

## Frequently Asked Questions (FAQs)

**1. What is RTI?**

RTI stands for Right to Information. The Right to Information Act, 2005 came into force on the 12th October, 2005, providing a machinery or a process to exercise the fundamental right to information.

**2. Who is entitled to seek information under the Act?**

Only a citizen of India can seek information. A non-citizen cannot.

**3. Does the Act have All India Jurisdiction?**

Yes, the Act extends to the whole of India.

**4. What is meant by 'information' under the Act?**

Information means any material in any form including records, documents, memos, emails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any 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.

**5. What is the citizen's rights to seek information?**

It 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; and
- d) Obtain information in form of printouts, diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts.

**6. Who will provide the information under RTI Act 2005?**

Central Public Information Officer (CPIO) of the specific Public Authority will provide the information.

**7. What does a "Public Authority" mean?**

It means any authority or body or institution of self-government established or constituted:

- a) by any other law made by Parliament;
- b) by any other law made by State Legislature;
- c) by notification issued or order made by the appropriate Government and includes any –
  - i. body owned, controlled or substantially financed;
  - ii. non-Government organization substantially financed directly or indirectly by the appropriate Government.

**8. Who is excluded under RTI?**

Act does not apply to certain organisations specified in the Second Schedule viz. Intelligence Bureau, Research and Analysis Wing of the Cabinet Secretariat, Directorate of Revenue Intelligence, Central Economic Intelligence Bureau, Directorate of Enforcement, Narcotics Control Bureau, Aviation Research Centre of the Cabinet Secretariat, Special Frontier Force of the Cabinet Secretariat, Border Security Force, Central Reserve Police Force, Indo-Tibetan Border Police, Central Industrial Security Force, National Security Guards, Assam Rifles, Sashtra Seema Bhal, Directorate General of Income-tax (Investigation), National Technical Research Organisation, Financial Intelligence Unit, India, Special Protection Group, Defence Research and Development Organisation, Boarder Road Development Board, National Security Council Secretariat, Central Bureau of Investigation Agency, National Intelligence Grid and Strategic Forces Command.

**9. What are the obligations of Public Authority?**

It shall publish:-

- a) the particulars of its organization, functions and duties;
- b) the powers and duties of its officers and employees;
- c) the procedure followed in its decision making process, including channels of supervision and accountability;
- d) the norms set by it for the discharge of its functions;
- e) the rules, regulations, instructions, manuals and records used by its employees for discharging its functions;
- f) a statement of the categories of the documents held by it or under its control;
- g) the particulars of any arrangement that exists for consultation with, or representation by the members of the public, in relation to the formulation of policy or implementation thereof;
- h) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted by it. Additionally, information as to whether the meetings of these are open to the public, or the minutes of such meetings are accessible to the public;
- i) a directory of its officers and employees;
- j) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- k) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- l) the manner of execution of subsidy programmes, including the amounts allocated and the details and beneficiaries of such programmes;
- m) particulars of recipients of concessions, permits or authorizations granted by it;
- n) details of the information available to, or held by it, reduced in an electronic form;
- o) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- p) the names, designations and other particulars of the Public Information Officers.



**10. What is the manner of publication?**

It is done through various means of communication including internet. It is available in English/ Hindi language. It will be available free or at such a cost based on the nature of information.

**11. What information is not open to disclosure?**

- a) Information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence
- b) Information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
- c) Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- d) Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the Competent Authority is satisfied that larger public interest warrants the disclosure of such information;
- e) Information available to a person in his fiduciary relationship, unless the Competent Authority is satisfied that the larger public interest warrants the disclosure of such information;
- f) Information received in confidence from foreign Government;
- g) Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
- h) Information which would impede the process of investigation or apprehension or prosecution of offenders;
- i) Cabinet papers including record of deliberations of the Council of Ministers, Secretaries and other officers;
- j) Information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual;
- k) Notwithstanding any of the exemptions listed above, a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

**12. Is partial disclosure allowed?**

Yes. Only that part of the record which does not contain any information which is exempt from disclosure and which can reasonably be severed from any part that contains exempt information, may be provided.

### **13. How to apply for information?**

The citizen has to apply in writing or through electronic means via <https://rtionline.gov.in/index.php> in English or Hindi or in the official Language of the area, to CPIO, specifying the particulars of the information sought for.

### **14. Where do I submit the application for information?**

- (i) One officer has been designated as "Central Public Information Officer" (CPIO). Request to information need to be submitted to the concerned CPIO of the Public Authority. The CPIO is responsible for collecting information requested by the applicants and providing to the RTI applicants.
- (ii) Also, several officers have been designated as Central Assistant Public Information Officers (CAPIOs). Their job is only to accept applications from the public and forward it to the right CPIO.

### **15. How can one who is deaf/blind apply?**

Where the applicant is deaf, blind, or otherwise impaired, the public authority is supposed to provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection.

### **16. Is there an "application form" to be filled?**

One can file an application in Form A or Form B (provided in the official website of BEML under the head of RTI) to the concerned CAPIO/CPIO or through electronics means in English or Hindi or in the official language.

### **17. Should the applicant give reasons for seeking any information?**

Applicant is not required to give any reasons or additional information other than your contact details (i.e., Name, Address, etc.).

### **18. Is there any fee for filing RTI application?**

Yes, there is an "application fee". For Central Government Departments, it is Rs.10. However, different states have different fees. For getting copies of the information sought, one has to pay charges for the copies. One has to deposit those fees, and the period intervening between the dispatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days. One has to pay additional cost as per the details below:

- i. Rs.2/- per page ( A4 & A3 Size) created or copied.
- ii. Actual charge or cost price of a copy in larger size paper;
- iii. For inspection of records, no fee for the first hour; and a fee of rupees five for each subsequent hour (or fraction thereof);
- iv. Rs. 50/- per diskette or floppy containing information;
- v. Information in printed form; price fixed for publication or Rs. 2/- per page of photocopy for extracts from the publication.



**19. How can one send his/her application fee?**

The applicant can deposit the application fee via:

- i. In person by paying cash [Receipt must be taken]
- ii. Demand Draft/ Banker's Cheque
- iii. Indian Postal Order

**20. Is there any exemption from paying application fee?**

No fees will be charged from people living below the poverty line provided a copy of the certificate issued by the appropriate Government in this regard is submitted along with the application.

**21. Who is Public Information Officer (PIO)?**

PIO is officer designated by the Public Authorities under it to provide information to any citizen requesting for information under the Act. Any officer, whose assistance has been sought by the PIO for the proper discharge of his or her duties, shall render all assistance and for the purpose of contraventions of the provisions of this Act, such other officer shall be treated as a PIO.

**22. Where can one find the concerned PIO?**

A list of PIOs / APIOs for all Central and State departments / Ministries is available online at [https://rtionline.gov.in/request/epio\\_Details\\_rticorner.php](https://rtionline.gov.in/request/epio_Details_rticorner.php) and a list of CPIO/CAPIOs of BEML is available at the official website of BEML under the head "RTI".

**23. Can the PIO refuse to accept RTI application?**

No. The PIO cannot refuse to accept a RTI application for information under "any circumstances". Even if the information does not pertain to his / her department/jurisdiction, she / he has to accept it. If the application does not pertain to that PIO, he would have to transfer it to the right PIO within 5 days. It shall be the duty of the Central Information Commission or State Information Commission, as the case may be, to receive and inquire into a complaint from any person.

**24. What are the duties of a PIO?**

- a) PIO shall deal with requests from persons seeking information and where the request cannot be made in writing, to render reasonable assistance to the person to reduce the same in writing.
- b) If the information requested for is held by or its subject matter is closely connected with the function of another public authority, the PIO shall transfer, within 5 days, the request to that other public authority and inform the applicant immediately.
- c) PIO may seek the assistance of any other officer for the proper discharge of his/her duties.
- d) PIO, on receipt of a request, shall as expeditiously as possible, and in any case within 30 days of the receipt of the request, either provide the information on payment

of such fee as may be prescribed or reject the request for any of the reasons specified in Sec.8 or Sec.9.

e) Where the information requested for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.

f) If the PIO fails to give decision on the request within the period specified, he shall be deemed to have refused the request.

g) Where a request has been rejected, the PIO shall communicate to the requester-

(i) the reasons for such rejection,

(ii) the period within which an appeal against such rejection may be preferred, and

(iii) the particulars of the Appellate Authority.

h) PIO shall provide information in the form in which it is sought unless it would disproportionately divert the resources of the Public Authority or would be detrimental to the safety or preservation of the record in question.

i) If allowing partial access, the PIO shall give a notice to the applicant, informing:

i. that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;

ii. the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;

iii. the name and designation of the person giving the decision;

iv. the details of the fees calculated by him or her and the amount of fee which the applicant is required to deposit; and

v. his or her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided.

vi. If information sought has been supplied by third party or is treated as confidential by that third party, the PIO shall give a written notice to the third party within 5 days from the receipt of the request and take its representation into consideration.

vii. Third party must be given a chance to make a representation before the PIO within 10 days from the date of receipt of such notice.

#### **25. What could be the ground for rejection?**

a) If it is covered by exemption from disclosure.

b) If it infringes copyright of any person other than the State. The PIO can deny information in some cases/matters. The various exemptions from disclosure of information are listed in Section 8 of the RTI Act, 2005. If the sought information is in public interest then the exemptions enumerated in Section 8 of the RTI Act, 2005 can also be disclosed.

#### **26. What if PIO fails to give the information?**

If a PIO fails to furnish the information asked for under the Act, every PIO will be liable for fine of Rs. 250/- per day up to a maximum of Rs. 25,000/- for:-

a) Not accepting an application

b) Delaying information release without reasonable cause

c) Malafidely denying information

d) Knowingly giving incomplete, incorrect, misleading information



- e) Destroying information that has been requested and
- f) Obstructing furnishing of information in any manner

The Information Commission can also recommend disciplinary action against the concerned PIO, under the Service Rules applicable to him/her.

**27. What are the time limits specified in the RTI Act?**

For matters involving "Life and Liberty".	Within 48 Hours form receipt of application.
For PIO to reply to an application.	30 days from date of receipt of an application.
For PIO to issue transfer to another PA under Section 6(3) of the RTI Act, 2005.	5 days from date of receipt of an application.
For PIO to issue notice to 3 <sup>rd</sup> party.	5 days from date of receipt of an application.
For 3 <sup>rd</sup> Party to make a representation to PIO.	10 days from receipt of notice from PIO.
For PIO to reply to application if 3 <sup>rd</sup> party involved.	40 days from date of receipt of an application.
For applicant to make First Appeal.	30 days from date of receipt of Public Information Officer's reply or from date when reply was to be received.
For First Appellate Authority to pass an order.	30 days from receipt of First Appeal or maximum 45 days, if reasons for delay are given in writing.
For applicant to make Second Appeal before CIC/State Information Commission.	90 days from receipt of First Appeal orders of from the date when orders were to be received.
For Central Information Commission / State Information Commission to decide Second Appeal.	No time limit specified.

**28. Handling of complaints under RTI ACT?**

Section 18 of the act empowers Central Information Commission (CIC) and also State Information Commissions (SICs) to enquire into complaints against Public Authority, Public Information Officer (PIO) and First Appellate Authority (FAA). The section has provided for enquiring and taking corrective steps by the respective commissions in respect of majority of problems that the applicant/appellant may face in getting information to which he is entitled to under this Act.

**29. Who are the Appellate Authorities?**

In case a person fails to get a response from the PIO within the prescribed period or is aggrieved by the response received, or misuse of Section 8 of the Act, then

- a) First Appeal: the Applicant can file first appeal to the officer senior in rank to the PIO in the concerned Public Authority within 30 days from the expiry of the prescribed time limit or from the receipt of the decision (delay may be condoned by the Appellate Authority if sufficient cause is shown).

- b) Second Appeal: The applicant can file a second appeal to the Central Information Commission or the State Information Commission as the case may be, within 90 days of the date on which the decision was given or should have been made by the First Appellate Authority. (delay may be condoned by the Commission if sufficient cause is shown).
- c) Third Party appeal against PIO's decision must be filed within 30 days before first Appellate Authority; and, within 90 days of the decision on the first appeal, before the appropriate Information Commission which is the Second Appellate Authority.
- d) Burden of proving that denial of Information was justified, lies with the PIO.
- e) First Appeal shall be disposed of within 30 days from the date of its receipt. Period extendable by 15 days if necessary.

### **30. What is the Jurisdiction of Courts?**

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 225 of the Constitution remains unaffected.

### **31. What is the role of Central / State Governments?**

- a) Develop educational programmes for the public especially disadvantaged communities on RTI.
- b) Encourage Public Authorities to participate in the development and organization of such programmes.
- c) Promote timely dissemination of accurate information to the public.
- d) Train officers and develop training materials.
- e) Compile and disseminate a User Guide for the public in the respective official language.
- f) Publish names, designation postal addresses and contact details of PIOs and other information such as notices regarding fees to be paid, remedies available in law if request is rejected etc.

### **32. Who has the Rule making power?**

Central Government, State Governments and the Competent Authority as defined in S.2(e) are vested with powers to make rules to carry out the provisions of the Right to Information Act, 2005.

### **33. Who has the power to deal with the difficulties while implementing this Act?**

If any difficulty arises in giving effect to the provisions of the Act, the Central Government may, by Order published in the Official Gazette, make provisions necessary/expedient for removing the difficulty.