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RTI APPLICANTS CAN APPROACH INFO COMMISSIONER DIRECTLY IF PIO FAILS TO RESPOND WITHIN STIPULATED TIME



By: M.S.Yatnatti: Editor and Video Journalist Bangalore: According to a court case, RTI applicants can directly approach the SIC or CIC, as in case maybe, and lodge a complaint if they do not get a response from the PIO within 30 days. Right to Information (RTI) applicants can complain directly to State Information Commissions (SICs) or Central Information Commission (CICs) if no reply from either Public Information Officers (PIOs) or Appellate Authorities (AAs) has been received within a stipulated time frame. The Kerala High Court had also said that SICs and CICs are entitled and must investigate complaints from RTI applicants if PIOs are not doing their duties. In case they do not, PIOs will be fined to the extent of the number of days they have not responded. There was a case involving a government official who failed to do his duty and who did not furnish information within the stipulated period, as per the RTI Act. This happened in 2009, when B Sajikumar, who was a State Public Information Officer at Kottangal Village, petitioned the court against the SIC's order and decision to levy a fine of Rs21,750 against him towards neglect of duty and delay in providing the information to an RTI applicant. Earlier, he argued that the RTI applicant should have approached the First Appellate Authority (FAA) instead of complaining directly to the SIC. However, the court maintained that it was the right of an RTI applicant to approach SIC directly and seek remedy by quoting Section 18 and Section 19 of the RTI Act. The court said, "It is open to the person seeking information to move the State Information Commission complaining about the inaction of the State Public Information Officer, instead of filing an appeal.

The remedies are concurrent and the mere fact that an appeal lies after the expiry of 30 days to the First Appellate Authority is no ground to hold that the State Information Commission cannot exercise the jurisdiction vested in it under Section 18 of the Act, before the first appeal is disposed off. I therefore overrule the petitioner's contention that the third respondent ought to have filed an appeal under Section 19 of the Act before the First Appellate Authority instead of straight away moving the State Information Commission."Section 19(1) of the RTI Act states, "Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of Section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each public authority". The RTI Act states that SICs and CICs are entitled to entertain RTI applicants' complaints in case they do not receive an order within a stipulated time frame. Section 18(1)(c) RTI Act states: "Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commission, as the case may be, to receive and inquire into a complaint from any person who has not been given a response to a request for information or access to information within the time limit specified under this Act."After submitting the complaint, the SIC and CIC will then investigate and take appropriate action. However, this is only when there is no reply received. In case reply is received and RTI applicant is not satisfied, then the RTI applicant will have to file first appeal. However, the petitioner cited reasons that he was too busy and therefore could not provide information on time. However, the court was not impressed with his stance and was critical of him for not adhering to the laws of the RTI Act. The court said, "After the Right to Information Act was enacted and brought into force, every government servant who is designated as the State Public Information Officer is bound to discharge the duty cast on him under the Act. He cannot decline to take any action on the requests under the Right to Information Act on the ground that he has other duties to attend to. As the State Public Information Officer, the petitioner has a duty to discharge his functions under the Right to Information Act also. Therefore the mere fact that there was pressure of work on the petitioner is not a ground to hold that he was not bound to furnish the information within the stipulated period of 30 days."



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Citizens can force every PA to create information every day strictly as per the system and procedure as per listed Acts and rules regulations listed under 4(1) (a) (b) (c) every day and that can be cross checked by applicant by asking reasons under 4(1) (d) by the affected person and copy of the same can be given to any applicant under 2(f) of RTI Act .Promote transparency and accountability in the working of every public authority. Policy on Prevention, Detection, and Remediation of Fraud and Corruption by government is must and a major element of good governance is the control of corruption. For that reason, controlling corruption has been a key indicator. Good governance is a keystone of government. UPA government has given you RTI Act: Use it optimally :All opposition parties should use RTI optimally .Let they create booth wise RTI activists among their members or cadets and give them training and set of questions and gather that booth level information to perform better as opposition parties .Prime Minister should listen to opposition parties as they are voice of 66% voters. All responsible citizens should send RTI Question to each MP and each Minister and Prime Minister and get to know every day what they are doing and what they are performing and keep check on their performances and give them clear indication that India is awakened and want responsible Government which listens citizens.. All MLAs and 543 MPs are public servants : After election are over all MLAs are public servants and they are MLA for all the constituency .All MLAs should chalk out their plans for development of their constituencies irrespective of who voted for them or who is not voted for them . THE RIGHT TO INFORMATION ACT, 2005 is an Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority.

RTI Act provides transparency under Section 3 and 4(1) (a) (b) (c) and 2(f) of RTI Act 2005 and accountability under 4(1) (d) RTI Act 2005 as the PA will create information; or to interpret information; or to solve the problems raised by the applicants under the system and procedure as per listed Acts and rules regulations listed under 4(1) (a) (b) (c) every day and that can be cross checked by applicant by asking reasons under 4(1) (d) by the affected person and copy of the same can be given to any applicant under 2(f) of RTI Act .RTI is a total problem solving mechanism and not just record providing tool.RTI will provide transparency under 4(1) (a) (b) (c) and 2(f) of RTI Act 2005 every day and Accountability can be ensured under 4(1) (a) (b) (c) (d) and 2(f) of RTI Act 2005 and this will reduces the corruption in every public authority .RTI Act is an Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. The information under RTI Act is defined in, Section 2(f) of the RTI Act, which defines "information" under this Act, unless the context otherwise



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requires,- (f) "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;". This act can be called as the "law of transparency and accountability" which acts as the citizen's weapon to question and get information related to the government's functioning so that they can analyze its performance, and act accordingly. Information is essential for the efficient working of journalists and thus, the Right to Information (RTI) Act is one of the most useful legislations for a journalist. The RTI Act has two basic divisions the first requiring public officials to *suo moto* publish information pertaining to their departments and the second enabling the public to access information from a public office. The official documentary proof can be obtained by simply filing an application with a fee of Rs. 10. Under Section 2 (j) (ii) of the Act, the applicant can ask for certified copies of the documents or records. This certified copy of the document giving information can be admitted in the Court as Secondary Evidence. Note that under the RTI Act, the right to information includes the right to inspection of 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 the control of the public authority. A citizen has a right to obtain information from a public authority in any relevant form including 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 e-mailed or transferred to diskettes etc. RTI, one of the few weapons the common man has in his fight against the high and mighty, citizens have unlimited powers under RTI Act 2005. Every PA must understand that "information" is not created in "Paraloka" or "Swargaloka" or in "CIC" or "SIC" which will be given by PA under Section 2(f) of the RTI Act. It is PA which creates the information every day 4(1) (a) (b) (c) and the "information" 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 need to be created as per 4(1) (a) (b) (c) reasons under 4(1) (a) (b) (c) (d) need to be given by PA to the affected person and copy of the same can be given to any applicant under 2(f) of RTI Act. The PA should be forced to function and create information strictly as per under 4(1) (a) (b) (c) on the applications and request of public and provide it under 2(f) of RTI Act and information should not be incomplete misleading and false and public is free to check accountability under 4(1) (d) RTI Act 2005. The Right to Information (RTI) Act is one of the most important tools that can empower the common man, it had become imperative to fight against corruption for the effective functioning of the three pillars of democracy — legislature, executive and judiciary. The three pillars of democracy had been included in the ambit of the RTI Act and people should make use of the provisions of the Act to bring down corruption. There was a need to create awareness among people on the wide range of powers enshrined in the RTI Act. The educated sections of society must take active part in the fight against injustice and use the provisions of the RTI Act to protect the rights of the people. THE RIGHT TO INFORMATION ACT, 2005 is an Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. RTI Act provides transparency under Section 3 and 4(1) (a) (b) (c) and 2(f) of RTI Act 2005 and accountability under 4(1) (d) RTI Act 2005 as the PA will create information; or to interpret information; or to solve the problems raised by the applicants under the system and procedure as per listed Acts and rules regulations listed under 4(1) (a) (b) (c) every day and that can be cross checked by applicant by asking reasons under 4(1) (d) by the affected person and copy of the same can be given to any applicant under 2(f) of RTI Act. RTI is a total problem solving mechanism and not just record providing tool. RTI will provide transparency under 4(1) (a) (b) (c) and 2(f) of RTI Act 2005 every day and Accountability can be ensured under 4(1) (a) (b) (c) (d) and 2(f) of RTI Act 2005 and this will reduce the corruption in every public authority. RTI Act is an Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority.

The information under RTI Act is defined in, Section 2(f) of the RTI Act, which defines "information" under this Act, unless the context otherwise requires,- (f) "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;". This act can be called as the "law of transparency and accountability" which acts as the citizen's weapon to question and get information related to the government's functioning so that they can analyze its performance, and act accordingly. Every PA must understand that "information" is not created in "Paraloka" or "Swargaloka" or in "CIC" or "SIC" which will be given by PA under Section 2(f) of the RTI Act. It is PA which creates the information every day 4(1) (a) (b) (c) and the "information" 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 need to be created as per 4(1) (a) (b) (c) reasons under 4(1) (a) (b) (c) (d) need to be given by PA to the affected person and copy of the same can be given to any applicant under 2(f) of RTI Act. The PA should be forced to function and create information strictly as per under 4(1) (a) (b) (c) on the applications and request of public and provide it under 2(f) of RTI Act and information should not be incomplete misleading and false and public is free to check accountability under 4(1) (d) RTI Act 2005. The Accountability is checked by public under 4(1) (d): The citizens who are affected by decisions made under RTI ACT 4(1) (a) (b) (c) can seek reasons for their administrative and quasi judicial decisions. PA can provide reasons to affected person and copy of such reasons can be provided to anybody under 2(f) of RTI Act. Public is fully authorized to ask how and why and under what rules and regulations such decision is arrived at under 4(1) (a) (b) (c) of RTI ACT 2005 using 4(1) (d). An RTI application can force the PA to create information on his application to PA under 4(1) (a) (b) (c) of RTI ACT 2005 and at the same time he can check the information whether it is provided as per 4(1) (a) (b) (c) of RTI ACT 2005 by invoking 4(1) (d) of RTI Act 2005. And whereas democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Government and their instrumentalities accountable to the governed.

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