

QUESTIONS & ANSWERS ON RTI -2005

1. 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.

2. 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.

3. What is a Central Public Information Officer?

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

4. 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 Information Officers for all the public authorities under the Government of India.

5. 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 Central Pollution Control Board as fee prescribed for seeking information.

6. What is the Fee for the BPL applicant for Seeking Information?

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

7. Is there any specific Format of Application?

There is no prescribed format of application / appeal 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.

A model application format for seeking information & appeal is given as **Annexure 1 & Annexure 2**, respectively.

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

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

9. 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.

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

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

11. 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.

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

If an applicant is not supplied information within the prescribed time of 30 days or 48 hours, as the case may be, or is not satisfied with the information furnished to him, she / he may prefer an appeal to the First Appellate authority who is an officer senior in rank to the CPIO. Such an appeal, should be filed within a period of 30 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 CPIO is received. The Appellate Authority of the public authority shall dispose of the appeal within a period of 30 days or in exceptional cases within 45 days of the receipt of the appeal.

13. 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, she /he may prefer a Second Appeal with the Central Information Commission (CIC) within 90 days from the date on which the decision should have been made by the first appellate authority or was actually received by the appellant.

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

If any person is unable to submit a request to a CPIO 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 or her application or appeal for forwarding the same to the CPIO or the Appellate Authority, as the case may be; or she /he has been refused access to any information requested by her/ him under the RTI Act; or she / he has not been given a response to a request for information within the time limit specified in the Act; or she /he has been required to pay an amount of fee which she /he considers unreasonable; or she / he believes that she /he has been given incomplete, misleading or false information, she /he can make a complaint to the Central Information Commission.

15. 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.

16. What is the Method of Seeking Information?

A citizen who desires to obtain any information under the Act, should make an application to the CPIO 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. She / He should make payment of application fee at the time of submitting the application as prescribed in the Fee Rules.

17. 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.