

RIGHT TO INFORMATION GUIDE-3



What should you know?



Right to Information Advocacy & Research Centre

CONSUMER RIGHTS EDUCATION & AWARENESS TRUST (CREAT)

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The Right to Information (RTI) Act, 2005 has come into effect from 12th October 2005. It is applicable to the whole of India except the state of Jammu & Kashmir. The objective of RTI Act is to promote transparency, contain corruption, facilitate easy access to information for the public and ensure citizens participation in administration. In other words RTI Act seeks to improve the quality of Governance. For a common man RTI Act is another tool to obtain information about the services available, the eligibility conditions and the status of his complaint/grievance.

What is covered?

The RTI Act is applicable to all bodies or institutions of self-government established or set up by or under the Constitution or under other Acts made by Parliament or by a State Legislature or by notification or order issued by the appropriate Government. In other words the RTI Act covers all departments of State and Central Government, Union Territories, local bodies like City Municipal Councils, Corporations, Jilla Panchyat, Taluk Panchyat and Gram Panchyat.

Government Schools, colleges and aided institutions, Government hospitals, Police stations, Nationalized banks and Non-Governmental Organisations (NGOs) which are substantially financed by the Government also come under the purview of RTI Act. Those bodies covered under the RTI Act are called PUBLIC AUTHORITIES.

What is information?

Information is any material in any form. It includes records, documents, memos, e-mails, 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.

Whom to ask for information?

Every Public Authority will have designated Public Information Officers (PIO). You have to apply to the respective PIO for information. As per the Government directives, the names and address of the PIOs in a public authority as well as their contact information should be provided at the authority's website. It shall also be displayed on the notice boards.

Who can seek information?

Every Indian citizen has the right to seek information. However if an application is made by an employee or office bearer of any corporation, association, company, NGO etc. who is also a citizen of India, information shall be supplied to him/her, provided the applicant gives his/her full name. In such cases, it will be presumed that a citizen has sought information at the address of the corporation, NGO etc.

When you can ask?

You can ask if you need information on Government activity, government's reasons for certain decisions, information on suspected corruption and to suggest certain improvements. You can also ask when your complaint or grievance is not resolved within a reasonable time.

What you can ask?

Apart from information you can also ask for inspection of works, documents and records. You can take notes, extracts, certified copies of documents/records. You have the right to take certified samples of materials, information on discs, floppies, tapes, video cassettes or any other electronic mode. You have the right to take computer printouts of information.

However the Public Authority is not supposed to create information or to interpret information or solve the problems raised by the applicant or to furnish replies to hypothetical questions. Only such information can be had under the RTI Act which already exists with the public authority.

How to ask?

You can ask information either in writing to the Public Information Officer (PIO) of a department or through email. Though each of the States may have prescribed a format of the application, it is not compulsory. Application can be made on a plain paper in writing in English or Hindi or in the official language of the area in which the application is made.

What should the application contain?

Your application should be addressed to the concerned PIO and contain your name, address, telephone number and email (if available) and the information you require. The year to which the information pertains should be included. The application should also give the details of the application fee paid. Finally it should have your signature, date and place.

Should you indicate the reason for request?

No. You need not reveal why you require the information.

Does it cost money to obtain information?

Yes. Depending on the rules framed by your State Government you will have to pay the application fee and additional fee for the information. In Karnataka the application fee is Rs. 10 and Rs.2 per page of A3/A4 size for the information. The PIO will decide the amount for larger size papers and for samples and models. Wherever information can be provided on a floppy or a disc the charge will be Rs.50 per disc or floppy. Similarly separate fee is prescribed for inspection of files. However no charge be paid for the 1st hour of inspection.

Is there any exemption from payment of fees?

YES. If you are belonging to Below the Poverty Line (BPL) you need not pay the application fee. If the information you are seeking is up to 100 pages, it will be provided free of cost. In excess of 100 pages will be charged at rates applicable to

other category of applicants. In case information is provided beyond the time limits specified in the RTI Act all applicants are eligible to get the information free of cost

When will I get the information?

The information you seek from the PIO has to be provided or refused within 30 days from the date of application, 48 hours for information concerning the life and liberty of a person. Five days shall be added to this time, in case the application for information is given to Assistant Public Information Officer. If the interest of a third party is involved the time limit is 40 days.

Is appeal against PIO allowed?

In case you fail to get information within the prescribed time limit or is not satisfied with the information furnished you may prefer an appeal to the First Appellate Authority who is an officer senior in rank to the PIO. The appeal should be filed within 30 days from the date on which the limit of 30 days of supply of information is expired or from the date on which the information or decision of the PIO is received. No money is required for preferring an appeal.

If the First Appellate Authority fails to pass an order or if you are dissatisfied with the order of the first appellate authority you may prefer a Second Appeal with the Central or State Information Commission as the case may be, within 90 days from the date on which the decision should have been made or was actually received.

What should the Appeal Application contain?

The Appeal can be on a plain paper containing your name, address, number given to your earlier application, name and address of the PIO, particulars of the decision against which information was denied, date of application and reasons for appeal. It may also contain the relief sought and a verification statement by the appellant.

When can the PIO refuse information?

You may not be given the information if (a) it affects the sovereignty, integrity, security, scientific or economic interest of a state etc (b) it is expressly forbidden by the law or a tribunal (c) it may cause breach of privilege of Parliament or State legislature (d) includes commercial confidence, trade secrets or intellectual property (e) available to a person in his fiduciary relationship (f) received in confidence from a foreign government (g) it impedes investigation procedures (h) cabinet papers (i) personal information.

However, the PIO may provide the above information if public interest in disclosure outweighs the harm to the protected interests.

What are the other reasons for refusal of information?

In addition to the above a PIO may refuse information (a) if it is too general in nature. In such a case the PIO has to assist you in reframing the question (b) if the volume of information required that it is to be retrieved or processed would involve an unreasonable diversion of the resources of a public authority and would adversely interfere with the functioning of such authority (c) relates to information that is contained in published material available to public or is likely to be published within 30 days of the receipt of such an application (d) relates to information which would cause unwarranted invasion of the privacy of any persons, or (f) if it infringes the copyright of any person other than the State.

Will the defaulting PIO penalized?

YES. If a PIO fails to furnish the information or fails to communicate the rejection order within the time specified or does not give the particulars of the appellate authority, the PIO shall be liable to pay a penalty of Rs.250 per day for each day of delay, subject to a maximum of Rs.25000. The Information Commission may also recommend disciplinary action against the PIO concerned.