

## 1 Citizen's Right to Information

Section 3 of the Right to Information Act, 2005 states: "Subject to the provisions of this Act, all citizens shall have the right to information". The Act defines "Information", "Record" and "Right to Information" as follows:

## 2 Definition of "Information" [Section 2 (f)]

**"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”.

## **“Record” [Section 2 (i)] includes:**

- any document, manuscript and file;
- any microfilm, microfiche and facsimile copy of a document;
- any reproduction of image or images embodied in such microfilm (whether enlarged or not); and
- any other material produced by a computer or any other device.

## **3 Definition of “Right to Information” [Section 2 (j)]**

**“Right to information” means the right to information accessible under the RTI Act which is held by or under the control of any public authority and includes the right to—**

- (i) inspection of work, documents, records;
- (ii) taking notes, extracts or certified copies of documents or records;
- (iii) taking certified samples of material;
- (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.

## **4 Information exempted from disclosure**

Section 8 of the Act provides a list of 10 categories of information [8 (1) (a) to 8 (1) (j)] as follows:

(a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;

(b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;

(c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third

party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

(f) information received in confidence from foreign Government;

(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters coming under the exemptions specified in this section shall not be disclosed;

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

A citizen desirous of obtaining information is advised to refer to the relative sections of the Act before submitting an application for information.

## **5 Who can apply for information and how?**

A citizen, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying a court-fee of Rs.10, or a non-judicial stamp paper of Rs.10, or by demand draft or banker's cheque or Indian postal order payable in favour of West Bengal Financial Corporation, specifying the particulars of the information sought by him or her.

An applicant while sending a request for information by e-mail shall deposit the application fee of Rs.10 by demand draft or by banker's cheque or by Indian postal order payable in favour of West Bengal Financial Corporation mentioning the particulars of such deposit to the SPIO, WBFC in such e-mail and on receipt of said information, the SPIO, WBFC shall process such request for providing such information.

Provided that such information as sought for shall not be delivered to the applicant unless the requisite amount of application fee has been received by the SPIO, WBFC by demand draft or banker's cheque or Indian postal order, as the case may be.

## **6 Fee for providing information**

- [a] Rupees two, for each page [A4 or A3 size paper] created or copied;
- [b] Actual charge or cost price for a copy in large size paper; or
- [c] Actual cost price for sample or model; or
- [d] Rupees five for each fifteen minutes or fraction thereof for inspection of records; or
- [e] Rupees fifty per diskette or floppy for information provided in the diskette or floppy; or
- [f] Actual charge fixed for publication or rupees two per page of photocopy for extracts thereof for information provided in printed form

## **7 State Public Information Officer [SPIO] in WBFC**

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## 9 **First appellate authority in WBFC**

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