

CHAPTER : 23 – RIGHT TO INFORMATION ACT

(23.1)

Government of Nagaland
Personnel and Administrative Reforms Department
(Administrative Reforms Branch)

NOTIFICATION

Dated, Kohima, the 30th November, 2005

NO. AR-3/Gen-147/2005 (A) : : In exercise of the powers conferred by clauses (b) and (c) of sub-section (2) of section 7 of the Right to Information Act, 2005 (Govt. of India Act No. 22 of 2005), the Government of Nagaland hereby makes the following rules, namely:-

1. **Short Title and commencement-** (i) These Rules may be called the Nagaland State Right to Information (Regulation of Fee and Cost) Rules, 2005.
(ii) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions-** In the rules, unless the context otherwise requires,-
 - (a) ‘Act’ means the Right to Information Act, 2005 (Govt. of India Act No. 22 of 2005)
 - (b) ‘Section’ means section of the Act;
 - (c) all other words and expressions used herein and not defined but defined in the Act shall have the meanings assigned to them in the Act.
3. 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 Accounts Officer/Head of Department/Head of Office of the public authority or the Government Department/Office.
4. For providing the 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 Accounts Officer/Head of Department/Head of Office of the public authority or Government Department/Office 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 if given in larger size paper;
 - (c) actual cost or 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.
5. For providing the information under sub-section (5) of section 7 the fee shall be charged of cash by way of cash against proper receipt or by demand draft or bankers cheque payable to the Accounts Officer/Head of Department/Head of Office of the public authority or Government Department/Office 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.
6. In respect of all Government departments/Offices and other Public authority, whose establishment costs are met from the State’s exchequers, the fees collected under these rules shall be deposited at the end of every month, in the Government Treasury through a Treasury Challan and credited to the Head of Account “0070-Other Administrative Services”.

Sd/- P.TALITEMJEN AO
Chief Secretary to the Govt. of Nagaland

(23.2)

**Government of Nagaland
Personnel and Administrative Reforms Department
(Administrative Reforms Branch)**

Dated, Kohima, the 30th November, 2005.

NOTIFICATION

NO. AR-3/Gen-147/2005 (B) : : In exercise of the powers conferred by clauses (e) of sub-section (2) of section 7 of the Right to Information Act, 2005 (Govt. of India Act No. 22 of 2005), the Government of Nagaland hereby makes the following rules, namely:-

1. **Short Title and commencement-** (i) These Rules may be called the Nagaland State Information Commission (Appeal Procedure) Rules, 2005.

(ii) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions-** In the rules, unless the context otherwise requires,-
 - (a) 'Act' means the Right to Information Act, 2005 (Govt. of India Act No. 22 of 2005)
 - (b) 'Section' means section of the Act;
 - (c) 'Commission' means the Nagaland State Information Commission;
 - (c) words and expressions used herein and not defined but defined in the Act shall have the meanings assigned to them in the Act.
3. **Contents of appeal-** An appeal to the Commission shall contain the following information, namely:-
 - (i) name and address of the applicant;
 - (ii) name and address of the Public Information Officer;
 - (iii) particulars of the order against which the appeal is made including number, date and the Public Information Officer who passed the order; brief facts leading to the appeal; prayer or relief sought; grounds for the prayer or relief;
 - (vii) provisions of the Act or the rules;
 - (viii) verification by the appellant; and
 - (ix) any other information which the Commission may deem necessary for deciding the appeal.
4. **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.
5. **Procedure in deciding appeal -** In deciding the appeal, the Commission shall,
 - (i) hear oral or written evidence on oath or an affidavit from concerned or interested person;
 - (ii) peruse or inspect documents, public records or copies thereof;
 - (iii) inquire through authorised officer further details or facts;
 - (iv) hear the Public Information Officer, Assistant Public Information Officer, or such Senior Officer who decide the first appeal, as the case may be;

- (v) hear third party; and
 - (vi) receive evidence on affidavits from the Public Information Officer, Assistant Public Information Officer, such Senior Officer who decided the first appeal or third party.
6. **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; or
 - (iv) through Head of Office or Department.
7. **Signing of Order-** Order of the Commission pronounced in open proceedings shall be in writing and authenticated by the Registrar or any other officer authorised by the Commission for the purpose.

Sd/- P.TALITEMJEN AO
Chief Secretary to the Govt. of Nagaland.

(23.3)
Government of Nagaland
Personnel and Administrative Reforms Department
(Administrative Reforms Branch)

Dated, Kohima, the 17th March, 2006.

NOTIFICATION

NO. AR-3/Gen-147/2005 (Pt) : : In exercise of the powers conferred by sub clause (4) of Section 24 of the Right to Information Act, 2005 (Govt. of India Act No. 22 of 2005), the Governor of Nagaland is pleased to exempt the **State Police Crime Branch** and the **State Police Special Branch** under the Government of Nagaland from the provisions of the Right to Information Act, 2005.

However, the information pertaining to the allegations of corruption and human rights violation shall not be excluded from the operation of the RTI Act, 2005.

This shall come into force on the date of their publication in the Official Gazette.

Sd/- LALTHARA
Addl. Chief Secretary to the Govt. of Nagaland.

(23.4)

**Government of Nagaland
Personnel and Administrative Reforms Department
(Administrative Reforms Branch)**

No. AR-7/RTI-4/2006

Dated, Kohima, the 18th Sept/2006.

OFFICE MEMORANDUM

Sub:- Appointment of Appellate Authority/PIO/APIO under RTI, Act, 2005.

In pursuance of sections 5 & 19 of the Right to Information Act, 2005 (Central Act No. 22 of 2005) read with other relevant provisions thereof, almost all the Departments in the State has appointed / nominated Appellate Authorities, PIOs and APIOs. Whenever any appointed / nominated Appellate Authorities, PIOs and APIOs are transferred / retire from their respective Departments, the concerned Departments' are to re-appoint / nominate other Appellate Authorities, PIOs and APIOs accordingly.

In this connection, all Departments are hereby requested to adhere this Office Memo and furnish a copy to this Department and the State Chief Information Commissioner, Nagaland respectively for record and reference.

Sd/- C. J. PONRAJ
Principal Secretary to the Govt. of Nagaland.

(23.5)

**Government of Nagaland
Personnel and Administrative Reforms Department
(Administrative Reforms Branch)**

NO. AR -7/RTI-4/2006

Dated, Kohima, the 22nd September, 2008

OFFICE MEMORANDUM

Sub:- Clarification regarding format in which the information should be supplied under the RTI Act,2005.

The undersigned is directed to forward herewith an Office Memorandum No. 11/2/2008-IR dated 10th July, 2008 received from the Government of India, Department of Personnel & Training, New Delhi regarding format in which the information should be supplied under the RTI Act,2005, for information of all concerned.

Encl: **As stated above.**

Sd/- C.J.PONRAJ
Principal Secretary to the Govt. of Nagaland.

(Cont of 23.5)

No.11/2/2008-IR
Government of India
Ministry of Personnel, PG and Pensions
Department of Personnel & Training

North Block, New Delhi

Dated: the 10th July, 2008

OFFICE MEMORANDUM

Sub: Clarification regarding format in which the information should be supplied under RTI Act, 2005.

It has been observed that some people under the Right to Information Act, 2005 request the Public Information Officers (PIO) to cull out information from some document(s) and give such extracted information to them. In some cases, the applicants expect the PIO to give information in some particular Performa devised by them on the plea that sub-section (9) of Section 7 provides that information shall ordinarily be provided in the form in which it is sought. It need to be noted that the sub-section simply means that if the information is sought in the form of a floppy, it shall be provided in that form subject to the conditions given in the Act etc. It does not mean that the PIO shall re-shape the information.

2. According to Section 2(f) of the Act 'information' means 'any material in any form'. A citizen, under the Act, has a right to get 'material' from a public authority which is held by or under the control of that public authority. The right includes inspection of work, documents, record; taking notes, extracts or certified copies of documents or records; taking certified samples of materials; taking information in the form of diskettes, floppies, tapes video cassettes or in any other electronic mode through printouts where such information is stored in a computer or in any other device. Careful reading of the definition of 'information' and 'right to information' makes it clear that a citizen has a right to get the material, inspect the material, take a notes from the material, take the material, take extract or certified copies of the material, take samples of the material, take the material in the form of diskettes etc. The PIO is required to supply such material to the citizen who seek it. The Act, however, does not require the Public Information Officer to deduce some conclusion from the 'material' and supply the 'conclusion' so deduced to the applicant. The PIO is required to supply the 'material' in the form as held by the public authority and is not required to do research on behalf of the citizen to deduce anything from the material and then supply it to him.

3. Contents of this OM may be brought to the notice of all concerned.

Sd/- K.G.Verma
Director

(23.6)

**Government of Nagaland
Personnel and Administrative Reforms Department
(Administrative Reforms Branch)**

NO. AR-3/ GEN-147/2005 (Pt)

Dated, Kohima, the 30th June, 2009

CIRCULAR

Sub:- **Decision Dated 03.04.2008 of the High Court of Bombay at Goa in Writ Petition No. 419 of 2007 in the case of Dr. Celsa Pinto vs. Goa State Information Commission under the Right to Information Act, 2005.**

The undersigned is directed to refer to the subject mentioned above and to state that in the case held on 03.04.08, the term "Information" as defined in the Right to Information Act, 2005 does not include answers to the question like 'why'. The relevant part of the judgment is reproduced below:

"The definition of Information cannot include within its fold answers to the question "why" which would be same thing as asking the reason for a justification for a particular thing. The public Information authorities cannot expect to communicate to the Citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information".

Sd/- TEMJEN TOY

Commr & Secretary to the Govt. of Nagaland.

(23.7)

**No.F.10/2/2008-IR
Government of India
Ministry of Personnel, PG and Pensions
Department of Personnel & Training**

North Block, New Delhi

Dated: the 23rd June, 2009

OFFICE MEMORANDUM

Sub: - **Disclosure of 'file noting' under the Right to Information Act, 2005.**

The undersigned is directed to say that various Ministries/Departments etc. have been seeking clarification about disclosure of file noting under the Right to Information Act, 2005. It is hereby clarified that file noting can be disclosed except file noting containing information exempt from disclosure under Section 8 of the Act.

It may be brought to the notice of all concerned.

Sd/- K.G.Verma
Director

(23.8)

No.12/192/2009-IR
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

North Block, New Delhi

Dated the 20th January, 2010

OFFICE MEMORANDUM

Sub:- Maintenance of records in consonance with the Section 4 of the RTI Act.

The Central Information Commission in a case has highlighted that the systematic failure in maintenance of records is resulting in supply of incomplete and misleading information and that such failure is due to the fact that the public authorities do not adhere to the mandate of Section 4(1)(a) of the RTI Act, which requires every public authority to maintain all its records duly catalogued and indexed in a manner and form which would facilitate the right to information. The Commission pointed out that such a default could qualify for payment of compensation to the complainant. Section 19(8) of the Act gives power to the Commission to require the concerned public authority to compensate the complainant for any loss or other detriment suffered.

Proper maintenance of records is vital for the success of the Right to Information Act but many public authorities have not paid due attention to the issue despite instructions issued by this Department. The undersigned is directed to request all the Ministries/Department etc. to ensure that requirements of Section 4 of the Act in general and clause (a) of sub-section (1) thereof in particular are met by all the public authorities under them without any further delay.

Sd/- K.G.Verma
Director

(23.9)

No.F.10/2/2008-IR
Government of India
Ministry of Personnel, PG and Pensions
Department of Personnel & Training

North Block, New Delhi

Dated September 24, 2010

OFFICE MEMORANDUM

Sub:- RTI application received by a public authority regarding information concerning other public authority/authorities.

The undersigned is directed to refer to this Department's O.M of the even number dated 12th June on the above noted subject, clause (iii) of para 3 of which provides that if a person makes an application to the public authority for information, a part of which is available with that public authority and the rest of the information is scattered with more than one other public authorities, the Public Information Officer (PIO) of the public authority receiving the application should give information relating to it and advise the applicant to make separate applications to the concerned public authorities for obtaining information from them. It further provides that if no part of the information is available with the public authority receiving the application but scattered with more than one other public authorities, the PIO should inform the applicant that information is not available with the public authority and that the applicant should make separate application to the concerned public authorities for obtaining information from them.

2. The matter has been examined in consultation with the Chief Information Commissioner, Central Information Commission and has been decided to advise the PIOs that if the details of public authorities who may have this information sought by the application are available with the PIO, such details may also be provided to the applicant.

3. Contents of this O.M may be brought to the notice of all concerned.

Sd/- K.G.Verma
Director

(23.10)

**No. F.10/9/2008-IR
Government of India
Ministry of Personnel, PG & Pension
Department of Personnel & Training**

North Block, New Delhi
Dated April 26, 2011

Sub:- Payment of fee under RTI Act by Indian Postal Order.

The undersigned is directed to say that the Right to Information (Regulation of Fee and Cost) Rules, 2005 provide that a person seeking information under the RTI Act, 2005 can make payment of fee for obtaining information by cash or demand draft or banker's cheque or Indian Postal Order. It has been brought to the notice of this Department that some public authorities do not accept fee through the Indian Postal Orders.

2. As stated above, one of the approved modes of payment of fee under the Rules is through Indian Postal Order. Refusal to accept fee through the IPO may be treated as refusal to accept the application. It may result into imposition of penalty by the Central Information Commission on the concerned Central Public Information Officer under Section 20 of the Act. All the public authorities should, therefore, ensure that payment of fee by IPO is not denied.

3. Contents of this OM may be brought to the notice of all concerned.

Sd/- K.G. VERMA
Director

(23.11)

**Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training**

North Block, New Delhi
Dated: 18th May, 2011

OFFICE MEMORANDUM

Sub: - Strengthening Implementation of the Right to Information Act, 2005.

Central Chief Information Commissioner has made a reference to the Cabinet Secretary making several suggestions for effective implementation of the Right to Information Act, 2005. It has been decided in consultation with the Cabinet Secretariat that following actions shall be undertaken by all Ministries/Departments/Attached Offices/PSUs of Central Government to strengthen the implementation of the RTI Act:

- a) In the Annual reports of the Central Ministries/Departments and other attached/subordinate offices/PSUs, a separate chapter shall be included regarding implementation of the RTI Act in their respective offices. This chapter should detail the number of RTI applications received and disposed off during the year, including number of cases in which the information was denied. In addition to the above, efforts made to improve the implementation of the Act in their respective offices, including any innovative measures that have been undertaken should also be listed. This is to be ensured for Annual reports for the year 2011-12 onwards.
- b) Each Ministry/Department should organize atleast a half day training programme for all CPIOs/Appellate Authorities (AAs) every year to sensitize them about their role in implementation of the RTI Act. The concerned Ministries/'Departments shall ensure that similar programmes are organized for all CPIO/AAs of all attached/subordinate offices and PSUs under their control as well.
- c) All public authorities who have a web site shall publish the details of monthly receipts and disposal of RTI applications on the websites. This should be implemented within 10 days of the close of the month. Ministries/Departments would ensure that these instructions are communicated to their attached/subordinate offices as well as PSUs immediately. Monthly reporting on the above pattern should begin latest by 10 July, 2011 for the month of June, 2011 and thereafter continue on a regular basis.

2. All the Ministries/Department are requested to take action as above and also to ensure that these instructions are communicated to their attached and subordinate offices/PSUs for compliance.

Sd/- K.G.Verma
Director

(23.12)

**Government of Nagaland
Personnel and Administrative Reforms Department
(Administrative Reforms Branch)**

No. AR-3/GEN-147/2005

Dated, Kohima, the 28th February, 2014.

OFFICE MEMORANDUM

Sub:- Information on personal details of RTI applicants.

The High Court of Kolkata vide their Order dated 20/11/2013 in Writ Petition No. 33290 have observed that the authority should not insist upon the detailed address of the RTI applicant as and when any application is made under Right to Information Act. The High Court have considered the relevant provisions of Section 6(2) of the RTI Act 2005 where it provides that 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.

In view of the above, the authority should not insist upon his/her detailed whereabouts particularly when post box number is provided for that would establish contact with him/her and the authority. In case, the authority would find any difficulty with the post box number, they may insist upon personal details. However, in such case, it would be the solemn duty of the authority to hide such information and particularly from their website so that at large would not know of the details.

Sd/- C.J. PONRAJ

Addl. Chief Secretary to the Govt. of Nagaland.

(23.13)

**Government of Nagaland
Personnel and Administrative Reforms Department
(Administrative Reforms Branch)**

No. AR-7/RTI-4/2006

Dated, Kohima, the 27th October, 2015

OFFICE MEMORANDUM

Sub: -Format for giving information to the applicants under RTI Act-Issue of guidelines regarding.

The Ministry of Personnel, PG & Pension, Government of India, vide office memorandum No. 10/1/2013-IR dated 6th October, 2015 (copy enclosed) have emphasized inclusion of certain information while providing information to the applicants under RTI Act. All Departments are requested to bring these instructions to the notice of State Public Information Officers under them for compliance.

Enclosed: As stated above.

Sd/- PANKAJ KUMAR

Chief Secretary to the Government of Nagaland

(Cont of 23.13)
No.10/1/2013-IR
Government of India
Ministry of Personnel, PG & Pension
Department of Personnel & Training

North Block, New Delhi
Dated 6th October, 2015

Office Memorandum

Sub: Format for giving information to the applicants under RTI Act-issue of guidelines regarding.

1. It has been observed that different public authorities provide information to RTI applicants in different formats. Though there cannot be a standard format for providing information, the reply should however essentially contain the following information.
 - (i) RTI application number, date and date of its receipt in the public authority.
 - (ii) The name, designation, official telephone number and email ID of the CPIO.
 - (iii) In case the information requested for is denied, detailed reasons for denial quoting the relevant sections of the RTI Act should be clearly mentioned.
 - (iv) In case the information pertains to other public authority and the application is transferred under section 6(3) of the RTI Act, details of the public authority to whom the application is transferred should be given.
 - (v) In the concluding Para of the reply, it should be clearly mentioned that the First Appeal, if any, against the reply of the CPIO may be made to the First Appellate Authority within 30 days of receipt of reply of CPIO.
 - (vi) The name, designation, address, official telephone number and e-mail ID of the First Appellate Authority should also be clearly mentioned.
1. In addition, wherever the applicant has requested for 'certified copies' of the documents or records, the CPIO should endorse on the document "True copy of the document/record supplied under RTI Act", sign the document with date, above a seal containing name of the officer, CPIO and name of public authority; as enumerated below:

<p>True copy of the document/record supplied under RTI Act.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">Date</p> <p style="text-align: right;">(Name of the Officer)</p> <p style="text-align: right;">CPIO</p> <p style="text-align: right;">(Name of the Public Authority)</p>

Further in the case of the documents to be certified and supplied is large in number, information on RTI application should be supplied by a designated PIO but the certification of the documents, if need be, could be done by another Junior Gazetted Officer.

This may be brought to the notice of all concerned.

Sd/- G.S. Arora
Deputy Secretary (IR)