



The Manual

OF

RIGHT TO INFORMATION ACT, 2005

(PUBLISHED UNDER SECTION 4 (1) (B))

हमारा ध्येय आम जन में विश्वास, अपराधियों में डर
राजस्थान पुलिस

PREFACE

With the following avowed objectives :

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

WHEREAS the Constitution of India has established democratic Republic;

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

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

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

NOW, THEREFORE, it is expedient to provide for furnishing certain information to citizenry who desire to have it...The Right to Information Act, 2005 (No. 22 of 2005) was enacted by the Parliament of India.

Under the section 4(1)(b) of this act, a manual is prepared by the Police Department of Rajasthan; which is duly published for the purpose of ready reference, guidance and as an aide-de-memoir for all the Police Officers of Rajasthan Police who as "Public Authorities" must have kept in readiness all necessary information with them as required under section 4(1)(b) of Right to Information Act, 2005 .

I trust these rules will serve their purpose of facilitating all the Police Officers in exercise of their rights/ duties under the Right to Information Act, 2005.

With best wishes and good luck to all.



Navdeep Singh
Inspector General of Police
(Law & Order, Admn.)
State Public Information Officer
for Rajasthan Police.

THE MANUAL

OF

RIGHT TO INFORMATION ACT, 2005

(PUBLISHED UNDER SECTION 4 (1) (B))

RAJASTHAN POLICE

हमारा ध्येय :- ' आम जन में विश्वास, अपराधियों में डर '

Contents at a Glance

| | | |
|----------|---|--------------|
| 1 | The Manual of Right to Information Act, 2005 | 1-16 |
| 2 | Circular regarding appointment of State Public Information Officer for Rajasthan Police (Appendix I) | 17 |
| 3 | Organizations exempted from disclosure of information (Appendix II) | 18 |
| 4 | Letter regarding fee deposition (Appendix III) | 19 |
| 5 | Notification of Rajasthan Right to Information Rules, 2005 (Appendix IV) | 20-24 |

The Manual of Right to Information Act, 2005

1. Police Manual on Right to Information Act, 2005 is prepared in pursuance of section 4(1) (b) in order to implement the provisions of Right to Information Act by the Police Department.

2. Objective of the Manual

The Manual provides to fulfill following objectives:-

- a) Appointment of designated officers under the RTI Act;
- b) Appointment of Appellate Authorities;
- c) Lays down the procedure to obtain information;
- d) Provides format and fee for obtaining information;
- e) Nominates the public authorities responsible for providing information;
- f) Availability of information in electronic form;
- g) Publishing of details of Police Organization;
- h) Exemption from disclosure of information;
- i) Description of Intelligence and Security Organizations;

3. This Manual is meant for strict official use by various branches of the Police Headquarters, Districts, Training Institutions and other units of Police Organization. Manual is available at all offices and district headquarters for the inspection by general public.

4. This Manual contains details, procedures, fee, penalties etc. as applicable in relation to Police Department and provided in various provisions of the Right to Information Act, 2005.

5. **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) **“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;

(c) **“prescribed”** means prescribed by rules made under this Act by the appropriate Government established or constituted-

(d) **“public authority”** means any authority or body or institution of self-government established or constituted-

- (i) by or under the Constitution;
- (ii) by any other law made by Parliament;
- (iii) by any other law made by the State Legislature;
- (iv) by notification issued or order made by the appropriate Government;

and includes any-

- (i) body owned, controlled or substantially financed;
- (ii) non-Government organization substantially financed,

directly or indirectly by funds provided by the appropriate Government;

(e) **“record”** includes-

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

(f) **“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;

(g) **“State Information Commission”** means the State Information Commission constituted under sub-section (1) of section 15;

(h) **“State Chief Information Commissioner”** and **“State Information Commissioner”** means the State Chief Information Commissioner and the State Information Commissioner appointed under sub-section (3) of section 15;

(i) **“State Public Information Officer”** means the State Public Information Officer designed under sub-section (1) and includes a State Assistant Public Information Officer designated as such under sub-section

(j) **“third party”** means a person other than the citizen making a request for information and includes a public authority.

6. Designated Police Officers to provide information under the Act :

State Public Information officers designated by the Director General of police, Rajasthan under section 5 of the Act can be contacted to get more information on any subject covered in the handbook or any other information relating to police organization.

- a. Details with regard to Inspector General of Police, Law & Order, Rajasthan as under
(For all administrative units/offices other than districts);

| S.No. | Name | Desig. | STD code | Phone Office | Phone Resi. | Fax | Mobile |
|-------|---------------|--------------|----------|--------------|-------------|---------|----------------|
| 1 | Navdeep Singh | I.G.P, Admn. | 0141 | 2604614 | 2350430 | 2603149 | +91-9829333777 |

- b. All Addl. Supdts. of Police posted at District Hqrs. of the Police Districts in Rajasthan including GRP (For districts concerned);
- c. All Dy. Supdts. of Police posted as Circle Officers
State Assistant Public Information Officers- (For respective Circles)
- 7. Procedure and fee structure for obtaining information:**

i) State Public Information Officer so designated by the DGP under section 5 of the Act shall provide information to persons requesting for the information.

ii) Every State Public Information Officer shall deal with requests from persons seeking information and render reasonable assistance to them.

iii) State Public Information Officer may seek the assistance of any other police officer as he considers it necessary for the proper discharge of his duties.

iv) Any police officer whose assistance has been so sought shall render all assistance and information to the State Public Information Officer seeking his assistance and information from him and for the purpose of any contravention of the provisions of this Act, such assisting officer shall be treated as a State Public Information Officer and accordingly shall be liable under the provisions of Right To Information Act 2005.

v) State Assistant Public Information Officer as designated above shall receive applications for information or appeals under the Act for forwarding the same forthwith to the State Public Information Officer or senior officer specified under sub-section (1) of section 19 of the Act.

vi) Provided that where an application for information or appeal is given to a State 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 (f) of section 7.

vii) Any person who desires to obtain any information under the Act shall make request to any of the following:-

(a) The State Public Information Officer of Police Department;

(b) The State Assistant Public Information Officer of Police Department;

in writing or through electronic means in English or Hindi specifying the particulars of the information sought and accompanying such fee as prescribed under rules made by the State Government vide notification No.F.9(23)Gr-III/2005 dated 12.10.2005 .

viii) A request for obtaining information shall be accompanied by an application fee of Rs.10/- by way of cash against proper receipt or by demand draft or Bankers Cheque payable to the State Public Information Officer/Assistant State Public Information Officer of the Police Department.

For providing information under sub-section (f) of section 7 of the Act, the fee shall be charged by way of cash against proper receipt or by demand draft or bankers cheque payable to the public authority at the

following rates (in Rajasthan Police, under the head: 0055-Police, 103-Fees, Fines, Forfeitures):-

- (a) rupees two for each page (in A-4 or A-3 size paper) created or copied;
- (b) actual charge or cost price of a copy in large size paper;
- (c) for inspection of records, no fee for the first hour; and a fee of rupee; five for each fifteen minutes or fraction thereof thereafter.

ix) (a) For providing the information under sub-section (5) of section 7, the fee shall be charged by way of cash against proper receipt or by demand draft or bankers cheque payable to the public authority at the following rates:-

- (1) for information provided in diskette or floppy rupees fifty per diskette or floppy; and
- (2) for information provided in printed form at the price fixed for such publication or rupees two per page of photocopy for extracts from the publications.

(b) Where access to information is to be provided in the printed or in any electronic format the applicant shall pay above fee as prescribed by the State Government.

(c) However, no such fee shall be charged from the persons who are of below poverty line as may be determined by the State Government.

(d) Notwithstanding anything referred to above, the person making request for the information shall be provided the information free of charge where a Public Information Officer fails to comply with the time limit specified above.

x) If such request cannot be made in writing, the State Public Information Officer shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

xi) 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.

xii) Where an application is made to a Public Information Officer requesting for an information:-

- (a) which is held by another public authority; or
- (b) 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 soon as practicable but in no case later

than five days from the date of receipt of the application, to that other public authority and inform the applicant immediately about such transfer.

xiii) (a) State Public Information Officer shall provide information on receipt of a request as expeditiously as possible and in any case within 30 days of the receipt of the request on payment of prescribed fee or reject the request for any of the reasons specified in section 8 & 9 of the Act.

(b) If the information that is sought for, concerns the life or liberty of a person, the same shall be provided within 48 hours of the receipt of the request and information for that purpose/ assistance may be sought by State Information Officer from any other Police Officer mentioned at para 7(iv) above.

(c) In case the State Public Information Officer fails to give decision on the request for information within the specified period, it would be deemed that he has refused the request and similarly if on the assistance sought by State Information Officer the officers mentioned at para 7(iv) above fail to give information to him they would also be deemed to have refused the request.

xiv) State Public Information Officer shall intimate to the applicant seeking information, if the decision is taken to provide the information on payment, of any further fee representing the cost of providing the information, giving the applicant :-

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

xv) Where access to the record or part thereof is required to be provided under the Act and the person to whom access is to be provided is sensorily disabled, the State Public Information Officer shall provide appropriate assistance to enable inspection or access to the information.

xvi) (a) State Public Information Officer shall, before taking any decision to provide information, within five days from the receipt of the request, give a written notice to such third party, if the information relates to or has been supplied by the third party and has been treated as confidential by that third party.

(b) Where a notice is served as above to a third party in respect of any information or record or part thereof and a representation against the proposed disclosure is received within ten days from the date of receipt of such notice, the State Public Information Officer shall take into consideration the representation made by the third party.

(c) State Public Information Officer shall within forty days after receipt of the request and considering the representation of the third party shall make a decision as to whether or not to disclose the information or record part thereof and give in writing the notice of his decision to the third party along with a statement that the third party is entitled to prefer an appeal under section 19 of the Act against the decision.

(d) State Public Information Officer may not disclose such information in the case of trade or commercial secrets protected by law. However, disclosure may be allowed if the public interest in such disclosure outweighs in importance any possible harm or injury to the interests of such third party.

Where a request has been rejected, the State Public Information Officer 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. Appeal

13

Any person who does not receive a decision within the stipulated time specified in sub-section (1) or clause 1 of sub-section (3) of section (7) or is aggrieved by a decision of the State Public Information Officer may within 30 days from the expiry of such period or from the receipt of such a decision prefer an appeal to the following officer who is senior in rank namely,-

- 1) Additional Director General of Police, Administration
- 2) District Superintendent of Police

In relation to Inspector General of Police, Administration and Additional Superintendent of Police respectively.

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

Where an appeal is preferred against an order made by a State Public Information Officer to disclose third party information the appeal by the concerned third party shall be made within thirty days from the date of the order.

A second appeal against the above decision shall lie within ninety days from the date on which the decision should have been made or was actually received with the State Information Commission.,

provided that the State Information Commission 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.

If the decision of the State Public Information Officer against which an appeal is preferred relates to information of a third party, the State Information Commission shall give a reasonable opportunity of being heard to that third party.

In appeal proceedings, the onus to prove that a denial of a request was justified shall be on the State Public Information Officer who denied the request.

Appeal 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.

Decision of the State Information Commission shall be binding.

10. Penalties

(a) Where the State Information Commission at the time of deciding any complaint or appeal is of the opinion that the State Public Information Officer has without any reasonable cause, has,

- (i) refused to receive an application for information; or
- (ii) has not furnished information within the time specified as above; or
- (iii) malafidely denied the request for information; or
- (iv) knowingly given incorrect, incomplete or misleading information; or
- (v) destroyed information which was the subject of the request; or
- (vi) obstructed in any manner in furnishing the information,

shall impose a penalty of Rs.250/- each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed Rs.25,000/-.

State Public Information Officer shall be given a reasonable opportunity of being heard before any penalty is imposed on him.

The burden of proving that he acted reasonably and diligently shall be on the State Public Information Officer.

(b) Where the State Information Commission, at the time of deciding any complaint or appeal is of the opinion that the State Public Information Officer has, without any reasonable cause and persistently,

- (i) failed to receive an application for information; or
- (ii) has not furnished information within the specified time; or
- (iii) malafidely denied the request for information; or
- (iv) knowingly given incorrect, incomplete and misleading information; or
- (v) destroyed information which was the subject of the request; or
- (vi) obstructed in any manner in furnishing the information,

shall recommend for disciplinary action against the State Public Information Officer under the service rules applicable to him.

**OFFICE OF THE DIRECTOR GENERAL OF POLICE,
RAJASTHAN**

No. V-15kha(58)CID/CB/Legal/2005/12694

Date: 01-12-2005

CIRCULAR

In exercise of powers conferred under section 5(1) of the Right to Information Act 2005 (No. 22 of 2005), I hereby appoint the following as State Public Information Officer for the Rajasthan Police :-

1. Inspector General of Police, Administration, Rajasthan
(For all administrative units/offices other than districts);
2. All Addl. Supdts. of Police posted at District Hqrs. of the Police Districts in Rajasthan including GRP (For districts concerned).

In further exercise of powers conferred under section 5(2) of the said Act, the following officers are appointed as State Assistant Public Information Officers :-

All Dy. Supdts. of Police posted as Circle Officers;
(For respective Circles).

sd/-

(A.S.GILL)

Director General of Police,
Rajasthan, Jaipur

Intelligence and Security Organizations exempted from disclosure of information.

Government of Rajasthan
Home (Group-V) Department

No.F9(23)Gr.-5/2005

Jaipur dated: 15-10-2005

Notification

In exercise of the powers conferred by sub-section (4) of section 24 of the Right to Information Act, 2005 (Central Act No. 22 of 2005), the State Government hereby specified the following intelligence and security organizations established by the State Government for the purposes of the said Act, namely:-

- (i) State Special Branch
- (ii) District Special Branch
- (iii) Special Crime & Economic Offences Wing of Rajasthan Police

By order of the Governor

sd/-

(G.L. Gupta)

Dy. Secy to Govt.

कार्यालय महानिदेशक पुलिस, राजस्थान जयपुर

क्रमांक : व.15(13)पुलिस/प्रशासन/2005/13711-13840

दिनांक 20-12-2005

समस्त पुलिस जिला अधीक्षक
मय जीआरपी जोधपुर/अजमेर ।

विषय:- सूचना का अधिकार अधिनियमन 2005 ।

उपरोक्त विषय में लेख है कि उप शासन सचिव (सुरक्षा) गृह (ग्रुप-5) विभाग के पत्र क्रमांक एफ09(23)ग्रुप-5/2005 दिनांक 13.10.2005 के संलग्न गृह (ग्रुप-6) विभाग के परिपत्र दिनांक 3.10.2005, सूचना का अधिकार एक्ट 2005, राजस्थान सूचना का अधिकार रूल्स 2005 (नोटिफिकेशन दिनांक 12.10.2005) मैनुअल तैयार करने के लिए टेम्पलेट्स का सैट की छाया प्रतियां इस कार्यालय के पृष्ठांकित पत्र क्रमांक व.15(13)पुलिस-प्रशासन/2005/13420-13560 दिनांक 14.12.2005 के साथ पूर्व में सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित किये जा चुके हैं ।

सूचना के अधिकार/रूल्स 2005 के तहत आवेदक को सूचना उपलब्ध कराये जाने हेतु निर्धारित फीस किस मद में जमा की जानी है, बाबत जिलों द्वारा दिशा-निर्देश मांगे जा रहे हैं । इस संबंध में वित्तीय सलाहकार, पुलिस मुख्यालय, राजस्थान जयपुर से टिप्पणी प्राप्त किये जाने पर अंकित किया है कि उक्त संबंध में प्राप्त होने वाली फीस मद :-

0055 - पुलिस

103 - फीस, अर्थदण्ड और समपहरण

में नियमानुसार जमा कराई जावे । पालनार्थ प्रेषित है ।

हस्ता./-

(नवदीप सिंह)

महानिरीक्षक पुलिस

कानून-व्यवस्था, प्रशासन

**Government of Rajasthan
Home (Group-V) Department**

No.F9(23)Gr.-5/2005

Jaipur dated: 12-10-2005

Notification

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

1. **Short title and commencement.-** (1) These rules may be called the **Rajasthan Right to Information Rules, 2005**.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions.-** (1) In these rules, unless the context otherwise requires.-
 - (a) "Act" means the Right to Information Act, 2005 (Central Act No. 22 of 2005);
 - (b) "Commission" means the Rajasthan Information Commission.
 - (c) "section" means section of the Act.

(2) The words and expressions used herein, but not defined, shall have the meaning assigned to them in the Act.

3. **Application Fee.-** A request for obtaining information under sub-section (1) of section 6 shall be accompanied by an application fee of rupees ten by way of cash against proper receipt or by demand draft or bankers cheque payable to the public authority.

4. **Fee for providing information.-** (1) For providing information under sub-section (1) of section 7, the fee shall be charged by way of cash against proper receipt or by demand draft or bankers cheque payable to the public authority at the following rates.-

- (a) rupees two for each page (in A-4 or A-3 size paper) created or copied;
- (b) actual charge or cost price of a copy in large size paper;
- (c) actual cost price for samples or models; and
- (d) for inspection of records, no fee for the first hour and a fee of rupees five for each fifteen minutes or fraction thereof thereafter.

(2) For providing the information under sub-section (5) of section 7, the fee shall be charged by way of cash against proper receipt or by demand draft or bankers cheque payable to the public authority at the following rates:-

- (a) for information provided in diskette or floppy rupees fifty per diskette or floppy; and

- (b) for information provided in printed form at the price fixed for such publication or rupees two per page of photocopy for extracts from the publication.

Contents of appeal.- An appeal to the Commission shall contain the following information, namely :-

- (i) name and address of the appellant;
- (ii) name and address of the State Public Information Officer;
- (iii) particulars of the order against which the appeal is made including number and date.
- (iv) brief facts leading to the appeal;
- (v) grounds for prayer or relief;
- (vi) provisions of the Act or the rules;
- (vii) prayer or relief sought;
- (viii) verification by the appellant; and
- (ix) any other information which the Commission may deem necessary for deciding the appeal.

Documents to accompany appeal.- Every appeal made to the Commission shall be accompanied by the following documents, namely :-

- (i) attested true copy of the order 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.

7. **Procedure in deciding appeal.-** In deciding the appeal the Commission shall:-
- (i) consider oral and written evidence on oath or on 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, Assistant State Public Information Officer or such Senior Officer, who decided the first appeal as the case may be;
 - (v) hear third party; and
 - (vi) receive evidence on affidavit from State Public Information Officer, Assistant State Public Information Officer, such Senior Officer, who decided the first appeal or third party.
8. **Service of notice by Commission.-** Notice to be issued by the Commission may be served in any of the following modes, namely:-
- (i) service by the party itself;
 - (ii) by hand delivery (dasti) through process server;
 - (iii) by registered post with acknowledgement due.

9. **Signing of order.-** Order of the Commission pronounced in open proceedings shall be in writing and authenticated by the Registrar or any other officer authorized by the Commission for the purpose.

By order of the Governor

sd/-

(V.S.SINGH)

Principal Secretary to the Government