

## **Frequently Asked Question (FAQs)**

### **Q.1. What is Information?**

Ans: According to Section 2(f) of RTI Act, (f) "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 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;

### **Q.2. What is a Public Authority?**

Ans: According to Section 2(h) of RTI Act, "Public Authority" means any authority or body or institution of self-government established or constituted—

(a) by or under the Constitution;

(b) by any other law made by Parliament;

(c) by any other law made by State Legislature;

(d) by notification issued or order made by the appropriate Government, and includes any—

(i) body owned, controlled or substantially financed;

(ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;

### **Q3: What is Right to Information?**

Ans: According to Section 2(j) of RTI Act, (j) "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—

(i) inspection of work, documents, records;

(ii) taking notes, extracts or certified copies of documents or records;

(iii) taking certified samples of material; (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

### **Q4 What is a Public Information Officer?**

Ans: According to Section 2(m) of RTI Act, a public authority can designate as many Central Public Information Officer u/s 5(1) of RTI Act, and Assistant Public Information Officer u/s 5(2) of RTI Act to provide information to public as per the provisions of RTI Act 2005.

**Q5. What is a Third Party under RTI Act?**

Ans: Under Section 2(n) of RTI Act 2005, "third party" means a person other than the citizen making a request for information and includes a public authority.

**Q6. How can a RTI be filled?**

Ans: According to Section 6(1) of RTI Act, A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to the Central Public Information Officer, as the case may be, of the concerned public authority, specifying the particulars of the information sought by him or her.

**Q7. What is the Fee for Seeking Information from Central Government Public Authorities?**

Ans: Under section 6(1) of RTI Act 2005, A person who desires to seek some information from a Central Government Public Authority is required to send, along with the application, a demand draft / a banker's cheque / an Indian Postal Order of Rs.10/- (Rupees ten), payable in favour of the **Finance Officer, JNU (Jawaharlal Nehru University)** as fee prescribed for seeking information. The payment of fee can also be made by way of cash to the Accounts Section of the public authority. However, the RTI Fee and the mode of payment may vary as under Section 27 and Section 28, of the RTI Act, 2005 the appropriate Government and the competent authority, respectively, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

**Q8. What is the Fee for the BPL applicant for Seeking Information?**

Ans: Under Section 7(5) of RTI Act, if the RTI Applicant belongs to below poverty line (BPL) category, in such case, he is not required to pay any fee. However, he should submit a ID proof in support of his claim to belong to the below poverty line.

**Q9. Is it required to give any reason for seeking information?**

Ans: As per Section 6(2) of RTI Act, An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

**Q10. Is there any assistance available to the Applicant for filing RTI application?**

Ans: If a person is unable to make a request in writing, he may seek the assistance of the Public Information Officer under section 6(1) of RTI Act to write his application.

**Q11. What is the Time Period for Supply of Information?**

Ans: As per Section 7(1) of RTI Act, in normal course, information to an applicant shall be supplied within 30 days from the receipt of application by the public authority. If information sought concerns the life or liberty of a person, it shall be supplied within 48 hours. In case the application is sent through the

Assistant Public Information Officer or it is sent to a wrong public authority, five days shall be added to the period of thirty days or 48 hours, as the case may be.

**Q12. Is there any provision for exemption from Disclosure of Information?**

Ans: The Sub-section (1) of section 8 and section 9 of the Act elaborates the types of information which is exempt from disclosure. Sub-section (2) of section 8, however, provides that information that is exempted under sub-section 8 (1) or exempted under the Official Secrets Act, 1923 can be disclosed if public interest in disclosure overweighs the harm to the protected interest.

**Q13 Is there any organization(s) exempt from providing information under RTI Act?**

Ans. Yes, certain intelligence and security organizations that are specified in the Second Schedule, are exempted from providing information excepting the information pertaining to the allegations of corruption and human rights violations. Courtesy – Guide on Right to Information Act, 2005 issued by the department of personnel and training Ministry of Personnel, Public Grievances and Pension Government of India.

**Q14. Is there any provision of Appeal under the RTI Act?**

Ans. According to Section 19 of RTI Act, If an applicant is not supplied information within the prescribed time of thirty days or 48 hours, as the case may be. Then, he may prefer an appeal to the first appellate authority who is an officer senior in rank to the Public Information Officer within a period of thirty days from the date on which the limit of 30 days of supply of information is expired or from the date on which the information or decision of the Public Information Officer is received. The appellate authority of the public authority shall dispose of the appeal within a period of thirty days or in exceptional cases within 45 days of the receipt of the appeal.

**Q15. Is there any scope for second appeal under the RTI Act?**

Ans: If the first appellate authority (FAA) fails to pass an order on the appeal within the prescribed period or if the appellant is not satisfied with the order of the first appellate authority, he may prefer a second appeal with the Central Information Commission within ninety days from the date on which the decision should have been made by the first appellate authority or was actually received by the appellant.

**Q.16. Complaints can be made under this Act? If yes, under what conditions?**

Ans: As per Section 18 (1) of RTI Act, If any person is unable to submit a request to a Public Information Officer either by reason that such an officer has not been appointed by the concerned public authority; or the Public Information Officer has refused to accept his or her application or appeal for forwarding the same to the appellate authority, as the case may be; or he has been refused access to any information requested by him under the RTI Act; or he has not been given a response to a request for information within the time limit specified in the Act; or he has been required to pay an amount of fee

which he considers unreasonable; or he believes that he has been given incomplete, misleading or false information, he can make a complaint to the Information Commission.

**Q17. Whether Penalties can be imposed under RTI Act?**

Ans: As per Section 26 of RTI Act, Where the Central Information Commission as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer, as the case may be, without any reasonable cause, has refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees.