

# Booklet Explaining The Right to Information Act, 2005



# Pocket Booklet

(Revised Edition: August, 2025)

## Duties and Responsibilities of the Applicant

English Version of Booklet Published by  
Gujarat Information Commission,  
Gandhinagar, Gujarat



## **Note:**

**The purpose of publishing this booklet is to provide basic understanding to the users about the provisions of the Act. If any question of interpretation arises; the original English version of the Act will be authoritative.**

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- **Section-2: Important Definitions:**

- (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.

**Note:—**

- (1) As per the Office Memorandum of the Government of India dated 23/06/2009 and the Circular of the General Administration Department dated 21/07/2009, "information" includes file noting.
- (2) As per the Office Memorandum of the Government of India dated 01/06/2009 and the Circular of the General Administration Department dated 08/07/2009, and as decided by the Mumbai High Court Bench at Goa in Writ Petition No. 419-2007, Dr. Celsa Pinto vs. State

of Goa, dated 03/04/2008, the definition of "information" does not include answering to the Questions such as "Why".

- (3) As per the Office Memorandum of the Government of India dated 10/07/2008 and the Circular of the General Administration Department dated 26/08/2008, material available with a public authority is to be provided in the same form as it exists; it is not for the public authority to research on behalf of the citizen, deduce inferences and provide information.

(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.

**Note:—**

If any question arises as to whether an organization is a public authority, the party concerned shall have to present evidence regarding the same.

**(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; 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;

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

- **Section-3: Only citizens have the Right to Information.**

- **Section-4: Proactive Disclosure of information by the public authorities:**

1. As mentioned in Section – 4 (1) (b) of the Right to Information Act - 2005, every Public Authority has to self-publish 17 types of information related to their Public Authority.

2. Proactive Disclosure under sub- section-4(1)(b) of the Public Authority shall be given to the citizens free of cost or at a price to be decided or at the cost of printing. This information should be published, so far as possible, in an electronic form in an easily accessible manner on the website of the Public Authority.
  3. If the Proactive Disclosure is published on the website of the Public Authority or in any other way, the applicant has to obtain a copy of the information at his own expense.
- **Section-6: Points to be kept in mind while submitting an application seeking information:**
    1. The application has to be sent to the Public Information Officer of the concerned Public Authority in prescribed Form-“A”. (The Form-”A”, is prescribed under the Gujarat Right to Information Rules, 2010, which is available from the web-link given on the last page of this booklet.) Application can also be made on plain paper with the details mentioned in Form- “A”.

**Note:–** As provided in Memorandum of the Government of India dated 12/06/2008 and the Circular of the General Administration Department dated 26/08/2008, when the requested information pertains to more than one public authority, the applicant shall make separate applications to each public authority to obtain information related to each public authority.

2. The information has to be sought with specific details of required information and clarifying the specific duration of the information required.

**Note:–** (1) As per the Circular of the General Administration Department dated 01/05/2025, the applicant shall apply by providing specific details of the required information as per the provisions of Section 6(1) of the Act and serial no. 3 of Form 'A'. As per the provisions of Section 7(9) of the Act, the request for information should be made in such a manner that does not disproportionately divert the resources of the public authority.

3. The application should be made in Gujarati, Hindi or English language.
4. The application should be sent in person or through post or electronic means (if online facility is available).
5. The application shall be made with the prescribed fee (Rs. 20 as per Gujarat Right to Information Rules, 2010 or as per the rules applicable to the public authority).

**Note:–** (1) As per Rule 3(2) of the Gujarat Right to Information Rules, 2010, the application fee can be paid in cash where facility is available, by Demand draft, Pay order, Non-Judicial stamp, Non-Judicial stamp paper, Stamping through franking, Electronic stamping, Court fee stamp, Judicial stamp paper, Indian Postal order, Revenue stamp, or by Challan deposited in the government treasury through authorized banks in the head mentioned in the rules.

- (2) As per Rule 3(1) of the Gujarat Right to Information Rules, 2010, the fee for applications made through e-media shall

be paid within seven days from the date of the application, otherwise, the application shall be deemed to have been withdrawn.

- (3) Any citizen can make an online information request to a public authority of the State of Gujarat on the State Government's online portal [https://onlinerti.gujarat.gov.in/rti\\_portal/](https://onlinerti.gujarat.gov.in/rti_portal/). Information about applying (User Manual) and Frequently Asked Questions (FAQs) are provided on the said portal.
6. As per the Circular of the General Administration Department dated 05/12/2018, individuals falling under below poverty line (BPL) are exempted from application fees. To avail exemption from application fees, a copy of the BPL certificate issued by the competent authority must be submitted; a BPL ration card will not be considered valid.
7. It is not necessary to state the reason for seeking information in the application.

8. If it is not possible to make such application in writing for any reason, the assistance of the Public Information Officer can be sought. The Public Information Officer shall provide reasonable assistance in giving it a written form.
9. The Public Information Officer shall provide assistance for inspecting records to a person with is sensorily disabled.

**Note:–** As per the Office Memorandum of the Government of India dated 24/06/2008 and the Circular of the General Administration Department dated 16/07/2008, individuals seeking information under the Right to Information Act should be treated courteously and provided with necessary guidance and assistance.

10. After applying, when the Public Information Officer asks to pay the prescribed copy fee within 30 days from the date of receipt of the application, it shall be paid. After payment of the fee, the Public Information Officer shall be informed.

**Note:—**

- (1) Under Rule 5(b) of the Gujarat Right to Information Rules, 2010, where no separate system or procedure exists in the public authority for collecting copy fees, the fee rates mentioned in Rule 5(b)(1) to (4) of the Gujarat Right to Information Rules, 2010 shall be applicable for information/documents.
- (2) Under Rule 3(4) of the Gujarat Right to Information Rules, 2010, copy fees can be paid in cash where facility is available, by demand draft, pay order, Indian Postal Order or by challan deposited in the government treasury through authorized banks prescribe has as specified under Rule 3(4).
- (3) The demand draft or pay order or Indian Postal Order through which the fee and charges are paid shall be properly crossed and payable in favour of the Government of Gujarat or as the case may be, the concerned public authority.
- (4) As established by the judgment given by the Supreme Court in Civil Appeal No. 1966-1967/2020, Chief Information



Commissioner Versus High Court of Gujarat and another, dated 04/03/2020, when an alternative mechanism is available for obtaining information from a public authority, the Right to Information Act is not to be used.

11. Information is obtainable free of cost after a period of 30 days from the date of receipt of the application by the Public Information Officer.

**Note:**– As per the Circular of the General Administration Department dated 13/05/2025:

- (1) Information up to five pages is available free of cost. For information exceeding five pages, copy fees for all pages shall be collected.
- (2) If certified information is not required and information is requested via e-mail/online RTI portal, it can be obtained by scanning/taking photos after paying the prescribed copy fee. After obtaining information in this manner, the applicant is not eligible to receive the information in physical form.

(3) After self-inspection of the record, information can be obtained by taking a photo of the information after paying the prescribed copy fee. However, in such cases, information in physical form cannot be obtained. Digital information can be obtained in one's portable storage device (pen drive, hard disk drive) after paying the prescribed fee.

- **Sections-8, 9, and 24: Matters exempted from disclosure of information:**

1. Information that would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relations with a foreign State or lead to incitement of an offense.
2. 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.
3. Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature.

4. Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the larger public interest warrants the disclosure of such information.
5. Information available to a person in his fiduciary relationship, unless the larger public interest warrants the disclosure of such information.
6. Information received in confidence from a foreign Government.
7. 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.
8. Information which would impede the process of investigation or apprehension or prosecution of offenders.
9. Cabinet papers including records of deliberations of the Council of Ministers, Secretaries, and other officers shall not be provided. However, after the

decisions of the Council of Ministers have been taken and the matter has been concluded, the information relating to it shall be provided.

10. Information which relates to personal life of an individual, unless the larger public interest warrants the disclosure of such information.

**Note:–** As per the judgment given by the Supreme Court in Special Civil Application (Civil) No. 27734-2012, Girish Ramchandra Deshpande vs. Central Information Commr. & Ors., dated 03/10/2012, information regarding an inquiry/complaint against any government employee/officer becomes "personal" information and therefore, if no larger public interest arises, it is not liable for disclosure. In addition, as per the judgment given by the Supreme Court in Civil Appeal No. 22-2009, Canara Bank v/s C.S. Shyam & Anr., dated 31/08/2017, personal and service-related information of an employee is not liable for disclosure unless a larger public interest arises.

11. Information, the disclosure of which would cause an infringement of copyright subsisting in a person other than the State.
12. Information of a record which can reasonably be separated from any part which is exempted from disclosure shall be provided.
13. Intelligence and security organizations specified by the Central/State Government are exempted from disclosure of information, except for information relating to allegations of corruption and human rights violations.

**Note:–** (1) As per the guidelines issued by the Circular of the General Administration Department dated 22/07/2008, the Public Information Officer concerned with providing/not providing information requested by a citizen, subject to the provisions of the law, shall, take into account the facts, circumstances, sensitivity, etc. of each case, and evaluate it in the context of public interest versus private/personal interest, make a thoughtful decision by

applying his mind with reference to Section-8, Section-9, and/or Section-7(9) etc. of the Act, and provide information/ reply to the applicant by citing the relevant provisions of the Act.

- **Section-11: Regarding information relating to a third party:**

1. Where the requested information relates to a third party or has been supplied by a third party and that third party has treated it as confidential, the Public Information Officer shall, within 5 (five) days of receipt of the application, obtain the opinion of the third party in writing regarding the disclosure of such information.
2. The third party shall be given 10 days to make a written or oral submission.
3. After receiving the response/opinion from the third party, the Public Information Officer shall consider the larger public interest and after taking a decision regarding providing the information, shall inform the applicant and the third party.

4. The third party shall have the right to file the first appeal and second appeal.

• **Section-18: A complaint can be filed before the Information Commission within 30 days from day of the cause of complaint arose for the following matters:**

1. If a Public Information Officer has not been appointed by a public authority;
2. If the application for information has been refused;
3. If the requested information has been denied;
4. If the Public Information Officer has not provided information/reply within the 30-day time limit;
5. If an unreasonable fee has been demanded;
6. If incomplete, misleading or false information has been provided.

**Note:**– Online facility is available for filing a complaint before the Information Commission. The complaint form will be available from the web link provided on

the last page of this booklet. The complaint shall be submitted along with the documents mentioned therein.

**Note:–** As per the judgment given by the Supreme Court in Civil Appeal No. 10787-10788/2011, Chief Information Commr. and Another V/s State of Manipur and Another, dated 12/12/2011, while deciding a complaint under Section-18 of the Right to Information Act, the Information Commission does not have the power to provide information. The commission has the powers to impose penalty/to recommend disciplinary action against the Public Information Officer under Section-20 of the Act. While deciding the second appeal under Section-19, the Information Commission has the power to provide information as well as to impose penalty/to recommend disciplinary action against the Public Information Officer under Section-20 of the Act. Therefore, to obtain information, one must file a first or second appeal.



- **Section-19(1) : About filing of a First Appeal:**

1. If information/reply is not received from the Public Information Officer within the 30-day time limit or if dissatisfied with the received information/reply, a first appeal can be filed with the designated First Appellate Authority within 30 days from the date of receipt of information/reply or within 30 days of the expiry of the time limit, free of cost as per Gujarat Right to Information Rules, 2010, or as per the rules applicable to the public authority. The form for the first appeal is available from the web link provided on the last page of this booklet.
2. However, if the applicant could not file an appeal within the 30-day limit for appropriate reasons, an appeal can be filed after the expiry of the 30-day period by stating appropriate reasons for the delay.
3. If it is not possible to be present at the time of hearing when a notice for the

hearing of the first appeal is received from the First Appellate Authority, A written submission can be sent to the First Appellate Authority.

4. If the applicant has requested third-party information, and if third-party is dissatisfied with the decision of the Public Information Officer, the third party can also file a first appeal before the First Appellate Authority.

- **About filing of a Second Appeal under Section-19(3) before the Information Commission:**

1. A second appeal can be filed before the Information Commission within 90 days from the date on which the First Appellate Authority ought to have made a decision or from the date on which the decision of the First Appellate Authority was actually received. (The First Appellate Authority shall make a decision within 30 (thirty) days from the date of filing the appeal and in no case later than 45 (forty-five) days, by recording reasons in writing.)

2. If the second appeal could not be filed within the 90-day time limit, a second appeal should be filed before the Information Commission with appropriate reasons for the delay.
3. If the applicant is a third party and is dissatisfied with the decision of the First Appellate Authority, he can file a second appeal before the Information Commission.

**Note:–** Online facility is available for filing a second appeal before the Information Commission. The form for filing a second appeal is available from the web link provided on the last page of this booklet. The second appeal shall be submitted along with the documents mentioned therein.

4. In the second appeal, a clear submission should be made on any of the pending/missing information, compensation, and/or action under Section-20 against the Public Information Officer.

- **Section-24: List of Public Authorities Exempted from Providing Information (Under Gujarat State Government):**

1. State Intelligence Bureau
2. Criminal Investigation Department
3. Anti-Terrorist Squad
4. Commando Unit
5. Border Wing Home Guards
6. State Reserve Police Force
7. Local Intelligence Branch (LIB)
8. Local Crime Branch (LCB)
9. Branches of Police Commissioner's Office:
  - (1) Special Branch, Detection of Crime Branch (DCB)
  - (2) Prevention of Crime Branch (PCB)
10. Special Branches of Home Department, Secretariat, Gandhinagar
11. Forensic Science Laboratory
12. Anti-Corruption Bureau
13. Gujarat Industrial Security Force

## **Important Web links:**

1. Right to Information Act, 2005,
2. Right to Information (Amendment) Act, 2019,
3. Right to Information Rules, 2010,
4. Second Appeal or Complaint Form,
5. Link for Important "Forms":  
<https://gic.gujarat.gov.in/front-page/DownloadFront.aspx>
6. Link for Online Complaint or Second Appeal:  
<https://gic.gujarat.gov.in/front-page/eApplication.aspx?lang=Eng>
7. Link for Gujarat Vidhansabha Right to Information Rules, 2010:  
<https://gujarat.neva.gov.in/Home/RightToInformation>  
(Pro Active Disclosure of Right to Information (As on Dt.01/05/2024)) (Page-98)
8. Gujarat High Court - Link for The Gujarat High Court (Right to Information) Rules, 2005:  
<https://gujarathighcourt.nic.in/rti>

9. Link for Circulars, Office Memorandum, Resolutions under RTI Act of the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, New Delhi:  
<https://dopt.gov.in/rti/proactive-disclosures/compendium-oms-notifications-rti-act>
10. Link for Circulars, Resolutions under RTI Act, General Administration Department:  
[https://artd.gujarat.gov.in/Default.aspx?id=217&lg=eng&https://artd.gujarat.gov.in/Portal/Document/1\\_125\\_1\\_RTI1-goi.pdf](https://artd.gujarat.gov.in/Default.aspx?id=217&lg=eng&https://artd.gujarat.gov.in/Portal/Document/1_125_1_RTI1-goi.pdf)
11. Link for Important Judgments of the Supreme Court:  
<https://cic.gov.in/supreme-court-rulings>
12. Link for Important Judgments of the High Court:  
<https://cic.gov.in/high-court-ruling>
13. Link for Important Judgments of the Gujarat Information Commission:  
<https://gic.gujarat.gov.in/front-page/LandmarkJudgement.aspx>
14. Link for FAQs (Frequently Asked Questions):  
<https://gic.gujarat.gov.in/front-page/81/FAQs.aspx>

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