RIGHT TO INFORMATION
RTI : Objectives

• To set out a practical regime of right to information for citizens of India
• To secure access to information under the control of public authorities
• To promote transparency and accountability in the working of every public authority
• To contain corruption
• To increase citizens’ awareness and ability to exercise their other rights
• To equip them to participate meaningfully in the development process
Who are Covered under RTI

Covers all PUBLIC AUTHORITIES which means:

✓ Any body constituted under the Constitution or a law made by Parliament or State Legislatures.

✓ Any body constituted by a notification or order issued by the Central / State Governments.

✓ Any body owned, controlled or substantially financed by the Central Government or the State Government.
Who are Exempted?

Intelligence and security organisations established by the Central or State Governments as notified from time to time. However, information relating to alleged corruption or human rights violations is not exempted from disclosure.
Scope of the Right to Information

Right to information includes the right to:

- inspection of work, documents, records;
- taking notes, extracts or certified copies thereof;
- 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;
Exemptions

➢ Information which would prejudicially affect sovereignty and integrity of India;
security/strategic/scientific/economic interests of the State;
relation with foreign State

➢ Information which might incite an offence

➢ Information which
- is forbidden by a court;
- that causes a breach of privilege of the Legislature;
- would harm the competitive position of a third party;
Exemptions

- is held in fiduciary relationship, unless larger public interest warrants disclosure;
- received in confidence from foreign Government;
- would endanger the life of any person;
- would impede the process of investigation;
- would involve an infringement of copyright.

➢ Personal information which has no relationship to any public activity or interest

➢ Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and officers;
The provisions of the Act have an overriding effect over anything inconsistent contained in the Official Secrets Act, 1923 or any other law or instrument.
Obligations of Appropriate Government

- Constitution of Information Commission (S/12,15)
  - Constitution of Central or State Information Commission by the appropriate Government

- Framing Rules (Section 27)
  - Appropriate Government to make rules to carry out the provisions of this Act

- Review of existing Acts/Rules
  - Act has over-riding effect on any other Act/Rule/Order (Sec 22)
  - Necessary to review all Acts/Rules etc. to remove points of conflict with this Act
Obligations of Government

• Spread Awareness
  – develop and organise educational programmes to advance the understanding of the public, in particular of disadvantaged communities regarding the exercise of the right.

• Training
  – train Central Public Information Officers or State Public Information Officers, as the case may be, of public authorities and produce relevant training materials for use by the public authorities themselves.
Action taken by the Central Government

CIC constituted

Rules of procedure, fee etc. notified

Conduct rules for public servants brought in line with the Act

Training institutes requested to include the Act in their training modules. All the leading training institutes are conducting training on RTI

GOI-UNDP Project on “Capacity Building for Access to Information” being undertaken across 24 Districts in 12 States and (2 districts in each State).
Obligations of Public Authorities

➢ Proactive disclosure (Sec 4 of RTI Act 2005)

• Particulars of the organisation, its functions and duties;
• Procedure followed in its decision making process
• Norms set out for the discharge of its functions;
• Rules, regulations, instructions, manuals and records used by its employees for the discharge of its functions,
• Arrangement for consultation with or representation by the public, in policy formulation/implementation;
Obligations of Public Authorities

• Advice given by the boards, councils, committees etc.
• Directory of its officers and employees
• Budget allocated
• Details of the implementation of subsidy programmes
• Particulars of recipients of concessions, permits etc.
• Such information as may be prescribed
Obligations of Public Authorities

➢ Designation of PIOs etc.

- Designate Public Information Officer to provide information to applicants
- Also to designate APIOs at sub-divisional/district level
- No bar on the number of such PIOs/APIOs
- Designate appellate authority for the first appeal within the public authority
Obligations of Public Authorities

➢ Publication of all relevant facts relating to important policies and decisions

➢ Provide reasons for administrative or quasi-judicial decisions to affected persons
Procedure for seeking information [Sec. 6]

➢ Application can be made in writing including through electronic mediums in English or Hindi or local official language of the area.

➢ Where request is not in writing, PIO to provide assistance to reduce it to writing.

➢ Reasons for seeking information need not be given.
Prescribed Fees to be paid along with the application. No fee for persons below the poverty line. Application fees, to be prescribed in the rules, shall be reasonable.

Further fees, towards cost of providing information, to be intimated by the PIO.

Applicant can seek a review of the fees through an appeal to the prescribed Appellate Authority.

Applicant to be provided information free of cost in case of failure to comply with the response time-limit.
Fees: Section 7

Fees prescribed by the Central Government:

➢ For supply of information
  - Application fee: Rs. 10.
  - Cost of stationery: Rs. 2/each page of the information in A4/A3 size of paper and actual cost in case of larger size of paper.
  - Cost per floppy/CD: Rs. 50.

➢ For inspection of records
  - No fee for first hour.
  - Rs. 5 for each subsequent hour and fraction thereof.
Response Time : Section 7

➢ 30 days from the date of application.

➢ 48 hours if involves the life or liberty of a person.

➢ 40 days if involves the interests of a third party.

➢ No response on application within the time limit is deemed refusal.
Appeals[ Section 19]:

Internal

➢ First appeal to the officer immediately senior to Public Information Officer within 30 days of decision.

   Appeal to be disposed of within a period of 30 days extendable upto a total of 45 days.

External

➢ Second appeal to CIC/SIC within 90 days of decision of Appellate Authority.

In both the appeals onus to justify denial of request shall be on the PIO. Decision of the CIC/SIC is final and binding.
Penalty Provisions[Sec. 20]:

PIO liable to a fine of Rs. 250 per day up to a maximum of Rs. 25,000/- for

- not accepting an application;
- delaying information release without reasonable cause;
- malafidely denying information;
- knowingly giving incomplete, incorrect or misleading information;
- destroying information that has been requested; and
- obstructing furnishing of information in any manner.

CIC/SIC empowered to impose penalty on PIO. They can also recommend disciplinary action against an erring PIO.
CIC/SIC-Functions [Sec.18]

• Besides appeals, CIC/SIC also authorised to enquire into complaints regarding-
  Inability to submit an request for information because a PIO has not been appointed;
  Refusal/deemed refusal of information.
  Allegation that the fees charged are unreasonable.
  Allegedly incomplete or false or misleading information.
CIC/SIC-Powers [Sec.18]

CIC/SIC granted powers of Civil Court such as –

- summoning and enforcing attendance of witnesses, compelling evidence on oath and production of documents
- requisitioning public records from any court or office
- Any other matter which may be prescribed
CIC/SIC-Powers [Sec.19] contd.

CIC/SIC can require Public Authorities to *interalia* take the following steps

- Appoint a PIO.
- Publish certain information or categories of information
- Make necessary changes to the records management, maintenance and destruction procedures.
- Enhance the training provision for officials on RTI.
- Seek an annual report from the Public Authority.
- Compensate for any loss or other detriment suffered by the requestor.
Removal of difficulties

Central Government empowered to issue orders to remove difficulties in the implementation of the Act. (Sec. 30)
The End
Or
The Beginning
Thank You