



## **CENTRAL INSTITUTE OF HIGHER TIBETAN STUDIES, VARANASI**

### **FREQUENTLY ASKED QUESTIONS (FAQs) ON RTI**

Updated as on June, 2023

#### **Q.1 What is information under RTI Act?**

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.

#### **Q.2 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 appropriate Government. It also includes the bodies owned, controlled or, substantially financed and non-Government organisations substantially financed directly or indirectly by funds provided by the appropriate Government.

#### **Q.3 What is a Central Public Information Officer?**

Public authority must designate some of its Officers as 'Central public information Officer (CPIO)' under section (5) of the RTI Act and the CPIO shall deal with the requests received from persons seeking information and render reasonable assistance to the persons seeking such information under purview of this Act.

#### **Q.4 What does record mean under RTI Act?**

Record under RTI Act includes:

- (a) Any document manuscript and file;
- (b) Any microfilm, microfiche and facsimile copy of a document;
- (c) Any reproduction of image or images embodies in such microfilm (Whether enlarged or not); and
- (d) Any other material produced by a computer or any other device;

#### **Q.5 What is the fee for seeking Information from Central Government Public Authorities?**

A person who desires to seek information from CPIO of the 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), in the name of Central Institute of Higher Tibetan Studies, Payable at Varanasi as fee prescribed under this Act for seeking

information. The payment of fee can also be made by way of cash to public authority proper receipt. However, the RTI Fee and the mode of payment may vary as mentioned under Section (27) and Section (28) of the RTI Act, 2005 by the appropriate Government and the competent authority respectively by notification in the Official Gazette make rules to carry out the provisions of this Act.

#### **Q.6 What is the fee for the BPL applicant for Seeking Information?**

If the application belongs to below poverty line (BPL) category, he/she is not required to pay any fee under this Act. However, the applicant should submit a proof in support of his/her claim to belong to the below poverty line as defined by appropriate Government.

#### **Q.7 Is there any specific Format of Application?**

There is no prescribed format of application for seeking information and the applicant shall only 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 application can be made on plain paper along with a requisite as mentioned above. The application should, however, have the name and complete postal address of the applicant.

#### **Q.8 Is it required to give any reason for seeking information?**

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

#### **Q.9 Is there any Provision for exemption form Disclosure of information?**

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

#### **Q.10 Is there any assistance available to the Applicant for filing RTI application?**

If any person is unable to make a request in writing, they may seek the help of the Central Public Information Officer (CPIO) to write application and the Central Public Information Officer should render reasonable assistance. Where a decision is taken to give access to a disabled person to any document, the CPIO shall provide such assistance to the person as may be appropriate for inspection.

#### **Q.11 What is the Time Period for supply of Information?**

In normal course, the information to an applicant shall be supplied within 30 days from the receipt of their application by the public authority (Section 7 of RTI Act). 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 to thirty days or 48 hours, as the case may be.

**Q.12 Is there any provision of Appeal under the RTI Act?**

If CPIO doesn't supply information within the prescribed time of 30 days or 48 hours, as the case may be, or the applicant is not satisfied with the information furnished, the applicant may prefer an appeal to the First Appellate Authority (FAA) who is Senior in rank to the Central Public Information Officer (CPIO). Such appeal should be filed within a period of 30 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 Central Public Information Officer is received. The appellate authority of the public authority shall dispose of the appeal within a period of 30 days from the date of receiving such request or in exceptional cases within 45 days of the receipt of the appeal.

**Q.13 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, the applicant may prefer a second appeal with the Central Information Commission (CIC) within 90 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.14 Whether Complaints can be made under this Act? If yes, under what conditions?**

If any person is unable to submit a request to a Central Public Information Officer either by reason that such an Officer has not been appointed by the concerned public authority; or the Assistant Public Information Officer has refused to accept his or her application or appeal for forwarding the same to the Central Public Information Officer or the Appellate Authority, as the case may be; or he has been refused access to any information requested under the RTI Act; or has not been given a response to a request for information within the time limit specified in the Act; or has been required to pay an amount of fee which the applicant considers unreasonable; or believes that he has been given incomplete, misleading or false information, the applicant can make a complaint to the Central Information Commission (CIC).

**Q.15 What is Third Party Information?**

Third party in relation to the Act means a person other than the citizen who has made request for the information. The definition of third party includes a public authority other than the public authority to whom the request has been made and shall be disposed/treated as per section (11) and other provisions of RTI Act.

**Q.16 What is the Method of Seeking Information?**

Any person who desires to obtain information under this Act should make an application

to the Central Public Information Officer (CPIO) 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. The applicant should make appropriate payment of Rs.10/- as mentioned above as application fee under RTI Act.

**Q.17 Will there be any additional payment for receiving information?**

A citizen who desires to seek some information from a public authority is required to send, along with the application, a demand draft or a bankers cheque or an Indian Postal Order of `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 public authority or to the Assistant Public Information Officer, against a proper receipt. The payment of fee to the Central Ministries / Departments can also be made online through internet banking of State Bank of India or through Master/ Visa Debit/Credit Cards.

**Q.18 Is there any method for filing information under RTI from CIHTS?**

Kindly click on this link <https://rtionline.gov.in/>. This is a portal to file RTI applications/first appeals online along with payment gateway. Payment can be made through internet banking of **SBI**, debit/credit cards of Master/Visa and RuPay cards. Through this portal, RTI applications/first appeals can be filed by Indian Citizens for all Ministries/Departments and other Public Authorities of Central Government. RTI applications/first appeals should not be filed for other Public authorities under Central/State Govt. through this portal. Please read instructions carefully while submitting request/appeal.

**Q.19 What if CPIO receives other Public Authority RTI requests wrongly?**

Under Section (6) (3) of the RTI Act, where an application is made to a public authority requesting for information:

- (i) Which is held by another public authority; or
- (ii) The subject matter or which is more closely connected with the functions of another public authority;

The public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer.

**Q.20 When was RTI Act came into existence?**

This Act was enacted on 15<sup>th</sup> June, 2005 and came into force on 12<sup>th</sup> October, 2005.



**Q.21 What is an Assistant Public Information Officer?**

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. The Assistant Public Information Officers appointed by the Department of Posts in various post offices are working as Assistant Public 2 Information Officers for all the public authorities under the Government of India.

**(Sec 5(2) of RTI Act,2005)**

**Q.22 Who is the authority to whom application is to be made?**

Application for seeking information should be made to an officer of the public authority who is designated as Central Public Information Officer (CPIO). All the public authorities have designated their Central Public Information Officers and have posted their particulars on their respective web-sites. This information is also available on the 'RTI PORTAL' ([www.rti.gov.in](http://www.rti.gov.in)). Persons seeking information are advised to refer to the web-site of the concerned public authority or the 'RTI PORTAL' for ascertaining the name of the concerned CPIO. If it is found difficult to identify or locate the concerned Central Public Information Officer of a public authority, application may be sent to the Central Public Information Officer without specifying the name of the CPIO at the address of the public authority. **Sec 6(1) of RTI Act,2005)**

**Q. 23 What are the Suo Motu Disclosures that public authority has to make?**

The Act makes it obligatory for every public authority to make suo-motu disclosure in respect of the particulars of its organization, functions, duties etc. as provided in section 4 of the Act. Besides, some public authorities under the Central Government have published other information and have posted them on their websites.

**Q. 24 What kind of assistance is available From CPIOs?**

The Central Public Information Officer shall render reasonable assistance to the persons seeking information. If a person is unable to make a request in writing, he may seek the help of the CPIO to write his application. Where a decision is taken to give access to a sensorially disabled person to any document, the Central Public Information Officer, shall provide such assistance to enable access to information, including providing such

assistance to the person as may be appropriate for the inspection.

**Q. 25 What are the Exemptions from Disclosure under the RTI Act?**

The right to seek information from a public authority is not absolute. Sections 8 and 9 of the Act enumerate the categories of information which are exempt from disclosure. At the same time Schedule II of the Act contains the names of the Intelligence and Security Organizations which are exempt from the purview of the Act. The exemption of the organizations, however, does not cover supply of information relating to allegations of corruption and human rights violations.

The applicants should abstain from seeking information which is exempt under Section 8 and 9 and also from the organizations included in the Second Schedule except information relating to allegations of corruption and human rights violations. (Sec 8,9 of RTI Act, 2005)

**Q. 26 How is a Request to be disposed?**

The CPIO is required to provide information to the applicant within thirty days of the receipt of a valid application. If the information sought for concerns the life or liberty of a person, the information shall be provided within forty-eight hours of the receipt of the request. If the CPIO is of the view that the information sought for cannot be supplied under the provisions of the Act, he would reject the application. However, while rejecting the application, he shall inform the applicant the reasons for such rejection and the particulars of the appellate authority. He would also inform the applicant the period within which appeal may be preferred.

If an applicant is required to make payment for obtaining information, in addition to the application fee, the Central Public Information Officer would inform the applicant about the details of further fees alongwith the calculation made to arrive at the amount payable by the applicant. After receiving such a communication from the CPIO, the applicant may deposit the amount by way of cash against proper receipt or by Demand Draft or by Banker's cheque or by Indian Postal Order in favour of the Accounts Officer of the concerned public authority. The CPIO is under no obligation to make available the information if the additional fee intimated by him is not deposited by the applicant.

Where an additional fee is required to be paid, the period intervening between the dispatch of the intimation regarding payment of additional fee and payment of fee by the applicant shall be excluded for the purpose of computing the period of thirty days within which the CPIO is required to furnish the information.

If the CPIO fails to send decision on the request on the information within the period of thirty days or forty-eight hours, as the case may be, the information may be deemed to have been refused. (Sec 7(1) of RTI Act,2005)

**Q. 27. What are provisions related to Disposal of Appeals and Complaints by the CIC?**

The Central Information Commission decides the appeals and complaints and conveys its decision to the appellant/complainant and first appellate authority/CPIO. The Commission may decide an appeal/complaint after hearing the parties to the appeal/complaint or by inspection of documents produced by the appellant/complainant and CPIO or such senior officer of the public authority who decided the first appeal. If the Commission chooses to hear the parties before deciding the appeal or the complaint, the Commission will inform of the date of hearing to the appellant or the complainant at least seven clear days before the date of hearing. The appellant/complainant has the discretion to be present in person or through his authorized representative at the time of hearing or may opt not to be present.

**Q. 28. What are the Important Web-sites related to RTI?**

Given below are the addresses of some important web-sites which contain substantial information relevant to the right to information:

- (i) Portal of the Government of India (<http://indiaimage.nic.in>).
- (ii) Portal on the Right to Information ([www.rti.gov.in](http://www.rti.gov.in)).
- (iii) Website of the Central Information Commission (<http://cic.gov.in>).