



दि न्यू इन्डिया एश्योरन्स कंपनी लिमिटेड

(भारत सरकार के पूर्ण स्वामित्वाधीन)

THE NEW INDIA ASSURANCE COMPANY LTD.

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CPI CELL/HO/2012-13/

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R. O. INCHARGEs/R. O. CPIOs

Re.: Right To Information Rules 2012 w.e.f. 31.07 2012.

Government of India (Department of Personnel Training) have revised Rules on RTI Act 2005 with effect from 31.07.2012.

The new rules supersede the existing rules (Central Information Commission (Appeal Procedure) Rules 2005 & Right to Information (Regulation of Fee & Cost) Rules 2005) with a number of improvements. We have also circulated the same to you through email recently.

The silent features of the new RTI Rules 2012 are summarized below for your quick reference and practical understanding by all.

1. RTI application **shall now ordinarily** contain up to 500 words **excluding** Annexure and address of CPIO & applicant. However application will not be rejected only on the ground that contained more than 500 words(Rule – 3)

2. The postal charges beyond Rs.50/- **for supply of information only shall** be recovered as a fee from the applicant u/s 4(4) & 7(1) & (5). Hence, the other normal postal expenses for correspondence shall be borne by the public authority. Therefore, CPIO should assess the cost of postal charges along with cost of photo copies etc **well in advance** and should call in same in one go (Rule-4 (g)).

3. BPL applicant has to apply along with a **copy of BPL certificate** for seeking information **free of cost** (Rule-5).

4. Payment of fee may be accepted through **electronic means**(ECS/NEFT) if available with public authority. Please note that at present the company does not have facility of accepting e-payment of RTI fees (Rule-6(c)).

6. Any person aggrieved by the order of FAA or non-disposal of his first appeal has to file the second appeal in a **standard format** along with all the orders/documents with INDEX duly authenticated and verified by the applicant (Rule-8) Failing which, the second appeal will be returned back by the CIC for complete correction(Rule-9).

7. The commission **shall decide** after giving **personal hearing** to the applicant or through his authorised representative or through video conferencing and shall record the reasons for acceptance/dismissal of appeal(Rule-10(1)).

7.1 The commission **shall not** consider the appeal **unless the applicant has availed all remedies** available under the Act i.e. RTI application to the CPIO and Appeal to the First Appellate Authority(Rule – 10(2)).

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7.2 The applicant have to **compulsorily** file the First Appeal and **have to wait** for minimum 45 days for the final order, if any, from the FAA, **then only** he can file Second Appeal(Rule-10(3)).

7.3 The appeal shall not be dismissed only on the ground that it is not made in a **"specified format"** provided the same is submitted along with all documents stated in Rule-8 i.e. RTI application, CPIO reply, First appeal, Order of FAA(Rule-10(3-b)).

8. The Commission while deciding an appeal shall **hear** the concerned CPIO and FAA and may receive evidence on **affidavits** from CPIO and FAA besides calling/inspection of any document of public records (Rule-11).

9. The applicant shall be given clear (7) days Notice before hearing to make himself **personally** present before CIC or through his representative or through video conferencing, if facility is available (Rule-12(1) & (2)). Hence, now the **personal attendance of applicant is must before CIC**. However, in genuine cases commission may grant **second chance of personal hearing** and thereafter pass the appropriate order and decide the case finally (Rule-12(3)).

10. **Presentation by the Public Authority** :- The Public Authority may authorise any representative or any of its Officers(CPIO & FAA) to **present** its case(Rule – 13).

10.1 **As you are aware that according to section 19(5), "the onus of proof" that the denial of request was justified shall be on CPIO who denied the request.** Otherwise, it shall be liable for **personal penalty** up to Rs.25,000/- @ Rs. 250/- per day. Similarly, FAA has to justify his quasi-judicial order which either upheld the order of CPIO or denied the information under any exemption u/s 8 have **to present the case effectively** before the CIC to avoid penalty/disciplinary action u/s 20(2) on CPIO/strictures against FAA whose orders are challenged. This has now been **explicitly** clarified under Rule-13 above to make presentation before the CIC. Hence the **concerned CPIO** and FAA have to be more serious and present the case **clearly and effectively before the Commission to avoid adverse orders.**

All the concerned CPIOs are therefore advised to be more careful and **send their complete comments** with all the documents to FAA, Head Office well in advance to prepare the case more effectively. The concerned CPIO must confirmed that he has received a copy of second appeal as per Rule-14.

11. The applicant has to send one advance copy of Second Appeal to the CPIO/FAA as required by the CIC notice and as per Rule-14(i).

12. The CPIOs are advised to convey the same **format of Appeal** uploaded 1. Name & address of applicant, 2. Name & address of concerned CPIO 3. Name & address of FAA 4. Particulars of application, 5. particulars of FAA's order 6. Brief facts leading to the appeal, 7. Prayer or relief sought, 8. Grounds of appeal, 9. Any other relevant information, 10. Verification/authentication by the applicant. **for the First Appeal also** to the applicant, if required/received by them.


(S. RAMABHADRAN)

GENERAL MANAGER & TRANSPERANCY OFFICER

