

Chapter-18 (Manual-17)

Other Useful Information:

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'

Right to Information Act 2005

- **What does Right to Information mean?**

It includes the right to -

- i. inspect works, documents, records.
- ii. take notes, extracts or certified copies of documents or records.
- iii. take certified samples of material.
- iv. obtain information in form of printouts, diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts.[S.2(j)]

- **Information means** any material in any form records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, datamaterial 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(f)

Related to seeking information:

- Application to be submitted in writing or electronically along with prescribed fee, to Public Information Officer (PIO)/Asstt. Public Information Officer(Asstt. PIO)
- Information to be provided within 30 days. 48 hours where life or liberty is involved. 35 days where request is given to Asst. PIO, 40 days where third party is involved and 45 days for human rights violation information from listed security/ intelligence agencies.
 - Time taken for calculation and intimation of fees excluded from the time frame.
 - No action on application for 30 days is a deemed refusal.
 - No fee for delayed response

- **Application form:**
Application for Information:

To
The Public Information Officer,
Jorhat Medical College, Jorhat

1. Name of the Applicant:
2. Address:
3. Particulars of Information (in brief):
 - a. Subject/area:
 - b. Category of document, if published:
 - c. Specific period for which the information is required:
 - d. The language in which it is required:
 - e. To be posted or will be collected:
 - f. Application fee accompanied: Yes/No

Place:

Signature

Date:

- **Fee:** **As stated under Chapter-I (Introduction)**

.What is not open to disclosure?

The following is exempt from disclosure [S.(8)].

- 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;
- x. 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;
- xi. Notwithstanding any of the exemptions listed above, a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

What could be the ground for rejection?

1. If it is covered by exemption from disclosure. (S.8)
2. If it infringes copyright of any person other than the State.(S.9)

How is the State Information Commission constituted?

1. The State Information Commission will be constituted by the State Government through a Gazette notification. It will have one State Chief Information Commissioner (SCIC) and not more than 10 State Information Commissioners (SIC) to be appointed by the Governor.
2. Oath of office will be administered by the Governor according to the form set out in the First Schedule.
3. The headquarters of the State Information Commission shall be at such place as the State Government may specify. Other offices may be established in other parts of the State with the approval of the State Government.
4. The Commission will exercise its powers without being subjected to any other authority.

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Central Information Commission(CIC)

What can I complain about?

- ☞ The Central Information Commission is an autonomous body set up to inquire into complaints received from citizens
- ☞ You can complain that you have been refused access to information. You can also complain about how the public authority has handled your request, for instance;
 - + failure to respond to your request within 30 working days (or failure to explain why an extension to the 45 days is needed)
 - + failure to give you proper advice and help within the stipulated time
 - + failure to give information in the form in which you asked for it
 - + failure to properly explain reasons for refusing your request, for instance if the public authority believes that giving you information would harm a criminal investigation.

What information does the CIC need?

To deal with complaint promptly, send the following details to CIC:

name and address of the appellant; name and address of the Central Public Information Officer against the decision of whom the appeal is preferred; particulars of the order including number, if any, against which the appeal is preferred; brief facts leading to the appeal. If the appeal is preferred against deemed refusal, the particulars of the application, including number and date and name and address of the Central Public Information Officer to whom the application was submitted, prayer or relief sought; grounds for the prayer or relief; verification by the appellant; and any other information which the Commission may deem necessary for deciding the appeal

RTI Act 2005 - Access

- ◆ Universal Access – especially to the Poor
- ◆ Fee at a reasonable level – though quantum not specified. No fee for BPL.
- ◆ Assistant Public Information Officers at sub-district levels to facilitate filing of applications/appeals
- ◆ No need to specify reason for seeking information or other personal details
 - ◆ Provision to reduce oral requests into writing
 - ◆ Provision to provide all required assistance, including to disabled persons.
 - ◆ Information to be provided in local languages
 - ◆ Provision for damages
 - ◆ Open only to citizens of India.

What is the reporting procedure?

1. Central Information Commission will send an annual report to the Central Government on the implementation of the provisions of this law at the end of the year. The State Information Commission will send a report to the State Government.
2. Each Ministry has a duty to compile reports from its Public Authorities and send them to the Central Information Commission or State Information Commission, as the case may be.
3. Each report will 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.

4. Central Government will table the Central Information Commission report before Parliament after the end of each year. The concerned State Government will table the report of the State Information Commission before the Vidhan Sabha (and the Vidhan Parishad wherever applicable). (S.25)