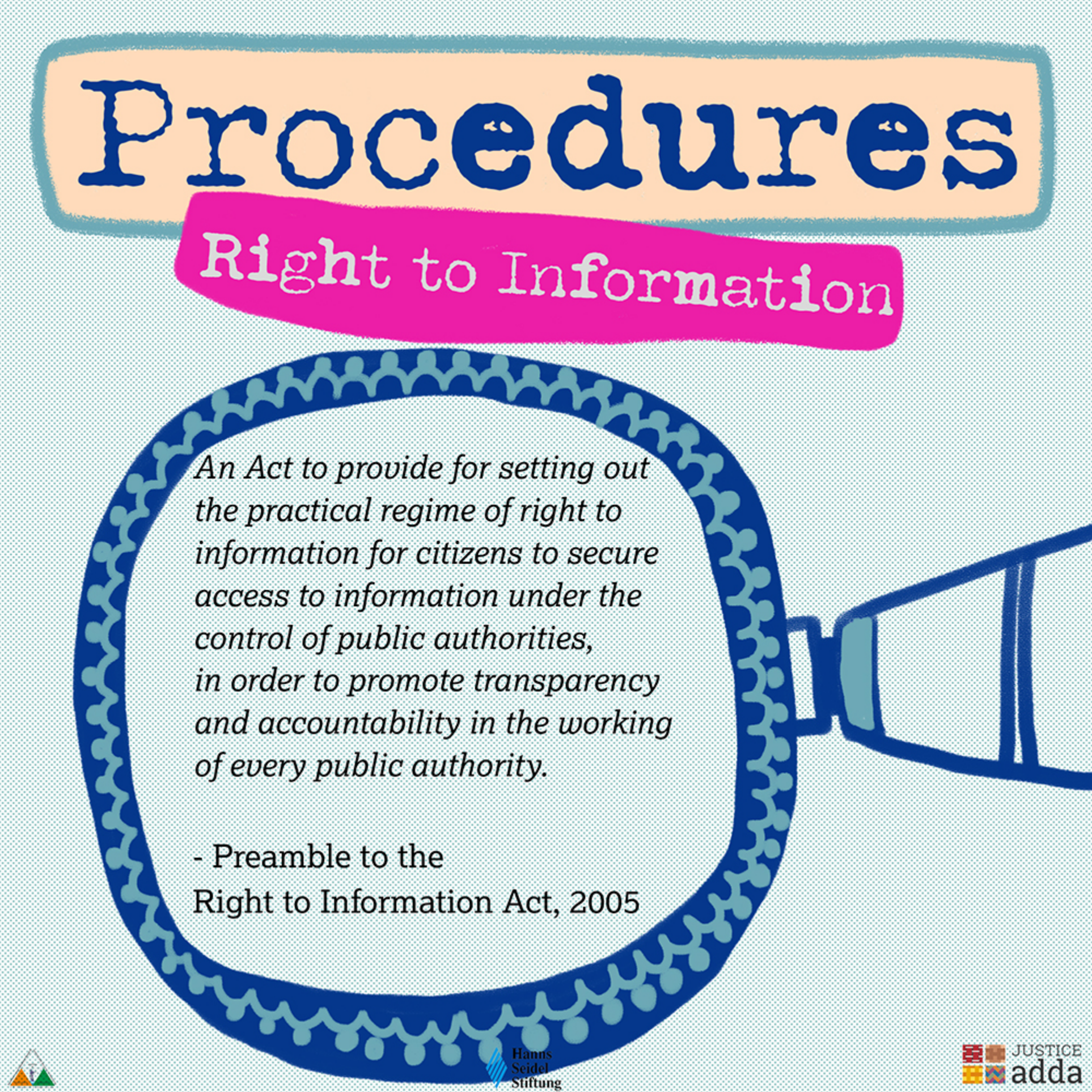
Procedures

Right to Information

An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority.

- Preamble to the
Right to Information Act, 2005



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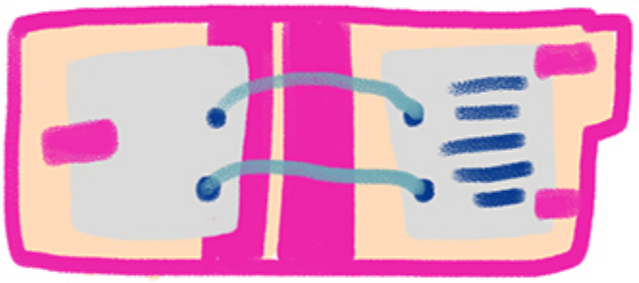
Objects :

The Right to Information Act was passed keeping in mind a few core objectives of transparency and accountability in an active democracy.

It imposes an obligation on public authorities to disclose information pertaining to public dealings.

Right to Information (RTI) includes the right to:

Inspect work, documents, records held by the government



Take notes, extracts or certified copies of documents or records

Take certified samples of material

Obtain information in the form of electronic modes like disks, floppies and the like or through print outs of such information stored in a computer or any other device.

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The Functioning:

The Central Information Commission (and their State counterparts) was constituted under the 2005 Act as an overarching body ensuring the function of the citizen's right to information, having jurisdiction over all Central Authorities.

Public authorities include:

Constitutional Authorities
Executive, Legislature, Judiciary

Institution/Body constituted by the Parliament or State Legislature

An NGO substantially funded by the government

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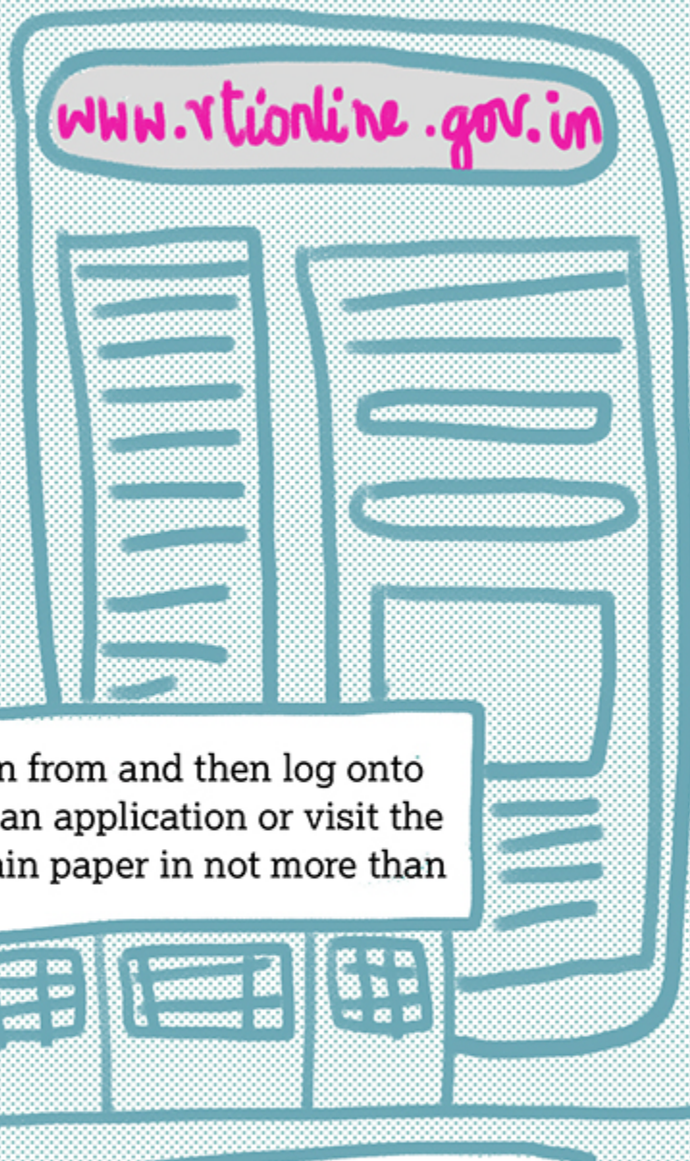
The Procedure :

1 In every government office, there are designated Public Information Officers (PIOs) and Assistant Public Information Officers (APIO) who are duty bound to receive requests and provide information to the applicant.



2 Identify the department you are seeking information from and then log onto www.rtionline.gov.in to register yourself and make an application or visit the nearest PIO to submit an application made on a plain paper in not more than 500 words.

3 The person seeking information must write down specifically what information he/she wishes to obtain along with personal details such as e-mail ID and mobile number. This can be written in English /Hindi or any official language of that area.

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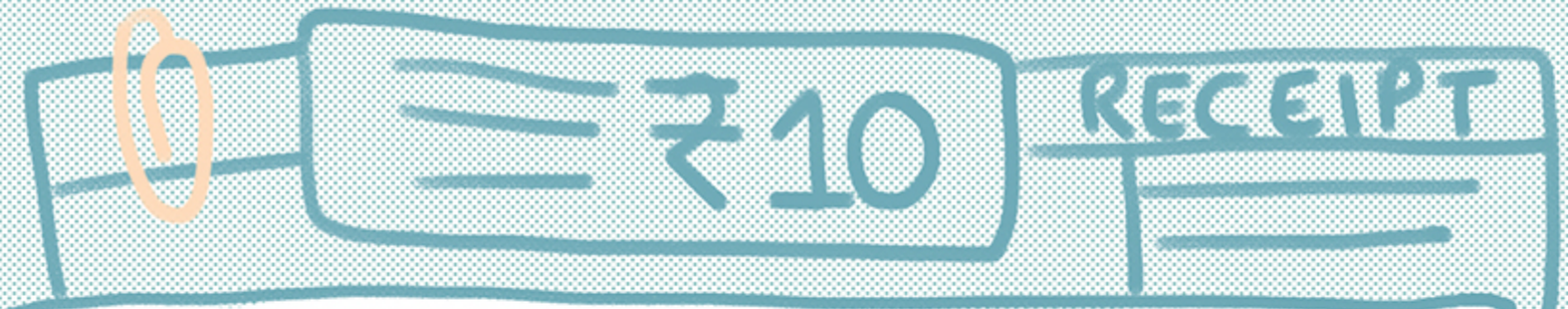
The Procedure :



4 The applicant has to pay a fee of Rupees ten (Rs. 10/-) to the accounts officer of the public authority either by cash, bankers draft, bankers cheque or Indian Postal order and attach a receipt of the same with his application.

5 Application can be tracked online through the reference number provided upon submission of application.

REAPPEAL

If no response is received, an appeal can be made to the First Appellate Authority (FAA) who is an officer is ranked senior to the PIO. If the first appeal is not replied to, a second appeal can be made to the Information Commission.

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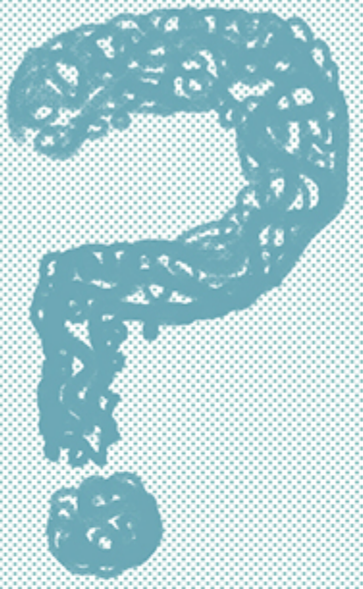
Best Practices:

Ensure your application carries specific questions that have a specified, precise or particular purpose, narrowed down one search to just one distinctive area.



Avoid vague questions that are unclear, uncertain and cover a very large area.

Ensure payment of fees as failure to do so can render application invalid.

The prescribed time period to obtain any information is 30 days from the date of application. However, if the application was submitted to an APIO, the time limit is 35 days.

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The Right to Information (Amendment) Act, 2019

On August 1st 2019, the Right to Information Act, 2005 was amended making significant changes to the office of information commissioners. It did away with the fixed 5 year tenure of the Chief Information Commissioner and Information Commissioners (and their corresponding state counterparts) and provided that they would instead serve for a period, as well as at a salary, determined by the Central Government.

Chief Information Commissioner and Information Commissioners are chosen by a three member panel of the PM, leader of opposition/leader of largest opposition party in the Lok Sabha and a Cabinet Minister appointed by the PM.

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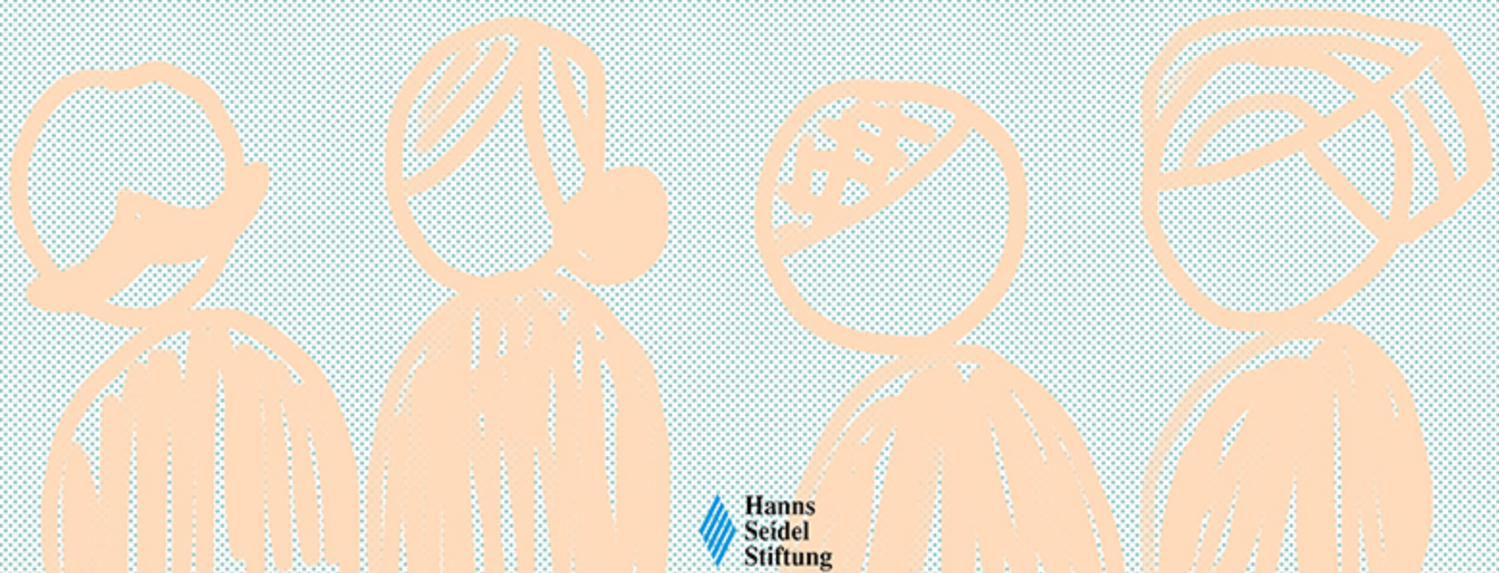
FAQs

1) Who in entitled to the right to information?

A) Any citizen of India has the right to information under the provisions of the Act. The RTI facility is only available to an individual. This means that a group or a company cannot demand for information under the Act.

Persons living abroad can also seek information by submitted an application to the Embassy of India in their respective countries or online.



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FAQs

2) Can a PIO refuse to furnish information?

A) The PIO can refuse, with reasons, to furnish information on specified grounds:

If it is exempted from disclosure.
For example, information is protected under the Officials Secrets Act, 1923.

If it infringes copyrights of any person other than the state.

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FAQs

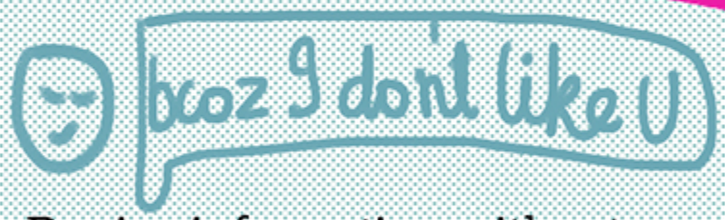
3) What can be done if a PIO does not perform their duties?

A) If a PIO:

Does not accept the application;

Gives misleading, incomplete, incorrect information

Does not furnish the information requested within a period of 30 days



Denies information without reasonable cause

Destroys or obstructs the furnishing of information

One can file a complaint to the Information Commission against the respective PIO

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FAQs

4) What action will be taken against a PIO who fails to provide information?

A) Disciplinary action will be initiated against the officer and he will be liable for a penalty amounting to Rs. 250/- per day subject to a maximum of Rs. 25,000/-.

5) What happens if information is sought from the wrong PIO?

A) In case an application is filed with the wrong PIO, the officer will transfer the application within a period of 5 days.

6) Is one required to furnish reasons or justify seeking information?

A) No, you are not required to furnish reasons for making an application.