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AN OVERVIEW ON “RIGHT TO INFORMATION ACT 2005”

INTRODUCTION:

Requests for government information from citizens must be answered promptly under the right to Information Statute of 2005, an act of the Indian Parliament that replaced the previous Freedom of Information Act of 2002. Every citizen has the right to seek any information from the government, see any documents in person, and request certified copies of them. They also have the right to inspect official government work and to obtain samples of the materials used in it. According to Article 19(1)¹ of the Constitution, the right to information is one of the fundamental rights.

NECESSITY OF THE ACT

A few labourers in Rajasthan were allegedly denied their wages in 1987 due to uneven performance. An activist group, Mazdoor Kissan Shakti Sangathan, fought for these workers and asked the government provide the requisite evidence to confirm the workers' performance records. Following a series of protests that also exposed the corruption among the authorities, the MKSS was given copies of the rolls. Such inconsistencies inspired the MKSS to protest in favour of the Right to Information Act. The Freedom of Information Act of 2002, afterwards known as the RTI Act, was passed as a result of this protest, which gained national attention. The first Right to Information request was made to the Pune Police station in 2005

SIGNIFICANCE OF THE RIGHT TO INFORMATION ACT

The act aims to create more informed citizens who will maintain the necessary vigilance regarding the operation of the government machinery, and it encourages transparency and accountability in how the government operates. It also aids in containing corruption in the government and improves how it serves the needs of the people.

¹ Article 19 (1) says that every citizen has freedom of speech and expression



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IMPORTANT PROVISIONS OF THE ACT

Appropriate Government means in relation to a public authority, which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly, - by the Central Government or the Union Territory administration, - by the State Government.²

Information means any material 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 authority³.

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 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 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 device⁴.

Information which has been exempted⁵: It is defined as the 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:

² Section 2(a) of the Act.

³ Section 2(i) of the Act.

⁴ Section 2(j) of the Act.

⁵ Section 8(1)(j) of the Act.



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PROCEDURE OF FILLING RIT

1. The procedure to file RTI is very simple and hassle-free and every person should know to seek the information from the government.
2. Firstly, write an application on a paper in the official language of the state and address it to the Public Information Officer of the concerned department. Some states have prescribed format for the RTI applications.
3. Ask specific questions. That questions have to be clear and complete and not confusing.
4. Write the full name, with contact details and address (where you want the information/response to your RTI be sent).
5. Take a photocopy of the application for the record. Thereafter send the application through the registered post, then the application will have an acknowledgement of request delivery.
6. Currently, the Central and a few State government departments have facility for filing ONLINE RTI. For the Central Government departments, one needs to pay Rs. 10 with every RTI application.

LIMITATION PERIOD FOR SUPPLY OF INFORMTION

NATURE OF REQUEST	TIME LIMIT
If the request has been made to the Public Information Officer, the reply is to be given within	30 days of receipt
If the Public Information Officer transfers the request to another public authority, the time allowed to reply is 30 days but computed from the day after the PIO of the transferee authority receives it	30 days
Information demanded is concerning to corruption and Human Rights Violation by scheduled security agencies is to be provided within 45 days, but prior approval of the Central Information Commission.	45 days
If the life or liberty of any individual is involved, the Public Information Officer is expected to reply within	48 days
Transfer of application to other public authority under Section 6(3) of the Act	5 days



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JUDICIAL INTERPRETATION ON RIGHT TO INFORMATION ACT

Canara Bank vs. CS Shyam and Anr⁶, in this case, the applicant requested information under section 6 of the RTI statute of 2005, about the transfer and posting of all administrative workers from January 1, 2002 to July 31, 2006 in all of the bank's branches. It was held by the Supreme Court that the information sought by the applicant of individual employees working in the bank was personal in nature which is exempted from being disclosed under Section 8(1)(j) of the act and public interest is not involved in seeking such information of the individual employee.

Puneet Kumar vs. State Information Commission, Haryana and Ors⁷, in this case the applicant had filed an application to the State Public Information Officer and District Education Officer in Hisar for information about the affiliation of various Haryana public schools; area and school size in square meters; attested copies of the last three years' NOC fire safety certificate, the appeal filed by the applicant has been dismissed on the ground that the information sought by the petitioners, is related to the private schools which are neither government aided institutions nor in receipt of any grant from the government and are not covered under RTI act.

It was held by the Hon'ble Punjab and Haryana High Court that it is apparently a personal information regarding the third party which is being sought for by the applicant. There is no infirmity in the order passed by the State Information Commissioner

Union Public Service Commission v. Angesh Kumar & ors⁸, in this case the Union Public Service Commission (UPSC) has been ordered to reveal the specifics of the marks (raw and scaled) that were granted to the applicant, who were unsuccessful applicants in the Civil Services (Preliminary) Examination, 2010, by the High Court. Additionally, information on the complete results of all applicants, scaling methods, model responses, and cut-off scores for each topic was required.

It was held by the Supreme Court that information sought with regard to marks in Civil Services Exam cannot be directed to be furnished mechanically and furnishing raw marks will cause problems which would not be in public interest. However, if a case is made out where the Court finds that public interest requires furnishing of information, the Court is certainly entitled to so require in a given fact situation

⁶ AIR 2017

⁷ AIR 2017

⁸ AIR 2018



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CONCLUSION

The right to information is becoming widely accepted. RTI laws are now common around the world, with legislation adopted in almost 90 countries. Access to information is being facilitated through new information and communications technologies, and Web sites containing searchable government records are becoming even more widely available.

Every information sought should be disposed of within 30 day of the receipt of the request and where the information sought for concerns the life or liberty of a person, the same shall be provided within 48 hours of the receipt of the request and if any information within time period not furnished or malafidely denied or knowingly given incorrect, incomplete or misleading information it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished however, the total amount of such penalty shall not exceed twenty-five thousand rupees.

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⁹Majesty legal is law firm, established in 2013 by Ms. Mahi Yadav and aim of the present article to provide insights on law and statutes. The opinion presented in the article are personal in nature and not to be deemed as legal advice.