



भारतीय विज्ञान शिक्षा एवं अनुसंधान संस्थान कोलकाता

Indian Institute of Science Education and Research Kolkata

FREQUENTLY ASKED QUESTIONS (FAQs) ON RTI ACT

Q.1: What is information under RTI Act?

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 appropriate Government. It also includes the bodies owned, controlled or substantially financed and non-Government organizations substantially financed directly or indirectly by funds provided by the appropriate Government.

Q.3: What is a Central Public Information Officer?

Public authority must designate some of its Officers as 'Central Public Information Officer (CPIO)' under section (5) of the RTI Act and the CPIO shall deal with the requests received from persons seeking information and render reasonable assistance to the persons seeking such information under purview of this Act.

Q.4: What does record mean under RTI Act?

Record under RTI Act includes:

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

Q.5: What is the Fee for Seeking Information from Central Government Public Authorities?

A person who desires to seek information from CPIO of the 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), in the name of Indian Institute of Science Education and Research Kolkata, Payable at Kolkata as fee prescribed under this Act for seeking information. The payment of fee can also be made by way of cash to public authority against proper receipt. However, the RTI Fee and the mode of payment

may vary as mentioned under Section (27) and Section (28) of the RTI Act, 2005 by 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.6: 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 under this Act. However, the applicant should submit a proof in support of his/her claim to belong to the below poverty line as defined by appropriate Government.

Q.7: Is there any specific Format of Application?

There is no prescribed format of application for seeking information and the applicant shall only make a request in writing or through electronic means, accompanying such fee as may be prescribed to. The application can be made on plain paper along with a requisite fee as mentioned above. The application should, however, have the name and complete postal address of the applicant. For betterment of applicant, IISER Kolkata has designed its performa for seeking information under this act, which an applicant may use.

Q.8: In which language can the application be filed before a PIO?

The application can be either in:

1. Hindi
2. English
3. The official language of the area in which application is being made.

Q.9: In which language is the CPIO expected to reply to the RTI application?

The CPIO should provide the copies of the records in the language in which they are available, particularly when the information is not required to be maintained in a particular language. The CPIO is not expected to get into the role of a translator. However, the language policy should be followed in terms of the forwarding letter.

Q.10: Can a CPIO ask for proof of citizenship from an applicant?

Ordinarily no proof of citizenship is required to be submitted along with the application nor is the CPIO expected to ask for a proof. However, in certain exceptional circumstances, a CPIO may ask for the proof for example, if he has reason to believe that the application has not been filed by a citizen or if there is a doubt whether the applicant is an Indian citizen.

Q.11: Is it required to give any reason for seeking information?

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

Q.12: 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 are exempted from disclosure. Sub-section (2) of section (8), however, provides that information exempted under sub-section (8) (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.13: Are officials required to give information about themselves and their families under the law? Can the public request this kind of information? Should it be given?

Officials are not required to provide private or personal information which is exempted under Section 8(1) (j) of the Act. Again, this must be decided on a case to case basis (as has indeed been the case with the decisions of the CIC). If public interest is served by disclosing such information then it must be given.

Q.14: If a citizen seeks information which is forbidden by other rules or Acts, what should a CPIO do?

As the RTI Act prevails upon any other Act which is inconsistent with it, information cannot be denied to a citizen citing any rule or act other than the RTI Act. The provisions of the RTI Act will override the provisions of any other regulations to the extent they are inconsistent.

Q.15: Is there any assistance available to the Applicant for filing RTI application?

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

Q.16: What is the Time Period for Supply of Information?

In normal course, the information to an applicant shall be supplied within 30 days from the receipt of their application by the public authority (Section 7 of RTI Act). 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.17: If the applicant does not pay the additional fees towards cost of providing information within the 30 days deadline will the CPIO be penalized for failing to provide information to the applicant?

No, the CPIO will not invite any penalty in such cases. The 30-day clock stops ticking from the date of dispatching the intimation for further fees issued by the PIO and restarts on the date on which the applicant pays the additional fee [Sections 7(3)(a) & 7(3)(b)].

For example, if the CPIO dispatches the intimation letter on the 5th day from the date of receipt of the complete application only 5 days would have elapsed from the 30 days limit. The clock will restart on the date on which the applicant pays the further fees. The CPIO will have to provide the information within 25 days from the date of payment of such further fees. If the applicant chooses to seek a review of the additional fee from the appellate authority or the SIC/CIC the period taken for giving a decision on this matter (if it is decided that no further payment is needed) or for actual payment of further fees (if it is decided that further fees would need to be paid), will not be included in the 30 day limit.

Q.18: Is the CPIO expected to provide answers to all the questions in an application?

A CPIO is expected to provide 'information' as defined under section 2(f) of the RTI Act and not answer the questions of the applicant.

An information-seeker can't demand from a public authority its opinion or seek its advice in a matter of the petitioner's interest. A CPIO is not expected to provide intangible such as interpretations, opinions, advices, explanations, reasons as they cannot be said to be included in the definition of information in Section 2 (f) of the RTI Act. The reasons available on record should be provided and the CPIO is not expected to *post-facto* create reasons

Q.19: When should 'Inspection' be allowed by the CPIO?

In case where voluminous information is sought, the CPIO may advise the applicant to inspect record, minimize & prioritize the requirement.

If the applicant is not sure what documents are needed, the inspection of records is being frequently resorted to. After the inspection, the applicant may seek copies of the limited documents which may be required. Wherever the applicant desires, inspection of record should be allowed especially in those cases where providing photocopies may lead to disproportionate diversion of resources.

Q.20: Can any action be taken against a CPIO if he has provided excess information or under information?

Under section 21 of the Act, no legal proceeding shall lie against any CPIO for anything that is done or intended to be done in good faith. This provides for a fair degree of protection to the CPIO and there shall be no penalty if he can prove that he has acted in good faith. The term 'good faith' has not been defined in the RTI Act. One may refer to the General Clauses Act, 1897, or the Limitation Act, 1908, to arrive at the definition.

For an act to be done in 'good faith':

- the state of mind of the officer should be indicating honesty and lawfulness of purpose, and
- due care and attention should be exercised.

The rule of the thumb which all the CPIOs may follow is to provide all the information sought by an applicant, unless it is specifically exempt from disclosure under the Act.

Q.21: If the CPIO has provided excess information or under information, can a request for imposition of penalty be made before the Information Commission?

Under section 21 of the Act, no legal proceeding shall lie against any CPIO for anything that is done or intended to be done in good faith. Therefore, there shall be no penalty if the CPIO can prove that he has acted in good faith.

Q.22: Is there any provision of Appeal under the RTI Act?

If CPIO doesn't supply information within the prescribed time of 30 days or 48 hours, as the case may be, or the applicant is not satisfied with the information furnished, the applicant may prefer an appeal to the First Appellate Authority (FAA) who is Senior in

rank to the Central Public Information Officer (CPIO). Such 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 Central Public Information Officer is received. The appellate authority of the public authority shall dispose of the appeal within a period of 30 days from the date of receiving such request or in exceptional cases within 45 days of the receipt of the appeal.

Q.23: What is the role of a First Appellate Authority (FAA) under the RTI Act?

A FAA plays an important role in the RTI regime.

1. The appeals against the orders of the CPIO are filed with the FAA.
2. FAA is expected to dispose of the appeal within 30 days of receipt of application extendable to 45 days for reasons to be recorded in writing.
3. If the FAA is satisfied that the appellant was prevented by sufficient cause from filing the appeal, he may admit appeal after the expiry of the appeal of 30 days.
4. Compliance with the orders of the Appellate Authority in the Department is the responsibility of that Appellate Authority.

Q.24: Is a First Appellate Authority (FAA) expected to give a personal hearing in every case?

There is no provision in the Act calling for a mandatory hearing by the First Appellate Authority. If the applicant desires a hearing, the FAA may consider it favorably depending upon the facts of the case.

Q.25: Can a First Appellate Authority (FAA) review its own order?

A FAA does not have the powers to review his own order. In case of a change in the FAA, the new incumbent cannot revise the orders of his predecessor.

Q.26: 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, the applicant 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.

Q.27: Whether Complaints can be made under this Act? If yes, under what conditions?

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

Q.28:What is Third Party Information?

Any information which relates to or has been supplied by the third party is referred to as third party information. This may involve different types of records like those related to personal information of individual or commercial information about an organisation.

Protection of personal information, especially of a third-party, is a valuable privilege which should not be lightly done away with or diluted.

Q.29: What is the Method of Seeking Information?

Any person who desire to obtain information under this Act should make an application to the Central Public Information Officer (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. The applicant should make appropriate payment of Rs.10/- as mentioned above as application fee under RTI Act at the time of submitting the application in the prescribed performa of that public authority if any.

Q.30: Will there be any additional payment for receiving information?

Fee chargeable for providing information u/s 7(1) is as under:

- (a) Rs. 2/- for each page created or copied (in A4 or A3 size paper).
- (b) Actual charge or cost price of a copy in larger size paper.
- (c) Actual cost or price for samples or models.
- (d) Rs. 5/- per hour for inspection of records. No fee for the first hour.

For providing information u/s 7(5) in printed or electronic format, the following fee has been prescribed:

- (a) Rs. 50/- per diskette or floppy.
- (b) Price fixed for the printed publication or Rs. 2/- per page of photocopy for extracts from the publication.

Q.31: Is there any other method for filing information under RTI from IISER Kolkata?

Kindly click on this link <https://rtionline.gov.in/>. This is a portal to file RTI applications/first appeals online along with payment gateway. Payment can be made through internet banking of SBI, debit/credit cards of Master/Visa and RuPay cards. Through this portal, RTI applications/first appeals can be filed by Indian Citizens for all Ministries/Departments and other Public Authorities of Central Government. RTI applications/first appeals should not be filed for other Public authorities under Central/State Govt. through this portal. Please read instructions carefully while submitting request/appeal.

Q.32: What if CPIO receives other Public Authority RTI requests wrongly?

Under Section (6) (3) of the RTI Act, where an application is made to a public authority requesting for information:

- (i) which is held by another public authority; or
- (ii) 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 such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer.