

FAQs

1. When did the Act come into force? The Right to Information Act 2005 was passed in the Lok Sabha on 11th May 2005. Thereafter it was passed in the Rajya Sabha on 12th May 2005. The Act had received the assent of the President of India on 15th June 2005. All the provisions of the the RTI Act 2005 had come into force on 12th October, 2005, that is 120th day of its enactment on 15th June, 2005. However, some provisions of the Act had come into force with immediate effect on 15viz. obligations of public authorities [S.4(1)], designation of Public Information Officers and Assistant Public Information Officers[S.5(1) and 5(2)], constitution of Central Information Commission (S.12 and 13), constitution of State Information Commission (S.15 and 16), non-applicability of the Act to Intelligence and Security Organizations (S.24) and power to make rules to carry out the provisions of the Act (S.27 and 28).

2. Who is covered? The Act extends to the whole of India except the State of Jammu and Kashmir. [S.(12)]

3. What does information mean? Information means any material in any form including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material 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 but does not include "file notings" [S.2(f)].

4. 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)]

5. What are the obligations of public authority? It shall publish within one hundred and twenty days of the enactment:-i. the particulars of its organization, functions and duties;ii. the powers and duties of its officers and employees;iii. the procedure followed in its decision making process, including channels of supervision and accountability;iv. the norms set by it for the discharge of its functions; v. the rules, regulations, instructions, manuals and records used by its employees for discharging its functions;vi. a statement of the categories of the documents held by it or under its control;vii. the particulars of any arrangement that exists for consultation with, or representation by the members of the public, in relation to the formulation of policy or implementation thereof;viii. a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted by it. Additionally, information as to whether the meetings of these are open to the public, or the minutes' of such meetings are accessible to the public;ix. a directory of its officers and employees;x. the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;xi. the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;xii. the manner of execution of subsidy programmes, including the amounts allocated and the details and beneficiaries of such programmes;xiii. particulars of recipients of concessions, permits or authorizations granted by it;xiv. details of the information available to, or held by it, reduced in an electronic form;xv. the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use; xvi. the names, designations and other particulars of the Public Information Officers.[S.4(1)(b)]

6. 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.

7. Is partial disclosure allowed? Only that part of the record which does not contain any information which is exempt from disclosure and which can reasonably be severed from any part that contains exempt information, may be provided. [S.10]

8. What does a "public authority" mean? It means any authority or body or institution of self-government established or constituted: [S.2(h)] ; 1. by or under the Constitution; 2. by any other law made by Parliament 3. by any other law made by State Legislature; 4. by notification issued or order made by the appropriate Government.and includes any-a. body owned, controlled or substantially financedb. non-Government organization substantially financed directly or indirectly by the appropriate Government.

9. Who are 'Third Parties'? A third party means a person other than the citizen making a request for information and includes a public authority. Third parties have a right to be heard in respect of applications and appeals dealing with information submitted by them to the Government in confidence. [S.2(n) and S.11]