

FREQUENTLY ASKED QUESTIONS (FAQs) ON RTI

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.

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. Further, information cannot include within its fold answers to the question “why”. Only such information which is already available and existing with the public authority can be had under the Act.
- 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 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 an Assistant Public Information Officer?

These is / are the officer (s) 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.

Q.5. 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 have the name and complete address of the applicant and should be precise and specific. Even in cases where the information is sought electronically, the application should contain name and postal address of the applicant. He / She should make payment of application fee at the time of submitting the application as prescribed in www.neepco.co.in/rti.

Q.6. What is the Fee for Seeking Information from Central Government Public Authorities?

A person who desires to seek 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.

Q.7. What is the Fee for the BPL applicant for Seeking Information?

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

Q.8. 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 offline through post or through the online RTI portal (rtionline.gov.in). The application should, however, have the name and complete postal address of the applicant.

Q.9. Is it required to give any reason for seeking information?

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

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

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

Q.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.

Q.12. 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, he / she may prefer an appeal to the First Appellate Authority (FAA) 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.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, he/she 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.14. Can RTI application be filed online?

A web portal namely RTI online with URL www.rtionline.gov.in has already been launched. This is a facility for Indian Citizens to file RTI applications and first appeals online to Public Authority. The prescribed RTI fees can also be paid online. Reply to the RTI applications and first appeals received online can also be given online by PIOs /FAAs.

Q.15. How to make payment for RTI fee for online RTI application?

After filling the first page of the RTI request form, a non-BPL applicant has to click on “Make Payment” button for payment of prescribed RTI fee. It may be noted that no RTI fee is required to be paid by a citizen who is below poverty line. However, the BPL applicant must attach a copy of the certificate issued by the appropriate authority in this regard along with the application.

Q.16. Is there a provision for obtaining receipt for online filing of RTI application?

On submission of an application, a unique registration number will be issued, which may be referred by the applicant for any future reference. It may be noted that the application filed through this RTI Online Portal will reach electronically to the "Nodal Officer" of NEEPCO and "Not" to the CPIO. The Nodal Officer, will transmit the RTI application electronically to the CPIO.

Q 16. How do I file an online appeal with First Appellate Authority (FAA)?

For making an appeal to the First Appellate Authority, the applicant has to select the option "Submit First Appeal" in the RTI Online Portal and fill up the form that will appear. The registration number and e-mail ID of the original application is required for filing the first appeal.

Q 17. Do I need to make any payment for filing an appeal?

As per RTI Act, no fee has to be paid for first appeal.

Q 18. When can an applicant file an appeal before the First Appellate Authority (FAA)?

An applicant can file an appeal before the FAA when:

- i) The information seeker does not receive any decision within the time specified in Section 7(1) or
- ii) If the information seeker is aggrieved from the quantum of cost demanded for furnishing of information u/s 7 (3) (a) of the RTI Act.
- iii) If the information seeker is aggrieved by the order of the PIO.

Q 19. What will happen to my application if I select a wrong Public Authority in the RTI request form?

In case the RTI application is not meant for the Public authority which has been selected by the applicant, the "Nodal Officer" of the said public authority would transfer the application to the "Nodal Officer" of the concerned Central Public authority under section 6(3) of the RTI Act.

Transfer of Applications:

The Act provides that if an application is made to a public authority requesting for an information, which is held by another public authority; or the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or relevant part of it to that other public authority within five days from the receipt of the application.

If a person makes an application to a public authority for information, a part of which is available with that public authority and the rest of the information is scattered with more than one other public authorities, in such a case, the PIO of the public authority receiving the application should give information relating to it and advise the applicant to make separate applications to the concerned public authorities for obtaining information from them. If no part of the information sought, is available with it but is scattered with more than one other public authorities, the PIO should inform the applicant that information is not available with the public authority and that the applicant should make separate applications to the concerned public authorities for obtaining information from them. However, if the details of public authorities who may have the information sought by the applicant are available with the PIO, such details may also be provided to the applicant.

If a person makes an application to a public authority for some information which is the concern of a public authority under any State Government or the Union Territory/Administration, then Central Public Information Officer (CPIO) of the public authority receiving the application should inform the applicant that the information may be had from the concerned State Government/UT Administration. Application, in such a case, need not be transferred to the State Government/UT Administration.

Q 20. What kind of information a Public Authority can deny to an Information Seeker?

The type of information specified under Sec.8 and Sec.9 of the RTI Act is exempted from disclosure to information seeker. The meetings/deliberations of the Board and of such committees or bodies, howsoever designated, are not open to the public and the agenda papers, minutes and/or recommendations of such committees / bodies are not accessible to the public.

Q 21. Who is Deemed PIO and what is his responsibility and liability under the RTI Act?

Any officer, who is a custodian of information and whose assistance has been sought by the CPIO for servicing/providing the required information as sought for by the information seeker, shall be the Deemed PIO. It is the responsibility of such officer to render reasonable assistance to the CPIO seeking his or her assistance and would be liable for contravention of any provisions of the Act, same way as any other PIO. [Sec.5(5)].

Q.22. 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.

Q.23. 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 refused to accept his/her application or appeal for forwarding the same to the Public Information Officer or the appellate authority, as the case may be; or he/she has been refused access to any information requested by him/her under the RTI Act; or he/she has not been given a response to a request for information within the time limit specified in the Act; or he/she has been required to pay an amount of fee which he/she considers unreasonable; or he/she believes that he/she has been given incomplete, misleading or false information, he/she can make a complaint to the Information Commission.

Q.24. 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 (1) or exempted under the Official Secrets Act, 1923 can be disclosed if public interest in disclosure outweighs the harm to the protected interest.

Q.25. What is Third Party?

As defined in Section 2 (n) of RTI Act, third party 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.