ಯ ಮಾಹಿತಿ ಆಯೋಗದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿಗಳು, ಹಣ ಪಡೆಯುವ ಮತ್ತು ಬಟವಾಡೆ ಮಾಡುವ ಅಧಿಕಾರಿಯಾಗಿದ್ದು, ಇವರು ವೇತನ ಮತ್ತಿತರ ಬಿಡುಗಡೆ ಮಾಡುತ್ತಾರೆ. ವೇತನವನ್ನು ರಾಜ್ಯ ಮಾಹಿತಿ ಆಯೋಗದ ಲೆಕ್ಕ ಶೀರ್ಷಿಕೆ 2251-00-090-0-02 ಇದರಿಂದ ಭರಿಸತಕ್ಕದ್ದು.

ಈ ಆದೇಶವನ್ನು ಆರ್ಥಿಕ ಇಲಾಖೆಯ ಅ.ಟಿ.ಸಂಖ್ಯೆ : ಆಇ 2357 ವೆಚ್ಚ:5/2006, ದಿ : 24.01.2007ರ ಸಹಮತಿಯೊಂದಿಗೆ ಹೊರಡಿಸಲಾಗಿದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು  
ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಬಿ. ಶಿವರುದ್ರಸ್ವಾಮಿ  
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ)  
ಸಿಆಸುಇ (ಆ.ಸು. - ಮಾಹಿತಿ ಹಕ್ಕು)

**Personnel and Administrative Reforms Secretariat**

**Notification**

**No: DPAR 7 RTI 2006, Bangalore, dated 10th January, 2007**

In exercise of the powers conferred by sub-section (1) and (2) of section 27 of the Right to Information Act 2005 (Central Act 22 of 2005) the Government of Karnataka hereby makes the following rules to amend the Karnataka Right to Information Rules 2005, namely:-

**1. Title and Commencement:-** (1) These rules may be called the Karnataka Right to Information (Amendment) Rules, 2007.

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

**2. Amendment of rule 5:-** In the Karnataka Right to Information Rules 2005, in rule 5, in sub-rule (3), after the words "public sector undertaking" the words "or on contract basis" shall be inserted.

By Order and in the name of the Governor of Karnataka

**B. SHIVARUDRA SWAMY**  
Desk Officer  
D.P.A.R. (AR - Right to Information)

**Personnel and Administrative Reforms Secretariat**





**Notification**

**No: DPAR 2 RTI 2007, Bangalore, dated 13th February, 2007**

In exercise of the powers conferred by sub-section (1) and (2) of section 27 of the Right to Information Act 2005 (Central Act 22 of 2005) the Government of Karnataka hereby makes the following rules to amend the Karnataka Right to Information Rules 2005, namely:-

**1. Title and Commencement:-** (1) These rules may be called the Karnataka Right to Information (Amendment) Rules, 2007.

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

**2. Insertion of New Rule 13:-** After rule 12 of the said rules, the following new rules shall be inserted namely:-

**"13. Procedure for complaints under sub-section (1) of Section 18:-** The procedure prescribed for appeals under rules 7, 8, 9, 10, 11 shall mutatis-mutandis apply to complaints."

By Order and in the name of the Governor of Karnataka

**B. SHIVARUDRA SWAMY**

Desk Officer

D.P.A.R. (AR – Right to Information)

**Personnel and Administrative Reforms Secretariat**

**Notification**

**No: DPAR 39 RTI 2006, Bangalore, dated 11th July, 2007**

In exercise of the powers conferred by sub-section (1) Section 27 of the Right to Information Act 2005 (Central Act 22 of 2005), the Government of Karnataka hereby makes the following rules to amend the Karnataka Right to Information Rules 2005, namely:-

**Rules**

**1. Title and Commencement;-** (1) These rules may be called the Karnataka Right to Information (Amendment) Rules, 2007.

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

**2. Amendment of rule 4:-** In the Karnataka Right to Information Rules 2005, in rule 4 after sub-rule (5), the following shall be inserted, namely:-

"(6) In case of below poverty line card holders, if the information requested for is within one hundred pages, no fee shall be chargeable. In case, the information sought exceeds one hundred pages, the Public Information Officers may allow inspection of the required documents, charging fee under clause (c) of sub-rule (2) or the information be furnished on payment of prescribed fee as provided under clause (aa) of sub-rule (2)."

By Order and in the name of the Governor of Karnataka

**B. SHIVARUDRA SWAMY**

Desk Officer

D.P.A.R. (AR – Right to Information)



**ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ನಡವಳಿಗಳು**

ವಿಷಯ : ಮಾಹಿತಿ ಹಕ್ಕು ಆಯೋಗಕ್ಕೆ ರಾಜ್ಯ ಮಾಹಿತಿ ಆಯುಕ್ತರ ಹುದ್ದೆಯನ್ನು ಪೂರಕ ಸಿಬ್ಬಂದಿಯೊಂದಿಗೆ ಸೃಷ್ಟಿಸುವ ಬಗ್ಗೆ.

**ಪ್ರಸ್ತಾವನೆ :**

ಕರ್ನಾಟಕ ಮಾಹಿತಿ ಹಕ್ಕು ಆಯೋಗವನ್ನು ಮಾಹಿತಿ ಹಕ್ಕು ಅಧಿನಿಯಮ ಸೆಕ್ಷನ್ 15ರ ಅನ್ವಯ ರಚಿಸಲಾಗಿದೆ. ಇದು ಒಬ್ಬ ರಾಜ್ಯ ಮುಖ್ಯ ಮಾಹಿತಿ ಆಯುಕ್ತ ಮತ್ತು ಒಬ್ಬ ರಾಜ್ಯ ಮಾಹಿತಿ ಆಯುಕ್ತರನ್ನು ಒಳಗೊಂಡಿದೆ. ಅಗತ್ಯವಿದ್ದಲ್ಲಿ 10ಕ್ಕೆ ಖಾಲಿಯಾದಂತೆ ರಾಜ್ಯ ಮಾಹಿತಿ ಆಯುಕ್ತರನ್ನು ನೇಮಕಾತಿ ಮಾಡಲು ಸೆಕ್ಷನ್ 15(2)(ಇ)ರಲ್ಲಿ ಅವಕಾಶ ನೀಡಲಾಗಿದೆ. ರಾಜ್ಯ ಮುಖ್ಯ ಮಾಹಿತಿ ಆಯುಕ್ತರು ದಿನಾಂಕ 8.12.2006ರ ತಮ್ಮ ಪತ್ರದಲ್ಲಿ ಮಾಹಿತಿ ಆಯೋಗದಲ್ಲಿ ಇತ್ಯರ್ಥದಲ್ಲಿರುವ ಪ್ರಕರಣಗಳು ಹೆಚ್ಚಾಗುವುದರಿಂದ ಈಗಿರುವ ರಾಜ್ಯ ಮಾಹಿತಿ ಆಯುಕ್ತರ ಜೊತೆಗೆ ಮತ್ತೊಬ್ಬ ಆಯುಕ್ತರನ್ನು ನೇಮಿಸಬೇಕೆಂದು ಕೋರಿದ್ದಾರೆ.

ರಾಜ್ಯ ಮುಖ್ಯ ಮಾಹಿತಿ ಆಯುಕ್ತರ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಪರಿಶೀಲಿಸಿ, ಈ ಕೆಳಕಂಡ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿದೆ.

**ಆದೇಶ ಸಂಖ್ಯೆ: ಸಿಆಸುಇ 17 ಆರ್‌ಇಬಿ 2006 (ಭಾಗ - 2) ದಿನಾಂಕ : 28.6.2007**

ಪ್ರಸ್ತಾವನೆಯನ್ನು ವಿವರಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ರಾಜ್ಯ ಮಾಹಿತಿ ಆಯೋಗಕ್ಕೆ ಈ ಕೆಳಕಂಡ ಹುದ್ದೆಗಳನ್ನು ಸೃಷ್ಟಿಸಿ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿದೆ.

I. ರಾಜ್ಯ ಮಾಹಿತಿ ಆಯುಕ್ತರು	-	1 ಹುದ್ದೆ
II. ರಾಜ್ಯ ಮಾಹಿತಿ ಆಯುಕ್ತರ ಕಛೇರಿಗೆ ಪೂರಕ ಸಿಬ್ಬಂದಿ :		
1. ಅಪ್ಪ ಸಹಾಯಕರು, ಶಿಕ್ಷಣಾಧಿಕಾರಿ ವೃಂದದಲ್ಲಿ	-	1 ಹುದ್ದೆ
2. ಸಹಾಯಕರು / ತಿಲಯ ಸಹಾಯಕರು	-	1 ಹುದ್ದೆ
3. ದಲಾಯತ್	-	1 ಹುದ್ದೆ
4. ವಾಹನ ಚಾಲಕರು	-	1 ಹುದ್ದೆ
<b>ಒಟ್ಟು</b>	<b>-</b>	<b>4 ಹುದ್ದೆಗಳು</b>

ರಾಜ್ಯ ಮಾಹಿತಿ ಆಯುಕ್ತರ ಕಛೇರಿಗೆ ಮಂಜೂರಾಗಿರುವ ಮೇಲಿನ ಹುದ್ದೆಗಳನ್ನು ನಿಯೋಜನೆ ಮೇಲೆ ತುಂಬಲು ಆದೇಶಿಸಲಾಗಿದೆ.

ಈ ಆದೇಶವನ್ನು ಅರ್ಥಿಕ ಇಲಾಖೆ ತನ್ನ ಅನುಕೃತ ಟ್ರಸ್ಟಿ ಸಂಖ್ಯೆ ಆಇ 551 ವೆಂಚ್ಚಿ-5 2007 ದಿನಾಂಕ 24.03.2007 ರಲ್ಲಿ ನೀಡಿರುವ ಸಹಮತಿ ಮೇರೆಗೆ ಹೊರಡಿಸಲಾಗಿದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು  
ಅವರ ಹೆಸರಿನಲ್ಲಿ,

**ಬಿ. ಶಿವರುದ್ರಸ್ವಾಮಿ**  
ಪೀಠಾಧಿಕಾರಿ  
ಸಿಆಸುಇ (ಆಸು - ಮಾಹಿತಿ ಹಕ್ಕು)





**2. Definitions.-** 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 a 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, 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;

(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 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;
- (k) “State Information Commission” means the State Information Commission constituted under sub-section (1) 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 (1) 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**

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

**4. Obligations of public authorities.-** (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 all 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, functions 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 functions;
  - (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 facts 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 moto 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.

**5. Designation of Public Information Officers.-** (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, may 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.

**6. Request for obtaining information.-** (1) A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi 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 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.

**7. Disposal of request.-** (1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be, on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9:

Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.

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

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

- (a) the details of further fees representing the cost of providing the information as determined by him, together with the calculations made to arrive at the amount in accordance with fee prescribed under sub-section (1), requesting him to deposit that fees, and the period intervening between the despatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to in that sub-section;
- (b) information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms.

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

(5) Where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to the provisions of sub-section (6), pay such fee as may be prescribed:





Provided that the fee prescribed under sub-section (1) of section 6 and sub-sections (1) and (5) of section 7 shall be reasonable and no such fee shall be charged from the persons who are of below poverty line as may be determined by the appropriate Government.

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

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

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

- (i) the reasons for such rejection;
- (ii) the period within which an appeal against such rejection may be preferred; and
- (iii) the particulars of the appellate authority.

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

**8. Exemption from disclosure of information.-** (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,-

- (a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
- (b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
- (c) Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- (d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
- (e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
- (f) information received in confidence from foreign Government;
- (g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
- (h) information which would impede the process of investigation or apprehension or prosecution of offenders;
- (i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers;



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

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

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

(3) Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:

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

**9. Grounds for rejection to access in certain cases.-** 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.

**10. Severability.-** (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.

**11. Third party information.-** (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 to 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 thereof 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**

**12. Constitution of Central Information Commission.-** (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.

**13. Term of office and conditions of service.-** (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 Commissioner or an Information Commissioner may, at any time, by writing under his hand addressed to the President, resign from his office:

Provided that the Chief Information Commissioner or an Information Commissioner may be removed in the manner specified under section 14.

(5) The salaries and allowances 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 Commissioners 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.

**14. Removal of Chief Information Commissioner or Information Commissioner.-(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 (1) 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 (1), 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; of



- (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 a 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 or participates in any way in the profit thereof or in any benefit or emolument arising therefrom 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**

**15. Constitution of State Information Commission.-** (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 on, 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) a 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 as the 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.

**16. Term of office and conditions of service.-** (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 service as 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 pension equivalent to the retirement benefits:

Provided also that the salaries, allowances and other conditions of service of the State Chief Information Commissioner and the State Information commissioners 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 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.

**17. Removal of State Chief Information Commissioner or State Information Commissioner.-** (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 (1) 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 (1), 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 Chief 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 therefrom 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-V POWERS AND FUNCTIONS OF THE INFORMATION COMMISSIONS, APPEAL AND PENALTIES**

**18. Powers and functions of information Commissions.-** (1) Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or 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 Officer or State Assistant Public Information Officer, as the case may be, has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or senior officer specified in sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be;
- (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 Commission 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 thereof.

(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 court while trying a suit under the Code of Civil Procedure, 1908, (5 of 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 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 Central Information Commission or the State Information Commission, 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.

**19. Appeal.-** (1) Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an 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 a 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 days from the date of the order.

(3) A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the 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 after 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 Public Information Officer 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 proceedings, 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 (1) 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 of 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 a 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 (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 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.

**20. Penalties.-** (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 (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 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, as the case may be.

(2) 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 and persistently, failed 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 recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him.

## CHAPTER-VI MISCELLANEOUS

**21. Protection of action taken in good faith.-** No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

**22. Act to have overriding effect.-** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, (19 of 1923) and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

**23. Bar of Jurisdiction of courts.-** 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.



**24. Act not to apply to certain organisations.-** (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 therein any other intelligence or security organisation established by that Government or omitting therefrom 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.

**25. Monitoring and reporting.-** (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 of 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 and 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 may 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 (1) to be laid before each House of Parliament or, as the case may be, before each House of 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.

**26. Appropriate Government to prepare programmes.-** The appropriate Government may, to the extent of availability of financial and other 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.

**27. Power to make rules by appropriate Government.-** (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 (1) of section 6;
- (c) the fee payable under sub-section (1) 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 sub-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, or may be, prescribed.

**28. Power to make rules by competent authority.-** (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 cost price of the materials to be disseminated under sub-section (4) of section 4;
- (ii) the fee payable under sub-section (1) of section 6;
- (iii) the fee payable under sub-section (1) of section 7; and





(iv) any other matter which is required to be, or may be, prescribed.

**29. Laying of rules.-** (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 comprised in one session or in two or more successive sessions, and if, 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 or both Houses 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 shall be laid, as soon as may be after it is notified, before the State Legislature.

**30. Power to remove difficulties.-** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions 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 the 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 House of Parliament.

**31. Repeal.-** The Freedom of Information Act, 2002 (5 of 2003) 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/The 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** / solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I 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 that I will uphold the Constitution and the 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 Centre.
8. Special Frontier Force.
9. Border Security Force.
10. Central Reserve Police Force.
11. Indo-Tibetan Border Police.
12. Central Industrial Security Force.
13. National Security Guards.
14. Assam Rifles.

<sup>1</sup>[15. Sashtra seemaBal]<sup>1</sup>.

1. Substituted by GSR 347 dated 28-9-2005 vide GOI Gazette dated 8-10-2005 Part II - Section 3 - Sub-section (i)

16. Special Branch (CID), Andaman and Nicobar.
17. The Crime Branch-C.I.D.-CB, Dadra and Nagar Haveli.
18. Special Branch, Lakshadweep Police.

<sup>1</sup>[19. Special Protection Group.

20. Defence Research and Development Organisation.
21. Border Road Development Board.
22. Financial Intelligence Unit, India.]<sup>1</sup>

1. Inserted by GSR 347 dated 28-9-2005 vide GOI Gazette dated 8-10-2005 Part II - Section 3 - Sub-section (i).

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