

Day 4

Module II

Implementation of RTI Regime – Roles and Responsibilities of Key Actors

Chapter 4

Appropriate Governments and Competent Authorities

Chapter Scheme

- ❑ List of Abbreviations / Acronyms.
- ❑ What is meant by an Appropriate Government (AG)?
- ❑ Responsibilities of AGs.
- ❑ What is meant by a Competent Authority (CA)?
- ❑ Responsibilities of CAs.
- ❑ Other References to AGs & CAs in 'RTI Act, 2005'.
- ❑ References.

List of Abbreviations / Acronyms

<i>AG(s)</i>	Appropriate Government(s)	<i>PAs</i>	Public Authority / Authorities
<i>CA(s)</i>	Competent Authority / Authorities	<i>PIO(s)</i>	Public Information Officer(s)
<i>APIO(s)</i>	Assistant Public Information Officer(s)	<i>RTI</i>	Right to Information
<i>IC(s)</i>	Information Commission(s)	<i>Ss</i>	Section(s)
<i>NGO</i>	Non Government Organisation	<i>u./S.</i>	under Section

What is meant by an Appropriate Government (AG)?

- ❑ Under the 'RTI Act', 2005 (unless the context otherwise specifies), an AG would be either the Central Government or a State Government.
- ❑ However, the Act defines an AG in relation to a Public Authority (PA). **[S. 2(a)(i) & (ii)]**
- ❑ Thus, for a given PA, the AG would be as depicted below:

What is meant by AG?.....II

PA:>>	AG:
<i>established, constituted owned controlled or substantially financed by funds provided directly or indirectly by the Central Government or the Union territory administration</i>	Central Government
<i>established, constituted owned controlled or substantially financed by funds provided directly or indirectly by the State Government</i>	State Government

Responsibilities of AGs...

- AG is required **u/S. 7(5)** to prescribe reasonable application fees u. S. 6(1) and reasonable fees for providing access to information in printed or in any other electronic format.
- A copy of the Report – that an Information Commission (IC) prepares at the end of each year... is to be forwarded to the AG and the AG, may, as soon as practicable after the end of each year, cause a copy of this report to be laid, as the case may, be before the two Houses of the Parliament or before one / both Houses of a State Legislature **[25(1) & (4)]**.

Responsibilities of AGs.....II

- AG may – to the extent of availability of financial and other resources, - **[S. 26(1)]**
 - develop and organise educational programmes to advance the understanding of the public, in particular of disadvantaged communities...to exercise the rights... under this Act
 - encourage PAs to participate in the development and organisation of programmes referred to mentioned above and to undertake such programmes themselves

Responsibilities of AGs.....III

- promote timely and effective dissemination of accurate information by PAs about their activities; and
- train C/SPIOs, as the case may be, of C/SPAs and produce relevant training materials for use by PAs themselves.
- AG shall, within 18 months from the commencement of the Act, compile in its official language, a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified in the Act. **[S. 26(2)]**

Responsibilities of AGs.....IV

- As per [s. 26(3)] AG shall, if necessary, update and publish the guidelines referred to in S-s. (2) at regular intervals which shall, in particular and without prejudice to the generality of S-s. (2), include—...

(a) the objects of this Act

(b) the postal and street address, the phone and fax number and, if available, electronic mail address of the C/SPIO, as the case may be, of every PA appointed under S. 5(1)

Responsibilities of AGs.....v

- (c) the manner and the form in which request for access to an information shall be made to a C/SPIO, as the case may be
- (d) the assistance available from and the duties of the C/SPIO, as the case may be, of a PA under this Act
- (e) the assistance available from the C/SIC, as the case may be
- (f) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act including the manner of filing an appeal to the IC

Responsibilities of AGs.....VI

- (g) the provisions providing for the voluntary disclosure of categories of records in accordance with S. 4
- (h) the notices regarding fees to be paid in relation to requests for access to an information
- (i) any additional regulations or circulars made or issued in relation to obtaining access to an information in accordance with the Act.

AG must, if necessary, update and publish the guidelines at regular intervals [S. 26 (4)]

Responsibilities of AGs.....VII

- AG may, by notification in the Official Gazette, make rules to carry out the provisions of this Act, which in particular, and without prejudice to the generality of the foregoing power, may provide for all or any of the following matters **[27 (1) & (2)]**:
 - (a) the cost of the medium or print cost price of the materials to be disseminated under S. 4(4)
 - (b) the fee payable under S. 6(1)
 - (c) the fee payable under S.s7(1) & (5)

Responsibilities of AGs.....VII

- (d) the salaries and allowances payable to and the terms and conditions of service of the officers and other employees under 13(6) & 16(6)
- (e) the procedure to be adopted by C/SIC, as the case may be, in deciding the appeals under S. 19 (10); and
- (f) any other matter which is required to be, or may be, prescribed.

What is meant by a Competent Authority (CA)?

Competent Authority (CA) means:

1. Lok Sabha /Legislative Assembly >
2. Rajya Sabha/Legislative Council >
3. Supreme Court >
4. High Court >
5. For Constitutional bodies >
6. For Union Territories >

Speaker
Chairman
Chief Justice of India
Chief Justice of High Court
President or Governor as the case may be
Administrator appointed under Article 239 of the Constitution

CA is required by the 'RTI Act, 2005' to make rules for implementing its provisions.

A PIO can disclose information exempt under Section 8(1), (d) & (e), if competent authority is satisfied that there is public interest in its disclosure

Responsibilities of CAs...

- CA may, by notification in the Official Gazette make rules to carry out the provisions of this Act, which... may provide for all or any of the following matters **[28 (1) & (2)]**:
 - (i) the cost of the medium or print cost price of the materials to be disseminated under section 4(4);
 - (ii) the fee payable under section 6 (1);
 - (iii) the fee payable under section 7 (1); and
 - (iv) any other matter which is required to be, or may be, prescribed

Other References to AGs & CAs in the 'RTI Act, 2005' ...

- ❑ S. 2(*g*) refers to the rule-making power / responsibility of AGs & CAs to “prescribe” about implementing the Act
- ❑ If any authority or body or institution of self-government is established or constituted by a notification issued or an order made by the AG (concerned), it is a PA **[S. 2(*h*)(*d*)]**

Other References to AGs & CAs in the 'RTI Act, 2005' ...

- A body owned, controlled or a non-Government Organisation (NGO), substantially financed, directly or indirectly by an AG is a PA **[S. 2(h)(i) & (ii)]**
- A PIO must discuss information exempt under **s. 8(1), (d) & (e)**. CA has to satisfy itself about the public interest in disclosure of such information by the PIO.

References

- 'Right to Information Act', 2005 – Bare Act. [A soft copy is available on this website. It is downloadable.](#)
- www.rti.gov.in
- www.cic.gov.in
- Websites of SIC – links to websites of certain SICs have been placed on the RTI portal (www.rti.gov.in)

End of Chapter 4

You must take the Quiz for this Chapter before proceeding to the next Chapter!