

Both at Centre and State levels, no fee for inspection of record, if such an inspection is made for one hour only.

However for more than one hour of inspection, Rs. 10/- shall be charged for every 15 minutes in Haryana and at the Central level it is Rs. 5/- every subsequent one hour. Every fraction of period above 15 minutes shall be counted as a complete period of 15 minutes. Haryana RTI Rules. Rule 5 (5).

\*There is no fee (Application or other additional fee for xerox copy, CD and Floppy etc.) For citizens below poverty line. Sec 7 (5)

\*\*Postal charges are also charged from the information seeker (Haryana RTI Rules, Form A).

In Haryana, additional fee has to be deposited within 15 days from the issuance of intimation in this regard. However, Central RTI rules are silent about it.

#### Q.19. What are the modes of fee payment?

Ans. Fee is payable to PIO in Haryana through Cash, Treasury Challan, Indian Postal Order & Demand Draft. Rule 4 (1)

\* At the Central Government level, modes of paying fee are cash, demand draft/bankers cheque and Indian Postal Order (Central RTI Rule).

#### Q.20. Who are the First and Second Appellate Authorities?

Ans. **First appeal** means an officer who is senior in rank to the PIO. An appeal can be made to her/him within 30 days from the expiry of the prescribed time limit or from the receipt of the decision. Sec 19 (1)(2) First Appeal has to be disposed of within 30 days from the date of its receipt. Period is extendable by 15 days if necessary. Sec 19 (6)

**Second Appeal** means the Central or the State Information Commission as the case may be. There is no hierarchy of Information Commissions. An appeal to the commission can be made within 90 days of the date on which the decision was given or should have been made by the First Appellate Authority. Sec 19 (3) Delay may be condoned by the First & Second Appellate Authorities, if sufficient cause is shown Sec 19 (1) (3). There is no time limit for the disposal of appeal by the Commission.

#### Q.21. Can an applicant directly make a complaint to the Information Commission?

Ans. Yes, in case of the following grounds, applicant can directly make a complaint to the Information Commission; a) if a PIO/APIO has not been appointed in any public authority; b) if the PIO/APIO has refused to accept the application

c) has not provided the information in time or has asked for unreasonable fee  
d) has provided misleading, false, incomplete information.

And if the commission considers it appropriate the commission may accept the complaint and initiate an enquiry into the matter. Sec 18 (1)

#### Q.22. What are the penalty and disciplinary action provisions in the Act ?

Ans. The Information Commission can impose a penalty of Rs. 250/- per day till the information is provided. The penalty amount can be upto a maximum of Rs. 25000/-. The PIO is personally liable for the penalty. Penalty amount is deposited in govt. Exchequer.

**Penalty is imposed for the following reasons :**

- Without any reasonable cause, refuse to accept an application
- deliberately delaying information
- rejecting application without reasonable cause
- malafidely denying information
- knowingly giving incomplete, incorrect, misleading information
- destroying information that has been requested and obstructing furnishing of information in any manner. Sec 20 (1)

The Information Commission can also recommend disciplinary action under the service rules for persistent violation of the Act as given in previous para against an erring PIO. Sec 20 (2)

\*Commission can also make provision of compensation for the applicant, which is to be born by the concerned public authority. Sec 19 (8b).

#### Q.23. Which organizations are not falling in the ambit of RTI Act?

Ans. **The following 6 intelligence and security organizations are out of the Act:**

- State Criminal Investigation Department (C.I.D.) including the Crime Branch
- Haryana Armed Police
- Security organizations of Police
- Haryana Police Telecommunication Organization
- India Reserve Battalion
- Commando. (Haryana RTI Rules, 2009).

\* Central Govt. has listed the following 18 such organizations out of the ambit of the Act : IB, R & A W, Directorate of Revenue Intelligence, Central Economic Intelligence Bureau, Directorate of Enforcement, Narcotics Control Bureau, Aviation Research Centre, Special Frontier Force, BSF, CRPF, ITBP, CISF, NSG, Assam Rifles, Special Service Bureau, Special Branch (CID) - Andaman and Nicobar, The Crime Branch CID-CB, Dadra and Nagar Haveli and Special Branch, Lakshadweep Police. Sec 24.

\*\* However, if there is any allegation of corruption and human rights violations against the above organizations, then information of the above organizations will also have to be given. Sec 24 (1).

#### Q. 24. What are the monitoring the reporting powers of Information Commissioners ?

Ans. The Central and State Information Commission shall prepare annual reports and also formulate its recommendations to be forwarded to the appropriate governments, which will cause these reports to be tabled in the Parliament or the State assembly, as the case may be. Sec. 25

#### Q.25. Procedure for filing appeal - what information the appeal memorandum should contain ?

- Ans.
- Name and address of the appellant, including the details of content telephone/mobile Numbers/e-mail address, if any;
  - Official designation and address of State Public Information Officer or State Assistant Public Information Officer, as the case may be;
  - Official designation and address of the Officer against the decision of whom the appeal is preferred'
  - Particulars of the order including number, if any, against which the appeal is preferred
  - Brief facts leading to the appeal;
  - Prayer or relief sought;
  - Grounds for the prayer or relief;
  - Verification by the appellant; and
  - any other information which the Commission may deem necessary for deciding the appeal.

#### Q.26. Which documents should accompany the appeal?

- Ans.
- self attested copies of the Orders of documents against which the appeal is being preferred
  - copies of documents relied upon by the appellant and referred to in the appeal and
  - an index of the documents referred to in the appeal.

#### Q.27. What is the jurisdiction of courts?

Ans. Lower Courts are barred from entertaining suits or applications against any order made under this Act. However, the writ jurisdiction of the Supreme Court and High Courts under Articles 32 and 226 of the Constitution remains unaffected. Therefore, one can approach High Court and Supreme Court against the decision of the Information Commission.

## Ready Reckoner on Right to Information Act, 2005



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### Q.1. What are the objectives of the RTI Act ?

Ans. The objectives of the RTI Act are:

- (i) to provide for setting out practical regime of right to information for citizens to secure access to information held and under the control of public authorities;
- (ii) to promote transparency and accountability in the working of every public authority;
- (iii) to set up Central Information Commission and State Information Commission and for matters connected therewith;
- (iv) to contain corruption and to hold governments and their instrumentalities accountable to the governed;
- (v) to harmonise revelation of information with public interests, including efficient operations of the governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitized information. Preamble of the Act

### Q.2. Who are covered under the RTI Act?

Ans. The Act extends to the whole of India, except the State of Jammu and Kashmir. It covers all the three tiers (central, state and local) and three branches (legislature, executive & judiciary) of government, and all bodies owned, controlled or substantially financed; NGOs (directly or indirectly funded by appropriate government) and private bodies. However, information relating to private bodies can be accessed from the concerned controlling public authority (P.A.) and controlling P.A. can provide only that information about the private body which can be accessed by it under any other law for the time being in force. Section 1 (2) & Sec 2 (j)

### Q.3. What does information mean?

Ans. 'Information' means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports papers, samples, models, data material held in an electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force. Section 2(f)

### Q.4. What does Record mean?

Ans. 'Record' means

- (a) any document manuscript and file
- (b) any microfilm, microfiche and facsimile copy of a document
- (c) any reproduction of image embodied in such microfilm \ (whether enlarged or not)
- (d) any other material produced by a computer or any other device. Sec 2 (i)

### Q.5. What does Right to Information mean?

Ans. **Right to Information means** the right to information accessible under this Act which is **held by or under the control** of any public authority and includes the right to - :

- a) inspect works, documents & records
- b) take notes, extracts or certified copies of documents or records
- c) take certified samples of material
- d) and obtain information in form of printouts, diskettes, floppies, tapes, video cassettes or in any other electronic mode. Sec 2 (j)

### Q.6. What does "Public Authority" mean?

Ans. **Public authority** means any authority or body or institution of self-government which is established by:

- (a) the Constitution
- (b) any other law made by Parliament or State Legislature;
- (c) by notification or order made by the appropriate Government and including any - body or NGO substantially financed by the Centre, State and Local Governments. Sec 2 (h)

### Q.7. What does Competent Authority mean?

Ans. President in case of central government; Governor in case of state government; Chief Justice of India in case of Supreme Court; Chief Justice of High Court in case of a High Court and Speaker in case of Lok Sabha and State Assembly. Sec 2 (e)

### Q.8. Who is 'Third Party'?

Ans. The person whose information has been sought is the third party. The person applying for information is the first party; the public authority to whom application has been addressed is the second party. Sec 2 (n)

### Q.9. What are the obligations of the Public Authority?

Ans. Public authority is obliged to maintain its record properly ; publish and suo motu disclose all details about itself viz. structure, working and source of funds of organisation. Public authority should disseminate information in such a way that people can have access to information without making much efforts . Sec 4

### Q.10. Who is Assistant Public Information Officer (APIO) and what are his duties?

Ans. Public authority designates an officer as APIO at each sub-divisional or other sub - district levels. The duties of APIO are to receive the application for information/appeal from the applicant and to transfer the same to the PIO/ First Appellate Authority/ Information Commission. Sec 5 (2)

### Q.11. Who is Public Information Officer (PIO)?

Ans. PIO is an officer designated by the public authority in all administrative units or offices under it to provide information to the applicants. For providing information PIO may seek the assistance of any officer, who is having the custody of records and documents In case of contraventions of the provisions of this Act, such officer shall be treated as a PIO. Sec 5 (1,3 & 4)

### Q.12. What are the duties of a PIO?

Ans. PIO deals with RTI applications. In case of the inability in writing the application, PIO helps to write the application for the information seeker. Sec 5 (3) & Sec 6 (1b) If the demanded information is with some other public authority, the PIO transfers the application to the same within 5 days and inform the applicant immediately. Sec 6 (1b)

PIO, on receipt of an application, either provides the information within the stipulated period or rejects it. In case of rejection, PIO is to communicate to the applicant

- (i) the reasons for such rejection
- (ii) the 30 day appeal period within which an appeal against such rejection may be preferred, and
- (iii) the particulars of the Appellate Authority. Sec 7 (1) 7(8)

If information sought is of third party, the PIO within 5 days from the receipt of the request has to give a 10 days written notice to the third party. He will take third party's representation into consideration before taking a decision about the disclosure of third party information. Third party may make a representation in writing or orally before the PIO within 10 days from the date of receipt of such notice. PIO has to take the decision about disclosure of third party information within 40 days of the receipt of application. Furthermore, the third party has a right to be heard in respect of application and appeal. Sec 11

On receipt of an application, the PIO scrutinizes the application and assess the amount of fee required to be paid by the applicant. PIO has to intimate the applicant about the amount of **additional fee expeditiously** after receiving the application. Haryana RTI Rules, 4 (3) & (4)

In case the applicant fails to deposit the requisite fee within a period of **fifteen days** after the issuance of the intimation given him, it may be construed that the applicant is no longer interested in obtaining the information sought for and his applicant on may be file.

\* There is no time limit for depositing additional fee at the Centre level.

### Q.13. What is the Application Procedure for requesting information?

Ans. Application can be made to the PIO or APIO in writing or through

electronic means. Reasons for seeking information are not to be given.

Applicant should attach the prescribed application fee also. Sec 6 (1)

### Q.14. What is the time limit to get the information?

Ans. Time limits are the followings :

- (a) Normally 30 days for information from the date of application; Sec 7 (1)
- (b) 48 hours for information concerning the life and liberty of a person; Sec 7 (1)
- (c) 40 days to decide about disclosure or non disclosure after giving Third Party an opportunity to make third party representation Sec; (11)
- (d) 45 days if information relates to allegation of human rights violation against, the listed intelligence and security organisations, Sec; (24)

\* 5 days shall be added to the application received by APIO, provided APIO's office is at the regional level and PIO's at the headquarter level. Sec 5 (2) 6 (3).

\*\* Failure to provide information within the specified period is a deemed refusal. Sec 7 (2)

\*\*\* If the information is provided after the specified time, it shall be given free. Sec 7 (6)

### Q.15. Can Information be provided in the form, in which it is requested?

Ans. Information is provided in the form in which it is sought unless it disproportionately diverts the resources of the Public Authority or is detrimental to the safety or preservation of the record in question. Sec 7 (9)

### Q.16. Which information is not open to disclosure?

Ans. Following kinds of information are not open to disclosure:

- (a) information relating to sovereignty & economic interest of the country and which incites anybody for offence.
- (b) information forbidden by Courts and Tribunal;
- (c) information relating to privilege of Parliament and State Assemblies;
- (d) information relating to the commercial and trade secrets of the third party;
- (e) information available to a person in his trust relationship;
- (f) information shared with other country in confidence;
- (g) information endangering the life or physical safety of any person;
- (h) information impeding the the process of investigation;
- (i) cabinet papers & deliberations
- (j) personal information of an individual; etc. Sec 8 (1)

However, the competent authority in case of Sec 8 (1d, 1e) and PIO or First appellate authority in case of Sec 8(1j) may disclose the information if the public interest in disclosure is greater than the protected interest.

At the same time, information, the disclosure of which, violates the copy right of the individual and information of intelligence and security organizations given in Schedule 2 of the Act, also can not be given. Sec 24 (1).

### Q.17. How old information can be applied for?

Ans. **It depends on the record retention schedule of the public authority.** In case of exempted information, except the information falling in sub clauses a, c & i of Section 8(1) an information relating to any occurrence of an event which has taken place 20 years before the date on which a request is made, can be provided. Sec 8 (3).

### Q.18. What is the RTI fee structure in Centre and Haryana ?

Ans. **Fee Structure is as under:-**

	Centre	Haryana
<b>Application fee</b>	<b>10/-</b>	<b>50/-</b>
<b>Xerox copy of A3/A4 size paper</b>	<b>2/-</b>	<b>2/-</b>
<b>Larger than A3/A4</b>	<b>Actual Cost</b>	<b>Actual Cost</b>
<b>CD</b>	<b>50/-</b>	<b>100/-</b>
<b>Floppy</b>	<b>50/-</b>	<b>50/-</b>