

Right to Information

India is a democracy. People are the masters. Therefore, the masters have a right to know how the governments, meant to serve them, are functioning. Further, every citizen pays taxes. The citizens therefore, have a right to know how their money was being spent. As early as in 1976, the Supreme Court declared Right to Information as a part of Fundamental Rights under article 19 of the Constitution in the case of Raj Narain vs State of UP. Article 19 (1) says that every citizen has freedom of speech and expression. Supreme Court said that people cannot speak or express themselves unless they know.

Salient Features of the RTI Act, 2005

1. RTI Act 2005 empowers every citizen to:

- Ask any questions from the Government or seek any information
- Take copies of any government documents
- Inspect any government documents.
- Inspect any Government works
- Take samples of materials of any Government work.

2. You can seek information from any department of the central or state government, from panchayati raj institutions, and from any other organization or institution (including NGOs) that is established, constituted, owned, controlled or substantially financed, directly or indirectly, by the state or central government (section 2(a) & (h)).

3. In each department, at least one officer has been designated as a public information officer (PIOs). He/She accepts the request forms and provides information sought by the people (section 5(1)).

4. In addition, in each sub-district/divisional level there are assistant public information officers (APIOs) who receive requests for information and appeals against decisions of the public information officers, and then send them to the appropriate authorities (section 5(2)).

5. Any person seeking information should file an application in writing or through electronic means in English or Hindi (or in the official language of the area) along with the application fees with the PIO/APIO (section 6(1)).

6. Where a request cannot be made in writing, the PIO is supposed to render all reasonable assistance to the person making the request orally to reduce the same in writing (section 6(1)).

7. Where the applicant is deaf, blind, or otherwise impaired, the public authority is supposed to provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection (section 7(4)).

8. Besides the applicant's contact details, the applicant is not required to either give any reasons for requesting the information or any other personal details (section 6(2)).

9. A reasonable application fee (Rs 10/- as prescribed by the Central Government, whereas in other states the fee amount may vary. [Refer to Annexure 2(fee rules chart) on page.....] will be charged for each application and supply of information. However, no fee is chargeable from persons below the poverty line (section 7(5)), or if the information is provided after the prescribed period (section 7(6)).

10. A fees will be charged for obtaining a copy of the documents. (The Central Government has prescribed fees of Rs.2/- for each page created and copied. In some states the charges are higher. [Refer to Annexure 2(fee rules chart) on page.....]. If the Information is not provided in the stipulated time limit then the information will be provided for free. (u/s 7(6)).

11. If the PIO feels that the sought information does not pertain to his department then it shall be his responsibility to forward the application to the related/relevant department within 5 days and also inform the applicant about the same. In such instance, the stipulated time limit for provision of information would be 35 days (u/s 6(3)).

12. In case PIO does not furnish information within the prescribed period or unreasonably troubles the applicant, then the applicant can file a complaint against him with the information commission.

13. In case a PIO without any reasonable cause fails to receive an application for information, malafidely denies a request for information, or knowingly gives incorrect, incomplete or misleading information, or asks for high fees for furnishing the information the applicant can file a direct complaint to the Central or the State Information Commission.

14. The PIO can deny information in some cases/matters. The various exemptions from disclosure of information are listed in Section 8 of the RTI Act, 2005.

15. If the sought information is in public interest then the exemptions enumerated in Section 8 of the RTI Act, 2005 can also be disclosed.

16. Any information that cannot be denied to parliament or legislative assembly cannot be denied to a common citizen.

17. In case a person fails to get a response from the PIO within the prescribed period or is aggrieved by the response received, or misuses Section 8 of the Act, then he/she canfile an appeal within 30 days with an officer superior in rank to the PIO(first appellate authority) (section 19(1)).

18. If the appellant is not happy with the 1st appeal then he/she can file a 2nd appeal with the State Information Commission or the Central Information Commission within 60

days (u/s 19(3). [Refer to Annexure 1 for the addresses of the addresses of the information commissions on page.....]

19. If a PIO fails to furnish the information asked for under the Act or fails to communicate the rejection order, within the time specified, the PIO will be liable to pay a penalty of Rs 250 per day for each day of delay, subject to a maximum of Rs 25,000 (section 20(1)). The information commission can also recommend disciplinary action against the concerned PIO, under the service rules applicable to him/her (section 20(2)).

Note: The above mentioned facts/comments are based on the provisions of the RTI Act, 2005. There is a possibility of insufficiency in some facts/comments. Kindly read the various sections mentioned with each explanation for details.

Please check for latest Amendments / Changes about RTI on CIC / SIC sites