

RIGHT TO INFORMATION ACT, 2005

OBJECTIVE: The Right to Information Act, 2005 provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority.

Information: Section 2(f) of the Right to Information Act, 2005 states that "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.

Right to Information: -"Right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to-

- (i) inspection of work, documents, records;
- (ii) taking notes, extracts or certified copies of documents or records;
- (iii) taking certified samples of material;
- (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

To whom the Right to Information under R.T.I Act, 2005, is available:

All citizens of India shall have the right to information.

In general course, an applicant is not required to submit any proof of citizenship. However, if the CPIO has any doubt about the identity of the applicant he can seek for his proof of identification. The Act gives the right to information to the citizens of India only. It does not make provision for furnishing information to Corporations, Associations, and Companies and all other legal entities / persons, except 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 or 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.

Public Authority: As per section 2(h) of the R.T.I Act, 2005 "public authority" means any authority or body or institution of self-government established or constituted—

- (a) by or under the Constitution;
 - (b) by any other law made by Parliament;
 - (c) by any other law made by State Legislature;
 - (d) by notification issued or order made by the appropriate Government, and includes any—
 - (i) body owned, controlled or substantially financed;
 - (ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;
- India Post Payments Bank is a Public Authority.*

Structure of RTI in the Bank

Central Public Information Officer (CPIO)

Central Public Information Officers are responsible for giving information to a person who seeks information under the RTI Act.

Appellate Authority (AA)

If an applicant is not supplied information within the prescribed time of thirty days or 48 hours, as the case may be, or is not satisfied with the information furnished to him, he may prefer an appeal to the First Appellate Authority who is an officer senior in rank to the Central Public Information Officer.

Details of the Appellate authority/CPIOs/CAPIOs

Format of Application

There is no prescribed format of application for seeking information. The application can be made on plain paper. The application should, however, have the name and complete postal address of the applicant. Even in cases where the information is sought electronically, the application should contain the name and postal address of the applicant. The application should be made in English or Hindi or in the official language of the area in which the application is being made, accompanied by the prescribed fee and specifying the particulars of the information sought.

Payment of RTI Fee & Cost of Information

The RTI fee and the cost of information, where applicable, is to be paid by Demand Draft or Bankers Cheque or IPO in the name of "Central Public Information Officer, India Post Payment Bank, payable at the centre where CPIO is located.

Prescribed fee and additional cost of information: What information can be sought

A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority. It is important to note that only such information can be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. The Central Public Information Officer is not supposed to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.

A citizen has a right to obtain information from a public authority in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device from which the information may be e-mailed or transferred to diskettes etc.

The information to the applicant should ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form would disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied.

In some cases, the applicants expect the Central Public Information Officer to give information in some particular proforma devised by them on the plea that they have a right to get information in the form in which it is sought. It need be noted that the provision in the Act simply means that if the information is sought in the form of photocopy, it shall be provided in the form of photocopy, or if it is sought in the form of a floppy, it shall be provided in that form subject to the conditions given in the Act. It does not mean that the CPIO shall re-shape the information. This is substantiated by the definition of the term 'right to information' as given in the Act, according to which, it includes right to obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device. Everywhere in the Act, the word 'form' has been used to represent this meaning.

A citizen has a right to get 'material' from a public authority which is held by or under the control of that public authority. 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. It means that the Public Information Officer is required to supply the 'material' in the form as held by the public authority, but not to do research on behalf of the citizen to deduce anything from the material and then supply it to him.

Information which is exempt from Disclosure

The Act provides under Sections 8, certain categories of information that are exempt from disclosure to the citizens. The following categories of information are exempt from disclosure under Section 8:

(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

(a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;

(b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;

(c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

(f) information received in confidence from foreign Government;

(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

(2) Notwithstanding anything in the Official Secrets Act, 1923 (19 of 1923) nor any of the exemptions permissible in accordance with sub-section (j), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

(3) Subject to the provisions of clauses (a), (c) and (i) of sub-section (j), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:

Provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.

Time Norms for disposal of Requests and Appeals Requests:

Applications before CPIO	Time prescribed for supply of information or disposing off the application
Providing information in normal course	30 days
Providing information if it concerns the life or liberty of a person	48 hours
Providing information if application / request is received after transfer from another public authority: (a) In normal course (b) If it concerns the life or liberty of a person	(a) Within 30 days of the receipt of the application by the concerned public Authority. (b) Within 48 hours of receipt of the application by the concerned public authority
Providing information if it relates to third party and the third party has treated it as confidential.	Should be provided after following the procedure under Section 11 of the RTI Act.
Providing information where the applicant is asked to pay additional fee.	The period intervening between informing the applicant about additional fee and the payment of fee by the applicant shall be excluded for calculating the period of providing information.

If a public authority fails to comply with the specified time limit, the information to the concerned applicant would have to be provided free of charge.

Appeals :

The appeal shall be disposed off within 30 days of receipt of the appeal.

In exceptional cases, the Appellate Authority may take 45 days for its disposal for which reasons are to be recorded.