Right to Information Act 2005.

- Right to Information Act applies to whole of India, to both Central and State Governments.
- It came into force on 15th June 2005.
- All “Public Authorities” covered by the Act. Act does not apply to:
  - 18 Intelligence and Security Organizations of the Central Government specified in second schedule.
  - Intelligence and Security Organizations of the State Government as may be notified in the State Gazette.

As per Section 3 of the Act, all Citizens shall have the Right to Information. As per section 2 (f), Information includes records, documents, memos, e-mails, opinions, advices, circulars, log-books, contracts etc.

**Under section 2 (j) “Right to Information” includes the right to:**
- 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 Central /State Government,
- Includes any—
  (i) Body owned, controlled or substantially financed;
  (ii) Non-Government organization substantially financed, directly or indirectly by funds provided by the Central / State Government;

(1) Every public authority shall
- Maintain records–catalogued-indexed to facilitate RTI-ensure (if computerisable) - computerization- connectivity through network
- Publish facts while making policies/announcing decisions affecting people
- Provide reasons for admin./quasi-judicial decision to affected people
- Endeavor to provide info suomotu at regular intervals
- Dissemination of info widely
- Dissemination cost effective, local language, effective manner, in electronic format with PIO available free or at print cost
- Expl. – Making known through notice boards, newspapers, announcements, media, broadcast, internet, other means.

**Public Information Officers (PIOs) (Section 5)**
- Public Authority to designate PIOs in all administrative units/officers to provide information
- APIOs at sub division/sub district to receive application for information/appeals for forwarding to PIO, State PIO/Sr. officer, C.I.C./S.I.C. (5 days to be added)
- PIO to deal with requests and render reasonable assistance
- PIO to seek assistance of any officer
- Such other officer to be treated as PIO

**Duties of P.I.Os.**
- To receive applications
- To process applications
  - Received: directly or
  - Through: APIOs
- To assist a person in writing application
- To transfer application – if information sought is related to some other public authority – and inform the person
- Collect fee as prescribed/Issue receipt for application (Complete)
- If application rejected, issue written order with reasons/give details of appeal process and Appellate Authority (AA)
- Provide information in 30 days but if related to life and liberty in 48 hours.
- Ordinarily provide information in the form in which requested
• If information relates to exemptions – sever the part which is exempt and provide non-exempt portion.
• To assist sensorily disabled to access information
• If third party confidential information, give notice (in 5 days) to him seeking submission (in 10 days)

Duties of APIOs
1. To forward Information requests to P.I.O.
   Steps: 1. receiving application  
          2. checking application  
          3. personal details  
          4. contact details  
          5. details of public authority  
          6. proof of fee/BPL  
          7. wishes to receive by post  
          8. application receipt date  
          9. Collecting fee/BPL identity  
          10. Issuing receipt  
          11. Registering application  
          12. Dispatching to PIO
• To forward appeals to AA and CIC
   Steps: 1. Receiving  
          2. Checking  
          3. Issuing receipts  
          4. Registering  
          5. Dispatching

Disposal of requests (Section 7)
• Disposal – provide info/reject request – within 30 days.  
  - Information regarding life/ liberty in 48 hours.
• If fails to decide, shall be deemed to have refused.
• Decision of any further fee – intimation to person:  
  (a) The details – period to be excluded – intimation to payment.  
  (b) Information concerning his right to review the decision to include details of appellate authority, time limit, process etc.
• When person sensorily disabled, PIO to provide assistance.
• Where info in printed or electronic format, fee as prescribed to be paid – no fee from BPL (to be determined by government).
• Free of charge where public authority faild to comply within time limit.
• Before deciding, PIO to consider representation of third party.
• When request rejected, communication to person – I. Reasons  
  II. Period limit for appeal  
  III. Particulars of Appellate Authority.
• Information ordinarily be provided in the form in which sought unless it diverts resources or detrimental to the safety of record.

Request for obtaining Information (Section 6)
• Request in writing/electronic means with fee to PIO.  - If unable to give in writing PIO to assist.  
• Applicant not required to show reasons  
• Information, if held by another public authority application or part to be transferred/inform the applicant. Transfer – at earliest, maximum 5 days.  
• If third party confidential info, in 5 days notice to third party  
  – Third party to be heard in 10 days from receipt of notice, to represent;  
  – PIO to decide in 40 days 3rd party also to be informed  
  – 3rd party may appeal.

Exemption from disclosure (Section 8)
(1) Information not to be disclosed:
• Affecting sovereignty, integrity, security, strategic, scientific or economic interest, relation with foreign state or may lead to incitement of an offence.
• Forbidden to be published by court/or constitute contempt of court.
• Breach of privilege of Parliament/State Legislature.
• Commercial, trade confidence, intellectual property unless in larger public interest.
• Information available in his fiduciary relationship.
• Information confidential from foreign government.
• Disclosure may endanger life/safety of person, may identify source/assistance given in confidence for security/law enforcement.
• May impede investigation/prosecution.
• Cabinet papers – deliberations of council of ministers secretaries and other officers - material on the basis of which decisions taken/matter when complete will be disclosed.
• Personal information – no relation to public activity
  – But in larger public interest may disclose.
  – Information not denied to Parliament/Assembly shall not be denied to any person.

(2) Notwithstanding Official Secrets Act 1923 & exemption shown above – Public Authority may allow if public interest outweighs the harm.

• Subject to provisions of (a) (c) (i) info of event occurred 20 yrs back shall be provided.

**Grounds for rejection (Section 9)**
Which may involve infringement of copyright in a person other than the State.

**Severability (Section 10)**
• That part may be provided which is not exempted
• In such cases notice to applicant
  (a) Part of it being provided
  (b) Reasons for decision
  (c) Details of officer taking decision
  (d) Details of fee
  (e) His right to review, fee and other details

**Power & Functions of CIC (Section 18)**
• To receive and Inquire into a complaint
• Who has been unable to submit a request as no PIO appointed/refused request or appeal application to forward.
• Who has been refused access.
• Who has not been given a response within the time limits.
• Demanded to pay unreasonable fee.
• Given incomplete, misleading or false information.
• Any other matter.

**Initiating Inquiry**
• On satisfaction that there are reasonable grounds, it may initiate an inquiry.
• CIC shall have same powers as are vested in a civil court for:
  • Summoning and enforcing the attendance for evidence and to produce documents or things;
  • Requiring the discovery and inspection of documents;
  • Receiving evidence on affidavit;
  • Requisitioning any public record or copies;
  • Issuing summons for examination of witnesses or documents, and
  • Any other matter which may be prescribed
• During the inquiry CIC may examine any record under the control of public authority and no such record may be with-held from it on any grounds.

**Appeals (Section 19)**
• Any person who does not receive a decision within the time limit or is aggrieved by a decision of PIO, MAY WITHIN 30 DAYS from the expiry of such period or from the receipt of such a decision prefer an appeal to officer senior to PIO.
• Appeal by third party shall be made within 30 days from the date of the order.
• A second appeal within 90 days from the date on which the decision should have been made or was actually received, with the CIC.
• If appeal relates to third party, reasonable opportunity of being heard to be given.
• Onus to justify denial shall be on the PIO.
• Appeal to be disposed of within 30 days of the receipt of the appeal or within extended period not exceeding a total of 45 days from the date of filling.
• Decision of CIC shall be binding.
• CIC has the powers to:
  (a) Secure compliance of the provisions of the Act, including:-
    (i) by providing access to information;
    (ii) by appointing a PIO;
    (iii) by publishing certain information or categories of information;
    (iv) by making changes to its practices for the maintenance, management and destruction of records;
    (v) by enhancing the provision of training on the RTI for its officials;
    (vi) by providing it with an annual report;
  (b) Require the public authority to compensate the complainant.
(c) Impose penalties
(d) Reject the application
(9) The CIC to give notice of its decision, including any right of appeal, to the complainant and public authority.
(10) CIC to decide the appeal as per procedure to be prescribed.

Penalties (Section 20)
• A penalty of Rs.250/- each day till application is received (where refused to receive) or information is furnished, not exceeding Rs.25000.
• To be given a reasonable opportunity of being heard the burden of proving that he acted reasonably and diligently shall be on the PIO.
• CIC may recommend disciplinary action in case PIO has persistently failed/acted malafidly.

Miscellaneous Provisions (Section 21-31)
• Protection of action taken in good faith.
• Act to have overriding effect.
• Bar of jurisdiction of courts: But according to the Constitution, the High Courts and the Supreme Court have the power to look into any matter relating to the fundamental rights of the citizens & for doing complete justice.
• Act not to apply to certain organizations.
(1) - Intelligence and security organizations specified in II nd schedule.
- But information of corruption and human rights violations shall not be excluded but shall only be provided after the approval of the CIC and to be provided within 45 days.
(2) The Central Government may amend the II nd schedule.
• Every notification shall be laid before each House of Parliament.

Monitoring and Reporting (Section 25)
• CIC after the end of each year to prepare a report on the implementation of the Act and forward a copy thereof to the appropriate Government.
• Each Ministry to collect and provide information to the CIC AS IS REQUIRED TO PREPARE THE REPORT.
• Each report shall state –
  (a) Number of requests made;
  (b) Number of decisions where applicants were not entitled to access to the documents and the number of times such provisions were invoked;
  (c) Number of appeals referred to the CIC and the outcome.
  (d) Particulars of any disciplinary action taken against any officer.
  (e) The amount of charges collected by each public authority.
  (f) Any effort by the public authorities of administer and implement the spirit and intention of this Act.
  (g) Recommendations for reform of this Act or other legislation or common law or any other matter relevant for the operational sing the right to access information.
• Central Government after the end of each year, cause a copy of the report of CIC to be laid before each house of Parliament.

5. CIC to recommend improvement in practices of public authority.

The Second Schedule (Section 24)
• Intelligence Bureau
• Research and analysis Wing (RAW)
• Directorate of Revenue Intelligence
• Central Economic Intelligence Bureau
• Directorate of Enforcement
• Narcotics Control Bureau
• Aviation Research Centre
• Special Frontier Force
• Border Security Force
• Central Reserve Police Force
• Indo-Tibetan Boarder Police
• Central Industrial Security Force
• National Security Guards
• Assam Rifles
• Special Service Bureau
• Special Branch (CID), Andaman and Nicobar
• The Crime Branch-CID-CB, Dadara and Nagar Haveli
• Special Branch, Lakshadweep