

Right to Information Act



Introduction

Bringing Information to the Citizens

Right to Information Act 2005 mandates timely response to citizen requests for government information. It is an initiative taken by Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions to provide a— RTI Portal Gateway to the citizens for quick search of information on the details of first Appellate Authorities, PIOs etc. amongst others, besides access to RTI related information / disclosures published on the web by various Public Authorities under the government of India as well as the State Governments.



Objective of the Right to Information Act

The basic objective of the Right to Information Act is to empower the citizens, promote transparency and accountability in the working of the Government, contain corruption, and make our democracy work for the people in real sense. It goes without saying that an informed citizen is better equipped to keep necessary vigil on the instruments of governance and make the government more accountable. The Act is a big step towards making the citizens informed about the activities of the Government.



Right to Information Act, 2005

Under the provisions of RTI Act, any citizen of India may request information from a "public authority" (a body of Government or "instrumentality of State") which is required to reply expeditiously or within thirty days. In case of matter involving a petitioner's life and liberty, the information has to be provided within 48 hours. The Act also requires every public authority to computerize their records for wide dissemination and to proactively publish certain categories of information so that the citizens need minimum recourse to request for information formally.



Right to Information Act, 2005

Scope of the Act:

The Act is applicable to the whole of India. Earlier, J&K Right to Information Act was in force in the state of Jammu and Kashmir. However, after the revocation of much of Article 370 of the Constitution of India, the Union Territory of Jammu and Kashmir (and also the Union Territory of Ladakh) came under the Central Act also. It covers all the constitutional authorities, including executive, legislature and judiciary; any institution or body established or constituted by an act of Parliament or a state legislature.



The Right to information in India is governed by two major bodies:

- Central Information Commission (CIC) – Chief Information commissioner who heads all the central departments and ministries-with their own public Information officers (PIO)s. CICs are directly under the President of India.
- State Information Commissions – State Public Information Officers or SPIOs head over all the state department and ministries. The SPIO office is directly under the corresponding State Governor.



Scope of information access

According to Section 2 (j) of RTI Act 2005, "Right to Information" means the Right to Information accessible under this Act which is held by or under the possession of any Central or State Public Authority and that includes the right to:

- Inspection of work, documents, records;**
- Taking notes, extracts or certified copies of documents or records;**
- Taking certified samples of material;**
- Obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.**



Public Authority Means

The Act gives you the right to access to information held by “public authorities” which includes authorities, bodies, institution of self government which are established or constituted

- by the Constitution
- by a law of Parliament or a State Legislature
- by a notification or order of the State or Central Governments
- **Bodies owned, controlled or substantially financed by the State or Central Governments, including non-government organisations which receive substantial government funds directly or indirectly**



Information means...

- **Records**
- **Documents**
- **Memos**
- **E-mails**
- **Opinions**
- **Advices**
- **Press releases**
- **Circulars**
- **Orders**
- **Logbooks**
- **Contracts**
- **Reports**
- **Papers**
- **Samples**
- **Models**
- **Data material held in any electronic form and**
- **Information relating to any private body which can be accessed by a public authority under any other law for the time being in force.**



Record means

- any document, manuscript and file
- any microfilm, microfiche and facsimile copy of a document
- any reproduction of image or images embodied in such microfilm (whether enlarged or not) and
- any other material produced by a computer or any other device



Information exempted from disclosure by public authorities

- information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence
- information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court
- information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature
- information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information
- information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information



Information exempted from disclosure by public authorities

- information received in confidence from foreign Government
- information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes
- information which would impede the process of investigation or apprehension or prosecution of offenders
- cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over; provided further that those matters which come under the exemptions specified in this section shall not be disclosed
- information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Public Information Officer is satisfied that the larger public interest justifies the disclosure of such information.



Eligibility to use "Right to Information Act"

Any Indian citizen without any minimum and maximum age limit can submit request for information under RTI Act.



Request for information under Right to Information Act- 2005

1. You can seek information under RTI Act- 2005 from any Public Authority (government organization or government aided organization) Application can be handwritten or typed. Application form can be downloaded from India Development Gateway Portal (Pdf file)
2. Application should be submit in English, Hindi or any other state languages
3. Provide following information in your application:
 1. Name and office address of Assistant Public Information Officer (APIO)/Public Information Officer (PIO)
 2. Subject: Application under-Section 6(1) of Right to Information Act- 2005
 3. Particular of information you want from public authority
 4. Applicant Name
 5. Father's/Husband's Name
 6. Category- SC/ST/OBC
 7. Application Fee
 8. Are you come under BPL family- Yes/No,
 9. Postal address with mobile No and e-mail ID (Mobile No and e-mail ID is not mandatory)
 10. Date and place
 11. Applicant signature
 12. List of enclosures



Submit 1st appeal application



1. When to do the First Appeal:

- If Public Information Officer (PIO) has rejected your application to supply the sought information. First appeal has to be filed within 30 days from date of receipt of decision of CPIO by the applicant with First Appellate Authority (FAA).
- If Public Authority unable to supply information within time limit of 30 days. If no reply is received within 30 days (35 days if application is lodged with ACPIO) from the date of receipt by CPIO (ACPIO), then first appeal has to be filed within 30 days from the date when reply was due from CPIO.
- If Public Authority have not appointed Assistant Public Information Officer/Public Information Officer to receive the application or to supply the sought information

2. Whom to address.

- Find out name, designation and address of first appellate authority from the decision letter of CPIO. If no reply is received, visit the web-site of the govt. dept /office /undertaking and refer RTI section for these details.
- Despite above efforts, if you are not in a position to locate details of FAA, address your first appeal as under: The First Appellate Authority under RTI Act 2005 C/O. Head of _____Dept/office and mention address of CPIO's dept/office.

Submit 2nd appeal application

1. When to submit the 2nd Appeal Application:
 - If you are not satisfied with the judgment of First Appellate Officer,
 - If you think supplied information by Public Authority is incomplete, misleading or false

Submit online application to CIC

Appeal (especially 2nd appeal) or complaint to Central Information Commission (CIC) can be submitted only in that case if you want information from any Central Public Authority

When to file online complaint to CIC

- When you are unable to submit your application to a Central Public Information Officer, either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information Officer has refused to accept your application for information or appeal under this Act for forwarding the same to the Central Public Information.

