

# RIGHT TO INFORMATION

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# WELCOME

# **RIGHT TO INFORMATION**

**Why?**

- Democracy requires informed citizenry.
- Transparency of information vital to its functioning.
- Secure access to information that is under control of Public Authorities.
- Promote Transparency and Accountability.
- To contain corruption.
- Setting Practical Regime of RTI for citizens.
- Creation of Information Commission(s)
- Harmonize conflicting interests.

# RIGHT TO INFORMATION

## What ?

- Six Chapters and 31 Sections
- Chapter I: Preliminary
- Chapter II: RTI & Obligations of Public Authorities
- Chapter III: Central Information Commission
- Chapter IV: State Information Commission
- Chapter V: Powers & Functions of the Information Commissions, Appeal and Penalties
- Chapter VI: Miscellaneous

# Right to Information

## Sec.2 (j)

- 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....

# Information

## Sec.2(f)

- Any material in any form
- including records, documents, memos, e-mails
- opinions, advice, press releases, circulars, orders
- logbooks, contracts, reports, papers, samples, models
- data material held in any electronic form
- information relating to any private body which can be accessed by a public authority

# Public Authority

## section 2 (h)

- Any Authority or Body or Institution of Self-Government established or constituted:
  - (a) by or under the Constitution
  - (b) by any other law made by Parliament
  - (c) by any other law made by State Legislature
  - (d) by notification issued or order made by the appropriate Government
  - (e) body owned, controlled or substantially financed
  - (f) Non-government organizations substantially financed, directly or indirectly by Govt. funds.

# **The Rights conferred on Citizens**

- i. Make a request to PIO Or APIO 3,18(1)**
- ii. Choose medium of request 6(1)**
- iii. Choose language of request 6(1)**
- iv. Seek exemptions for fee 6(1)**
- v. Seek help for writing request 6(1)(b)**
- vi. Not to state reasons for request 6(2)**
- vii. Receive information,if request is transferred (3)(ii)**
- viii. Presumption of refusal and consequent right to complaint 7(2)**

# The Rights conferred on Citizens

- |   |                  |
|---|------------------|
| <b>ix. Know costing details</b>   | <b>7(a), (b)</b> |
| <b>x. Waiver of costs</b>   | <b>7(5)</b>      |
| <b>xi. Reasons for rejection of request</b>   | <b>7(6)</b>      |
| <b>xii. Assistance to access, if physically disabled</b>                              | <b>7(4)</b>      |
| <b>xiii. Know details to proceed with appeal</b>                                      | <b>7(8)</b>      |
| <b>xiv. Choose medium of response to be received, including sample</b>                |                  |
| <b>xv. Partial access to records with reasons on limits to access</b>                 | <b>10(e)</b>     |
| <b>xvi. Complaint against refusal/ rejection of request or denial of access etc.,</b> | <b>18(1)</b>     |



# **The Rights conferred on Citizens**

<b>xvii. Appeal</b>	<b>19</b>
<b>xviii. Second Appeal</b>	<b>19(3)</b>
<b>xix. Influence penalty against PIO</b>	<b>20(1)</b>
<b>xx. Force burden of proof on PIO</b>	<b>20 (5)</b>
<b>xxi. Influence disciplinary action against PIO</b>	<b>20(2)</b>
<b>xxii. Demand 3<sup>rd</sup> party information</b>	
<b>xxiii. Demand on-site inspection</b>	

# Obligation of Public Authorities

## Section 4

- **Sec 4 (1) (a)** Maintenance of records and Computerization of records
- **Sec 4 (1) (b)** Proactive Disclosure of Information
- **Sec 4 (2)** Dissemination of Information
- **Sec 5 (1) & (2)** Designate PIOs / APIOs

# Obligation of Public Authorities under RTI Act

## Section 4

- Maintain all its records duly catalogued and indexed
- Computerize within a reasonable time subject to availability of resources
- Networked all over the country
- Proactive Disclose information as required under the 17 sub-clauses of sec. 4 (1)(b).
- Publish all relevant facts while formulating important policies or announcing the decisions which affect public [Sec. 4(1) (c)]
- Provide reasons for its administrative or quasi-judicial decisions to affected persons [Section 4(1) (d)]

# Obligation of Public Authority

- Update the information provided under Section 4(1) (b) at regular intervals. [Section 4(1) (b) (xvii)]
- Take steps to provide the information suo motu to the public at regular intervals so that public has minimum resort to the use of this Act to obtain information. [Section 4(2)]
- Disseminate information widely and in a form and manner easily accessible to the public. [Section 4(3)]
- Provide information in the local language and adopt the most effective method of communication for dissemination of information.
- Make information accessible to the extent possible in electronic format with the concerned Public Information Officer, available free of cost or at such cost of the medium or the prescribed print cost price. [Section 4(4)]
- designate State Public Information Officers in all administrative units

# Proactive Disclosure of Information

## Section 4 (1)(b)

- Particulars of organisation, functions and duties
- Directory of officers/employees
- Powers and duties of officers and employees
- Procedures in decision-making process - channels of supervision and accountability
- Norms set by it for discharge of functions
- Information regarding the rules, regulations, instructions used for the discharge of its functions
- Statement of categories of documents held by it and under its control

# Proactive Disclosure of Information

## Section 4 (1)(b)

- Information on policy formulation/ Implementation
- Advice by Boards, Councils, Committees etc.
- Monthly remuneration of officers/employees
- Budget allocated to each of its agencies - particulars of all plans, proposed expenditures and reports on disbursements made
- Execution of subsidy programmes including the amounts allocated and the details of beneficiaries of such programmes

# Proactive Disclosure of Information

## Section 4(1)(b)

- Details of information available to, or held by it, reduced in an electronic form
- Particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use
- Names, designations and other particulars of the Public Information Officers.

# Means of dissemination

- Notice Boards
- Newspapers
- Public announcements
- Media broadcasts
- Internet
- Any other means including inspection of offices of any public authority.
- Public Library



# Classification of Disclosure Parameters

S.No	Category /No	Importance	Reasons for parameters	Weightage
1	A 10	High	Information has high relevance for the public	0.5
2	B 8	Medium	Reasonable importance	0.3
3	C 7	Low	Relatively low/ limited relevance	0.2

# A Category Indicators

## High Importance

- Language in which Information Manual/ Hand book available 4 (4)
- When was the information Manual/Handbook last updated?
- Dissemination of information to the public. 4 (3)
- Procedure followed in decision making process 4(1) (b)(iii)
- Norms for discharge of functions 4(1) (b) (iv)
- Budget allocated to each agency including all plans, proposed expenditures and disbursements made etc. 4(1) (b) (xi)
- Manner of execution of subsidy programmes 4(1) (b) (xii)
- Particulars of recipients of concessions, permits or authorisations granted 4(1) (b) (xiii)
- Are important policies or decisions which affect public informed to them? 4(1) (c)
- Are reasons for administrative or quasi-judicial decisions taken, communicated to affected persons 4(1) (d)

## B Category Indicators (Medium Importance)

- Form of accessibility of Information Manual/ Handbook 4 (4)
- Whether Information Manual/Hand book available free or not 4 (4)
- Rules, regulations, instructions, manuals and records for discharging functions. 4(1) (b) (v)
- Categories of documents held by the authority under its control 4(1) (b) (vi)
- Information available in electronic form 4(1) (b) (xiv)
- Particulars of facilities available to citizens for obtaining information 4(1) (b) (xv)
- Any other information as may be prescribed 4(1) (b) (xvii)
- Details regarding receipt & disposal of RTI applications

## C Category Indicators (Low Importance)

- Particulars of its organization, functions and duties 4(1) (b) (i)
- Powers & Duties of its officers & employees 4(1) (b) (ii)
- Consultation with or representation of the public in policy formulation or implementation. 4(1) (b) (vii)
- Boards, Councils, Committees and Other Bodies constituted 4(1) (b)(viii)
- Directory of Officers and employees 4(1) (b) (ix)
- Monthly Remuneration received by officers & employees including system of compensation 4(1) (b) (x)
- Names, designations and other particulars of public information officers 4(1) (b) (xvi)

## **Obligation of Assistant Public Information Officers**

- Receive application or Appeal
- Forward the same to PIO / Appellate Authority
- If the application pertains to other PA transfer the same and intimate the applicant
- Time Limit for forwarding - 5 days
- Receive Fee along with Application
- Maintain Record of Applications, Appeals Received
- Maintain Record of Fee Received

# Public Information Officers

## Section 5

- Receive applications for Information
- Render reasonable Assistance
- If the application pertains to other PA transfer the same and intimate the applicant
- Collect Fee
- Intimate the Cost of Fee of the Information Sought
- Obtain from other officers if available with them
- The Officer from whom information is sought is deemed to be the PIO in respect of the Information.
- Check whether the Information is an exempted one under sections 8, 9, 10 & 24
- Check whether it is a third party Information
- Furnish Information/ Reject on sufficient grounds.

# Application for Information

## Section 6

- In writing
- In English, Hindi or official language of the Area
- Specifying the particulars of information sought
- No reason need to be given
- Accompanied by fee or BPL Certificate

## **Disposal of request – Section 7**

- **with in 30 days in general cases**
- **with in 48 hours, where the information sought for concerns the life or liberty of a person**
- **collection of required fee by intimating the applicant**
- **The period intervening between the dispatch of the intimation and payment of fees shall be excluded**
- **Calculations made to arrive at the fee shall also be furnished**
- **Applicant is having right to review the fees charged and to go for appeal on that.**



## **Disposal of request – Section 7**

- **The particulars of appellate authority , time limit, process to be informed.**
- **If the PIO fails to furnish the information within stipulated time the same shall be provided free of charge.**
- **If the decision on the request is not given in time, the request to be deemed to have been refused by the PIO**
- **If PIO rejects the request for information, reasons must be stated , referring relevant sections.**
- **Time limit for appeal, details of AA also to be informed**

## Third Party Information :

- If the information requested pertains to third party, PIO shall give a written notice to the third party with in 5 days
- The third party must be given a chance to make a representation with in 10 days
- If Public Interest outweighs, PIO can furnish information though the Third party is not willing.

# Exemptions from Disclosure of Information

## Section 8

- Information which affects sovereignty and integrity of India
- Security, scientific and economic interests of the State
- Expressly forbidden by court of law.
- Diplomatic Relations
- Parliamentary and Legislative privileges
- Commercial confidence & Trade Secrets
- which impede the process of Investigations and prosecutions
- Cabinet matters
- Privacy of individuals.

# Disclosure in Public Interest

## Section 8 (2)

- A public authority may allow access to information if public interest in disclosure outweighs
- Notwithstanding anything in the Official Secrets Act, 1923
- nor any exemptions permissible in sub-section (1) of Sec 8

# Time Period for Exemptions

## Section 8 (3),

- information relating to any occurrence, event or matter which has taken place, occurred or happened
- **twenty years before the date**
- on which any request is made under Section 6, except those covered by the provisions of clauses (a), (c) and (i) of sub-section (1) of Sec.8
- be provided to any person making a request under that section

# Exemptions from Disclosure of Information

- **Protection of copyright (Sec.9)**

- Information which involve an infringement of copyright subsisting in a person other than the State may be rejected.

- **Severability (Sec.10)**

- Providing part of the information which does not come under exemptions.
- Reasons for providing part of Information are to be informed to the applicant.

# Organisations Exempted (Sec.24)

GO Ms.No.667 GAD, dt.3.9.07

- State Intelligence Department & its Special Intelligence Branch, State Security Wing
- State Greyhounds Organization
- All District Special Branches under the SPs
- All Security Units in the Districts under the SPs
- APSP – Andhra Pradesh Special Police
- SPF – Special Protection Force
- SARCPL – State Armed Reserve Central Police Line

Fee for Receipt of Application  
(GO Ms.No.454 GAD,dt.13.10.05)

- |   |               |
|---|---------------|
| • At Village Level  | No Fee        |
| • At Mandal Level   | Rs.5          |
| • Other than the Above  | Rs.10         |
| • Publications printed, text, maps, plans, floppies, CDs, Samples, models or material in any form if priced | Same price    |
| • Other than the above-   |               |
| i. printed or text form(A4 or A3 size)  | Rs.2 per page |
| ii. Other than A4 or A3 size  | Actual Cost   |
| iii. Maps & Plans   | Actual Cost   |



## Fee for Receipt of Application

(GO Ms.No.454 GAD,dt.13.10.05 & 545,dt.12.12.07)

- iv. In Electronic Format
  - a. Floppy Rs.50
  - b. CD Rs.100
  - c. CD (DVD) Rs.200
- v. Samples and Models Actual Cost
- vi. Inspection of Records
  - First one hour No fee
  - Subsequent hour or Fraction Rs.5
- Vii. Material to be sent by post Actual Cost

Fee for Receipt of Application – Head of Account  
(GO Ms.No.530 GAD,dt.29.11.05)

- 0070 – Other Administrative Services
- 60 - Other Services
- MH 800 - Other Receipts
- SH (25) - Receipts Under RTI Act 2005
- 001 - Receipts Under RTI Act 2005

## Mode of Fee for Receipt of Application (GO Ms.No.454 GAD,dt.13.10.05 & 740,dt.1.10.07)

- Court Fee Stamp
- Cash
- Postal Order
- Demand Draft
- Bankers Cheque
- No Fee for the Below Poverty Line (BPL) people
- White Card Holders are treated as BPL people

# Chapter V:

## **Powers & Functions of the Information Commissions & Appeal and Penalties**

### **Powers & Functions of the Information Commissions**

Information Commission has a duty to receive & dispose appeals from the persons where:

- PIO has not been appointed
- publishing certain information
- refused to give information
- no response within specified time limits
- One feels the fee charged is unreasonable
- the information given is incomplete or false or misleading
- any other matter relating to obtaining information under this law.

# Information Commission - Powers

– CIC/SIC shall have the powers as a Civil Court:

➤ summoning

➤ taking oath

➤ Seek for production of documents

➤ Inspection of documents

- Seek submission of annual report

➤ Compensation for the loss suffered by the requestor

➤ Impose penalties

➤ Reject the appeal.

# Appeal - Time limits

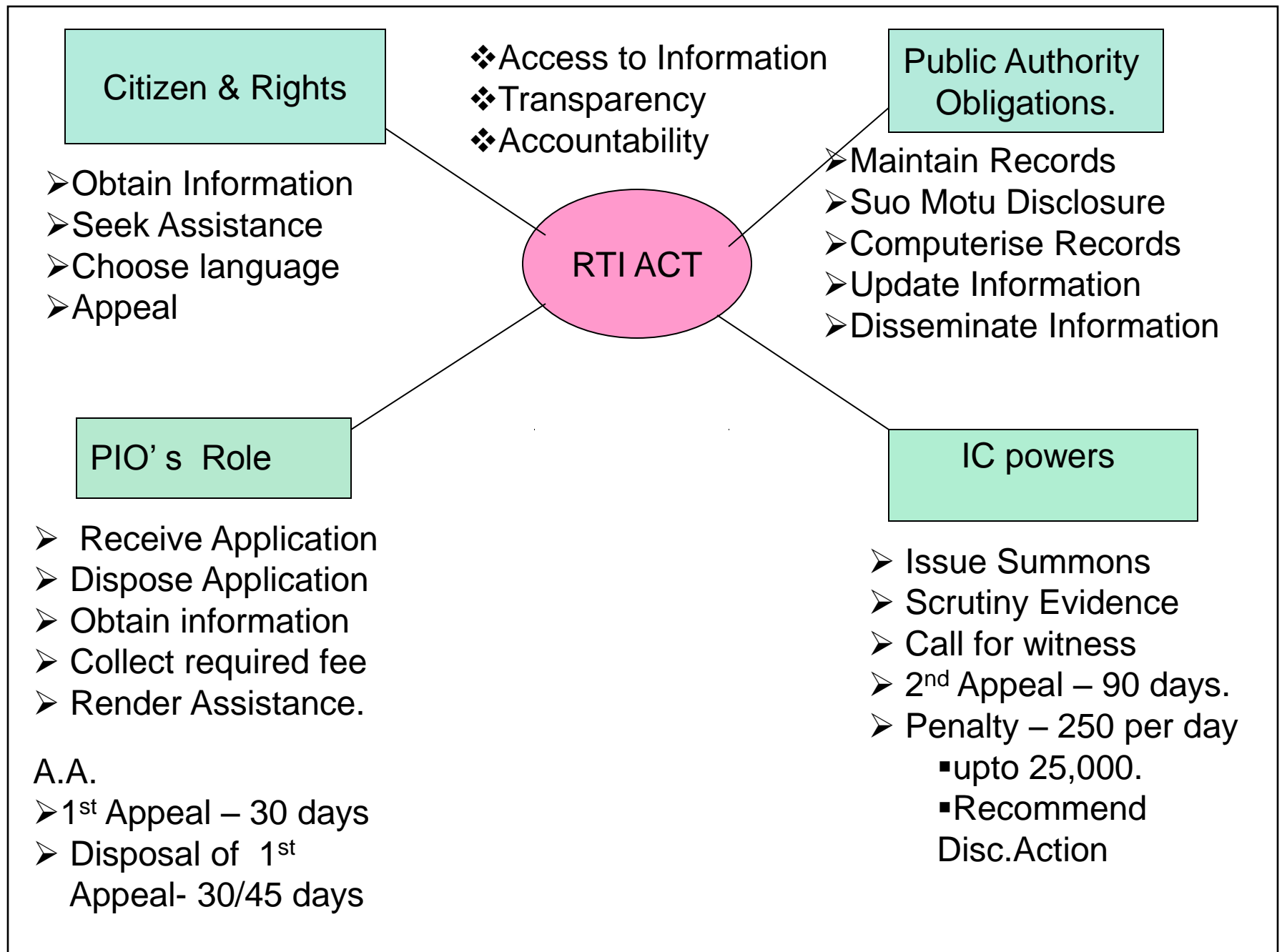
## Section - 19:

1<sup>st</sup> appeal to Appellate Authority - in 30 days

- to be disposed in 30 days
- 2<sup>nd</sup> appeal to I.C. - in 90 days
- Time Limit not indicated

# Penalties

- **Rs. 250/- per day**
- **Maximum Rs. 25,000/-**
- **Can recommend disciplinary action against the PIO**
- **After giving reasonable opportunity**





THANK YOU