


Booklet Explaining The Right to Information Act, 2005




Pocket Booklet

(Revised Edition: August, 2025)

Duties and Responsibilities of First Appellate Authority



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.

Note:—

- (1) As per circular dated 01/05/2009 and 13/05/2025 of the General Administration Department, every public authority shall have to upload Pro-Active Disclosure (PAD) on their website and they have to update it from time to time.
- (2) In accordance with the provisions of the circular dated 13/05/2025 of the General Administration Department, every public authority shall classify the records appropriately in accordance with section-

4(1)(a) of the Act, maintain it with index and properly publish on the website.

- (3) As per General Administration Department Circular dated 13/05/2025, every public authority has to upload and update the information required by the State Information Commission in order to prepare the annual report as per section-25(1) of the Act, on the State Government's Online Portal <https://rti-ar.gujarat.gov.in>.

- **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”.

2. The application should be made in Gujarati, Hindi or English language.
3. The application should be sent in person or through post or electronic means (if online facility is available).
4. 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 rule.

- (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 in the State of Gujarat on the State Government's online portal https://onlinerti.gujarat.gov.in/rti_portal/. Information about applying (User Manual) and Frequently Asked Questions (FAQs) are provided on the said portal.
5. 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.
6. The information has to be sought with specific details of information required 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.

7. Except the details required to contact the applicant, the reason for seeking information or any other personal details shall not be demanded.
8. When the Public Information Officer deems it necessary to ascertain the applicant's citizenship, he may do so subject to compliance with the time limit.
9. If the information sought by the applicant is held by another public authority or is related to the functions of another public authority, the application in Form-A shall be transferred to that public authority within a maximum of 5 (five) days from

the date of receipt of the application, and the applicant shall be informed accordingly.

Note:— As per the Office Memorandum of the Government of India dated 12/06/2008 and General Administration Department's circular dated 26/08/2008,

- (1) When the information does not relate to one specific public authority, the case of transfer of application under sub-section (3) of Section 6 of the Act does not arise. Sub-section (3) refers to 'another public authority'; not 'another public authorities'. It is important to note the use of the singular form in the Act in this context.
- (2) If, even after making sufficient efforts to find out which public authority the requested information relates to, it cannot be found, the applicant shall be informed accordingly.
- (3) When some of the information is available with that public authority and the remaining information relates to another public authority, the Public Information Officer shall provide the information available with them to the

applicant and transfer a copy of the application to the another concerned public authority and the applicant shall be informed accordingly.

- (4) When some of the information is available with that public authority and the remaining information is distributed among more than one public authority, the Public Information Officer of the public authority receiving the application shall provide the information related to himself and advise the applicant to make separate applications to the concerned public authorities for the remaining information.
- (5) The Public Information Officer shall provide only the information that exists and is available with him or under his control. Creating information is outside the purview of the Act for a public authority. The act of collecting information, some part of which is available with more than one public authority, will be considered equivalent to creating information, and it is not necessary to do so.

(6) When an applicant applies to obtain information related to another state government or union territory, the Public Information Officer of the public authority receiving the application shall inform the applicant that the information sought can be obtained from the administration of that state government/ union territory. In such a case, there is no need to transfer the application to the concerned state government/union territory administration.

- **Section-7: Regarding disposal of application (Form-A):**

1. Upon receipt of an application in Form-A, the applicant shall be informed to pay the prescribed copy fee as early as possible, within 30 days.

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

- (1) Information up to five pages is to be provided 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 provided by scanning/taking photos after receiving the prescribed copy fee. After providing 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 provided by taking a photo of the information after receiving the prescribed copy fee. However, in such cases, information in physical form cannot be provided. Digital information can be obtained in one's portable storage device (pen drive, hard drive) after receiving the prescribed fee.
2. When an application is rejected for any of the reasons specified in Sections 8, 9 and 24, the applicant shall be informed within 30 days.
3. When information related to the life or liberty of a person is sought the information shall be provided within 48 hours.

4. The period between the date on which the applicant is informed about the copy fee and the payment of the fee shall be excluded from the calculation of the 30-day period for providing information by the Public Information Officer.
5. While calculating the fees and charges to be paid for the information sought in Form-A, the Public Information Officer shall take into account the Right to Information Rules-2010.

Note:– (1) Under Rule 5(b) of the Gujarat Right to Information Rules-2010, where a separate system or procedure or fees / charges for collecting copy fees does not exist in the public authority, the rates of fees specified in Rule 5(b)(1),(2),(3) of the Gujarat Right to Information Rules-2010 shall apply for documents.

- (2) As per Rule 3(4) of the Gujarat Right to Information Rules-2010, copy fees/ charges shall be paid in cash where facility is available, or by Demand Draft, Pay Order, Indian Postal Order or by

Challan deposited in the government treasury through authorized banks in prescribed head as specified in Rule 3(4).

- (3) The Demand Draft or Pay Order or Indian Postal Order by which the fees and charges are paid shall be properly crossed and payable in favour of the Government of Gujarat or the concerned public authority as the case may be.
- (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 shall not be resorted to.
6. After making application, when the Public Information Officer asks to pay the prescribed copy fee within the 30-day time limit, it shall be paid. After payment of the fee, the Public Information Officer shall be informed accordingly.

7. No fee shall be charged from persons below the poverty line.

Note:– As per the Circular of the General Administration Department dated 05/12/2018, to avail exemption from application fees for persons falling under Below Poverty Line (BPL), a copy of the BPL certificate issued by the competent authority needs to be submitted; BPL ration card will not be considered valid.

8. After a period of 30 days from the date of receipt of the application, the information shall be provided to the applicant free of cost.
9. When the applicant requests information of a third party and the Public Information Officer has sought the submission of the third party regarding the disclosure of information, the Public Information Officer shall take into consideration the representation made by the third party under Section 11 and take a decision.
10. The Public Information Officer shall take a period of 40 days for giving a decision/

reply where the submission of the third party requested.

11. When the Public Information Officer provides information to the applicant or rejects the application, the reasons for it, the time limit for the first appeal, and the details of the first appellate authority shall be informed.

Note:– As per the Circular of the General Administration Department dated 05/09/2012, the Public Information Officer shall mention his name, name and address of the department/office, telephone number, etc., in the reply to be sent to the citizen and also the details of the appellate authority to whom the applicant citizen needs to make the first appeal.

12. Generally an information should 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.

Note:—

- (1) As per the Circular of the General Administration Department dated 01/05/2025; A person desiring to obtain information shall apply in the prescribed Form 'A'. Upon receipt of such an application, all Public Information Officers shall take the following action regarding the decision on the application:
 - (i) In applications where specific details of the information required are not mentioned as per Section 6(1) of the Act and as per the provision of serial no. (3) of Form 'A' prescribed by the Gujarat State Government and a specific time period for the information is not mentioned, the applicant shall be asked to re-apply with specific details of the information required and details of the specific time period as per above provisions, and the application shall be disposed of.

However, if information related to Pro-active disclosure is sought, such information shall be provided, and if such information has been published, the

applicant shall be informed of its specific web link. The applicant shall have the right of first appeal regarding the decision of the Public Information Officer.

- (ii) Where the applicant sought information by mentioning specific details of the information and a specific time period as per Section 6(1) of the Act and serial no. (3) of Form 'A' and providing such information would disproportionately divert the resources (manpower and other resources) of the public authority, then to avoid unnecessary payment of prescribed copy fees by the applicant and to avoid disproportionate use of the resources, the following action shall be taken for providing information, keeping in mind the provisions of Section 8, Section 9, Section 10 and Section 24 of the Act;
- I. The Public Information Officer shall ask the applicant for self-inspection of the record of the obtainable information, keeping in mind the provisions of Section 8, Section 9, Section 10 and

Section 24 of the Act, as early as possible from the date of receipt of the application in Form 'A'.

- II. The applicant shall inform the Public Information Officer in writing about the specific information required after self-inspection of the record.
 - III. After the Public Information Officer is informed in writing about the specific information required by the applicant, the Public Information Officer shall inform the applicant to pay the copy fee for the information required.
 - IV. After the copy fee is paid by the applicant, the Public Information Officer shall be informed accordingly.
 - V. After being informed of the payment of the copy fee, the Public Information Officer shall provide the information that can be provided.
 - VI. This entire procedure shall be completed within the 30-day time limit specified in the Act.
- (2) As per the judgment given by the Supreme Court in Civil Application No.

6454-2011 dated 09/08/2011, the Public Information Officer is not required to "Collect & Collate" the information. Only information available with and existing with the public authority can be provided. 75% of the staff of the public authority cannot spend 75% of their time collecting and providing information at the cost of their regular duties.

- (3) Where an applicant requests CCTV footage from any public authority and such request is made before the auto-delete time limit for the CCTV footage, and if the request for the CCTV footage as requested has not been accepted, in such a case, the Public Information Officer shall retain a backup (recording) of the CCTV footage until the time limit for filing a second appeal before the Commission expires or until a final decision is made by the Commission, whichever is later.
13. The formats of letters to be sent to the applicant for informing about copy fees, providing information, rejecting it, and transferring applications related to

another public authority can be obtained from the web link provided on the last page of this booklet.

- **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 lead to 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 held by any 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, taking into account the facts, circumstances, sensitivity, etc. of each case, and evaluating 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 first appeal and second appeal.

- **Section-19: Points to be kept in mind while deciding the first appeal:**
 1. If the Public Information Officer has not informed the decision within the 30-day time limit or if dissatisfied with the decision, the first appeal shall be filed before the appointed/First Appellate Authority mentioned in the reply of the Public Information Officer within 30 days after the expiry of such period or from the receipt of the decision.
 2. However, if the applicant could not file an appeal within the 30-day limit for sufficient reasons, the appeal may be accepted after the expiry of the 30-day period for appropriate reasons.
 3. It shall be verified whether the proceedings under Section-11 have been conducted by the Public Information Officer.
 4. If a third party is aggrieved by the decision of the Public Information Officer, the concerned third party shall file the first appeal within 30 days of the decision of the Public Information Officer.

5. It is not necessary for the applicant to remain present at the time of hearing of the first appeal. If he is not present and/or submit a written representation, it shall be taken into consideration and a decision shall be made regarding the information provided/replied on the requested information.
6. The first appeal should be decided within 30 days of receiving the first appeal and in no case later than 45 days, by recording reasons in writing instead of issuing formal orders. Such an order should be detailed (speaking) and logical. It is not enough that justice has been done, but it should appear that justice have been done. The order should be sent to the applicant and the Public Information Officer.
7. The First Appellate Authority shall ensure that the decision of the first appeal is implemented.

Note:– The First Appellate Authority shall follow the procedure suggested in the Office Memorandum of the Government of India dated 09/07/2007 and the Circular of the General Administration

Department dated 20/12/2008 regarding the disposal of the first appeal. If the Public Information Officer does not comply with the order of the Appellate Authority, the Appellate Authority shall bring the matter to the notice of the competent authority for suitable action against the Public Information Officer. Such competent authority shall take necessary action to ensure the implementation of the provisions of the Right to Information Act.

8. Before the hearing of the Information Commission, a detailed report on the action taken by them, along with relevant documents and evidence, shall be sent to the Information Commission in the prescribed format.
9. The First Appellate Authority shall remain present before the Commission at the hearing of the second appeal with all relevant details on the action taken by them and the associated record.
10. It shall be ensured that the final decision made by the Information Commission is complied with within the time limit.

- **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
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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