

Unlocking the State: Right to Information Act, 2005

Navigating the Architecture
of Transparency



The Core Philosophy



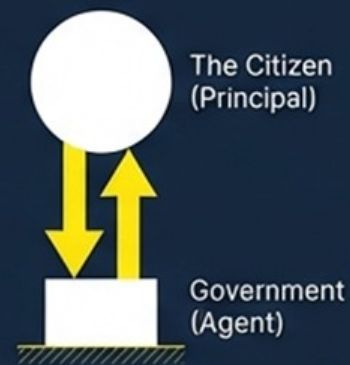
The Paradigm Shift

Transitioning from the colonial-era Official Secrets Act (secrecy by default) to the RTI Act (transparency by default).



The Power Dynamic

The Act legally recognizes that the citizen is the principal, and the government is the agent.



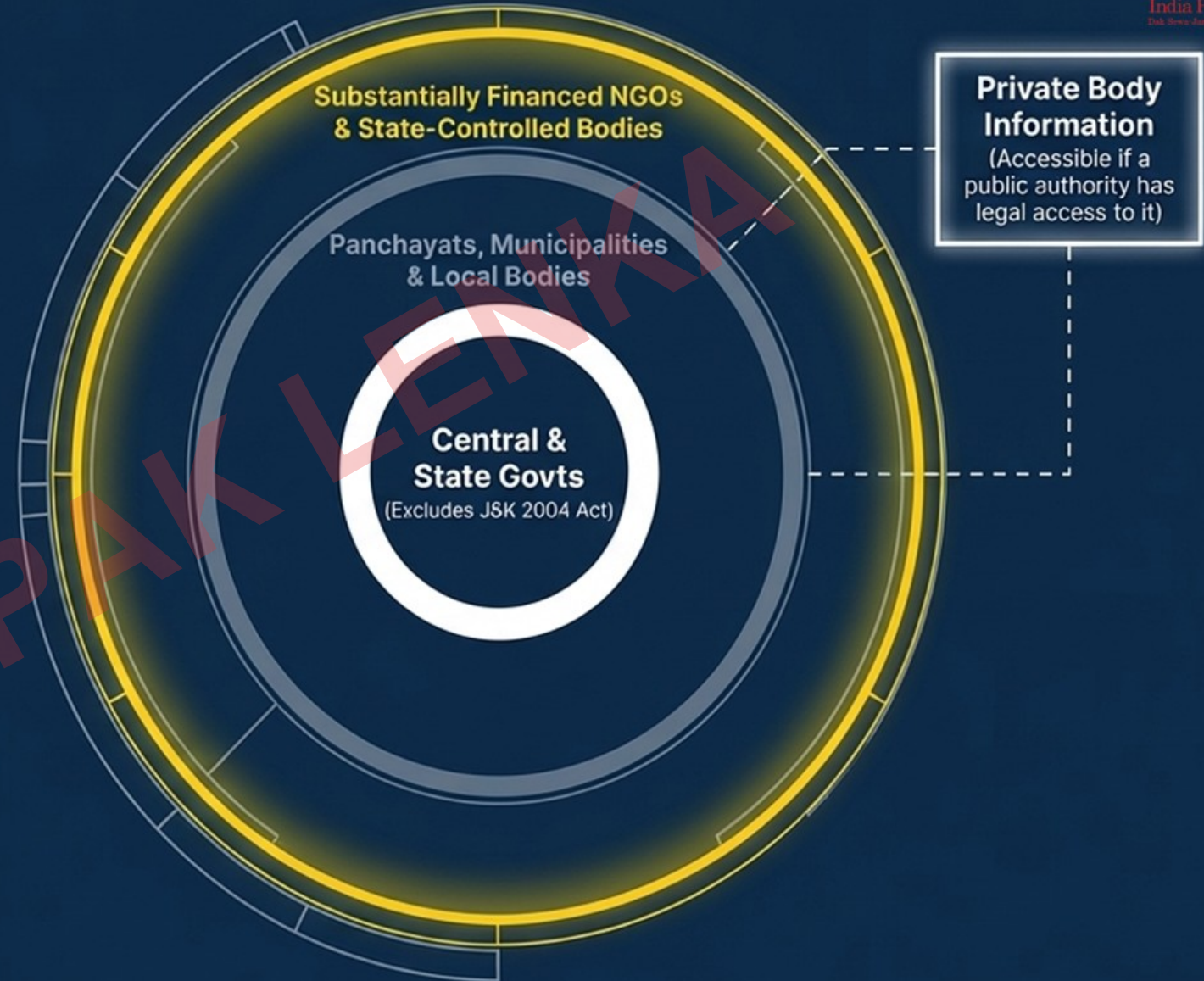
The Golden Rule (Section 2)



Information which cannot be denied to Parliament or State Legislature shall not be denied to any person.

The Scope & Jurisdiction

The Umbrella of Transparency



Key Takeaway

The RTI Act's reach extends far beyond traditional government offices, penetrating local civic bodies and publicly funded non-governmental organizations.

Defining the Information Asset

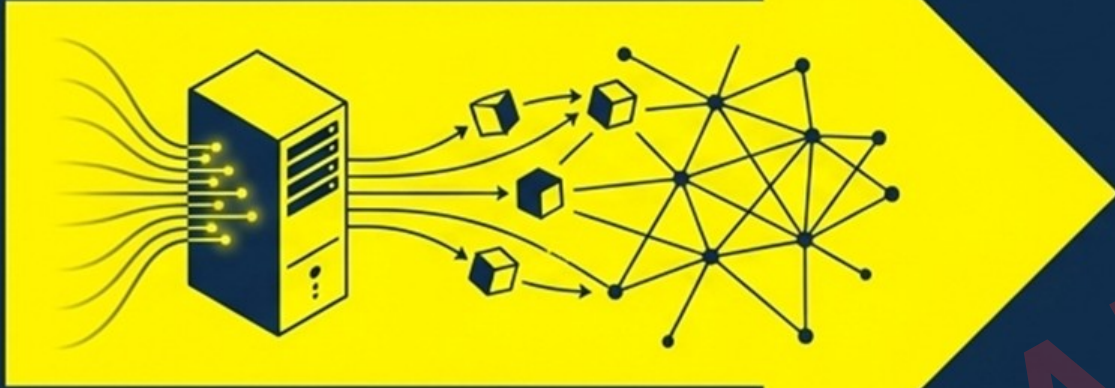
Categories of Information (Section 2)

Physical	Electronic	Advisory & Administrative
 <p>Records & Documents</p>	 <p>Data Material</p>	 <p>Opinions & Advices</p>
 <p>Memos & Circulars</p>	 <p>Emails</p>	 <p>Contracts</p>
 <p>Physical Samples & Models</p>	 <p>Microfilm & Facsimiles</p>	 <p>Logbooks & Reports</p>

Citizen Rights: RTI guarantees the right to inspect works, take notes, extract certified copies, and take physical samples of government materials.

The Mandate for Proactive Disclosure

Push: Proactive Disclosure



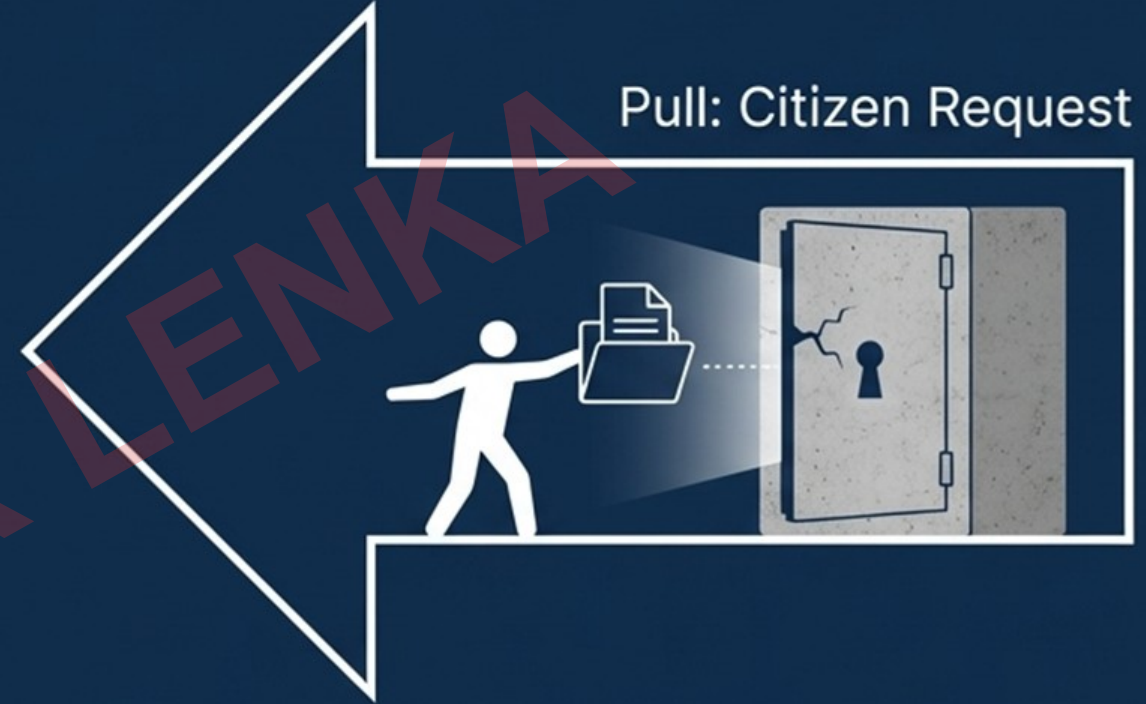
Section 4 Mandate

Public authorities are legally bound to catalog, index, and publish 16 categories of information without waiting for a request. Systems must be computerized, networked country-wide, and updated annually.

Key Disclosures Include:

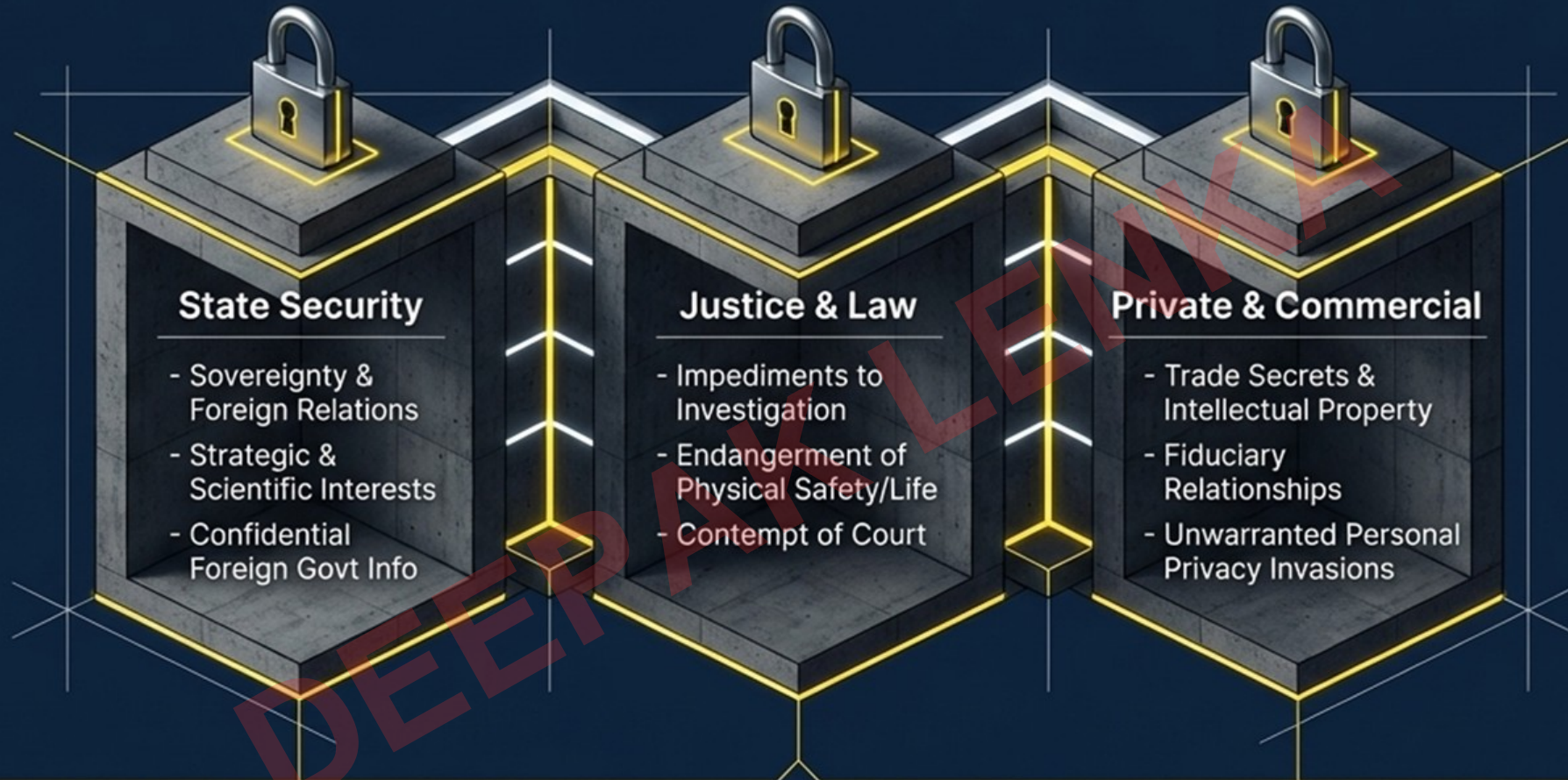
- Allocated budgets, subsidies, and expenditures.
- Directories and monthly remuneration of officers.
- Internal procedures, rules, and policy manuals.

Pull: Citizen Request



The ideal RTI ecosystem minimizes the need for individual citizen pull-requests by maximizing structural, proactive push-disclosures from the state.

The Vault of Exemptions (Section 8)



Special Exclusions

Intelligence/Security agencies (e.g., RAW, BSF) are wholly excluded, except regarding allegations of corruption or human rights violations.

The Cabinet Exception

Cabinet deliberations are protected, but decisions and underlying reasons must be made public once the matter is complete.

Breaching the Vault: Overrides & Severability



The Public Interest Override

No exemption is absolute. If the public interest in disclosure outweighs the harm to the public authority, the exempt information must be released.



Severability (Section 10)

If a record contains exempt information, the PIO must sever (redact) the exempt portions and disclose the remainder. Complete denial of a mixed document is illegal.

The 20-Year Time Bar: Most exemptions expire after 20 years, forcing historical disclosure (except for core sovereignty, security, and Cabinet records).

The Application Process

Key Principle: Lowering barriers to entry. The state requires no explanation for exercising the fundamental right to know.



1. Draft

Write or submit electronically in English or the local official language.



2. Submit

Submit directly to the designated Public Information Officer (PIO).



3. Fee

Pay reasonable prescribed fee. Zero fee required for citizens Below Poverty Line (BPL).



4. No Justification

No reason for seeking the information needs to be provided by the applicant.

The Statutory Time Clock (Section 7)

30 DAYS

Standard Processing

From the date of application. The clock pauses while fees are calculated and intimated to the applicant.



48 HOURS

Life & Liberty Exception

Mandated for information directly concerning the life and liberty of a person.

40 DAYS

Third-Party Involvement

Maximum limit if a third party's interests are involved and they require time for representation.

THE DEFAULT RULE: No action on an application within the 30-day limit legally constitutes a Deemed Refusal.

The Frontline: The Public Information Officer (PIO)

Assist

Render physical assistance to citizens who cannot write their applications (e.g., sensorily disabled).

Execute

Apply severability and partial disclosure mechanisms when necessary.

Organizational Profile Card

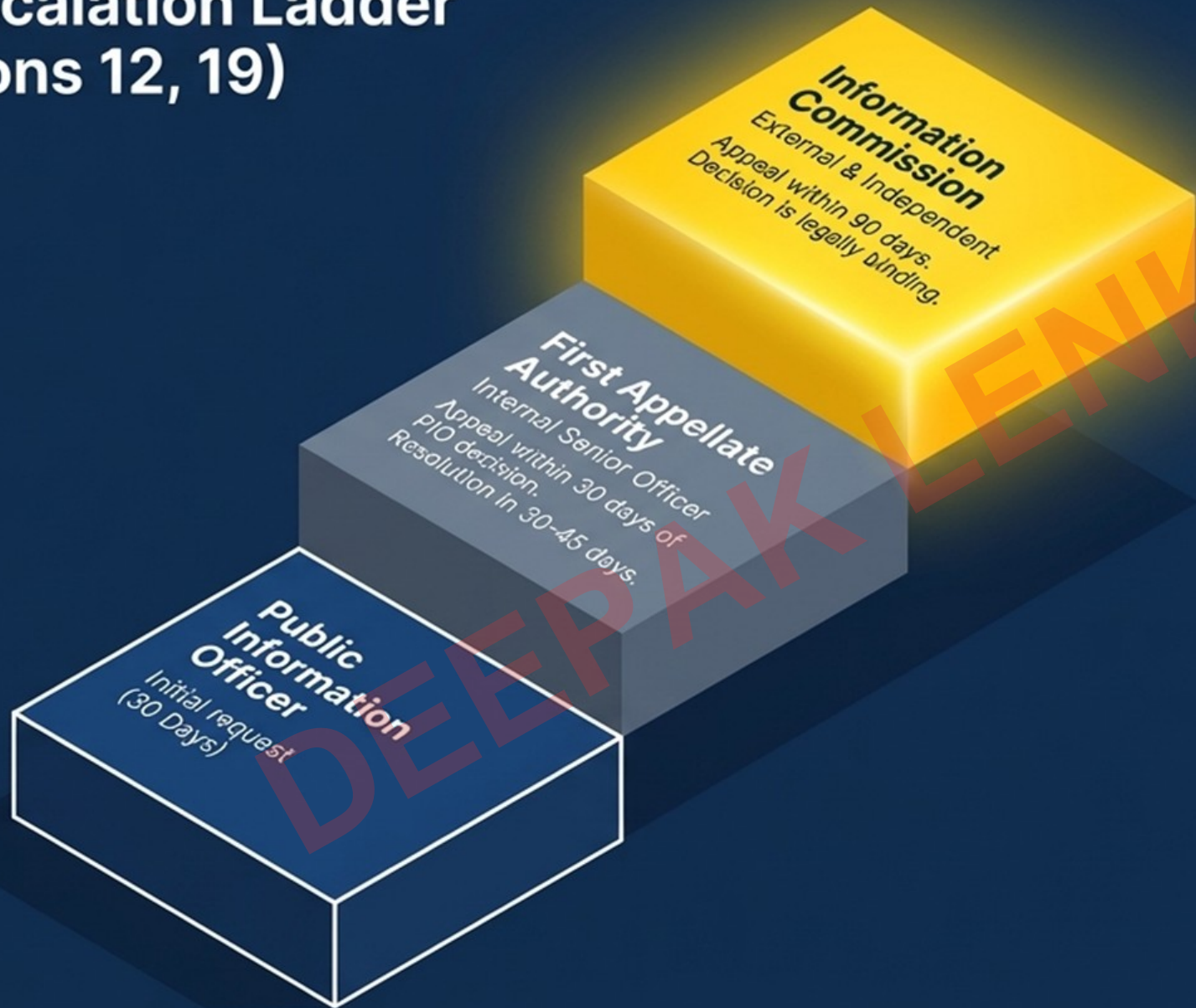


Judge

Serve as the initial authority to weigh 'public interest' against Section 8 exemptions.

Chain of Liability: Any officer whose assistance is sought by a PIO is legally treated as a PIO and shares total liability for delays or false information.

The Escalation Ladder (Sections 12, 19)



The Architecture of Appeal

The 1st appeal forces an internal review by an officer senior to the PIO. The 2nd appeal completely removes the dispute from the agency, escalating to an independent commission.

The Burden of Proof

In any appeal, the burden of proving that the denial of information was justified lies entirely with the PIO, not the citizen.

The Watchdogs: Information Commissions

Central Information Commission (CIC)

- Autonomous body appointed by PM Committee.
- 1 Chief + Max 10 Commissioners.

State Information Commission (SCIC)

- Autonomous body appointed by CM Committee.
- 1 Chief + Max 10 Commissioners.

Civil Court Powers

Both Commissions possess the sweeping authority of a **Civil Court** to:

- **Summon** persons and force evidence under oath.
- **Requisition public records** (including reviewing exempt, classified files).
- Force public authorities to appoint PIOs and overhaul record management.
- **Compensate** citizens for detriment.

Accountability and Penalties (Section 20)

Penalty Dashboard

Personal Financial Liability: Fines are levied directly against the personal finances of the erring PIO.



Trigger Offense:
Refusing to accept an application.



Trigger Offense:
Delaying release without reasonable cause.



Trigger Offense:
Malafidely denying information.



Trigger Offense:
Knowingly giving incomplete, false, or misleading data.



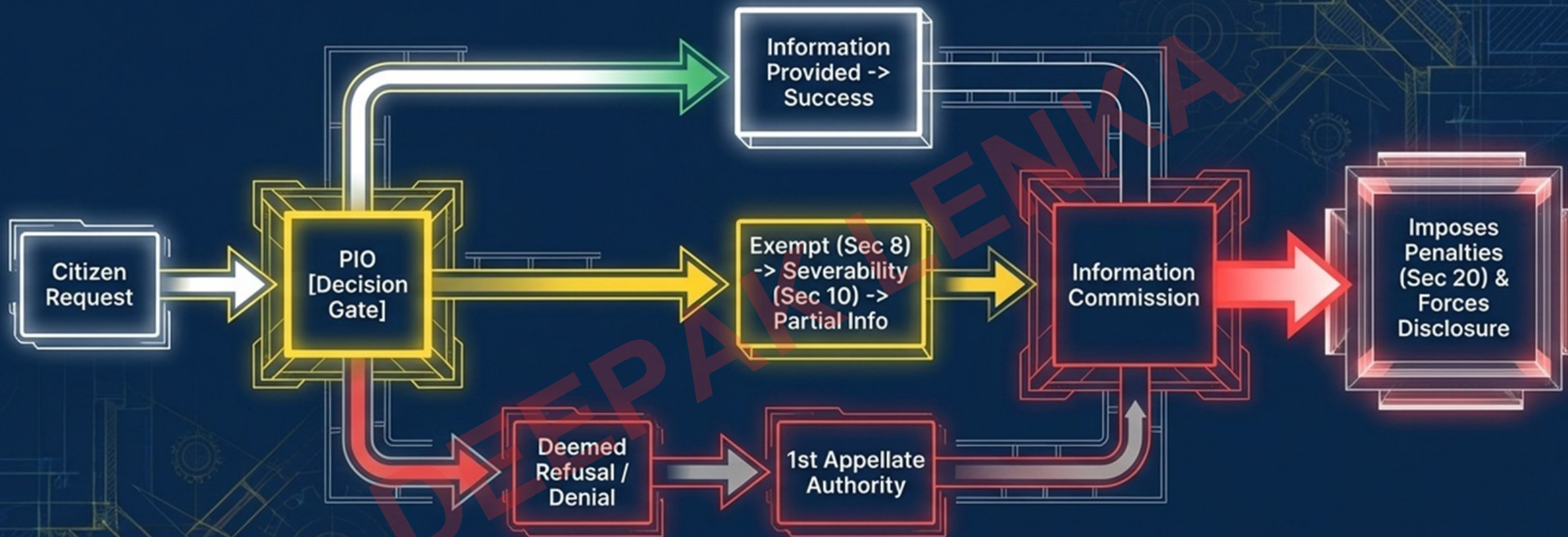
Trigger Offense:
Destroying requested records.

Rs. **250** / Day

MAX: Rs. **25,000**

Disciplinary Action: The Commission can recommend formal departmental disciplinary action against persistently erring PIOs.

Synthesis: The Ecosystem of Transparency



The Machine at Work

The RTI Act resolves the asymmetry of power. Every refusal triggers an escalation; every delay triggers a penalty.



Thank You.

The Right to Information Act is not a request for a favor from the State; it is the realization of a fundamental democratic guarantee. Transparency is now the rule, and secrecy the exception.