

RIGHT TO INFORMATION ACT

It came into force on the 12th October, 2005 (120th day of its enactment on 15th June, 2005). Some provisions came into force with immediate effect viz. obligations of public authorities [S.4(1)], designation of Public Information Officers and Assistant Public Information Officers[S.5(1) and 5(2)], constitution of Central Information Commission (S.12 and 13), constitution of State Information Commission (S.15 and 16), non-applicability of the Act to Intelligence and Security Organizations (S.24) and power to make rules to carry out the provisions of the Act (S.27 and 28).

Who is covered?

The Act extends to the whole of India except the State of Jammu and Kashmir. [S.(12)]

What does information mean?

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 but does not include "file notings" [S.2(f)].

What does Right to Information mean?

- * It includes the right to - inspect works, documents, records.
- * Take notes, extracts or certified copies of documents or records.
- * Take certified samples of material.
- * Obtain information in form of printouts, diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts [S.2(i)]

What is the Application Procedure for requesting information?

- *Apply in writing or through electronic means in English or Hindi or in the official language of the area, to the PIO, specifying the particulars of the information sought for.
- * Reason for seeking information are not required to be given;
- *Pay fees as may be prescribed (if not belonging to the below poverty line category).

What is the time limit to get the information?

- * 30 days from the date of application
- * 48 hours for information concerning the life and liberty of a person
- * 5 days shall be added to the above response time, in case the application for information is given to Assistant Public Information Officer.
- * If the interests of a third party are involved then time limit will be 40 days (maximum period + time given to the party to make representation).
- * Failure to provide information within the specified period is a deemed refusal.

What is the fee?

- *Application fees to be prescribed which must be reasonable.
- *If further fees are required, then the same must be intimated in writing with calculation details of how the figure was arrived at;
- *Applicant can seek review of the decision on fees charged by the PIO by applying to the appropriate Appellate Authority;
- *No fees will be charged from people living below the poverty line
- *Applicant must be provided information free of cost if the PIO fails to comply with the prescribed time limit.

What could be the ground for rejection?

- * If it is covered by exemption from disclosure. (S.8)
- *If it infringes copyright of any person other than the State. (S.9)

The following is exempt from disclosure [S.8)] 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

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; information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

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;

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;

information received in confidence from foreign Government;

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;

information which would impede the process of investigation or apprehension or prosecution of offenders;

cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers;

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;

Notwithstanding any of the exemptions listed above, a public authority may allow access to information, if public interest in disclosure outweighs the harm

Is partial disclosure allowed?

Only that part of the record which does not contain any information which is exempt from disclosure and which can reasonably be severed from any part that contains exempt information, may be provided. [S.10]

Who is excluded?

Central Intelligence and Security agencies specified in the Second Schedule like IB, R&AW, Directorate of Revenue Intelligence, Central Economic Intelligence Bureau, Directorate of Enforcement, Narcotics Control Bureau, Aviation Research Centre, Special Frontier Force, BSF, CRPF, ITBP, CISF, NSG, Assam Rifles, Special Service Bureau, Special Branch (CID), Andaman and Nicobar, The Crime Branch-CID-CB, Dadra and Nagar Haveli and Special Branch, Lakshadweep Police. Agencies specified by the State Governments through a Notification will also be excluded. The exclusion, however, is not absolute and these organizations have an obligation to provide information pertaining to allegations of corruption and human rights violations. Further, information relating to allegations of human rights valuations could be given but only with the approval of the Central or State Information Commission, as the case may be. [S.24)]

What is the role of Central/State Governments?

Develop educational programmes for the public especially disadvantaged communities on RTI. Encourage Public Authorities to participate in the development and organization of such programmes.

Promote timely dissemination of accurate information to the public. Train officers and develop training materials.

Compile and disseminate a User Guide for the public in the respective official language.

Publish names, designation postal addresses and contact details of PIOs and other information such as notices regarding fees to be paid, remedies available in law if request is rejected etc. (S.26)

Who has the Rule making power?

Central Government, State Governments and the Competent Authority as defined in S.2(e) are vested with powers to make rules to carry out the provisions of the Right to Information Act, 2005. (S.27 & S.28)

Who has the power to deal with the difficulties while implementing this act?

If any difficulty arises in giving effect to the provisions in the Act, the Central Government may, by Order published in the Official Gazette, make provisions necessary/expedient for removing the difficulty. (S.30)