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Competent Authority under RTI Act

[rti](#), [act](#), [competent](#), [authority](#), [interpretation](#)



As per the [RTI Act](#), the competent authority is:

1. the Speaker in the case of the House of the People or the Legislative Assembly of a state or a Union territory having such Assembly and the chairman in the case of the Council of States or a Legislative council of a State”;
2. The Chief Justice of India in the case of the Supreme court;
3. The Chief Justice of the High court in the case of a High court;
4. The President or the Governor, as the case may be, in the case of other authorities established or constituted by or under the constitution;
5. the administrator appointed under article 239 of the constitution;

Interpretation of Competent Authority

This needs to be viewed through section 2(g) and section 28 which suggests that each competent authority is vested with rule making powers. Rules framed by a competent authority are applicable only to Public Authorities working under the control of the concerned competent authority. This rulemaking power of all competent authorities is not subjected to provisions of section 29. This

apparently, is to respect the autonomy enjoyed by competent authorities other than those mentioned at 2(e)(iv).

Rules can be made by the Speakers of the respective houses, the Chief Justices of the respective Courts, Governors of respective states and the President. The only specific task of the 'competent authority' discussed in Section 28 is the right to make rules mainly for fees and formats for appeals.

For Union territories, the administrator appointed by the President can make the rules. These rules cannot denote anything which is not in consonance with the law. In case of any inconsistency, the law will prevail.

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