

A PPT

on

Right to Information Act, 2005

by

K. Ram Gopal,
M.A., B.Ed., P.G.D.P.M., L.L.B.,



कर्मणोह्यपि बोधद्वयं
बोधद्वयं च विकर्मणः ।
अकर्मणश्च बोधद्वयं
गहना कर्मणो गतिः ॥

ज्ञानकर्मसंन्यासयोग, अध्याय ४

*Truth about the ACTION must be known,
Truth about the INACTION must be known,
Truth about the PROHIBITED ACTION must be known,
Mysterious are the ways of action.*

RIGHT TO INFORMATION **Why?**

- Democracy requires informed citizenry.
- Transparency of information is vital to its functioning.
- Promote Transparency and Accountability.
- To contain corruption.

Why RTI Act ?

- To secure access to information which is under control of Public Authorities.
- For Setting Practical Regime of RTI for citizens.
[Creation of Information Commission(s)]
- To harmonize conflicting interests of revelation of information and preservation of confidentiality of sensitive information.

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

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

Right to Information

Sec.2 (j)

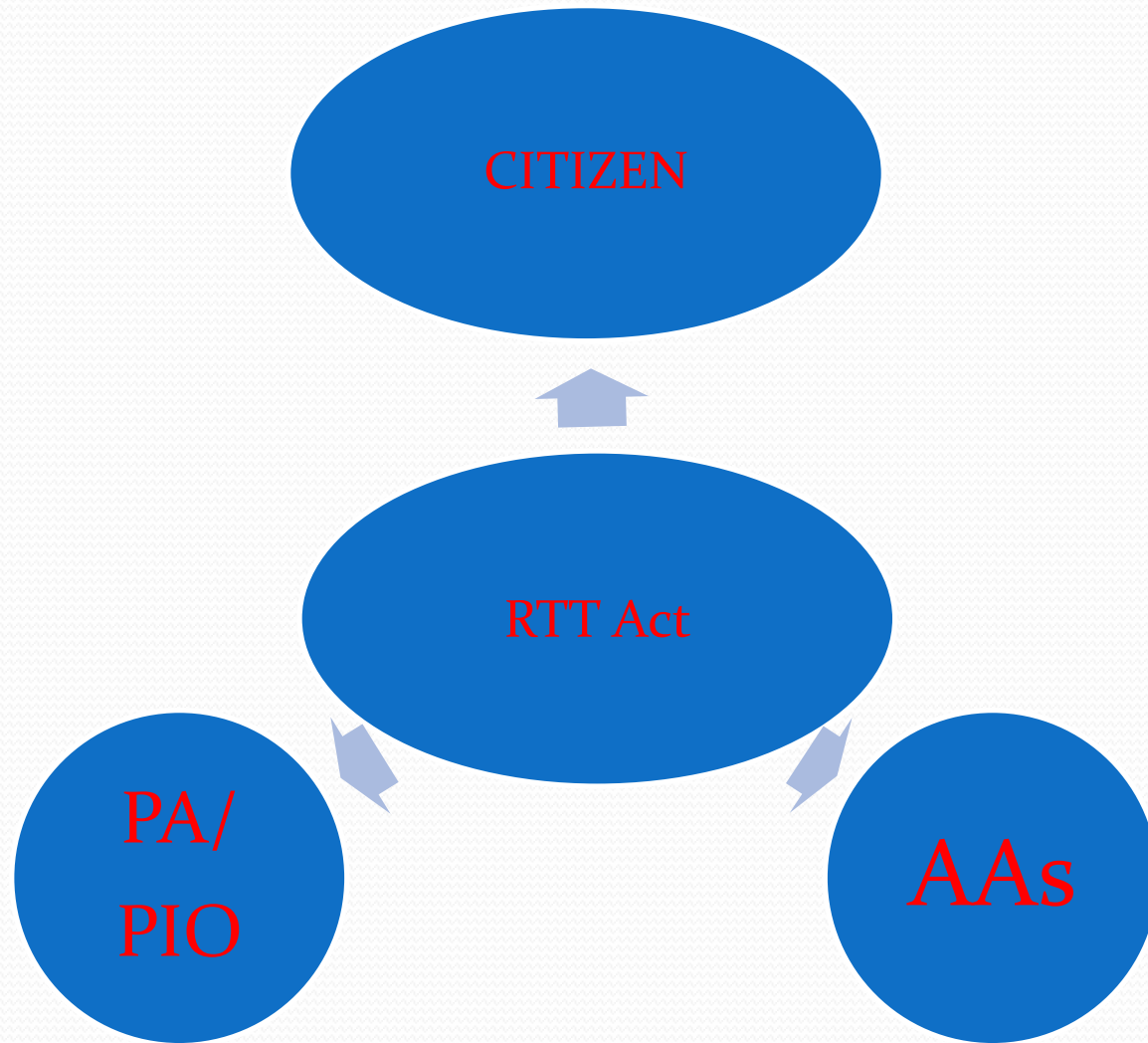
- inspection of work, documents, records
- taking notes, extracts, or certified copies of documents or records
- taking certified samples of material
- obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts....

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 by Govt.
- (f) NGOs (Non-Government Organizations) substantially financed, directly or indirectly by Govt. funds.

Stake holders under RTI



The Rights conferred on Citizens

- i. Make a request to PIO or APIO 3, 6(1)
- ii. Choose medium of request 6(1)
- iii. Choose language of request 6(1)
- iv. Seek reasonable assistance while seeking information 5(3)
 - Sensorily disabled can seek appropriate assistance in inspection 7 (4)
- v. Seek help for writing request 6(1)(b)
- vi. Need not state reasons for request 6(2)

The Rights conferred on Citizens (Contd..)

- vii. Seek exemptions from payment of fee 7(5)
- viii. 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 2(j)
- ix. Receive information, if request is transferred 6 (3) (ii)
- x. Presumption of refusal 7(2)

The Rights conferred on Citizens (Contd..)

- | | | |
|--------|--|-------------------|
| xii. | Know costing details | 7(3),10(2)(d) |
| xiii. | Waiver of costs-to BPL Applicants | 7(5) |
| xiv. | Free of charge-if furnished after stipulated time | 7(6) |
| xv. | Reasons for rejection of request | 7(8) (i) |
| xvi. | Know details to proceed with appeal | 7(8) (ii) (iii) |
| xvii. | Review the fee charged towards cost | 7(3)(b),10(2) (e) |
| xviii. | Partial access to records with reasons on limits to access | 10 (2)(e) |
| xix. | Demand 3 rd party information& for procedure | 11 |

The Rights conferred on Citizens (Contd..)

xx. Complaint against refusal/ rejection of request or denial of access etc.,	18(1)
xxi. First Appeal	19(1)
xxii. Second Appeal	19(3)
xxiii. Influence penalty against PIO	20(1)
xxiv. Force burden of proof on PIO	19(5),20 (1)
xxv. Influence disciplinary action against PIO	20(2)
xxvi. Seek Information in a particular form	19(8)(a)(i)
xxvii. Claim Compensation	19(8)(b)

Obligation of Public Authorities

- **Sec 4 (1) (a)** Maintenance of records
 - Computerization of records
 - Networked all over the country
- **Sec 4 (1) (b)** Proactive Disclosure of Information
 - Update information provided under these 17 Sub-clauses
- **Sec 4(1) (c)** Publish all relevant facts while formulating policies or announcing the decisions which affect public.
- **Sec 4(1)(d)** Provide reasons for its administrative or quasi-judicial decisions to affected persons.
- **Sec 4 (2),(3)(4)** Dissemination of Information
- **Sec 5 (1) & (2)** Designate PIOs / APIOs
- **Sec 6(3)(ii)** If the application pertains to other PA transfer the same and intimate the applicant within 5 days

Obligation of Public Authorities

Section 4

Maintenance of records & Accessibility to information

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

Obligation of Public Authority (Contd..)

Dissemination of information

- 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.
[Section 4(4)]
- 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)]

Designation of PIOs/APIOs

- Designate State Public Information Officers in all administrative units
[Section 5(1)]
- Designate Asst. State Public Information Officers in all administrative units
[Section 5(2)]

Transfer of Application

- If the application pertains to other PA transfer the same
and intimate the applicant within 5 days [Section 6(3) (ii)]

Means of dissemination

Section 4(4)

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

Obligation of Assistant Public Information Officers

- Receive application or Appeal 5(2)
- Forward the same to PIO / Appellate Authority 5(2)
- Time Limit for forwarding - 5 days
- Receive Fee along with Application 6(1)(a)
- Shall render all assistance to the PIO in the discharge his duties

Responsibilities of Public Information Officers

- Shall deal with requests & render reasonable assistance to the persons seeking information 5(3)
- Receive applications for information with fee 6(1)(a)
- Render reasonable assistance in writing RTI appln. 6(1)(b)
- If the application pertains to other PA transfer the same and intimate the applicant 6(3)(ii)
- Shall render reasonable assistance to the sensorily disabled persons in inspection 7(4)

Responsibilities of Public Information Officers(contd..)

- Seek the assistance of any other officer, if necessary, for proper discharge of duty as PIO 5(4)
- The Officer whose assistance is sought is deemed to be the PIO in respect provisions where assistance is sought. 5(5)
- Check whether the Information is an exempted one under sections 8, 9, & 24/ third party information
- Furnish Information/ Reject on sufficient grounds. 7(1)

Responsibilities of Public Information Officers(contd..)

Section 6

Shall verify the Application for the following:

- In writing 6(1)
- In English, Hindi or official language of the Area 6(1)
- Specified the particulars of information sought 6(1)(b)
- Accompanied by fee or BPL Certificate 6(1),7(1),7(5)

Section 7

Shall dispose the request:

- with in 30 days in general cases 7(1)
- with in 48 hours, where the information sought for concerns the life or liberty of a person 7(1)
- Send intimation to the applicant about the fee to be paid for furnishing the information 7(3)
- The period intervening between the dispatch of the intimation and payment of fees shall be excluded 7(3)(a)
- Calculations made to arrive at the fee shall also be furnished 7(3)(a),10(2)(d)

(Remember the Applicant is having right to review the fees charged and to go for appeal on that. 7(3)(b), 10(2)(e)

Responsibilities of Public Information Officers(contd..)

- If the PIO fails to furnish the information within stipulated time the same shall be provided free of charge 7(6))
- If PIO rejects the request for information, reasons must be stated, referring relevant sections. 7(8)(i)
- Time limit for appeal, details of AA also to be informed. 7(8)(ii)(iii)

[Remember, if the decision on the request is not given in time, the request to be deemed to have been refused by the PIO.
7(2)]

Responsibilities of Public Information Officers(contd..)

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.
11(1)
- The third party must be given a chance to make a representation with in 10 days.
11(2)
- If Public Interest outweighs, PIO can furnish information though the Third party is not willing, by following the due procedure.

Exemptions from Disclosure of Information

Section 8

- Information which affects
 - sovereignty and integrity of India 8(1)(a)
 - Security, scientific , strategic and economic interests of the State. 8(1)(a)
 - Relation with foreign State 8(1)(a)
 - Lead to incitement of an offence 8(1)(a)
- Expressly forbidden by court of law. 8(1)(b)
- Parliamentary and Legislative privileges. 8(1)(c)
- Commercial confidence & Trade Secrets. 8(1)(d)

- Information available in fiduciary relationship 8(1)(e)
- Information received in confidence from foreign Government 8(1)(f)
- Information which endanger life /physical safety 8(1)(g)
- which impede the process of Investigations and prosecutions. 8(1)(h)
- Cabinet matters. 8(1)(i)
- Privacy of individuals. 8(1)(j)

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, be provided to any person.
- except those covered by the provisions of clauses (a), (c) and (i) of sub-section (1) of Sec.8

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

Powers & Functions of the Information Commissions

Section 18

To receive & dispose Complaints in cases of below contraventions.

- PIO has not been appointed. 18(1)(a)
- Refused to accept application. 18(1)(a)
- Refused to forward Appeal. 18(1)(a)
- Refused to give information. 18(1)(b)
- No response within specified time limits. 18(1)(c)
- One feels the fee charged is unreasonable. 18(1)(d)
- Giving incomplete or false or misleading Information. 18(1)(e)
- Any other matter relating to obtaining information such as not publishing information under Sec.4(1). 18(1)(f)

Powers as of a Civil Court

Appeal - Time limits

Section - 19:

- 1st appeal to Appellate Authority - in 30 days
- to be disposed in 30 days
- 2nd appeal to I.C. - in 90 days
- Disposal Time Limit not indicated

Penalties

Section 20

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

Miscellaneous

Protection of action taken in good faith:

No suit, prosecution or other legal proceedings lies against any person for anything done in good faith

Sec.21

Act to have overriding effect:

Provisions of this Act have overriding effect on O.S. Act,1923 or any other Act.

Sec. 22

Bar of jurisdiction of courts:

No court shall entertain any suit in respect of order made under this Act, otherwise by way of Appeal under this Act

Sec. 23

Miscellaneous (Contd..)

Section 24: Partial application of the Act to certain organizations, which are listed in Second Schedule

Section 25: Monitoring and Reporting

Section 26: Appropriate Govt. to prepare programs for Capacity Building

Section 27: Power to make Rules by Govt.

Section 28: Power to make Rules by Competent Authority

Section 29: Laying of Rules

Section 30: Power to remove difficulties

Section 31: Repeal of Freedom of Information Act, 2002

Citizen & Rights

- Obtain Information
- Seek Assistance
- Choose language
- Appeal

- ❖ Access to Information
- ❖ Transparency
- ❖ Accountability

Public Authority Obligations.

- Maintain Records
- Suo Motu Disclosure
- Computerise Records
- Update Information
- Disseminate Information

RTI ACT

PIO's Role

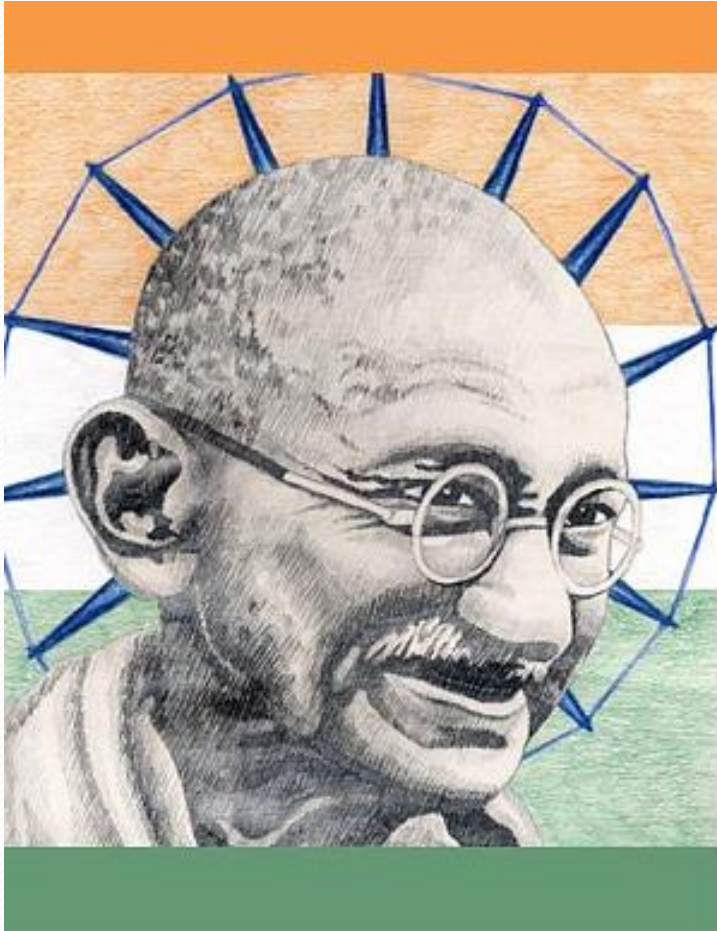
- Receive Application
- Dispose Application
- Obtain information
- Collect required fee
- Render Assistance.

A.A.

- 1st Appeal – 30 days
- Disposal of 1st Appeal- 30/45 days

IC powers

- Issue Summons
- Scrutiny Evidence
- Call for witness
- 2nd Appeal – 90 days.
- Penalty – 250 per day
 - upto 25,000.
 - Recommend Disc.Action



*The Real 'Swaraj' will
come not by the
acquisition of authority
by a few but by the
acquisition of capacity
by all to resist authority
when abused. —
Mahatma Gandhi*

THANK YOU