

Right to Information Act, 2005

What is RTI?

- RTI stands for the Right to Information.
- Right to Information is a fundamental right under Article 19(1) of the Constitution.
- Right to Information Act 2005 empowers every citizen to :-
 - Ask any questions from the Government or seek any information
 - Take copies of any government documents
 - Inspect any government documents.
 - Inspect any Government works
 - Take samples of materials of any Government work.

How RTI can be used?

RTI can be used to get information from government, public bodies etc. As stated before one can ask for copies of documents, information, status of a matter, etc. For example one can ask the Income Tax Department the status of their refund, or the passport office the status of their passport application etc.

Are Private Bodies Covered?

All private bodies, which are owned, controlled or substantially financed by the Government, are directly covered. Others are indirectly covered. That is, if a Government department can access information from any private body under any other Act, the same can be accessed by the citizen under the RTI Act through that government department.

Submitting Applications

Applications have to be submitted with a PIO (Public Information Officer) or an APIO (Assistant Public Information Officer).

Application Fee

For Central Government Departments, it is Rs 10. Different states have prescribed different fee. For getting information, it is Rs 2 per page for information provided of Central Government Departments. Similarly, there is a fee for inspection of documents. The fee can be deposited in cash or through a DD or banker's cheque or postal order drawn in favor of that public authority.

Effectiveness

If concerned officer does not provide information in time, a penalty of Rs 250 per day of delay can be imposed by the Information Commissioner on him. If the information provided is false, a penalty of a maximum of Rs 25000 can be imposed. A penalty can

also be imposed for providing incomplete information or for rejecting an application for malafide reasons.

How to apply for information

Draft the application on a normal sheet of paper like an ordinary application and submit it by post or in person to the Public Information Officer (PIO). Many states, some ministries and departments have issued their own formats.

Time Limit for receiving information

If an application is filed with the PIO, information must be received within 30 days. If application has been filed with Assistant PIO then information has to be made available within 35 days. If the matter to which the information pertains affects the life and liberty of an individual, information has to be made available in 48 hours.

Is reason necessary?

No one is required to give any reasons or additional information other than their contact details (i.e. Name, Address and Phone No).

Can PIO refuse to accept an application or to give information?

The PIO can not refuse to accept application for information under any circumstances. Even if the information does not pertain to his/her department/jurisdiction, she/he has to accept it. If the application does not pertain to that PIO, he will have to transfer it to the right PIO within 5 days.

A PIO can refuse information on 11 subjects that are listed in section 8 of the RTI Act. There is a list of 18 agencies given in second schedule of the Act to which RTI Act does not apply. However, they also have to give information if it relates to matters pertaining to allegations of corruption or human rights violations. Under Section 10 of the RTI Act, access may be provided to that part of the record which does not contain information which is exempt from disclosure under this Act.

What if information is not received?

If no information is received or information received is not satisfying, an appeal can be filed. No fee has been prescribed for first appeal. However, some state governments have prescribed a fee.

RTI Issues

- It should be noted that in RTI application one cannot ask 'why', one can't seek an opinion or views, but can seek only the information.

- The applicant should clearly identify and specify the information required by him, so that the information can be furnished to him. The views and opinions of the PIO, which does not exist in any material form, should not be asked for.

Disclaimer :

The information contained in this write up is to provide a general guidance to the intended user. The information should not be used as a substitute for specific consultations. We recommend that professional advice is sought before taking any action on specific issues.