

RIGHT TO INFORMATION

An Overview

Right to Information Bill, passed by both Houses of the Parliament on 13th May 2005, after receiving assent of the President on 15th June 2005, became Right to Information Act, 2005, to be operational on 12th October 2005 after completion of 120 days from the date of Presidential assent. With primary objective to promote transparency and accountability in the working of the Government, contain corruption, and make democracy work for the people in real sense, the Right to Information Act is a leap forward towards making informed citizenry, better equipped to keep necessary vigil on the instruments of governance and make the government more accountable to the governed.

The Right to Information Act, 2005, provides the citizens access to the information which is held by or under the control of any public authority and includes the right to inspect work, documents, records, taking notes, extracts or certified copies of documents/records and certified samples of the materials and obtaining information which is also stored in electronic form.

RITES has designate Central Assistant Public Information Officer (CACPIO) at all its administrative units/offices, Registered Office/Corporate Office/Regional Project Offices/Regional Inspection Offices, who receive application for information from the citizens.

The Central Public Information Officer (CPIO) at its Corporate Office, Gurgaon (Haryana), arranges providing sought information to the citizens under the provisions of the Right to Information Act, 2005.

Any citizen can make a request for information by tendering an application in writing or through electronic means in English/Hindi/official language of the area in which the application is being made, together with the prescribed fees of Rs. 10/- (Rupees ten only), payable through demand draft or a banker's cheque or an Indian Postal Order in favor of "RITES Limited" payable at Gurgaon (Haryana), as fee prescribed for seeking information. The payment of fee can also be made by way of cash to the Accounts Office of the public authority or to the Assistant Public Information Officer against proper receipt.

Fees for providing information under sub-section (1) of section 7, shall be charged by way of demand draft or bankers cheque in favor of "RITES Limited" payable at Gurgaon, at the following rates:-

- Rupees Two (Rs. 2=00) for each page (in A-4 or A-3 size paper) created or copied;
- Actual charge or cost price of a copy in larger size paper;
- Actual cost or price for samples or models; and
- For inspection of records,
 - No fee for the first hour; and
 - A fee of Rupees Five (Rs. 5=00) for each subsequent hour (or fraction thereof).

For providing the information under sub-section (5) of section 7, the fee shall be charged by way of demand draft or bankers cheque in favor of "RITES Limited" payable at Gurgaon, at the following rates:-

- For information provided in diskette or floppy Rupees Fifty (Rs. 50=00) per diskette or floppy; and
- For information provided in printed form at the price fixed for such publication or Rupees Two (Rs. 2=00) per page of photocopy for extracts from the publication.

If the applicant belongs to below poverty line (BPL) category, he is not required to pay any fee. However, he should submit a proof in support of his claim for belonging to the below poverty line.

Non Judicial Stamp Paper and Court Fee Stamp are not the proper forms of submitting the application fee under the Right to Information Act, 2005; applications tendered with the Non Judicial Stamp Paper and Court Fee Stamp, are not admitted under the Right to Information Act, 2005.

An initiative of Department of Personnel & Training, Government of India, rtionline.gov.in, enables tendering RTI applications/first appeals online along with payment gateway facilitating payment of prescribed application fees and additional fees under Section 7(1) of the Right to Information Act, 2005, through internet banking of SBI, debit/credit cards of Master/Visa and RuPay cards.

Though the citizens have a right to information, the said right is not absolute; the CPIO is not under obligation to provide information if the sought information falls under any of the exempted categories of information enumerated in Section 8(1) and Section 9 of the Right to Information Act, 2005.

- Under Section 8 (1) of the Right to Information Act, RITES Limited is not under obligation to furnish:
 - (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 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 the 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 disclosure;

- (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;

- All exemptions from disclosure are subject to overriding principle of “public interest”. Access is allowed if public interest outweighs harm to the protected interests – to be decided by the CPIO or the Appellate Authority [Sec. 8(2) of the Right to Information Act].
- Partial disclosure may be allowed by the CPIO where the entire information is not exempt; non-exempt portions are released after severing exempt parts [Sec. 10(1) of the Right to Information Act].
- CPIO may deny information if it involves an infringement of copyright of another person [Sec. 9 of the Right to Information Act].
- CPIO may also consider non-disclosure of information if the information relates to or has been supplied by a third party and has been treated as confidential by that third party [Sec. 11 of the Right to Information Act].

Time limit for supply of information and submission of the Appeal to the Appellate Authorities under the Right to Information Act, 2005 are as follows:

1. RTI Application submitted directly to the Public Authority/CPIO: RTI Application can be submitted directly to the CPIO either personally or through Post Office.
 - i) Application submitted directly to CPIO by Hand: within 30 days from the date of submission of application
 - ii) Application submitted to CPIO through Post: within 30 days from the date when CPIO received the application
 - iii) Information pertaining to Life and Liberty of a person: within 48 hours of the receipt of application

2. RTI Application submitted to CPIO through ACPIO: Application can be submitted to ACPIO either personally or through post office.
 - i) Application submitted to ACPIO by Hand: within 35 days (30 days + 5 days, as per section 5(2) of the Right to Information Act) from the date when ACPIO received your application
 - ii) Application sent to ACPIO through post: within 35 days (30 days + 5 days, as per section 5(2) of the Right to Information Act) from the date when ACPIO received your application.
3. RTI Application submitted to CPIO through other Public Authority: CPIO of the concerned Public Authority to whom Application was transferred, to provide information within 30 days from the date of receipt of application.
4. Following time limits have been stipulated under the provisions of the Right to Information Act, 2005, for the Public Authorities to provide information to the Applicant in distinctive cases:
 - Additional Fees to be paid by Applicant: Period intervening despatch of intimation for payment of additional fees by the Applicant and receipt of fees from the applicant by the CPIO shall be excluded for the purpose of calculating the period of 30 days referred in Section 7(1) of the Right to Information Act, 2005.
 - Third Party Information: If information sought belong to third party & is considered confidential by third party and the CPIO intends to disclose the information to the applicant, and the CPIO issues such notice under section 11 (1) of the Right to Information Act, then the CPIO shall respond to the RTI Application within 40 days from receipt of application, rather than within 30 days.
5. Section 19 (1) of the Right to Information Act provides right of First Appeal to the Appellate Authority against the order of the Central Public Information Officer (hereinafter referred as CPIO)
 - First Appeal by the Applicant (citizen who filed RTI Application): Under Section 19(1) of the Right to Information Act, 2005, a citizen who either has not received reply from CPIO within time period specified under section 7(1) or section 7(3)(a) of the Right to Information Act, explained above, or is aggrieved at the reply of CPIO may within thirty (30) days from the expiry of such period or from the receipt of such a decision prefer an appeal to the First Appellate Authority in each public authority.
 - First Appeal by Third Party: A third party, under section 11, against whose wish CPIO made decision to disclose information pertaining to third party and considered confidential by the third party, to the applicant, can submit First Appeal to the First Appellate Authority under section 19(2) of the Right to Information Act.
 - Citizen can submit First Appeal Online only when the RTI Application has been filed online; the Citizen can't submit First Appeal online against those RTI

Applications that were filed Offline or in case the online filed RTI Application has been transferred to the other Public Authority under section 6(3) of the Right to Information Act.

6. In filing an appeal, the Appellant must clearly indicate the matter on which decision is required from the First Appellate Authority as it is well settled principle of law that Applicant or Appellant should be provided decision only on the matter he has referred.

Enclose self attested copies of following documents along with First Appeal:

- Copy of RTI Application
- Copy of CPIO's response (if received)
- Any other documents supporting your grounds and pleading in appeal

The Appellant may submit First Appeal along with attachments to the First Appellate Authority either personally (if office of the Appellate Authority is near to your location) or by Registered/ Speed Post.

The appeal should be disposed off within 30 days of receipt of the appeal. In exception cases, the Appellate Authority may take 45 days for its disposal.

7. If the Appellant does not receive decision of the Appellate Authority within specified time, or is not satisfied with the decision you of the Appellate Authority, the citizen may submit Second Appeal under section 19(3) and/or Complaint under section 18 of the Right to Information Act before Central Information Commission.
