

Though in India the citizens are considered as the owners of the land the bureaucrats were not allowing the citizens to easily have knowledge of each and every detail of the machinery. Therefore to set right this and to reduce corruption the Right to Information Act was introduced.

RIGHT TO INFORMATION ACT

WHAT IS RTI ?

RTI stands for Right To Information. Right to Information is a part of fundamental rights guaranteed by the Constitution of India, which says that every citizen has freedom of speech and expression. Our Supreme Court in some case held that people cannot speak or express themselves unless they know. Therefore, right to information is embedded in Constitution.

India is a democratic nation wherein People are the masters. Therefore, the masters have a right to know how the governments, meant to serve them, are functioning. Besides that every citizen pays taxes either direct or indirect therefore, have a right to know how their money was being spent. These three principles were laid down by the Supreme Court while saying that RTI is a part of our fundamental rights.

Though RTI is fundamental right and the citizens of India are masters of this country the public authority never used to reveal the information to the citizens so easily. Therefore we needed a machinery or a process through which we can exercise this fundamental right hence with this object the Right to Information Act 2005 came into existence which provides that machinery.

Therefore, 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.

The first time in the history of independent India, there is a law which casts a direct accountability on the officer for non-performance. If concerned officer does not provide information in time, a penalty of Rs 250 per day of delay can be imposed by the Information Commissioner. If the information provided is false, a penalty of a maximum of Rs 25000 can be imposed. A penalty can also be imposed for providing incomplete or for rejecting your application for malafide reasons. This fine is deducted from the officer's personal salary.

YOUR QUERRIES

WHAT RIGHTS ARE AVAILABLE UNDER RTI ACT 2005?

Right to Information Act 2005 empowers every citizen to

- 0 Ask any questions from the Government or seek any information
- o Take copies of any government documents
- 0 Inspect any government documents.
- o Inspect any Government works
- o 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.

CAN THE PUBLIC INFORMATION OFFICER REFUSE TO GIVE 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.

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.

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 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, 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.

IS THERE ANY FEE?

Yes, there is an application fee. For Central Government Departments, it is Rs 10.

HOW CAN I APPLY FOR INFORMATION?
Draft your application on a normal sheet of paper and submit it by post or in person to the Public Information Officer (PIO). [Remember to keep a copy of the application for your personal reference]

HOW CAN I DEPOSIT MY APPLICATION FEE?

Every state has a different mode of payment for application fee. Generally, you can deposit your application fee via:

- In person by paying cash
- By Post through:
 - Demand Draft
 - Indian Postal Order
 - Money orders (only in some states)
 - Affixing Court fee Stamp (only in some states)
 - Banker's cheque
- Some state governments have prescribed some head of account. You are required to deposit fee in that account. For that, you can either go to any branch of SBI and deposit cash in that account and attach deposit receipt with your RTI application. Or you can also send a postal order or a DD drawn in favour of that account alongwith your RTI application.

WHERE CAN I LOCATE THE CONCERNED PIO?

A list of PIOs/APIOs and Appellate Authorities for all Central and State departments/Ministries is available online at www.rti.gov.in

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.

OTHER DETAILS

If you do not receive information or are dissatisfied with the information received, you can file an appeal with the first appellate authority. Every public authority must designate a First Appellate Authority. This officer designated is the officer senior in rank to your PIO. There is no fee for the first appeal. However, some state governments have prescribed a fee. The first appeal within 30 days of

receipt of information or within 60 days of filing RTI application (if no information received). If you do not receive information even after the first appeal then you can take the matter forward to the second appeal stage. Thereafter you can file second appeal with the Information Commission within 90 days of disposal of first appeal or within 90 days of the date, by when first appeal was to be decided. There is no fees for the second Appeal also. Further there is no requirement of mentioning the reasons for such information. IN TOTAL WE CAN SAY THAT THIS ACT WILL REDUCE THE CORRPUTION.

M VINOD KUMAR

Website _ www.vinlawyer.com

I AM A PRACTICING ADVOCATE AT BANGALORE INDIA

09845463842, 08023561611

Website _ www.vinlawyer.com