

## BRINGING INFORMATION TO THE CITIZENS

### Right to Information ( RTI)

Right to Information is a part of fundamental rights under Article 19(1) of the Constitution. Article 19(1) says that every citizen has freedom of speech and expression. As early as in 1976, the Supreme Court said in the case of *Raj Narain vs State of UP*, that people cannot speak or express themselves unless they know. Therefore, right to information is embedded in article 19. In the same case, Supreme Court further said that India is a democracy and people are the masters. As masters they have every right to know how the government is functioning. Every citizen pays taxes at least in the form of goods and services tax if at all he or she is not covered in the purview of Income tax.



### Right To Information Act A Powerful Tool For Citizens

Right to Information Act 2005 mandates timely response to citizen requests for government information. The basic object of the Right to Information Act is to empower the citizens, promote transparency and accountability in the working of the Government, contain corruption, and make our democracy work for the people in real sense. It goes without saying that an informed citizen is better equipped to keep necessary vigil on the instruments of governance and make the government more accountable to the governed. The Act is a big step towards making the citizens informed about the activities of the Government.

The Ministry of Personnel, Public Grievances and Pensions had provided a web portal for the facilitation of citizens and this RTI Portal works as a Gateway to them for quick search of information on the details of first Appellate Authorities, Principal Information Officer PIOs etc. amongst others, besides access to RTI related information / disclosures published on the web by various Public Authorities under the government of India as well as the State Governments.

Further, every public authority is obligated to maintain computerised versions of all records in such a

way that it can be accessed over a network anywhere in the country and issued to the person who has requested for information.

Every public authority should provide essential information to the public through various channels of information (including internet) at frequent intervals so that the use of the RTI Act to obtain information can be kept to a bare minimum.

Any person who desires to obtain information shall submit a written or electronic request in English or Hindi or in the official language of the area to the Central Public Information Officer or his/her counterpart at the state level. No applicant will be required to give any reason for application for request or to provide any personal information except for contact details where it is necessary for the authorities to contact the applicant.

Under normal circumstances, the information requested for will be provided in the form sought for - if a citizen asks for some information in the form of an email attachment, it will be provided unless it causes damage to the original document itself.

The authority will be under no obligation to provide such information that might hurt the sovereignty and integrity of India, information that has been forbidden to be shared by any court of law, information received under confidence by a foreign Government and cabinet papers.

Here are F A Qs related to RTI Act (Courtesy – [www.righttoinformation.org.in](http://www.righttoinformation.org.in))

### If RTI is a fundamental right, then why do we need an Act to give us this right?

This is because if you went to any Government Department and told the officer there, “RTI is my fundamental right, and that I am the master of this country. Therefore, please show me all your files”, he would not do that. Therefore, we need a machinery or a process through which we can exercise this fundamental right. Right to Information Act 2005, provides that machinery. Right to Information Act does not give us any new right. It simply lays down the process on how to apply for information, where to apply, how much fees etc.

### When did RTI Act come into force?

The Central Right to Information Act came into force on the October 12, 2005. However, before that 9 state Governments had passed state Acts. These were Jammu and Kashmir, Delhi, Rajasthan, Madhya

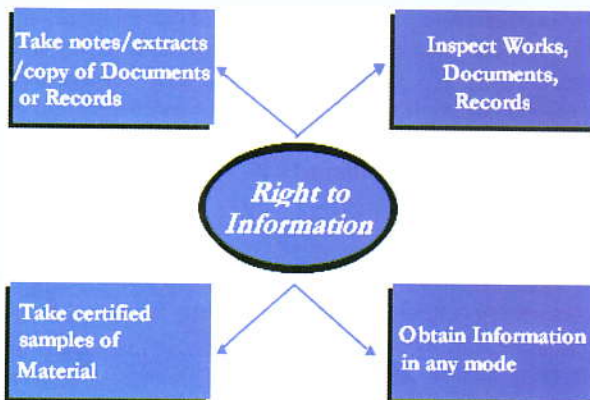


Pradesh, Maharashtra, Karnataka, Tamil Nadu, Assam and Goa.

### What rights are available under RTI Act 2005?

Right to Information Act 2005 empowers every citizen to

1. Ask any questions from the Government or seek any information.
2. Take copies of any government documents.
3. Inspect any government documents.
4. Inspect any Government works.
5. Take samples of materials of any Government work.



### Who is covered under RTI?

The Central RTI Act extends to the whole of India except the State of Jammu and Kashmir. All bodies, which are constituted under the Constitution or under any law or under any Government notification or all bodies, including NGOs, which are owned, controlled or substantially financed by the Government are covered.

### Are Private bodies covered under the RTI Act?

All private bodies, which are owned, controlled or substantially financed by the Government are directly covered. Others are indirectly covered. That is, if a government department can access information from any private body under any other Act, the same can be accessed by the citizen under the RTI Act through that government department.

### Isn't Official Secrets Act 1923 an obstacle to the implementation of RTI Act?

No. Sec 22 of the RTI Act 2005 clearly says that RTI Act would over ride all existing Acts including Officials Secrets Act.

### Can the PIO refuse to give me information?

A PIO can refuse information on 11 subjects that are listed in section 8 of the RTI Act. These include information

received in confidence from foreign governments, information prejudicial to security, strategic, scientific or economic interests of the country, breach of privilege of legislatures, etc.

There is a list of 18 agencies given in second schedule of the Act to which RTI Act does not apply.

However, they also have to give information if it relates to matters pertaining to allegations of corruption or human rights violations.

### Does the Act provide for partial disclosure?

Yes. Under Section 10 of the RTI Act, access may be provided to that part of the record which does not contain information which is exempt from disclosure under this Act.

### Can access be denied to file notings

No. File notings are an integral part of the government file and are subject to disclosure under the Act.

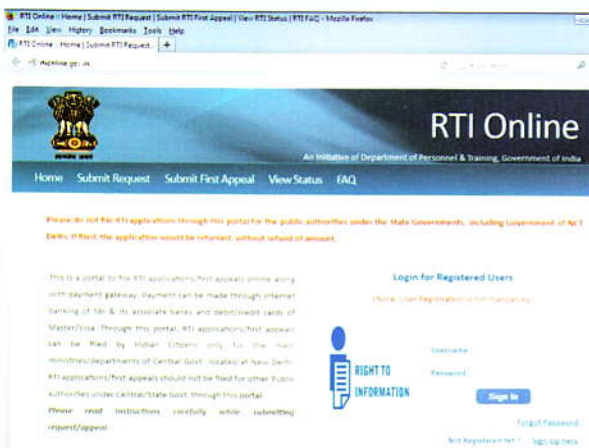
This has been clarified by the Central Information Commission in one of its orders on January 31, 2006.

### How to use Right to Information How do I locate the full Act?

The full Act in Hindi and English is available on the website of Department of Personnel and Training [www.persmin.nic.in](http://www.persmin.nic.in) and on the RTI website <http://righttoinformation.gov.in/rtiact.htm>.

### Who will give me information?

One or more existing officers in every Government Department have been designated as Public Information Officers (PIO). These PIOs act like nodal officers. You have to file your applications with them. They are responsible for collecting information sought by you from various wings of that Department and providing that information to you. In addition, several officers have





## Online RTI Status Form

Note: Fields marked with \* are Mandatory.

\* Enter Registration Number  
\* Enter Email Id  
\* Enter Security code

?  
  
dd26g9  refresh

Submit Reset

been appointed as Assistant Public Information Officers (APIOs). Their job is only to accept applications from the public and forward it to the right PIO.

### Where do I submit application?

You can do that with the PIO or with APIO. In the case of all Central Government Departments, 629 post offices have been designated as APIOs. This means that you can go to any of these post offices and submit your fee and application at the RTI counter in these post offices. They will issue you a receipt and acknowledgement and it is the responsibility of that post office to deliver it to the right PIO. The list of these post offices is given at <http://www.indiapost.gov.in/rtimeanual16a.html>

### What if I can not locate my PIO or APIO?

In case you have problems locating your PIO/APIO you can address your RTI application to the PIO C/o Head of Department and send it to the concerned public authority with the requisite application fee. The Head of Department will have to forward your application to the concerned PIO.

Track your RTI application

Application ID  
123

Email  
email@gmail.com

Submit Query

### Do I have to personally go to deposit my application?

Depending on your state rules for mode of payment you can deposit your application for information from the concerned departments of your state government via post by attaching a DD, Money Order, Postal Order or affixing Court fee Stamp

For all Central government departments the Department of Posts has designated 629 postal offices at the national level. The designated officers in these post offices work as Assistant PIOs and collect the application to forward to the concerned PIO. A list is available on <http://www.indiapost.gov.in/rtimecontents.html>

### Is there a time limit to receiving information?

Yes. If you file your application with the PIO, you must receive information within 30 days.

In case you have filed your application with Assistant PIO then information has to be made available within 35 days. In case the matter to which the information pertains affects the life and liberty of an individual, information has to be made available in 48 hours.

### Latest initiatives

The Central Information Commission (CIC) announced that citizens who file appeal/cases filed under the RTI (Right to Information) Act will now receive real time updates about the status of their cases. The updates will be delivered via emails and SMSs.

A citizen's duty does not end with voting and the RTI Act is a great tool for citizens to come together and be more involved. The government is taking steps to make sure that citizens are not denied the right to information by making the application and follow up process easy.