RTI-2005

Presented by

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Created by- K. Prabhakar Senior faculty & Dy. Director(sw) Retd. A.S Rao Nagar, Hyd.
All citizens of India are eligible to receive information under this Act, (except the State of Jammu & Kashmir in accordance with Art.370 of C.O.I.)

Art. 5 to 11 of C.O.I read with
The Citizenship Act of 1955
1. One must know the Law of the land.

2. Innocence of law is not excusable.

3. Law is nothing but codified commonsense.

4. Authority can be delegated, but not responsibility.

5. Further delegation is void.

7. King can do no wrong. (Boss is always right)

8. An irregular contract never binds the parties in law.

9. Impossibility of performance is void.

10. Intention is the cause of crime. (I.P.C)
11. Remoteness of damages cannot be sustained under the law of Trots.

12. Mistake of facts; mistake of law.

13. Justice should not only be done; but should manifestly and undoubtedly seen to be done.

14. One cannot give witness against himself.

15. Judge cannot be a witness.
16. A contract without consideration is void.

17. One’s human rights should not be disregarded to protect others human rights.

18. There is no responsibility without authority.

19. All are equal before the eye of Law.

20. Act done in good faith, the Act will protect you.
Right to Information Act 2005

**Historical background. 551BC**
- China’s philosopher – Confucius. (Kong qui)

- 1766 Anders Chydinus- Sweden

**1948 U.N. General Assembly**
- Freedom of information as fundamental Human right to have access to official information.

Charter 19 (I.C.C.P.R)

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Supreme court of India: Disclosure of information as regards to functioning of Govt. must be the rule; and secrecy is an exception.

1986 Supreme court - Freedom of speech and expression, under Art 19(i)(a) clearly implied RTI; as without RTI, freedom of speech and expression cannot be fully utilized. (Kulwal v/s Jaipur municipal corporation S.C)

Smt. Aruna Roy mother of Indian RTI.

Started in 1990s Struggle in Rajasthan, Haryana, Panjab and H.P.

M.K.S.S (Mazdoor Kisaan Shakti Sangathan)
National campaign for peoples right to information - (NCPRI) –fought along with MKSS.

Lead by - Mr. Jean dreze & Nikhildae.

1996- Harsh Mandir throw the registers of PDS & employment registers to the public for verification.

2001 Anna Hazare forced Maharashtra Govt. to pass a strong Act for Maharashtra in 2002.


To promote national level legislation it was found difficult after certain states Govts. have passed the Acts before 15 06 2005.
This was also included in the common minimum programme of the UPA Government.


2004 Smt. Aruna Roy was inducted into National advisory committee.

Largely based on her recommendations in the NAC, the Act was passed in 2005.
1. All citizens are alone eligible to receive information under RTI.

2. RTI is not an absolute right to the citizens.

3. RTI is a prospective Act; but not a retrovert Act.

4. Citizens have Right to Information; but not for data.

5. Life and liberty of citizens should be protected while disclosing Information to applicants.
6. Disposal of an application under RTI means real and substantial disposal.

7. P.I.O. need not give opinion, clarification, explanation, and compilation of information.

8. What the Parliament/Assembly is entitled to know, the citizens are also equally kept to be informed.

9. Privacy of the individual should be protected while disclosing information.

10. Keep the identity of the information seeker highly confidential.
11. Optimum transparency is well settled principle under RTI.

12. Information under RTI is a statuary right.

13. P.A/P.I.O/A.P.I.O should deal courteously with information seekers. (rule 3(b) of APCS Conduct Rules read with Go.ms No 1293 GAD Dated: 22-08-1958.

14. Don’t threat the information seekers; it will violate the code of conduct and attracts CCA rules.

15. Off the record matters will not constitute information.
16. Oral information does not arise under RTI.

17. The usual office procedures not applicable to the P.I.O/RTI Act.

18. Inter departmental correspondence has no place in the affairs of RTI.

19. Employees can use RTI and need not submit application through proper channel.

20. Advocate services are not appreciated in the matters of RTI.
1. All citizens are eligible to receive information under RTI.
2. This is a statutory right. (Not a constitutional right)
3. RTI empowers citizens to watch the functioning of public authority, and
4. They can raise their voice against the injustice and meet out them.
5. No reason need to be given for asking information by the applicant.
6. Citizen has right to keep identity protected under RTI.

7. He can seek reasonable assistance from PIO / APIO.

8. Citizens cannot be confused with the instrument of grievance redressal and RTI.

9. Citizen can seek information available on record in material form only.

10. He is also entitled to receive unpublished records under RTI. (Whenever public interest overrides)
11. Citizen had right to appeal at two levels under this act. (A.A/C.I.C or S.I.C)

12. He can seek information of third party under public interest theory.

13. He is entitled to know the reasons for rejection of his application.

14. He is entitled to receive information within 48 hours in case of life and liberty.

15. He is entitled to get information free of cost under Sec 7(6).
16. Citizen can seek “review “by the P.I.O on fee charged and the mode of inspection of records under Sec 7 & Sec 10.

17. If there are valid reasons the citizen are eligible for condone of 15 days at both levels of appeals.

18. Citizens are eligible for compensation when suffered damages under Sec 19(8)(b)
Don’ts

1. Citizens are not entitled to receive advice, explanation, clarification or opinion on rules regulation, codes or manuals.

2. Citizen cannot expected to get information compiled by the PIO.

3. Citizens cannot seek information under process/investigation.

4. Citizens cannot seek information available in memory of the computer.

5. Citizen cannot ask data; but statistics may be obtained.

6. Persons, Associations and companies, Corporations, Societies & Unions because they are not citizens.
7. Citizen cannot question the decision making process of the PIO or PA.

8. He can seek remedy under consumer protection Act 1986.

9. Pleading information by an advocate is void.

10. Citizens should not apply for information to rectify their grievances Under RTI.

11. Off the record matters will not constitute information under RTI.

12. Vintage, Hypothetical matters not covered by RTI.
Persons :- Associations, companies, corporations and societies are artificial persons they can’t receive information on par with the citizens.

:. They can receive information through their management functionaries.
Public authority:- Created by the constitution of India, by the Parliament, by the State Legislature or any act of the Country.

Public authorities of two kinds (i) designated (ii) deemed

* In addition to this all NGOs who are receiving substantial funds from the Govt. are also PAs.

* All private people discharging public functions are all deemed public authorities.

* All the institutions who have received subsidies, lands and other aids from the Govt. will also be considered as deemed public authorities.
Access to Citizens

- To obtain copies
- To obtain samples
- To inspect the records/works
Objectives of RTI 2005

ACCOUNTABILITY

TRANSPARENCY

CONTAIN CORRUPTION

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What is Information? – Ans.: It should satisfy the definition 2(f) and 2(J) of the Act, i.e..

IT IS AN
ADMINISTRATIVE MATTER

UNDER THE CONTROL OF
PUBLIC AUTHORITY

ON RECORD

IN MATERIAL FORM

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ROLE OF PUBLIC AUTHORITY

WITHIN 120 DAYS

- Maintain all its records, indexes, catalogued, & connected to nationwide network.
- Mandatory Information.
- Voluntary Discloser.
- Special/Motor Discloser.
- Disseminate Information widely.

WITHIN 100 DAYS

- Designate Public Information Officer Assistant P.I.O. & Appeal Authority.

Section 5(4)
Reasonable assistance to the citizen by the P.I.O / A.P.I.O

Section 5(5)
Deemed P.I.O.

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Disclosure of Information under Right to Information Act, 2005

Disclosure of Information of two kinds:

1. Public authority (Section 4)

Already explained in the previous slide.

2. Disclosure by PIO

i. He is authorised to disclose information which is not in the purview of section 4.

ii. He cannot charge cost of information for the material published by the public authority in section 4.
iii. Whatever supplied by him will be charged as per G.O. M.S No. 454 GAD dated 13.10.2005 and G.O M.S No. 545 GAD dated 12.12.2007 both for APL and BPL.

iv. The public authority cannot control him to provide information by giving directions to give or not to give information to the public under section 6 (1) of the Act.

**Note**: Application for seeking information should be made to an officer of Public Authority who is designated as PIO. Item no. 10 guidelines for information seekers in DOPT No. 1/8/2007/IR dated 8.11.2007.

- The CIC on the basis of suggestions and complaints received from members of public, has desired that the following steps should be taken by ministries and departments regarding the Right to Information Act 2005, within **Individual Jurisdiction**.

- Item No. 5, In case of a person write directly to the HOD or HOO enclosing the required fee, it should be ensured that application reaches Proper PIO under intimation to the applicant. (Not PIOs)

- So the HOD or HOO has no business under this Act to transfer application to all PIOs working under them. The PA has no jurisdiction to transfer the application under 6(3) of the Act.
PIO is authorised to transfer an application under section 6(3) of Act.

The usual office procedures of Tottenham system are not applicable for the RTI 2005. Sending copies of application to all PIOs and ask them to mark a copy of the Information to the HOD/ HOO is against the system of RTI Act. Unnecessarily bothering the PIOs and also make them scapegoats to become deemed PIOs under this Act. They are also bearing unnecessary expenditure to furnish information.
Intention of the Act.

But the Act is working like this.

S.I.C./C.I.C.
P.I.O.
P.A.

S.I.C./C.I.C.
P.I.O.
P.A.

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Under this Act

✓ No prescribed application form under this Act.

✓ PIO /APIO should provide reasonable assistance for citizens for information.

✓ Collect required application fee and issue acknowledgment by the APIO.

✓ Citizen need not give any reason for information except mailing address and contact number.

✓ Specified particulars for information should be obtained by the PIO(should have clear understanding of the request)
Disclosure of information and the PIO:

- In the matter of disclosure of Information under the Act, the PIO and AA should not have been guided by directions of any authority other than CIC / SIC as the case may be. Such direction if any should be withdrawn by the Public Authorities.

- Rakesh Rawat v/s Pt. Denadayal upadyaya institute of physical handicapped Delhi. Dated 3.5.2007 CIC digest Vol II at page No. 1420 (165)

- The PIO and FAA are quasi judicial officers appointed by Government to dispose RTI applications. Hence it is expected them to dispose application personally.

- Ajit sing v/s DDA dated 20.4.2007 CIC digest Vol. II at page No. 1399 (146)
Disclosure of information and the PIO:

- It is not a routine office communication which can be issued under signature of under secretary or deputy secretary. No delegation.
- P.Venu V/s Department of Industrial Policy and promotion dated 1.8.2007 CIC digest Vol. II at Page No. 1697(534).
- Whenever a PIO/APIO received an applications / appeals / complaints from the citizens they should act quickly according to the timeframe fixed by the Act.

1. Verify whether the application fee / exemption is enclosed to the application or not?
2. If not send a requisition to the applicant for requisite fee or exemption by registered post. (Please collect this postage charges while charging for cost of information)
Disclosure of information and the PIO:

3. He should also inform him if the application fee is not paid by him it will be rejected.

4. Immediately after receiving the application with fee register it in the proper register and give acknowledgment to the applicant.

5. Then send estimation of cost of information in a calculation sheet along with postage for mail.

6. After deposit of money by the applicant the Xerox copies work will be taken up.

7. If he could not come within the stipulated period the application will be dishonoured.

8. You need not bother to send a copy of information to your HOD or HOO.
Disclosure of information and the PIO:

9. For effective implementation please maintain all connected records for verification of CIC / SIC.

10. Dispose the application as per the schedule prescribed by the Act.

11. Be careful to follow the exemptions under section 8, 9, 11, 24 of the Act.

12. Maintain all the registers and records of his office update and correct.

Transfer of applications:

a) If the application is accompanied by the prescribed fee/BPL certificate then act on it quickly.

b) If not PIO should Write the applicant to furnish the required application fee. Even though if it is forwarded by his boss (HOD/HOO).
Disclosure of information and the PIO:

c) The PIO should scrutinise the application properly and if he could not get clear particulars/specified particulars for information, immediately call for better particulars or to have a personal discussion with the applicant.

d) If the application pertain to his department he should locate the information and prepare an estimation along with calculation sheet and adding postage charges send it to the applicant by registered post.

e) If the application/part of the application pertain to another dept, specify clearly the full/part to another dept, transfer it within 5 days. (If it is delayed by transfer the PIO will be troubled).

f) The PIO should mention about the retention of application fee with him.
Disclosure of information and the PIO:

g. Immediately after the transfer the application inform the applicant about the particulars of that PIO to whom it was transferred.

h. The PIO to whom the application was transferred should not hesitate to receive it though it is delayed beyond 5 days. And register the application and take immediate action.

Note: DOPT No 10/2/2008 ir dated 12-6-2008.

- The PIO should follow the instructions carefully about the guidelines from (I) to (IV) while transferring the application under section 6 (3) of the Act.

- When rejecting an application for information or part of information the PIO should state reasons for such rejection and section of the exemptions on which they are based.

- It must be a speaking order. And also give particulars of first level AA, his whereabouts and appeal period to the applicant, and send clear particulars of record to the appellate authority.

Item 5:- In case a person writes directly to the HOD / HOO inclosing the required fees, it should be ensured that application reaches the “proper” PIO and intimate the applicant. (Not PIO’s )

(The HOD/HOO of the office have no business to transfer applications to the PIO’s under their jurisdiction and ask them to mark a copy of information to them. It is against the spirit of the ACT. Only PIO is authorized under the ACT to transfer applications under Sec 6(3) of the Act. The PIO is also not supposed to transfer many PIO’s )

While transferring application u/sec.6 (3) the PIO should mention about the collection of application fee retained by him to another PIO.

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DOPT No : 10/2/2008 IR dated 12/06/2008,

Situation : 1

A citizen makes an application to a PIO for some information which concerns to some other PIO, in such a case the PIO receiving the application should transfer the application to the concerned PIO under intimation to the applicant within 5 days.
Situation : 2

However, If the PIO is not able to find out as to which PIO is concerned with the information even after making reasonable efforts to find out, he should inform the applicant that he is not aware of the particulars to which the application should be transferred, and accordingly inform the applicant.

Situation : 3

A citizen make a application to a PIO for information. Only part of which is available with the PIO, and rest concerns to other PIO’s. In such case PIO should supply the information available with him and advice the applicant to make separate applications among the other PIO’s scattered.
Situation : 4

If a citizen applies for information, if no part of information available with the PIO (who received application). But **scattered** more than one PIO, the PIO Who is in receipt of application should inform the applicant to make separate applications to the rest PIO’s for obtaining information.

DOPT No 10/2/2008 dated 01/06/2009. Issued a clarification as follows:-

That collection of information per se amounts to creation of information. The above referenced statement has been made to emphasize that the PIO to whom the application is not required to collect information from different PIO’s to supply it to the applicant.
If PIO received application for information pertaining to the Central/State and Union tertiary, he need not follow the Sec 6(3) of the Act.

If the PIO and APIO are in different stations, adding of 5 days in case of general disposal and in case of life and liberty is applicable.

If they are under one roof/in the same place the above mentioned adding of 5 days will not be applicable.
Application fees

- At village level = No fee for B.P.L. / A.P.L.

- At Mandal level = --do-- / A.P.L. 5 Rs.

- At district or State level = No fee for B.P.L. / A.P.L. 10 Rs

- Application fee may be paid in (i) CASH (II) B.C. (III) D.D. (IV) I.P.O.(V) BY COURT FEE STAMPS.

For inspection of records no fee for A.P.L and B.P.L. for first hour.

Successive hour or fraction of hours will be charged 5 Rs. G.O.ms No 545 dated 12.12.2007.

Publication of material = Actual cost of price. (no profit & no loss basis)

Application shall also be made in electronic mode or in writing (it must be accompanied by the required fees or B.P.L. certificate)
What would the age of the citizen for asking for information?

- What is the language a citizen is supposed to ask for information?

- How many languages are officially permitted in Andhra Pradesh/State Of Telangana?
Section 6

Application shall be made in electronic mode or in writing.

Application fee must be accompanied by required fee or BPL Certificate or White Ration Card Xerox copy.

Fee should be in CASH, IPO, B.C, D.D, Court fee Stamps and also in challan of the following head of account.

In head of Account--
- 0070 other Administrative Services,
- 06 other services,
- MH 800 other receipts,
- SH 05 receipts under RTI,
- 001 receipts under RTI 2005.

Note: The citizen should specify the particulars for information for the clear understanding of the PIO. The PIO should have clear understanding of the applicant, for this purpose he can have personal discussion with the applicant.
English, Hindi, Telugu & Urdu.

Reasonable assistance should be given to the citizen by the P.I.O/ A.P.I.O.

Applicant should not give any reasons why he required information to the P.I.O.
Time scheduled for disclosure of information by the P.I.O.

- As expeditiously as possible.

- In general cases – the P.I.O. should disclose information within 30 days.

- If the application is handed over to the A.P.I.O. – (add another 5 days if they are in different stations.)

- If the application for Life and Liberty = 48 hours.

- If the above application of (Life and Liberty) handed over to A.P.I.O add another 5 days if they are in different stations.

- If the information pertain to III party - 30 +10 = 40 days
Time scheduled for disclosure of information by the P.I.O.
Contd....

- If the information pertain to central 23 organizations + 7 State organizations dealing with security arrangements under section 24 of the Act = no information to citizens.

- If the information pertain to corruption of the employees of the above organizations it will be disclosed within 30 days.

- If the information pertain to the employees of violation of human rights that will be disclosed within 30+15=45 days. The P.I.O must obtain approval of the C.I.C. or S.I.C. as the case may be, if the employees violated Human Rights.
Disposals

Section 7 as expeditiously as possible in any case within 30 days.

Sec.7 (2) failed to give decision – deemed refusal

Disposal on payment of further fees - intimate along with calculation sheet to the citizen and after deposit the money the counting of days will be started.

Section 7 (3) Calculation sheet

I. Details of calculation sheet
II. Request for deposit the cost of information.
III. The period intervened to be deducted from 30 days.

Section 7(3) (b) Review

I. Fee charged
II. Form of access to be provided including the particulars of AA.
III. A.A. particulars
IV. Time limit/process and other form if any.

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Section 7 (4)
Sensorly disabled – Provide scribe reasonable assistance but not a legal practitioner.

Section 7 (5) (a)
Printed / electronic format pay such fee.

Section 7 (5) (b)
fee should be reasonable.
It should be fixed by appropriate Govt.

Section 7 (6)
information to be supplied on free of cost if the period exceeds 30 days after deducting the intervention period.

Section 7 (7)
consider the objections raised by third party while disclosing third party information.
Section 7(8)
Rejection of Application.
I. Reasons for such rejections
II. The period of appeal against rejection
III. The particulars of A.A.
IV. Add postage (If the applicant receive the information in person the postage will be deducted.)
V. It should be a speaking order.

Section 7(9)
I. Information to be furnished ordinarily in the form in which it is sought.
II. Unless it should disproportionately divert the resources of P.A.
III. Or it is detrimental to the safety and preservation of the record in question.
Section 7(9)  
Clarification regarding format in which the information should be supplied under RTI ACT 2005.

It has been observed that some people under RTI request PIO to pull out information form document/s and give such extracted information to them. In some other cases, the applicant expect the PIO to give information in sum particular proforma devised by them on the plea that Sec 7(9) provides information shall ordinarily be provided in the form which it is sought.

It need to be noted the Sub Section (9) simply means that information is sought in the form of photo copy, or it should be provided in the form of floppy subject to the conditions given in the Act. IT DOES NOT MEAN THAT THE PIO SHALL RESHAPE THE INFORMATION.

Note: The PIO required to supply the information in the form as it held by the public authority (PIO) and it is not required to research on behalf of the citizen to deduce any thing from the material and than supply it to applicant.
## Section. 8.

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<th>Item of the information</th>
<th>P.I.O discretion</th>
<th>Advice by C.A</th>
<th>Disclose information after 20 years</th>
<th>Application of public interest theory</th>
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<td>8(1)(a)</td>
<td>Concerning to sovereignty and integrity of India......</td>
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<td>8(1)(c)</td>
<td>Breach of privilege assembly or parliament......</td>
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<td>8</td>
<td>8(1)(h)</td>
<td>Impede investigation</td>
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<td>10</td>
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<td>Personal information</td>
<td>Examine along with P.O. +A.A. &amp; decide</td>
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</table>
Section 9

P.I.O. may reject a request for information where such request for providing information would involve an infringement of copyright, substituting in person other than State. (without prejudice section 8)
Section 10  **Severability**

Access may be provided to that part of (information)/record which does not contain information from exemptions.

I. PIO should give a notice to the applicant.

II. Only that part of information after severance will be provided to the applicant.

III. The reasons for such decision taken.

IV. Finding of the P.I.O. on material facts on which findings are based.

V. Name of the public information officer & designation.

VI. Clearly inform the applicant about the particulars of AA along with connected papers for appeal.
Review On Section 10(2)(e)

- Citizens rights in respect of review of the decision, regarding non disclosure of part of information,

1. the amount of fee charged,
2. the form of access provided,
3. Including the particulars of AA or the CIC or SIC as the case may be,
4. time limit,
5. process,
6. any other form of access.

Amount of fee details along with calculation sheet in accordance with GOMS No. 454 dated 13.10.2005 for the information after severance.
Section 11 Third party information.
This is a procedural Section. But it is an exceptional Section.

Disclosure of any information on record, or part of record request made by citizen who relates to the third party, the third party has been treated it as confidential;

The P.I.O. shall issue a notice of 5 days from the date of receipt of request & issue notice to the third party, about his intention to disclose the information to the applicant.

In turn the Third party within 10 days must file objections and reasons to the P.I.O, not to disclose the information to the citizen.

But the P.I.O, though the Third party filed an objection may disclose information, if it overrides public interest.(except Trade & Commercial secrets)
The Act provides that no such information will be given to the citizen, regarding trade or commercial secrets which may adversely affect the third party.

The information should be furnished within 40 days.

The Third party is entitled to prefer an appeal / complaint to the S.I.C. /C.I.C.
Right to appeal by third party

- The third party is having a right to appeal against the orders / decisions of the public information officer.

- After received a notice of 5 days from the P.I.O., about his intention for disclosing the information, the Third Party may prefer appeal to AA/CIC/SIC.

- In case the P.IO. Gives information to the applicant before action taken by the AA the appeal becomes in fructuous.

- The Third Party is also can make direct complaint to stop the disclosure of information in case of emergency to AA/SIC/CIC.

- The Act or rules are silent on this subject matter, the procedural decision should set guiding principals to ensure rules of Natural Justice.

- Procedure
- Principals of Natural Justice
- Public Interest

These point should be taken into consideration before arriving at the disclosure of information.

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Central Information Commission

CIC concerned with Govt. of India, Public Sectors undertakings & union territories without legislature.

- Notification in the official gazette about the Constitute, to exercise powers conferred on and perform the functions assigned to.

- Consisting of CIC and other I.Cs not exceeding 10.

- Prime Minister, Opposition leader and one of the senior Cabinet colleague nominated by P.M will be selection committee, and appointed by the President of India basing on the above committee recommendations.

- General superintendence, directions & Management of Affairs by the CIC
It is an autonomous body, without being subjected to directions by any other authority under this Act.

Qualifications:

i. Eminence in public life with wide knowledge and experience in law.

ii. Science and technology

iii. Social service

iv. Management

v. Journalism or mass media

vi. Administration and Governance

May not be:

M.P./M.L.A/ or other office of profit / connected to any political party.
Headquarters at Delhi, may be held at another place by the approval of Central Govt.

Term of office-

- Five years- or attain the age of 65.
- Not eligible for re appointment.
- Sworn in by the President of India
- They can resign as an they want to quit.

Pay allowances will be on for with the Election commission of India in case of CIC and I.C will be on par with member of Election Commission.
- Removal of office by the President of India
- Proven misbehavior
- Incapacity
- Is adjudicated insolvent
- Convicted or offences involved in moral turpitude.
- Infirmity of mind or body.
- Other financial interests or contracts or agreements.
The CIC / IC shall be removed from his office only by an order of President. After a reference made by the president to the supreme court to conduct inquiry and reported by supreme court.

The President of India may suspend CIC /IC if deemed necessary prohibit also from attending office during inquiry whom reference has been made to Supreme Court.
The State Information Commission

Every state Govt. shall by notification in the official gazette shall constitute a body of S.I.C to exercise the powers to conferred on, and perform the functions assigned to it.

- The State Commission shall consist of S.I.C. & I.Cs not exceeding 10.
- The SIC / ICs shall be appointed by the Governor of the State on the recommendations of the committee consisting of –
  - The Chief Minister, who shall be the Chairperson of the Committee.
  - The leader of Opposition in the Legislative Assembly and A Cabinet Minister to be nominated by the C.M.
- The general superintendence direction and management of the affairs shall vest in the SIC.
Qualifications:-

i. Eminence in public life with wide knowledge and experience in law.

ii. Science and technology

iii. Social service

iv. Management

v. Journalism or mass media

vi. Administration and Governance

May not be:-

M.P./M.L.A/ or other office of profit / connected to any political party.
Term of office-
- Five years or attain the age of 65.
- Not eligible for reappointment.
- Sworn in by the Governor of the State
- They can resign as an they want to quit.

Pay allowances will be on for with the Election commission of State in case of CIC and I.C will be on par with member of Election Commission.

- **Removal of office** by the Governor of the State
- Proven misbehavior
- Incapacity
- Is adjudicated insolvent
- Convicted or offences involved in moral turpitude.
- Infirmity of mind or body.
- Other financial interests or contracts or agreements.

Created by- K.Prabhakar Senior faculty & Dy.Director(sw) Retd.A.S Rao Nagar,Hyd.
The CIC / IC shall be removed from his office only by an order of Governor. After a reference made by the Governor to the supreme court to conduct inquiry and reported by supreme court.

The Governor of State may suspend CIC /IC if deemed necessary prohibit also from attending office during inquiry whom reference has been made to Supreme Court.
Section 18. Receive and inquire into complaints from any person

a) When PIO, APIO, AA not appointed by the public authority.
b) Refuse to accept application by the PIO or APIO.
c) Not given response to the citizen within the stipulated time.
d) Fee charged for information is unreasonable/high.
e) Given wrong, misleading, incomplete information.
f) In any other manner abstracted the citizen for information.
g) If there are reasonable grounds to inquire into any other matter in connection with RTI Suo-motu.
In case of Complaints

Note: Examine any record to which this Act applies, which is under the control of any public authority and such record may not be withheld from it on any ground.
Section 19.Appeals

There are two levels of appeals under this Act-

i. When the citizen not received a decision within the specified time.

ii. Or Aggrieved by the decision given by the P.I.O.

a) On valid reasons at each level 15 days can be condoned After recording the reasons the appeals may be admitted.

b) The A.A is senior Officer of the same department.

c) The A.A shall decide the appeal within 30 days. Otherwise it will be assumed as deemed refusal.

d) C.I.C/ S.I.C are the second level and final level of appellate authorities under this Act.

* At any cost 45 days should not be lapsed at First level Authority. The second level Appellate Authority may admit appeal with in 90days or on receipt of orders by the appellant. The CIC / SIC may dispose accordingly (no time limits prescribed under this Act.

The decision of the S.I.C/C.I.C is binding on the Govt.
Reliefs

- H.O.D [\text{2(H)}] Providing access to information, if so required in particular form by the citizen.

- By appointing P.I.O/A.P.I.O/A.A

- Publishing information or categories of information.

- Changes in practice of maintenance of registers, destruction of records and other procedures.

- Provision for training employees on RTI Act for best implementation.

- Annual report to the concerned Govt. on the implementation of the Act.
19(8)(b) Compensate the complaints of the citizen for loss he sustained while obtaining information (this is not mandatory, the citizen should prove how he suffered damages by the P.I.O/ P.A)

19 (8)(c) Impose any penalties under this Act.

19(9) writ Jurisdiction Art.226/32 C.O.I in High Court, Supreme Court respectively.

Note:
The C.I.C/ S.I.C shall decide the appeal in accordance with the procedure prescribed.
Deciding any complaint/ Appeal

a) P.I.O, without any reasonable cause refuses to receive application for information/ Appeal from the citizens.
b) # P.I.O not furnished information within the stipulated time (as per the schedule already explained)
c) Malafidely denied information.
d) Knowingly given wrong information.
e) Incomplete or misleading information.
f) Destroyed information.
g) Obstructed in any other manner, mentioned above form by the PIO.
Penalty @ of rupees 250 per day, for 100 days to the extent of Rs. 25,000.

Before CIC/SIC shall provide reasonable opportunity for the P.I.O/A.P.I.O.

Onus proof lies with PIO/APIO.

Persistently failed to receive applications and to provide information within the time, disciplinary action will be initiated against the PIO/APIO as per A.P Civil Services Conduct rules 1964, & A.P.C.S (C.C.A) 1991 or the rules applicable.

- Procedure before action.
- Issues show cause notice.
- Reasonable time and opportunity before imposing penalty.
- The principles of natural justice should go hand in hand along with the procedure laid down by the law.
Section 21.

Protection of action taken in good faith.
Section 22.

- RTI Act 2005 have overriding effect on O.S.A Act of 1923.

- It will also prevail over the other laws in vogue.
Section 23. Bar of Jurisdiction of Courts.

1) Normally provided in all the Acts.
2) This is a matter of special nature to be dealt by authorities alone; but not by the Court of law.
3) If the interference of the Courts allowed, things will be unsettled with longer process and procedures.
4) Orders passed by PIO/AA ultimate in this Act.
5) If anybody aggrieved by this Act, they can seek remedy available under Art. 226/32 C.O.I
The C.I.C/S.I.C as the case may be at the end of each year prepares a report on the implementation of the provisions of this Act and forwards a copy to the appropriate Govt.
Section 26. Role of Appropriate Govt.

a) To prepare the programs for awareness of people and the rights of the Act.

b) Encourage the P.As to participate in development programs.

c) Effective dissemination of accurate information and their activities to the public.

d) Train P.I.Os /A.A of this Act.

e) Compile in eighteen months in official language, the information of 4(1)(b) required by the citizens.

f) Update and publish guidelines at regular intervals.
Section 27.

• Power to make rules by appropriate Govt. for the best enforcement of the Act.
Section 28.

Competent authority may by notification in official gazette make rules to carry out the provisions of the Act.
Section 29.

- Lying of the rules in the house of Parliament / Assembly to seek ratification.
Section 30. Power to remove difficulties

Provided that no such order shall be made after the expiry period of two years from the date of the commencement of this Act (of any provision is inconsistent)
Section 31. Repeal

- The freedom of information Act 2002 (5 of 2003) is here by repealed.
Thank you