



The Right to Information



सूचना का
अधिकार
RIGHT TO
INFORMATION



National Human Rights Commission
India

The Right to Information



TRAINING & RESEARCH DIVISION

**NATIONAL HUMAN RIGHTS COMMISSION
INDIA**

The Right to Information

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THE RIGHT TO INFORMATION

The purpose of the Right to Information Act, 2005, (RTI Act) is to promote transparency and accountability in the way that public authorities in India work. Every citizen has the right to information. The 'right to information' is the right to all and any information that is accessible under the RTI Act, and which is held by or under the control of a public authority.



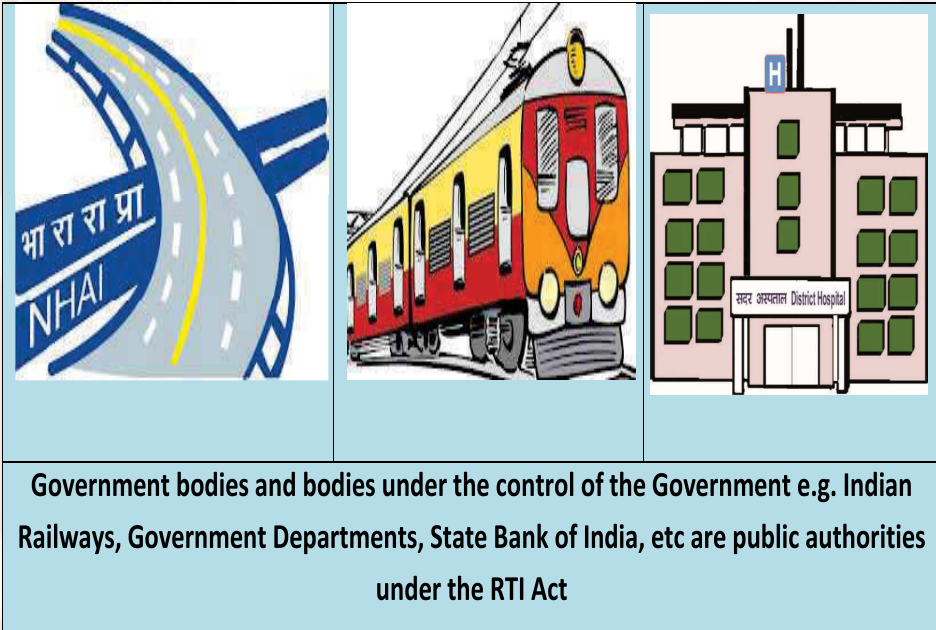
The Right to Information Act gives every citizen of India the right to access information held by public authorities. This right is not absolute. Certain types of information are exempt from disclosure

The **right to information** includes:

- Inspection of work, documents, records
- Taking notes, extracts or certified copies of documents or records
- Taking certified samples of material
- Obtaining information in the form of diskettes, floppies, tapes, video cassettes, or in any other electronic mode, or through printouts where such information is stored in a computer or other device.

Public authority

Under the RTI Act the term 'public authority' is critical. If a body/organisation is not a public authority, there is no right to information which may be held by it or under its control. However, information concerning private bodies can be obtained through public authorities authorised under law to access this information.

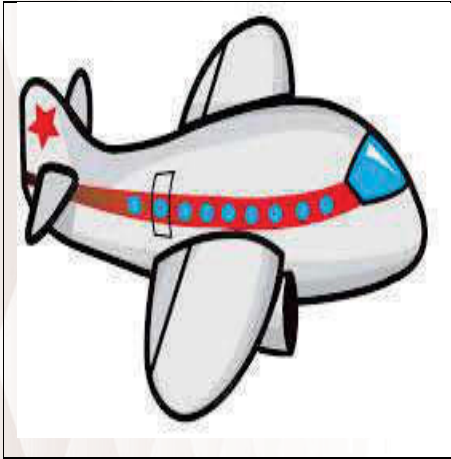


A public authority refers to any authority, body or institution of self-government that has been created or set up:

- By or under the Constitution of India, or
- By any other law made by Parliament/ State Legislature, or
- By notification issued or order made by the Central or a State Government

The term public authority includes:

- A body owned, controlled or substantially financed directly or indirectly by funds provided by the Government
- A non-Government organisation substantially financed directly or indirectly by funds provided by the Government



Private airline companies are not public authorities under the RTI Act. But information on private airlines can be sought from the government department with which these airlines are registered e.g. the Directorate General of Civil Aviation

Information

The RTI Act defines 'information' as any material in any form.

'Information' includes:

📌 Records 📌 Documents 📌 Memos 📌 E-Mails 📌 Opinions

📌 Advices 📌 Press Releases 📌 Circulars 📌 Orders 📌 Logbooks

📌 Contracts 📌 Reports 📌 Papers 📌 Samples 📌 Models



Data material held in any electronic form

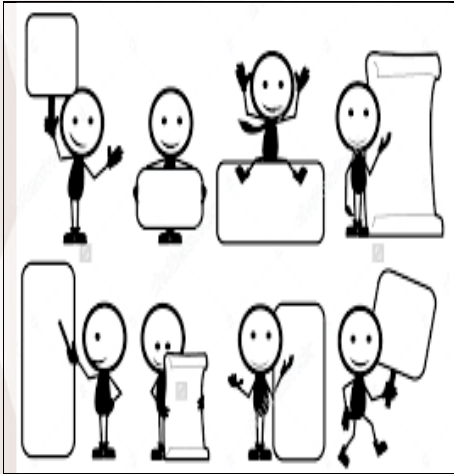


Information relating to any private body which can be accessed by a public authority under any law

		
	<p>The RTI Act defines 'information' as any material in any form</p>	

Every public authority must publish in the local language the following information:

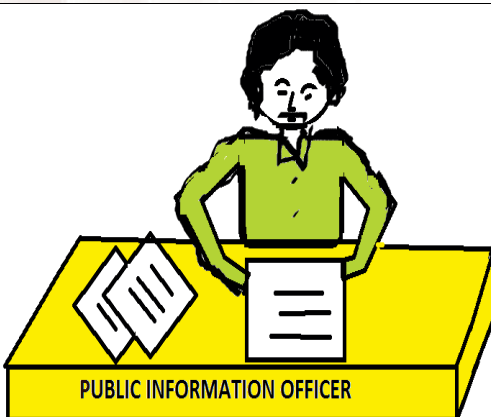
- The particulars of its organisation, functions and duties
- The powers and duties of its officers and employees
- Decision making process
- The rules, regulations, instructions of the authority
- A statement of the categories of documents that are held by it or under its control



Public authorities should proactively disclose certain information so that there is no need for people to file applications for such information e.g. particulars of the organisation, powers of its officials, decision making process, etc

- A directory of its officers and employees
- The monthly remuneration received by its employees
- Budget and financial reports
- The names, designations and other particulars of the Public Information Officers

Every public authority must designate as many officers as required as the Central Public Information Officer or the State Public Information Officer in every administrative unit for dissemination of information.



Every public authority must have a Public Information Officer to receive and respond to applications for information

Making an application for information

Citizens seeking information should file their requests before the Public Information Officer or Assistant Public Information Officer designated by the Public Authority. The following should be kept in mind when seeking information under this Act:

- Requests can be made in English/Hindi/official language of the area
- There is no need to give reasons for the request. Only those personal details need be given which are necessary for contacting the information seeker
- The public authority can charge only the prescribed fee
- People below the poverty line need not pay any fee

Savita is a resident of a resettlement colony in Savda Ghevra, north Delhi. The residents have been promised piped water for many years by the government. But there has been no progress. As a citizen of India, Savita can write an RTI application to the Delhi Jal Board for information on whether the pipeline has been sanctioned, when it will be installed, and what it will cost, etc. She is not required to mention the reason for seeking the information. The Jal Board, as a public authority, is required to provide the information within 30 days.

Time Period

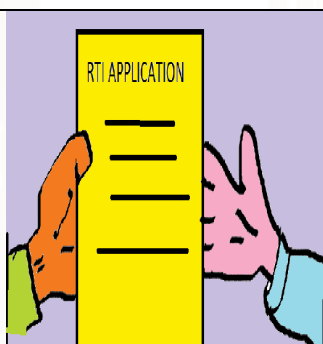
Information should be provided within 30 days. In cases where information is sought from the Assistant Public Information Officer a period of 35 days is given to provide information. *If the information sought relates to life and liberty then the time limit is 48 hours.*

A poisonous snake has bitten Sarala's brother Hari. Hari needs to be treated with snake anti-venom within 24 hours. Sarala takes Hari to the nearest government hospital, where she is told that they have no information about the availability of the required drug. Sarala is told to find out from the Health Department. If Sarala files as RTI application in such a case, the information must be provided immediately, and within 48 hours at the most.

Time limit for public authority to provide information



In most cases **30 days**



Where application first sent to Assistant PIO: **35 days**. Extra 5 days to transfer application to PIO



In urgent cases affecting life or liberty: **48 hours**

Issues on which information need not be provided by the authority

The public authority is not under any obligation to provide information on certain issues. These issues pertain to:

- Information related to security and sovereignty of India
- Information related to scientific or economic interest of India
- Information expressly forbidden a court or tribunal



The Supreme Court has made it clear that the identity of persons affected by HIV/AIDS should not be disclosed. Such information is therefore exempt from disclosure under the RTI Act

- Information which could lead to breach of privilege of Parliament or state legislature
- Information related commercial confidence, trade secrets
- Information which could endanger security of any person



Raju and Ramila are from different castes. Despite opposition from their families they decided to get married. Their furious relatives want to punish them. Disclosure of their whereabouts would endanger the lives of the couple. Such information is exempt from disclosure under the RTI Act

- Information with a person in the capacity of his fiduciary relationship e.g. information with doctor, lawyer, etc
- Information which would hamper trial, investigation or prosecution of an offender
- Information received from foreign government
- Cabinet papers comprising of records of meetings of council of ministers, Secretaries and other officers



Information which could would hamper trial, investigation or prosecution of an offender is exempt from disclosure under the RTI Act

The RTI Act also exempts intelligence and security organisations of the state. Thus such entities as the Intelligence Bureau, Research and Analysis Wing of the Cabinet Secretariat, Border Security Force, Central Reserve Police Force, Assam Rifles, and Central Industrial Security Force etc do not come under the purview of this Act.

However, *allegations of corruption or human rights violations even by these organisations are not exempt from the RTI Act*. Thus, applications for information can be filed even with intelligence and security organisations if the information sought relates to allegations of corruption or human rights violations.



Intelligence and security organisations of the state do not come under the RTI Act, unless the information sought relates to allegations of corruption or human rights violations

If the Central Public Information Officer or the State Public Information Officer rejects any RTI application, the reason for rejection must be provided. They will also have to inform the period within which an appeal can be filed and where.

TIME LIMITS UNDER THE RIGHT TO INFORMATION ACT



For PIO to reply to application: 30 days from date of receipt of application

For applicant to make First Appeal: 30 days from date of receipt of PIO's reply or from date when reply was to be received

For applicant to make Second Appeal before CIC/SIC: 90 days from receipt of First Appeal orders or from the date when orders were to be received

For CIC/SIC to decide Second Appeal: No time limit specified

Penalty

Penalty can be imposed on the Public Information Officer on non-fulfilment of his obligation. ***A penalty of Rs.250 per day or maximum of Rs. 25,000 can be imposed.*** A penalty can be imposed if an information officer:

- Refused to receive any application
- Failed to furnish information within time limit
- Denied information without any reasonable cause
- Knowingly gave misleading or incomplete information
- Destroyed or obstructed in dissemination of any information



A Public Information Officer can be fined for failing to do his duties e.g. not giving information on time, refusing an application, destroying information, etc

Appeal

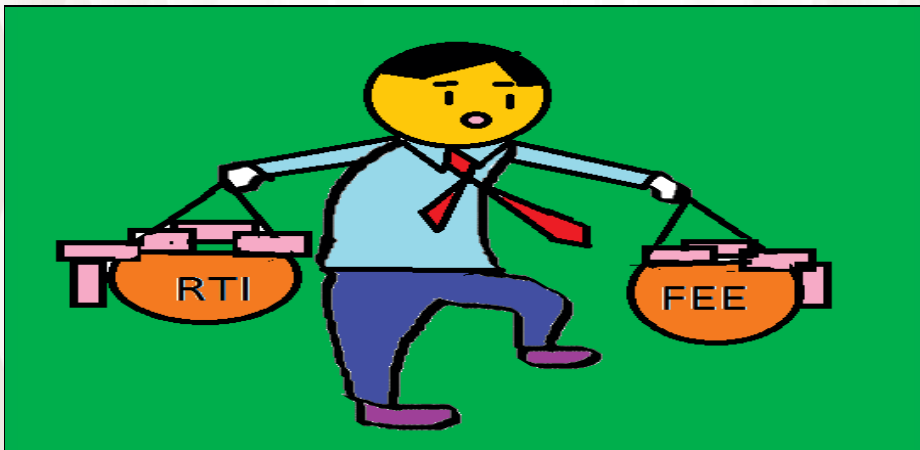
A person can choose to appeal if:

- He does not receive information as per the prescribed time
- He is not satisfied with the decision of Central Public Information Officer/ State Public Information Officer

The appeal lies before the designated officer senior in rank to Central Public Information Officer or State Public Information Officer. If a person is not satisfied by the response at the appeal then they can file for second appeal. The second appeal will lie before Central or State Information Commission.

Fees

Every state has been directed to prescribe rules for implementation of the Right to Information Act. Each state charges a nominal fee for every RTI application. The fee ranges from Rs. 10 to Rs. 50. ***No such fee is applicable on people below the poverty line.***



An information seeker can approach the Information Commissions for redress if he is faced with such problems as refusal of application, denial of information, charging of excessive fees, etc. The Information Commissions can also be approached for appeals against decisions of Information Officers

Information Commission

The Central Information Commission is constituted by the Central Government. It comprises a Chief Information Commissioner and Central Information Commissioners. There should not be more than 10 Central Information Commissioners.

These Information Commissioners should be persons of eminence in public life with wide knowledge and experience in law, social service, science and technology, management, journalism or governance.

They are appointed by a committee comprising of the Prime Minister, Opposition Leader of the Lok Sabha and a Union Minister nominated by the Prime Minister.

Their term will be of 5 years or till they attain the age of 65 years whichever is earlier. They are not entitled to reappointment.

They can be removed from office if they are:

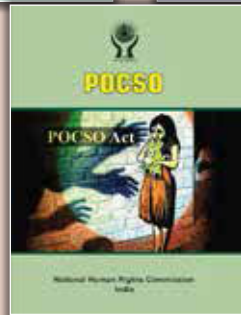
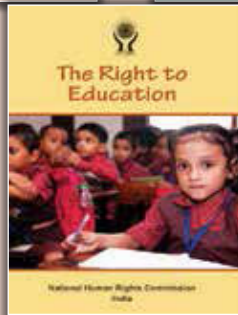
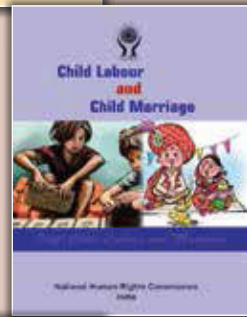
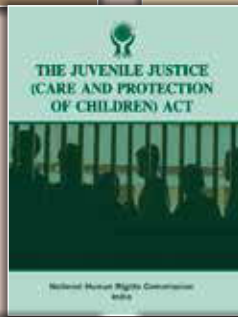
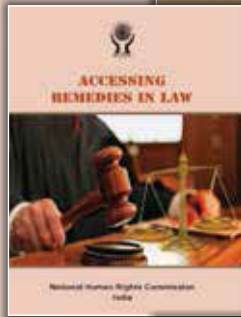
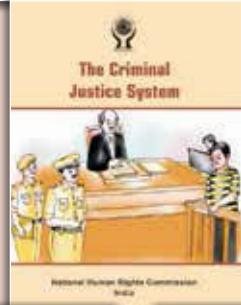
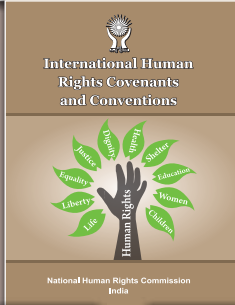
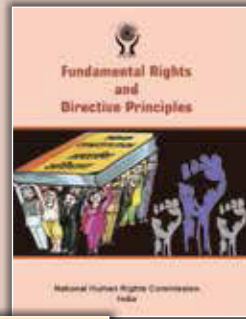
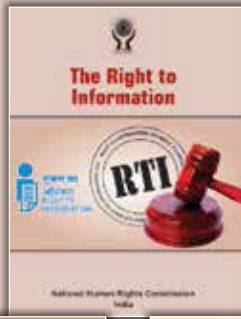
- Adjudged insolvent
- Convicted for an offence
- Engaged in any paid employment
- Declared unfit due to infirmity of mind or body

Similar rules are applicable for appointment and removal of the State Chief Information Commissioner and State information Commissioners.

The Central Information Commission and the State Information Commission are required to receive and inquire into complaints.

Complaints can be made to Information Commissions when a citizen is:

- Denied access to any information
- Denied access to any information within the prescribed time limit
- Asked to pay an unreasonable amount of fees for the information
- Unable to submit application due to non-appointment of any information officer
- Unable to submit application due to refusal of the information officer to accept the same.



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