

RTI Act 2005

World First RTI Act – The Freedom of the Press Act 1766 (Sweden)

Chapters-VI; Sections 31

President Consent on 15.06.2005

Gazette published on 21.06.2005

Some Sections implemented on 15.06.05

Full act implemented wef 12.10.2005 (after 120 days)

RTI Rules 2012 published on 31.07.2012

RTI Rules 2019 published on 24.10.2019

The Digital Personal Data Protection Act 2023

RTI Act 2005 replaced The Freedom of Information Act 2002 **S-31**

Removal of Difficulties by Central Govt **S-30 (2 Yrs)**

S-27 Power of making Rules – Appr. Govt

S-28 Power of making Rules – Competent Authority

S-29 Laying of Rules – made by CG or SG

S-26 Prepare Programs – Appr Govt

S-25 Monitoring & Reporting – CIC/SIC (every Year)

S-24 Exempted Organisations

Memos

Documents

Record

Models

Document; Manuscript & File

E-Mail

Samples

Microfilm; Microfiche; Facsimile copy of document

Opinion

Information **S-2(f)**

Papers

Reproduction of images(s) from such film

Advices

Reports

Material produced by computer or any other device

Press Information

Orders

Log Books

Contracts

Right to Information Act 2005-PREAMBLE

1

Access Information

2

Transparency & Accountability of Public Authority

3

CIC / SIC (Central/State Information Commission)

Curb Corruption

Prevention of Corruption Act 1988 (PC Act)

2G Scam

CWG Scam

Adarsh Housing Scam

All Citizens have RTI **S-3**

Public Authority Sec-2(h)

Authority

Body

Self Governed Institution

Established By

Constitution

Parliament

State Legislature

Right to Information **S-2(j)**

Accessible Information under control of Public Authority

Also includes the right to

Inspection of Work; Documents; Work

Taking Notes; Extracts or **certified copies** of documents or records

Certified Samples

Diskettes; Floppies; Tapes; Video Cassettes; or in other electronic form

Record **S-2(i)**

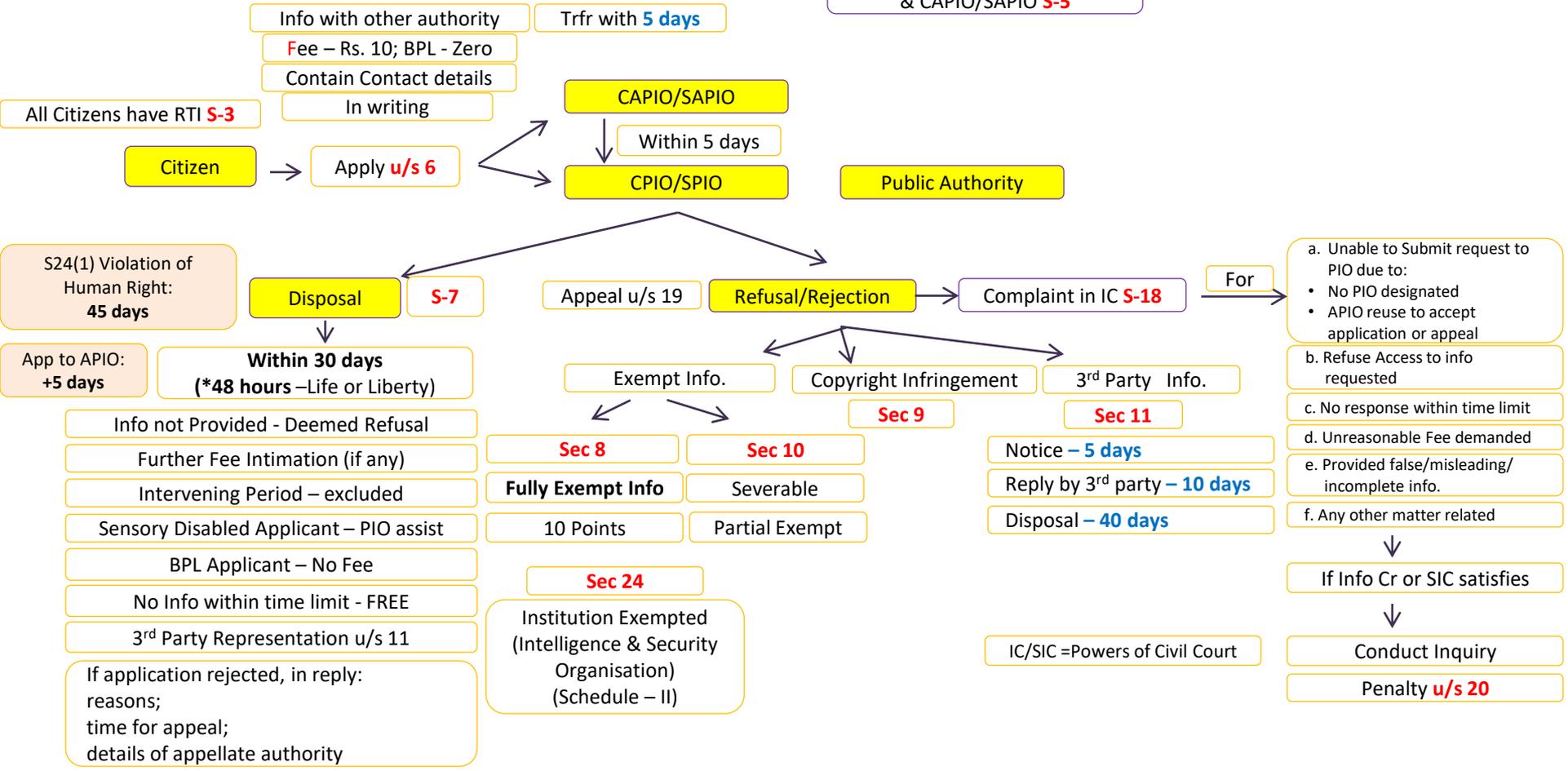
CIC	Information Commission	SIC
S - 12	Establishment & Appointment	S - 15
S - 13	Terms & Conditions	S - 16
S - 14	Removal	S - 17

Information Commission	Sec 12: Central Info. Commission (CIC)	Sec 15: State Info Commission (SIC)
Establishment	By – Central Govt	By – State Govt
Composition (Consists)	1 Chief Info Commissioner (CIC) + Info Commissioners (IC) (max. 10)	- do -
	Information Commissioner	- do -
Appointment	By – President on Recommendation of Committee (PM + Opposition Leader + Cabinet)	By – Governor on Recommendation of Committee (PM + Opposition Leader + Cabinet)
Power of Chief IC	Superintendence/Direction/Management	Superintendence/Direction/Management
Eligibility to be Chief IC/IC	Public Eminent Person (with knowledge & experience)	Public Eminent Person (with knowledge & experience)
Disqualification	MP/MLA/hold Office of Profit/Connected with Political Party /Carrying any Business or Profession	- do -
Head Quarter	Delhi	As decided by State Govt

	Sec 13 Information Commissioners (Central)	Sec 16 Information Commissioners (State)
Term (Chief IC or IC)	3 years/65 years; No Reappointment	3 years/65 years; No Reappointment
Oath (Chief IC or IC)	Before President	Before Governor
Resignation (Chief IC or IC)	To President	To Governor
Salary & Allowances	CIC = Rs. 2,50,000/- pm IC = Rs. 2,25,000/- pm	Chief IC = Rs. 2,25,000/- pm IC – Rs. 2,25,000/- pm

REM OVAL	Sec 14 Chief IC or IC (Central)	Sec 17 State Chief IC or State IC
(1)	By President on ground of misbehavior & Incapacity On basis of SC report	By Governor on ground of misbehavior & Incapacity On basis of SC report
	SC inquire on president's reference & report to President	SC inquire on president's reference & report to President
(2)	Suspension by President during pendency of Inquiry	Suspension by Governor during pendency of Inquiry
(3)	President can remove directly in following cases 1. Insolvent 2. Convicted 3. Outside Paid Employment 4. Unfit 5. Acquire Prejudicial Interest	Governor can remove directly in following cases 1. Insolvent 2. Convicted 3. Outside Paid Employment 4. Unfit 5. Acquire Prejudicial Interest

Appointment of CPIO/SPIO & CAPIO/SAPIO **S-5**



All Citizens have RTI **S-3**

- Info with other authority
- Trfr with **5 days**
- Fee – Rs. 10; BPL - Zero
- Contain Contact details
- In writing

Citizen

Apply **u/s 6**

CAPIO/SAPIO

Within 5 days

CPIO/SPIO

Public Authority

S24(1) Violation of Human Right: **45 days**

Disposal **S-7**

Appeal u/s 19

Refusal/Rejection

Complaint in IC **S-18**

For

- a. Unable to Submit request to PIO due to:
 - No PIO designated
 - APIO refuse to accept application or appeal

- b. Refuse Access to info requested

- c. No response within time limit

- d. Unreasonable Fee demanded

- e. Provided false/misleading/incomplete info.

- f. Any other matter related

If Info Cr or SIC satisfies

Conduct Inquiry

Penalty **u/s 20**

App to APIO: **+5 days**

Within 30 days
(*48 hours –Life or Liberty)

Info not Provided - Deemed Refusal

Further Fee Intimation (if any)

Intervening Period – excluded

Sensory Disabled Applicant – PIO assist

BPL Applicant – No Fee

No Info within time limit - FREE

3rd Party Representation u/s 11

If application rejected, in reply:
reasons;
time for appeal;
details of appellate authority

Exempt Info.

Sec 8

Sec 10

Fully Exempt Info

Severable

10 Points

Partial Exempt

Sec 24
Institution Exempted
(Intelligence & Security Organisation)
(Schedule – II)

Copyright Infringement

Sec 9

3rd Party Info.

Sec 11

Notice – **5 days**

Reply by 3rd party – **10 days**

Disposal – **40 days**

IC/SIC = Powers of Civil Court

Appeal **S-19**

When

1st Appeal
(within 30 days)
Extended time if officer satisfies

2nd Appeal
(within 90 days)
Extended time if CIC/SIC satisfies

Where

Officer Senior in Rank to CPIO/SPIO

Central Info Commission/
State Info Commission
(CIC/SIC)

Disposal

Within 30 days
But **not exceeding 45 days**;
reasons for delay to be recorded

RTI Act don't prescribe

See Sec 3; 6 & 7

S-20 - Penalties

If CPIO/SPIO

1. Refuse to Receive application
2. Not furnish Information within time
3. Malafide Denial
4. Providing incorrect /incorrect Info
5. Destroy Information

Sec 20 (1)

250/- per day
till info is furnished
(Max. 25,000/-)

Sec 20 (2)

for Persistently Fault

Recommend Disciplinary
Action under service rules

Sec 21 – Protection of action in good faith

Sec 22 – Act have overriding effect

Sec 23 – Bar of Jurisdiction of Courts

Sec 24 – Not applied to certain org.

Intelligence & Security
Organisations
(Schedule – II)

Exception:
Allegation of Corruption
or Human right Violation

Allegation of Human right
Violation: Info **within 45 days**
after **approval of CIC**

No. Exempted Information (**Sec-8**) (See Sec 24 also)

a India: Sovereignty & Integrity;
State: Security & Interest (Strategic; Scientific;
Economic);
Foreign State: Relation;
Offence: Incitement (**CRIME**)

b Court: Forbidden Information / Contempt

c Parliament/State Legislature: Privileges

d * Commercial Confidence/IPR etc.

e * Fiduciary Relationship

f Confidential Information from Foreign Govt

g Life Endangering

h Prejudice to Investigation / Arrest/ Prosecution (**CRIME**)

i Cabinet Papers

j * Personal Information

* Exception – LARGER PUBLIC INTEREST

Information which can't be denied to Parliament/State
Legislature – shall not be denied to any person

RTI Act 2005

Ch. No.	Name	Section
I	Preliminary	1 - 2
II	Right to Information & Obligations of Public Authorities	3 - 11
III	The Central Information Commission	12 - 14
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Sec 2: Unless the context otherwise requires

(a) Appropriate Govt

(b) CIO

(c) CPIO

(d) CIC & IC

(e) Competent Authority

(f) Information

(g) Prescribed

(h) Public Authority

(i) Record

(j) Right to Information

(k) SIC

(l) SCIC & SIC

(m) SPIO

(n) Third Party

Related Parties - KIRDAAR

1. Citizen

RTI (S-3; 6)
Complaint (S-18)
Appeal (S-19)
Penalty (S-20)

2. Appropriate Govt

Report (S-25)
Awareness Program (S-26)
Rules (S-27)

3. Competent Authority 2(e) (Head of Institution)

Legislature – Lower House (LS) – Speaker
Upper House (RS) – Chairman (VP)
State Legislature – Leg Assembly – Speaker
Leg Council (if any) - Chairman
Executive – Union – President
State – Governor
UT – Administrator
Judiciary – Supreme Court – CJI
High Court – CJHC
Constitutional Bodies (ECI RBI etc) –
President/Governor

4. Public Authority [S-2(h)]

Created By:

Constitution of India
Law (of Parliament)
Notification (approved by Govt)
Substantially funded by Govt
directly or indirectly (NGO etc)

CPIO / SPIO (S-5)

5. Information Commission

CIC/SIC
(Central/State Info. Commission)

Centre – Chief IC & IC (Max 10)
State – State chief IC & State IC
(S-12;13;14 & S-15;16;17)

6. 3rd Party (S-11)

Notice(5 Days) /
Reply (10 Days) /
Disposal (40 Days) /
Appeal