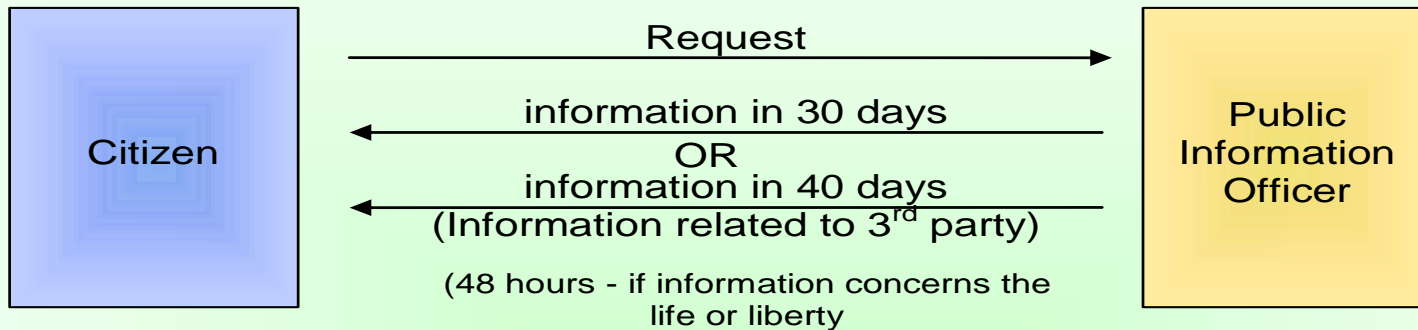


RIGHT TO INFORMATION

AN INTRODUCTION

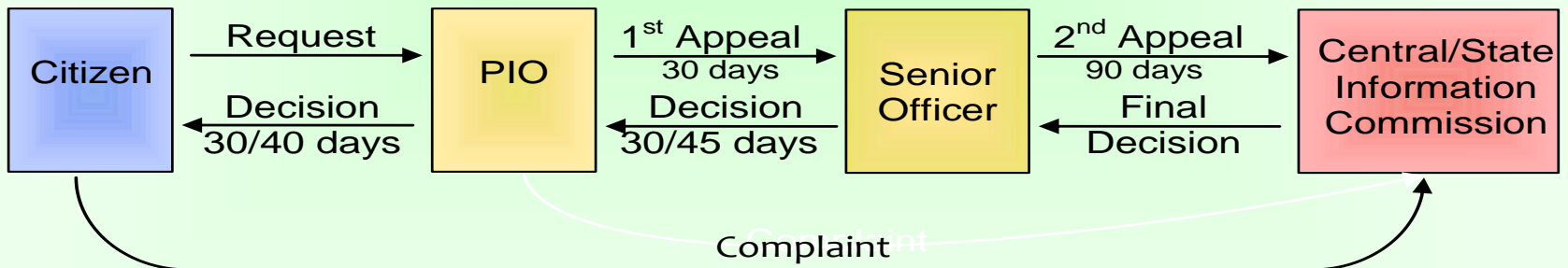
Flow chart of the Request for Information



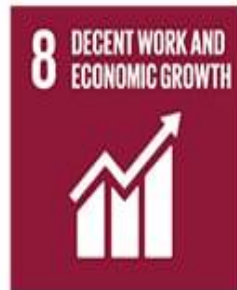
(Add 5 days if the request is submitted to Assistant Public Information Officer)

fundamental human right

Flow chart of the Request for Information (if rejected)



SUSTAINABLE DEVELOPMENT GOALS



Sustainable Development Goals

On 1 January 2016, the 17 Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development — adopted by world leaders at historic UN Summit — officially came into force. The SDGs build on the success of the Millennium Development Goals (MDGs) and aim to end all forms of poverty.

Sustainable Development Goals

The United Nations Conference on Trade and Development estimates that attainment of the Sustainable Development Goals (SDGs) would require \$2.5 trillion annually.

Sustainable Development Goals



Goal 16

- Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, **accountable and inclusive institutions** at all levels

Sustainable Development Goals

TARGET 16.10

- Ensure public **access to information** and protect fundamental freedoms, in accordance with national legislation and international agreements

“Indicator 16.10.2: Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information”

Highlights from the 2019 UNESCO Monitoring and Reporting of SDG Indicator 16.10.2 - Access to Information



"If information is **power**, then access to information is **empowerment**."

Nadia Al-Sakkaf, former Minister of Information, Republic of Yemen

Advancing SDG 16 Target 10 on public access to information
and fundamental freedom can nourish progress on all the SDGs

2nd ARC Report - *RTI: Master Key to Good Governance*

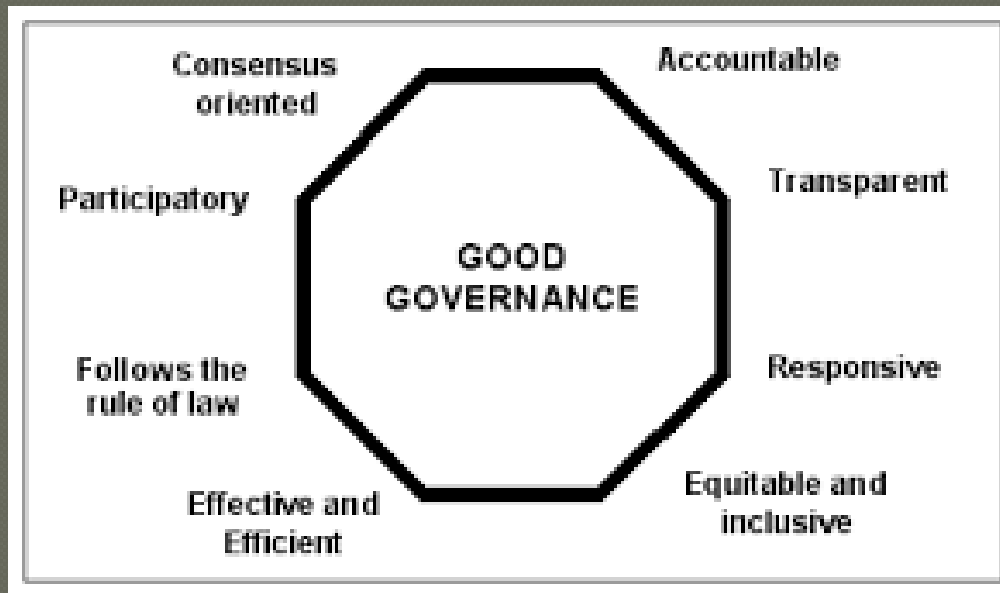


RTI: Master Key to Good Governance

Good governance has four elements- **transparency**, accountability, predictability and participation.

Transparency refers to availability of information to the general public and **clarity about functioning** of governmental institutions. Right to information opens up government's records to **public scrutiny**..

Characteristics of good governance



What is Good Governance?

United Nations Economic and Social Commission for Asia and the Pacific

RTI: Master Key to Good Governance

Information about functioning of government also enables citizens to **participate** in the governance process effectively.

In a fundamental sense, right to information is a **basic necessity** of good governance.

Fundamental Human Right

Right to Information is a **fundamental human right**, crucial to human development, and a **prerequisite** for the realization of other human rights.

Progressive law

The Right to Information Act 2005 came fully into force on 12 Oct. 2005.

“Indian RTI law is the best in the world.”

- Former CIC Sri Satyananda Mishra on 20 Jan.2012 at Chennai.

Strong RTI law

- India enacted a strong RTI law. According to a recent international assessment, India is placed **7th in the list of 128** countries with the strong national level RTI laws.
- “The RTI Rating”, a comparative assessment of national legal frameworks for the right to information was developed by the Centre for Law and Democracy and Access Info Europe.

Strong RTI law

Indian RTI Act served as a **model** for other countries, particularly its neighbors, who enacted even stronger open laws creating healthy competition:

- ◉ Nepal
- ◉ Bangladesh
- ◉ Sri Lanka

Right to information

Empowers common people

Transparency benefits the poor greatly by protecting their rights and dignity.

UNESCO

- An open and transparent government is a fundamental component of a **democratic** and developed State.
- United Nations Educational, Scientific and Cultural Organization (UNESCO) PROCLAMATION OF 28 SEPTEMBER AS THE “**INTERNATIONAL DAY FOR THE UNIVERSAL ACCESS TO INFORMATION**”
- Source : 197 EX/Decision 35, 3 November 2015

ARTICLE 19

- It has been widely recognised worldwide as a **fundamental human right**, as well as an important tool for enforcing the rule of law, fighting corruption and ensuring other rights.
- 'ARTICLE 19', an international organization working on freedom of expression, in its report *Asia Disclosed: A Review of the Right to Information across Asia*.

ARTICLE 19

- ◉ **The benefits of right to information**
- ◉ Democratic participation and understanding
- ◉ Improved decision making processes
- ◉ **Improved government records management**
- ◉ Improved Internal Efficiency
- ◉ Anti-corruption

United Nations General Assembly

UN General Assembly, in its first session in 1946, adopted Resolution 59 (I):

“Freedom of information is a fundamental human right and . . .the touchstone of all the freedoms to which the UN is consecrated”.

UDHR

Article 19 of the '**Universal Declaration of Human Rights**', a United Nations General Assembly Resolution 217(III) A of 1948 recognises Freedom of Expression including Freedom of Information and Free Press - a **fundamental human right**.

Freedom of Expression includes the right to seek, receive and impart information and right to access information held by public authorities.

ICCPR

Article 19 (2) of the '**International Covenant on Civil and Political Rights**' (ICCPR), a United Nations General Assembly Resolution 2200A(XXI) of 1966 states:

“Everyone shall have the right to freedom of expression; this right shall include **freedom to seek, receive and impart information** and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

The Constitution of the kingdom of Bhutan

Article 7.3

A Bhutanese citizen shall have the right to
information.

Article 19(1)(a) guarantees us the right to freedom of speech and expression.

The Supreme Court of India has recognized this right as implying a full right to information, in 1973.

In *Bennette Coleman v. Union of India*, AIR 1973 SC 60, our Supreme Court ruled that the right to freedom of speech and expression guaranteed by Art. 19(1) (a) included the right to information.

Constitutional clauses are **difficult to enforce** directly without the help of legal statutes, because each and every time, we can not approach the Supreme Court or High Courts to enforce our fundamental rights.

The Right to Information Act 2005 establishes the necessary **practical regime** of right to information.

Impact of Right to Information

Information laws can have a positive impact on at least three different spheres of society:

- ◎ **politics**
- ◎ **economics**
- ◎ **public administration.**

In the **political** sphere

- This enables them to transform themselves from passive citizens who occasionally go to the polls into **active citizens** who call the government to account and participate in the design of public policies.

In the economic sphere

- transparency increases efficiency by making the investment climate more **reliable** and allowing capital to better calculate where and when it can **best be invested**.

In the sphere of **public administration**

- transparency improves the decision making of public servants by making them more **responsive and accountable** to the public and

In the sphere of **public administration**

- controls corruption by making it more **difficult to hide** illegal agreements and action.

A friend in need

- RTI is making life easier and honorable for common people.
- RTI empowers them to request and access public services successfully.

A friend in need

- Many people have been filing requests for information and hundreds of success stories appeared in electronic and print media.
- Even primary school students filed applications for information of public importance and shot into fame.

A friend in need



Nine year old Pranav forced Delhi police to register an First Information Report to trace his lost bicycle by filing an application under the RTI

A friend in need

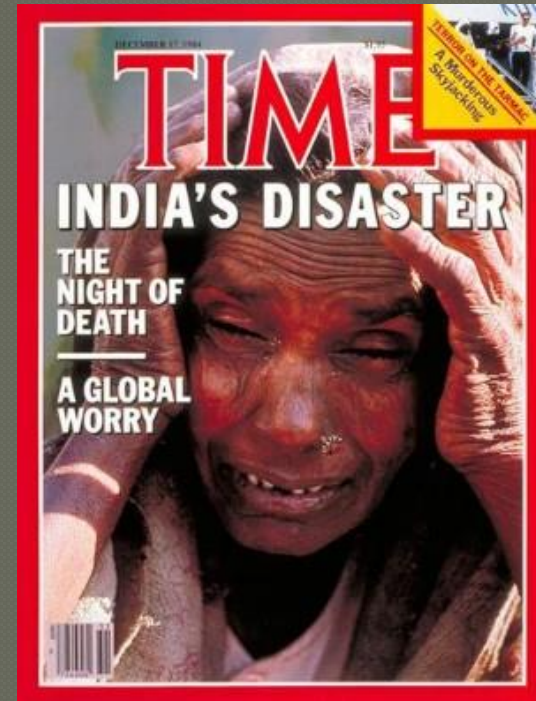
Eight year old Aishwarya wrote a three-point application to the PIO of the Chief Minister's office seeking an answer to why the garbage is being dumped in front of her school.



A friend in need

- The Supreme Court of India, in a landmark judgment, in *CBSE & Anr v. Aditya Bandopadhyay & Ors.*, held that students have the right to inspect their evaluated answer scripts.
- Recently, the Supreme Court praised RTI for making merit-ranking process at IITs more transparent and accurate.

Right to Information could have prevented Bhopal tragedy(?)



Could Right to Information Have prevented Bhopal tragedy?

3 Dec.1984:

Gas leak from a pesticide plant killed more than 7,000 people; Many were children.

A further 15,000 died in the following years.

Still thousands of individuals are suffering.

(The plant was owned by Union Carbide Corporation, now owned by Dow Chemical)

Bhopal: A failure of knowledge?

- “The accident might not have happened at all **if the right people had obtained the right information** at a time when they were capable of appreciating it and taking appropriate preventive action.”
- -- Sheila Jasanoff, Professor at Harvard University's John F. Kennedy School of Government, ‘The Bhopal Disaster and the Right to Know’, *27 Social Science and Medicine* 1113 (1988).

Could Right to Information Have prevented Bhopal tragedy?

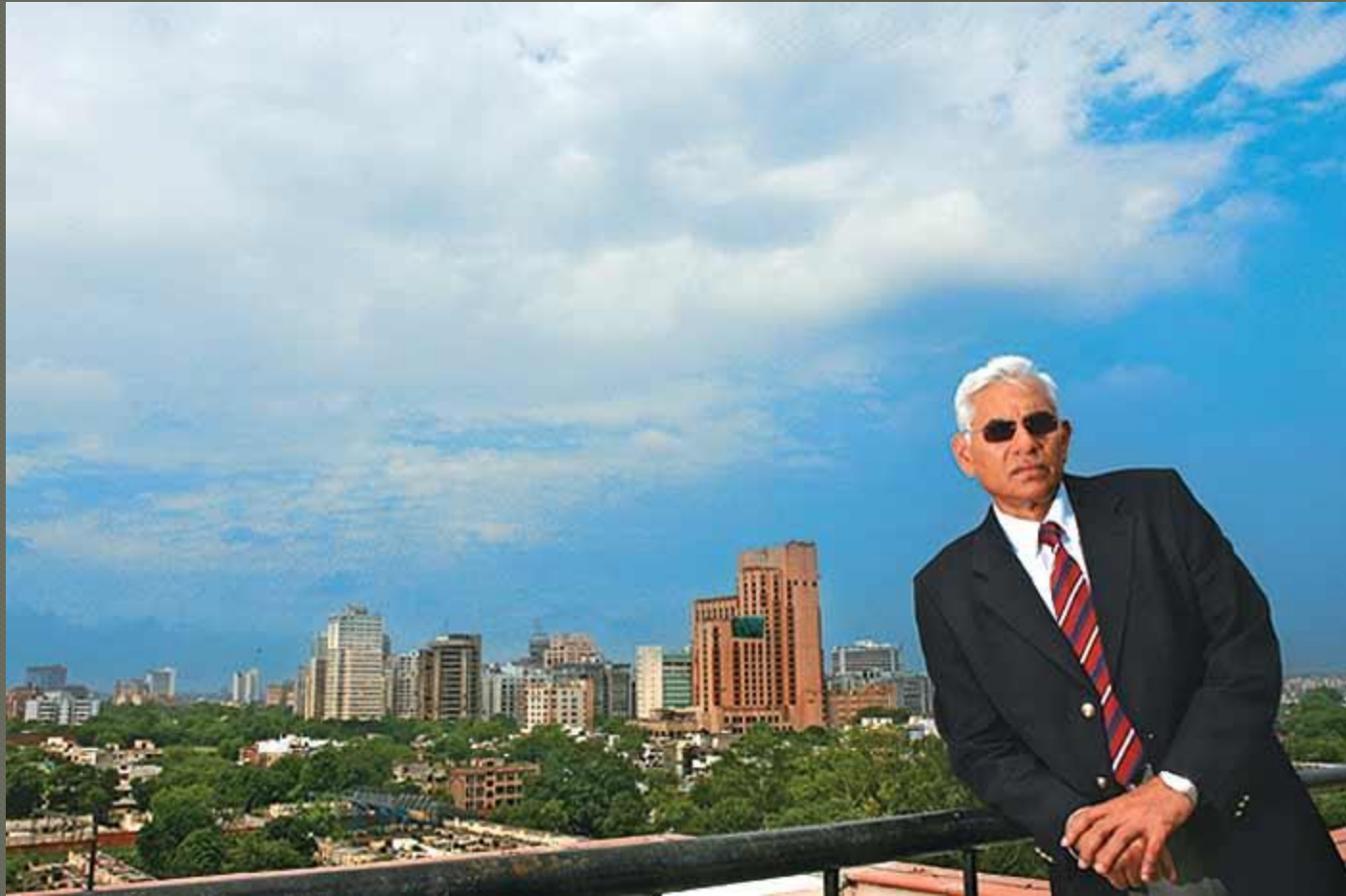
Freedom of information laws were strengthened in the west after Bhopal. **Emergency Planning and Citizens Right-to-Know Act 1986** established the **Toxics Release Inventory**.

People can access information about hazardous materials in the community from the Local Emergency Planning Committees.

Citizen Auditors

- Right to information includes **inspection** of records, works and taking certified samples of material

Vinod Rai, Former Comptroller and Auditor General of India



Vinod Rai, Former CAG

- “If I went for an audit and asked for comments, you could give it to me in a day, in a month, in six months, or never give it and I could not do anything about it except remind you. Today, the government has empowered citizens with the RTI Act. We are asking for similar powers **so that my audit queries are answered in 30 days.**”

○ *Outlook*, 11 July 2011

THE EVOLUTION
OF

THE RIGHT TO INFORMATION

RTI: A Short History

250 years ago

Sweden passed the first freedom of information law in the world,

sponsored by Finnish priest

Anders Chydenius;

inspired by the

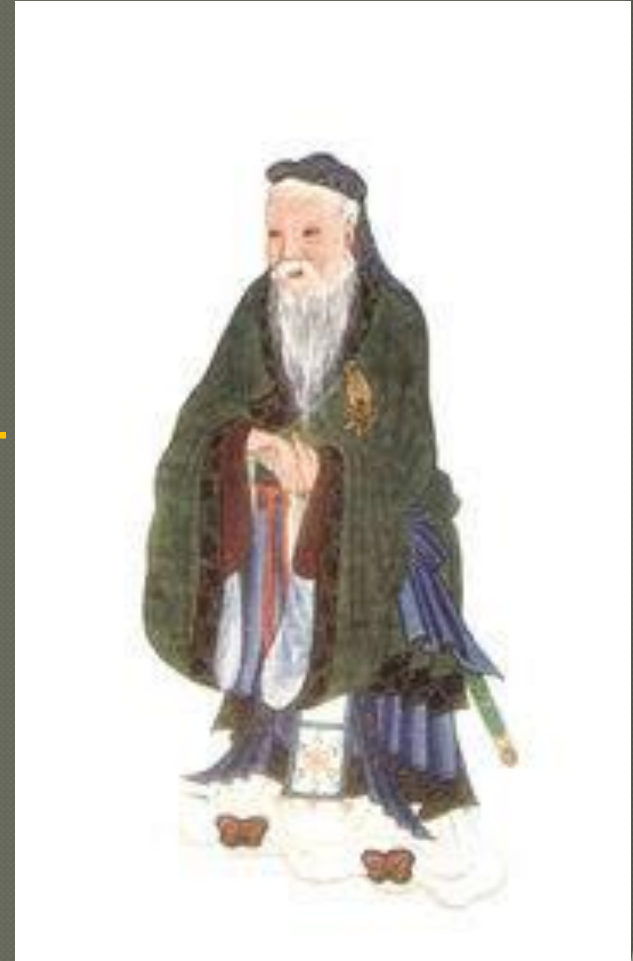
Confucian philosophy.



The origins of openness are not in the West, but in the East.

Confucius taught Chinese kings to:

“**admit their own imperfection** as a proof for their **love of the truth** and in fear of ignorance and darkness.”



American FOI Act

The origins of the American Freedom of Information Act (FOIA) come from the activism of Democratic Congressman **John Moss**, who chaired the special sub committee of public information.

U.S.A. passed the FOIA in 1966.



Chronology of FOI laws

- Sweden 1766
- Colombia 1888
- Finland 1951
- U.S.A. 1966
- Denmark, Norway 1970
- France 1978
- Australia, New Zealand 1982
- Canada 1983
- India, England 2005

So far, over 120 countries have passed FOI laws.

Mazdoor Kisan Shakti Sangathan

When minimum wages continued to be denied to workers who put in more than 8 hours of work on government works in Bhim Tehsil

MKSS lead them to assert their RTI by **demand for copies of bills, vouchers and muster rolls**, in village panchayats.

This initiative triggered off a campaign for transparency and accountability in the use of public funds.

Ms Aruna Roy, Founder, MKSS



Mera paisa, mera hisab!

“When I send my son to the market with ten rupees, I ask for accounts. The Government spends millions of rupees, I ask for accounts.

Is liye – Mera paisa, mera hisab!”

(My money, My accounts !)

-- Sushila

The Rajasthan experience on demanding right to information was echoed in other States.

Chronology of RTI Laws in India

- Tamilnadu, Goa 1997
- Rajasthan, Karnataka 2000
- Delhi 2001
- Maharashtra, Assam 2002
- Madhya Pradesh 2003
- Jammu and Kashmir 2004,2009
- Parliament enacted FOIA 2002 06.01.2003

Chronology of RTI Laws in India

- 23.12.2004 The RTI Bill introduced in the Lok Sabha
- 11.05.2005 Lok Sabha passed the RTI Bill
- 12.05.2005 Rajyasabha passed the RTI Bill
- 15.06.2005 The President gave assent to the Act; a few provisions came into force
- 21.06.2005 RTIA published in the Gazette of India, Part II, Sec.1 Ext.No.25
- 12.10.2005 RTIA came fully into force

Way ahead

- India withdrew from the prestigious ‘**Open Government Partnership**’, launched in 2011, to “secure commitments from governments to promote transparency, empower citizens, fight corruption” and so on.
- India had been a steering committee member for months before its withdrawal.
- So far 78 countries have joined the partnership.
- For membership, a country “must endorse a high-level Open Government Declaration, deliver a country action plan developed with public consultation” and so on.

About Open Government Partnership

Welcome to the Open Government Partnership, an organization of reformers inside and outside of government, working to transform how government serves its citizens.



In 2011, government leaders and civil society advocates came together to create a unique partnership—one that combines these powerful forces to promote accountable, responsive and inclusive governance.

Seventy-eight countries and a growing number of local governments —representing more than two billion people—along with thousands of civil society organizations are members of the Open Government Partnership (OGP).

- [OGP Process](#)
- [2019 OGP Implementation Plan](#)

[Mission and Strategy](#)

Activate Windows
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Way ahead

- ◉ The Whistle Blowers Protection Act, 2014
- ◉ Personal Data Protection law
- ◉ Public Records law
- ◉ Private sector under the RTI Act
- ◉ Environmental Right to information law
- ◉ Spending openly: Track your taxes

South Asia

- ◎ **Influence on neighbors**
- ◎ Indian RTI Act served as a model for other countries, particularly its neighbors, who enacted even stronger open laws; healthy competition, in deed.

Nepalese RTI Act of 2007

- ⦿ includes registered political party in its definition of 'Public Agency' and
- ⦿ offers Whistleblowers' protection under which any employee can disclose information on any ongoing or probable corruption or irregularities.

Bangladeshi RTI Act of 2009

- provides for strong Information Commission with Information Commission Fund and
- ensures Financial Independence of the Information Commission, unlike India, many of whose Information Commissions are not adequately supported by Government and suffer from lack of infrastructure, human resources and so on.

Sri Lanka

- Sri Lanka recently decided to join OGP and became the sole member from the subcontinent.
- RTI legislation came into force in 2017.

Pakistan

- Pakistan has not enacted a formal RTI law so far. However, it became one of four countries in the world where tax records are public, mainly due to efforts of Center for Investigative Reporting in Pakistan, led by journalist Umar Cheema.

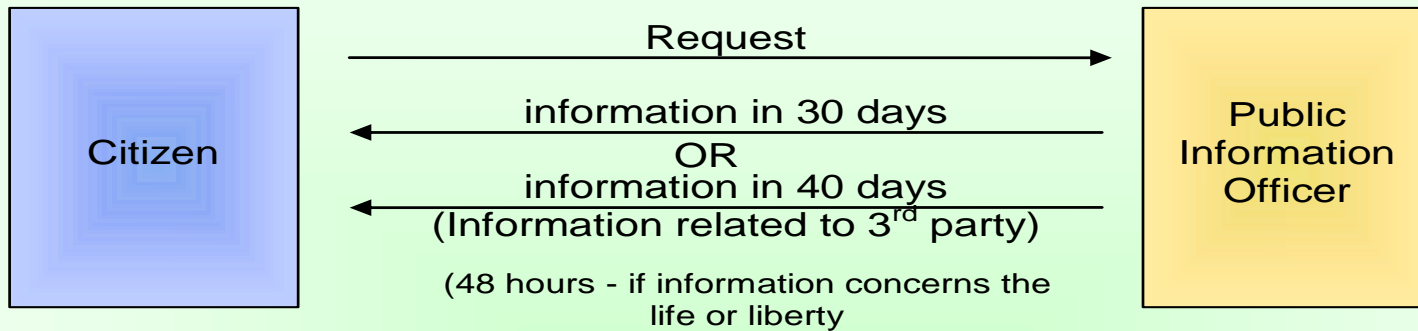
RIGHT TO INFORMATION

Salient features

Salient features

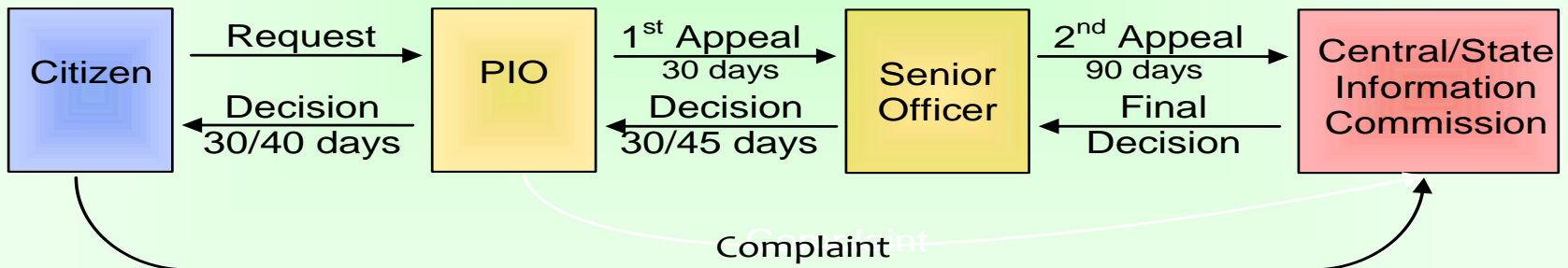
The Right to Information Act 2005
came fully into force on **12 October 2005**.
(President signed into law on 15 June 2005)

Flow chart of the Request for Information



(Add 5 days if the request is submitted to Assistant Public Information Officer)

Flow chart of the Request for Information (if rejected)



Universal access to information
held by the public authorities.

All citizens have right to access
information, in any **form**, in official
language.

'Information' broadly defined

- Records
- e-mails
- samples
- models.

Retrospective Effect

- Information pertaining to any period, if held by the public authority, can be obtained;
- Applies to information held or collected before it came into force.

NGOs, private bodies

Covers:

- all public authorities

- ❖ Judiciary

- ❖ Legislature

- ❖ Executive

- NGOs

- private bodies

subject to provisions.

Public Information Officer

- Public Information Officers (“P.I.O.”) provide information.

Must withhold

- Only absolute exemption from disclosure of information

May withhold

- All other exemptions are subject to public interest test.

Give before asking for it!

- **Voluntary** disclosure of maximum (16 categories of) information on Nationwide network.

Let the people participate in decision making

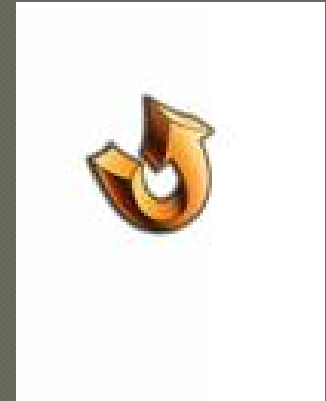
- **Voluntarily** publish relevant facts while formulating important **policies** or announcing the **decisions** which affect public.

Let the people know how you work

- Every public authority should **voluntarily** provide reasons for its **administrative** or **quasi-judicial decisions** to affected persons.

U turn

U turn from
inherited systems where
secrecy was the rule
to
open administration where
secrecy is an exception.



Presumption in favor of disclosure

- Sets disclosure as the default position.

- ① No prescribed form.
- ② Reasonable fees

◎ P.I.O has a 'duty to assist'
requesters.

Law is 'purpose blind'

- No need to give reasons for requesting information.

Law is 'applicant blind'

- No need to give personal details except address for contact.

- Information concerns the life or liberty to be provided within 48 hours.

- Information to be provided expeditiously, within **30 days** of receipt of request.

Mute refusal

- ◉ Deemed to be refused if no response is given.

First Appeal

- Internal First Appeals against PIO's decisions on fees/form of access/rejection/partial disclosures.

Information Commissions

- Independent Information Commissions at Central and State levels.

- Introduction
- Organizational Structure
- Who are We
- Chief IC/ICs
 - Chief IC/ICs Profile
 - Declaration of Assets
 - Terms & Conditions of service of Chief IC and ICs
- Former Chief ICs/ICs



Shri Divya Prakash Sinha
Information Commissioner



Shri Yashvardhan Kumar Sinha
Information Commissioner



Mrs Vanaja N Sarma
Information Commissioner



Shri Neeraj Kumar Gupta
Information Commissioner



Shri Suresh Chandra
Information Commissioner



Dr. Amita Pandove
Information Commissioner

Telangana State Information Commission

- Home
- About Us
- Highlights-Act
- Your Right to Know
- FAQ
- Work Distribution
- Downloads
- Contact Us



Dr Raja Sadaram Soma being administered oath of office as Chief Information Commissioner and Sri Buddha Murali administered oath of office as State Information Commissioner

Welcome

Under the **Right to Information Act, 2005**, Telangana State Government Constituted **Telangana State Information Commission** on 13-09-2017. The jurisdiction of the Commission extends to all Telangana Public Authorities. The Commission as a Quasi Judicial body deals with the Complaints and Second Appeals filed under the Right to Information Act, 2005.

The **Hon'ble Governor of Telangana** has appointed **Dr. Raja Sadaram Soma** as the first **Chief Information Commissioner** and **Sri Buddha Murali** as **State Information Commissioner**. They assumed the office on 25-09-2017, F.N.

Check Status

Reg. No : 2019 ▾

Name :

Address :

Get Details

Landmark Decisions

- Appeal No.14056/CIC/2018, dated: 26-06-2019
- Appeal No.14056/CIC/2018, dated: 26-06-2019... [More](#)

- Login for PIO/AA/HODs
- Dir. of Public Authorities
- Information U/S 4(1)(b)
- Google Custom Search
- Profile of CIC/ICs
- Photo Gallery
- Decisions of TSIC
- Notices Issued
- Press
- TSIC 4(1)(b)
- Landmark Decisions
- CIC's of States
- Other RTI Links
- Contact Us

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Complaints

- Citizens can directly make complaints and appeals to Information Commissions.

Apply and relax!

- Presumption in favor of disclosure of information – Burden of proof on P.I.O.

- Overriding effect on other secrecy laws.
- Penalties on irresponsible P.I.O.s. and
Compensation

- Educational programmes to disadvantaged communities.
- Annual reporting by the Information Commissions

Way ahead

- India withdrew from the prestigious ‘Open Government Partnership’, launched in 2011, to “secure commitments from governments to promote transparency, empower citizens, fight corruption” and so on.
- India had been a steering committee member for months before its withdrawal.
- So far 69 countries have joined the partnership.
- For membership, a country “must endorse a high-level Open Government Declaration, deliver a country action plan developed with public consultation” and so on.

Way ahead

- ◉ The Whistle Blowers Protection Act, 2014
- ◉ Privacy protection law
- ◉ Public Records law
- ◉ Private sector under the RTI Act
- ◉ Environmental Right to information law
- ◉ Spending openly: Track your taxes

Progressive law

“Indian RTI law is the best in the world.”

- Former CIC Sri Satyananda Mishra on 20 Jan.2012 at Chennai.

○Penalty
and

○Compensation

New laws

Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011

Penalty up to Rs 50,000.

- Clause 25 (2)

'Held' test

- Information pertaining to any period, if **held** by the public authority, can be obtained;

Independent PIOs

- The Minister of State in the Ministry of Personnel, Public grievances and Pensions stated in the Lok Sabha as follows:
 - Lok Sabha Unstarred Question No 1762. Answered on 28.11.2007.

Independent PIOs

- The Right to Information Act, 2005 contains provisions enabling the Public Information Officers to **work objectively and fearlessly.**

● P.I.O. has the 'duty to assist'
requesters.

Provide necessary help

- “[T]he responsibility of a public authority and its public information officers is not confined to furnish information but also to **provide necessary help** to the information seeker, wherever necessary. While providing information or rendering help to a person, it is **important to be courteous** to the information seeker and to respect his dignity. O.M. No.4/9/2008-IR on 24th June, 2008.

Presumption in favor of disclosure

- Sets disclosure as the default position.

Section 7 (8)
Section 19 (5)

Government of India
Ministry of Personnel, PG & Pension
Department of Personnel & Training

North Block, New Delhi
Dated 6th October, 2015

Office Memorandum

Subject: Format for giving information to the applicants under RTI Act- issue of guidelines regarding.

It has been observed that different public authorities provide information to RTI applicants in different formats. Though there cannot be a standard format for providing information, the reply should however essentially contain the following information:

- (i) RTI application number, date and date of its receipt in the public authority.
- (ii) The name, designation, official telephone number and email ID of the CPIO.
- (iii) In case the information requested for is denied, detailed reasons for denial quoting the relevant sections of the RTI Act should be clearly mentioned.
- (iv) In case the information pertains to other public authority and the application is transferred under section 6(3) of the RTI Act, details of the public authority to whom the application is transferred should be given.
- (v) In the concluding para of the reply, it should be clearly mentioned that the First Appeal, if any, against the reply of the CPIO may be made to the First Appellate Authority within 30 days of receipt of reply of CPIO.
- (vi) The name, designation, address, official telephone number and e-mail ID of the First Appellate Authority should also be clearly mentioned.

Activate Windows
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First Appellate Authority should also be clearly mentioned.

2. In addition, wherever the applicant has requested for 'certified copies' of the documents or records, the CPIO should endorse on the document "True copy of the document/record supplied under RTI Act", sign the document with date, above a seal containing name of the officer, CPIO and name of public authority; as enumerated below:

| |
|---|
| True copy of the document/record supplied under RTI Act. Sd/- Date (Name of the Officer) CPIO (Name of the Public Authority) |
|---|

Further in case the documents to be certified and supplied is large in number, information on RTI application should be supplied by a designated PIO but the certification of the documents, if need be, could be done by an other junior gazetted officer.

3. This may be brought to the notice of all concerned.

1. All the Ministries / Departments of the Government of India.

G. S. Arora
(G. S. Arora)
Deputy Secretary (IR)
Tel.23092755

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13-02-2019

File notings

- The Minister of State in the Ministry of Personnel, Public grievances and Pensions, replying to a **Question in the Rajya Sabha**, stated as follows:
- Rajya Sabha Unstarred Question No 73. Answered on 02.07.2009 by the Minister of State in the Ministry of Personnel, Public grievances and Pensions.

File notings

- “The Government *vide* Department of Personnel and Training Office Memorandum no 1/20/2009-IR dated 23rd June, 2009 has clarified that the **file noting can be disclosed except file noting containing information exempt from disclosure under section 8** of the Right to Information Act, 2005.”

Disclosure of personal information

- CIC while deciding a case has cited the decision of Supreme Court of India in the matter of *Girish R. Deshpande vs. CIC and others* (SLP (C) no. 27734/2012) in which it was held as under:-

--Department of Personnel & Training,
O.M. No. 11/2/2013-IR (Pt.), 14 Aug. 2013

Disclosure of personal information

- *"The performance of an employee/Officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression 'personal information', the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which could cause unwarranted invasion of the privacy of that individual."*
- The Supreme Court further held that such information could be disclosed only if it would serve a larger public interest.

Suo motu disclosure on official tours

- Public Authorities may proactively disclose the details of foreign and domestic official tours undertaken by Minister(s) and officials of the rank of Joint Secretary to the Government of India and above and Heads of Departments, since 1st Jan.2012.

--Department of Personnel & Training, O.M. No. F. No. 1/8/2012-IR, 11 Sep.2012

Suo motu disclosure on official tours

- Information to be disclosed proactively may contain nature of the official tour, places visited, the period, number of people included in the official delegation and total cost of such travel undertaken. Exemptions under Section 8 of the RTI Act, 2005 may be taken in view while disclosing the information. These advisory would not apply to security and intelligence organisations under the second schedule of the RTI Act, 2005 and CVOs of public authorities. -- Department of Personnel & Training, O.M. No. F. No. 1/8/2012-IR, 11 Sep. 2012

Suo motu disclosure

- Implementation of suo motu disclosure under Section 4 of RTI Act, 2005 – Issue of guidelines
- --Department of Personnel & Training, O.M. No.
- No.1/6/2011-IR, 15 April.2013

Requests by Associations

- Paragraph 8 of the '*Guide for the Public Authorities- Guidelines for the public authorities under the Right to Information Act, 2005*', published by Department of Personnel & Training, Ministry of Personnel, P.G. and Pensions, Government of India states as follows:
 - O.M.No.1/4/2008-IR dated: 25th April, 2008

Requests by Associations

“8. The Act gives the right to information **only to the citizens of India**. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens. However, if an application is made by an employee or **office bearer of any Corporation, Association, Company, NGO etc. indicating his name and such employee/office bearer is a citizen of India**, information may be supplied to him/her. In such cases, it would be presumed that a citizen has sought information at the address of the Corporation etc.”

DOPT ON COMPILATION OF INFORMATION

- Careful reading of the definition of 'information' and 'right to information' makes it clear that ... the Act, however, does not require the Public Information Officer to deduce some conclusion from the 'material' and supply the 'conclusion' so deduced to the applicant. The PIO is required to **supply the 'material' in the form as held** by the public authority and is **not required to do research** on behalf of the citizen to deduce anything from the material and then supply it to him. No.11/2/2008-IR on 10 July, 2008.

CIC ON COMPILATION OF INFORMATION

- Under Rule 4 (a) of the RTI Act (Regulation of Fee & Cost Rules) 2005 which came into force on September 16, 2005 a **fee is expected to be charged for each page “created or copied”**, which indicates that all information held by or under the control of any public authority is accessible to the public as is covered by the ‘right to information’ defined in sec. 2(j), even when it needs to ‘collected’.” Complaint

No.CIC/WB/C/2007/00345-Decision date:18.02.2008

Section 4

- The requirement of creation of information under the RTI Act is reflected in section 4. Section 4(1) (c) requires publication of **relevant facts** while formulating important policies etc. and Section 4(1) (d) requires disclosure of **reasons** for administrative or quasi-judicial decisions.

THE UK ON COMPILATION OF INFORMATION

- On 9 July 2008, the day before issuance of this Memorandum, the U.K. Secretary of State for Justice, in his intervention before of the House of Lords in *Common Services Agency v. Scottish Information Commissioner*, submitted :
- “the obligations of public authorities ought to be limited to **information which is truly held** by them so that they are not put into the position of having to **conduct research or create new information** on behalf of requesters”.

THE UK HOUSE OF LORDS ON COMPILATION

- This submission was neither accepted nor rejected by the House of Lords. However, it went on to opine
- “as the whole purpose of FOISA is the release of information, it should be construed in as **liberal a manner** as possible”. Opinion of UK House of Lords in *Common Services Agency v Scottish Information Commissioner* [2008] UKHL 47 (9 July 2008)

NGOs, private bodies

Covers:

- all public authorities

- ❖ Judiciary

- ❖ Legislature

- ❖ Executive

- NGOs

- private bodies

subject to provisions.

Section 3

- ◉ **Subject to the provisions** of this Act, all citizens shall have the right to information.
- ◉ What provisions?

What provisions?

- Section 8: Exemptions
- Section 9: Grounds for rejection
- Section 24: Exclusions

Section 9

- Only absolute exemption from disclosure of information

Section 8

- All other exemptions are subject to public interest test.

Exclusions

- ◉ The RTI Act **partially excludes** the following from the ambit of the Act:
- ◉ Organizations specified in the **Second Schedule**
- ◉ **Information furnished by such organizations** to the Government

Voluntary disclosure

- **Voluntary** disclosure of maximum (16 categories of) information on Nationwide network.

Obligations of a public authority

- Paragraph 2 of the '*Guide for the Public Authorities- Guidelines for the public authorities under the Right to Information Act, 2005*', published by Department of Personnel & Training, Ministry of Personnel, P.G. and Pensions, Government of India states as follows:
 - O.M.No.1/412008-IR dated: 25th April, 2008

Obligations of a public authority

- “2.The Act casts important obligations on public authorities so as to facilitate the citizens of the country to access the information held under their control. The obligations of a public authority are basically the obligations of the head of the authority, who should ensure that these are met in right earnest. Reference made to public authority in this document is, in fact, a reference to the head of the public authority.”

Updating

- Paragraph 19 of the '*Guide for the Public Authorities- Guidelines for the public authorities under the Right to Information Act, 2005*', published by Department of Personnel & Training, Ministry of Personnel, P.G. and Pensions, Government of India states as follows:
 - O.M.No.1/412008-IR dated: 25th April, 2008

Updating

- “19. An another important point to note is that it is not sufficient to publish the above information once. The public authority is obliged to update such information every year. It is advisable that, as far as possible, the information should be **updated as and when any development takes place.** Particularly, in case of publication on the internet, the information should be kept updated all the time.”

People's participation in decision making

- **Voluntarily** publish relevant facts while formulating important **policies** or announcing the **decisions** which affect public.

Affected persons.

- Every public authority should **voluntarily** provide reasons for its **administrative** or **quasi-judicial decisions** to affected persons.

First Appeal

- Paragraph 38 of the '*Guide for the First Appellate Authorities*' states as follows:
- Published by Department of Personnel & Training, Ministry of Personnel, P.G. and Pensions, Government of India (O.M.No.1/3/2008-IR dated: 25th April, 2008)

First Appeal

- “Disposal of Appeal
- 38. Deciding appeals under the RTI Act is a quasi-judicial function. It is, therefore, necessary that the appellate authority should see to it that *the justice is not only done but it should also appear to have been done*. In order to do so, the order passed by the appellate authority should be a **speaking order giving justification** for the decision arrived at.”

CIC suggested as follows:

- Central Information Commission Appeal Procedure Rules 2005 are clear that an appellant may be present in person or through his duly authorized representative, or may opt not to be present in appeal before this Commission. Such a principle will apply *mutatis mutandis* to any appeal before any lower authority under the Right to Information Act. CIC/WB/A/2006/00321, 14 Dec. 2006

First appeal may be preferred by one of the following:

- ⦿ The **requester** under sub-section (1) of section 19 of the Act
- ⦿ Time limit under sub-section (1) of section 19 is 30 days; however the appellate authority has the **discretion to admit the appeal after 30 days.**

First appeal may be preferred by one of the following:

- **Third party** under sub-section (2) of section 19 of the Act:
- Time limit under sub-section (2) of section 19 is 30 days. Here the appellate authority has ***no discretion*** to admit the appeal after 30 days.
- The 30 day clock for the third party starts from ***the date of the order*** itself and not from the date of the receipt of the order.

Complaints

- Citizens can directly make complaints and appeals to Information Commissions.

Burden of proof

- Presumption in favor of disclosure of information – Burden of proof on P.I.O.

- Overriding effect on other secrecy laws.

Thank you!

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