WEST BENGAL RIGHT TO INFORMATION RULES, 2006 (WITH AMENDMENTS)
WEST BENGAL RTI RULES

• The 10 (ten) RTI Rules have been made by the Governor in accordance to the provisions of sub-section(1) read with sub-section (2) of Section 27 of the Right to Information Act, 2005.

• They have come into effect from the 10th of March, 2006.
RULE 2: DEFINITIONS

1.a) "Act" means the Right to Information Act, 2005 (22 of 2005);
(b) “Commission” means the West Bengal Information Commission;
(c) “Registrar” means the Registrar of the Commission;
(d) “Section” means section of the Act;
(e) “State Government” means the Government of West Bengal.
Rule 2

• Words and expressions used in these Rules, but not defined, will have the same meanings as assigned to them in the RTI Act, 2005
Rule 3

• Deals with Application Fees

• To obtain information from the SPIO/SAPIO, u/s 6(1), a Court Fee of Rs. 10/-, is to be paid.
Amendments in Rule 3

• Three Sub rules (Sub-rule 1, 2, 3) have been inserted

• Addition in Sub-rule 1 ‘a non-Judicial Stamp Paper of Rs. 10 or by Demand Draft/Banker’s Cheque/Indian Postal Order payable in favour of “(name of the link bank) a/c Government of West Bengal, RTI ACT”’
Sub-rules 2 of Rule 3

• An applicant while sending request for information by e-mail shall deposit the application fee of Rs. 10 by DD/Banker’s Cheque/ IPO- mentioning the particulars of such payment in e-mail to PIO

• The PIO shall not deliver the information sought for, unless the amount is received as prescribed
Sub-rule 3 of Rule 3

• The Public Information Officer (PIO) shall arrange to remit the fee received through DD/Banker’s cheque or IPO to such authorized branches of the Public Bank linked with the Treasury as mentioned in Appendix 3 to the WB Treasury Rules, 2005 by the next working day in TR Form No. 7 under the Head of Account & Head Code mentioned in column 1 and column 2 under serial no.s 1 and 2 respectively of the following table.
## Sub Rule 3 of Rule 3

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<thead>
<tr>
<th>Sl. No</th>
<th>Particulars</th>
<th>Details</th>
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<td>Head of Accounts</td>
<td>“0070-Other Administrative Services-60-Other Services-800-Other Receipts including census-021-Collection of Fees from Information Seeker for the purpose of receiving information-27-Other Receipts”</td>
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<td>2</td>
<td>Head Code</td>
<td>“00706080002127”</td>
</tr>
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Sub-rule 3 of Rule 3

• The Applicant may deposit such fee directly through the concerned bank and shall produce the receipted challan to the concerned PIO
Rule 4

- Deals with fees for providing information
- Fees to be provided in case of information provided under Section 7(1) read with Section 7(5)
- Rs. 2/- for each page (in A4 or A3) size papers created or copied
- Actual charge or cost price for a copy in large size paper
Contd. Provisions of Rule 4

• Actual cost price for sample or model
• Rs. 5/- for each fifteen minutes or fraction thereof for inspection of records.
• Rs. 50/- per diskette or floppy for information provided in the diskette or floppy
• Actual charge fixed for publication or Rs. 2/- per page of photocopy for extracts thereof when an applicant seeks information which has already been published by the Authority- Section 4(4)
Fees Payable by Applicant

• SPIO/SAPIO is to send written intimation to the Applicants on:-

1. First, actual calculation for arriving at the fees (based upon rates prescribed under Rule 4) and a request to deposit the fees

2. Second, Applicant’s right to appeal on the quantum detailing the appellate authority, time limit, process and forms of filing appeal
Fees payable by Applicant

In case of intimation given to the applicant on calculation of costs of providing information- the period between despatch of intimation and deposit of fees will not be included in the Thirty Days time Frame [Sub Section 3 (a) of Section 7]

The fee to be charged shall be reasonable (Proviso of Sub Section 5 of Section 7)

No fees shall be charged from applicant below the Poverty Line (Proviso of Sub Section 5 of Section 7)- determination of person below the poverty line to be done by ‘Appropriate Government’
Contents of appeal to Commission (with amendments) Rule 5

• An appeal to the Commission shall contain the following information

a) Name and address of the applicant

b) Name & address of the SPIO or the SAPIO as the case may be, who passed the order

c) Self attested photocopy of the order of an Officer against whom appeal has been preferred under Section 19(1)

d) Gist of Information sought for

e) Grounds for appeal and the relief sought for
Documents to accompany appeal

Rule 6

• Every Appeal to Commission under Section 19(3) shall be accompanied by
  a) The attested true copy of the order against which the appeal is being preferred
  b) The copies of documents relied upon by the appellant and referred to in the appeal; and
  c) An index of the documents referred to in the appeal
Procedure in deciding appeal to Commission under Section 19(1), Rule 7

- In deciding the appeal, the Commission shall
  a) Hear, oral or written, evidence on oath or on affidavit from the concerned or interested person
  b) Peruse or inspect documents, public records or copies thereof
  c) Enquire through the authorized Officer for further details or facts
Rule 7- contd.

d) Hear The SPIO or the SAPIO or such Officer who decided the first appeal mentioned in Section 19(1) as the case may be;
e) Hear the third party, if required, and
f) Receive evidence on affidavits from SPIO or the SAPIO or such Officer who decided the first appeal mentioned in Section 19(1) or from the third party; if any
Sub-rule 2 of Rule 7

• In deciding the appeal the Commission may ask the appellant to add any other information other than the information included in the contents of the second appeal under Rule 5
Service of Notice by Commission, Rule 8

• Notice required to be issued under Section 19(9) by the Commission may be served in any of following modes:
  
a) Service by the party itself
b) Service by hand delivery through the process server
c) Service by the registered post with acknowledgement due
d) Service through the head of Office or the department
Signing of Order under Rule 9

• The ORDER shall be
  ➢ In writing
  ➢ and the Order must be Authenticated by the Registrar or any other Officer authorised by the Commission in this behalf
Rule 10

• The Rule states Terms and conditions of Officers and other employees of Commission

• The Officers and other employees of the Commission shall be placed on deputation from the State Government on the usual terms and conditions.
Thank you