



(803) भगवानदास शकुन्तला देवी वुमेन एजुकेशनल इन्स्टीट्यूट,  
बदुरहिया चौराहा, चौरी चौरा, गोरखपुर

## RIGHT TO INFORMATION (RTI) REQUEST

### About the RTI Act.

The Right to Information (RTI) Act, 2005, empowers Indian citizens to request information from public authorities, promoting transparency and accountability. Enacted on October 12, 2005, it mandates responses within 30 days (48 hours for life/liberty) from government bodies, covering records, documents, and memos.

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### Key Aspects of the RTI Act 2005:

- **Purpose:** To promote transparency, hold the government accountable, and curb corruption.
- **Scope:** Applies to all public authorities (central, state, and local bodies) and entities substantially financed by the government, including certain NGOs.
- **Information Definition:** Includes inspection of work, documents, records, taking notes, extracts, or certified copies, and certified material samples.
- **Timeline:** General information is provided within 30 days. Information concerning a person's life or liberty must be provided within 48 hours.
- **Fees:** A nominal application fee is required, but fees are waived for citizens below the poverty line.
- **Appeals:** If information is denied or not provided on time, the applicant can file an appeal within 30 days of the deadline, and a second appeal with the Commission within 90 days.

### Key Limitations:

- **Lack of Proactive Disclosure:** Low, resulting in high application volumes.
- **Record Management:** Poor record-keeping leads to missing files.
- **Staffing Issues:** Shortage of staff in information commissions, creating backlogs

The Right to Information Act, 2005 (RTI Act) is an act of the Parliament of India and the Delhi Legislative Assembly which sets out the rules and procedures regarding citizens' right to access information. It replaced the former [Freedom of Information Act, 2002](#).

Under the provisions of the 2005 RTI Act, any citizen of India may request information from a "public authority" (a body of Government or "instrumentality of State") which is required to reply expeditiously or within thirty days. In case of the matter involving a petitioner's life and liberty, the information has to be provided within 48 hours.

The Act also requires every public authority to computerize their records for wide dissemination and to proactively publish certain categories of information so that the citizens need minimum recourse to request information formally.<sup>[1]</sup>

The RTI Bill was passed by Parliament of India on 15 June 2005 and came into force with effect from 12 October 2005. Every day on average, over 4800 RTI applications are filed. In the first ten years of the commencement of the act, over 17,500,000 applications had been filed.<sup>[2]</sup>

Although Right to Information is not included as a [Fundamental Right](#) in the [Constitution of India](#), it protects the fundamental rights to Freedom of Expression and Speech under Article 19(1)(a) and Right to Life and Personal Liberty under Article 21 guaranteed by the Constitution. The authorities under RTI Act 2005 are called public authorities.

The Public Information Officer (PIO) or the First Appellate Authority in the public authorities perform quasi judicial function of deciding on the application and appeal respectively. This act was enacted in order to consolidate the fundamental right in the Indian constitution 'freedom of speech'. Since RTI is implicit in the Right to Freedom of Speech and Expression under Article 19 of the Indian Constitution, it is an implied fundamental right.

Information disclosure in India had traditionally been restricted by the [Official Secrets Act 1923](#) and various other special laws, which the new RTI Act overrides.<sup>[3]</sup> Right to Information codifies a fundamental right of the citizens of India. RTI has proven to be very useful, but is counteracted by the [Whistle Blowers Protection Act, 2011](#).<sup>[4]</sup>

The Right to Information (Amendment) Bill, 2019, seeks to amend Sections 13, 16, and 27 of the RTI Act. Section 13 of the original Act: It sets the term of the central Chief Information Commissioner and Information Commissioners at five years (or until the age of 65, whichever is earlier).<sup>[5]</sup> Finally in

Ashwanee K. Singh's case on 20 September 2020, it is established that right to information is a fundamental right.

B.D.S.D.