

Right to Information Act 2005

Right to Information Act 2005 empowers the citizen of India to access the information available with Government departments, Public Sector Undertakings, Local Bodies, Voluntary Organisations substantially benefited from Government, Statutory Bodies under law of the State. An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the 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 there to.

IMPORTANT FEATURES OF THE R.T.I. ACT, 2005

- ❑ All citizens possess the right to information
- ❑ The term Information includes any mode of information in any form of record, document, e-mail, circular, press release, contract sample or electronic data etc.
- ❑ Rights to information covers inspection of work, document, record and its certified copy and information in form of diskettes, floppies, tapes, video cassettes in any electronic mode or stored informations in computer etc.
- ❑ Applicant can obtain Information within 30 days from the date of request in a normal case.
- ❑ Information can be obtained within 48 hours from time of request. If it is a matter of life or liberty of a person.
- ❑ Every public authority is under obligation to provide information on written request or request by electronic means.
- ❑ Certain informations are prohibited.
- ❑ Restrictions made for third party information

- ❑ Appeal against the decision of the Central Information Commission or State Information Commission can be made to an officer who is senior in rank.
- ❑ Penalty for refusal to receive an application for information or for not providing information is Rs. 250/- per day but the total amount of penalty should not exceed Rs. 25,000/-.
- ❑ Central Information Commission and State Information Commission are to be constituted by the Central Government and the respective State Governments.
- ❑ No Court can entertain any suit, application or other proceedings in respect of any order made under the Act.

RTI Act: Basic Details

➤➤ Title of the Act:	The Right to Information Act 2005, No. 22 of 2005,
➤➤ Passed by Lok Sabha:	11th May 2005
➤➤ Assent by the President:	15th June, 2005
➤➤ Published:	The Gazette of India, No. 251, Tuesday, June 21, 2005

RTI Act: Objectives

Overall Goal: To Promote Transparency and Accountability in the Working of every Public Authority

Key Objective: Provide for setting up the practical regime of right to information for citizens' to secure access to information under the control of public authorities.

SOME IMPORTANT ASPECTS

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Overriding effect of the Act

The provisions of the RTI Act shall have effect notwithstanding any thing inconsistent therewith contained in any other law for the time being in force or any instrument by virtue of any law other than this act. An application for information received under the RTI Act can be rejected only for any of the reasons u/s 8 or 9 of the Act. The application can not be rejected under the Provisions of any other law.

Bar of Jurisdiction of Courts

No court shall entertain any suit, application or other proceedings 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 the RTI Act. The decision of the State Public Information Officer shall be called in question only by an appeal before the Appellate Authority u/s 19(1) of the Act and the decision of the Appellate Authority shall be called in question only by way of an appeal before the State Information Commission u/s 19(3) of the Act.

1. Special Branch CID
2. Crime Branch CID
3. District Special Branches of all Districts/Cities
4. District and Crime Record Bureau
5. Police Telecommunication Unit
6. Confidential Branch in the Police Headquarters, Kerala and Confidential sections in all Police Offices in Kerala
7. State and Regional Forensic Science Laboratories
8. State and District Finger Print Bureau

Exempted Organizations

By virtue of the powers vested under section 24 of RTI Act, Government of Kerala, have exempted the following organizations from the purview of the Act.

However, the information pertaining to allegations of corruption and human rights violations are not exempted from disclosure in the case of these exempted organisations. In the case of allegations of violation of human rights, the information shall be provided only after the approval of the State Information Commission and the information shall be provided within 45 days from the receipt of request.

How to make a request for information under the RTI Act

1. The request shall be in writing or through electronic means in English or Malayalam or in the official language of the area in which the application is made.
2. The application shall be accompanied by the prescribed fee.
Govt. of Kerala have prescribed the Kerala Right to Information (Regulation of Fee and cost) Rules, 2006. The application fee is Rs.10/- The application fee shall be paid in any of the following manners.
 - a. by affixing court fee stamp; or
 - b. by remitting the amount in the Government Treasury, under the head of account " 0070 other administrative services - 60 other services - 800 other receipts - 42 other items" ; or 36 - Receipts under RTI Act, 2005.
 - c. by cash remittance against proper receipt in the office of the State Public Information Officer/ State Assistant Public Information Officer, as the case may be; or
 - d. by demand draft/bankers' cheque /pay order payable to the State Public Information Officer/State Assistant Public Information Officer;
3. The application shall be made to the State Public Information Officer of the concerned Public Authority or the State Asstt. Public Information Officer as the case may be, specifying the particulars of information sought for by him.
4. Where the applicant cannot make the request in writing, the State Public Information Officer shall render all reasonable assistance to the person making the request to reduce the oral request into a written request.
5. Person's below poverty line are not required to remit the application fee. However, they are required to produce BPL certificate from the Block Development Officer.
6. An applicant is not required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

Disposal of the Request

1. On receipt of a request for information, the State Public Information Officer shall either give the information on payment of the prescribed fee or reject the request for any of the reasons specified in section 8 and 9 of the RTI Act as expeditiously as possible, and in any

case within thirty days of the receipt of the request.

2. Where the information sought for concerns the life or liberty of a person, the same shall be given within 48 hours of the receipt of the request.

3. If the decision on the request for information is not given within the prescribed time limit, the request shall be deemed to have been refused.

4. Where a decision is taken to provide the information on payment of the cost of providing the information, the Public Information Officer shall send an intimation to the person making the request giving details of the fee representing the cost of providing the information and the calculation made to arrive at the amount, requesting him to deposit the fees. The period intervening between the despatch of the above intimation and payment of fees shall be excluded for the purpose of maximum period in determining the time limit for providing the information.

No fees shall be charged from person Below Poverty Line

Persons below poverty line are exempted from payment of application fee and also the fee for providing the information. The Government of Kerala have authorized the Block Development Officers as the competent authority to issue eligibility certificate to those below poverty line.

Information is free if the time limit is exceeded

The information shall be provided free of cost where a Public Authority fails to comply with the prescribed time limit.

Rejection of a request

Where a request is rejected, the State Public Information Officer shall inform the person making the request -

- a. the reason for such rejection
- b. period within which the appeal may be preferred; and
- c. the particulars of Appellate Authority.