

UNIT – 2

RTI Act - Definitions and Obligations

Definitions • Right to Information • Obligations of Public Authorities • Exemptions

Right to Information

Unit Overview

This unit examines the key definitions under the RTI Act 2005, the scope of the right to information, the proactive and reactive obligations of public authorities, the procedure for requesting information, and the exemptions under Sections 8 and 9.

What You Will Learn

01 Definitions

Master key definitions –
information, public authority, record

02 Right

Understand the content of the right
to information

03 Obligations

Explain proactive disclosure and
reactive duties

04 Procedure

Know the process of making and
processing a request

05 Exemptions

Apply Sections 8 and 9 correctly

06 Third Party

Understand third-party information
rules

DEFINITIONS

Key Definitions under the RTI Act

Section 2 contains the definitional foundation of the Act. Precise understanding of these terms is essential for applying the law.

Information (s.2(f))

Any material in any form – records, documents, emails, opinions, advices, press releases, circulars, samples, models, data in electronic form

Public Authority (s.2(h))

Body established by Constitution, law, or by notification; includes body owned, controlled or substantially financed by government

Record (s.2(i))

Document, manuscript, file, microfilm, electronic record, etc.

Right to Information (s.2(j))

Right to inspection, taking notes, extracts, certified copies, samples, and information in electronic form

Content of the Right to Information

Inspection

Inspect works, documents, records

Notes & Extracts

Take notes, extracts or certified copies

Samples

Take certified samples of material

Electronic

Obtain information in the form of diskettes, floppies, tapes, video cassettes or any other electronic mode

Language

Information should be provided in the form in which it is sought, subject to practicality

Obligations of Public Authorities – Section 4

Section 4 is the heart of proactive transparency. Public authorities must publish and update a wide range of information so that the need for individual requests is minimised.

Proactive Disclosure

Particulars of organisation, functions, duties, powers, decision-making process, norms, rules, categories of documents, consultation arrangements, boards, directories, budget, subsidies, permits, concessions

Computerisation

Records to be computerised and networked within reasonable time

Suo Motu

Publish information so that the public have minimum resort to the Act

Annual Update

Information to be updated every year

PROCEDURE

Request Procedure – Sections 6 & 7

Request

In writing or electronic form; can be in English, Hindi or official language of the area

Assistance

PIO must assist the applicant if request is defective

Transfer

If information is held by another authority, transfer within 5 days

Time Limit

30 days normally; 48 hours if life or liberty is involved

Fee

Prescribed fee; no fee for BPL applicants; additional fee for supply

EXEMPTIONS

Exemptions – Section 8

National Security

Sovereignty, integrity, security, strategic, scientific, economic interests, relation with foreign State

Contempt / Privilege

Contempt of court, parliamentary privilege

Commercial Confidence

Trade secrets, intellectual property – unless larger public interest

Fiduciary

Information available in fiduciary relationship – unless larger public interest

Personal Information

Privacy – unless larger public interest or related to public activity

Cabinet

Cabinet papers – until decision is taken and the matter is complete

SECTION 9

Section 9 and Other Limitations

Copyright

Information that would infringe copyright of a person other than the State

Severability

Section 10 – non-exempt portion must still be provided

Public Interest Override

Many exemptions yield to larger public interest

Third Party

Section 11 – notice and opportunity to third party before disclosure

PUBLIC AUTHORITY

Who is a Public Authority?

Constitutional Bodies

Parliament, State Legislatures, Supreme Court, High Courts, Election Commission, etc.

Statutory Bodies

Bodies established by central or state law

Government Controlled

Bodies owned, controlled or substantially financed by government

NGOs

NGOs substantially financed by government are public authorities

Judiciary

Supreme Court and High Courts are public authorities (subject to special rules)

LANDMARK

Important Decisions on Definitions & Obligations

CBSE v. Aditya Bandopadhyay	What constitutes information; examination answer-sheets
Thalappalam Service Coop.	Co-operative societies – when they are public authorities
RBI v. Jayantilal N. Mistry	RBI's claim of fiduciary relationship rejected in many contexts
Girish Ramchandra Deshpande	Personal information of public servants – balanced approach

Salient Features of the RTI Act Framework

Maximum Disclosure Access is the rule; secrecy is the exception

Proactive + Reactive Section 4 + individual requests

Independent Commissions CIC and SICs as appellate bodies

Penalties Personal liability of PIOs for delay or denial

Low Cost Minimal fee; free for BPL

Time-bound Strict timelines for response and appeal

Core Points

Information

Broad definition – any material in any form

Public Authority

Wide – includes substantially financed bodies

Section 4

Proactive disclosure is mandatory

Exemptions

Section 8 – subject to public interest override

Time

30 days / 48 hours for life & liberty

Third Party

Section 11 procedure must be followed

Public Interest Override

Even where an exemption under Section 8 applies, the information must still be disclosed if the public interest in disclosure outweighs the harm to the protected interest. This is a powerful tool for transparency and is frequently invoked by Information Commissions and courts.

HIGHLIGHTS

Key Highlights

s.2(f)	Information – very wide
s.2(h)	Public authority – wide net
s.4	Proactive disclosure – the real transparency engine
s.6-7	Request procedure and time limits
s.8	Exemptions with public interest override
s.11	Third-party information procedure

Common Issues in Practice

Vague Requests

PIO must assist, not reject mechanically

Voluminous Information

Can be provided in electronic form or inspection

Repeated Requests

Not a ground for rejection if information is not already disclosed

File Notings

Generally accessible unless exempt

Draft Documents

May or may not be information depending on finality

COMPARISON

RTI Act vs Official Secrets Act

Philosophy

Transparency vs Secrecy

Default

Disclosure vs Non-disclosure

Override

Public interest can override many exemptions

Penalty

On PIO for denial; OSA criminalises unauthorised disclosure

Co-existence

Both statutes operate; RTI has narrowed the culture of secrecy

SUMMARY POINTS

Must-Remember Points

- The RTI Act gives a broad definition of “information” and “public authority”.
- Section 4 imposes strong proactive disclosure obligations.
- Requests must be processed within 30 days (48 hours for life and liberty).
- Section 8 exemptions are subject to a public interest override.
- Third-party information requires notice and opportunity of hearing.
- The philosophy of the Act is maximum disclosure with limited, justifiable secrecy.

Key Takeaways

1. Definitions under Section 2 are the foundation of the entire Act.
2. Proactive disclosure (s.4) is as important as reactive responses.
3. Exemptions are limited and often yield to public interest.
4. Time limits and assistance to applicants are mandatory.
5. Understanding these provisions is essential before studying the Commissions and appeals.

Next Unit: Information Commissions, Appeals and Penalties.