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**Speaks on**

*All that you should know about*

**“RIGHT TO INFORMATION ACT, 2005”**

# Right to Information is a fundamental Right

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## But this right is not absolute

Right to Information has been judicially recognised as part of Article 19(1)(a) of Indian Constitution

“All Citizens shall have the right to freedom of Speech and Expression”

**For proper enjoyment of freedom of Speech and Expression, it is imperative that correct information is available to the Citizens.**

# Why an RTI Act ?

**“Lack of Transparency was one of the main causes for all pervading corruption and Right to Information would lead to openness, accountability and integrity” - *Soli Sorabji***

**“ Free flow of information from the Government to the people will not only create an enlightened and informed public opinion but also render those in authority accountable”**

*Mr. V.P. Singh, Prime Minister of India (1989)*

# Movement for Right to Information

- ❖ Press Council of India drafted a Right to Information Bill, 1996 (Justice P B Sawant, Chairman, PCI)
- ❖ Institute of Rural Development, Hyderabad also drafted a bill in 1997
- ❖ In 1997 January 2, DoPT established a working group under the chairmanship of Mr. H.D. Shouri
- ❖ Freedom of Information Bill 2000 introduced in Parliament on 25<sup>th</sup> July 2000.
- ❖ Freedom of Information Act, 2002
- ❖ Right to Information Act, 2005 (wef 12<sup>th</sup> October 2005)

# **India is not the first country to implement RTI**

- **India is the 48<sup>th</sup> Country to implement RTI**
- **USA - Freedom of Information Reform Act 1986**
- **Sweden enjoys the right since 1810**
- **Australia – Freedom of information Act, 1982**
- **Canada, New Zealand, France, South Africa**
- **Malaysia operates an on-line data base system known as Civil Services Link, through which a person can access information regarding functioning of public administration.**

# Extract from the Preamble of RTI Act

*Democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed*

**RTI declares that sovereignty is vested in the  
citizen**

# Why RTI Act is so powerful

- **It extends to the whole of India (Except J & K)**
- **It covers all the “Public Authorities”**
  - Executive, judiciary and legislature
  - Central, state and local governments, all bodies owned, controlled or substantially financed by government
  - Non-government organization substantially financed, directly or indirectly by funds provided by Govt.
- **It also covers Information relating to any private body which can be accessed by a public authority under any other law for the time being in force**
- **Independent and Non-judicial appellate mechanism**
- **Penalty for forfeiture of information**
- **There are virtually 1 billion (100 Crore) MPs**

# Competent Authority

- a) **Speaker for Lok Sabha, Chairman for Rajyasabha, Speaker for legislative assembly**
- b) **Chief Justice of India for Supreme Court**
- c) **Chief Justice for High Court**
- d) **President for India/Governor for States**
- e) **Administrator for Union Governments**

# INFORMATION (Section 2 (f))

- Any material in any form, including **records**, documents, memos, e-mails, opinions, advice, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form.

# **RECORD (Section 2(i))**

**Record includes –**

- **Any document, manuscript and file;**
- **Any microfilm, microfiche and facsimile copy of a document;**
- **Any reproduction of image or images embodied in such microfilm (whether enlarged or not; and**
- **Any other material produced by a computer or any other device.**

# RIGHT TO INFORMATION (Section 2(j))

- ..... includes the right to:
  - \*Inspection of *work*, documents, records;
  - \*Taking notes, extracts, or certified copies of documents or records;
  - Taking certified samples of material;
  - Obtaining information in the form diskettes, floppies, tapes, video cassettes or any other electronic mode or through print outs *where such information is stored in a computer or any other device.*

# **All Citizens shall have the Right to Information (Section 3)**

It shall be the constant endeavor of every public authority to provide as much information **suo moto** to the public at regular intervals through various means of communication, including internet, **so that the public have minimum resort to the use of this Act to obtain information.**

**[Section 4(2)]**

# Obligations of Public Authority (Section 4)

4 (1)(a) Maintenances of Records

4 (1)(b) Publishing all the relevant information

*Procedure followed in every decision making process,  
including channels of supervision and accountability  
[Section 4(1)(b)(iii)]*

4 (1)(c) Publishing all relevant facts while  
formulating important decisions affecting public

4 (1)(d) **Provide reasons for its administrative  
or quasi-judicial decisions to affected persons**

# Public Information Officers (PIOs)

Every Public Authority shall designate **as many PIOs in all the administrative units or Offices** under it as may be necessary *to provide information* to persons requesting information (Section 5(1))

**PIO shall render reasonable assistance to the persons requesting the information (Section 5(3)). If such request cannot be made in writing PIO shall help such person making the request orally to reduce the same in writing (Section 6(1) Provisio)**

# **Assistant Public Information Officer (APIO)**

**Every Public Authority shall designate an Officer at each sub-divisional or other sub-district level as APIO to receive the applications for information or appeals under this Act for forwarding the same forthwith to the respective PIO or 1<sup>st</sup> Appellate Authority or Information Commission (Section 5(2))**

**Definition of PIO includes APIO also  
(Section 2 (c)) & Section 2(m))**

# Deemed PIO

**PIO may seek assistance of any other Officer as he or she considers it necessary for the proper discharge of his or her duties (Section 5(4))**

**Such Officer will be deemed as PIO for the purposes of providing the information requested (Section 5(5))**

**All the Burden including liability for Penalty on defiance of information will stand transferred to the Deemed PIO, if PIO transfers the request to such Officer with a note indicating the same.**

# Request for Information

- **Request on Plain paper (Form A for Kerala State)**  
– **Name, Address [No Fee for BPL]**
- **Fee Rs. 10 by DD (Court fee stamp for Kerala)**
- **To be submitted to PIO or APIO in writing or through electronic means in English, Hindi or Official language of the area**

An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details (Section 6 (2))

However there has to be a greater sense of responsibility on the part of the users of information in the media and elsewhere. Dissemination shall be in Public Interest.

# Transfer of Request to another Public Authority (Section 6(3))

If the information requested is held by another public authority or the subject matter is more closely connected with the function of another public authority, then the PIO/Public Authority shall transfer *the application or such part of it* to that other Public authority as soon as practicable but in no case not later than **five days** from the date of receipt of the application and inform the Applicant immediately.

# *Third Party Information*

**Third Party Information is that which relates to or has been supplied by a third Party and has been treated as confidential by that third Party [Section 11]**

**Third party means a person other than the citizen making a request for information and includes a *public authority***

**[Section 2(n)]**

# Third Party to be Consulted

- **Third parties have the right to be heard in respect of applications and appeals dealing with information submitted by them to the Government**
- **PIO to give notice to third party within 05 days of RTI Request for submission of his views within 10 days of Notice**
- **Except in the case of trade/commercial secrets disclosure may be allowed if public interest outweighs the third party interest.**
- **PIO Shall communicate to 3<sup>rd</sup> party his decision, also indicating that 3<sup>rd</sup> Party has the right to appeal u/s 19**

# **Intelligence and Security Organisations are exempt from RTI Act (Section 24)**

**IB, RAW of Cabinet Secretariat, BSF, SPG,  
CISF, DRDO,**

**Special Branch CID of Andaman & Nicobar,**

**Directorate of Revenue Intelligence,**

**Narcotics Control Bureau etc.**

**However the information pertaining  
to the allegations of corruption and  
Human rights violations are not  
exempted from Disclosure**

# INFORMATION NOT TO BE DISCLOSED

## Section 8(1)

- 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;

## Section 8(1)

- 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;

## SECTION 8(1)

- 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.

*However, after the decision is taken and the matter is complete or over, the decision, the reasons thereof and the material leading to the decision shall be made public.*

## Section 8(1)

- 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 larger public interest demands its disclosure*
- ♪ Information that cannot be denied to the Parliament / State Legislature shall not be denied. [8j-proviso]

### Section 9 - INFORMATION shall not be Disclosed

- If it infringes copyright of any person other than the State.

# Special Provisions for Disclosure of Information

- 🎵 **Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with subsection (1), access to information may be allowed, if public interest in disclosure outweighs the harm to the protected interests. [Section 8(2)]**
- 🎵 **Subject to the provisions of (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which is 20 years old on the date of request shall be provided. [Section 8(3)]**

# Severability (Section 10)

## Partial Disclosure of Information

Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then

**Access may be provided to that part of the record which is not exempted from disclosure, and which can reasonably be severed from any part of that contains exempt information does not contain any information [Section 10(1)]**

**A matter Sub-judice does not mean  
Contempt of Court (Section 8(1)(b))**

*A matter being sub-judice does not attract the provisions of Section 8(1)(b) as it applies to Cases wherein there is a specific order from a court that the information should not be disclosed or disclosure would amount to Contempt of Court*

**Appeal No. 267/ICPB/2006 F. No. PBA/06/318 Dated Jnuary 10, 2007**

**However the disclosures of information may not be permitted if it would impede prosecution of offenders under Section 8(1)(h)**

# **What is ‘Fiduciary’ relationship ? (S. 8(1)(e))**

**‘fiduciary’ is derived from Latin word ‘fiducia’(trust)**

**Fiduciary Relationship exists between**

**a) Lawyer and Client**

**b) Doctor and Patient**

**c) Bank and Customer**

**d) Trustee and Beneficiary**

**e) Organisation and Reporting Officer in respect of CR of an Employee**

**With regard to Report submitted by an Enquiry Committee constituted to probe into a Complaint of sexual harassment, the Report per se cannot be rejected under S.8(1)(e), but it may be severed to exclude personal details of those involved and the Witnesses invoking the provisions of Section 8(1)(j) and Section 8(1)(g)**

## No “fiduciary relationship” in respect of “Evaluated Answer Sheets”

In regard to Public Examinations conducted by institutions like UPSC, CBSE, Staff Selection Commission etc., the function of which is *mainly to conduct examinations* and which have an *established system as fool-proof*, and which by their own rules or regulations prohibit disclosure of evaluated answer sheets or where the **disclosure of evaluated answer sheets would result in rendering the system unworkable** in practice....., we would like to *rest the matter of disclosure of answer sheets*.

But disclosure has to be made when the evaluation is done by computer (OMR Sheet for Example) and the process does not create unnecessary burden on the system

***In all other circumstances, the answer sheets shall ordinarily be disclosed subject to the scrutiny under S. 8 (1) and S. 9***

Full Bench of Central Information Commission (Decision dated 23<sup>rd</sup> April 2007)

Complaint No. CIC/WB/C2006/00223;

Appeal Nos. CIC/WB/A/2006/00469; & 00394

## *Apprehension*

While disclosing the answer sheets, disclosure of identity of the examiners might pose a danger to the life and safety of the Examiner

O.K. Kejariwal, Central Information Commissioner  
(During the hearing of the case by the Full Bench)

Commission maintained that the evaluated answer sheets may be disclosed withholding the name of the Examiner.

*It also implies that marks given by each of the Interview board members are givable without revealing their identity*

The Commission more over held that the proceedings of the DPCs or its minutes are not covered by any of the exemptions provided for under Section 8(1), therefore such proceedings and minutes are to be disclosed.

**Information in regard to the selection criteria and reasons recorded by the selection Committee or marks awarded by them under different categories should be made available**

**Decision No. 163/IC(A)/2006 F. No. CIC/MA/A/2006/00154 Dated 9<sup>th</sup> August 2006**

**The commission has felt that there should be lot of transparency in the conduct of examination and hence they should disclose marks secured by the *successful candidates* and also cut-off marks, if any, prescribed in the organization for the selection process. It has also been decided in the commission that whenever a candidate is seeking information about his own marks it should also be revealed to him.**

**Smt. Padma Balasubramanian,  
Central Information Commissioner**

**Appeal No. 638/ICPB/2007 F.No. PBA/07/158 June 29, 2007**

**Appeal No. 636/ICPB/2007 F. No. PBA/07/138 Dated June 29, 2007**

# Personal information (S.8(1)(j))

When S. 8(1)(j) is read as a whole, it is apparent that Personal information *does not mean information relating to the information seeker* since the question of invasion of privacy does not arise in his own case. Therefore when a citizen seeks information about his own case and as long as the information sought is not exempt in terms of other provisions of Section 8 of RTI Act, this Section cannot be applied to deny the information.

**Appeal No. 374/ICPB/2006 F. No. PBA/07/17 Dated March 5, 2007**

**Mr. P.N. Shukla Vs Canara Bank**

## Personal Information [S. 8(1)(j) and S. 8(1)(d)]

### *Regarding Disclosure of Applications of candidates for Exam*

The documents submitted by individual applicants contain a lot of information as personal details, income, PAN, sources of funds, partnership details, plans to run dealership, affidavit etc. which are personal documents and contain a lot of information of confidential nature, submitted by third parties.

Appeal No. 30/IC(A)/06/F.No CIC/MA/A/2006/0050/

Dated 20<sup>th</sup> April 2006

# File Notings are not exempt from Disclosure

## Definition of File : Manual of Office Procedure of DoPT

(Section 27 of Chapter II: Definitions)

File means Collection of papers on a specific subject matter assigned a file number and consisting of one or more of the following parts:

- a) Correspondence
- b) **Notes**
- c) Appendix to Correspondence
- d) Appendix to Notes'

This would imply that 'notings' are an inextricable part of a record as defined u/s 2(f) and further defined u/s 2(i). Therefore file notings cannot be held to be excluded unless they come in conflict with public interest or are excluded under any of the provisions of RTI Act – **Full Bench of Central Information Commission**

**Appeal No. CIC/OK/A/2006/00154 Dated January 2, 2007**  
**Pyare Lal Vs Ministry of Railways, DoPT**

# Inspection of Personal File is Permissible

Inspection of personal file may be provided after due application of section 10(1) of the Act so that the documents which fall under exempt category could be withheld

Prof. M.M. Ansari, Central Information Commissioner to Mr. R.S. Praveen Raj (Email dated 01/07/2007)

The CPIO has correctly invoked Section 10(1) of the Act providing the copy of the Complete set of Personal file of the appellant. Except ACRs, a copy of entire personal file has been given. --- Prof. M.M. Ansari

**Decision No. 759/IC(A)/2007**

**F. No. CIC/OK/A2007/00363 Dated 1<sup>st</sup> June 2007**

**“Disclosure and inspections are generally allowed in matters of personal files except when it involves disclosure of information related to on-going investigations; ACRs, orders of prosecution and such like. Matters connected with leave, postings, DPC proceedings etc. are normally disclosed.”**

**Shri. A.N. Tiwari, Central Information Commissioner to**

**[To Mr. R.S. Praveen Raj, Email dated 02/07/2007]**

***APAR Grades need not be disclosed – Shri. A.N. Tiwari***

**[F No. *CIC/AT/A/2007/00636* dated 3<sup>rd</sup> August 2007,  
Mr. M.N. Bagde Scientist Grade IV (2) Vs CSIR]**

**Some relevant orders cited**

**(1) Gopal Kumar Vs Army HQrs - Appeal No. CIC/AT/A/2006/00069 -  
DATE OF DECISION - 13.7.2006;**

**(2) B.L. Sinha Vs. Ministry of Company Affairs - Appeal No.  
CIC/AT/A/2007/00256 - DATE OF DECISION - 3.5.2007.**

## Work Report of an Employee is Givable

Since work reports of Employees have been submitted for consideration of appointment/promotion in a public authority, it cannot be argued that such information has no relationship to any public activity. We find, therefore, that this information will not fall u/s 8(1)(j)

Wajahat Habibullah, Central Chief Information Commissioner  
Appeal No. CIC/WB/A/2006/00726 Dated 28.09.2006

[Shri. Dinesh Kumar Abrol Vs CSIR]

**It implies that the work report of an Employee [may be first part of the APAR if PIO is satisfied] is givable *barring departmental comments, confidential information and fiduciary matters after due application of Section 10(1). It may be treated as third party information under Section 11, but PIO may use the discretion under Section 8(2) if the public interest in disclosure outweighs the harm to the protected interests.***

# The following shall ordinarily be provided

- a) Copy of Every bill settled from Funds Controlled by the Public Authority**
- b) Calculation sheet of TA/DA**
- c) Statement of accounts of Every Project/Event funded/organised by Public Authority**
- d) Expenditure details and purposes of every journey performed by Government Employee in Official Capacity/**
- e) Name, Qualification and expertise details of each member of Selection Committee once the Selection is over.**
- f) Details of all the Quotations and quoted rates of any product/service after the purchase procedure is over (including Building/Transport contract etc.)**

**LTC Bills and family details may be withheld.**

# Time limit for Providing Information

- Information to be provided *as expeditiously as possible* and not later than 30 days,
- 48 hours where life or liberty is involved,
- 35 days where request is given to Assistant PIO,
- 40 days where third party is involved and
- 45 days for information about human rights violation from listed security/ intelligence agencies.

If PIO fails to give decision on the request for information within the prescribed period, information shall be deemed refused [S. 7(2)]

**Information can be Supplied only if it is Available in a 'form'**

**PIO shall open and maintain a separate file in respect of every RTI Request**

## When PIO decides to give the information requested on payment of any further fee, he shall [S. 7(3)]

- Intimate the requestor, the details of further fee payable together with the calculations to arrive at the amount which represent the cost of providing the information.
- Exclude the intervening period between the despatch of the above intimation and the payment of fees, from the time frame for supply of information.
- Inform the requestor concerning his right with respect to review the decision as to the amount of fee charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms. **[NO FEE for BPL]**

Rs. 2 for each page created or copied in A-4 or A-3 size paper

Rs. 50/- for diskette/floppy

Inspection of records - No fee for first hour, Rs. 5 for each subsequent hours

**The person requesting the information shall be given the information free of charge if it could not be supplied in the prescribed time limit.**

**[S. 7(6)]**

**An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question**

**[S. 7(9)]**

**Electronic form/Paper form/Audio records/Video records etc.**

**If PIO rejects the information sought, then he shall inform the requestor the following**

- a) The reasons for such rejection (Quoting the relevant provisions of the RTI Act);**
- b) The period within which an appeal against such rejection may be preferred; and**
- c) The Appellate Authority**

**Section 7(8)**

# **Action in Good faith**

**No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.  
(Section 21)**

## *Complaints (Section 18(1))*

- Information Commission is required to receive complaints from any person-
  - Who has been unable to submit an information request because a PIO has not been appointed
  - Whose RTI request has not been accepted by PIO/appeal has not been forwarded by PIO
  - Who has been refused access to Information
  - Who has not been given a response to his/her information request within the specified time limits
  - Who feels the fees charged are unreasonable
  - Who believes that the information given is incomplete or false or misleading; and
  - Who is aggrieved on account of any other matter relating to obtaining information under this law.
- ❖ CIC may initiate inquiry in the above situations if there are reasonable grounds for so doing.

## Information Commission to have the powers of Civil Court

- ➔ While enquiring in to any matter with regard to Complaints u/s 18, will have powers of Civil Court under CPC
- Summoning and enforcing attendance, compelling
- Require submission of written evidence, oath, documents etc.
- Inspection of documents,
- Receiving evidence on affidavit
- Requisitioning any public record from any court or Office
- Issuing summons for examination of witnesses or documents

# Appeals

## ❖ First Appeal to First Appellate Authority (S. 19(1))

- To be notified by the Public Authority
- Officer senior in rank to PIO

### ⊕ Within 30 days from:

- ⊕ Expiry of time limits
- ⊕ Date of receipt of decision
- ⊕ Date of receipt of Order / Notice (for third party) [19(2)]

## ⊕ Disposal of 1<sup>st</sup> appeal: (S. 19(6))

- ⊕ Within 30 days of receipt of appeal or Maximum 45 days with reasons recorded

## ➤ Second Appeal: [S. 19(3)]

- To Information Commission

### ⊕ Within 90 days from: [19(3)]

- ⊕ Expiry of time limit for disposal of 1<sup>st</sup> appeal;
- ⊕ Date of receipt of decision on 1<sup>st</sup> appeal;

# **Contents of Appeal to Central Information Commission**

## **Appeal Shall contain**

- a) Name and Address of the Appellant**
- b) Name and Address of the PIO against whose decision appeal is preferred**
- c) Particulars of the order including number, if any**
- d) Brief facts leading to the appeal**
- e) Particulars of the RTI request including number and date if appeal is against deemed refusal**
- f) Prayer of relief sought**
- g) Grounds for the prayer or relief**
- h) Verification by the appellant**
- i) Any other information which the Commission may deem necessary**

# Extension of Time limits for appeals

## First Appeal:

- ❑ **First Appellate Authority may accept the appeal even after 30 days, if he/she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time [19(1) Proviso]**

## Second Appeal

- ❖ **Information Commission may accept the second appeal even after 90 days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time [19(3) Proviso]**

**In every appeal proceedings, the decision of Information Commission shall be binding (S. 19(7))**

## **Information Commission has the following powers while giving appeal decisions**

**Require the public authority to take such steps as may be necessary to secure compliance with provisions of RTI Act**

**Require the public authority to compensate the appellant/ complainant for any loss or other detriment suffered**

**Impose any of the penalties provided under RTI Act**

**Reject the application**

**The appellant or Complainant can seek the assistance of any person in the process of appeal while presenting his points and the person representing him need not be a legal practitioner**

# “Penalty” [S. 20(1)]

- ❖ *Information Commission may, at the time of deciding any complaint or appeal, impose upon PIO, a fine of Rs. 250 per day, up to a maximum of Rs. 25,000/-, if he/she has without any reasonable ground: -*
  - ❖ **refused to accept an application for information; or**
  - ❖ **delayed furnishing of information; or**
  - ❖ **malafidely denied information; or**
  - ❖ **knowingly given incomplete, incorrect, or misleading information; or**
  - ❖ **destroyed information that has been requested; or**
  - ❖ **obstructed furnishing of information in any manner.**

PIO will be given a reasonable opportunity of being heard before any penalty is imposed on him

# Burden of Proof on PIO

In any appeal proceedings, the onus to prove that a denial of request was justified shall be on the PIO, who denied the request. [S. 19(5)]

Burden of proving that PIO has acted reasonably and diligently shall be on him [S. 20 (1) Provisio]

## Disciplinary action against PIO [S. 20(2)]

**If PIO persistently violates his obligations under RTI Act, Information Commission shall recommend for disciplinary action against such PIO (Under Service Rules applicable)**

# **RTI Act to have overriding effect [S. 22]**

**The Provisions of RTI Act will be having the overriding effect on any contradicting provisions in Official Secret Act, 1923, and any other law for the time being in force or any other instrument having effect by virtue of any law other than this Act.**

## **Bar of jurisdiction of Courts (S. 23)**

**No court shall entertain any suit, application or other proceedings in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act**

**However options for Writ Petitions and SLP will stand**

# **Report to Government by Information Commission**

- ✓ **Central Information Commission(CIC) shall send an annual report to the Central Government on the implementation of the provisions of RTI Act at the end of the year. [Similarly SIC to State Government]**
- ✓ **This Report shall contain details of number of requests received by each Public Authority, number of rejections and appeals, particulars of any disciplinary action taken, amount of fees and charges collected etc.**

Apprehension : The information will be  
misused.

Officers and others will be black-mailed

- One can only be blackmailed if there is something to hide, not when information is open and accessible to all.
- Only those who have done wrong can be blackmailed. The Act will be a deterrent for wrongdoing.

# Some Success Stories of RTI



## **Rickshawpuller gets his home under the Indira Awas Yojana**

**Mazloom Nadaf, a 70-year old rickshaw puller had no scope for his long-awaited dream until he found light in RTI.**

*Nadaf did not get any response for the first five years on his application on Indira Awas Yojana – India's National housing Scheme. Five years later, authorities demanded Rs. 5000/- from him to process the application. But he refused to give the money and, instead approached the legal aid centre of an NGO working in Madhubani district and sought their assistance in drafting and filing an RTI application*

**In his RTI Request, Mazloom asked for the daily progress report made on his application to avail of the Indira Awas Yojana. The application was filed with the Circle Officer for his block who forwarded the same to the Block Development Officer (BDO).**

**The BDO on receiving the RTI application called Mazloom and treated him like a VIP and with a lot of respect handed over a Cheque of Rs. 15,000 (first installment payment) under the Indira Awas Yojana.**

**He was also promised that he would get the subsequent installments in time.**

## Rajasthan villagers put an end to corruption in ration shops using RTI Act

Right to Information Act was effectively used by residents of a village in Rajasthan's Bikaner district to put an end to the practice of selling grains from ration shops in the black market.

*Mr. Revat Ram, Secretary, Jagruk Yuvak Manch of the areas was instrumental in this achievement. Revat Ram and his friends used the RTI Act to get all records of their ration shop in Himmatsar village and exposed how grains meant for the poor were being black-marketed at a ration shop in Bikaner.*

*After the move, the villagers got the dealer removed.*

*“They threatened us and also offered money. But we refused, because we wanted to ensure that people in our village get the grains they deserve from the government. And we did not get scared in fighting for the rights of our people” - Said Mr. Revat*

**Besides losing dealership, the ration shopkeeper was also forced to pay poor families in the village over Rupees Four Lakhs, the cash equivalent of the grains he had sold illegally.**

## Official fined Rs. 40,000 under RTI Act by SIC, Chhattisgarh

In two separate orders dated 31 July 2006, Chief Information Commissioner *Mr. A.K.Vijayavargia* ordered to issue show cause notices for proposed penalty of Rupees Forty Thousand in two cases (Twenty thousand in each case) against Sub Divisional Officer (Revenue) Raigarh. The Appellant was awarded Reimbursement of Rs. 250/- in each case and PIO was asked to provide the information free of cost.

### Appeal No.80/06

#### Information sought

Regarding commencement of Work/Construction by Industries in Raigarh District prior to Environment Clearance.

### Appeal No.81/06

#### Information sought

Regarding Land acquisition for expansion plant of M/s Jindal Steel & Power Ltd. Patrapali District Raigarh.

# RTI Act – The Paradigm Shift

- ❖ **Change of mindset from maintenance of Official Information in Secret to Maximum Voluntary disclosure of information**
- ❖ **Confidential Report system is likely to be Scrapped**
- ❖ **Substantial amendment/revamping of Service Rules is Expected**

**Government Employee is no longer a  
Government Servant.**

**He/She has to transform to a Public Servant in  
Letter and Spirit.**

The real Swaraj will come not by the acquisition of authority by a few but by the acquisition of capacity by all to resist authority when abused

-Mahatma Gandhi

# Thank You



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