

# THE RIGHT TO INFORMATION ACT

2005

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**Shailesh Gandhi**

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# Information

- 2 (f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;
- Information must exist

# Public Authorities

## Section 2h

“public authority” means 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,

and includes any--

- (i) body owned, controlled or substantially financed;
- (ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;”

# Right to Information

## Sec 2 (j)

- (j) “right to information” means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to--
- (i) inspection of work, documents, records;
  - (ii) taking notes, extracts, or certified copies of documents or records;
  - (iii) taking certified samples of material;
  - (iv) obtaining information in the form of 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;

CCTV footage

# **Most Important Section 3**

**Subject to the  
provisions of this Act,  
all Citizens shall have  
the Right to  
Information.**

# Section 4

## Heart of the RTI Act

- (1) Every public authority shall
  - (a) maintain all its records duly catalogued and indexed in a manner and form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;

# Every Office to have PIO

Section 5 (1) Every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as the Central Public Information Officers or State Public Information Officers, as the case may be in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act. .

# Sec 6 - Request for obtaining information

- (1) A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made,
- (2) An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.
- (3) Where an application is made to a public authority requesting for an information,-
  - (i) which is held by another public authority; or
  - (ii) the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer



# Section 7

(1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub.-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be, on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9:

Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.

# 30 day period

a) PIO receives RTI application- Day 1

After X days

b) PIO sends letter asking add. fees

30 day Clock Stops

c) Additional fees paid - 30 day clock starts

Information sent after Y days

d)  $X + Y$  less than or = 30 days

# Fundamental Right

RTI is a fundamental right of citizens under Article 19 (1) (a) of the Constitution which guarantees Freedom of speech and expression.

The only permissible restrictions are given in Article 19 (2) which permits reasonable restrictions in the *'interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence'*

# Exemption from disclosure of information – Section 8

- (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,-
- (a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
  - (b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
  - (c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

# Section 8.. Cont'd.

- (d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
- (e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
- (f) information received in confidence from foreign govt.;
- (g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

# Section 8(1).. Cont'd.

- (h) information which would impede the process of investigation or apprehension or prosecution of offenders;
- (i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:
- Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:
- Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

# Section 8(1) ... Cont'd.

- ( j ) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:
  - Provided that the information, which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.
- (2) Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with subsection (1), a public authority may allow access to information, if public interests in disclosure outweighs the harm to the protected interests.

## Section 11 (1)

Where a Central Public Information Officer or the State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure out weighs in importance any possible harm or injury to the interests of such third party.



# Section 19 - Appeal

- 1. First appeal to First appellate authority within 30 days.
- 2. For not getting information, incomplete information or wrong information.
- 3. FAA should decide in 30/45 days
- 4. If result of First appeal not satisfactory, file second appeal to the Commission within 90 days.
- 5. Section 19 (5) Onus on PIO that denial of information was justified.

# Section 20

- If information denied without reasonable cause Commission must penalise the PIO/Deemed PIO at Rs250 per day of delay, after giving an opportunity of explaining. Maximum penalty Rs. 25000. Commission can also recommend disciplinary action against the officer and compensation to be paid to applicant.

# Section 22

- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

# Appeals

RTI application-→ Information in 30 days.

If no information provided or unsatisfactory response-→

First appeal to be filed within 30 days of response or 60 days in case of no response.

First appellate authority → Hearing order within 45 days.

If unsatisfactory order or no response→

Second appeal to Commission within 90 days.

# Format of Application for Maharashtra - Can be used for Central government bodies

- Application for obtaining information under RTI Act, 2005
- The Public information Officer,
- (Name of the Office with Address)
  - (1) Full name of applicant:
  - (2) Address:
  - (3) Particulars of the information required
    - (i) Subject matter of Information: Progress of my application
    - (ii) The period to which the information relates:. Last three months.

(iii)Description of the information required:(**in150 words**)

I had given an application for a ration card on 5 August 2006 (photocopy of receipt attached). I want the following information:

1. Progress of application giving which officer had my application on which date, to whom did he forward it on which date. This will include \*there will be as many rows as the number of officers who handled the complaint.

Attested photocopies of all letters and notings will be provided.

2. I want a list of ration cards issued in the last two months giving the dates on which the applications were made and the dates on which the ration cards were issued.

(iv) Whether the information is required by post or in person: In person.

(v) In case by post: (Ordinary, Registered or Speed)

(4) Whether the applicant is below poverty line: No.

(if yes, attach the photocopy of the proof thereof.)

Place:

Date:

Signature of applicant

Enclosed: Copy of receipt of Ration card application

# Summary Maharashtra State

1. Application and appeals in specified format.
2. Application fee Rs. 10. Fees for first and second appeals Rs. 20. Most convenient way is to affix Court fee stamps. Send application/appeal by Speedpost.
3. Online RTI applications and first appeal can be filed at: [rtionline.maharashtra.gov.in](http://rtionline.maharashtra.gov.in)

Fees payment by credit card

# Summary Central Government

1. No specified format for applications and first appeals,  
- useful to use Maharashtra format.
2. Application fee Rs. 10. Most convenient to attach a  
Indian Postal Order of Rs.10/-.

COURT FEE STAMP NOT VALID.

No fees for appeals. For second appeal please check  
rules at [cic.gov.in](http://cic.gov.in)

3. Online RTI application and first appeal can be filed at  
<https://rtionline.gov.in/>





**Mera Bharat Mahaan...**



**Mera Bharat Mahaan  
... Nahi Hai,**



**Mera Bharat Mahaan...  
Nahi Hai,  
Per Yeh Dosh Mera Hai.  
shaileshgan@gmail.com**