

RTI Frequently Asked Questions

General Queries on RTI

Q.1. What is 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 is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; taking certified samples of material held by the public authority or held under the control of the public authority. - The public authority under the RTI Act is not supposed to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions. Only such information can be had under the Act which already exists with the public authority. - A citizen has a right to obtain information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided 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 shall 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 citizens of India. It does not make provision for giving information to Corporations, Associations, 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. who is also a citizen of India, information shall be supplied to him/her, provided the applicant gives his/her full name. In such cases, it will be presumed that a citizen has sought information at the address of the Corporation etc.

Q.2. What is Information?

Information is any material in any form. It includes 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. (Chapter-1 Section 2(f) of RTI Act, 2005).

Q.3. Is it required to give any reason for seeking information?

The information seeker is not required to give reasons for seeking information.

Q.4. Is there any provision for exemption from Disclosure of Information?

Sub-section (1) of section 8 and section 9 of the Act enumerate the types of information which is exempt from disclosure. Sub-section (2) of section 8, however, provides that information exempted under sub-section 3(1) or exempted under the Official Secrets Act, 1923 can be disclosed if public interest in disclosure overweighs the harm to the protected interest. (Sec 8 of RTI Act, 2005).

Q.5. What is the Time Period for Supply of Information?

In normal course, information to an applicant shall be supplied within 30 days from the receipt of application by the public authority. If information sought concerns the life or liberty of a person, it

shall be supplied within 48 hours. In case the application is sent through the Assistant Public Information Officer or it is sent to a wrong public authority, five days shall be added to the period of thirty days or 48 hours, as the case may be. (Sec 7(1) of RTI Act, 2005).

Q.6. What is Third Party Information?

Third party in relation to the Act means a person other than the citizen who has made request for information. The definition of third party includes a public authority other than the public authority to whom the request has been made. Sec 2(n) or 11(1) of RTI Act, 2005).

Q.7. What is the Method of Seeking Information?

A citizen who desires to obtain any information under the Act, should make an application to the Public Information Officer of the concerned public authority in writing in English or Hindi or in the official language of the area in which the application is made. The application should be precise and specific. He should make payment of application fee at the time of submitting the application as prescribed in the Fee Rules. Sec 6(1) of RTI Act, 2005).

RTI AUTHORITIES

Q.8 What is a Public Authority?

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. The bodies owned, controlled or substantially financed by the Central Government or a State Government and non-Government organisations substantially financed by the Central Government or a 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. (Section (2)(h) of RTI Act, 2005).

Q.9 What is a Public Information Officer?

Public authorities have designated some of its officers as Public Information Officer. They are responsible to give information to a person who seeks information under the RTI Act. (Sec 5(1) of RTI Act, 2005)

Q.10. What is an Assistant Public Information Officer?

These are the officers at sub-divisional level to whom a person can give his RTI application or appeal. These officers send the application or appeal to the Public Information Officer of the public authority or the concerned appellate authority. An Assistant Public Information Officer is not responsible to supply the information. The Assistant Public Information Officers appointed by the Department of Posts in various post offices are working as Assistant Public 2 Information Officers for all the public authorities under the Government of India. (Sec 5(2) of RTI Act, 2005).

Q.11. Who is the authority to whom application is to be made?

Application for seeking information should be made to an officer of the public authority who is designated as Central Public Information Officer (CPIO). All the public authorities have designated their Central Public Information Officers and have posted their particulars on their respective web-sites. This information is also available on the 'RTI PORTAL' (www.rti.gov.in). Persons seeking information are advised to refer to the web-site of the concerned public authority or the 'RTI PORTAL' for ascertaining the name of the concerned CPIO. If it is found difficult to identify or locate the concerned Central Public Information Officer of a public authority, application may be

sent to the Central Public Information Officer without specifying the name of the CPIO at the address of the public authority. Sec 6(1) of RTI Act, 2005).

Q.12. What kind of assistance is available From CPIOs?

The Central Public Information Officer shall render reasonable assistance to the persons seeking information. If a person is unable to make a request in writing, he may seek the help of the CPIO to write his application. Where a decision is taken to give access to a sensorial disabled person to any document, the Central Public Information Officer, shall provide such assistance to enable access to information, including providing such assistance to the person as may be appropriate for the inspection.

Q. 13. What are the Suo Moto Disclosures that public authority has to make?

The Act makes it obligatory for every public authority to make suo-moto disclosure in respect of the particulars of its organization, functions, duties etc. as provided in section 4 of the Act. Besides, some public authorities under the Central Government have published other information and have posted them on their websites.

FEEs/FORMAT

Q.14. What is the Fee for Seeking Information from Central Government Public Authorities?

A person who desires to seek some information from a Central Government Public Authority is required to send, along with the application, a demand draft or a banker's cheque or an Indian Postal Order of Rs.10/- (Rupees ten), payable to the Accounts Officer of the public authority as fee prescribed for seeking information. The payment of fee can also be made by way of cash to the Accounts Officer of the public authority or to the Assistant Public Information Officer against proper receipt. However, the RTI Fee and the mode of payment may vary as under Section 27 and Section 28, of the RTI Act, 2005 the appropriate Government and the competent authority, respectively, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

RTI Fees can be paid by demand draft or bankers cheque or IPO payable to the "Accounts Officer, Delhi State Cancer Institute, Dilshad Garden, Delhi for Rs.10/-". [Ref: DOPT's Notification no. 34012/8(s)/2005-Estt.(B) dated 16-09- 2005]. Court Fees is not accepted as mode of payment for RTI.

The applicant may also be required to pay further fee towards the cost of providing the information, details of which shall be intimated to the applicant by the CPIO as prescribed by the Right to Information (Regulation of Fee and Cost) Rules, 2005. Rates of fee as prescribed in the Rules are given below:

- (a) rupees two (Rs. 2/-) for each page (in A-4 or A-3 size paper) created or copied;
- (b) actual charge or cost price of a copy in larger size paper;
- (c) actual cost or price for samples or models;
- (d) for inspection of records, no fee for the first hour; and a fee of rupees five (Rs.5/-) for each subsequent hour (or fraction thereof);
- (e) for information provided in diskette or floppy rupees fifty (Rs.50/-) per diskette or floppy; and

(f) for information provided in printed form at the price fixed for such publication or rupees two per page of photocopy for extracts from the publication. (Sec (27),(28) of RTI Act,2005)

Q.15. What is the Fee for the BPL applicant for Seeking Information?

If the applicant belongs to below poverty line (BPL) category, he is not required to pay any fee. However, he should submit a proof in support of his claim to belong to the below poverty line. (Sec 7(5) of RTI Act, 2005)

Q.16. Is there any specific Format of Application?

There is no prescribed format of application for seeking information. The application can be made on plain paper. The application should, however, have the name and complete postal address of the applicant. (Sec 6(1) of RTI Act, 2005). Even in cases where the information is sought electronically, the application should contain name and postal address of the applicant.

Q.17. Is there any assistance available to the Applicant for filing RTI application?

If a person is unable to make a request in writing, he may seek the help of the Public Information Officer to write his application and the Public Information Officer should render him reasonable assistance. Where a decision is taken to give access to a sensorial disabled person to any document, the Public information Officer, shall provide such assistance to the person as may be appropriate for inspection.

Q.18. Who is the authority to whom application is to be made?

Application for seeking information should be made to an officer of the public authority who is designated as Central Public Information Officer (CPIO). All the public authorities have designated their Central Public Information Officers and have posted their particulars on their respective web-sites. This information is also available on the 'RTI PORTAL' (www.rti.gov.in). Persons seeking information are advised to refer to the web-site of the concerned public authority or the 'RTI PORTAL' for ascertaining the name of the concerned CPIO. If it is found difficult to identify or locate the concerned Central Public Information Officer of a public authority, application may be sent to the Central Public Information Officer without specifying the name of the CPIO at the address of the public authority. Sec 6(1) of RTI Act, 2005).

Q. 19. What kind of assistance is available From CPIOs?

The Central Public Information Officer shall render reasonable assistance to the persons seeking information. If a person is unable to make a request in writing, he may seek the help of the CPIO to write his application. Where a decision is taken to give access to a sensorial disabled person to any document, the Central Public Information Officer, shall provide such assistance to enable access to information, including providing such assistance to the person as may be appropriate for the inspection.

APPEALS

First Appeal

Q.20. Is there any provision of Appeal under the RTI Act?

If an applicant is not supplied information within the prescribed time of thirty days or 48 hours, as the case may be, or is not satisfied with the information furnished to him, he may prefer an appeal to the first appellate authority who is an officer senior in rank to the Public Information Officer. Such an appeal, should be filed within a period of thirty days from the date on which the limit of 30 days of supply of information is expired or from the date on which the information or decision

of the Public Information Officer is received. The appellate authority of the public authority shall dispose of the appeal within a period of thirty days or in exceptional cases within 45 days of the receipt of the appeal. (Sec 19(1) of RTI Act, 2005).

Second Appeal

Q.21. Is there any scope for second appeal under the RTI Act?

If the first appellate authority fails to pass an order on the appeal within the prescribed period or if the appellant is not satisfied with the order of the first appellate authority, he may prefer a second appeal with the Central Information Commission within ninety days from the date on which the decision should have been made by the first appellate authority or was actually received by the appellant. Sec 19(3) (Sec 7(5) of RTI Act, 2005) The appeal made to the Central Information Commission should contain the following information: -

- (i) Name and address of the appellant;
 - (ii) Name and address of the Central Public Information Officer against the decision of whom the appeal is preferred;
 - (iii) Particulars of the order including number, if any, against which the appeal is preferred;
 - (iv) Brief facts leading to the
 - (v) If the appeal is preferred application, including number and date and name and address of the Central Public Information Officer to whom (vi) Prayer or relief sought;
 - (v) Grounds for prayer or relief;
 - (vi) Verification by the appellant;
 - (vii) Any other information, deciding the appeal. The appeal made to the accompanied by the following
 - (i) Self-attested copies of the
 - (ii) Copies of the documents appeal; and
 - (iii) An index of the documents
- (Sec 19(1)(3) of RTI Act,2005)

Q.22. Whether Complaints can be made under this Act? If yes, under what conditions?

If any person is unable to submit a request to a Public Information Officer either by reason that such an officer has not been appointed by the concerned public authority; or the Assistant Public Information Officer has or her application or appeal for forwarding the same to the Public Information Officer or the appellate authority, as the case may be; or he has been refused access to any information requested by him under the RTI Act; or he has not been given a response to specified in the Act; or he has been required to pay an amount of fee which he considers unreasonable; or misleading or false information, he can make a complaint to the In Commission. Sec 18(1) (Sec 7(5) of RTI Act, 2005).

Q. 23. What are provisions by the CIC?

The Central Information Commission decides the appeals and complaints and conveys its decision authority/CPIO. The Commission may decide an appeal/complaint after hearing the parties to the appeal/complaint or by inspection of documents produced by the appellant/complainant authority who decided the first appeal. If the Commission chooses to hear the parties before deciding the appeal or the complaint, the Commission will inform of the date of hearing to the appellant or the complainant at least seven clear days before the date of hearing. the appeal; preferred against deemed refusal, particulars application, including number and date and name and address of the Central to whom the application was made; relief; appellant; and information, which the Commission may deem necessary Central Information Commission should the following documents: the orders or documents against which appeal documents relied upon by the appellant and referred documents referred to in the appeal. Act, 2005)

Q, 24. Whether Complaints can be made under this Act? If yes, under

If any person is unable to submit a request to a Public Information Officer either by reason that such an officer has not been appointed by the concerned public authority; or the Assistant Public Information Officer has refused to accept his application or appeal for forwarding the same to the Public Information Officer or the appellate authority, as the case may be; or he has been refused access to any information requested by him under the RTI Act; or he has not been given a response to a request for information within the specified in the Act; or he has been required to pay an amount of fee which he or he believes that he has been given misleading or false information, he can make a complaint to the In 18(1) (Sec 7(5) of RTI Act, 2005) provisions related to Disposal of Appeals and Complaints . The Central Information Commission decides the appeals and complaints to the appellant/complainant and first authority/CPIO. The Commission may decide an appeal/complaint after hearing the parties to the appeal/complaint or by inspection of documents produced by and CPIO or such senior officer of authority who decided the first appeal. If the Commission chooses to hear the parties before deciding the appeal or the complaint, the Commission will inform of the date of hearing to the appellant or the complainant at least seven clear hearing. The appellant/complainant has the discretion particulars of the application, including number and date and name and address of the Central Information Commission necessary for should be appeal is made; referred to in the

Complaints

The Central Information Commission decides the appeals and complaints first appellate authority/CPIO. The Commission may decide an appeal/complaint after hearing the parties to the appeal/complaint or by inspection of documents produced by the public authority who decided the first appeal. If the Commission chooses to hear the parties before deciding the appeal or the complaint, the Commission will inform of the date of hearing to the appellant or the complainant at least seven clear discretion to be present in person or through his authorized representative at the time of hearing or may opt not to be present.

Q. 25. What are the Exemptions from Disclosure under the RTI Act?

- The right to seek information from a public authority is not absolute. Sections 8 and 9 of the Act enumerate the categories of information which are exempt from disclosure. At the same time Schedule II of the Act contains the names of the Intelligence and Security Organisations which are exempt from the purview of the Act. The exemption of the organisations, however, does not cover supply of information relating to allegations of corruption and human rights violations.

- The applicants should abstain from seeking information which is exempt under Section 8 and 9 and also from the organizations included in the Second Schedule except information relating to allegations of corruption and human rights violations. (Sec 8, 9 of RTI Act, 2005)

Q. 26. How is a Request to be disposed?

- The CPIO is required to provide information to the applicant within thirty days of the receipt of a valid application. If the information sought for concerns the life or liberty of a person, the information shall be provided within forty-eight hours of the receipt of the request. If the CPIO is of the view that the information sought for cannot be supplied under the provisions of the Act, he would reject the application. However, while rejecting the application, he shall inform the applicant the reasons for such rejection and the particulars of the appellate authority. He would also inform the applicant the period within which appeal may be preferred.

- If an applicant is required to make payment for obtaining information, in addition to the application fee, the Central Public Information Officer would inform the applicant about the details of further fees alongwith the calculation made to arrive at the amount payable by the applicant. After receiving such a communication from the CPIO, the applicant may deposit the amount by way of cash against proper receipt or by Demand Draft or by Banker's cheque or by Indian Postal Order in favour of the Accounts Officer of the concerned public authority. The CPIO is under no obligation to make available the information if the additional fee intimated by him is not deposited by the applicant.

- Where an additional fee is required to be paid, the period intervening between the dispatch of the intimation regarding payment of additional fee and payment of fee by the applicant shall be excluded for the purpose of computing the period of thirty days within which the CPIO is required to furnish the information. If the CPIO fails to send decision on the request on the information within the period of thirty days or forty-eight hours, as the case may be, the information may be deemed to have been refused. (Sec 7(1) of RTI Act, 2005)

Q. 27. What are provisions related to Disposal of Appeals and Complaints by the CIC?

The Central Information Commission decides the appeals and complaints and conveys its decision to the appellant/complainant and first appellate authority/CPIO. The Commission may decide an appeal/complaint after hearing the parties to the appeal/complaint or by inspection of documents produced by the appellant/complainant and CPIO or such senior officer of the public authority who decided the first appeal. If the Commission chooses to hear the parties before deciding the appeal or the complaint, the Commission will inform of the date of hearing to the appellant or the complainant at least seven clear days before the date of hearing. The appellant/complainant has the discretion to be present in person or through his authorized representative at the time of hearing or may opt not to be present.

Q. 28. What are the Important Web-sites related to RTI?

Given below are the addresses of some important web-sites which contain substantial information relevant to the right to information:

- (i) Portal on the Right to Information (www.rti.gov.in).
- (ii) Portal of the Government of India (<http://indiaimage.nic.in>).
- (iii) Website of the Central Information Commission (<http://cic.gov.in>).

EXEMPTIONS

Q.29. Is there any organization(s) exempt from providing information under RTI Act?

Yes, certain intelligence and security organisations specified in the Second Schedule, are exempted from providing information excepting the information pertaining to the allegations of corruption and human rights violations