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Commonwealth Human Rights Initiative, New Delhi

Implementing the *Right to Information Act 2005*

Frequently Asked Questions

Introduction

The Right to Information legislation passed by Parliament in May 2005 received the President's assent on June 15th. The Right to Information Act (RTI Act) was notified in the Official Gazette on June 21st. This Act will come into force fully within 120 days (October 12th). Governments are required to make necessary preparations for setting up the information access regime within this deadline. This includes, amongst others, the following obligations –

- publishing Public Information Directories/ Handbooks giving details of the working of the public authorities as required under Sec. 4
- designating Public Information Officers (PIOs), Assistant Public Information Officers (APIOs) and Departmental Appellate Authorities (DAAs) within every public authority (within 100 days);
- constituting the Information Commission and appointing Chief Information Commissioners and Information Commissioners at the Centre and in the States;
- training officers in the implementation of this Act;
- educating citizens, particularly those belonging to disadvantaged sections of society about how to use this Act;
- organising records and files in a manner that will facilitate easy access to information for citizens.

Governments at the Centre and State levels are making preparations for implementing this important Act. Commonwealth Human Rights Initiative (CHRI) has

been invited by the Government of India and the State Governments of Uttaranchal, Madhya Pradesh, Gujarat, Karnataka, Meghalaya, Nagaland, Tripura, Mizoram, Chhattisgarh, Jharkhand and Orissa to assist in this process. Since mid-August 2005 CHRI has been conducting training programmes for officers, PIOs, APIOs and DAAs in association with Governments and their respective Administrative Training Institutes.

Participants raised several questions, concerns and challenges related to the implementation of the RTI Act during these sensitisation and training workshops. Similar questions are likely to be raised in future training workshops as well. CHRI has compiled a set of FAQs and their possible answers and solutions based on its experience gained from these training workshops. It is hoped that these FAQs will be of use to all public authorities that are preparing to meet their obligations under this Act. It is hoped these FAQs will be of use during the training of other officers in future.

Right to Information - What is included and what is not?

(1) The Department of Personnel and Training website says 'file notings' are excluded. Are 'file notings' included in the definition of information?

Response:

Section 2 of the RTI Act defines a 'record'. S. 2(i)(a) states that a 'record' includes any document, manuscript and file. The operative definition of a 'file' is given in the Manual of Office Procedure prepared by the Central Secretariat, Government of India. The definition of 'file' in the Manual includes 'notes' and 'appendices to notes'. Therefore, technically and legally, the term 'file' as understood in s. 2(i)(a) of the RTI Act includes file notings.

(2) If file notings are to be given out under the Act this will discourage officials from noting their opinion on controversial matters freely.

Response:

This law is a weapon for the honest bureaucrat who need not fear penalties. Only corrupt persons who have something to hide will resist disclosing such information. A majority

of officials in states like Gujarat, Madhya Pradesh, Uttaranchal, Meghalaya and Tripura believe that the RTI Act will now facilitate only those notings that have legal basis. They in fact welcome the inclusion of 'notings' within the definition of 'information.'

(3) If the law under which a Public Sector Unit (PSU) has been constituted does not allow access to information to the people such as agendas of board meetings etc. will such information have to be given under the RTI Act?

Response:

Even PSUs fall within the category of public authorities. But if an applicant seeks information about trade secrets or Intellectual Property Rights (IPRs) the disclosure of which will affect the competitive position of that PSU, such information may not be given unless there is a larger public interest involved. If the law constituting the PSU does not allow disclosure of certain categories of information other than the above the appropriate Government should review the statute and bring it in line with the RTI Act. This is an undeniable requirement of the new transparency regime.

(4) Government offices have been providing information to people on the basis of their verbal requests in the past. Does the RTI Act require that such informal practices be ended?

Response:

No, there is no need to discontinue the conventional and informal practice of giving information upon verbal request. The RTI Act does not put an end to such practices. If information can be given without delay upon verbal request it is better to give such information to the requestor rather than require him/her to put in a formal application. This helps reduce paper work for the public authority and increases confidence of citizens in the administration.

(5) Can a citizen make a request under the RTI Act for oral advice given by/in the course of running Government?

Response:

At the moment the RTI Act covers only such information that is recorded on paper or by any electronic means. Hence oral advice may not be covered under the purview of the Act. But this is an issue which will eventually need to be clarified by the Information Commission and the Courts. It appears that it is possible that oral advice could be accessed in accordance with the very broad definition of 'information' in s.2 which includes 'advice'. This approach has support from New Zealand where, if an official received information in his/her official capacity but has not written it down, he/she can be required to reduce the information to writing if it is subject to a request. In any case, efficient public administration requires that all public officials should record all key pieces of information in hard copy and file it properly.

(6) Can government officers get access to their Annual Confidential Rolls (ACRs) under the RTI Act?

Response:

This is an area that requires clarification from Government. Ordinarily ACRs are secret documents but if the senior officer records an adverse remark against an officer the same must be communicated to such officer. Opinion is divided as to whether an officer may be given a copy of his/her ACR upon request under the RTI Act with some officers maintaining that ACRs will also become open documents. However some others believe that ACRs are personal documents and therefore enjoy the protection of exemptions to RTI under Sec. 8(1)(j) unless it is shown that public interest is better served by disclosing the ACR. However this is likely to be a matter for the Information Commission to decide on a case by case basis.

(7) Can students ask for copies or inspection of their answer scripts if they are unhappy with the marks awarded by the examiner in public examinations?

Response:

Nothing In the RTI Act is likely to prevent a student from accessing his/her answer scripts. As such answer scripts are made available to students after evaluation in schools, colleges and Universities where internal examinations' are conducted. There is no logical reason to justify the secrecy accorded to answer scripts evaluated in the context of public examinations. Perhaps the fear is that disclosure in such cases may lead to a flood of demands for re-evaluation from dissatisfied students thereby derailing the whole examination process. Government will have to come out with clear guidelines on this matter as well keeping in mind the spirit of the RTI Act.

Obligations of Public Authorities - Proactive Disclosure

(8) Every department performs different kinds of function at different levels of operation from the Secretariat to the Taluka level. Will disclosure under Sec. 4 have to be designed for every one of these levels separately?

Response:

Yes. In States like Uttaranchal, Meghalaya, Madhya Pradesh and Gujarat more than one public authorities are notified within every department from the Secretariat level to the district and sub-district level. Every such public authority will have to develop its own proactive disclosure documents also known as Public Information Directories/ Handbooks unique to its powers, functions and area of operation.

Sec. 4 is designed to ensure that public authorities give certain information which is important to the public voluntarily at every level of operation. If implemented properly, Sec, 4 will reduce the workload of officials and public authorities because it will mean that information which is regularly needed by the public can be accessed by them without the need for a specific request.

(9) The production of 17 manuals under Sec.4(l) - as advised by the DOPT in a recent circular - will be very difficult and burdensome.

Response:

The idea of producing 'manuals' does not properly reflect the objectives of Sec.4 proactive disclosure, which is simply to publish and disseminate key information routinely in a manner and form which is easily accessible and understood by the public [sec Sec.4(3) and 4(4) of the RTI Act which specifically require this]. These 17 subsections of Sec. 4 are 17 categories of information that the public authority is required to prepare and disseminate proactively through books, notice boards, print and electronic media. Most of the information required to be published proactively under this section may already be available within the public authority albeit in a scattered manner. These will need to be collected and collated to fulfil the requirement of Sec. 4. Several officials are pleased with Sec. 4 as it will help them streamline their own housekeeping procedures.

Furthermore not every public authority may be required to collate information under all categories of Sec.4. For example, the Finance Department in a State may not be issuing any permits or concessions. As it does not perform such functions the Finance Department will not be held to fault for not including this category of information in its Public Information Directory.

(10) Is it enough to disseminate information under Sec. 4 on the Internet?

Proactive disclosure of information could be made possible through various print and electronic means. It may be disseminated in one or a series of documents in print. They could all be uploaded on the website of the concerned department. Certain categories of information such as the name and designation of the officers concerned in each office, broad norms of service etc, may be put up on notice boards. Information regarding beneficiaries of various development schemes, concessions and permits may be published from time to time in leading newspapers.

As the proportion of people that use Internet facility regularly is only a miniscule figure it-is better to print Public Information Directories or publish variable information like that of beneficiaries of schemes and recipients of concessions etc, through newspapers. Further, such documents should be made easily accessible to people through Media/Information Centres established at the taluka/tehsil or district level. Similarly such Directories should be made available to people in all public libraries established, financed or supported by the Government.

(11) Is it enough to publish information under Sec. 4 once at the time of the commencement of the RTI Act?

Updating of information is very important under Sec. 4 of the RTI Act. This is a statutory requirement. The State Government will have to come out with general instructions for time bound updating of all categories of information. Every public authority may in turn issue detailed instructions for updating information that is specific to its functions. For example, information on subsidy schemes (see Sec.4 (xii)) needs to be published and updated regularly if it is to be useful in terms of enabling the public to check that they are receiving proper subsidies and minimising corruption. Whenever officers are transferred, the public authority will have to update its website and notice board for the benefit of public.

(12) What will be the penalty if a department is not able to meet the deadline for proactive disclosure (120 days)?

Response:

There is no penalty for not meeting this deadline. But it is advisable to publish as much information as possible within the deadline and give it wide media publicity so that people know that Government is earnest about implementing the law. This will reduce the level of criticism from the media and other quarters, as they will understand that the Government is doing its best and will continue to do so. The Public Information Directories and the websites may be refined and updated later.

Please remember, the Information Commission has the power [Sec. 19(8)(a)(vi)] to receive from a public authority an annual compliance report in relation to Sec. 4. This reporting mechanism will technically make the public authority answerable to the Information Commission for all acts of commission and omission in relation to proactive disclosure.

(13) If the salaries and emoluments of officers are disclosed proactively as required by Sec. 4 they may be targeted by anti-social elements and terrorists for extortion. Does this not expose the officers to danger?

Response:

Most officers in the States believe that the honest and upright officer will not be targeted by such elements. Only those officers who are corrupt or those who violate lawful procedures and make illegal gains need fear extortion. Honest officers have nothing to hide and will have no objection to making information about their salaries and emoluments known to the public.

But the task of compiling this kind of information and updating it on a regular basis is likely to be tedious. Therefore it might be a good idea to display the salary slips of all officers on the notice boards of the offices where they work once a year. The requirement of proactive disclosure is met with. Alternately, all such information may be displayed on the Internet.

Making Requests for Information/Inspection

(14) Should a format of application (information request) be prescribed by government?

The RTI Act does not specify any format for making an information request. Sec. 6(2) states that the applicant need give only that much detailed contact information as may be necessary to contact him/her by the PIO while processing the application. A format may be developed in the Rules that Central/State Governments are required to frame for

implementing this Act for the convenience of the public. But insistence upon using a prescribed proforma may result in illegal profiteering by unscrupulous elements through the sale of application forms. Citizens should be allowed to apply on plain paper giving their contact details and nature of information requested as per guidelines. An application whether made on plain paper or in a prescribed format may contain the following points -

- i. *name of the applicant*
- ii. *name of the father/husband (as the case may be) of the applicant*
- iii. *contact details of the applicant including complete postal address, telephone numbers and email address (if any)*
- iv. *name of the public authority from whom the information is being requested*
- v. *nature and details of the information requested*
- vi. *whether proof of payment of application fee is attached or not*
- vii. *if the applicant claims fee waiver whether proof of BPL status is attached or not*
- viii. *whether the applicant wishes to receive the information by post?*

(15) Can a request be denied if it is too big? If not, how can such requests best be handled? How much information can a citizen request in one application? If he/she asks 20-30 kinds of information in one application should it be given? Or should the citizen be asked to put in fresh applications for each point of information requested and also be asked to pay application fees every time?

Response:

The Act does not permit rejection of an application simply because it relates to a large number of documents. In any case, in practice officials should consider the processing of applications as a cooperative activity, such that the official should work with the applicant to assist them to get the information they need. If a large number of records are involved in relation to a request, the PIO can contact the requestor and clarify their request to see if they can reach a mediated solution that will give the requestor what they want without unnecessarily burdening the PIO. This recognises that in some cases at

least, a broad application may be submitted simply because the requestor was not sure what was available.

If the applicant is not easily reachable except by post then the PIO may give detailed reasons in writing for not being able to meet the information request. This will indicate to the DAA or the SIC that the PIO had take action in good faith and had done all that was possible to honour the citizen's right to seek information if the applicant files an appeal. No penalty will be imposed on the PIO if it is shown that he/she has taken action in good faith (Sec. 21).

If some of the information requested relates to the work of another public authority within the same department or in another department, the PIO has the power to transfer those parts of the application to such public authority under Sec. 6(3)..

(16) If in a single application the applicant requests information that relates to the work of several departments, is the PIO responsible for giving all that information within the deadline? The PIO will not be able to do any other work in such cases.

Response:

No, the RTI Act makes it clear that the PIO has the power to transfer an application or parts of it if it relates to information held by another public authority or relates more closely to the activities of that other public authority [Sec. 6(3)]. The PIO is not responsible for collecting information from other public authorities especially if it is likely to take more than 30 days to secure such information. It is better to transfer the application to the concerned PIO and inform the applicant about the transfer in writing immediately. This amounts to action taken in good faith and will not attract any penalty to the PIO.

(17) How will officials in newly created States like Uttaranchal, Jharkhand and Chhattisgarh deal with the practical challenge that the governments of the States from which they were carved out still hold many records created prior to bifurcation?

Response:

This issue could benefit from clarification from the Central Government, as it will affect other new States as well. The Central Government has the power to make issue orders for removal of difficulties in relation to any of the provisions of the RTI Act during the first two years of its operation. In practical terms, an agreement may have to be reached between the two State Governments. In any case, if a record requested in Uttaranchal is held by Uttar Pradesh, the requestor can make a request to the Uttar Pradesh Government for the record. It does not matter where the citizens resides - any citizen of India can request any record from any State Government.

(18) Previous experience has shown that some elements may misuse this law and use information to blackmail honest officers. Should the PIO not be given the power to verify the intentions of the applicant?

Response:

While it is possible that some elements may misuse the RTI Act there is very little opportunity for the PIO to verify the intentions of the applicant. While personal contact details of the applicant are amenable to verification it is near impossible to verify his/her intention in seeking information. Furthermore Sec. 6(2) makes it clear that the applicant will not be required to give reasons for seeking information. An honest and sincere officer need not fear blackmail. The best way to avoid blackmail is to make available as much information as possible proactively. As far as possible upload all information disclosed upon request on the website. When information is accessible by a large number of people the possibility of blackmail diminishes considerably.

(19) Some unscrupulous elements may tamper the copies of documents they access under the RTI Act and misuse them. How does one prevent such misuse of information released under the RTI Act?

Response:

The Government will have to devise a means of authenticating documents released under the RTI Act to ensure that they are not misused. One suggestion is to mark every page of a document accessed under the RTI Act with a rubber stamp impression saying - "*Document released under the RTI Act contains XX pages.*" If electronic files are requested the same may be provided in *pdf* or *tif* format on floppies or CDs. This will also obviate the need for certifying the documents separately if the requestor wishes to use the same in some litigation.

(20) If there is a flood of applications for inspection of records how will the PIO provide access to all applicants and also do justice to his/her other designated duties? What if one such applicant mutilates or destroys the record during inspection?

Response:

The Government needs to make rules and guidelines for PIOs regarding the procedure to be followed for allowing inspection of records. Specific timings will have to be notified for allowing public inspection of records. If there is a high demand for the inspection of certain categories of records it is advisable to digitalise such records as far as possible and upload it on the Internet to facilitate easy access to the public. This will reduce the workload of the PIO as well.

The Government will have to issue clear guidelines relating to the manner in which inspection of records will be allowed. The carrying of sharp edged instruments or inflammable material to the place of inspection may have to be prohibited.

(21) If the same kind of information is sought by more than one person should it be made available to all such requestors? This will waste a lot of the PIO's time and resources.

Response:

Every public authority should assess the information needs of people who contact it from time to time. This will help the public authority ascertain what kinds of information are requested by people frequently. All such information which has been requested by more than one citizen should be uploaded on the Internet and updated from time to time. Requestors who have access to Internet facilities may be directed to access the information on the concerned website thereby saving PIOs valuable time to devote to other applications or office matters. If such frequently requested information can be made available to the PIO in the Public Information Directory/ Handbook required to be published under Sec, 4 a lot of time, energy and resources can be saved in the process of satisfying the information needs of citizens.

(22) If the information requested by a citizen has already been proactively disclosed can a PIO refuse to accept the request?

Response:

There is nothing in the RTI Act that states that information disclosed proactively should not be provided to a citizen on request. Sec, 4(4) requires that all materials disseminated under this Act should be available with the PIO and as far as possible in electronic format. The purpose behind this requirement is that the citizen need not wait for 30 days to get access to information that is already being proactively disseminated. If available in printed format the PIO may make copies of the same or provide photocopies of the relevant pages to the citizen. If such information is available only in electronic format the same may be provided on floppies, diskettes, CDs or in the form of printouts upon payment of fees at rates prescribed by the Government.

Public Information Officers and Assistant Public Information Officers

(23) Does the RTI Act require the appointment of a legion of officers whose only duty will be to receive applications and give information?

Response:

The RTI Act does not require appointment of new personnel to deal with information requests. The Act only requires that existing officers be designated as Public Information Officers (PIOs) and Assistant PIOs. They will continue to do their regular duties as required by their office in addition to the obligations under the RTI Act.

(24) In states like Uttaranchal, Tripura and Meghalaya the literacy rate is higher than the national average. In some States political consciousness may be higher than in others. Offices will be flooded with applications and all other work will have to be stopped to meet this demand. So is it wise to allow access to all information available with the public authority?

Response:

In states such as Maharashtra and Delhi, departments were not flooded with applications on the first day or initial months since the coming into force of their own RTI laws. Most applications came from urban areas. In both states, a majority of requests were met within the time limit and this has not affected the performance of other duties of the PIO. The best way to minimise information requests is to give information proactively as much as possible. For example, in Maharashtra it has been observed that greater levels of voluntary disclosure have led to a considerable decrease in the number of information requests made over time. If under the RTI Act many requests are received, the Government may need to consider designating more staff for processing requests in order to ensure that deadlines are met.

(25) Is the Assistant Public Information Officer (APIO) an assistant to the Public Information Officer (PIO)?

Response:

No, the APIO is not an assistant to the PIO. An APIO may be appointed at the sub-district or sub-divisional level where a public authority may not have an office or administrative unit. This is particularly useful for Departments of the Government of India which are rarely found below the district level. Appointment of APIOs may also be useful in States which have human habitats situated in difficult, remote and inaccessible terrain.

(26) What are responsibilities of the APIO?

Response:

The APIO has only two responsibilities under the RTI Act -

- receive applications for information from citizens and forward them to the concerned PIO immediately or within five days;
- receive appeals from citizens and forward them to the Departmental Appellate Authority or the Information Commission (as indicated in the appeal letter) immediately or within five days.

An APIO is liable for penalty if he/she refuses to receive applications or appeals. He/she is also liable for penalty if he/she does not forward them same to the appropriate authorities within the 5 day deadline.

(27) If the information requested by the applicant is in the possession of the APIO should he/she not give that information to the applicant?

Response:

The RTI Act is meant for giving citizens easy access to information held by public authorities. There is nothing in this law to stop the APIO from giving information under his/her possession to the information requestor. There is no need to follow the usual

process of forwarding the application to the PIO if the APIO can adequately meet the information needs of the applicant.

(28) If a PIO has touring duties as well, then he will not be physically present to receive application in the office. Will his absence amount to refusal to accept information request?

Response:

The best solution for such difficult situations is for the • PIO to authorise a subordinate/colleague within the same public authority to receive applications and put this in writing for the sake of avoiding confusion in his/her absence. This will ensure that citizens' applications are received even in the PIO's absence and action is taken on the same. By putting the request for assistance in writing, the PIO will also protect him/herself against any action for penalties if the processing of the application is delayed.

(29) In states like Uttaranchal, Panchayats are the first public authorities that public comes into contact with. With more than 7,000 Panchayats existing already will they have to appoint as many PIOs?

Response:

As all records relating to Panchayats are in the possession of the Gram Pradhan, it does not make much sense to ask the resident of a village to go to the taluka headquarters to apply for records of his/her Panchayat. It is better to appoint the Pradhan as the PIO. The Panchayati Raj Act may be amended to declare the Gram Pradhan as PIO for the purposes of this Act, thereby bringing him/her within the ambit of this law and making him liable for penalties and disciplinary action. It may also be necessary to specify in the Rules that a Pradhan shall be considered an "officer" for the purposes of the RTI Act.

Consideration may also be given to writing to the Panchayati Raj Department, Government of India for advice on how to proceed and/or requesting the Central Government to call a meeting of all State Panchayati Raj Secretaries so that they can all discuss the issue and come up with an agreed approach. As there is one RTI Act for the

whole country, it is important to try to ensure consistent implementation approaches so that there is less confusion among the public and officials.

(30) If the Gram Pradhan who is the PIO of the Gram Panchayat (in Uttranchal) does not know how to read or write how will he/she be able to meet the information requests of citizens?

Response:

if the Gram Pradhan is unable to read and write he/she may take the assistance of the Secretary of the Panchayat or the Village Development Officer for providing the requested information to the applicant.'

(31) What is the procedure to be followed for giving samples of materials?

Response:

The Government will have to issue detailed guidelines as regards the procedure to be followed for collecting samples. Witnesses may be required to be present for the purpose of certifying the samples collected.

(32) If the process of taking samples results in substantial damage to the public work concerned can the PIO issue a rejection order?

Response:

This is another area where detailed guidelines are required for the PIO to take action. If taking samples from a public work results in damage to the structure the PIO may mention the same in his rejection order. The SIC will give the PIO a reasonable opportunity to justify denial of the sample. If action is taken in good faith the PIO will not attract any penalty.

(33) Should BPL applicants be charged the additional cost of providing information requested?

Response:

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(33) Should BPL applicants be charged the additional cost of providing information requested?

Response:

No, the RTI Act makes it clear that no-fee will be charged from people living below the poverty line at any stage [Sec. 7(5)].

(34) Why should the PIO not use the BPL list available in the district for determining the identity of applicants claiming fee waiver? This will eliminate the procedure for verifying proof of identity.

BPL list may be used for verifying the identity of a person claiming fee waiver if he/she is ordinarily a resident of the same district. However BPL lists will differ from district to district. A citizen should not be denied fee waiver just because his/her name does not

appear in the list of the district where he/she has submitted an information request. In order to implement the law in its spirit the PIO is better advised to accept as proof a photocopy of the BPL/Antyodaya ration card or some other similar documentation of BPL identity prescribed by the Government.

(35) Should the PIO give information if the applicant does not submit proof of payment of application fees nor is proof of BPL identity attached to the application? Should the APIO forward such applications to the PIO?

Response:

The PIO is required to take a decision about giving or not giving information only if the application is complete in all respects. An application is complete only if it has all contact details about the applicant and the nature of information requested along with proof of payment of application fees or proof of BPL identity if claiming fee waiver. An APIO may forward only complete applications to the PIO. If the applicant has submitted an incomplete application it is the duty of the PIO or the APIO, as the case may be, to request the applicant to complete the application in all respects to facilitate the commencement of processing of the information request by the PIO.

(36) How will PIOs collect application fees and additional fees for providing information if the request is received by email?

Response:

The Government should specify the mode of fee payment for applications received by email. They could provide for online payment options. Or the applicant may be sent a reply email to pay fees in cash or send proof of payment by any other means prescribed by Government in the rules.

(37) The RTI Act states that information must be provided free of cost if it is not given within the time limit specified. What is the process for refunding the money to the applicant?

Response:

Yes, the applicant is entitled to information free of cost if it is provided after the lapse of the deadline stipulated in the Act. The State Government should prescribe the process for refunding the additional fees paid by the applicant. It should also specify whether the application fee will also be refunded to the applicant in such cases. This process of refund must take the convenience of the applicant into consideration.

(38) If the applicant does not pay the additional fees towards cost of providing information within the 30 day deadline will the PIO be penalised for failing to provide information to the applicant?

Response:

No. The PIO will not invite any penalty in such cases. The 30-day clock stops ticking from the date of dispatching the intimation order issued by the PIO and restarts on the date on which the applicant pays the additional fee. For example, if the PIO 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 day limit. The clock will restart on the date on which the applicant pays the additional fees. The PIO will have to provide the information within 25 days from the date of payment of additional fees. If the applicant chooses to seek a review of the additional fee from the DAA or the SIC the period taken for giving a decision on this matter will not be included in the 30 day limit.

(39) If the applicant does not respond to the intimation letter of the PIO requesting payment of additional fee will the PIO be duty bound to provide information to the applicant? Is the PIO duty bound to provide information i within 30 days even in such cases?

Response:

No. The PIO does not have a duty to provide information to the applicant in such cases. j The RTI Act states very clearly that the PIO will provide access to information only upon payment of additional fee as may be determined [Sec. 7(1)] by him/her (for non-BPL cases). However if the PIO does not receive a response to his/her intimation letter from the applicant he may send a reminder after 2-3 weeks. If the applicant does not deposit the additional fee within 2 months (allowing a grace period for filing a review of the additional fees and 30 days for the appellate authority to give its decision in such cases) then the PIO may issue a rejection order citing non-payment of additional fees as the reason. This action of the PIO will not amount to unreasonable denial of information and will therefore not invite any penalty. It is advisable for the Government to specify limitation on the time period for such cases in the rules or in the guidelines.

(40) How can additional fees be collected for providing information regarding the life and liberty of a person considering the fact that such information should be provided within 48 hours?

Response:

The Government will have to issue clear guidelines regarding the procedure for providing information in such cases as there may not be enough time available for completing such procedures. It is advisable to provide such information immediately without charging any additional fees.

(41) How does a PIO decide whether the information requested relates to the life and liberty of the individual? If the requestor threatens suicide in the event of being denied access to information should it be given within 48 hours?

Response:

This category of information usually relates to the work of law enforcement and security agencies. Detailed guidelines are available in other jurisdictions in the world for dealing with such applications. The State Government will have to come up with guidelines for treating such information requests with due diligence and urgency. However information requests made under suicide threats must be dealt with due concern and the applicant must be reassured that action will be taken in good faith while dealing with his/her information request. Nothing reassures such a person as a few words of calm headed wisdom and treatment with due compassion.

Exemptions from disclosure of information

(42) Officials are required to give information about themselves and their families under the law. Can the public request this kind of information? Should it be given?

Response:

Not necessarily so. This may be private or personal information which is exempted under Sec. 8(1)(j). Again, this must be decided on a case by case basis. If public interest is served by disclosing such information then it must be given.

(43) Does the 20 year limit mentioned in Sec 8(2) apply only to the exempt categories of information? Can any citizen ask any information that is 20 years old even if it does not fall within the category of exemptions? Will the PIO be penalised if he/she is unable to provide such information?

Response:

The time limit for seeking information (i.e. how old?) is not mentioned in any part of the RTI Act except Sec. 8. Ordinarily this limit should apply to non-exempt information as well. In other words any citizen should be able to access information about any event, matter or occurrence after 20 years even if it falls within the categories of exempt information [except 8(1)(a),(c)&(i)]. However the Government should clarify this aspect of the limitation on the accessibility of old records.

(44) Some of the exemptions are difficult to interpret. How will ambiguities be clarified and what can be done to support officials to apply exemptions properly?

Response:

It is important for the Government to prepare detailed guidance notes for PIOs and DAAs explaining each of the exemptions in s.8 and giving practical examples to assist them to apply these exemptions properly. Ideally, a master set of guidance notes should be produced by the Central Government, to ensure consistent interpretation of the exemptions across the country, but States Governments and Information Commissioners should also be involved in the process.

Nevertheless it is not possible to provide for guidelines on exemptions applicable to all situations. It is important for Information Commissions and the Courts to publish their judgments to provide additional guidance to officials and the public which will become part of the developing case law on RTI. International experience supports the production of an 'annotated Act' incorporating the explanatory and interpretative portions of judgements explaining every provision. In Canada and Queensland, Australia for example, their information access case law is uploaded on-line and every provision then has links to relevant judgments.

(45) In cases where building plans and designs of bridges or other important public structures have been requested and if the PIO has reasonable suspicion that the applicant will use those plans for commercial purposes and make a profit out of it, should such information be given?

Response:

The Government should come out with detailed guidelines regarding the protection available for copyrighted materials and intellectual property rights held by public authorities. If disclosure of building plans and designs affects the economic interests of the State in a prejudicial manner then such information may be covered by Sec. 8(1)(a). But if the PIO is able to justify before the concerned appellate authority that he/she had provided reasons for denying access to such plans no penalty will be imposed. The appellate authority is appointed precisely to give quasi-judicial decisions on the finer points of the law. Therefore if the PIO has taken action in good faith the appellate authority may not impose a penalty even if it decides in favour of disclosing such plans and designs.

(46) If a case is still under consideration (i.e., 'live' or 'current' file) for final decision can that file be made available to the requestor before the decision has been taken?

Response:

Aspects of the file which are pending decision need not be disclosed until the matter is complete. But if there is factual information attached to that file whose disclosure will not affect decision making then such information can be disclosed under the provision for partial access.

(47) What if existing departmental manuals prevent disclosure of information to the people?

Response:

All such manuals were drawn up before the RTI Act came into place. These manuals will have to be reviewed in light of the new law and all unreasonable procedures for denying access to information will have to be done away with unless they relate to the exempt categories of information. Even in the case of exempt information the manuals should be so designed as to facilitate complete or partial access in the public interest. All new departmental manuals likely to be drawn up in future must conform to the new regime of transparency set up under the RTI Act.-

(48) Periodic weeding of files results in destruction of many documents which are not important enough to maintain for as long as 20 years or more. So it will not be possible to give such information after they have been destroyed. Will the PIO be penalised for this?

Response:

If a record has been destroyed legally the question of penalisation does not arise. The PIO cannot create a record in order to meet a request. But this Act will require a review of all weeding practices in existence to ensure that information which could be requested under the Act is not destroyed. More generally, consideration will need to be given to reviewing current records management processes.

Severability - Partial Access

(49) What is the process for taking a decision on granting partial access to a record? Who is the authority to make this decision within a public authority?

Response:

Sec. 10(2)(b) of the RTI Act makes it clear that the PIO is not always the deciding authority for granting partial access to records that may contain exempt information. The PIO is required to give the name and designation of the person giving the decision of partial access while intimating the same to the applicant. With the exception of cases where information requested belongs to the category of personal information where the PIO has the authority to decide whether disclosure is in public interest [Sec. 8(1)(j)] it is the public authority or the competent authority which has the power to grant full access or partial access in public interest. The Government should specify in the rules the level at which the decision to grant complete or partial access to exempt records must be taken within the public authority. Care must be taken to ensure that decision in such cases must be taken within the time limit stipulated in the law as there is no grace period provided for this process. The clock continues to tick non-stop in such cases.

(50) How is the Information Commission different from the internal appellate authority?

Response:

The RTI Act creates an appeal mechanism within every public authority to deal with grievances of citizens who are unhappy with the decision of the PIO. The State Government is required to designate Departmental Appellate Authorities (DAA) within each public authority that will look into the grievances of applicants. This is the first of the two-level appeals mechanism. The Information Commission (IC) represents the second level of appeal. Despite being appeal bodies there are significant differences between the powers and functions of the DAA and the IC.

Please remember —

- under the RTI Act the Information Commission has administrative powers to ensure and monitor compliance with the law apart from quasi-judicial powers to dispose appeals. Such powers are not given to the DAA. **For example**, based on a complaint, the 1C has the power to appoint a PIO in a public authority where none exists. **Second**, the 1C has the power to make a public authority provide access to information in the form requested by the applicant. **Third**, the 1C has the power to get the public authority to make changes to its maintenance, management and destruction of records to facilitate better implementation of this law. **Fourth**, the 1C has the power to seek a compliance report from the public authority annually. **Fifth**, the 1C has the power to seek an annual report from every public authority giving details of its compliance with the proactive- disclosure provision under Sec. 4. None of these powers are given to the DAA.
- The 1C has been given the powers of a civil court to enable it to effectively perform its role as the second appeals body under the RTI Act. This allows the 1C to even requisition records relevant to a particular case even if they are exempt under Sec. 8. These powers are not available to the DAA. (But being senior level officers within the public authority, the DAA can requisition records and documents internally while deciding upon appeals.)
- In a number of instances the aggrieved applicant can bypass the DAA and approach the 1C directly for violation his/her rights guaranteed under this law. **For example**, the 1C can look into complaints where PIOs have simply refused to accept information requests or where APIOS have refused to forward applications to the PIOs or appeals to the DAA. The DAA does not have the power to look into such complaints. Nor can the 1C refuse to look into a complaint simply because the appellant had not approached the DAA first.
- The 1C has the power to penalise the APIO and the PIO with monetary fines ranging from Rs. 250/- per day to a maximum of Rs. 25,000/- The 1C may also recommend to the public authority disciplinary action against the erring APIO/PIO, The DAA does not have the power to impose penalties on PIOs.
- The 1C has the power to order a public authority to pay compensation for any loss or detriment suffered by a citizen who sends a complaint. This power is not available to the DAA.

(51) How will the Information Commissioners be selected to ensure independence?

Response:

The Government should select the Chief Information Commissioner and other Information Commissioners in a transparent and participatory fashion. For example, an open employment process could be used whereby the position is advertised or the public could be asked to suggest names. At the very least, the list of suggested candidates should be published prior to their consideration by the search/selection committee, accompanied by an explanation of their skills and experience.

(52) There is some confusion in the use of the terms 'Information Commission' and 'Information Commissioners' in the Act, How will the Commissioners interact with each other in practice? How should the Information Commission be set up and operate?

Response:

It was suggested that the number of Commissioners on the Information Commission should be determined by the size, population served and geography (in the case of states). There could be regional Information Commission offices and/or the Commissioners could do regular roaming tours of the State. One idea for keeping costs down was to appoint less Information Commissioners (who have the rank and salary equivalent to an Election Commissioner) and instead provide the Commission with more staff who can do the ground work and research for the Commissioners and cut down on their workload.

As the appellant is not required to give a reason for seeking information the appeal need not lead to a situation of litigation between the appellant and the PIO. In most cases it may not be necessary to summon the appellant to present his case as the Information Commission need only summon the record/s that are the subject of dispute and give its decision. In many cases even the PIO need not be summoned if the case is one that requires an interpretation of one or more exemptions. However in cases where the PIO has denied information in a *mala fide* manner or given misleading or false information then he will have to be summoned to justify his/her decision (as the burden of proof lies

on the PIO) before the decision to penalise him/her is taken by the Information Commission.

(53) How will the Information Commission be most effectively staffed?

Response:

Two main issues were discussed at the workshops in the States. Officers discussed whether staff would be seconded from the public service or whether the Information Commission could actually recruit specialist staff with particularly useful skills from outside the public service. In States like Karnataka staff of the Information Commission is made available on secondment from other departments. But it is advisable to develop a cadre of dedicated RTI experts within the Information Commissions. This approach could also strengthen the (perceived) independence of the Commission.

(54) Could the absence of a time limit for disposing appeals by the Information Commission undermine the appeals regime?

Response:

It is a matter of concern that the RTI Act has no time limit for disposal of appeals by the Information Commission, whereas the DAA is required to dispose off appeals within 30 days. However, a time limit for Information Commission appeals could still be provided for under the RTI Rules framed by the State. The only time limits imposed upon the IC by the RTI Act are as follows -

- 30 days in case of appeals by third parties against the decision of the PIO to release information given by them to that public authority in confidence and
- 45 days in cases where information sought has to do with allegations of corruption or human rights violation committed by any member of the intelligence or security organisations notified under Schedule 2 of the RTI Act [Sec. 24(1)]

(55) What could be done to prevent parties from relying on lawyers and thereby making appeals to the Information Commission unnecessarily legal and complicated?

Response:

In other countries, Information Commissions discourage the use of lawyers. The Information Commission should make it clear to parties that there will be no advantage in bringing a lawyer to proceedings because the Commission staff will anyway fill any gaps in research resulting out of the lack of legal representation.

It is better for the Information Commission to promote a non-adversarial approach to handling appeals. In this context, it is suggested that the Commission should consider incorporating mediation as one of its strategies - as is done in many Commissions throughout the world. Commission staff can talk to the parties and see if a compromise can be reached on disclosure, i.e. by releasing most records, or partially disclosing a certain record, etc.

(56) Will the APIO be punished for giving wrong or misleading information just as a PIO can be penalised under this Act?

Response:

The APIO is not duty bound to give information to the applicant. However if the information sought is under his/her control then such information may be given upon payment of the prescribed fees (if any). However APIO is liable for penalty for providing wrong or misleading information even under other laws like the Indian Evidence Act and the Indian Penal Code.

(57) Will a PIO be penalised if the senior officer verbally orders him not to release information to the requestor?

Response:

No. All officers must assist PIOs to process applications and provide information, if requested by the PIO to help. All such officers will be considered to be PIOs for the

purpose of contravention of this Act. If a PIO is not given information by a senior when he requests their assistance, accordingly it is the senior will be penalised while the PIO will escape penalties. To protect against a penalty, it is advisable that PIOs note in writing the responses given when requesting assistance so that this can be used as evidence in any appeal or penalty hearing.

Protection for action taken in good faith

(58) If the information given by the PIO in response to a request turns out to be wrong, false or misleading but the PIO was not responsible for the creation that record or such information will he/she be penalised by the IC?

The RTI Act provides protection to the PIO for action taken in good faith. If the requested record has not been prepared by the PIO but by some other officer or if the data compiled by the PIO was received from some other officer and the PIO merely passed on

that information to the applicant without having prior knowledge that such information was wrong or false or misleading he/she is not guilty of an offence under the RTI Act. The IC will penalise PIOs only in such cases where it may find him/her guilty of giving wrong, false or misleading information in a *mala fide* manner.

(59) What if the applicant claims that he/she did not receive the intimation letter from the PIO and files an appeal with the DAA and the IC? Will the PIO be penalised?

Response:

The PIO is advised to maintain a copy of the intimation letter in his/her records for use in such cases. Furthermore the PIO may send the intimation letter Under Posting Certificate (UPC) to the applicant. This is ample proof that the PIO had taken action in good faith. The PIO will not attract penalty in such cases. The law requires that the PIO be given an opportunity to present his/her case before the decision to impose a penalty is taken.

(60) Most of the corruption and poor governance at high levels leaves no paper trail as all such orders are given verbally which the official is compelled to follow. How will this Act help such an official?

Response:

This Act is like a weapon in the hands of the honest bureaucrat. He can always demand that the unreasonable orders of the superior be given to him in writing. In the absence of such a written order the official must exercise his duty as a law abiding officer and do what is required of him by the Act.

Under this law the PIO ordinarily does not require the permission of his superior to release information that is requested unless it is covered by one of the exemptions and requires a public interest test. If the PIO records that the order of his superior has prevented him from meeting the information request of the citizen, he will not be penalised by the Information Commission. It is the superior who will be called to question. Similarly in cases where partial access to records may be granted, the decision will be made by an appropriate officer to be determined by the Government. The PIO will only be responsible for communicating the decision of such officer to the applicant.

Relevance of Official Secrets Act

(61) The PIO continues to be under the purview of the Official Secrets Act (OSA) of 1923. How will he reconcile his duties under the RTI Act with the secrecy required to be maintained under the OSA? What happens to the oath of secrecy every officer is required to take while joining service?

Response:

The OSA will not have an overriding effect over the RTI Act according to Sec. 22. But the OSA has not been repealed by the RTI Act either. Therefore it is important for Government to give specific guidelines regarding the interaction of the obligations under the OSA with the duties of the PIO under the RTI Act. The Government will probably

have to amend the oath of secrecy to bring it in line with the imperative of transparency required under the RTI Act.

Public Education and Training Programmes

(62) Attention should be paid to public awareness raising, but at the same time, Government resources (financial and human) are stretched at the moment. So how does a Government meet the requirements of public education and training of officials?

Response:

The public education programme required under the RTI Act is subject to availability of resources. However the Government cannot indefinitely postpone this programme. Funds will have to be allocated for this purpose. Furthermore the Government is required to publish within 18 months of enactment, a guide for citizens to use the RTI Act

effectively. This must be done within the deadline and is not subject to availability of resources. The guide must be made available in local languages as well.

Training of PIOs, APIOs and DAAs and also the staff of the Information Commission is a must for the proper implementation of the RTI Act.

(63) Where will the Government find the money for meeting all obligations under this law?

Response:

Proactive disclosure, training of officers, setting up the Information Commission, spreading awareness about the Act among people will require a lot of resources and all of this cannot be done completely and effectively in 120 days although many public authorities at the Centre and the States are going about accomplishing these tasks in a resolute manner. However, a beginning can be made with existing resources to show that the government is seriously committed to implementing all aspects of the Act. The State

can send a written request to the Central Government (as this is a central law that will be implemented by the State) to release funds in order to implement the Act's various provisions. By demonstrating steps already taken, it is to be hoped that the Central Government will be more likely to respond favourably because the Government will have proven its commitment to implementation and can request more specific budget assistance.

(64) The implementation of this Act will require huge resources that have not been budgeted for during the current year. How will the public authority meet the additional expenses arising out of the implementation of the RTI Act?

Response:

It is true that this law was passed after the budgetary allocations for the current year had been made. So there is no separate head on which to defray these expenses. A separate head will have to be created for this purpose in the next budget. Allocations for the functioning of the Information Commission and the functioning of PIOs, APIOs and DAAs apart from disseminating Public Information Directories will have to be made.

Rule-making powers

(65) The Act gives the Central and State Governments as well as the competent authorities the power to make rules for implementing the Act, Will this not lead to lack of uniformity?

Response:

The competent authorities are identified in Sec. 2 so as to not leave any arm of government viz., the legislature, the executive and the judiciary outside the purview of the Act. As these are constitutional bodies with specifically delineated spheres of operation no single authority can make rules for all of them. The competent authorities can make rules regarding the application fees to be charged, additional fees to be charged as cost of

providing information and the determination of the cost price and the medium of dissemination of documents prepared under Sec. 4 (proactive disclosure). But the State and Central Governments have the additional power to make rules regarding the procedure to be followed by Information Commissions while deciding appeals and the salary and emoluments structure for Commission staff.

In the event of lack of conformity in the rules, the Information Commission at the appropriate level can be moved to harmonise the rules.

Compliance by non-government organisations

(66) Is the Government responsible for implementing this Act in nongovernment organisations?

Response:

The RTI Act covers all non-government/private bodies that are controlled or substantially financed directly or indirectly by Governments. But it is not the responsibility of the Government to ensure that such bodies comply with the provisions of this Act. Instead it is advisable to make a list of all such organisations that are substantially financed by every Department or Public Authority within Government. A communication may be sent drawing their attention to the obligations under the RTI Act and advising them to set up an information access system for the benefit of the public. If they do not comply it is for the relevant Information Commission to pull them up. The Governments need not take responsibility for non-government organisations in relation to their compliance with the provisions of the RTI Act.

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RIGHT TO INFORMATION ACT – FAQ's

Right To Information Act – FAQ's

Sr. No.	Point	Clarification
1.	As a second appellate authority, whether Information Commissioners' decisions are binding and compulsory? Whether interpretation in one case can be quoted as a ruling in other case on the lines of SC decisions?	According to Sec 19(7) of RTIA 2005 the decisions by the second appellate authority (Central/State Information Commissioner) are final and binding This will have to be dealt separately while framing the rules
2.	Which types of public organizations are covered under RTI Act? (What is the meaning of 'substantially funded by government'? Is the list of such organizations available?)	It is applicable to Both houses of parliament as well as all states and UTs, All the courts in India, Any authority, body or institution of self government constitution under constitution, by any other law, body owned controlled or substantially financed, directly or indirectly by funds provided by the appropriate government? Every department of the Central/state Govt. will have to publish a list of all such organizations and will have to be updated from time to time
3.	For the delay in giving information by Public information officer as well as his assistant or subordinate staff who helps PIO in providing information can be punished? What if the situation is beyond his control?	Under section 5(5) of the act any officer whose assistance has been sought by PIO is equally liable under the act as the PIO? Under section 21 of the act action taken in good faith is protected, but it must be proved based on documentary evidence
4.	If any public information officer has not provided the information in prescribed time or provides misleading, incomplete information then there is punishment for Public Information officer. If the information is in the custody of non-officials whether he will be liable for the punishment?	The central / state information commissioner may impose penalties under the provisions of the act. Amendment specifying the custodian of government record to include Non Officials will have to be carried out.
5.	If the officer is punished what remedy does he have under principle of natural justice?	According to section 19(5) the onus of proving that the denial was justified is on the PIO (He will have the opportunity to be heard)
6.	If information is asked which is related with opinion and action taken on that subject instead of particular information,	What ever is covered under the definition of 'Information' and 'Record' can only be given.

	what action is expected by PIO?	
7.	If the appeal decided by first appellate authority is not clearly worded then what is the remedy available.	Seek guidance and Direction of The Central/ State Information Commissioner who can direct the appellate authority.
8.	Can we provide the information related with confidential service report of officer?	It comes under personal information not related to any public interest and therefore will have to be denied under section 8(1) (j) . However in the Maharashtra Act a specific exemption was provided
9.	Can PIO provide information related to an irregular decision taken on a file?	Yes, if it is not covered by any of the exemptions.
10	Which information cannot be provided under Official Secret Act 1923?	Section 22 of the Act overrides the provisions of Official Secrets Act 1923
11	If office has sought advice from Public Prosecutor's Office, shall it be provided to the applicant under RTIA?	Yes, if it is not covered by any of the exemptions.
12	What do cabinet papers mean?	Cabinet papers include the reasons, the material on the basis of which decision has been taken. They can be disclosed only after the cabinet decision has been taken and the matter is complete or over.
13	Some applicants ask questions 'why something was not done? Who is responsible?' Are such types of questions answerable under RTI Act?	If it is covered under the definition of 'Information' / 'Record' then only it can be given
14	Whether the information relating to Matters, which are pending in court. Can be provided under the act.	Yes, if it is not covered by any of the exemptions especially the one related with contempt of court.
15	If the Information Officer is on long leave then who provides the information?	The person handling his charge will have to provide such information
16	If information is available on official website, can PIO refuse that information?	Yes, but how to get the respective information with details of Navigation should be provided to applicant. And availability of internet service has to be confirmed first.
17	Can the PIO provide the information relating to waiting list of personal advances like house building advance? Whether public interest is involved in such cases?	The information should be given to the applicant. since such transparency is in the public interest
18	If the application is received without necessary fees or incomplete format, by	Yes, but the applicant should get the proper guidance for the completion of

	unknown person or without signature, can this application be rejected?	formalities as far as possible
19	Some offices don't have Xerox, Typewriter then how to provide copies?	They will have to provide it by hiring these services
20	Some officers receive large no of applications. How can the PIO adhere to the time limit?	Public authority has powers to appoints information officer, he may appoint additional information officer for those offices
21	Can the PIO provide information, which is more than 20 yrs old?	Yes
22	If under office procedure rules some records are to be destroyed within some stipulated period. If such overdue papers still exist in office & an applicant asks for these documents. Is it necessary to provide such information?	Yes
23	Whether a lawyer is allowed while presenting the case before the appellate authority?	This will have to be taken care of while framing the rules
24	Whether the PIO get the assistance of govt. pleader to plead his case.	This will have to be taken care of while framing the rules
25	Some applicants don't collect the information, which the office has kept ready. Can PIO ask for some reasonable deposit to avoid such cases?	No Provision
26	Is there an upper limit to questions one person can ask?	No
27	How many questions one person can ask in one application?	There is no limit

FAQs by DOPT

The ration shop dealer is telling you as usual that the food grains are not available. But now you have right to know how much food grains he got how he has distributed it day wise to whom etc. by applying to the public Information. Once the dealer knows that you can get such information and somebody can watch his affairs closely. You can imagine what will be the impact.

The roads in your vicinity are not mended. With the right to information you will get to know what was the budget allocated for the roads in your vicinity. Which are the works which are carried out which are on shelf and when you can expect the work to be undertaken. Now you can ask direct questions to the appropriate authorities based on facts in hand and no body can ignore you.

Your daughter has got fewer marks (numbers) in Board exam in 12th standard. She is a brilliant girl throughout her school career. You have applied for revision and got a routine answer, which you refuse to believe. With right to Information you can apply to the Public Information officer of the board and see the paper yourself and get satisfied about the truth.

A school is being built in your village. You are very proud about this development. But you suspect that the contractor is using sub standard material or not in a right proportion. Under right to information you can get hold of the contract papers of the work and then seek a sample of the material on sight by applying to the PIO

You want to meet the Tahsildar of your Tahasil for some case pending in office. You have gone to visit his office many times but not met him. Under right to information every office has to publish their working hours, procedures, norms etc. Now you will get to know the tour diary of the officers. You can meet your Tahasildar when he is visiting to your village.

Your brother is admitted in the rural hospital. You have been given list of medicines to be purchased from private medical shop. You are of the opinion that these medicines should be supplied by the hospital itself. You can seek this information under the act you may ask the supply of medicines date wise and crosscheck the distribution date wise and get satisfied about the truth.

The posts are announced for some government posts. Many candidates are short-listed. You feel you have not been given the opportunity for appearing for interview. You can ask for the criterion for short listing. You can inspect and see yourself the eligibility of other candidates

Quiz

Quiz

Quiz No.1 – Reinforcement for PIO

Sr. No.	Questions	Options
1	A citizen seeking Information can make a verbal request under RTI	True / False
2	RTI Act does not put an end to verbal request and information can be given informally on such request	True / False
3	Application for information can be only on a prescribed format	True / False
4	Act provides uniform standard format for applying for information through out the country	True / False
5	The PIO has power to verify the intention of the applicant in seeking information	True / False
6	The applicant is not required to give reasons for seeking information under the Act	Yes / No
7	The size and content of proactive disclosure reduces proportionately number of applications seeking information	Yes / No
8	If the same information is sought by a large number of people, then it may be made available to only one person	Yes / No
9	Such above information should be put on the website / internet of the public authority to save PIO's time and resources	Yes / No
10	There is a limit on the number of kinds of information sought in one single application	Yes / No
11	If a citizen asks, say 20 kinds of information, can the PIO negotiate with the citizen to -	a) Make more than one application b) Ask for one category of information and apply later for other information c) Apply to different concerned PIOs d) All the above e) None of the above
12	If it is difficult to provide information in the requested format, can the PIO -	a) Discuss the matter with the applicant b) Give detailed reasons

		in writing for not able to meet to the request c) Reject the request for information d) All the above e) None
13	No penalty will be imposed on the PIO if it is shown that he took action in good faith	Yes / No
14	If the information sought is available with the APIO, he can give that information to the applicant	Yes / No
15	Penalty can be levied on APIO under the Act, for giving wrong, incomplete or misleading information	Yes / No
16	If the PIOs is illiterate (e.g. Gram Pradhan of the Gram Panchayat), he can refuse to accept the request in writing	Yes / No
17	He will also provide the requisite information verbally and not in writing	Yes / No
18	If the applicant threatens to commit suicide if the information is denied, the requisite information should be given within 48 hours.	Yes / No
19	PIO genuinely decides that the information requested does not relate to the life and liberty of the individual and provides the requisite information after 48 hours, but within 30 days. Penalty can be levied on him.	Yes / No
20	An applicant (BPL) seeks information which is available in diskette or floppy. PIO charges Rs. 50/- for supply of information. Can it be allowed.	Yes / No
21	APIO forwards an application (without application fee) to the PIO, who inadvertently supplies the information to the applicant. Who has to make good the loss to the Government ?	a) The APIO b) The PIO c) The applicant d) None
22	An applicant (BPL) applies again for the information already provided earlier to him. He will be asked to pay the fee now.	Yes / No
23	If the request for information is received by email, the information will also be provided only through email	Yes / No
24	If the information sought is provided after the expiry of stipulated time limit, the PIO will refund the fee paid	a) by cash b) by demand draft c) by bankers cheque d) by adjusting against

		any future request.
25	If the applicant does not pay additional fee towards the cost of providing within the prescribed time limit, the PIO will not be penalised for not providing information	Yes / No
26	In the above case, the applicant can be penalised	Yes / No
27	If the applicant does pay the additional fee but after the expiry of provided time limit, the PIO can refuse to provide information	Yes / No
28	If the applicant does not respond to the intimation of the PIO requesting payment of addition fee, then the PIO	<ul style="list-style-type: none"> a) will provide information to the applicant b) will issue a reminder c) will issue a number of reminders d) will charge the cost towards issuing reminders e) will reject the request
29	Information procured is published in the press by the applicant, can he be penalised ?	Yes / No
30	If the information requested relates to the work of several departments, the PIO can	<ul style="list-style-type: none"> a) reject the application b) give partial information c) forward copies of the application to the concerned PIOs d) give details of PIOs to the applicant for him to submit applications to them
31	The Right To Information Act, 2005 vis-a-vis Official Secrets Act, 1923	<ul style="list-style-type: none"> a) OSA, 1923 has overriding effect on RTI Act 2005 b) RTI Act 2005 has overriding effect on OSA, 1923 c) Both the Acts will have their own jurisdiction d) None of the above
32	Decisions on grant of partial access to a record is taken by	<ul style="list-style-type: none"> a) The PIO b) The Appellate Authority

		c) The public authority d) By an officer of the level of Joint Secretary and above
33	PIO can reject the request, if taking of samples results in damage to the concerned public work	Yes / No
34	If the information sought relates to more than one state, the PIO can	a) reject the request b) give partial information c) refer to the other concerned state (s) d) refer to the central government
35	The Appellate Authority is setup to give	a) non - judicial decision b) quasi – judicial decision c) Judicial decisions d) No decision
36	If there is large number of requests for inspection of records, the PIO will	<ul style="list-style-type: none"> ▪ Not entertain requests ▪ Will allow inspection on 'first come first serve' basis ▪ Allot a day and time for this purpose ▪ Will charge exhorbitant fee to discourage such applications
37	Should there be distinct mark, like a stamp impression, on the document issued under RTI Act ?	Yes / No
38	If the PIO provides wrong information and the same has been prepared by another officer, the Information Commission will	a) penalise the PIO b) penalise the other officer c) not penalise anybody
39	Can citizen seek information that is 20 yrs. old	Yes / No
40	Can file notings be disclosed to the public ?	Yes / No

Quiz No. 2 – Reinforcement for Appellate Authorities

Sr. No.	Question	Options
1	The main objective of Section 4 of the Act is that maximum information will proactively be published, so that citizen can request for more and more information	True / False
2	To provide maximum information sought proactively, the help of following may be taken -	a) The Public Information Officers b) Appellate Authorities c) Information Commissioners d) All the above e) None
3	The material / Information for proactive disclosure may be maintained in the form of -	a) Printed manual (priced) b) Printed manual (unpriced) c) Soft copy in Floppies / CDs d) Website of the organisation e) None of the above
4	Secrecy is rule and providing information is exception	True / False
5	The RTI Act came into force completely from	a) June 15, 2005 b) October 2, 2005 c) October 12, 2005 d) October 31, 2005
6	A PIO can also be Appellate Authority	True / False
7	The number of Appellate Authorities can be more than number of PIOs in a State	True / False
8	In no case, an APIO can be senior in rank to PIO	True / False
9	Appellate Authorities should be designated in all NGOs	Yes / No
10	The details of Appellate Authorities are required to be published in Official Gazettee	True / False
11	The work on Appellate Authority under the Act starts from 30 days after the Law comes into force	True / False
12	The decision of the Information Commission is final and there can not be any appeal against it before High Court or Supreme Court	Yes / No

13	The role of APIO is only that of post office	True / False
14	The PIO has the power to ask the applicant why he wants such information	True / False
15	The PIO is concerned only with the definition of 'Right To Information' and not with definitions of 'Information' and 'Record'	True / False
16	The Right To Information includes inspection of work and taking certified samples of material	True / False
17	While considering an appeal, the Appellate Authority would see whether the PIO acted in 'good faith'	Yes / No
18	There is no appeal against the decision of the Appellate Authority	True / False
19	APIO is assistant to the PIO	Yes / No
20	There is no penalty on APIO even if he does not forward the request for information to PIO	True / False
21	PIO is the only contact point for citizens	Yes / No
22	From the following activities which one is not performed by PIO	a) Receiving application for information. b) Assisting a person making oral request to reduce it into writing c) Refusing to accept application as it is not accompanied by application fee d) Refusing to accept as the application seeks too many informations e) Reject the application as it is not in official language of the State
23	Well 'reasoned' order is issued by	a) APIO b) Appellate Authority c) Information Commission d) None of them
24	Appellate Authority can not determine the 'reasonableness' of fee charged for providing information	Yes / No
25	Exemption under sections 8 & 9 of the Act relate to categories of information and not categories of records.	Yes / No
26	Information which can not be denied to Parliament or a State Legislature can be denied	True / False

	to the applicant	
27	Quasi-judicial powers, in addition to administrative powers, are given to Appellate Authority.	True / False
28	The aggrieved applicant can directly approach the Information Commission, bypassing the Appellate Authority	True / False
29	The Appellate Authority has power to impose penalty on PIOs	True / False
30	In which of the following cases, the Appellate Authority can not receive appeal	<p>a) Where PIO has failed to provide requested information in the stipulated period</p> <p>b) Where the applicant believes the rejection by PIO is unjustifiable</p> <p>c) Where PIO has refused to accept the application</p> <p>d) Where APIO has refused to forward the applications to the PIOs or appeals to Appellate Authority</p>
31	For preferring appeal to Appellate Authority, the applicant has to pay fees	True / False
32	Appellate Authority has discretionary power to accept an appeal preferred after the expiry of deadline	Yes / No
33	There is a time limit fixed for issue of order on appeal by the Appellate Authority	True / False
34	The Information Commission can summon the Appellate Authority to appear before it	True / False
35	Interpretation of exemption under section 8 in the light of public interest, is one of the important decisions of the Appellate Authority	Yes / No
36	In the event of the applicant preferring a second appeal, the Appellate Authority should provide necessary material for use by the Information Commission.	Yes / No
37	It would be best if the head of the public authority is the Appellate Authority	Yes / No
38	Appellate Authority should have complete record of appeals received, decisions given etc.	Yes / No

39	There is duplication of work being performed by Appellate Authority and Information Commission	True / False
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40. Please arrange the activities of APIOs in sequential order.

Sr. No.	Activity	Sequence
1	Issuing receipt to applicant	
2	Checking the application	
3	Registering complete application	
4	Receiving the application	
5	Forwarding the application to PIO	
6	Collecting Application Fee / proof of BPL	