

FAQs ON RIGHT TO INFORMATION AND OBLIGATION

1. When did it come into force?

It came into force on the 12th October, 2005 (120th day of its enactment on 15th June, 2005).

2. Who is covered?

(2) The RTI Act extends to the whole of India except the State of Jammu and Kashmir.

(3) The provisions of sub-section (1) of section 4, sub-sections (1) and (2) of section 5, sections 12, 13, 15, 16, 24, 27 and 28 shall come into force at once, and the remaining provisions of this Act shall come into force on the one hundred and twentieth day of its enactment.

3. What does information mean?

Information is not an abstract concept under the RTI Act. It is conceived as being contained in any material 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. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.

4. What are the Obligations of Public Authorities?

Subject to the provisions of this Act, all citizens shall have the right to information.

(1) Every public authority shall:-

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

(b) Publish within one hundred and twenty days from the enactment of this Act:-

- (i) the particulars of its organization, functions and duties;
- (ii) the powers and duties of its officers and employees;
- (i) the procedure followed in the decision making process, including channels of supervision and accountability;
- (ii) the norms set by it for the discharge of its functions;
- (iii) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
- (iv) a statement of the categories of documents that are held by it or under its control;
- (v) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;

- (vi) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
 - (vii) a directory of its officers and employees;
 - (viii) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
 - (ix) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
 - (x) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
 - (xi) particulars of recipients of concessions, permits or authorizations granted by it;
 - (xii) details in respect of the information, available to or held by it, reduced in an electronic form;
 - (xiii) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
 - (xiv) the names, designations and other particulars of the Public Information Officers;
 - (xv) such other information as may be prescribed; and thereafter update these publications every year;
- c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;
 - d) provide reasons for its administrative or quasi-judicial decisions to affected persons.
- 2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu 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.
- (3) For the purposes of sub-section (1) every information shall be disseminated widely and in such form and manner which is easily accessible to the public.
- (4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.

Explanation:-

For the purposes of sub-sections (3) and (4), "disseminated" means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.

5. What is not open to disclosure?

The following is exempt from disclosure

- i. 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.
- ii. 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.
- iii. Information, the disclosure of which would cause a breach or privilege of Parliament or the State Legislature.
- iv. 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 public interest warrants the disclosure of such information;
- v. Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the large public interest warrants the disclosure of such information;
- vi. Information received in confidence from foreign Government;
- vii. Information, the disclosure of which would endanger the life or physical safety or any person or identify the source of information or assistance given in confidence for law enforcement or security purpose;
- viii. Information which would impede the process of investigation or apprehension or prosecution of offenders;
- ix. Cabinet papers including records of deliberations of the council of Ministers, Secretaries and other officers;
 Provided that the decision 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:
 Provide further that those matters which come under the exemptions specified in this section shall not be disclosed.
- x. 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;
- xi. Notwithstanding any of the exemption listed above, a public authority may allow access to information, if public interest in disclosure out weights the harm to the protected interest.

6. 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 served from any part that contains exempt information, may be provided.

7. Who are Public Information Officers (PIOs)?

PIOs are officers designated by the public authorities in all administrative units or offices under it to provide information to the citizens requesting for information under the Act. Any officer, whose assistance has been sought by the PIO for the proper discharge of his or her duties, shall render all assistance and for the purpose of contraventions of the provisions of this Act, such other officer shall also be treated as a PIO.

8. What are duties of a PIO?

- PIO shall deal with requests from persons seeking information and where the request cannot be made in writing, to render reasonable assistance to the person to reduce the same writing.
- If the information requested for is held by or its subject matter is closely connected with the function of another public authority, the PIO shall transfer, within 5 days, the request to that other public authority and inform the applicant immediately.
- PIO may seek the assistance of any other officer for the proper discharge of his/her duties.
- PIO, on receipt of a request, shall as expeditiously as possible, and in any case within 30 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.
- Where the information requested for concerns the life or liberty of a person, the same shall be provided within forty eight hours of the receipt of the request.
- If the PIO fails to give decision on the request within the period specified, he shall be deemed to have refused the request.
- Where a request has been request has been rejected, the PIO shall communicate to the requester –(i) the reasons for which rejection, (ii) the period within an appeal against such rejection may be preferred, and (iii) the particulars of the Appellate Authority.
- PIO shall provide information in the form in which it is sought unless it would disproportionately divert the resources of the Public Authority or would be detrimental to the safety or preservation of the record in question.
- If allowing partial access, the PIO shall give a notice to the applicant, informing;
 - (a) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;
 - (b) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;
 - (c) the name and designation of the person giving the decision;
 - (d) the details of the fees calculated by him or her and the amount of fee which is required to deposit; and
 - (e) his or her rights with respect to review of the decision regarding non disclosure of part of the information, the amount of fee charge or the form of access provided. If information sought has been supplied by third, or is treated as confidential by the

third party, the PIO shall give a written notice to the third within 5 days from the receipt of the request and take its representation notice into consideration. Third party must be given a chance to make a representation before the PIO within 10 days from the date of receipt of such notice.

9. What is the Application Procedure for requesting information?

- 1) 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.
- 2) Reason for seeking information are not required to be given;
- 3) Pay fees as may be prescribed (if not belonging to the below poverty line category).

10. What is the time limit to get the information?

- 1) 30 days from that date of receipt of the application.
- 2) 48 hours for information concerning the life and liberty of a person
- 3) 5 days shall be added to the above response time, in case the application for information is given to Assistant Public Information Officer/another Public Authorities.
- 4) If the interests of a third party are involved then time will be 40 days (maximum period + time given to the party to make representation).
- 5) Failure to provide information within the specified period is a deemed refusal.

11. What could be the ground for rejection?

- 1) If it is covered by exemption from disclosure.
- 2) If it infringes copyright of any person other than the State.

1. Who are the Appellate Authorities?

- 1) **First Appeal**: Before the First appellate Authority under Section 19 (1) who is senior in rank to the PIO in the concerned Public Authority within 30 days from the expiry of the prescribed time limit or from the receipt of the decision (delay may be condoned by the First Appellate Authority if sufficient cause is shown).
- 2) **Second Appeal**: Second appeal to Central Information Commission or State Information Commission as the case may be, within 90 days of the date on which the decision was given or should have been made by the First Appellate Authority. (Delay may be condoned by the Commission if sufficient cause is shown).
- 3) Third Party appeal against PIO's decision must be filed within 30 days before first Appellate Authority; and, within 90 days of the decision on the first appeal, before the Chief Information Commission which is the second appellate authority.
- 4) Burden of proving that denial of Information was justified lies with the PIO.
- 5) First Appeal shall be disposed of within 30 days from the date of its receipt. Period extendable by 15 days if necessary.
- 6) No time limitations has been mention for the disposal of the 2nd appeal.