

# Chapter 38

## Right to Information Act 2005

It is an important Act under which all citizens shall have the right to information subject to the provision of the Act. A copy of this Act is at **Appendix-XXXIII**.

Some important provisions given under various Section of this Act are as follows:

### Section - 2: Definitions

- (f) “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;

**Section-4-Obligation of public authorities** (1) Every public authority shall,

- (a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated. ;
- (b) publish within one hundred and twenty days from the enactment of this Act,-
- (i) the particulars of its organization, functions and duties;
  - (ii) the powers and duties of its officers and employees;
  - (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
  - (iv) the norms set by it for the discharge of its functions;
  - (v) the rules, regulations, instructions, manuals, and records, held by it or under its control or used by its employees for discharging its functions;
  - (vi) a statement of the categories of documents that are held by it or under its control;
  - (vii) the particulars of any arrangement that exists for consultation with, or representation by the members of the public in relation to the formulation of its policy or implementation thereof ;
  - (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public or the minutes of such meetings are accessible to public;

- (ix) a directory of its officers and employees;
  - (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
  - (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
  - (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
  - (xiii) particulars of recipients of concessions, permits or authorizations granted by it;
  - (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
  - (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
  - (xvi) the names, designations and other particulars of the Public Information Officers;
  - (xvii) such other information as may be prescribed; and thereafter update these publications every year;
- (c) Publish all relevant facts while formulating important policies or announcing the decisions which affect public;
- (d) Provide reasons for its administrative or quasi-judicial decisions to affected persons.
- (2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of Clause (b) of sub-section (1) to provide as much information suo motu to the public at regular intervals through various means of communications including internet, so that the public have minimum resort to the use of this Act to obtain information.
- (3) For the purposes of sub-section (1) every information shall be disseminated widely and in such form and manner which is easily accessible to the public.
- (4) All material shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in the local area and the information should easily be accessible, to the extent possible in electronic format with the Central Public information Officer/or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price, as may be prescribed.
- EXPLANATION-** For the purposes of sub sections (3) and (4), “disseminate” means making known or communicated the information to the public through notice boards, newspapers public announcement, media broadcasts, the internet or any other means, including inspection of offices of any public authority.
8. **Exemption from disclosure of information - (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;
- (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 Ministries , 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 of 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 can not 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 (1), 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 (1) 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.

In addition the Central Information Commission (CIC) gives decisions on the cases filed by the information sections.

A book namely “Important Decisions of Central Information Commission” compiled by ISTM has been up-loaded on ICAR’s website vide Council’s circular dated 3.11.2010 under the “RTI Act with the heading “RTI-important Decisions of CIC” which may be seen/referred for guidance particularly by the officers dealing with the implementation of the RTI Act.