

A PPT

on

Right to know -A statutory master key for transparency

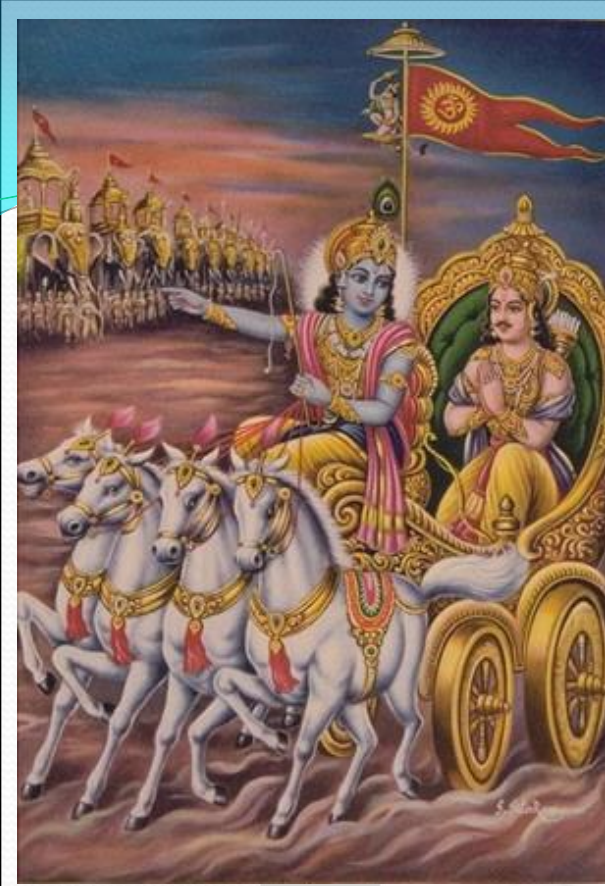
by

K. Ram Gopal,

M.A., B.Ed., P.G.D.P.M., L.L.B.,

Relevancy of Right to know to Human Rights

- Health & Sanitation
- Connecting Roads
- Drinking water
- Safety to the life & property
- Proper education
- Environmental balance



कर्मणोह्यपि बोधद्वयं
बोधद्वयं च विकर्मणः ।
अकर्मणश्च बोधद्वयं
गहना कर्मणो गतिः ॥

ज्ञानकर्मसंन्यासयोग, अध्याय ४

*Truth about the ACTION must be known,
Truth about the INACTION must be known,
Truth about the PROHIBITED ACTION must be known,
Mysterious are the ways of action.*

Historical Perspective

- Sweden is pioneer in RTI
- UN General Assembly in its resolution, through Article 19 of the ICCPR , declared that freedom of information is a fundamental human right
- Supreme Court in its ruling in LK Koolwal vs State of Rajasthan case(AIR,1988 Raj 2) stated that the Freedom of Speech and Expression implies Right to Information

RIGHT TO INFORMATION **Why?**

- Democracy requires informed citizenry.
- Transparency of information is vital to its functioning.
- Promote Transparency and Accountability.
- To contain corruption.

Why RTI Act ?

- To secure access to information which is under control of Public Authorities.
- For Setting Practical Regime of RTI for citizens.
[Creation of Information Commission(s)]
- To harmonize conflicting interests of revelation of information and preservation of confidentiality of sensitive information.



Master key- An integration of
smaller keys

The Rights conferred on Citizens

- | | |
|--|---------|
| i. Make a request to PIO or APIO | 3, 6(1) |
| ii. Choose medium of request | 6(1) |
| iii. Choose language of request | 6(1) |
| iv. Seek reasonable assistance while seeking information | 5(3) |
| - Sensorily disabled can seek appropriate assistance in inspection | 7 (4) |
| v. Seek help for writing request | 6(1)(b) |
| vi. Need not state reasons for request | 6(2) |

The Rights conferred on Citizens (Contd..)

- vii. Seek exemptions from payment of fee 7(5)
- viii. 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 2(j)
- ix. Receive information, even if the request is transferred 6 (3) (ii)
- x. Presumption of refusal 7(2)

The Rights conferred on Citizens (Contd..)

- | | | |
|--------|--|-------------------|
| xii. | Know costing details | 7(3),10(2)(d) |
| xiii. | Waiver of costs-to BPL Applicants | 7(5) |
| xiv. | Free of charge-if furnished after stipulated time | 7(6) |
| xv. | Reasons for rejection of request | 7(8) (i) |
| xvi. | Know details to proceed with appeal | 7(8) (ii) (iii) |
| xvii. | Review the fee charged towards cost | 7(3)(b),10(2) (e) |
| xviii. | Partial access to records with reasons on limits to access | 10 (2)(e) |
| xix. | Demand 3 rd party information& for procedure | 11 |

The Rights conferred on Citizens (Contd..)

- | | |
|--|---------------------|
| xx. Complaint against refusal/ rejection of request or denial of access etc., | 18(1) |
| xxi. First Appeal | 19(1) |
| xxii. Second Appeal | 19(3) |
| xxiii. Influence penalty against PIO | 20(1) |
| xxiv. Force burden of proof on PIO | 19(5),20 (1) |
| xxv. Influence disciplinary action against PIO | 20(2) |
| xxvi. Seek Information in a particular form | 19(8)(a)(i) |
| xxvii. Claim Compensation | 19(8)(b) |

Obligation of Public Authorities

- **Sec 4 (1) (a)** Maintenance of records
 - Computerization of records
 - Networked all over the country
- **Sec 4 (1) (b)** Proactive Disclosure of Information
 - Update information provided under these 17 Sub-clauses
- **Sec 4(1) (c)** Publish all relevant facts while formulating policies or announcing the decisions which affect public.
- **Sec 4(1)(d)** Provide reasons for its administrative or quasi-judicial decisions to affected persons.
- **Sec 4 (2),(3)(4)** Dissemination of Information
- **Sec 5 (1) & (2)** Designate PIOs / APIOs
- **Sec 6(3)(ii)** If the application pertains to other PA transfer the same and intimate the applicant within 5 days

Means of dissemination

Section 4(4)

- Notice Boards
- Newspapers
- Public announcements
- Media broadcasts
- Internet
- Any other means including inspection of offices of any public authority.
- Public Library

Exemptions from Disclosure of Information

Section 8

- Information which affects
 - sovereignty and integrity of India 8(1)(a)
 - Security, scientific , strategic and economic interests of the State. 8(1)(a)
 - Relation with foreign State 8(1)(a)
 - Lead to incitement of an offence 8(1)(a)
- Expressly forbidden by court of law. 8(1)(b)
- Parliamentary and Legislative privileges. 8(1)(c)
- Commercial confidence & Trade Secrets. 8(1)(d)

- Information available in fiduciary relationship 8(1)(e)
- Information received in confidence from foreign Government 8(1)(f)
- Information which endanger life /physical safety 8(1)(g)
- which impede the process of Investigations and prosecutions. 8(1)(h)
- Cabinet matters. 8(1)(i)
- Privacy of individuals. 8(1)(j)

Organisations Exempted (Sec.24)

GO Ms.No.667 GAD, dt.3.9.07

- State Intelligence Department & its Special Intelligence Branch, State Security Wing
- State Greyhounds Organization
- All District Special Branches under the SPs
- All Security Units in the Districts under the SPs
- APSP – Andhra Pradesh Special Police
- SPF – Special Protection Force
- SARCPL – State Armed Reserve Central Police Line

Fee for Receipt of Application (GO Ms.No.454 GAD,dt.13.10.05)

- | | |
|---|---------------|
| ● At Village Level | No Fee |
| ● At Mandal Level | Rs.5 |
| ● Other than the Above | Rs.10 |
| ● Publications printed, text, maps, plans, floppies, CDs, Samples, models or material in any form if priced | Same price |
| ● Other than the above- | |
| i. printed or text form(A4 or A3 size) | Rs.2 per page |
| ii. Other than A4 or A3 size | Actual Cost |
| iii. Maps & Plans | Actual Cost |

Fee for Receipt of Application

(GO Ms.No.454 GAD,dt.13.10.05 & 545,dt.12.12.07)

- iv. In Electronic Format
 - a. Floppy Rs.50
 - b. CD Rs.100
 - c. CD (DVD) Rs.200
- v. Samples and Models Actual Cost
- vi. Inspection of Records
 - First one hour No fee
 - Subsequent hour or Fraction Rs.5
- Vii. Material to be sent by post Actual Cost

Fee for Receipt of Application – Head of Account (GO Ms.No.530 GAD,dt.29.11.05)

- 0070 – Other Administrative Services
- 60 - Other Services
- MH 800 - Other Receipts
- SH (25) - Receipts Under RTI Act 2005
- 001 - Receipts Under RTI Act 2005

Mode of Fee for Receipt of Application

(GO Ms.No.454 GAD,dt.13.10.05 & 740,dt.1.10.07)

- Court Fee Stamp
- Cash
- Postal Order
- Demand Draft
- Bankers Cheque
- No Fee for the Below Poverty Line (BPL) people
- White Card Holders are treated as BPL people

Miscellaneous

Protection of action taken in good faith:

No suit, prosecution or other legal proceedings lies against any person for anything done in good faith

Sec.21

Act to have overriding effect:

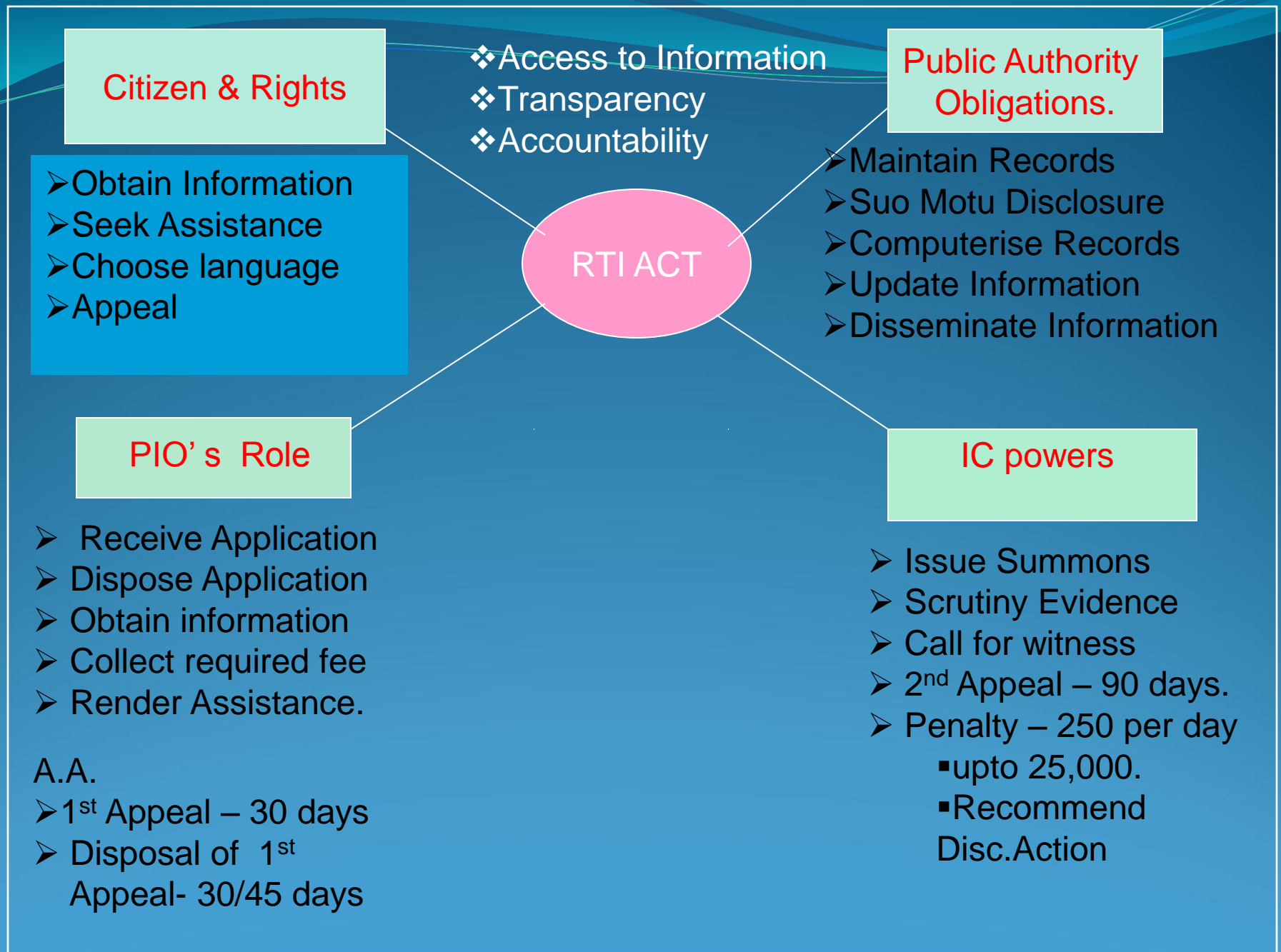
Provisions of this Act have overriding effect on O.S. Act,1923 or any other Act.

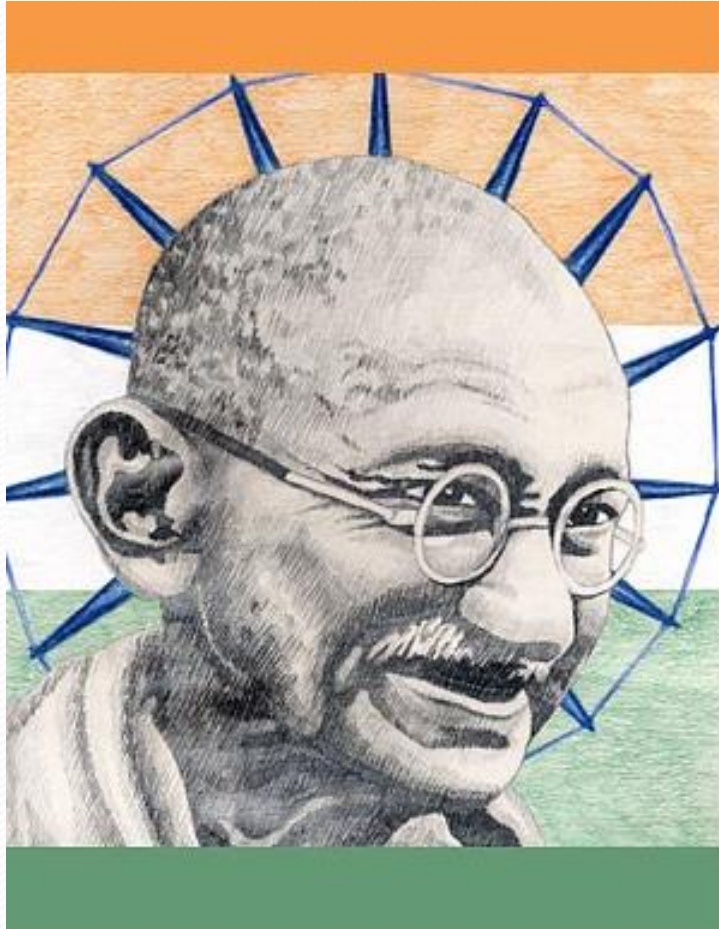
Sec. 22

Bar of jurisdiction of courts:

No court shall entertain any suit in respect of order made under this Act, otherwise by way of Appeal under this Act

Sec. 23





The Real 'Swaraj' will come not by the acquisition of authority by a few but by the acquisition of capacity by all to resist authority when abused. – Mahatma Gandhi

THANK YOU