

**BHATTADEV UNIVERSITY, BAJALI**

**B.COM 6<sup>TH</sup> SEMESTER**

**SUB- 604: REGULATORY FRAMEWORK OF BUSINESS-II**

**UNIT-III: THE RIGHT TO INFORMATION ACT, 2005**

**Important Questions with Explanations**

**1. What are the objectives of RTI Act, 2005?**

A. The objectives of Right to Information Act, 2005 are as follows-

1. To promote transparency and accountability in the functioning of the government.
2. To set up a practical regime for giving citizen access to Information that is under the control of public authorities.
3. To empower the citizens as the law will promote the participation of the citizens in official decisions that directly affect their lives.
4. The effective implementation of RTI Act will build public trust in the government functioning.
5. It will lead to effective and efficient records management technique that is needed to facilitate the provision of information in response to public interest.

**2. Give the definition of Public authorities and Public Information Officer as per RTI Act, 2005.**

A. Public Authorities: Public authority is defined in Section 2(h) of the RTI Act.

It states: “public authority” means any authority or body or institution of self- government established or constituted—

- (a) by or under the Constitution;
- (b) by any other law made by Parliament;
- (c) by any other law made by state legislature;
- (d) by notification issued or order made by the appropriate Government, and includes any— (i) body owned, controlled or substantially financed; (ii) non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government.

Public Information Officer:

Public Information Officers are officers designated by the public authorities in all administrative units or offices under it to provide information to the citizens requesting for information under the Act. Any officer, whose assistance has been sought by the PIO for the proper discharge of his or her duties, shall render all assistance and for the purpose of contraventions of the provisions of this Act, such other officer shall be treated as a PIO.

### **3. What are the obligations of Public authorities under RTI Act, 2005?**

A. Every public authority under the Act has been entrusted with a duty to maintain records and publish manuals, rules, regulations, instructions, etc. in its possession as prescribed under the Act. Every public authority has to publish within one hundred and twenty days of the enactment of this Act:

- 1) The particulars of its organization, functions and duties;
- 2) The chart of powers and duties of each of its officers and employees;
- 3) The procedure followed in its decision making process, including channels of supervision and accountability;
- 4) The norms set by it for the discharge of its functions;
- 5) the rules, regulations, instructions, manuals and records used by its employees for discharging its functions;
- 6) A statement of the categories of the documents held by it or under its control;
- 7) Details of any consultation arrangement with public (including representative) in regard to the formulation of any public policy or implementation thereof;
- 8) 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
- 9) The minutes of such meetings are accessible to the public;
- 10) A directory or any document carries contact detail along with name and designation of its officers and employees;
- 11) The detail of remuneration of each of its officers & employees, and policy of organisation on remunerations
- 12) The budget data of organisation including the details like allocation, plan for expenditure, proposed expenditure, disbursement made, mode thereof. Utilisation report and progress report need also to be recorded.
- 13) Details of subsidy programmes run by public authority, including the amounts allocated and the details and beneficiaries of such programmes;
- 14) Detail of all recipients to whom it allow concessions or authorizations granted by it;
- 15) Details of the information which recorded in an electronic form with all attributes;
- 16) Facilities offered to citizens at large for obtaining information, and detail of reading room etc. if available
- 17) Details of the Public Information Officers with attributes like Name, Designation in organisation, Contact details etc.

#### **4. How does a person obtain information under Right To Information Act?**

**A.**

##### Application Procedure

1. One has to Apply in writing or through electronic means in English or Hindi or in the official language to the Public Information Officer specifying the particulars of the information sought for.
2. Reason for seeking information not required to be given.
3. One has to pay fees as prescribed (if not belonging to BPL)

##### Time Limit to get the information:

1. 30 days from the date of application
2. 48 hours for information claiming life and liberty of a person

#### **5. How the disposal of request under RTI act can be done?**

**A.**

On receipt of application under Section 6(1) of Right to Information Act, 2005 the PIO [i.e., State Public Information Officer (SPIO) or the Central Public Information Officer (CPIO), as the case may be] shall, at the earliest possible go through the application thoroughly and –

(1) if found that the requested “information” is

(a) held by another PIO/Public Authority; or

(b) the subject matter is connected with or related to another PIO/Public Authority, the recipient PIO shall transfer the application or part/portion thereof, as per Section 6(3) of the Act, to such other PIO/Public Authority within “Five Days”, duly informing the “Applicant” about such transfer.

(2) if found that the requested “information” is –

(a) “Exempt from Disclosure” under Section 8 of Right to Information Act, 2005, or

(b) “Involve any Infringement of Copyright” as per Section 9 of Right to Information Act, 2005, or

(c) any part of “information” (out of the “information” requested) which does not fall under the category of “information exempt from disclosure” may be supplied to the applicant, by intimating the fact that after severance of the record from the information exempt from disclosure, is being provided under Section 10 of Right to Information Act, 2005.

(3) if found that the requested “information” is relating to a “Third Party” and the PIO intends to supply the information or record or any part thereof, shall issue a notice to that “Third Party” giving the opportunity to make his/her representation as per Section 11 of Right to Information Act, 2005 and then take a decision as to whether the “information” sought by the applicant is to be supplied or not.

(the PIO) normally pass the order accordingly within “Thirty Days” of receipt of such application as per Section 7 of Right to Information Act, 2005 duly supplying the “information” or rejecting the application.

However –

A. When the required “information” concerns with “Life or Liberty” of a Person, the time limit for disposing application/supplying information is within “Forty-Eight (48) Hours” from receipt of such request/application as per Section 7(1) of the Act.

B. When the application was submitted to APIO, which should be transferred to PIO, there shall be an allowable period of “Five Days” for such transfer as per Section 5 of the Act, and therefore, for disposal of such transferred application the time limit shall be “Thirty Five Days”.

C. When the application was transferred from one PIO to another PIO, there shall be an allowable period of “Five Days” for such transfer as per Section 6(3) of the Act, and therefore, for disposal of such transferred application the time limit shall be “Thirty Five Days”.

D. When the application requesting the “information” relates to a “Third Party” the time limit for disposing such application, as per Section 11(3) of the Act, is within “Forty Days”.

E. When the PIO fails to comply within the time limits specified, the “information” shall be provided “Free of Charge/Cost” to the Applicant as per Section 7(6) of the Act.

## **6. What are duties and powers of Information Commission?**

### **A. Duties**

The Central Information Commission/State Information Commission has a duty to receive complaints from any person -

1. who has not been able to submit an information request because a PIO has not been appointed;
2. who has been refused information that was requested;
3. who has received no response to his/her information request within the specified time limits;
4. who thinks the fees charged are unreasonable;
5. who thinks information given is incomplete or false or misleading; and;
6. any other matter relating to obtaining information under this law.

## **Powers**

1. Power to order inquiry if there are reasonable grounds.
2. CIC/SCIC will have powers of Civil Court such as -
  - i. summoning and enforcing attendance of persons, compelling them to give oral or written evidence on oath and to produce documents or things;
  - ii. requiring the discovery and inspection of documents;
  - iii. receiving evidence on affidavit;
  - iv. requisitioning public records or copies from any court or office;
  - v. issuing summons for examination of witnesses or documents;
  - vi. any other matter which may be prescribed.
3. All records covered by this law (including those covered by exemptions) must be given to CIC/SCIC during inquiry for examination.
4. Power to secure compliance of its decisions from the Public Authority includes-
  - i. providing access to information in a particular form;
  - ii. directing the public authority to appoint a PIO/APIO where none exists;
  - iii. publishing information or categories of information;
  - iv. making necessary changes to the practices relating to management, maintenance and destruction of records;
  - v. enhancing training provision for officials on RTI; ;
  - vi. seeking an annual report from the public authority on compliance with this law;
  - vii. require it to compensate for any loss or other detriment suffered by the applicant;
  - viii. impose penalties under this law; or
  - ix. reject the application.

## **7. What are the provisions for Penalties under RTI Act, 2005?**

**A.**

The penalty can be imposed, if the PIO has:

1. Refused to receive an application
2. Not furnished the requested information within 30 days of receiving the application
3. Intentionally denied the request for information
4. Knowingly given incorrect, incomplete or misleading information
5. Destroyed information which was the subject of the request
6. Obstructed in any manner, in furnishing the information.

## **Amount**

The amount of penalty shall be Rs. 250.00 per day, till the information is furnished or the application is received, subject to a maximum of Rs. 25,000.00. The penalty has to be paid by

the PIO from his salary and not by the Public Authority. The CIC or the SIC will give the PIO a reasonable opportunity to be heard before the penalty is imposed. However the burden of proving that he acted reasonably shall be on the PIO.

Under Section 20(2) of the RTI Act, the CIC or the SIC can also recommend disciplinary action as per the service rules applicable to the PIO.

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