

Right To Information Act 2005

Module 2

Right to Information Act, 2005

Enacted by: Parliament of India

Enacted: 15-June-2005

Assented to: 22-June-2005

Commenced: 12-October-2005

- **Right to Information (RTI)** is act of the [Parliament of India](#) to provide for setting out the practical regime of the right to information for citizens and replaces the Previous [Freedom of information Act, 2002](#).
- Under the provisions of the 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 immediately or within thirty days.
- The Act also requires every public authority to computerize their records for wide dissemination and to proactively certain categories of information so that the citizens need minimum recourse to request for information formally.

Objective

- Provides a legal framework of citizens' *democratic* right to access to information under the control of public authorities;
- To promote transparency and accountability in the functioning of every public authority

Who is a Public Authority?

Public Authority means any authority or body or institution established or constituted;

- By or under the constitution;
- By any other law made by Parliament;
- By any other law made by State Legislature;
- By notification issued or order made by the appropriate government and includes any
 - i) body owned, controlled or substantially financed,
 - ii) non-Government organization substantially financed directly or indirectly by funds provided by the appropriate Government;

What does 'information' mean ?

Any material in any form including,

- Records
- Documents
- Memos
- Opinions & advices
- Press releases
- Circulars, orders & logbooks
- Contracts
- Reports, papers, samples & models,
- Data material held in any electronic form and information related to any private body which can be assessed by public authority

What is Record?

Record includes

- 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

Need for RTI Act

Because it helps to:

- Promote openness, transparency and accountability in the working of every public authority.
- Reduce Corruption
- Prevent administrative arbitrariness
- Bridging the gap between providers and recipient of public services
- Make citizens part of decision making
- Make administrative responsive
- Strengthen the foundations of democracy

Coverage

RTI Act came into effect on 12th October 2005.

- Covers central, state and local governments and all bodies owned, controlled or substantially financed by the respective Governments; Section 2(h)
- Non-government organization substantially financed directly or indirectly by funds provided by the appropriate government. Section 2 (e)
- Executive, judiciary and legislature Includes information relating to private body which can be accessed by under any other law for the time being in force. Section 2 (f)

EXEMPTIONS FROM DISCLOSURE OF INFORMATION

- Sovereignty and Integrity Of India
- Prevented by courts
- Breach of privilege of Parliament
- Trade secret, Intellectual property
- Fiduciary relationship
- Information received from foreign Government
- Life and physical safety of any person
- Issues under investigation
- Cabinet papers
- Invasion in privacy

Exempted Organizations

- IB, RAW of the Cabinet Secretariat
- DRI, Central Economic Intelligence Bureau
- Directorate of Enforcement
- Narcotic Control Bureau
- Aviation Research Centre, Special Frontier Force,
- BSF, CRPF, ITBP, CISF, NSG,
- Assam Rifles, Special Service Bureau
- Special Branch (CID) Andaman & Nikobar
- The Crime Branch (CID-CB) Dadra and Nagar Haveli
- Special Branch, Lakshadweep Police

The RTI Act 2005:

Machinery & Hierarchies

You must know below terms well!

APIO	Assistant Public Information Officer
PIO	Public Information Officer
AA	Appellate Authority
IC	Information Commissioner
SIC	State Information Commissioner
CIC	Central Information Commissioner
DOPT	Department of Personnel & Training

Procedure for requesting information

- Apply in writing or through electronic means in English or Hindi or in the official language of the area, to the Public Information Officer [PIO], specifying the particulars of the information sought for.
- Reason for seeking information are not required to be given;
- Pay fees as may be prescribed

FEES AND CHARGES

- Application fee Rs. 10/- .
- If information is required in electronic media—floppy/CD, etc additional charges will be applicable.
- Photocopy charges of Rs. 2/- per page.
- Inspection charges of relevant files, documents and records
 1. No fee for first hour of inspection.
 2. Rs. 5/- for every subsequent hour or fraction thereof.

FEES AND CHARGES

Cont...

- Processing expenses incurred by the **Public Information officer** to be intimated in writing.
- Applicant can seek review of the decision on fees charged by the PIO by applying to the appropriate Appellate Authority;
- No fees from people living below the poverty line.
- Free of cost if the PIO fails to comply within the time limit as prescribed under the RTI Act.

Time limits to get the information

- 30 days if application is filed with the PIO.
- 35 days in case it is filed with the Assistant PIO.
- 48 hours in case the matter to which the information pertains affects the life and liberty of an individual.

Appeal

- First appeal with senior in the Department.
- Second appeal with Information Commission.

Central Information Commission:

What can I complain about?

- The Central Information Commission is an autonomous body set up to inquire into complaints received from citizens
- You can complain that you have been refused access to information. You can also complain about how the public authority has handled your request, for instance;
 - + failure to respond to your request within 30 working days (or failure to explain why an extension to the 45 days is needed)
 - + failure to give you proper advice and help within the stipulated time
 - + failure to give information in the form in which you asked for it
 - + failure to properly explain reasons for refusing your request, for instance if the public authority believes that giving you information would harm a criminal investigation.

What information does the CIC need?

To deal with complaint promptly, send the following details to CIC:

- name and address of the appellant;
- name and address of the Central Public Information Officer against the decision of whom the appeal is preferred;
- particulars of the order including number, if any, against which the appeal is preferred;
- brief facts leading to the appeal

Penalties

- For Refusal of application, providing malafide or false information, destruction of information, The penalty levied under the RTI Act at the rate of Rs. **250/- a day**, up to a maximum of **Rs. 25,000/-**, is recovered from the salary of officials. (imposed by Information Commission on PIO or assistant PIO)
- Departmental action, However no criminal liability.

The RTI Act 2005: Imp. Sections

The RTI Act has more than 30 sections and its subsections. In order to get response every time, one must study all sections and amendments in the act from time to time.

Section 3: All citizens have the right

Section 4: Proactive disclosures by authorities

Section 6: Request for obtaining information

Section 7: How your requests will be treated

Section 8: Exemptions

Section 19 (1): First appeal

Section 19 (3): Second appeal

Section 20: Penalties and Disciplinary actions

Section 4: Obligation of PA

Every PA shall maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this act and ensure that all the records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated.



Section 4: Publish within 120 days

- 1) Particulars of organization, function and duties
- 2) The powers and duties of its officers and employees
- 3) The procedure followed in the decision making process, including channels of supervision and accountability
- 4) The norms set by it for the discharge of its functions
- 5) The rules, regulations, instructions, manuals, and records, held by it or under its control or used by its employees for discharging its functions
- 6) A statement of categories of documents that are held by it or under its control




Section 4: Publish within 120 days

7. The particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof.
8. A statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public or the minutes of such meetings are accessible for public
9. A directory of its officers and employees



Section 4: Publish within 120 days

10. The monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations
 11. The budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures, and reports on disbursements made
 12. The manner of execution of subsidy programs including the amounts allocated and the details of beneficiaries of such programs.
 13. Particulars of recipients of concessions, permits or authorization granted by it.
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Section 4: Publish within 120 days

14. Details in respect of the information, available to or held by it, reduced in an electronic form
15. The particulars of facilities available to citizens for obtaining information, including the working hours of a library room, if maintained for public use.
16. The names, designations and other particulars of the Public Information Officers
17. Such other information as may be prescribed; and thereafter update this publication every year.

Thank You