



Right to Information Act 2005

➤ What is Information

Any material in any recorded form is information.
It also includes information relating to any private body which can be accessed by a public authority

[Sec 2(f)]

Inspection of record / documents is information

File Noting is information

By or under the Constitution
By any other law made by the Parliament
By any other law made by the State Legislature
By Notification issued or order made by the appropriate Government.

Any authority/body/
institution of self
government
established or
constituted

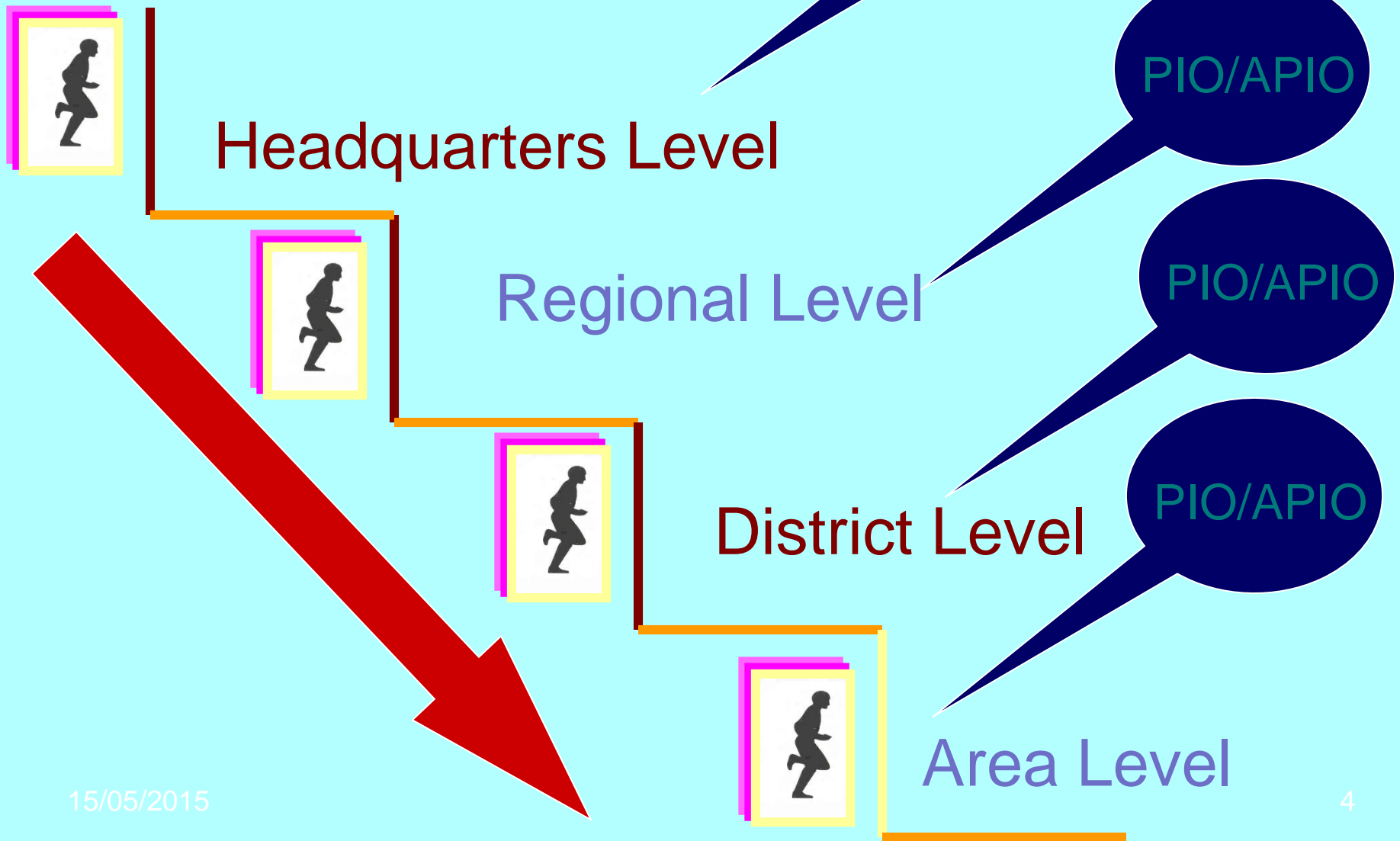
Includes

**PUBLIC
AUTHORITY**

Section
2 (h)

Body owned, controlled or substantially financed,
Non- Government Organization substantially
financed. Directly or indirectly by funds provided
by the Appropriate Government.

LEVELS OF ORGANIZATION



Who can apply seeking information

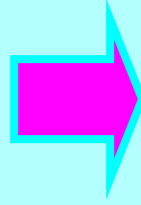
Any citizen has a right to information

[Sec 6(1)]

Does it include an advocate / authorized representative claiming to seek information on behalf of somebody else ?



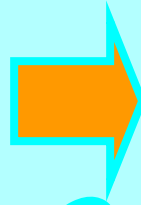
Inspection of work, documents and records



Taking notes, extracts or certified copies of documents and records.



Taking certified samples of material.



Obtaining information in the form of diskettes, floppies, tapes, video cassettes or any other electronic mode or through printouts where such information is stored in a computer or in any other device.

RIGHT?

Information

Information

Information

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Information

Designate

PUBLIC AUTHORITY

Information

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Information

Information

Information

15/05/2015

Information

Section 5(1)

PUBLIC INFORMATION OFFICER

Section 5(2)

**ASSISTANT PUBLIC INFORMATION
OFFICER**

Section 19 (1)

APPEAL LATE AUTHORITY

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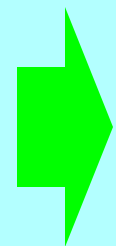
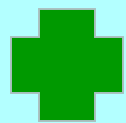
Public Authority

Section 6(1)

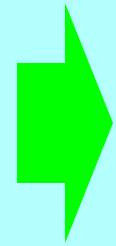


CITIZEN

Application



PIO



APIO

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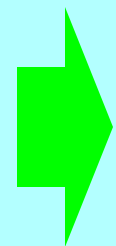
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Section 6(1)

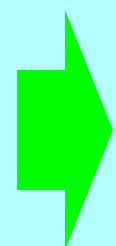


**BPL
CITIZEN**

Application



PIO



APIO
APIO

❖ If the information sought relates to other public authority, the application shall be transferred to such other public authority within 5 days under intimation to the applicant

[Sec 6(3)]

PIO is statutorily responsible to furnish information

[Sec 5(1)]

- **APIO is statutorily responsible to receive application for information and appeals and forward the same to the concerned authority**

[Sec 5(2)]

- **APIO is not subordinate / assistant to PIO to furnish information**

- PIO can seek assistance of any other officer in discharge of his duties

[Sec 5(4)]

- Such other officer is *bound* to render assistance.

- Such other officer would be treated as PIO if he contravenes provisions of the Act

[sec 5(5)]

- Applicant shall *specify* particulars of information sought.

[Sec 6(1)]

- Application must accompany application fee

[Sec 6(1)]

- He is *not required to state reasons* for asking information

[Sec 6(2)]

- Information shall either be furnished or rejected *within 30 days*. Otherwise it would be *deemed to have been refused*.

[Sec 7(1)]

- If it relates to other public authority 30+5 days
- If it relates to 3rd party 30+10 days

- Specify the charges in details in regard to furnish information

[Sec 7()]

- Below Poverty Line not required to pay any fee / charge

[Sec 7()]

- Provide information *free of charge* if 30 day period is over

[Sec 7()]

Section 7(1)

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Public Authority



CITIZEN

Further Fee for giving information

Section 7(1)

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Public Authority

PIO



BPL
CITIZEN



➤ **If the application is rejected**

- Cite reasons for such rejection
- Period within which appeal can be preferred
- Particulars of appellate authority

[sec 7(8)]

What is NOT information?

- (1) Opinion, Explanation, Comments etc of PIO is not information
- (2) Don't create information. Furnish information *as it exists*

Contd.

(3) Future Course of Action is not information

(4) Reason even if recorded is not information as it is not covered in definition

[Sec 2(f)]

(5) Reason is information to the person affected. Once a decision has been taken and the reason is recorded.

[Sec 4(1)(fd)]

Exemption Clauses

- a) Prejudicial to sovereignty, integrity, security, strategic interest of India, relation with foreign state or may lead to incitement of an offence
- b) Forbidden by court or Tribunal or may constitute contempt of court
- c) Breach of privilege of Parliament or Assembly

Contd.

- d) Commercial confidence, trade secret or intellectual property
- e) Fiduciary relationship
- f) Information received in confidence from foreign government
- g) If disclosure may endanger life or physical safety or identify source of information

Contd.

h) If impedes process of investigation

i) Cabinet Papers

j) Personal information intruding into privacy of individual with no public interest involved

Read the clause as a whole along with the proviso

Contd.

- ❖ If no material information is sought or if the query is not covered by definition of information
- ❖ Information which attracts copy right Act
- ❖ If the information is so voluminous that it would disproportionately divert resources.

[Sec 9]

❖ If the safety / security of the document is jeopardize

❖ If it attracts the provision of Sec 24(4)

[Sec 7(9)]

➤ Public interest shall override exemption clauses

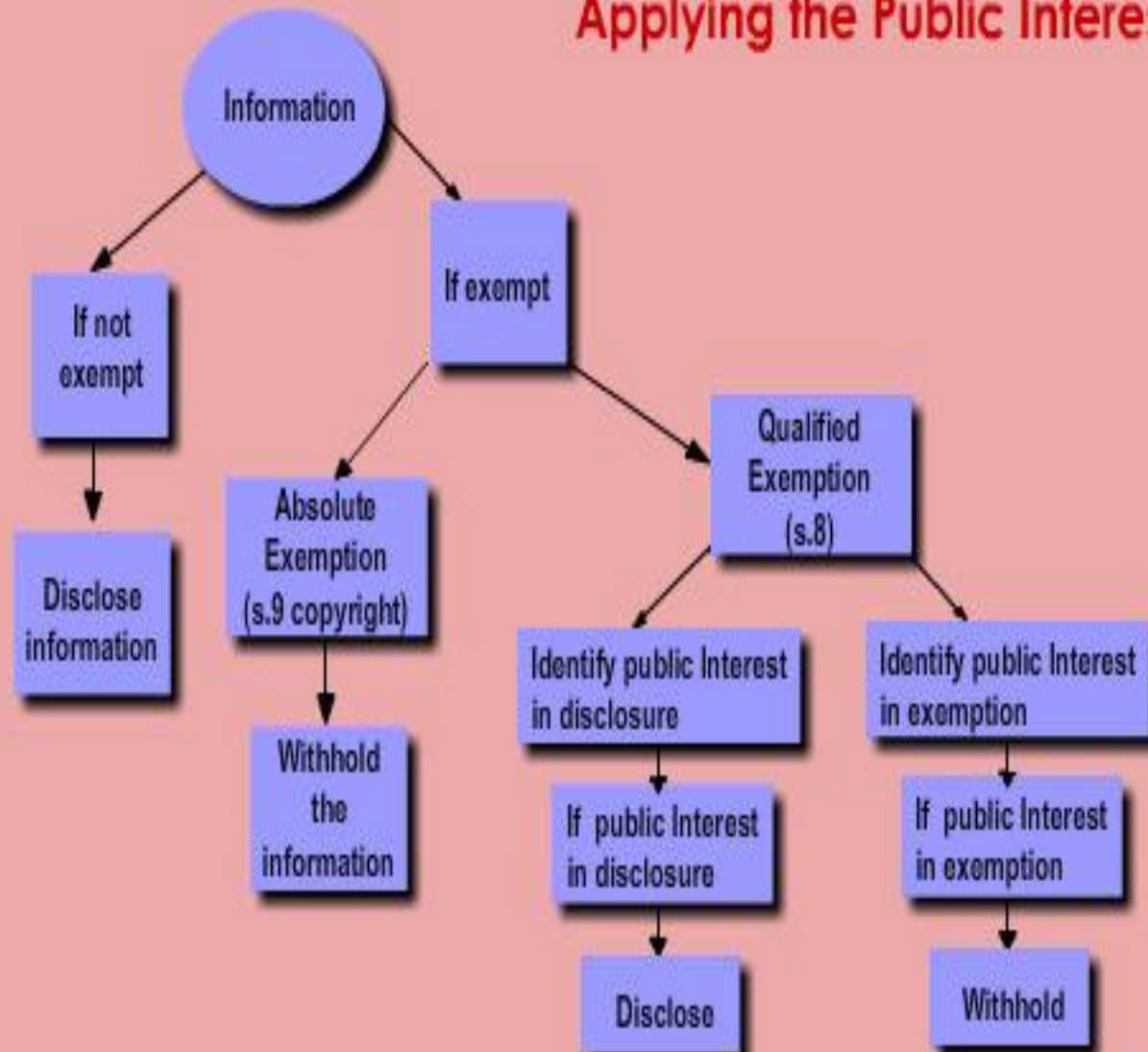
[sec 8(2)]

➤ Information more than 20 years old shall not attract exemption clauses except (a) (c) and (i)

[sec 8(3)]

Contd.

Applying the Public Interest test

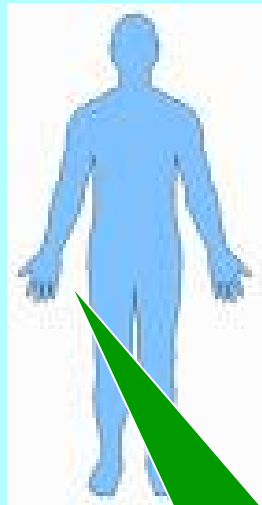


❖ Part information may be provided severing the exempted portion

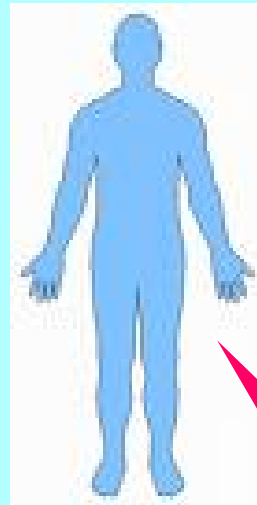
[sec (10)]

**A person other than the Citizen
making a request for information
and includes a public authority**

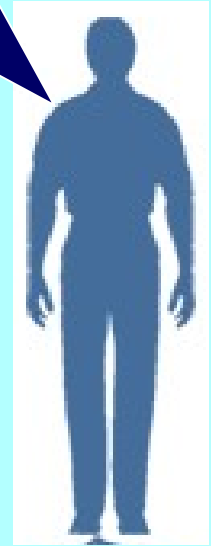
Section 2 (n)



First Party



Second Party



Third Party

**The person submitting
an application or
appeal**

**The Public Authority
responsible for
processing the
application**

3rd Party Information

[sec (11)]

- Conditions when 3rd party shall be contacted
 1. Intention of the public information officer to disclose
 1. Information relates to or supplied by 3rd party
 2. Treated as confidential by the 3rd party
- Ask the 3rd party within 5 days to submit his views within 10 days

- Public information officer ***shall keep in view*** such submission while deciding disclosure. Disclose the information if larger public interest

2



SECOND APPEAL [90 DAYS]

STATE INFORMATION
COMMISSION

1



FIRST APPEAL [WITHIN 30 DAYS]

AN OFFICER SENIOR
IN RANK OF PIO

INFORMATION PROVIDER

Public Authority
PUBLIC INFORMATION
OFFICER



2 STEP APPEAL

- Appellate Authority must dispose appeal within 30/45 days. Preferably by issuing a speaking order

[Sec19(1)]

[Sec19(6)]

- Decision of Commission is final and binding No Review

[Sec 19(7)]

Penalty @ Rs. 250 per day if

- Refused to accept application.
- Information not furnished within 30 days
- Malafidely denied the request
- Knowingly given incorrect, incomplete or misleading information
- Destroyed information
- Obstructed in furnishing information

[sec 20(1)]

(Contd..)

➤ Disciplinary action for perennial defaulters

[sec 20(2)]

➤ RTI Act has overriding effect notwithstanding anything contained.

[Sec(22)]

➤ Bar from jurisdiction of court

[Sec(23)]

A few suggestions

- Don't Refuse RTI application **[Sec 18]**
- Must attend hearing if summoned by the Commission **[sec 18(3)]**
- Must furnish reply to letter / Show cause issued by Commission within time **[sec 18(3)]**
- In case of confusion it is better to furnish

WEBSITE

Given below relevant websites

Website : wbic.gov.in, cic.gov.in

THANK YOU