

Frequency Asked Questions (Q) and their Answers (A)

Q. Who can seek information under the RTI Act, 2005?

A. Any citizen of India can seek information from any Public Authority under the Act. A citizen who desires to obtain any information under the Act should make an application to the Public Information Officer (PIO) in writing in English or Hindi or in Odiya. The application should be precise and specific. The applicant can send the application by post or through electronic means or can deliver it personally in the office of PIO or can be sent through an APIO.

Q. Can an employee or office bearer of any Corporation, Association, Company, Trade Union, N.G. O. etc. by his/her official designation seek information under the RTI Act ?

A. No. The Act gives the right to information only to citizens of India. It does not make provision for giving information to Corporations, Associations, Companies, Trade Unions, and NGOs etc. which are legal entities/persons, but not citizens. However, if an application is made by an employee or office bearer of any Corporation, Association, Company, Trade Union, N.G.O. etc. indicating his/her name and such employee/office bearer is a citizen of India, information may be supplied to him/her. In such cases, it would be presumed that a citizen has sought information at the address of the Corporation, Association, Company, Trade Union, N.G.O. etc.

Q. What does “information” mean under the RTI Act?

A. 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 [S.2 (f)].

Q. What does Right to Information mean?

A. Right Information includes the right to -

- i. Inspect works, documents, records.
- ii. Take notes, extracts or certified copies of documents or records.
- iii. Take certified samples of material.
- iv. Obtain information in form of printouts, diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts. [S.2 (j)]

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

- A.
- i. 30 days from the date of application
 - ii. 48 hours for information concerning the life and liberty of a person
 - iii. 05 days shall be added to the above response time, in case the application for information is given to Assistant Public Information Officer.
 - iv. If the interests of a third party are involved then time limit will be 40 days (maximum period + time given to the party to make representation).
 - v. Failure to provide information within the specified period is a deemed refusal.

Q. What is 'Third Party' Information and what is the procedure to get 'Third Party' information under the RTI Act?

A. Section 11 of the Act provides the procedure of disclosure of 'third party' information. According to it, if a Public Information Officer(PIO) intends to disclose an information supplied by a third party which the third party has treated as confidential, the PIO, before taking a decision to disclose the information shall invite the third party to make submission in the matter. The third party has a right to make an appeal to the Departmental Appellate Authority against the decision of the PIO and if not satisfied with the decision of the Departmental Appellate Authority, a second appeal to the concerned Information Commission. The PIO cannot disclose such information unless the procedure prescribed in section 11 is completed.

As defined in Section 2(n) of RTI Act, "third party" includes a Public Authority. Reading the definition of the term, "third party" and Section 11 of the Act together makes it clear that if a Public Authority 'X' receives some information from another Public Authority 'Y' which that Public Authority has treated as confidential, then 'X' cannot disclose the information without consulting 'Y', the third party in respect of the information and without following the procedure prescribed in Section 11 of the Act, which is a statutory requirement.

Q. What is application fee and other charges payable to NALCO under the RTI Act and Rules made there under? What is the accepted mode of payment?

A. NALCO being a central Public Authority, the application fee and other applicable charges payable to the Company are as prescribed by the Government of India under the Right to Information (Regulation of Fee & Cost) Rules, 2005.

Application Fee U/S 6(1) of the Act: ₹ 10/-

Charges U/S 7(1) of the Act:

- (a) For each page of A-4 or A-3 size paper created or copied : ₹ 2/-
- (b) For each page of larger size paper: Actual charge or cost price.
- (c) For samples or models: Actual charge or cost price.
- (d) For inspection of Records: No fee for the first Hour and a fee of ₹ 5/- for each subsequent hour (or fraction thereof).

For providing information U/S 7(5) of the Act:

- (a) In diskette or floppy: ₹ 50/- per Diskette or Floppy.
- (b) In printed form: At a price fixed for such publication or ₹ 2/- per page of photocopy of extracts from the publication.

The accepted mode of payment is a Demand Draft favouring National Aluminium Company Limited payable at Bhubaneswar or deposit in cash at any cash counter of NALCO and produce the receipt thereof or by way of Indian Postal Order. Payment through Money Order or through Treasury Challan or in the form of Court Fee Stamps/Revenue Stamps or through Post Office Deposit is not an accepted mode of payment for NALCO.

- Q. What kind of information a Public Authority can deny to an Information Seeker?**
- A. The type of information specified under Section 8 and Section 9 of the RTI Act is exempt from disclosure to any information seeker. Any Indian citizen seeking such kind of information, shall be denied information.
- Q. Is partial disclosure allowed under the RTI Act?**
- A. Yes, only that part of the record which does not contain any information which is exempt from disclosure and which can reasonably be served from any part that contains exempt information, can be provided (Section-10).
- Q. Who is Deemed PIO and what is his responsibility and liability under the RTI Act?**
- A. Any officer, who is a custodian of information and whose assistance has been sought by the PIO for servicing/providing the required information as sought by the information seeker, shall be the Deemed PIO. It is the responsibility of such officer to render all assistance to the PIO seeking his/her assistance and for the purpose of any contravention of the provisions of the RTI Act such other officer shall be treated as a PIO. Section-5(5)
- Q. Who are the Appellate Authorities under the RTI Act?**
- A. **First Appeal:** 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).
- Second Appeal:** 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). 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. Burden of proving that denial of Information was justified lies with the PIO. First Appeal shall be disposed of within 30 days from the date of its receipt. Period extendable by another 15 days if necessary. (S.19)
- Q. What are the penalty provisions under the RTI Act?**
- A. Every PIO will be liable for fine of ₹ 250/- per day, up to a maximum of ₹ 25,000/-, for -
- i. Not accepting an application;
 - ii. delaying information release without reasonable cause;
 - iii. malafidely denying information;
 - iv. knowingly giving incomplete, incorrect, misleading information;
 - v. destroying information that has been requested and
 - vi. obstructing furnishing of information in any manner.
- The Information Commission (IC) at the Centre and the State levels will have the power to impose this penalty. The Information Commission can also recommend disciplinary action for violation of the law against an erring PIO. (S.20)