

CHAPTER XIV
RIGHT TO INFORMATION

Shyam had applied for a ration card, but every time he went to collect it, he was told by the officials that his case was still under consideration and that it could be expedited only if he agreed to give them some 'kharcha paani'. Shyam being a poor man could not afford to bribe them handsomely, and thus was unable to secure a ration card. Similarly, Budhiya Singh had to pay several visits to the pension department after his retirement to get his dues cleared. Meera Didi was aware of these problems and knew that Shyam and Budhiya Singh were not the only ones facing and suffering the consequences of the widespread corruption and red tapism. She called for a community gathering and told everyone about the Right to Information Act, 2005 (RTI Act). She said that in a democracy like ours, the citizens and the common people have to be informed and should have an access to information. Transparency can put an end to corruption as it makes the Government and the public authorities accountable to the public. However, while explaining the main provisions of the RTI Act (central Act), she made it clear that some provisions like fees, form of application etc. may vary from state to state, but the basic provisions remain the same everywhere.

Points to note:

- All citizens possess the right to information.
- Every public authority is under an obligation to provide information on written request or request by electronic means like e-mails etc.

From whom can you access information?

Information can be sought from a “Public Authority” under the Central Act. “Public Authorities” mean:

- All Central, State and local level bodies which are set up under the Constitution or under any other State or Central statute, which includes even bodies like the President, the legislature and the judiciary and all related Ministries, departments and agencies.
- Any body owned, controlled or substantially financed or any non-Government organization substantially financed directly or indirectly by Government. This includes private bodies which receive funding from the Government.

Who are exempted from providing information?

The Central Act excludes some bodies such as security or intelligence agencies from the obligation of providing information.

Duty of a public authority to provide certain information even before a citizen seeks such information:

Keeping in view the problem of corruption in Government bodies, under the RI Act, every public authority has to routinely disclose information such as its functions, decision-making norms, documents held, employee contacts, and budgets. It also requires regular disclosure of information about subsidy schemes, concessions and permits. Such information is to be disclosed in a manner and form, which will make it most accessible to the public, so that the citizens throughout the country are able to access

information. Any citizen may complain to an Information Commission if the public authorities do not disclose such information regularly.



What information can be requested for?

Under the Central Act, information is very broadly defined. A citizen can request a range of different types of information in a range of different formats including:

- Obtaining information in the form of floppies, diskettes, tapes, video tapes, tapes or any other electronic mode.
- Obtaining certified copies of documents or records;
- Inspecting records;

- Taking notes and extracts;
- Inspecting public works;
- Taking samples of material from public works

Whom to apply?

An application is to be made to the Public Information Officer (PIO) or the Assistant Public Information Officer (APIO) of the department concerned. The list of these officers is generally available on the internet. PIOs are even required to assist applicants to make applications in writing where they are unable to do so themselves.

How do you need to apply?

The Central Act and the Rules do not specify any particular form of application. It can merely be an application written on a plain paper, or can be a print out of application form or even a photocopy. This however is subject to the Rules made by the State Governments, which sometimes require a particular format of application. Also make sure that the questions asked are precise, clear and unambiguous, as that would help you in getting exact information, as required.

Fees for seeking information:

The Central Fees Rules provide for fees to be paid for making applications, for accessing information. However, no fee can be charged if the Public Authority fails to provide the information within the time limits specified. Normally the fees can be paid in cash, cheque or bank draft. The following are the fees prescribed for applications made to Central Government public authorities:

- ❖ Application Fees: Rs. 10/- (per application)
- ❖ Fees for Access:
 - A4/A3 paper copies: Rs. 2/- per page created or copied

- Large size paper: Actual cost for copy
 - Samples/models: Actual cost of sample/models
 - Floppies/diskettes: Rs. 50/- per item
 - Info in printed form: Fixed price for such publication or Rs. 2/- per page of photocopy for extracts from publications.
- ❖ Inspection Fees: No fees for first hour and a fee of Rs. 5/- for each subsequent hour or fraction thereof.

Within how much time should the information be provided?

The Central Act requires that PIOs shall provide information within 30 days but applications requesting information regarding a citizen's life and liberty must be granted or refused within 48 hours.

Remedy in case the application is rejected:

In case a person is aggrieved by the rejection of his application seeking information from a public authority, he has the following remedies against such rejection:

- **Appeal:** an appeal can be made to a departmental Appellate Authority, who is an officer senior in rank to the PIO but in the same public authority. The Appellate authority has to hear both the parties before giving a decision on the correctness of the order passed by the PIO. A second appeal can also be made to the Information Commission if the decision of the Appellate Authority is not satisfactory.
- **Complaint:** can be made directly to the relevant Information Commission where it concerns any matter relating to accessing information under the RTI Act, for example, not giving information within a time limit, charging unreasonable fees, denying a fee waiver despite being a Below Poverty Line person, destroying a record which you had requested, or making a bad decision about disclosure.

Penalty for erring officials:

Penalties may be imposed on a PIO in the following cases:

- Where he has refused to receive an application
- Where he fails to furnish the information within the prescribed time limits
- Where he denies the request with wrongful (malafide) intentions
- Where he knowingly gives incorrect, incomplete or misleading information;
- Where he deliberately destroys the information sought
- If he obstructs the process

Penalty for refusal to receive an application for information or for not providing information is Rs. 250/- per day, but the total amount of penalty should not exceed Rs. 25,000/-.