

**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

Sl. No	Particulars	Details
(1)	(2)	(3)
1	Head of Accounts	“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”
2	Head Code	“00706080002127”

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