

RIGHT TO INFORMATION ACT, 2005

Real Swaraj will come not by the acquisition of authority by a few but by the acquisition of capacity to resist authority when abused.

- Mahatma Gandhi



WHAT INFORMATION IS AVAILABLE WITH THE GOVERNMENT?

- Govt. is a vast storehouse of resources.
- Govt. holds the memory of the nation in its archives.
- Govt. should provide a full portrait of its activities performance and future plans.

FOR WHOM IS THIS INFORMATION STORED ?

- This information relates to and concerns the Public.
- This information is generated with Public Money.
- This information is held by Public Servants.
- Public Servants are paid from taxes collected from the Public.

WHO LOSES FROM CONCEALMENT OF INFORMATION ?

- Citizens who run from pillar to post for legitimate day-to-day services as the system is not transparent.
- Citizens who pay speed money to officials as there is no accountability for delay.
- Citizens who pay taxes honestly but their money is misused on wasteful expenditure or personal gain because there is no social audit. The transactions are secret.
- Citizens who live with outdated practices and procedures as vested interests do not want any change in on-going systems.

THE RESULT : POOR GOVERNANCE

SUPREME COURT'S VIEW ON RTI

In several landmark judgments, the Supreme Court of India has held that the disclosure of information about government and the right to know about government directly flow from Article 19(1)(a) that guarantees freedom of speech and expression. Right to information is thus a fundamental right guaranteed under the Indian Constitution.

{AIR 1973 SC 783 – Bennett Coleman & Co. vs. Union of India}

{1981 Supp. SCC 87: 1981 Supp. SCC 87 – S.P. Gupta Vs. Union of India}

{AIR 1986 SC 515 – Indian Express Newspaper (Bombay) Ltd. Vs. Union Of India}

{(1985) 1 SCC 641 – Indian Express Newspapers (Bombay) Ltd. Vs. Union of India}

{AIR 1981 Guj. 15 – Manubhai D. Shah Vs. Life Insurance Corporation

{(1995) 2 SCC 161 – Secretary, Ministry of Information and Broadcasting, GOI Vs. Cricket Association of Bengal}

{1975 (004) SCC 0428 SC – State of UP Vs. Raj Narain}

{2003 (001) SC 2353 – P.U.C.L. Vs. U.O.I}

{(1995) 4 SCC 611 – CEC of India Vs, Union of India}

INTERNATIONAL CLIMATE

FREEDOM OF INFORMATION LAWS AROUND THE WORLD LIST OF 70 COUNTRIES

ALBANIA (Europe)	GERMANY (Europe)	PERU (S.Amer.)
ANGOLA (Africa)	GREECE (Europe)	PHILIPPINES (Asia)
ANTIGUA & BARBUDA (N.Amer.)	HUNGARY (Europe)	POLAND (Europe)
ARGENTINA (S.Amer.)	ICELAND (Europe)	PORTUGAL (Europe)
ARMENIA (Asia)	INDIA (Asia)	ROMANIA (Europe)
AUSTRALIA (Oceania)	INDONESIA (Asia)	SERBIA MONTENEGRO (Oceania)
AUSTRIA (Europe)	IRELAND (Europe)	SLOVAKIA (Europe)
AZERBAIJAN (Asia)	ISRAEL (Asia)	SLOVENIA (Europe)
BELGIUM (Europe)	ITALY (Europe)	SOUTH AFRICA (Africa)
BELIZE (N.Amer.)	JAMAICA (N.Amer.)	SOUTH KOREA (Asia)
BOSNIA & HERZEGOVINA (Europe)	JAPAN (Asia)	SPAIN (Europe)
BULGARIA (Europe)	KOSOVO (Europe)	SWEDEN (Europe)
CANADA (N.Amer.)	LATVIA (Europe)	SWITZERLAND (Europe)
COLOMBIA (S.Amer.)	LIECHTENSTEIN (Europe)	TAJIKISTAN (Asia)
CROATIA (Europe)	LITHUANIA (Europe)	THAILAND (Asia)
CZECH REPUBLIC (Asia)	MASEDONIA (Europe)	TRINIDAD & TOBAGO (N.Amer.)
DENMARK (Europe)	MAXICO (N.Amer.)	TURKEY (Europe-Asia)
DOMINICAN REPUBLIC (N.Amer.)	MOLDOVA (Europe)	UGANDA (Africa)
ECUADOR (S.Amer.)	NEPAL (Asia)	UKRAINE (Europe)
ESTONIA (Europe)	NETHERLANDS (Europe)	UNITED KINGDOM (Europe)
FINLAND (Europe)	NEW ZEALAND (Oceania)	UNITED STATES (N.Amer.)
FRANCE (Europe)	PAKISTAN (Asia)	UZBEKISTAN (Asia)
GEORGIA (Asia)	PANAMA (N.Amer.)	ZIMBABWE (Africa)

PEOPLE'S MOVEMENT CAMPAIGN FOR RTI STARTED IN RAJASTHAN

- Mazdoor Kisan Shakti Sangathan (MKSS) was constituted on 1-5-1990 in the village Sohan Garh in Deogarh Tehsil of Rajsamand District. Its objective was to use various modes of struggle to change the lives of the rural poor.
- Its struggle started for minimum wage to the rural poor for construction work undertaken by Village Panchayat officials who often indulged in large scale embezzlements of development funds by over billing and by ghost entries in collusion with private parties and local officials. Construction work shown as completed, existed only on paper. It was never really carried out.

RTI ACT PASSED

- On December 23, 2004, the UPA Govt. tabled the RTI Bill 2004.
- This Bill was passed by Lok Sabha on 11th May, 2005 and by Rajya Sabha on 12th May, 2005.
- It received assent of the President on 15th June, 2005.
- It was published in the Gazette of India on 21st June, 2005.
- It came into force with effect from 12th October, 2005.

COVERAGE

Every “authority” or “body” or “institution of self-govt.”
(Public Authority)

- a) Established under the Constitution or under a law made by the Parliament or the State legislature;
- b) Established by Central or State Govt.;
- c) Owned, controlled or substantially financed directly or indirectly by funds provided by the Central or State Govt. NGOs are also covered.

WHAT IS INFORMATION

“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.

PUBLIC AUTHORITY TO FULFIL OBLIGATIONS BY **PROACTIVE DISCLOSURE [Sec. 4(1)(b)]**

- (1) What are the particulars of the organization, its functions and its duties.
- (2) What are the powers and duties of officers and employees.
- (3) What procedure is followed in the decision-making process.
- (3A) What are the channels of supervision and accountability.
 - (1) What are the norms set by the organization for the discharge of its functions.
 - (2) What are the rules, regulations, instructions, manuals and records held by the organization or by others under its control.
- (5A) Which of the above records are used by its employees for discharging its functions.
 - (1) Give a statement of the categories of documents that are held by the organization or by others under its control.
 - (2) Particulars of any arrangement for consultation with or representation by members of the public for the purpose of formulation of its policy or implementation of its policy.
 - (3) Whether the organization has constituted bodies having two or more persons for taking advise from such bodies. Whether meetings of these bodies are open to the public or the minutes of such meetings are accessible for public.

PUBLIC AUTHORITY TO FULFIL OBLIGATIONS BY PROACTIVE DISCLOSURE [Sec. 4(1)(b)] (contd.)

- (1) Bring out a directory of officers and employees for information.
- (2) What is the monthly remuneration received by each of its officers and employees and what is the system of compensation as provided in the organization's regulations.
- (3) What is the budget allocation for each of the agency under the organization; what are the particulars of plans, proposed expenditure and disbursements made.
- (4) What are the subsidy programmes, what is the manner of execution of such programmes, what amounts have been allocated in such subsidy programmes and who are the beneficiaries of such programmes.
- (5) What are the particulars of recipients of concessions, permits or authorizations granted by the organization.
- (6) What information held by the organization has been reduced in an electronic form.
- (7) What facilities are available to the citizens for obtaining information.
- (15A) What are the working hours of a library or reading room if maintained for public use.
 - (1) Name, Designation and other particulars of the Public Information Officers.
 - (2) Such other information as may be prescribed by the Central Govt. or the State Govt. or a competent authority.

THE 3-STAGE REGIME FOR ACCESSING INFORMATION

1ST STAGE (PIO) : Every “public authority” to designate “as many officers as Public Information Officers” to provide information to citizens requesting information and APIOs at sub-districts / sub-divisions to receive and forward applications to the PIO / DAA / IC [Sec. 5(1) & (2)]

2ND STAGE (D.A.A.): Every Public Authority to designate a senior officer as Departmental 1st Appeal (Internal) Appellate Authority to receive appeals from citizens against decision of PIOs [Sec. 19(1)]

3RD STAGE (I.C.) : An independent Central Information Commission / State Information 2nd Appeal (External) Commission to receive appeal against the decision of the Departmental Appellate Authority. There is no appeal to court except High Court / Supreme Court under Article 224 / 32 [Sec. 23]

HOW A CITIZEN SHOULD GO ABOUT EXERCISING HIS / HER RIGHT TO INFORMATION (Sec.6)

- (1) Make a request in writing or through electronic means to the PIO / APIO on plain paper. If an application form is available with the Public Authority, then make your request on the prescribed application form.
- (2) Your application should be in English or Hindi or the official language of the area.
- (3) Application should be accompanied by a fee of Rs.10 by DD / Bankers Cheque / Cash against receipt / Postal Order.
- (4) Be specific regarding particulars of the information you want.
- (5) If you do not know how to put in your request in writing take the help of the PIO / APIO who shall render all reasonable assistance to you to reduce your oral request in writing.
- (6) You need not give any reason for soliciting information.
- (7) You must give your full name and contact address only; no other personal details like caste, permanent address, home town, religion or language spoken need to be given.

A FEW USEFUL TIPS WHEN FRAMING QUESTIONS:

- Information must exist.
- RTI cannot directly get you a decision; eg. Asking why pension has not been obtained, or when your passport would be given may not get you any information.
- Instead ask about the progress of your file, or the norms for disposal of work. This will give you documentary evidence showing the lack of justification for the delays and give you the names of the officials responsible.
- Even if the administration is corrupt or grossly inefficient, it puts pressure on the officials if they give you the information in writing.
- Sometimes this stage itself works to get your desired result. In case it doesn't you may complain to the higher authorities.
- If the higher authorities do not respond, use RTI to ask about the progress of your complaint.

P.I.O RECEIVES REQUESTS DIRECTLY OR THROUGH THE APIO OR ANOTHER PUBLIC AUTHORITY. BUT HIS / HER TIME OF 30 DAYS STARTS FROM DAY OF RECEIPT OF REQUEST.

As APIO, my job is only to receive and forward forthwith application for information to PIO or appeals to DAA/ CIC. I am not a provider of information. [Sec.5(2)]

As PIO, I shall provide Information as expeditiously as possible or reject request “within 30 days of receipt of the request”. [Sec. 7(1)]

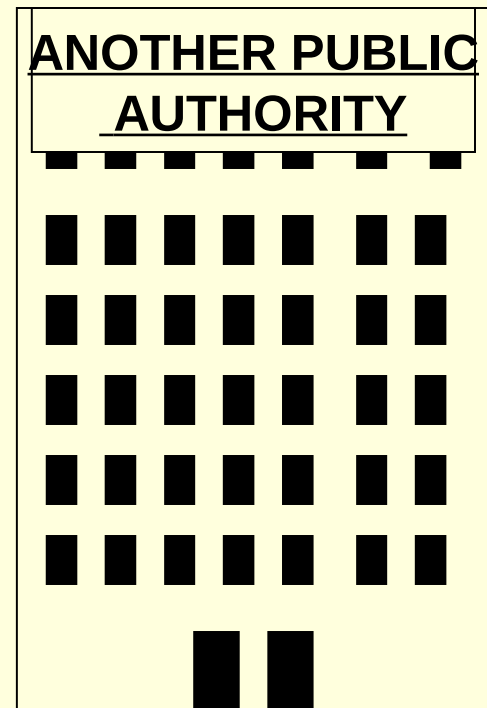
Another Public Authority not concerned with request to transfer application to concerned Public Authority. [Sec. 6(3)]



5 Days →



← 5 Days



PIO AND THE CLOCK

1. Application received

2. PIO registers and stamps the application the same day

3. PIO may transfer application to another "Public Authority" within 5 days

4. PIO acknowledges

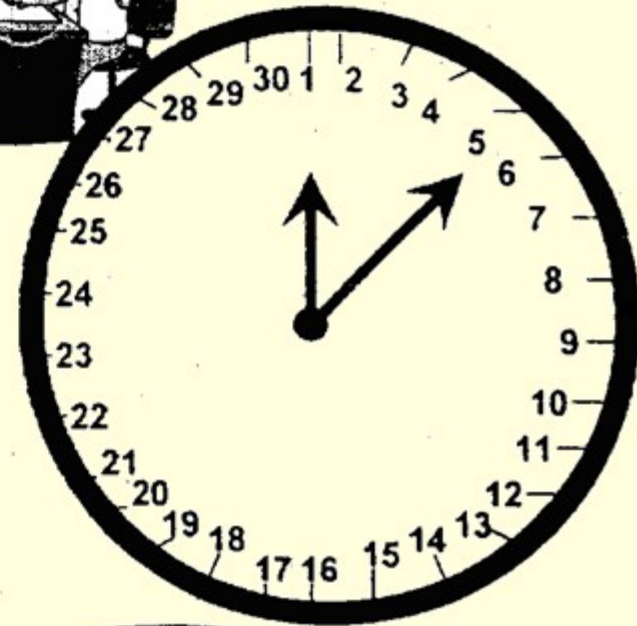
5. PIO identifies and isolates records containing information, makes calculations of cost of further fee and intimates calculations

6. Applicant sends further fee

7. PIO legally bound to dispatch information within 30 days

8. If request was received via APIO or another Public Authority, PIO to dispatch within 35 days

13-7-2008



10

22-7-2008

Clock stops
after 10 days

1-8-2008

20 → 10 + 20 = 30 days

20-8-2008

5 extra days

25-8-2008

DUTIES OF PIO

1. Do not hesitate to “provide information to the person” making a request [Sec. 5(1)]

Change your perception from confidentiality to transparency.

2. If your organization is spread over sub- divisions / sub-districts, you may take help of APIO working in the field to facilitate implementation of RTI Act [Sec. 5 (2)].

These APIOs are not your assistants, they are (a) receiving and forwarding agents of a request for information made to PIOs, (b) appeals made against decisions of PIOs and (c) complaints and appeals made to CIC/ SIC.

1. You are bound to provide information within 30 days of the receipt of the request plus five additional days if request is coming via APIO [Sec. 7 (1)].

Alternatively, send a reply rejecting a request within the same prescribed period.

DUTIES OF PIO (Contd.)

4. When can you reject the request? [Sec. 7 (1), 8, 9]
 - (i) Whenever law gives you “exemption from disclosure if information”.
 - (ii) Whenever access to information involves “an infringement or copyright subsisting in a person other than the state”.
 - (iii) Whenever the applicant has not paid the initial prescribed fee with his/her request of information.

But in all cases of rejection please do give reasons, the period for preferring appeal and particulars of Appellate Authority.
1. If you fail to communicate your decision within the specified limit of time, it will be presumed by law that you have refused the request for information [Sec. 7 (2)].
2. If you find that in addition to the initial fee, you need “further fee representing the cost of providing information as prescribed”, please advise the applicant accordingly with details of calculations [Sec. 7 (3)]. Better indicate date by which he/she should deposit this further fee.

DUTIES OF PIO (Contd.)

1. The period intervening between dispatch of your decision for further fee and the applicants payment of fee is to be excluded from the prescribed time limit of 30 days [Sec. 7 (3) (a)].
2. While communicating your decision please also add that applicant has the right to an appeal and give him/her the Appellate Authority's particulars, the procedure and the time limit to the applicant [Sec. 7 (3) (b)].
3. If the applicant is sensorily disabled please provide" assistance to him/her to have access to information" appropriate for inspection [Sec. 7 (4)].
4. If you have failed to adhere the limit of 30 days for providing information, then provide it free of charge [Sec. 7(6)].

DUTIES OF PIO (Contd.)

1. If the applicant has sought information in a particular form i.e. in photocopy form or floppy form, you may 'ordinarily' use his/her form, but if you find that his/her form would (a) disproportionately divert the resources of the public authority or (b) be detrimental to the safety or preservation of the record then provide the information in a different form [Sec. 7 (9)].
1. While deciding whether the information is secret or confidential always ask yourself whether you would deny the same information to the Parliament or State Legislature. If not, then do not deny it to the applicant even if you have power of exemption from disclosure under Sec.8 [Sec. 8(1) proviso].
2. Even if the Official Secrets Act, 1923 does not permit you to reveal information or the RTI Act itself gives you exemption from disclosure of information in specific cases, the " public authority may allow access to information if public interest in disclosure outweighs the harm to the protected interest" [Sec. 8 (2)].

DUTIES OF PIO (Contd.)

1. Even in respect of information where exemption from disclosure is authorized, you may still provide information pertaining to any occurrence or event or matter which took place 20 years ago on the date of request for such information. This relaxation will not apply in the following forbidden cases [Sec. 8 (3)]:
 - (a) Information disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific, economic interest of the state, relation with foreign state or lead to an incitement of an offence [Sec. 8 (1) (a)].;
 - (b) Information the disclosure of which would cause a breach of privilege of Parliament or State Legislature [Sec. 8 (1) (c)].
 - (c) Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers. [Sec 8 (1) (i)].

DUTIES OF PIO (Contd.)

1. As PIO, do not think that you have left alone in fulfilling your obligations. The law knows your difficulties and hence it allows you to “seek the assistance of any other officer as you consider it necessary for the proper discharge of your duties”. Please remember that the law also provides that such other officer shall render all assistance to you and for the purpose of any contravention of the RTI Act “such other officer shall be treated as a PIO” [Sec. 5 (5)].
2. A “deemed PIO” as above, is not a PIO and is debarred from providing information direct to information seekers, (DOPT OM dated 28.07.2008)
3. While providing information or rendering help to a person, it is important to be courteous to the information seeker and to respect his/her dignity. Public Authorities should ensure that their PIOs and other concerned officers are exposed to training programmes. (DOPT OM dated 24.06.2008).

DUTIES OF PIO (Contd.)

1. Where an application is made to public authority for information (i) which is actually held by another public authority or (ii) the subject matter of which is more closely connected with the functions of another public authority then you shall transfer the application / part of it to another public authority and inform it also about receipt of Application Fee. Inform the applicant immediately about such transfer. You have been given five days to effect such transfer of application [Sec. 6 (3)].

If you are not able to find out as to which Public Authority is concerned with the information sought by the applicant even after making reasonable efforts, you should inform the applicant that the information is not available with your Public Authority and that you are also not aware of the concerned Public Authority to which the application could be transferred. Please note that if an appeal is made against the decision of yours, it will be your responsibility to establish that you made reasonable efforts.

Sometimes more than one Public Authority is concerned in addition to your public authority. In such cases you should inform the applicant to make separate applications to the concerned Public Authorities. Sec. 6 (3) refers to “another public authority” and not to “other public authorities”.

TIME LIMIT FOR SUPPLY OF INFORMATION AND APPEAL

TYPE OF PARTICULARS	TIME LIMIT	INDEX
1. Supply of information by PIO	1. Within 30 days of the receipt of application	
2. If application to PIO concerns Life and Liberty of a person.	2. Within 48 hours of the receipt of application.	
3. Incase the application for information is given to APIO.	1. Add 5 days to the above response time.	
4. If information asked for affects the interest of a third party.	2. 40 days (30 + 10 additional days)	
5. If information is not supplied within the above specified period.	3. Amounts to refusal.	
6. Appeal to Departmental Appellate Authority arising out of decision of PIO.	4. Within 30 days of the receipt of decision from PIO.	
7. Appeal to Central Information Commission against decision of Departmental Appellate Authority	5. Within 90 days from the date of decision of the Appellate Authority.	

- Note:
- * There is no time limit for Central Information Commission / State Information Commission to decide on appeals.
Decision of CIC & SIC is binding.
 - * Burden of proof lies on PIO for justifying denial of information.

FEES CHARGEABLE FROM APPLICANTS

- ❖ Application fee to accompany the application Rs. 10
- ❖ Cost of giving information:
 - (a) Rs. 2 per page (A4 or A3 size photocopy).
 - (b) Rs. 2 per page (A4 or A3 size) created on typewriter or computer etc.
 - (c) Actual charge or cost price of a copy in large size paper.
 - (d) Actual cost or price for samples or models.
 - (e) Rs. 50 per floppy or CD.
 - (f) Cost of Publication fixed by the organization where a copy of the publication is supplied.
- ❖ For inspection of records:
 - (a) No fee for the first hour.
 - (b) Rs. 5 for each subsequent hour or fraction thereof.

Note: Payment is to be made by cash against proper receipt or postal order / demand draft / bankers' cheque payable to the Accounts Officer of the Public Authority.

INFORMATION WHICH CAN BE DENIED

There are some matters where information can be denied, which are given in Section 8, (1). Quoting these verbatim from the Act:

8. (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,-
 - a. 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;
 - b. 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;
 - c. Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
 - d. 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;
 - e. Information available to a person in his/her fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

INFORMATION WHICH CAN BE DENIED

- f. Information received in confidence from foreign government;
- g. 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;
- h. Information which would impede the process of investigation or apprehension or prosecution of offenders;
- i. Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters, which come under the exemptions specified in this section, shall not be disclosed;

- (2) Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interests in disclosure outweighs the harm to the protected interests.

APPEAL TO DEPARTMENTAL APPELLATE AUTHORITY

In case of refusal / deemed refusal from the PIO, the applicant can appeal against the PIO to the first Appellate Authority, who is from the same department and senior to the PIO. If the PIO refuses to give the information he/she is also supposed to give you the name and address of the Appellate Authority. If no reply is received, or the PIO has not mentioned the name of the Appellate Authority, you could address the appeal to the Head of the Office.

If the PIO has refused information with malafide intentions, or not replied at all, he/she is liable for a penalty of Rs. 250 per day, for the period of delay; i.e. until he/she gives the information. This penalty is payable by the PIO from his/her salary and he/she is also liable for disciplinary action. The Penal provision of Section 20, are the real teeth of the Act, which if properly implemented will bring the rule of law into our Governance. Also, when the information is provided after the period of 30 days is over, no cost can be charged for providing the information.

APPEAL TO DEPARTMENTAL APPELLATE AUTHORITY

(contd.)

- The appeal must be made within 30 days of receiving the PIOs letter, OR within 30 days from the last date on which the information should have been received – in case no letter is received, - i.e within 60 days of your application. The Appellate Authority must dispose off the appeal within 30 days, - OR after giving reasons for delay – in a further period of 15 days; i.e. a total of 45 days, if a letter giving reasons is issued.

An appellate authority may give a personal hearing to you and the PIO.

However, it is not mandatory for you to attend a personal hearing.

The Appellate Authority though belonging to the same department as the PIO is actually conducting a quasi-judicial proceeding and expected to give a fair and unbiased order based on your arguments in the appeal. S/He is also required to give reasons for arriving at a decision. The actual outcome may be:

1. You get an order directing PIO to give the information (reasonable chance):
2. You may get an order rejecting the appeal and refusing to give the information.
3. You may get no reply at all. This is deemed rejection, once the period of 30/45 days is over.

APPEAL TO DEPARTMENTAL APPELLATE AUTHORITY

(contd.)

If you are not satisfied with the outcome, you can file a second appeal with the Information Commissioner within 90 days. There are separate Information Commissions for the State and Central Government Organizations. The power to penalize PIOs is only with the Information Commissioners. It will be useful to take a look at the Act and its rules yourself by that time.

If the PIO seeks to charge you more than what is stipulated in the rules, refuse to pay and complain to the Information Commissioner- Section 18 (d). The PIO has no authority to charge you more than what is specified under the rules. S/He cannot ask you to pay for the cost of collating or gathering the information.

SOME EFFECTIVE USES OF RTI

- Copies of Daily Sales Register, Card Register, Inspection Book, Daily and Monthly stock position Register & Cash Memos of ration shops.: Parivartan—to uncover diversion of foodgrains for poor:
- Copy of logbooks for Municipal vehicles: Maj. Gen. Sudhir Jatar in Pune, discovered misuse by elected representatives.
- Details of Political recommendations for Police transfers: has resulted in a check on this nefarious practice in Mumbai.
- Copies of specifications for Road Construction and samples of concrete used: Citizens can stop poor roads from being made.

SOME EFFECTIVE USES OF RTI

- Filing a complaint and then asking for the progress report using RTI: A very useful way for Citizens to get desired results.
- Asking for details of how Corporators or MLAs funds have been spent and then verifying the expense.
- Ask for specifications of road work, or public building starting in your locality. Ask for samples of say bitumen or concrete used. You could also ask for inspection of the work. You could consult a civil engineer in your area for implementing this. This could result in a better job being done.

SOME EXAMPLES OF EFFECTIVE USAGE OF DEMANDING INFORMATION UNDER RTI

- If you wish to know why a sports ground is being converted into a commercial complex ask for copies of the correspondence on this matter.
- In Delhi, Parivartan obtained information of a major fraud in the move of privatizing Water supply.
- MKSS got copies of Civil works in rural Rajasthan and proved that they were fictitious.
- Information was obtained about the loot of public money in crores using the device of giving Public lands to the elite for a pittance. – Shailesh Gandhi
- Bhaskar Prabhu of AGNI in Mumbai obtained details of corruption in admissions in Sydenham College.
- Shivaji Raut in Satara obtained EGS muster rolls, which on verification exposed fraud.

ANNUAL CONFIDENTIAL REPORTS –WHETHER DISCLOSABLE

DECISION AT A GLANCE

- ACRs contain personal information. Disclosure seriously harms interpersonal relationships.
- Service Record of an employee cannot be showed to another employee or citizen. It involves invasion of privacy unless it serves public interest.
- Disclosure of complete proceedings of Promotion Committees amounts to disclosure of ACR gradings. Hence, doctrine of severability may be used under Sec 10 (2).
- CRs may be shown to the applicant himself if in public interest, if for example, s/he feels ignored in promotion despite good record of service.

**RECRUITMENT, DPC MINUTES AND
DEPARTMENTAL / UNIVERSITY EXAMINATIONS.**

DECISION AT A GLANCE

Following information is to be provided:

- Marks awarded by Committee Members without disclosing their names,
- Threshold marks fixed by the Selection Board for promotion,
- Cut off point is also in the public domain including for SCs, STs & OBCs.
- DPC Minutes cannot be disclosed.
- Copies of Answer Papers cannot be provided due to fiduciary relationship with examiners.
- Answer key can be provided.
- Composition of Selection Committee is in public domain but after selection process is over.

RECRUITMENT, DPC MINUTES AND DEPARTMENTAL / UNIVERSITY EXAMINATIONS (Contd.)

DECISION AT A GLANCE

- Inspection of a record is not permissible when selection process is in mid stream.
- Terms & Conditions for appointment is in public domain.
- Model questions & answers may be provided.
- Questionwise marks may be provided if the applicant is aggrieved.
- Own Answer Sheet may be shown to the applicant but not answer sheets of other employees.

EMPLOYEE'S SERVICE ISSUES- **OFFICIAL AND PRIVATE MATTERS DISTINGUISHED**

DECISION AT A GLANCE

- Property Returns are not public information; this is personal information. Hence, not disclosable.
- Details regarding official trips covering stay in hotels, vehicle expenses on trips etc. is official information and is disclosable.
- Banks should disclose information regarding assets and liabilities of the deceased to the legal heir.
- Disclosure of TA bills of public servants relating to official duties is disclosable.
- Biodata submitted by candidates for recruitment is disclosable except medical reports.

EMPLOYEE'S SERVICE ISSUES-
OFFICIAL AND PRIVATE MATTERS DISTINGUISHED(CONTD.)

DECISION AT A GLANCE

- LTC claims are disclosable for different block years, but personal details relating to names of family members, their age is not disclosable.
- Where suspension of public servant is revoked, other citizens can have access to the information regarding such revocation.
- Medical record of patient is not disclosable to other citizens except in public interest.
- Log books are open for information. Basis of calculation of charges for use of company vehicles is also open.
- CBI's letters even if marked confidential can be disclosed provided it would not impede the process of investigation.

INCOME TAX RETURNS AND ASSESSMENT ORDERS

DECISION AT A GLANCE

Income tax returns filed by assesseees is confidential information and not in public domain. Similarly, Assessment Orders passed by Income Tax Department cannot be provided to those who are not concerned with such details.

RTI - The weapon of the Common Man



The RTI Act is the common man's brahmastra. It can convert our purely electoral democracy into a true participatory democracy. In case we do not make good use of the RTI Act, we will have to admit that ...

मेरा भारत महान . . .

नहीं है,

पर यह दोष मेरा है !