

## **Point 4.5.7**

### **Frequently Asked Questions (FAQs) under RTI Act, 2005**

Q.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.

Q.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.

Q.3 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.

Q.4. 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.

Q.5. 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.

Q.6. 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.

Q.7. Is it required to give any reason for seeking information?

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

Q.8. 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.

Q.9. 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 disabled person to any document, the Public Information Officer, shall provide such assistance to the person as may be appropriate for inspection.

Q.10. 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.

Q.11. 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.

Q.12. 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.

Q.13. 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 Public Information Officer has refused to accept his or her application or appeal for forwarding the same to 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 time limit specified in the Act; or he has been required to pay an amount of fee which he considers unreasonable; or he believes that he has been given incomplete, misleading or false information, he can make a complaint to the Information Commission.

Q.14. 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.

Q.15. Can Interrogative queries been asked under RTI Act 2005?

As per decision dated 03.04.2008 of the High Court of Bombay at Goa in writ petition No.419 of 2007, in the case of Dr. Celsa Pinto Vs. Goa State Information Commission, the term 'information' as defined under RTI Act does not include answers to questions like 'Why'. The relevant part of judgement is as follows:

The definition of information cannot include within its fold answers to the question 'why' which would be same thing as asking the reason for a justification for a particular thing. The public information authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information.

Q.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 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.

Q.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. Courtesy – Guide on Right to Information Act, 2005 issued by the department of personnel and training Ministry of Personnel, Public Grievances and Pension Government of India.