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Secretary
11/11

Government of Rajasthan
Department of Higher Education

No. F. 29(6) Edu-4/2016

Date: 10 July, 2018

ORDER

The **Right to Information Act, 2005** has been promulgated in order to promote transparency and accountability in administration. This Act provides for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. Every public authority has certain obligations under this Act, some of which are mentioned below-

- (i) appoint Public Information Officer (PIO) (as per section 5(1) of the Act).
- (ii) publish within one hundred and twenty days from the enactment of this Act, information mentioned as Section 4(1)(b)(i) to (xvii).
- (iii) to take steps in accordance with the requirements of sub-section 1(b) of section 4 to provide as much information *suo motu* to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information (as per Section 4(2) of the Act).
- (iv) provide information to applicant on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8, to applicants as expeditiously as possible, and in any case within thirty days of the receipt of the request.

The majority of Public Authorities have websites of their own and have provided information regarding Name and address of PIO, Appellate Authority and information as per Section 4(1)(b)(i) to (xvii), etc of RTI Act, 2005 on their respective websites. However, it has been observed that majority of Private universities are not making compliance of the provisions of RTI Act, 2005. The

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private universities have been established by Acts of State Government hence as per definition of public authorities given in Section 2(h)(c) of Right To Information Act, 2005, are covered by the Act.

All private universities are directed to make compliance of provisions of Right to Information Act, 2005 in letter and spirit by appointing PIO. Appellate Authority and following other provisions. The private universities should give wide publicity to all concerned through display boards, website and other publicity material of university about name and address of Public Information Officer (PIO), name and address of Appellate Authority, method of submitting applications, application fee etc.

The Right to Information Act, 2005 and related rules provides for various issues regarding disposal of application & appeals, fee to be charged, etc. Thus Public Authorities/PIOs cannot enforce their own rules to obfuscate or to nullify provisions of RTI, Act 2005 or Right to Information (Regulation of Fee & Cost) Rules, 2005. The Public Authorities cannot charge any other fee in addition to what is already prescribed in Section 6(1), 7(1) and 7(5) of the Act. As per 'Right to Information (Regulation of Fee & Cost) Rules, 2005', **application fee** has been prescribed as Rs 10 and other fee have also been prescribed.

All private universities are hereby directed to charge only the fee prescribed in RTI, Act and RTI Rules. It may be noted that penalty may be imposed on PIO for not accepting an application, Delaying information release without reasonable cause; malafidely denying information; knowingly giving incomplete, incorrect, misleading information; destroying information that has been requested; Obstructing furnishing of information in any manner. All the private universities are also directed to send information about status of compliance and periodic report to Higher Education Department.

This bears approval of competent authority.


(Dr. Rajendra Joshi)
Joint Secretary