

* Ch. 14. Right to Information. *

In RP Limited v. Indian Express Newspaper Supreme court held that right to know is a fundamental right. It is important for democracy.

Right to freedom of speech & expression
Article 19(1)(A) includes rights to receive information and it is very essential as without right to know one can't enjoy right to freedom of speech & expression

Article 21 :- Which is right to life & personal liberty, includes right to know. Article 21 confers on persons right to know which includes right to receive information

* Public Authority :- means any authority, or body, or institution of self government established or constituted under

- By or ↓ constitution
- By law made by parliament
- By law made by state legislature.
- By notification issued or order made by the appropriate Government. [Section 2(h)]

And it also includes -

- 1) Any body owned, controlled or financed,
- 2) Non-government organisation financed, directly or indirectly by appropriate government.

- # Record :- means any - document, manuscript or file
- microfilm, microfiche & facsimile
 - images included in microfilm
 - material produced by computer.
- # Information - any material in any form records, documents, email, opinion, advices, press releases, memos, circular, contract, module, data, material held in electronic form etc
- # Right to information - means right to accessing information under this act held by or controlled by any public authority and it includes - taking notes, extracts or certified copies, inspection of work,
- certified copy of material,
 - obtaining information in form of diskettes, video cassettes
 - in electronic mode or through printouts.
- # Public Information officer (PIO) [Section 5]
- All public authorities needs to appoint a PIO
 - Public information officers are appointed to provide information to the persons who requested for information in all central or state administrative units or offices.
 - If a person is requesting any information then there is no need to give any reason for that.

• Request for information, [Section 6]

- Any person who is requesting information should make request in written or online form to PIO in English, Hindi or any official language.

- Information should be provided within **30 days**

- If request is given to assistance, **35 days**

- If interest of third party is involved, **40 days**

- If life or liberty involved, **48 hours**

• If information is not received in 30 days

↓
deemed
refusal

↓
No fee for
delayed response.

* Third party → who is not a citizen.

* Duties of PIO

i) PIO deals with seeking information to render reasonable assistance to the person who have requested information.

ii) If information is made for another public authority, then PIO should transfer it to them within 5 days.

iii) Information should be provided by PIO within 30 days.

iv) If personal life & liberty is involved then PIO should provide information within 48 hours

v) If PIO rejects the information -

- he should give reason for rejection.
- period within appeal against rejection may be preferred
- particulars of Appellate authority

* If allowing partial access -

PIO shall inform the applicant that

- Only part information have been provided after separating the record containing information which is exempted from disclosure,
- Reasons for providing such partial information.
- The details of the person who decided it,
- The details of amount of fees which the applicant is required to deposit,
- Rights with respect to review of decision for non-disclosure of part information.

For ICSTI

* Obligations of Public Authority

Every public authority have to publish within 120 days.

i] Officer/employee's powers.

ii] Particulars of organisation.

iii] The rules of employees

iv] The documents held by organisation

v] Directory of officers/employees

vi] Any ~~bed~~ budget allocated by organisation

vii] The monthly remuneration of employees

viii] The details of Public Information officers

ix] Information held in electronic form.

* Information Exempt from disclosure [Section 8]

i] Information which is against sovereignty & integrity of India, the security, scientific economic interest or state relation with foreign state.

ii] forbidden by court

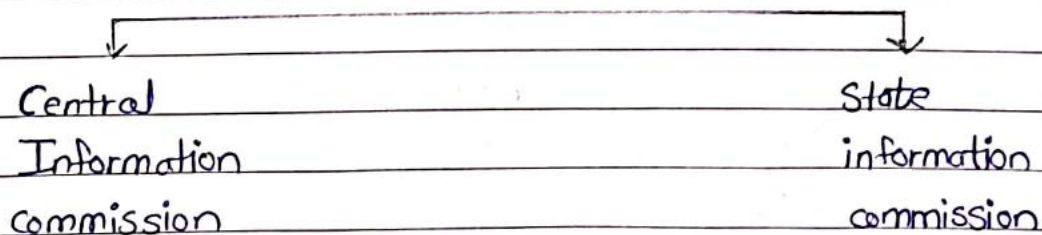
- iii) Information which breach the privilege of state legislature or parliament.
- iv) Information regarding commercial confidence.
- v) Information received by foreign government.
- vi) Which would endanger the life or physical safety.
- vii) Information which impede the process of investigation.
- viii) Any individual's personal information.
- ix) Cabinet papers including records of deliberation of council of ministers.

* Rejection of request.

PJO should / empowered to reject the request of information where the breach of copyright of person is involved.

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Information Commissions



1) Central Information Commission

- It is constituted by Central Commission.
- It consists of "Chief Information Commissioner" & "Central Information Commissioner" not exceeding 10.
- Chief Information Commissioner & Central Information Commissioner are appointed by President of India.
- President appoints them on recommendation of a committee where, chairperson is PM & one opposition leader & union cabinet minister appointed by PM.
- The appointed persons shall be of eminence in public life, they should have knowledge of law, knowledge of social science & technology, journalism, and management.
- They shall not be member of parliament and should not be connected with political party.
- They should not have any business profession.
- Appointment time - They should be appointed for the time as prescribed by Central Government.
 - Maximum period shall not exceed by age of 65 years.
- If Information Commissioner is appointed as Chief Information Commissioner then his term shall not be more than 5 years.
- The salary of Information Commissioner is decided by Central Government.

2) State Information Commissioner.

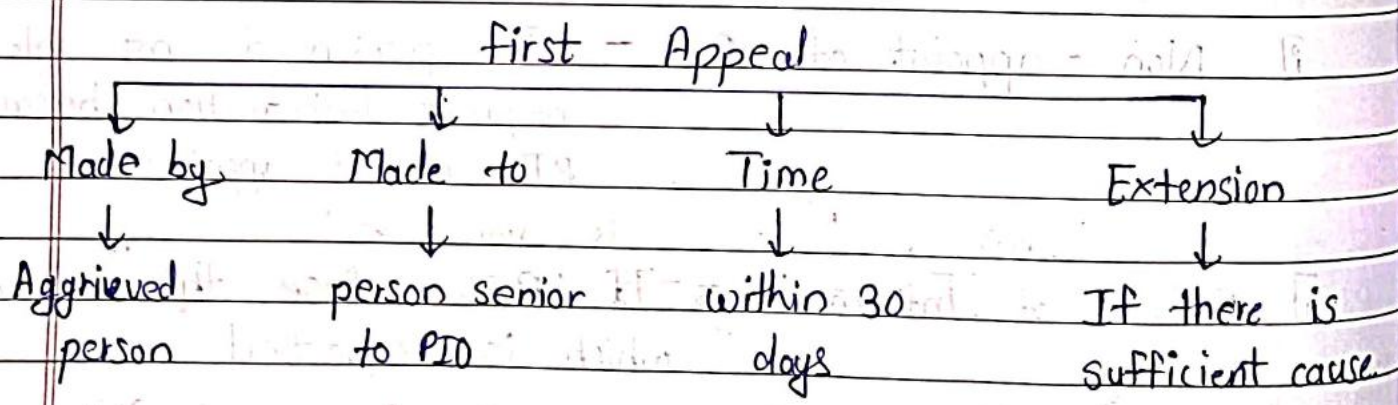
- They are constituted by state commissioner.
- It includes "State information Commissioner" and "State chief information Commissioner" not exceeding 10.
- They are appointed by Governor on recommendation by committee.
- The committee includes chairperson who is CM & one opposition leader & cabinet minister nominated by CM.
- Appointment time → as prescribed by state government and, maximum period should not be more than age of 65 years.
- If state information commissioner is appointed as state chief information commissioner his term should not be more than 5 years.

4) Power of Information Commissioners.

- i) Non - appoint of PIO - If person is not able to request information because PIO is not appointed.
- ii) Refusal of Information - If PIO refuse the information which is requested.

- iii) Breach of privilege of parliament and state legislation - When PIO disclose the information which is related to privilege of parliament or state legislature.
- iv) No response - If person is not received information within reasonable time.
- v) Unreasonable fees - If unreasonable fees is charged by PIO.
- vi) Incomplete information - If person who is requesting for information receives incomplete information.
- vii) Other - Any other matter related to obtaining information under this act.

* Appellate authorities :-



Second Appeal

Made by	Made to	Time	Exention of time
↓	↓	↓	↓
Aggrieved person	CIC or SIC	within 90 days	If there is sufficient cause.

Third appeal :- If third party is against the decision of PIO shall file within 30 days.

* Penalties :-

i) Imposed by :- CIC or SIC

ii) Imposed on :- PIO.

iii) fine :- ₹ 250/- per day and maximum upto ₹ 25,000/-

iv) Reasons :-

- If PIO doesn't accept application.
- If PIO malafiedly deny information.
- If PIO knowingly giving incomplete, information.
- If PIO destroys requested information.
- If PIO obstructs furnishing of information.

* Jurisdiction of Court

Lower Courts are barred from entertaining any suits or application against any order under this act

• Who is excluded?

- 1) IB,
- 2) R&AW,
- 3) Directorate of Revenue Intelligence,
- 4) NCB,
- 5) Aviation research centre,
- 6) CID,
- 7) Central economic intelligence bureau,
- 8) Lakha Lakshadweep police,
- 9) ERPF etc.

"Information related to human rights violation should be given after approval of Central Information Commission within 45 days"