

Guide For The Public Authority

Public authorities are the repository of information which the citizen have right to have under the Right to Information Act, 2005. As defined in the Act, a " Public authority " is any authority or body or institution of self government established or constituted by or under the Constitution; or by any other law made by the Parliament or a State Legislature; or by notification issued or order made by the Central Government or a State Government. Bodies owned, controlled or substantially financed by the Central Government substantially financed by the Central Government or State Government also fall within the definition of public authority. The financing of the body or the NGO by the Government may be direct or indirect.

The Act casts important obligation on public authorities so as to facilitate the citizens or the country to access the information held under their control. The obligations of the authority are basically the obligations of the head of the authority, which should ensure that these are met in right earnest. Reference made to public authority in this document is, in face, a reference to the head of the public authority.

What is Information

Information is not an abstract concept under the RTI Act. It is conceived as being contained in any material 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. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.

Right to Information under the Act

- A citizen has a right to seek such information from a public authority which is held by the public authority or which held under its control. This right includes inspection on work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under control of the public authority.
- The Act gives the citizen a right to information at par with the Members of Parliament and the Members of State Legislatures. According to Act, the information, which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.
- A citizen has a right to obtain an information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device from which the information may be transferred to diskettes etc
- The information to the applicant should ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form would disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied.
- The Act gives the right to information only to the citizen of India. It does not make provision for giving information to Corporations, Associations, and Companies etc. Which are legal entities/persons, but not citizens. However, if an application is made by an employee or office - bearer of any Corporation, Association, Company, NGO etc. indicating his name and such employee/office bearer is a citizen of India, information may be supplied to him/her. In such cases, it would be presumed that a citizen has sought information at the address of the Corporation etc.
- Only such information is required to be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority, It is not required under the Act to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.