



Important Section under **Right to Information Act- 2005**

Jurisdiction of RTI Act- 2005

Section-1(2): It extends to the whole of India except the State of Jammu and Kashmir.

Definition

Section- 2 (a): "Appropriate Government" means in relation to a public authority which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly:

- (i) By the Central Government or the Union territory administration, the Central Government;
- (ii) By the State Government, the State Government.

Section- 2 (c): "Central Public Information Officer" means the Central Public Information Officer designated under sub-section (1) and includes a Central Assistant Public Information Officer designated as such under sub-section (2) of section 5.

Section- 2 (e): "Competent Authority" means:

- (i) The Speaker in the case of the House of the People or the Legislative Assembly of a State or a Union territory having such Assembly and the Chairman in the case of the Council of States or Legislative Council of a State;
- (ii) The Chief Justice of India in the case of the Supreme Court;
- (iii) The Chief Justice of the High Court in the case of a High Court;
- (iv) The President or the Governor, as the case may be, in the case of other authorities established or constituted by or under the Constitution;
- (v) The administrator appointed under article 239 of the Constitution;

Section- 2 (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- 2 (h): "Public Authority" means any authority or body or institution of self-government established or constituted:

- a. By or under the Constitution,
- b. By any other law made by Parliament;
- c. By any other law made by State Legislature;
- d. By notification issued or order made by the appropriate Government

It also includes any:

- (i) Body owned, controlled or substantially financed;
- (ii) Non-Government Organisation substantially financed

directly or indirectly by funds provided by the appropriate Government.

Section- 2 (i): "Record" includes:

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

Section- 2(j): "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:

- (i) Inspection of work, Documents, Records;
- (ii) Taking notes, Extracts or Certified copies of documents or records;
- (iii) Taking certified samples of material;
- (iv) 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 device.

Section- 2(n): "Third Party" means a person other than the citizen making a request for information and includes a Public Authority.

RTI for whom

Section- 3: Subject to the provisions of this Act, all Indian citizens shall have the Right to Information.

Responsibilities of Public Authority

Section- 4(1) (a): Every Public Authority shall 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 computerised are, within a reasonable time and subject to the availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated.

Section- 4 (1) (b): Public Authority shall publish the following information within 120 (One Hundred and Twenty) days from the enactment of this Act:

- (i) The particulars of its organisation, 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 for 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 authorisations 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;

Section- 4(1) (c): Public Authority shall publish all relevant facts while formulating important policies or announcing the decisions which affect public.

Section- 4(1) (d): Public Authority should provide reasons for its administrative or quasi-judicial decisions to affected persons.

Section- 4 (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) of section- 4 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.

Section- 5 (1): Every Public Authority shall, within 100 (One Hundred) days of the enactment of this Act (July 15, 2005), designate as many officers as the Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act.

Section- 5 (2): Without prejudice to the provisions of sub-section (1) of Section-5, every Public Authority shall designate an officer, within One Hundred days of the enactment of this Act, at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, to receive the applications for information or appeals under this Act for forwarding the same forthwith to the Central Public Information Officer or the State Public Information Officer or senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be. Provided that where an application for information or appeal is given to a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may

be, a period of 05 (Five) days shall be added in computing the period for response specified under sub-section (1) of Section 7.

Responsibilities of Public Information Officer

Section- 5 (3): Every Central Public Information Officer or State Public Information Officer, as the case may be, shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.

Section- 6 (1): A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed specifying the particulars of the information sought by him or her to:

- (a) The Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned Public Authority;
- (b) The Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be.

Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

Cause of Information

Section- 6 (2): An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him/her.

Transfer of Application to another Public Authority

Section- 6 (3): Where an application is made to a Public Authority requesting for information:

- (i) Which is held by another public authority; or
- (ii) The subject matter of which is more closely connected with the functions of another Public Authority

The Public Authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other Public Authority and inform the applicant immediately about such transfer.

Such application shall be transferred within 05 (Five) days from the date of receipt of the application.

Time limit for the supply of information

Section- 7 (1): Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be, on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within 30 (Thirty) days of the receipt of the request, either provide

the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9.

If the sought information concerns the life or liberty of a person, in that case information shall be provided within 48 (Forty-Eight) hours of the receipt of the request.

Section- 7 (2): If the Central Public Information Officer or State Public Information Officer, as the case may be, fails to give decision on the request for information within the period specified under section 7(1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall be deemed to have refused the request.

Assistance to disabled persons

Section- 7 (4): Where access to the record or a part thereof is required to be provided under this Act and the person to whom access is to be provided is sensorily disabled, the Central Public Information Officer or State Public Information Officer, as the case may be, shall provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection.

Charges for Information

Section- 7 (5): Where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to the provisions of sub-section (6), pay such fee as may be prescribed.

The fee prescribed under sub-section (1) of section 6 and sub-sections (1) and (5) of section 7 shall be reasonable and no such fee shall be charged from the persons who are of below poverty line as may be determined by the appropriate Government.

Supply of information free of cost

Section- 7 (6): Notwithstanding anything contained in sub-section (5) of section- 5, the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section (1).

Reason to rejection

Section- 7 (8): Where a request has been rejected under sub-section (1) of Section- 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall communicate to the person making the request,

- (i) The reasons for such rejection;
- (ii) The period within which an appeal against such rejection may be preferred; and
- (iii) The particulars of the Appellate Authority.

Form of supplied information

Section 7 (9): 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.

Non disclosure of information

Section- 8 (1): Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,

- (i) 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;
- (ii) 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;
- (iii) Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- (iv) 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;
- (v) 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;
- (vi) Information received in confidence from foreign Government;
- (vii) 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;
- (viii) Information which would impede the process of investigation or apprehension or prosecution of offenders;
- (ix) Cabinet papers including records of deliberations of the Council of Ministers, 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.

Those matters which come under the exemptions specified in this section shall not be disclosed.

- (x) Information which relates to personal information and 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.

The information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

Section- 9: Without prejudice to the provisions of section 8, a Central Public Information Officer or a State Public Information Officer, as the case may be, may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.

**Supply of partial information**

Section- 10 (1): 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, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.

Information related to third party

Section- 11 (1): Where a Central Public Information Officer or a State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information.

Section- 11 (2): Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (1) of Section- 11 to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.

Section- 11 (3): Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2) of Section- 11, make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.

Role of Central/State Information Commission

Section- 18 (1): Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commission, as the case may be, to receive and inquire into a complaint from any person,

- a. Who has been unable to submit a request to a Central Public Information Officer or State Public Information Officer, as the case may be, either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or Senior officer (First Appellate Authority) specified in sub-



section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be.

- b. Who has been refused access to any information requested under this Act;
- c. Who has not been given a response to a request for information or access to information within the time limit specified under this Act;
- d. Who has been required to pay an amount of fee which he or she considers unreasonable;
- e. Who believes that he or she has been given incomplete, misleading or false information under this Act; and

First Appeal

Section- 19 (1): Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each Public Authority.

Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

Second Appeal

Section- 19 (3): A second appeal against the decision under sub-section (1) of Section- 19 shall lie within 90 (Ninety) days from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission.

Provided that the Central Information Commission or the State Information Commission, as the case may be, may admit the appeal after the expiry of the period of 90 (Ninety) days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

Time limit for decision on First and Second Appeal

Section- 19 (6): An appeal under section 19 (1) or section 19 (2) shall be disposed of within 30 (thirty) days of the receipt of the appeal or within such extended period not exceeding a total of 45 (forty-five) days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.

Affect of CIC/SIC judgment

Section- 19 (7): The decision of the Central Information Commission or State Information Commission, as the case may be, shall be binding.

Section- 19 (8): In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to:



(a) Require the Public Authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including:

- (i) By providing access to information, if so requested, in a particular form;
- (ii) By appointing a Central Public Information Officer or State Public Information Officer, as the case may be;
- (iii) By publishing certain information or categories of information;
- (iv) By making necessary changes to its practices in relation to the maintenance, management and destruction of records;
- (v) By enhancing the provision of training on the Right to Information for its officials;
- (vi) By providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4;

(b) Require the Public Authority to compensate the complainant for any loss or other detriment suffered;

(c) Impose any of the penalties provided under this Act;

(d) Reject the application.

Penalty on Public Information Officer

Section- 20 (1): Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of Rs 250 (Two Hundred and Fifty) each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees.

The burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.

Non interference of court

Section- 23: No court shall entertain any suit, application or other proceeding 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.

Non applicable to Intelligence and Security agencies:

Section- 24 (1): Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government. The information pertaining to the allegations of corruption and Human Rights violations shall not be excluded under this sub-section.

In the case of information sought for is in respect of allegations of violation of Human Rights, the information shall only be provided after the approval of the Central Information Commission, and notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

Section- 24 (4): Nothing contained in this Act shall apply to such intelligence and security organisation being organisations established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify.

The information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section.

In the case of information sought for is in respect of allegations of violation of Human Rights, the information shall only be provided after the approval of the State Information Commission and, notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

Annual Report

Section- 25 (1): The Central Information Commission or State Information Commission, as the case may be, shall, as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of this Act during that year and forward a copy thereof to the appropriate Government.

Section- 25 (2): Each Ministry or Department shall, in relation to the Public Authorities within their jurisdiction, collect and provide such information to the Central Information Commission or State Information Commission, as the case may be, as is required to prepare the report under this section and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of this section.

Section- 25 (3): Each report shall state in respect of the year to which the report relates,

- a) The number of requests made to each Public Authority;
- b) The number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;
- c) The number of appeals referred to the Central Information Commission or State Information Commission, as the case may be, for review, the nature of the appeals and the outcome of the appeals;
- d) Particulars of any disciplinary action taken against any officer in respect of the administration of this Act;
- e) The amount of charges collected by each Public Authority under this Act;
- f) Any facts which indicate an effort by the Public Authorities to administer and implement the spirit and intention of this Act;
- g) Recommendations for reform, including recommendations in respect of the particular Public Authorities, for the development, improvement, modernisation, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information.



Section- 25 (4): The Central Government or the State Government, as the case may be, may, as soon as practicable after the end of each year, cause a copy of the report of the Central Information Commission or the State Information Commission, as the case may be, referred to in sub-section (1) of Section- 25 to be laid before each House of Parliament or, as the case may be, before each House of the State Legislature, where there are two Houses, and where there is one House of the State Legislature before that House.

Note: *All the above information has been taken from the Constitutional text of RTI Act- 2005 and has been modified accordingly to present this in user friendly manner. In case of any variation in terms of meaning and definition, original text will be final. Original text is available at **Central Information Commission portal**.*