

# INFORMATION is a matter of RIGHT

Here is all you want to know about the J&K  
RIGHT TO INFORMATION ACT (JK RTI Act 2009)



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## Do you want to know ?

- Why the roads in your neighbourhood are in bad shape? How much money was sanctioned and how much spend on the repairs?
- How many posts fall vacant in Govt offices and who is responsible for advertising them?
- What kinds of services are you entitled to receive in Govt.hospitals?
- Why are you not getting state subject certificate without paying bribe?
- Why is not ration available at the CAPD store?

Have you tried to contact the government offices in the past to get answers to such questions? Chances are, despite several visits you might not have received a satisfactory reply.

The Situation has changed now. Since 20<sup>th</sup> March 2009 the J&K Right to Information Act 2009 (RTI Act) is implemented all over the state of Jammu & Kashmir. All the Government offices are duty bound to give you information about such and other questions.

**Seek Information – It is your fundamental right.** Every time you buy something from a shop you pay sales tax/VAT/Excise duty etc. along with the price of the item. Every citizen of J&K State or any other state in the country pays tax. The Government collects taxes from you to pay salaries to officers and undertake developmental works meant for your benefit.

So when you elect the Government and you pay taxes, should you not hold the Government accountable for what it does in your name?

### Under J&K Right to Information Act, 2009

You can seek and receive information from any Government office/department or your Panchayat office, office of the Municipal Ward Officer or office of the Chief Minister, even the office of the President of India. Public Information Officers (PIO's) have been appointed in all the State as well as Central Government offices to deal with RTI related applications received from citizens.

Every PIO has a duty to provide you access to Government records and documents. If any information cannot be given, the PIO has a duty to tell you the reason.

As a citizen you have the right to seek and receive

all information that an MP or MLA can get from the Government.

### Proactive or Voluntary Disclosure :

Every Government department, semi Government organization, public sector bank with more than 50% Govt share, board or a corporation should proactively or voluntarily give you the following information. It is better to have this information digitized and put on the website of the department.

- Name, designation, powers, duties, responsibilities and salaries of all the officers working in that particular organization.
- The decision making procedure in all matters and the norms set for taking action on any matter, details of all rules, regulations, instructions, manuals and guidelines used by officers in their work.
- A list of all categories of records available in their offices.
- The proposed budget, allocation of funds and reports about their distribution. The manner of implementation of subsidy schemes, list of beneficiaries and amount of funds sanctioned to them.
- Details of recipients of any permit, authorization or concession issued.
- Name and designation of Public Information Officers (PIO), Assistant PIO and 1<sup>st</sup> Appellate Authority.

All this information should be available with the PIO. The PIO has a duty to give you all this information on demand. There is no need to submit a written application or pay application fees. The PIO may



change you for printouts or photocopies.

### Now under RTI Act you have the right to :

- Inspect Government files and records and take notes and extracts
- Seek and receive certified copies of Government records
- Inspect on the spot public works such as construction of roads and buildings
- Collect certified samples of material used in public works and offices
- Seek and receive copies of information held in electronic format such as CDs, pendrives, computers etc.
- Accessing other kind of Information

Besides the information that public authorities are required to give you on their own, you have the right to seek and receive other information which may be in the form of records, documents, memos, emails, circulars, file notes, advice, log books, contracts, reports, papers, samples etc.

You should submit a written application along with the application fee to the PIO of the office which may have the information you require. You may send your application by post or email.

It is not compulsory to use pre printed forms or application formats for filing RTI application. The PIO has a duty to receive applications written/ typed on plain paper as well.

RTI Application can be written on Rs 50/- Non Judicial Stamp Paper as well, and there is no need to pay RTI application fees separately if the application is drafted on Non Judicial stamp paper of Rs 50/- under J&K RTI Act 2009

The PIO does not have the power to ask you why you need the information. You have the right to seek information without giving any explanation to any officer.

The PIO has a duty to give you a written acknowledgement upon receiving your application.

If the information you want is not available in the public authority (office) where the PIO is working, it is his / her duty to transfer the application within 5 days to such other public authority that is likely to have it. He should inform you of the transfer of application in writing. You need not to pay application fees once again.

The PIO may charge you additional fees for providing copies of records. He will inform you of the additional fees in writing.

If you think the additional fee charged is very high, then you have the right to seek a review before the Appellate Authority or the relevant Information Commission.

The PIO has a duty to give you information you

If the information you have requested relates to Life and Liberty of any person then the PIO has a duty to provide the same within 48 hours only, (example if somebody is arrested)

want or inform you in writing why it cannot be given, if the information falls under purview of Section 8 of JK RTI Act 2009, within 30 days. (Add 5 days if the application is transferred from one office to other)

### Life & Liberty Clause:

If the information you have requested relates to Life and Liberty of any person, then the PIO has a duty to provide the same within 48 hours only, (example if somebody is arrested by police or security forces)

### However PIO may refuse to give you information under RTI if :

- Disclosure will harm the sovereignty, integrity, security, strategic or economic interests of India
- Disclosure may provoke anybody to commit a crime
- Disclosure may lead to contempt of court or if any court or tribunal has ordered that the requested information should not be disclosed.
- Disclosure may endanger the life or safety of a person
- Disclosure is likely to put obstacles in the process of investigation of crimes or arrest or prosecution of offenders
- Disclosures will reveal the trade secrets or other similar information of commercial bodies and harm their ability to compete with others
- If it is personal information and no public interest is served by disclosing it.

However, even if the information you want belongs to any of these categories the PIO has a duty to give it to you if public interest is likely to be served better by such disclosure

### What can you do if you do not get the information?

If the PIO refuses to receive your RTI application, does not give the information within the time limit, demands additional fees which you think is unreasonably high, does not reply to your application at all, denies access to information in an unreasonable manner, gives you false, misleading or incomplete information or destroys the records whose copies you had requested. You have right to file an appeal with the same public authority within 30 days. Every public authority has appointed an officer senior in rank to the PIO as 1<sup>st</sup> Appellate Authority. For contact details of PIO's & Appellate Authorities please visit the following website of General Administration Department J&K Government [www.gad.jk.nic.in](http://www.gad.jk.nic.in) and for Central Government offices [www.rti.gov.in/ministrynew](http://www.rti.gov.in/ministrynew)

You may also directly file a complaint under section 15 of J&K RTI Act 2009 in State Information Commission. In matters related to the officers under the Central Government, file your complaint with the Central Information Commission Central Information Commission

In matters related to officers under the Jammu & Kashmir Government or district administration file your complaint with the J&K State Information Commission. You may also file a second appeal with the appropriate Information Commission if you do not receive a satisfactory decision from the Appellate Authority mentioned above.

Information Commissions have a power of Civil Court to conduct enquiries into your complaints / second appeals. If the PIO or any other officer is found guilty of wrongdoing under the RTI Act, then the Information Commission may impose a penalty of Rs 250/- per day up to a maximum of Rs 25,000/- Also recommend disciplinary action against any PIO who is found violating the Act.

In any appeal or complaint case it is the PIO's responsibility to justify why you should not be given the information. You need not give reasons explaining why you want the information. But you are free to argue why the information should be disclosed in public interest.

### Are you up to the challenge?

Today lakhs of people across India are using the RTI Act to hold the government accountable. Do you want to join this Movement?