

# RIGHT TO INFORMATION ACT 2005

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# What is RTI Act 2005?

- Central legislation
- Grants access to information held by a public authority
- Flows from two fundamental rights enshrined in the Constitution:
  - ▣ **Article 19-Freedom of speech and expression**
  - ▣ **Article 21-Right to life and liberty**
- Enacted: 15 June 2005 Enforced: 12 October 2005
- Applies to the whole of India except J&K
- Transparency and accountability



## **Kautilya's *Arthasastra* laid down:**

- Deliberations in a council “shall be so carried that even birds cannot see them; for it is said that the secrecy of counsels was divulged by parrots, mainas, dogs & other low creatures of mean birth”.
- “Whoever discloses counsels shall be torn to pieces”.



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.*

# Basic Tenets

- Disclosure a rule and Secrecy an exception
- Transparency means public interest
- Public Interest overrides
- It is a part of Global Process.
- Governance will improve

# Objectives



- **To provide right to information to citizens**
- **To secure access to information, inspect files, obtain copies of documents etc., from Public Authorities.**
- **To promote transparency and accountability in the working of Public Authorities.**
- **Constitution of a Central Information Commission and State Information Commission.**

# Definition of 'Information' [S.2(f)]

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"information" means any material in any form, including

- Records
- Documents
- Press Releases
- Circulars
- Log Books
- Papers
- Memos
- Opinions
- Advices
- Orders
- Contracts
- Samples
- Models
- Emails
- Data in electronic form
- info related to any private body

# Definition of 'Record' [S. 2(i)]

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"record" includes

- a) any document, manuscript and file
- b) any microfilm, microfiche and facsimile copy of a document
- c) any reproduction of image or images embodied in such microfilm (whether enlarged or not)
- d) any other material produced by a computer or any other device



# Definition of 'Right' [s. 2(i)]

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- "right to information" includes the right to
- i. inspection of work, documents, records
  - ii. taking notes, extracts or certified copies of documents or records
  - iii. certified samples of material
  - iv. 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

# *Obligations of Public Authorities* [S.4]

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1. Catalogue, index and computerise records [S. 4(1)]
2. Publish within 120 days (Oct 12)
  - Particulars of organisation, powers and functions of officers and employees, rules regulations, instructions, manuals

# Who can you demand information from?

- Public Authority:

Any institution/authority/body of self-government established or constituted:

- By or under the Constitution
- By any law made by Parliament
- By any law made by State Legislature

Body owned/controlled/substantially financed; NGO substantially financed by government [Section 2 (h)]

# Appointment of Officers [S. 5(2)]

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- State Public Information Officers
- State Assistant Public Information Officer

## Procedure for obtaining information :

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- Every person seeking the information shall request orally or in writing or through electronic means paying the requisite fees at the following rates :
- In respect of public authorities at the Village Level – No fee ;
- In respect of public authorities at Mandal Level – Rs. 5/- per application ;
- In respect of public authorities other than those covered above – Rs. 10/- per application ;

- The sale price of publications printed matter, text, maps, plans, floppies, CDs, samples, models or material in any other form.
- e) Other than priced material :
  - i) Material in printed or text form (in A4 or A3 size paper) Rs.2/- per each page per copy;
  - Material in printed or text form in larger than A4 or A3 size paper - actual cost thereof;
  - Maps and plans – actual cost thereof;
  - Information in Electronic format viz., Floppy, CD or DVD:
    - (a) Rupees fifty for Floppy of 1.44 MB;
    - (b) Rupees one hundred for CD of 700 MB; and
    - (c) Rupees two hundred for CD (DVD).

- Samples and models – actual cost thereof;
- vi) Inspection of records – no fee for the first hour; and a fee of rupees five for each fifteen minutes (or fraction thereof) thereafter;
- vii) Material to be sent by post – the actual postal charges in addition to the charge payable as per the rules.
- The applicant is not required to give any reason or any other personal details except those that may be necessary for contacting him.

# Third Party Information

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- Other public authority [S. 6(3)]
- Any other entity owned, controlled, or substantially financed by government [S. 11(1)]
- Any other private entity with its permission



# Exemptions [S. 8]

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- a) affects the sovereignty and integrity of India
- b) forbidden by any court of law or tribunal
- c) breach of privilege of Parliament or the State Legislature
- d) information related to agencies mentioned in the Second Schedule of the Act

# Exemptions



- c) Commercial confidence, trade secrets or intellectual property
- d) Information from a foreign government
- e) Cabinet papers including records of deliberations of the Council of Ministers, Secretaries or prosecution of offenders
- f) Information which relates to personal matters, the disclosure of which has no bearing on any public activity or interest

# Partial Information [S. 10]

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Partial information shall be given along with

- a) The reasons for the decision
- b) The name and designation of the person giving the decision
- c) Details of the fees calculated
- d) Right of the petitioner w.r.t. review of the decision

# Rejection [S. 7(8)]

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1. The reasons for such a rejection
2. The period within which an appeal against such a rejection may be preferred
3. The particulars of the appellate authority

# Stipulated Time

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- 48 hours [S. 7(1)]
- 30 days [S. 7(1)]
- 35 days [S. 5(2)]
- 40 days [S. 11(3)]
- Failure to provide information in stipulated time [S. 7(3)]

# State Information Commission

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- Every State Gov shall constitute the SIC [S. 15(1)]
- Process of constitution

## RTI Act 2005 - Appeals

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- Envisages an independent Information Commission at the Central and State level, to be an appellate authority and to oversee the functioning of the act. Has various powers under the Act.
- To be appointed by a committee of PM/CM, leader of opposition and one minister. To have the status of the Election Commission at the Centre and of election commissioner/chief secretary at the state.

# RTI Act 2005 - Penalties

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## □ Penalties

imposable by Information Commission on PIO or officer asked to assist PIO

- For unreasonable delay – Rs 250 per day up to Rs 25,000
- For illegitimate refusal to accept application, malafide denial, knowingly providing false information, destruction of information, etc. – up to Rs. 25,000 fine
- Recommendation for departmental action for persistent or serious violations

However, no criminal liability

- Immunity for actions done in good faith (21).



# Appeals

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- First Appeal [S. 19(1)]
  - ▣ With the officer senior in rank to the State Public Information Officer
  
- Second Appeal [S. 19(3)]
  - ▣ With the State Information Commission

# Reasons for Appeal [S. 18(1)]

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1. No Information officer
2. Request refused
3. No response
4. Unreasonable fee
5. Incomplete, misleading or false information

# Powers of State Information Commission

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- Burden of proof on the IO [S. 20 (1)]
- Fine [S. 20(1)]
- Disciplinary action [S. 20(2)]

# Reports

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- Annual report [S. 25(1)]
- Guide in official language [S. 26(2)]

# How it helps us



- It is not a threat but a helping tool,

it helps us in

- Improved transparency
- Improved accountability
- Reduce Transaction cost
- Winning the trust & confidence of people
- Good governance

# Our role



- Give wider publicity
- Proper awareness campaigns at all levels
- Percolation of information to cutting edge level
- Regular updating information and records
- Making citizens as responsible partners wherever possible

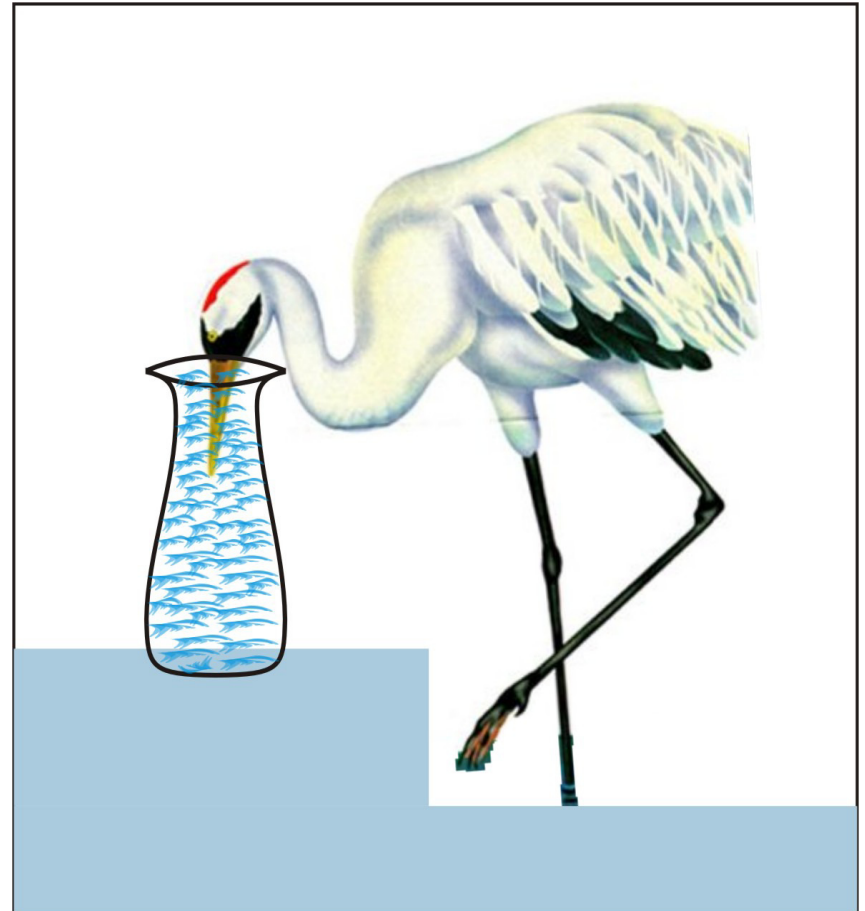
Available Information & Common Man

Proactive Disclosure

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Before



After

THANK YOU !