

A PPT

On

Important Provisions of the RTI ACT,
2005

Section wise

Right to Information

Section – 3

All Citizens shall have the right to information, subject to the provisions of the Act

Obligation of Public Authorities

Section 4

- Sec 4 (1)(a) Maintain records
Computerize records
Networked all over the country
- Sec 4(1)(b) Proactive Disclosure of Information
- Sec 4(1)(c) Publish all relevant facts while formulating important policies 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

Proactive Disclosure of Information

Sec 4 (1) (b)

Information to be disclosed proactively within 120 days from the enactment of the Act

- **Particulars of its Organisation, functions and duties 4(1)(b)(i)**
- **Powers and duties of officers and employees 4(1)(b)(ii)**
- **Procedures in decision-making process 4(1)(b)(iii)**
- **Norms set by it for discharge of functions 4(1)(b)(iv)**
- **Information regarding the rules, regulations, instructions used for the discharge of its functions 4(1)(b)(v)**

Proactive Disclosure of Information

- **Statement of categories of documents held by it and under its control** 4(1)(b)(vi)
- **Information on policy formulation/ implementation** 4(1)(b)(vii)
- **Statement of the Boards, Councils, Committees etc** 4(1)(b)(viii)
- **Directory of its officers and employees** 4(1)(b)(ix)
- **Monthly remuneration of officers/ employees** 4(1)(b)(x)
- **Budget allocated to each of its agencies, particulars of all plans, proposed expenditures and reports on disbursements made** 4(1)(b)(xi)
- **Execution of subsidy programmes, the amounts allocated & the details of beneficiaries of such programmes** 4(1)(b)(xii) ⁵

Proactive Disclosure of Information

- **Particulars of recipients of concessions, permits or authorisations granted by it 4(1)(b)(xiii)**
- **Details of information available in an electronic form 4(1)(b)(xiv)**
- **Particulars of facilities available to citizens for obtaining information 4(1)(b)(xv)**
- **Names, designations and other particulars of the Public Information Officers. 4(1)(b)(xvi)**
- **Update every year 4(1)(b)(xvii)**

Section – 4

- Updating of Records – recommendations of 2nd ARC (DoPT OM dated 14.11.2007)
- Preparation of Inventory of Public Authorities under RTI Act 2005 (DoPT OM dated 31.7.2007)
 - Each Department should have an exhaustive list of all Public Authorities, which come within its purview
 - All the details should be made available on the websites of the respective PAs
 - Prepare a list of NGOs which receive grant from them and fall within the definition of PA
- All the material indicated in Section-4 are to be disseminated in Telugu and to be placed on the Websites (GAD circular Memo dated 25.10.2010)

Section – 4

Implementation of Suo-motu Disclosure (DoPT OM dated 29.6.2015)

- The retention and maintenance of specific documents for specified duration should be clearly spelt by PAs
- In the Public Authorities with high public dealings there should be cooperation and coordination between PIOs and the officers responsible for addressing public grievances.
- The information relating to recruitment, promotion and transfers should be brought into public domain.

Suo-motu disclosure of information on official tours of Ministers and other officials (DoPT OM dated 11.9.2012)

Section - 5

- **PIO is to be designated within 100 days for providing information 5(1)**
- **APIO is to be designated within 100 days for receiving & forwarding application/ appeals 5(2)**
- **Render reasonable assistance to the persons seeking information 5(3)**
- **Seek assistance of any other officer, if necessary, for proper discharge of duty as PIO 5(4)**
- **The Officer from whom information is sought is deemed to be the PIO in respect of the Information 5(5)**

Section - 5

Clarification regarding Sub-sections (4) and (5) of Section-5 (DoPT OM dated 28.7.2008)

- The provisions enables PIO to seek assistance of any other officer to enable him to provide information to the information seeker but it does not give him authority to designate any other officer as PIO and direct him to send reply to the applicant.

Section - 5

Appointment of Nodal Officer for coordination in the Public Authorities where there is more than one PIO (GAD Circular dated 27.10.2011)

Section -6

Information concerning other Public Authority / Authorities – Transfer of Applications

Shall transfer the appln. Or part, within 5 days, if the information sought pertains to the other PA

6(3)(ii)

- If PIO is not able to find out as to which PA is concerned with the information even after making reasonable efforts, he has to establish that he made reasonable efforts to find out the particulars of the concerned PA.
- If a part of the information available with the PA and a part of information concerns some ‘another public authority’, PIO should supply the information available and a copy of the application be sent to that another PA.
- If a part of the information is available with the PA and rest of it scattered with more than one PA, PIO may advise the applicant to make separate applications to the concerned PAs.
- If the information requested for concerned other States / UTs, PIO need not transfer the application.

Section – 6

Courteous behavior with the persons seeking information

The responsibility of the Public Authority or PIO is not confined to furnish information but also to provide necessary help to the information seeker, where ever necessary- **Sec5(3)**

[While providing information or rendering help, it is important to be courteous to the information seeker (DoPT OM No. 4/9/2008-IR, dated 24th June 2008)]

Acknowledgement of RTI applications:

Proper acknowledgement to be given clearly indicating the application receiver's name, designation and date (GAD circular dated 5.6.2010)

Payment of fee under RTI

Mode of payment

- By Cash / demand draft / banker's cheque / Indian Postal Order
(DoPT OM dated 5.12.2008)
- By affixing Court fee stamps on the application
(GOMs No. 740, dated 1.10.2007)
- Timely intimation about payment of additional fee
(DoPT OM dated 11.2.2013)

Disposal of request

Sec. 7

- With in 30 days in general cases- 7(1)
- With in 48 hours, where the information sought for concerns the life or liberty of a person -7(1)
- If no decision or information is received, within 30 days, applicant can presume as his appl. Is refused -7(2)
- Send intimation about the fee required to be paid for furnishing the information- 7(3)(a)
- The period intervening between dispatch of intimation and payment of fees shall be excluded -7(3)(a)
- Calculations made to arrive at the fee shall also be furnished -7(3)(a)
- If the information seeker is a disabled person appropriate assistance to be rendered -7(4)

Disposal of request

Sec. 7

- Waiver of appln. Fee & further cost -7(5)
- If the PIO fails to furnish information with in the stipulated time the same shall be provided free of charge -7(6)
- Shall consider the representation of the 3rd party 7(7)
- If PIO rejects the request for information, reasons must be stated, referring relevant sections 7(8)(i),
- Time limit for appeal, details of AA also to be informed -7(8) (ii) (iii)
- An information shall ordinarily be provided in the form it is sought unless it would disproportionately divert the resources of the public authority -7(9)

Exemptions

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)

Exemptions (Contd..)

- 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)

8 (2) - Information under exemptions can also be furnished, if Public interest outweighs in disclosure

8 (3) - Exemption Period, there after becomes open
(20 years except a,c,i of 8(1))

Protection of copyright -Section - 9

- Information which involve an infringement of copyright subsisting in a person other than the State may be rejected

Severability -Section -10

- Providing part of the information which does not come under exemptions
- Reasons for providing part of Information are to be informed to the applicant.

Procedure for Providing Third Party Information

Section - 11

“ Third Party means a person other than the citizen making a request for information and includes a public authority” Sec. 2 (n)

If the information requested pertains to third party;

- PIO shall give a written notice to the third party within 5 days from the receipt of request
- The third party can respond within ten days.
- If larger public interest involves, though the third party refused for disclosure, PIO may disclose the information by following the due procedure.

Powers & Functions of the Information Commissions

Section 18

- To receive & dispose Complaints in cases of below contraventions.
- PIO has not been designated. 18(1)(a)
- Refused to accept application. 18(1)(a)
- Refused to forward Appeal. 18(1)(a)
- Refused to give information. 18(1)(b)
- No response with in specified time limits. 18(1)(c)
- One feels the fee charged is unreasonable. 18(1)(d)
- Giving incomplete or false or misleading Information. 18(1)(e)
- Any other matter relating to requesting or obtaining
– access to records under this act 18(1)(f)

– **Powers as of a Civil Court**

Appeals

Section -19

- 1st appeal to the Appellate Authority with in 30 days
- Appeal shall be disposed by the Appellate Authority with in 30 days (can be extended up to 45 days for which reasons to be recorded in writing)
- 2nd appeal against the decision of appellate authority with in 90 days to Information Commission
- If the information relates to third party, the Appellate Authority shall give a reasonable opportunity of being heard to that third party

Disposal of 1st Appeals

- The order passed by 1st AA should be a speaking order giving justification for the decision arrived at.
- 1st AA may pass an order directing the CPIO to give such information to the applicant (or)
- He himself may give information to the appellant while disposing of the appeal.

(DoPT OM dated 9.7.2007)

Penalty

Section 20

Every PIO will be liable for penalty for

- not accepting an application
- Delaying information release without reasonable cause
- Knowingly giving incomplete, incorrect and misleading information
- Destroying information that has been requested
- Obstructing in furnishing of information in any manner
- Penalty amount is Rs. 250/- per day to a maximum of Rs.25,000/-
- PIO shall be given a reasonable opportunity of being heard by the Commission before any penalty is imposed
- The Information Commission can also recommend disciplinary action against the PIO, if PIO contravenes persistently.

Chapter VI: 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 26

Section 24: Partial application of the Act to certain organizations, which are listed in Second Schedule

Section 25: Monitoring and Reporting

Section 26: Appropriate Govt. to prepare programs for Capacity Building

Section 27: Power to make Rules by Govt.

Section 28: Power to make Rules by Competent Authority

Section 29: Laying of Rules

Section 30: Power to remove difficulties

Section 31: Repeal of Freedom of Information Act,2002

THANK YOU