

9. Right to Information Act (RTI)

The right to Information Act 2005 which came fully into effect on 12th October 2005 is one of the most significant legislation enacted by the Parliament in India

It is a major step towards more accountable and transparent government.

RTI has been approved to provide for setting out the practical authority of right to information for citizens to secure access to information under the control of public authorities in order to promote transparency and accountability.

The Act will certainly lead to end the culture of governmental secrecy and fulfill its potential as a truly great democracy.

9.1 Definition under the act

9.1.1 "Appropriate Government" means in relation to a public authority which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly:

- (i) By the Central Government or the Union territory administration, the Central Government;
- (ii) (ii) By the State Government, the State Government.

9.2 What is Information?

- 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 -**Section 2(f)**

9.3 What is a Public Authority?

"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 organization substantially financed, directly or indirectly by funds provided by the appropriate Government;

9.4 What does Right to Information mean?

It includes the right to –

- i. inspect works, documents, records.
- ii. take notes, extracts or certified copies of documents or records.
- iii. take certified samples of material.
- iv. obtain information in form of printouts, diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts.[S.2(j)]

9.5 The RTI Act 2005 – Processes

- Application to be submitted in writing or electronically, with prescribed fee, to Public Information Officer (PIO). ,,
- Envisages PIO in each department/agency to receive requests and provide information. Assistant PIO at sub-district levels to receive applications/appeals/complaints. Forward to appropriate PIO. These will be existing officers. ,,
- Information to be provided within 30 days. 48 hours where life or liberty is involved. 35 days where request is given to Asst. PIO, 40 days where third party is involved and 45 days for human rights violation information from listed security/ intelligence agencies. ,,
- Time taken for calculation and intimation of fees excluded from the time frame. ,,
- No action on application for 30 days is a deemed refusal. ,,
- No fee for delayed response.

9.6 Responsibilities of Public Authorities

- Appointing PIOs/Asst. PIOs within 100 days of enactment (5(1)). ,,
- Maintaining, cataloguing, indexing, computerising and networking records (4(1)(a)). ,,
- Publishing within 120 days of enactment a whole set of information and updating it every year (4(1)(b)). ,,
- Publishing all relevant facts while formulating important policies or announcing the decisions which affect public (4(1)(c)).
- Providing reasons for its administrative or quasi judicial decisions to affected persons (4(1)(d)). ,, Providing information suo moto (4(2)). ,,
- Providing information to Information Commission (25(2)). ,,

- Raising awareness, educating and training (26(1)) ,,
- Compiling in 18 months and updating regularly local language guide to information (26(2) (3))

9.7 Public Awareness and Educational Program

- Develop and organize educational programmes to advance the understanding of the public, particularly the disadvantaged, to exercise right to information. ,,
- Government to: ,,
- Encourage public authorities to participate in programmes; promote timely/ effective dissemination of accurate info on activities. ,,
- Train CPIOs and produce relevant training materials – user guide and related matter.

9.8 Penalties

- 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