

Right to Information

Overview

- Right to Information Act 2005 (came into effect 12th October, 2005)
 - Extends to all of India except J&K
 - Right to information for all citizens to secure access to *information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority*
 - "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—
 - ❑ 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 form
 - Every public authority shall :
 - ❑ designate Central Public Information Officers or State Public Information Officers, to provide information as requested by the public.
 - ❑ provide as much information to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information

Accessible Information

- Organisation, functions and duties; powers & duties and directory of its officers and employees;
- Monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- Procedure followed in the decision making process; channels of supervision and accountability;
- Rules, regulations, instructions, manuals, records and norms, for discharging its functions; categories of documents held by it;
- Any arrangement that exists for consultation with the public for formulation or implementation of its policies
- A statement of the boards, councils, committees and other bodies and as to whether meetings of

Accessible Information

- A statement of the boards, councils, committees and other bodies and as to whether meetings of these bodies are open to the public, or the minutes of such meetings are accessible for public;
- Budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- The manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
- Details of recipients of concessions, permits or authorisations granted by it;
- All relevant facts while formulating important policies or decisions which affect public;
- Reasons for its administrative or quasi-judicial decisions to affected persons.

(see <http://persmin.nic.in/RTI/RTI-Act.pdf>)

Inaccessible Information

- Under sections 8 and 9 of the act, information that will not be provided under this act includes:
 - Information which will affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State
 - Information forbidden by the judiciary from being disclosed
 - Information which would harm any person
 - Information including commercial confidence, trade secrets or IP, 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;
 - Confidential information received from foreign governments
 - Information that would impede ongoing investigations
 - Cabinet papers

Procedure for obtaining information

➤ Information Request

- Request for information is to be made in writing (electronically or on paper) in English, Hindi or official regional language to the concerned Public Information Officer (PIO)
- Reasons for requesting information need not be given

➤ Fee structure:

- Request for information fee Rupees 10
- If information requested from a public authority is held by another public authority, then fee structure is as below:
 - Rupees 2 for each page copied(A4)
 - Actual copying charge for larger copies
 - Actual cost for samples/models
 - For inspection of records: no charge for 1st half hour. Rupees 5 for each subsequent block of 15 minutes
- For information requested in electronic format
 - Rupees 50 per diskette of information
- Persons below the poverty line need not pay the fee

Information Availability

- The concerned PIO shall, within 30 days of receipt of information request application, provide the information requested or reject the request under legal grounds
- If the information requested concerns the life or liberty of an individual, it shall be provided within 48 hours of receipt of request

Links

- <http://rti.gov.in>
- <http://persmin.nic.in/RTI/WelcomeRTI.htm>
- <http://persmin.nic.in/RTI/RTI-Act.pdf>