

Right to Information Act, 2005

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This article is about the Indian federal law. For freedom of information in other countries, see [Freedom of information legislation](#).

Right to Information (RTI) is an Act of the [Parliament of India](#) to provide for setting out the practical regime of right to information for citizens and replaces the erstwhile Freedom of information Act, 2002. Under the provisions of the Act, any citizen of India may request information from a "public authority" (a body of Government or "instrumentality of State") which is required to reply expeditiously or within thirty days. The Act also requires every public authority to computerise their records for wide dissemination and to proactively certain categories of information so that the citizens need minimum recourse to request for information formally.

This law was passed by Parliament on 15 June 2005 and came fully into force on 12 October 2005. The first RTI application was filed at a police station in Pune by Shahid Raza Burney.^[1] The first RTI application in Delhi was filed to the office of President about [article 370](#) in [Jammu & Kashmir](#).^[2] Every day, over 4800 RTI applications are filed. In the first ten years of the commencement of the act over 17,500,000 applications have been filed.^[3]

Information disclosure in India is restricted by the [Official Secrets Act 1923](#) and various other special laws, which the new RTI Act relaxes. Right to Information codifies a fundamental right of the citizens of India.

Contents [hide]

- Scope
 - Private bodies
 - Political parties
- Governance and Process
 - Fees
- Controversies
 - Digital Right to Information System
 - Activism around an efficient Right to Information
 - Attacks on RTI Activists and Protection Suggestions
 - Intellectual Property Rights
- See also
- References
- External links

Scope [edit]

Right to Information Act, 2005



सत्यमेव जयते

It is an act to provide for setting out the practical regime of right to information for citizens to under control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto.

Citation	Act No. 22 of 2005
Territorial extent	Whole of India except Jammu and Kashmir
Enacted by	Parliament of India
Date enacted	15-June-2005
Date assented to	22-June-2005
Date commenced	12-October-2005
Status:	In force



A receipt for payment of fee for collecting information under RTI act

The Act covers the whole of India except Jammu and Kashmir, where [J&K Right to Information Act](#) is in force. It covers all the constitutional authorities, including executive, legislature and judiciary; any institution or body established or constituted by an act of Parliament or a state legislature. It is also defined in the Act that bodies or authorities established or constituted by order or notification of appropriate government including bodies "owned, controlled or substantially financed" by government, or non-Government organizations "substantially financed, directly or indirectly by funds".

Private bodies [\[edit \]](#)

Private bodies are not within the Act's ambit directly. In a decision of [Sarbjit roy vs Delhi Electricity Regulatory Commission](#),^[4] the [Central Information Commission](#) also reaffirmed that privatised public utility companies fall within the purview of RTI.^[5] As of 2014, private institutions and NGOs receiving over 95% of their infrastructure funds from the government come under the Act.^[6]

Political parties [\[edit \]](#)

The [Central Information Commission](#) (CIC) held that the political parties are public authorities and are answerable to citizens under the RTI Act. The CIC said that six national parties - [Congress](#), [BJP](#), [NCP](#), [CPI\(M\)](#), [CPI](#) and [BSP](#) and [BJD](#) - has been substantially funded indirectly by the Central Government and have the character of public authorities under the RTI Act as they perform public functions.^{[7][8]} But in August 2013 the government introduced a Right To Information (Amendment) Bill which would remove political parties from the scope of the law.^[9]

Governance and Process [\[edit \]](#)

The Right to information in India is governed by two major bodies:

- [Central Information Commission](#) (CIC) – Chief Information commissioner who heads all the central departments and ministries- with their own public Information officers (PIO)s. CICs are directly under the President of India.^[10]
- [State Information Commissions](#)-State Public Information Officers or SPIOs – Heading over all the state department and ministries the SPIO office is directly under the State Governor.

State and Central Information Commissions are independent bodies and Central Information Commission has no jurisdiction over the State Information Commission.^[10]

Fees [\[edit \]](#)

A citizen who desires to seek some information from a public authority is required to send, along with the application (a [Postal order](#) or DD ([Demand draft](#)) or a bankers cheque) payable to the Accounts Officer of the public authority as fee prescribed for seeking information. If the person is from a [disadvantaged](#) community, he/she need not pay.^[citation needed] The applicant may also be required to pay further fee towards the cost of providing the information, details of which shall be intimated to the applicant by the PIO as prescribed by the RTI ACT^[11]

Controversies [\[edit \]](#)

The Right to information in India has been mired with controversies ranging from their use in political battles, asking for educational degrees of political rivals, or cases of blatant refusals to provide information on high profile projects to allegations of misuse by civil society.^{[12][13][14]}

Digital Right to Information System [\[edit \]](#)

A digital portal has been set up, **RTIPortal**, a gateway to the citizens for quick search of information on the details of first Appellate Authorities, PIOs etc. amongst others, besides access to RTI related information / disclosures published on the web by various Public Authorities under the government of India as well as the State Governments. It is an initiative taken by **Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions** to provide a RTI Portal Gateway to the citizens for quick search of information on the details of first Appellate Authorities, PIOs etc. amongst others, besides access to RTI related information / disclosures published on the web by various Public Authorities under the Government of India as well as the State Governments.^[15]

Though there are recent efforts on digital governance, Right to Information implementation has seen a digitalisation neglect even after 11 years of its enactment. A recent research on 'BallotBoxIndia' outlines that though central ministries are covered by a single Digital window to file Right to Information requests with integrated payment gateways and tracking mechanism none of the states have yet come forward to implement their versions or use the existing Right to Information Digital Infrastructure.^[16] The research report covering 29 states and union territories also highlights the responses from the SPIOs (State Public Information Officers). Researchers in the study focussed on the Digital implementation and asked about plans or timeline to provide such facility. 64% State Public Information failed to respond while the rest of the responses merely took cognizance without any hard timelines. The research also covers in details - the difficulty in filing manual Right to Information requests with the states with delays ranging many months of wait time and various follow ups and rejections. Every state in India has different rules and fee structures to file an application through registered post without any tracking mechanism as covered in details in the report.^{[16][17]}

Activism around an efficient Right to Information [edit]

Researchers and activists have been proposing changes to make the process easier, efficient and meaningful. One of it demands state and central information systems under one Digital System to streamline information flow and provide proactive information backed by streamlined mandatory reporting.

The Right to information(RTI Act 2005) was touted as one law which would bring in transparency and eradicate corruption by civil society direct involvement. Failure to implement it in a thoroughly and efficiently has led to rough loss estimate of \$245 million yearly as per one estimate.^[16]

India being a federal state has many items in concurrent list and projects have multiple departments working on them, and sometimes projects are moved from one department to another. With Central and State information commissions working in such a disconnect, and manual transfers of the request for information between departments lead to big delays, confusion, and loss of traceability. It not only denies timely information, creates high barriers to information only a few with very strong motivations and means can cross, but puts a common citizen at the risk by exposing them directly to the departments and agencies which they are trying to find information on.

Digital RTI Mission was initiated by a policy think tank based in Kochi (CPPR) to make **Kerala** the first RTI digital state in India.^{[18][19]}

Attacks on RTI Activists and Protection Suggestions [edit]

Main article: [Attacks on RTI activists in India](#)



Right to Information (RTI Act 2005) - One RTI campaign flyer started by ballotboxIndia researchers after doing a survey with 28 states SPIOs and Central CIC.

[Commonwealth Human Rights Initiative](#) (CHRI) data points to over 310 cases^[20] across India where people were either attacked, murdered, physically or mentally harassed or had their property damaged because of the information they sought under RTI. The data throws up over 50 alleged murders and two suicides that were directly linked with RTI applications filed.^[21]

There is a consensus felt that there is a need to amend the RTI Act to provide for the protection of [those seeking information under the Act](#).^[22] The [Asian Centre for Human Rights](#) recommends that a separate chapter, "Protection of those seeking information under the(RTI) Act", be inserted into the Act.

Protection measures suggested include:

- Mandatory, immediate registration of complaints of threats or attacks against RTI activists on the [First Information Report](#) and placing such FIRs before the magistrate or judge of the area within 24 hours for issuance of directions for protection of those under threats and their family members, and periodic review of such protection measures
- Conducting inquiry into threats or attacks by a police officer not below the rank of [Deputy Superintendent of Police](#)/Assistant Commissioner of Police to be concluded within 90 days and we also use RTI and get it's benefit.

Intellectual Property Rights [\[edit \]](#)

Many civil society members have recently alleged the subversion of the right to information Act by the invocation of Intellectual Property rights argument by the government agencies from time to time.

Most notable are:

- The Right to Information denied by RBI on Demonetization citing Intellectual Property Laws.^[23]
- The Right to Information Denied by Uttar Pradesh Irrigation Department after more than 8 months of a wait on under construction Gomti Riverfront Development Project. A group of researchers requested for environment Impact and Project Report on the project which is flagged for negative impacts, tax money wastage by environmental scientists and research reports.^[12]