

# Use of RTI

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# Right to Common Man



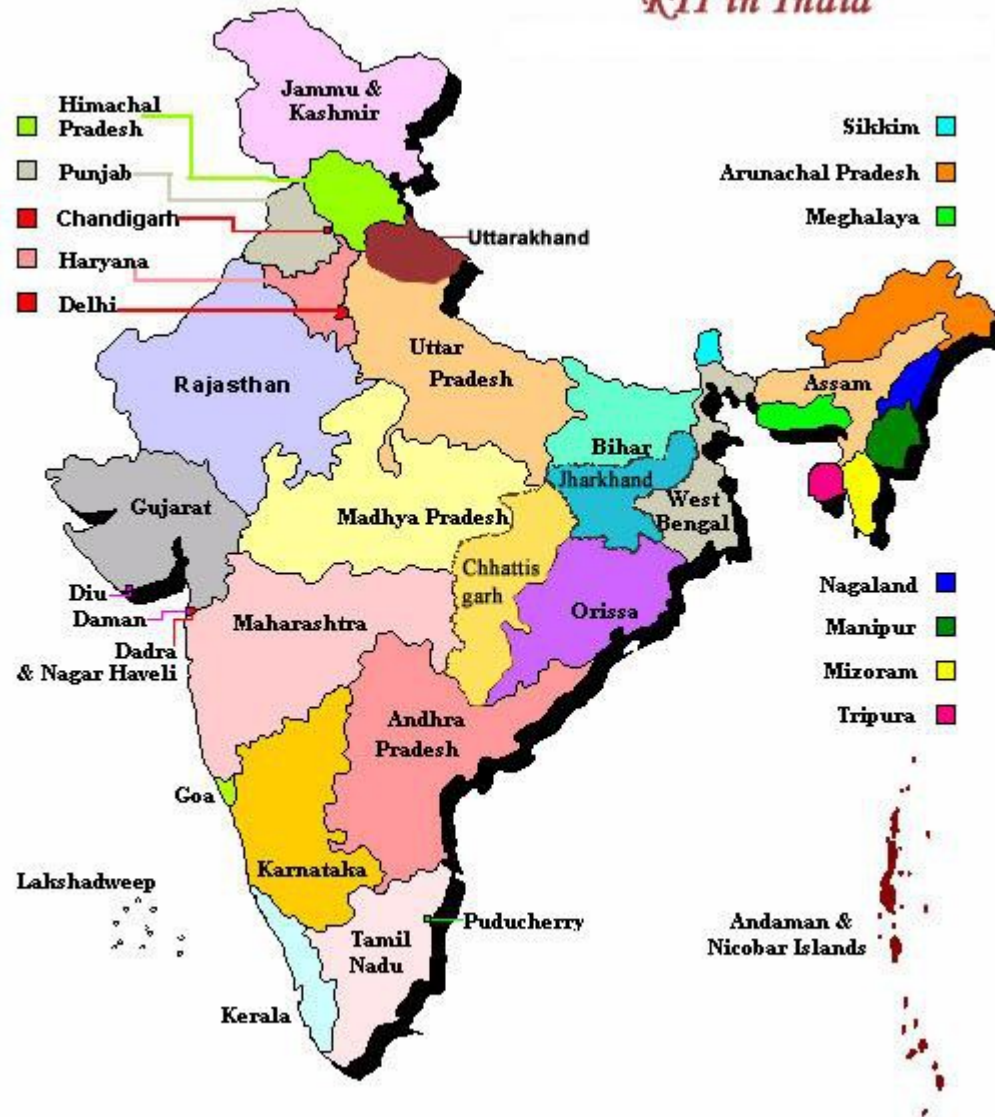
# Introduction

- Purpose
- Transparency and accountability
- Applies to the whole of India except J&K
- Official Secrets Act, 1923 [s.22]
- Enacted on 15 June 2005. Came into force on 12 October 2005.
- The Act contains 6 chapters and 31 sections with 2 schedules

# Need for RTI Act

- ❏ Fundamental Right
- ❏ Every citizen will have access to information
- ❏ Easy Access to Information
- ❏ Minimize Corruption

## RTI in India



# States having their own RTI Rules

Andaman & Nicobar Islands, Andhra Pradesh, Arunachal Pradesh , Assam, Chattisgarh, Daman & Diu, Goa, Gujrat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerla, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Orissa, Punjab, Rajasthan, Sikkim, Tamilnadu, Tripura, Uttar Pradesh

# Methodology

- ① Identify the public authority which holds the information
- ② Identify who to submit application to within the public authority
- ③ Draft a clearly focused application maximum 500 words
- ④ Submit your application

# Obtaining Information

1. Receive request
2. Payment of fee
3. SPIO solicit assistance
4. Provide information



# Stipulated Time

- 48 hours [S. 7(1)]
- 30 days [S. 7(1)]
- 35 days [S. 5(2)]
- 40 days [S. 11(3)]
- Failure to provide information in stipulated time is deemed refusal [S. 7(2)]

# Fees

- Determination of fee
- Below poverty line [s. 7(5)]
- Additional fee to be paid
- Fee when response is delayed [s. 7(6)]
- Mode of Payment of fee – Cash, DD, PO, Court Fee Stamp, Non Judicial Stamp, Treasury Challan,

# Definition of 'Information' [S.2(f)]

"information" means any material in any form, including

- Records
- Documents
- Press Releases
- Circulars
- Log Books
- Papers
- Memos
- Opinions
- Advices
- Orders
- Contracts
- Samples
- Models
- Emails
- Data in electronic form
- info related to any private body

# Definition of 'Record' [S. 2(i)]

"record" includes

- a) any document, manuscript and file
- b) any microfilm, microfiche and facsimile copy of a document
- c) any reproduction of image or images embodied in such microfilm (whether enlarged or not)
- d) any other material produced by a computer or any other device

# Definition of 'Right' [S. 2(j)]

"right to information" includes the right to

- i. inspection of work, documents, records
- ii. taking notes, extracts or certified copies of documents or records
- v. certified samples of material
- vi. diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device

# *Obligations of Public Authorities*

[S.4]

1. Catalogue, index and computerised records [s. 4(1)]
2. Publish within 120 days (Oct 12)
  - Particulars of organisation, powers and functions of officers and employees, rules regulations, instructions, manuals

# Obligations of Public Authorities



- Categories of documents
- Budget
- Subsidy programs
- Designate State Public Information Officers
- Constant Endeavour to provide information *suo moto*

# Third Party Information

- Other public authority [s. 6(3)]
- Any other entity owned, controlled, or substantially financed by government [s. 11(1)]
- Any other private entity with its permission



# Exemptions [S. 8]

- a) affects the sovereignty and integrity of India
- b) forbidden by any court of law or tribunal
- c) breach of privilege of Parliament or the State  
Legislature
- d) information related to agencies mentioned in  
the Second Schedule of the Act

# Exemptions....

- e) Commercial confidence, trade secrets or intellectual property
- f) Information from a foreign government
- g) Cabinet papers including records of deliberations of the Council of Ministers, Secretaries or prosecution of offenders
- h) Information which relates to personal matters, the disclosure of which has no bearing on any public activity or interest

# Partial Information [S. 10]

Partial information shall be given along with

- a) The reasons for the decision
- b) The name and designation of the person giving the decision
- c) Details of the fees calculated
- d) Right of the petitioner w.r.t. review of the decision

# Rejection [S. 7(8)]

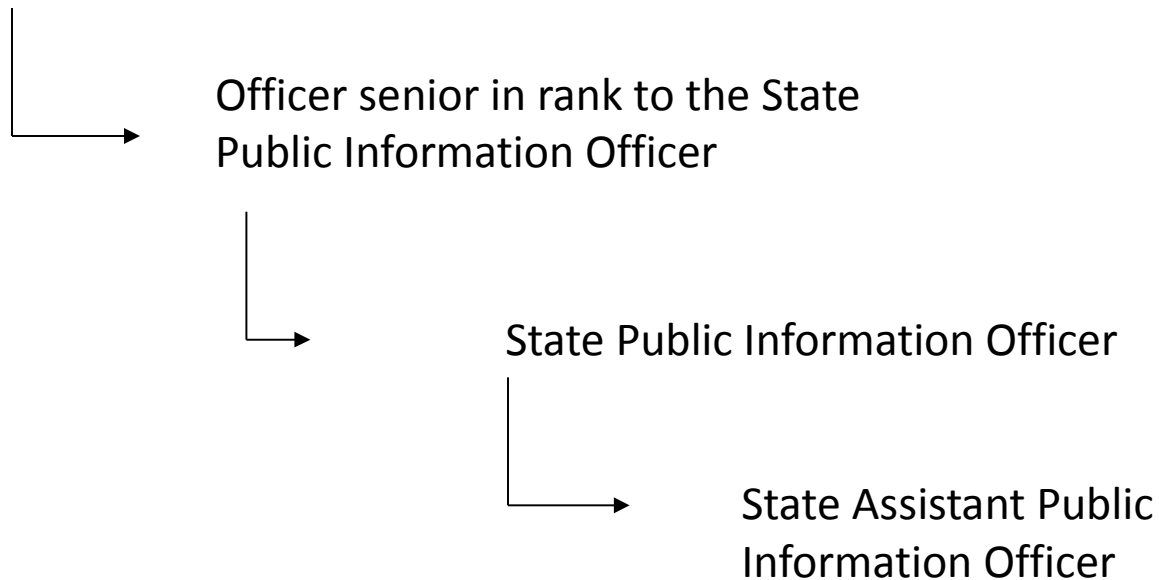
1. The reasons for such a rejection
2. The period within which an appeal against such a rejection may be preferred
3. The particulars of the appellate authority

# State Information Commission

- Every State Gov shall constitute the SIC [s. 15(1)]
- Process of constitution

# Information Officer Hierarchy

## State Information Commission



# Appeals

- First Appeal [s. 19(1)]
  - ✓ With the officer senior in rank to the State Public Information Officer
  
- Second Appeal [s. 19(3)]
  - ✓ With the State Information Commission

# Reasons for Appeal [s. 18(1)]

1. No Information officer available
2. Request refused
3. No response from the officer
4. Unreasonable fee charged
5. Incomplete, misleading or false information
6. Incorrect information produced



# Powers of State Information Commission

- Burden of proof on the IO [S. 20 (1)]
- Fine [S. 20(1)]
- Disciplinary action [S. 20(2)]

# Penalty Provisions (S20)

Penalty of Rs.250 per day up to maximum Rs.25,000 for:

- ⦿ Not accepting the application
- ⦿ Delaying information release without reasonable causes
- ⦿ Malafidely denying information
- ⦿ Knowingly giving incomplete, incorrect, misleading information
- ⦿ Destroying information that is requested

# Reports

- Annual report [S. 25(1)]
- Guide in official language [S. 26(2)]

# Some recent Issues

- ① Hon. PM of India Dr. Manmohan Singh said  
“This important legislation should not be only  
about criticizing, ridiculing and running down  
public authorities.
- ① RTI applications to RTO – decision of removal of  
dark films from the car windows.
- ① In gujrat a small village SALDI, could get their

# Some recent Issues

- One person asked for information related to one particular police station in a state. He got information from almost all the police stations in that state on particular issue.
- Lot of government departments don't answer the RTI application and also don't answer the first appeal.

# Some recent Issues

- Yale University study on RTI at Delhi slum for ration card issue.
- Previous CIC Mr. Shailesh Gandhi said that the government officers are spending only 4.6% of their time on RTI whereas the Hon. Supreme Court has said almost 75% of the time is spent by Government officers on RTI.

# Useful Websites

- ① [www.rti.gov.in](http://www.rti.gov.in)
- ① <http://right2information.wordpress.com>
- ① [www.cic.gov.in](http://www.cic.gov.in)
- ① [www.persmin.nic.in](http://www.persmin.nic.in)
- ① [www.freedominfo.org](http://www.freedominfo.org)
- ① <http://rti.aidindia.org>
- ① [www.rti.gov.in](http://www.rti.gov.in)
- ① [www.cic.gov.in](http://www.cic.gov.in)
- ① [www.humanrightsinitiative.org](http://www.humanrightsinitiative.org)
- ① [www.parivartan.com](http://www.parivartan.com)

# Right to Common Man??





Thank you !