

FAQ's (For Applicant)

1. What is RTI Act 2005 and what powers does the RTI Act, 2005 provides to the citizens?

Answer: Right to Information Act 2005 is to empower the citizens, promote transparency and accountability in the working of the Government, contain corruption, and make our democracy work for the people in real sense.

This Act vests every citizen the right of seeking and obtaining information. It includes the right to:

- (i) Inspect works, documents, records, (including the office) of any public authority.
- (ii) Take notes, extracts or certified copies of documents or records.
- (iii) Take certified samples of material. This includes right to videography.
- (iv) Obtain information in form of printouts, diskettes, floppies, tapes, video cassettes or in any other electronic mode.

2. How do I write my application for seeking the information as per RTI Act 2005?

Answer: The text of the application may be written in the prescribed column of the RTI request form. At present, the text of the application is confined up to 3000 characters only. In case, the text of an application contains more than 3000 characters, it can be uploaded as a PDF attachment in the "Supporting Document" column of the form.

3. How do I make the payment for RTI fee?

Answer: After filling the first page of the RTI request form, a non-BPL applicant has to click on "Make Payment" button for payment of the prescribed RTI fee.

The applicant can pay the prescribed RTI fee through the following modes:

- a) Internet banking through SBI and its associated banks
- b) Using ATM-cum-Debit card of State Bank of India
- c) Credit/Debit card of Master/Visa.

It may be noted that no RTI fee is required to be paid by a citizen who is below poverty line, as per RTI Rules, 2012. However, the BPL applicant must attach a copy of the certificate issued by the appropriate government in this regard, along with the application.

4. Do I get any receipt for online filing of RTI application?

Answer: On submission of an application, a unique registration number will be issued, which may be referred by the applicant for any future reference.

It may be noted that the application filed through this RTI Online Portal will reach electronically to the "Nodal Officer" of the said Ministry/Department and "Not" to the CPIO of the concerned Ministry/Department. The Nodal Officer will transmit the RTI application electronically to the concerned CPIO.

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

Answer: In case the RTI application is not meant for the Public authority which has been selected by the applicant, the "Nodal Officer" of the said public authority would transfer the application electronically to the "Nodal Officer" of the concerned Central Public authority, if aligned to this portal and physically to that Central Public authority which is not aligned to this portal, under section 6(3) of the RTI Act.

It may be noted that RTI applications filed through this portal for the state public authorities, including NCT of Delhi, would be returned, without any refund of fee.

6. How do I file an appeal with First Appellate Authority?

Answer: For making an appeal to the first Appellate Authority, the applicant has to select the option "Submit First Appeal" in the RTI Online Portal and fill up the form that will appear.

The registration number and e-mail ID of the original application is required for filing the first appeal

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

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

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

Answer: An applicant can file an appeal before the FAA when:

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

9. Can information sought by a citizen through a RTI application be denied?

Answer: As per Section 3 of the Act, citizen's right to access information under the Act is subject only to limitations prescribed under the Act. Therefore, any refusal of information desired by a citizen has to be only on a ground mentioned in section 8(1) or Section 9 if the application, accompanied by the appropriate fee, is filed to a public authority. The Act gives no scope to the public authorities to import new exemptions and deny the information on grounds other than those that have been specifically provided.

10. How should an appellant file the second appeal before the Information Commission?

Answer: In respect of Central Information Commission, the procedure to be adopted has been prescribed under the CIC (Appeal Procedure) Rules, 2005. Similarly, the procedure followed by State Information Commissions is governed by the Rules notified by the respective State Governments in this regard.

An appeal to the CIC should contain the following information:-

- (i) Name and address of the appellant;
- (ii) Name and address of the CPIO against the decision of whom the appeal is preferred;
- (iii) Particulars of the order including number, if any, against which the appeal is preferred;
- (iv) Brief facts leading to the appeal

(v) If the appeal is preferred against deemed refusal, the particulars of the application, including number and date and name and address of the CPIO to whom the application was made;

(vi) Prayer or relief sought;

(vii) Grounds for the prayer or relief;

(viii) Verification by the appellant; and

(ix) Any other information which the Commission may deem necessary for deciding the appeal.

An appellant should enclose the following documents with the appeal:-

(i) self-attested copies of the Orders or documents against which the appeal is being preferred;

(ii) Copies of documents relied upon by the appellant and referred to in the appeal; and

(iii) An index of the documents referred to in the appeal.

11 . Can any penalty be imposed on the applicant?

Answer: There is no provision in the RTI Act for imposition of penalty by the Commission on any applicant. The Delhi High Court in Paardarshita Public Welfare Foundation through Mr. Harkrishan Das Nijhawan vs UOI and oths [WP(C) 6802/2010] imposed costs of Rs. 75,000/- (Rupees Seventy Five Thousand) on the applicant for vexatious filing of appeal.

FAQ's (For PIO)

1. Are different offices of an organization different Public authority?

Answer: Each PIO is not a separate public authority by himself. He is only a part of the public authority which has designated him as such. It is important to note that if different offices of an organization are taken as different public authorities, transfer of application can take place u/s 6(3). Otherwise, the PIO should seek the help of the other officer u/s 5(4) as the transfer can take place only between two different authorities.

2. In which language can the application be filed before a PIO?

Answer: The application can be either in:

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

As per Rule 26 of the erstwhile CIC (Management) Regulation, 2007 which have been quashed by the Delhi High Court, the second appeal or a reply to it can be filed before the CIC in English or Hindi only or should be accompanied by a certified translated version of it in English or Hindi.

3. What are the essential requirements of an application filed before a PIO?

Answer: The essential requirements of an application are:

- (a) The applicant should be a citizen of India.
- (b) Application should contain the particulars of information sought.
- (c) Evidence of payment of application fee should be attached.
- (d) Address of the applicant for sending a reply should be available

4. Should the application fee be in favour of the PIO?

Answer: The application should be accompanied by the prescribed fee in favour of the "**Accounts officer**" of the Public authority through a valid instrument. As per the Rule 3 of Right to Information (Regulation of Fees and Cost) Rules, 2005 "A request for obtaining information under subsection (1) of Section 6 shall be accompanied by an application fee of Rs. 10/-by way of cash against proper receipt or by demand draft or bankers cheque or Indian Postal Order payable to the Accounts Officer of the public authority". This rule is applicable for all Central Government offices.

5. Who is the 'concerned' PIO to whom an application should be filed?

Answer: The RTI Act requires that an applicant should address the application to the PIO of the '**concerned**' public authority. Ordinarily, the applicant knows where the required information is available and should contact the relevant office, ascertain who the relevant PIO is and file the request. A citizen may wrongly apply to a PIO believing that the information sought by him would be available with the public authority to which he has addressed the application. In such a situation, the PIO receiving the application should transfer the application to the concerned PIO.

If an application is submitted to a PIO with whom the information is not available but the information is available with another officer within the same Public Authority, the PIO is duty bound to get the same from the concerned officer in the public authority and supply the same to the applicant. If the information pertains to some other public authority, the PIO is required to transfer the application to such public authority within five days of the receipt of the application under intimation to the applicant.

6. How should an application be processed by a PIO?

Answer: Check whether application money (fee) has been paid properly.

- ii) Examine whether what has been sought is 'Information' as per the Act.
- iii) Examine whether the information sought pertains to him and,
 - a. If it is the subject-matter of another Public Authority, transfer the application to the concerned PIO within 5 days under intimation to the applicant.
 - b. Seek help of other officer(s) within the Public Authority, if required.
- iv) Examine whether third party information is involved and if the PIO intends to disclose the same, issue a notice within 5 days to it.
- v) Examine whether the information sought is exempted from disclosure and if so, whether partial information can be provided.
- vi) Calculate if further fee is required to be paid and if yes,
 - a. Intimate it to the applicant giving the details of calculations and name and address of the appellate authority and the time limit within which an appeal may be filed.
 - b. Receive further fee and ensure correctness of it.

7. Are the Non-Governmental Organizations (NGO's) and other Private Organizations covered under the RTI Act?

Answer : The concept of nongovernment organization means that it is independent of any manner of government control in its establishment, or management. That the organization does not perform – or pre-dominantly performs – “public” duties, too, may not be material, as long as the object for funding is achieving a felt need of a section of the public, or to secure larger societal goals. Many NGO's claim the income tax benefit or get a grant or land at concessional rate. NGOs come under the ambit of 'public authorities' if they are directly or indirectly funded by the Government.

8. Should a PIO accept an application filed by a director on behalf of a company? Or can an individual file an application on behalf of an association?

Answer: The right to file an application under the Act is available to a citizen and not a legal entity. However, a liberal view should be taken and the application should not be rejected merely on this technical ground. The beneficial provisions of the RTI Act should not be denied on account of a restricted interpretation of the definition of the term 'Citizen'. Wherever a specific citizen can be identified (i.e the name of the individual filing an application is obvious from the application), the information should be supplied irrespective of whether the individual has signed on behalf of an organization, firm or an association. An application from an Association / Partnership Firm / HUF / group of individuals constituted as a body or otherwise should be accepted.

9. Can a PIO ask for proof of citizenship from an applicant?

Answer: Ordinarily no proof of citizenship is required to be submitted along with the application nor is the PIO expected to ask for a proof. However, in certain exceptional circumstances, a PIO 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.

10. Can a Public Authority be considered as a third party?

Answer: A public authority is itself a third-party in relation to any information which it holds and shall be entitled to communicate its stand to the PIO within the meaning of Section 11(1) of the RTI Act about why it would wish certain information to remain confidential. Vide OM No. 8/2/2010-IR dated 27th April, 2010, the DoPT has referred to the issue of disclosure of documents in cases where a public authority sends some confidential papers to another public authority. Such information should be treated as third party information and the procedure u/s 11 should be followed.
