

## FAQs on RTI

### **1. What is RTI?**

Every citizen of India has a right to secure access to information held by or under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. Right to Information (RTI) empowers every citizen to seek any information from the Government or any public authorities.

It includes the right to:

- i) Inspect work, documents, records;
- ii) Take notes, extracts, or certified copies of documents and records;
- iii) Take certified samples of material;
- iv) Obtain information recorded in any electronic mode or in physical form.
- v)

### **2. What is the object of RTI Act, 2005?**

The Object of this Act is to harmonize the conflicting public interests, that is, ensuring transparency to bring in accountability and containing corruption on the one hand, and at the same time ensure that the revelation of information, in actual practice, does not harm or adversely affect other public interests which include efficient functioning of the governments, optimum use of limited fiscal resources and preservation of confidentiality of sensitive information, on the other hand.

### **3. What is information?**

Information is any material in any form. It includes records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.

### **4. What information cannot be obtained using RTI?**

As per Section 8 of the RTI Act, 2005 the information of the following nature cannot be obtained:

- (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 records of deliberations of the Council of Ministers, Secretaries and other officers: 8 Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over: Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;
- (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 unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information: Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

Further, as held by the Hon'ble Supreme Court of India in *Khanapuram Gandaiah v. Administrative Officer*, AIR 2010 SC 615, applicant is entitled to get a copy of the opinions, advices, circulars, orders, etc., but he cannot ask for any information as to why such opinions, advices, circulars, orders, etc. have been passed.

**5. Can personal information be disclosed under RTI?**

No, personal information that has no relationship to any public activity or interest or which would cause unwarranted invasion of privacy of the individual cannot be disclosed. However, if the CPIO is satisfied that the larger public interest justifies the disclosure of such information, it may be disclosed.

**6. What is a Public Authority?**

A 'public authority' is any authority or body, or institution of self-government established or constituted by or under the Constitution; or by any other law made by the Parliament or a State Legislature; or by notification issued or order made by the Central Government or a State Government. The bodies owned, controlled or substantially financed by the Central Government or a State Government and non-Government organisations substantially financed by the Central Government or a State Government also fall within the definition of public authority. The financing of the body or the NGO by the Government may be direct or indirect.

**7. Is Agriculture Insurance Company of India Ltd. a public authority?**

Yes, Agriculture Insurance Company of India Ltd. is a public authority.

**8. Who is Central Public Information Officer (CPIO)?**

Public authorities have designated some of its officers as Central Public Information Officer (CPIO). They are responsible to give information to a person who seeks information under the RTI Act.

**9. Who are Central Public Information Officers in Agriculture Insurance Company of India Ltd.?**

The complete information regarding Central Public Information Officers in Agriculture Insurance Company of India Limited is available on its website which can be accessed at <https://www.aicofindia.com/AICEng/Pages/default.aspx>.

**10. Who is Central Assistant Public Information Officer (CAPIO)?**

These are the officers at sub-divisional level to whom a person can give his RTI application or appeal. These officers send the application or appeal to the Public Information Officer of the public authority or the concerned appellate authority. An Assistant Public Information Officer is not responsible to supply the information.

**11. Who are Central Assistant Public Information Officers (CAPIO) in Agriculture Insurance Company of India Ltd.?**

The complete information regarding Assistant Public Information Officers in Agriculture Insurance Company of India Limited is available on its website which can be accessed at <https://www.aicofindia.com/AICEng/Pages/default.aspx>.

### **FEE PAYABLE FOR SEEKING INFORMATION**

#### **12. What is the fee for seeking information from Central Government Public Authorities?**

A person who desires to seek information from a Central Government Public Authority is required to send, along with the application, a demand draft or a banker's cheque or an Indian Postal Order of Rs.10/- (Rupees ten), payable to the Accounts Officer of the public authority as fee prescribed for seeking information. The payment of fee can also be made by way of cash to the Accounts Officer of the public authority or to the Assistant Public Information Officer against proper receipt.

#### **13. What is the fee for the BPL applicant for seeking information?**

If the applicant belongs to below poverty line (BPL) category, he is not required to pay any fee. However, he should submit a proof in support of his claim to belong to the below poverty line category.

#### **14. Is there any further fee that the applicant may be required to pay?**

As per Section 7(5) of RTI Act, 2005 where access to information is to be provided in the printed or in any electronic format, the applicant shall pay such fees as may be prescribed. The rate of fee as prescribed in Rule 4 of the Right to Information Rules, 2012 are given below:

- i) Rs. 2/- (rupees two only) for each page (in A-3 or smaller size paper);
- ii) Actual cost or price of a photocopy in larger size paper;
- iii) Actual cost or price for samples or models;
- iv) Rs. 50/- (rupees fifty only) per diskette or floppy;
- v) Price fixed for a publication or rupees two per page of photocopy for extracts from the publication;
- vi) No fee for inspection of records for the first hour of inspection and a fee of Rs. 5/- (rupees five only) for each subsequent hour or fraction thereof; and
- vii) So much of postal charges involved in supply of information that exceeds fifty rupees.

Also, a citizen has a right to inspect the records of a public authority. For inspection of records, the public authority shall charge no fee for the first hour. But a fee of Rs. 5/- (rupees five only) for each subsequent hour (or fraction thereof) shall be charged.

The CIC held in *S.P. Goyal v. V.K. Singal* CIC/AT/C/2007/00282 dated 15.10.2007 that the expenses arising out of such applications that would affect the regular duties of CPIOs will be borne by the applicant.

*“The CPIO pointed out that the complainant, Shri S.P. Goyal has been filing a large number of RTI-applications for information, documents and so on. Initially, the public authority had patiently provided to him the necessary information, but later they were extremely handicapped by the proclivity of the complainant to file multiple applications, very often in the same matter with more than one public authority and seek voluminous information including certified copies of letters he has been writing to the public authority in the past several years. CPIO pointed out that the public authority had to suspend its other regular work in order to attend to the RTI-requirements of this complainant. Since this is imposing cost on the public authority, it was decided to invoke the provisions of Section 7(3) of the RTI Act to charge to the complainant not only the fee as prescribed in the Rules for each page of the information provided, but also the cost for the effort expended on collecting, collating and transmitting the requisitioned information.”*

*“The Commission finds merit in the respondents submission. The amount demanded from the complainant by the CPIO is reasonable considering the appellants sizeable requirements of certified copies. The decision of the CPIO is upheld.”*

### **FORMAT OF APPLICATION**

#### **15. How to make an application under RTI Act, 2005?**

A citizen who desires to obtain any information under the Act, should make an application to the Public Information Officer of the concerned public authority in writing in English or Hindi or in the official language of the area in which the application is made. The application should be precise and specific. He should make payment of application fee at the time of submitting the application as prescribed in the Fee Rules.

#### **16. In which languages can an application under RTI Act, 2005 be made?**

An application may be made in English, or Hindi, or in the official language of the area in which the application is made.

**17. Is there any specific format of application?**

There is no prescribed format of application for seeking information. The application can be made on plain paper. The application must include:

- i) Declaration that the applicant is a citizen of India.
- ii) Postal address, contact number and email id of the applicant.

The applicant can visit the Online RTI Application Portal, the link of which has been provided on the website <https://www.aicofindia.com/AICEng/Pages/default.aspx>.

**18. Is the applicant required to give any reason for seeking information?**

The information seeker is not required to give reasons for seeking information.

**ASSISTANCE AVAILABLE FROM CPIO**

**19. Is there any assistance available to the applicant for filing RTI application?**

If a person is unable to make a request in writing, he may seek the help of the Public Information Officer to write his application and the Public Information Officer should render him reasonable assistance as per Section 5(3) of the RTI Act, 2005. When such request cannot be made in writing, the CPIO shall render all reasonable assistance to the person making the request orally to reduce the same in writing. Where a decision is taken to give access to a sensorily disabled person to any document, the Public Information Officer, shall provide such assistance to the person as may be appropriate for inspection.

**20. What happens if application is submitted to the wrong public authority / can the application be transferred?**

When an application is made to a public authority requesting for an information which is held by another public authority or the subject matter of which is more closely connected with the functions of another public authority, the public authority to which such application has been made, shall transfer the application or such part of it as appropriate to that other public authority and inform the applicant immediately about such transfer.

**21. What is the time period for supply of information?**

In normal course, information to an applicant shall be supplied within 30 (thirty) 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 Central Assistant Public Information Officer (CAPIO), or it is sent to a wrong public authority, 5 (five) days shall be added to the period of 30 (thirty) days or 48 hours, as the case may be.

**22. Can the applicant be asked to come and inspect the documents?**

According to Section 6(1), applicants may be intimated by the CPIO to come and inspect the documents, especially when the person has specifically asked to inspect the documents or if the information requested is voluminous in nature. In such circumstances, an index of all documents is prepared beforehand and the applicant is intimated about the dates and time on which he may come and inspect.

**23. What are the working hours of the facility available to citizens for obtaining information?**

The working hours of the facility are:

10:00 A.M. – 5:45 P.M. (Monday-Thursday)

10:00 A.M. – 6:00 P.M. (Friday)

**24. What happens if the Central Public Information Officer (CPIO) rejects an application of giving information?**

As per Section 7(8), when a request has been rejected, the Central Public Information Officer (CPIO) shall communicate to the applicant-

- 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.

**FIRST APPEAL**

**25. What are the remedies if the reply to an application is not received within the given time?**

If an applicant is not supplied information within the prescribed time of 30 (thirty) days or 48 hours, as the case may be, or is not satisfied with the information furnished to him, he may prefer an appeal to the first appellate authority who is an officer senior in rank to the Public Information Officer. Such an appeal should be filed within a period of 30 (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 (forty-five) days of the receipt of the appeal.

**26. Who is the First Appellate Authority (FAA) in Agriculture Insurance Company of India Ltd.?**

The complete information regarding the First Appellate Authority (FAA) in Agriculture Insurance Company of India Limited is available on its website which can be accessed at <https://www.aicofindia.com/AICEng/Pages/default.aspx>.

**27. What are the consequences that the CPIO can face if he does not reply to an application within the prescribed time/ does not reply at all / malafidely denies the request for the information /knowingly gives incorrect, incomplete or misleading information / destroys information that was requested / obstructs in any manner in furnishing the information?**

The CPIO can face penalty if he does not reply to an application within the prescribed time/ does not reply at all / malafidely denies the request for the information /knowingly gives incorrect, incomplete or misleading information / destroys information that was requested / obstructs in any manner in furnishing the information, if the Central Information Commission (CIC) is of the opinion that such activities have been done without a reasonable cause. In such a case, the CIC shall impose a penalty of Rs. 250/- (Rupees two hundred fifty only) each day till the application is received or information is furnished. The total amount of such penalty shall not exceed Rs. 25,000/- twenty-five thousand rupees. Also, the CIC shall recommend for disciplinary action against the CPIO under the service rules applicable to him. The CPIO will be given a reasonable opportunity of being heard before any penalty is imposed on him.

**28. Does the applicant have to make any payment for filing an appeal?**

No, as per RTI Act, no fee has to be paid for first appeal.

**SECOND APPEAL**

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

If the first appellate authority 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 90 (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.

The second appeal or a complaint can be filed electronically on [www.cic.gov.in](http://www.cic.gov.in) online along with the requisite documents as per RTI Rules, 2012. The documents must be duly signed/ self-attested/ verified before scanning and attaching with the appeal or complaint being filed.

**30. What are the guidelines to be followed for filing second appeal?**

Mandatory documents required for registration of Second Appeal:

1. The second Appeal duly signed and addressed to the Commission
2. Copy of the RTI application submitted to the Central Public Information Officer
3. Copy of the first appeal made to the First Appellate Authority
4. RTI, First Appeal and Second Appeal shall be related to each other
5. Above three documents must be legible
6. Above three documents must be in Hindi /English or a translated version in Hindi/ English should be provided

Other Mandatory documents required for proper presentation of Second Appeal, if available

1. Copy of reply received from the CPIO
2. Copy of the order received from the First Appellate Authority
3. Copies of other documents relied upon by the appellant and referred to in his appeal
4. An index of the documents
5. All the documents shall be duly authenticated and verified by the Appellant

The mandatory time period for filing the Second Appeal:

1. The Second Appeal can be filed after 45 (forty –five) days after filing of First appeal or immediately after First Appellate Authority decision
2. The Second Appeal must be filed within 90 (ninety) days from the date on which the First Appellate Authority decision was actually received by the Appellant or within 90 (ninety) days after expiry of 45 (forty-five) days of filing of First Appeal in cases where no reply has been received
3. Condonation of Delay: If Second Appeal is filed after 90 (ninety) days from the date on which first Appellate Authority's decision was received by the appellant, the Commission may admit the Second Appeal if is satisfied that the appellant was prevented by sufficient cause from filing the Second Appeal in time.

**31. Where can the voluntary disclosure of categories of records in accordance with Section 4 of RTI Act, 2005 be found?**

The voluntary disclosure of categories of records in accordance with Section 4 of RTI Act, 2005 is available on the website of Agriculture Insurance Company of India Limited and can be accessed at: <https://www.aicofindia.com/AICEng/Pages/default.aspx>.

### **NATURE OF INFORMATION THAT CAN BE OBTAINED USING RTI**

#### **32. Can applicants seek information that is not readily available?**

No, applicants cannot seek information that is not readily available or does not exist with the public authority.

The CIC held in *Subrata Guha Ray v. CPIO* [CIC/SB/A/2016/001025/CBECE-BJ] dated 03.03.2017 that only readily available information can be sought.

*“Only such information as is available and existing and held by the public authority or is under the control of the public authority can be provided. The PIO is not supposed to create information that is not a part of the record, nor is he required to interpret information that is not a part of the record. He is also not required to interpret information or furnish replies to hypothetical questions. Similarly, redressal of grievance, reasons for non-compliance of rules/contesting the actions of the respondent public authority are outside the purview of the Act.”*

#### **33. Can applications seeking disclosure of unrelated and impractical information be made under RTI?**

In *Central Board of Secondary Education and Anr. Vs. Aditya Bandopadhyay and Ors*, SLP(C) NO. 7526/2009 the Hon’ble Supreme Court of India held that filing applications seeking impractical information unrelated to transparency and accountability would be counterproductive.

*“Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counterproductive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquillity and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation*

*does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of public authorities prioritising 'information furnishing' at the cost of their normal and regular duties.”*