



**FREQUENTLY ASKED QUESTIONS
ON RIGHT TO INFORMATION ACT, 2005**



Information & Public Relations Department, Govt. of Odisha

Disclaimer

While all efforts have been made to make this Handbook as accurate and elaborate as possible, the information given in this book is merely for reference and must not be taken as binding in any way. This Handbook is intended to provide guidance to the readers, but cannot be a substitute for the Act and the Rules made there under.

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CHAPTER - 1

FAQS ON RTI ACT, 2005 & ODISHA RTI RULES, 2005&2006

1.1. FAQs on RTI Act, 2005

1. What does Right to Information mean?

It includes the Right to -

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

2. What are the obligations/ responsibilities of a public authority?

- Record Management: maintain all records duly catalogued, indexed, computerized and connected through a network which facilitates the right to information under Section-4 (1) (a) of the Act;
- Proactive Disclosure of Information: Publish 17 manuals on the basic institutional information within 120 days of the enactment as per Section-4 (1) (b);
- Dissemination of Information in regular interval under Sections 4 (2), (3) & (4);
- Designation of Information Officers within 100 days of the enactment of the Act as per Section-5;
- Availability of Information with PIOs: Section 4 (4) of the Act requires every public authority to make information easily accessible, to the extent possible in electronic format with the PIO, as the case may be, so that the same can be made available to applicants.
- Transfer of Misdirected Requests/Applications within 5 days of receipt of the application under Section-6 (3) of the Act;
- Implementation of Decisions on First Appeals and decisions of ODISHA INFORMATION COMMISSION under Sections-19 and 20.
- Implementation & Maintenance of RTI CMM Public Authority Account available at www.rti.orissa.gov.in .

- The Public Authority shall prominently display the name & designation of PIO & FAA of the Office as provided in the Right to Information Act, 2005 and the name of the RTI Website (www.rtiorissa.gov.in) in front of the Office. And will ensure the same at various levels of different administrative units under control.
- The Public Authority/Head of Office shall consider to create a RTI cell to deal with these matters and ensure that the PIO of his Office gets all assistance to discharge his duties properly. All logistic support along with the manpower should be placed at his disposal for smooth discharge of his assignment. The initial expenditure shall be provided by the Head of Office which will be reimbursed by the P.I.O. subsequently from the receipt deposits.

3. What are the functions & duties of a PIO?

- a. PIO shall deal with RTI requests/applications 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 of his/her office for the proper discharge of his/her duties. Such other officers shall be treated as referred PIO.
- d. PIO, on receipt of a request/application, 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 Form-C of Odisha RTI Rules, 2005.
- e. Where the information requested for concerns the life or liberty of a person, the same shall be provided **within 48 hours** of the receipt of the request/application.
- f. Where a request has been rejected, the PIO shall communicate to the requester in Form-C as prescribed in Odisha RTI Rules, 2005.
- g. PIO shall provide information in the form in which it is sought for 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.
- h. If allowing partial access, the PIO shall give a notice to the applicant, informing:
 - that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;

- the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;
 - the name and designation of the person giving the decision;
 - the details of the fees calculated by him or her and the amount of fee which the applicant is required to deposit will be communicated in Form-B.
- i. 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.
 - j. 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.
 - k. PIO shall make update the proactive disclosure and e-filing of applications at RTI CMM Public Authority Account in regular interval. So that, the system will update the Information Register, Cash Register and Appeal Register automatically. And the Annual Report can be generated by a single click.
 - l. The PIO will be the custodian of these records as well as the User ID and Password given to him/her on RTI CMM Public Authority Account and on his transfer he will handover the charge to his successor. The Public Information Officer and his successor will sign in the Register as token of handing over and taking over of the charges. He/she must ensure the update of profile of PIO in the said Public Authority Account.
 - m. PIOs are required to open a Subsidiary Cash Book as prescribed by the Nodal Department. (See **Annexure – 1**)
 - n. The PIOs shall open a Zero Invest Bank A/c in his designation in the nearest scheduled Bank and deposit the total amount received towards application fees in cash as well as amount towards cost for providing information in a day in the Bank account in the very next day.
 - o. The amount received towards application fees in cash during the month and deposited in the Bank A/c shall be calculated at the end of the month. The amount so calculated shall be deposited through treasury chalan in the Treasury in the receipt head of A/c in the 1st week of the succeeding month. The Receipt Head of A/c is *"0070-Other Administrative Services-60-other Services-118-Receipt Under Right to Information Act, 2005-0014-Collection of Fees and Fines-02178-Fees and Fines under Right to Information Act, 2005"*. The treasury chalan shall accompany with a cheque issued against the deposit of the Bank A/c of the concerned P.I.O.

- p. Standard procedures for maintaining Cash Book may be followed. Two pages of the Cash Book facing each other will reflect the receipts on one side and the expenditure on the other.
- q. PIOs shall weekly verify the Bank A/c and Cash Book regarding the correctness of transaction of money between Cash Book and Bank Account.
- r. All receipts and expenditure should be reflected on the Cash Book, with full particulars.
- s. If the information is not available with the PIO and has to be brought from other Officer with whom it is available the PIO should immediately send a copy of the request to the concerned Officer with the request to furnish the information expeditiously.

4. Procedure to be followed by the PIOs for disposal of RTI Applications

- Receive the application (**Form-A**) along with the application fee.
- If required, assist the applicant for reducing oral request into writing.
- Scrutinize the applications received.
- Register the application in the Information Register (**Form-F**).
- Issue the acknowledgement / receipt to the applicant.
- If required, transfer the application or part of it to another Public Authority **within 5 days** of receipt of application.
- Inform the applicant about such transfer. Update the Information Register.
- Issue notice to 'Third Party', if necessary for representing in case of objection.
- Reject the application, if information can not be given under proper reasons.
- Inform the applicant about such rejection with 'Intimation of Rejection' (**Form-C**).
- If information is available, send intimation to the applicant to deposit the cost of information (**Form-B**).
- Receive the cost of information and issue a receipt to the applicant.
- Supply the information sought for in proper form as asked for or allow the applicant for inspection of records.
- If required, provide assistance to the applicant for inspection of works or taking samples of materials.

- Make the Information Register (**Form-F**) & Cash Register (**Form-G**) update of each action, so that clarification may be furnished to FAA or Odisha Information Commission.

5. What are the functions & duties of FAA?

- Officers senior in rank to the PIOs available within a Public Authority are appointed as FAA for hearing appeals arising out of the decisions of the PIO.
- FAA shall ensure that, every appeal must be in **Form-D** as prescribed in Odisha RTI Rules, 2005 and has to be accompanied by appeal fee as prescribed in Odisha RTI (Amendment) Rules, 2006.
- FAA shall scrutinize the appeal memorandum and if it is in order shall admit the appeal for hearing. He/she may admit an appeal after the expiry of the period of **30 days** applied to PIO and within **30days** from the receipt of the decision from the PIO. And he/she must be satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.
- FAA shall intimate the appellant the date to which hearing is fixed, call for the records from the PIO for scrutiny and require him to be present at the hearing. FAA needs to dispose of the appeal within **30 days** from the date of receipt of appeal. He/she may take up to **45 days** for reasons to be recorded in writing.
- Each First Appellate Authority will maintain an Appeal Register as prescribed by the Nodal Department (See **Annexure - 2**).

6. Provisions for Appeal under RTI Act

- If the PIO denies the information or rejects the application, then the applicant can file a first appeal to the concerned FAA or submit a complaint to Odisha Information Commission.
- Complaint can be lodged with Odisha Information Commission directly, if information is not given, if PIO does not receive the application, or if information given is incomplete or misleading. There is no time limit for lodging a complaint.
- Appeal can be lodged before FAA within **30 days** and the FAA to send written notice & dispose off the appeal within 30days. (Not exceeding **45 days** & reasons to be recorded in writing)
- The FAA may order to provide information at the earliest or dismiss the appeal and inform in writing to the appellant that 2nd appeal can be preferred before Odisha Information Commission.
- 2nd appeal can be preferred before commission **within 90 days**.

- On the date of hearing, Odisha Information Commission may direct the Public Authority /PIO to provide information or may reject the appeal / complaint or may impose fine & recommend for initiating disciplinary proceeding against the PA/PIO, if feels guilty.

7. What is not open to disclosure?

The following is exempt from disclosure [S.8]

- 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;
- 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;
- information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- 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;
- 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;
- information received in confidence from foreign Government;
- 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;
- information which would impede the process of investigation or apprehension or prosecution of offenders;
- cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers;
- 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;
- 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.

Note: *Provided that the information which can not be denied to the Parliament or a State Legislature shall not be denied to any person.*

8. Is partial disclosure allowed?

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. [S.10]

9. What is the time limit to supply the information?

Section 7 (1) requires that the information requested by an applicant to a PIO shall be furnished “as expeditiously as possible”. The time limits prescribed under the Act for disposal of requests for information are as follows:

- **30 days:** On receipt of a request for information, the PIO has either to provide information on payment of such fees as prescribed or reject the request with reasons for the same.
- **48 hours:** If the information sought concerns the life or liberty of a person, the same has to be provided immediately, in any case, within 48 hours.
- **35 days:** 5 more days to be added to the above time limits if the application is submitted to the Assistant Public Information Officer (APIO).
- **40 days:** Where third party is involved (If the PIO intends to disclose any information which relates to or has been supplied by a third party and has been treated as confidential by it, the PIO has to give a written notice to such third party within 5 days from the receipt of request inviting such third party to make a submission).
- **45 days:** Information pertaining to allegations of human rights violations from scheduled security and intelligence agencies.
- **5 days:** Under Section 6 (3) of the Act, if a request application is made to a public authority on a subject that pertains to another public authority, the same shall be transferred to that other authority within 5 days from the date of receipt of the application.

10. If the same kind of information is sought by more than one person should it be made available to all such requesters?

Yes, it has to be made available. However it is advisable that such records be digitised as far as possible and uploaded on the Internet to facilitate easy access.

11. Who is excluded?

The Government of Odisha in his Notification No.PC-106/2005 - 29086/IPR, Dated- 29th Oct. 2005 has specified 5 organizations, which are excluded from RTI. These are:-

- State Special Branch
- Special Operation Group
- C.I.D. Crime Branch
- Special Intelligence Wing
- District Intelligence Bureau functioning under the District Superintendent of Police

However, the exclusion is not absolute and these organizations have an obligation to provide information pertaining to allegations of corruption and human rights violations. Further, information relating to allegations of human rights violations could be given but only with the approval of the Central or State Information Commission, as the case may be. [S-24]

1.2 FAQs on Odisha RTI Rules, 2005 & Odisha RTI (Amendment) Rules, 2006

1. What is the fees & costs to be charged?

The Odisha RTI (Amendment) Rules, 2006 prescribes the following fees and costs to be charged from persons making request for information:

(A) Application Fee

- Application fee seeking information - ₹ 10/- per Application
- Application fee for first Appeal - ₹ 20/-
- Application fee for second Appeal - ₹ 25/-

(B) Amount to be charged for providing information

- A4 or A3 size paper created or copied- ₹ 2/- per each folio
- Paper size larger than A4 or A3 - Actual charge or cost price of a copy
- Inspection of records - No fee for the first hour & ₹ 5 for each 15 minutes
- CD with cover - ₹ 50/- per CD
- Floppy Diskette (1.44MB) - ₹ 50/- per Floppy

- Maps & Plans - Reasonable cost to be fixed by P.I.O. depending upon the cost of labour and material and equipment and other ancillary expenses
- Video Cassette/Microfilm/Microfiche - Reasonable cost to be fixed by P.I.O. depending upon the cost of labour and material and equipment and other ancillary expenses
- Certified sample or models of material - Actual cost or price for sample or models
- Information in printed form - Price fixed for such publication

(C) Important Notes

- If further fees are required, then the same must be intimated in writing (Form-B) with calculation details of how the figure was arrived at;
- No application fee will be charged from people living below the poverty line;
- Applicant must be provided information free of cost if the PIO fails to comply with the prescribed time limit.

2. What could be the grounds for rejection?

- It comes under the exempted category covered under sections 8 and 9 of the Act.
- Your application was not complete in all respect.
- Your identity is not satisfactory.
- The information is contained in published material available to Public.
- You did not pay the required cost for providing information within the prescribed time.
- The information sought for is prohibited as per section 24 (4) of the Act.
- The information would cause unwarranted invasion of the privacy of any person.
- The information as sought for by you is available in our Website----- you may download the information.
- Any other reason.

3. What and how a PIO will maintain regarding the Registration, Cash and Accounts?

Under Rule-11 of the Odisha RTI Rules, 2005, the PIO will maintain a register in Form-F, Information Register for recording the details of the applications received. And a Form-G, Cash Register will also be maintained by the PIO for recording the details of money received by him/her relating to application fee and cost of information. The money shall be deposited in such Head of Account or in any scheduled bank in the name of such officer as the concerned Head of Office decides.

4. What is the time limit to deposit the cost of information by the applicant?

- 15days from the date of receipt of information for payment (Form-B).

CHAPTER - 2

IMPLEMENTATION & MONITORING

1. Responsibilities of Public Authority on monitoring & reporting

- To ensure effective implementation of Right to Information Act in true letter & spirit at all levels.
- This will encompass the quality and quantity of data maintained and supplied by each public authority.
- Unless records like; Information Register, Cash Register & Appeal Register are maintained properly and updated regularly, the furnishing of mandatory information as required by Odisha Information Commission for compiling its Annual Report under Section-25 of the Act would also not be possible.
- Further, the successful implementation of the Act to usher in the practical regime of right to information will depend on the success of RTI CMM (www.rtorissa.gov.in) at the levels of PIO, FAA, Public Authority, Departments and all sub-ordinate public authorities.

2. How a Public Authority will monitor the RTI Implementation?

- Each Ministry or Department in relation to the public authorities within their jurisdiction shall collect, and provide the information as required under Section-25(3) to Odisha Information Commission as is required to prepare the Annual Report.
- To facilitate the same, an IT intervention in the name of RTI CMM has been developed and is under implementation process. So, each public authority needs to implement and maintain by using their user ID and password.
- This software, RTI CMM will generate the above report automatically.
- For this purpose, each public authority must ensure the proper implementation & maintenance of RTI CMM Public Authority Account.

CHAPTER - 3

FAQS ON RTI CENTRAL MONITORING MECHANISM

3.1. FAQs for Public Authorities

1. What does RTI CMM mean?

RTI CMM is a Central Monitoring Mechanism for RTI implementation. This is a web based centralized system to monitor RTI implementation in the entire State. It is available in the URL; www.rti.orissa.gov.in hosted in the NIC server. In this system all the Departments & subordinate offices are given with a user ID & password to manage their proactive disclosure information under Section-4, RTI applications under Section-6 & 7 and first appeals under Section-19(1) etc.

2. How RTI CMM does help a Public Authority?

Every Public Authority (Office) under Govt. of Odisha has access to the system through a Public Authority Account, where there is a predefined Web Content Management System for uploading the suo-motu-disclosure as per Section-4(1) (b) (c) (d) of RTI Act, 2005. Similarly the Public Authority account has also options for maintaining and updating the RTI Applications received by PIOs / APIOs under Section-6 of RTI Act, 2005. It also helps a PIO to generate Annual Report under Section-25 of the Act.

3. What does e-filing mean?

E-filing is a centralized system of RTI CMM to maintain RTI applications and first appeals electronically received from the Citizen by hand or manually. This will further facilitate to generate the Information Register (Form-F), Cash Register (Form-G) and Appeal Register automatically as per Odisha RTI Rules, 2005.

4. What does e-request mean?

E-request is an online request system, where an Information seeker (Citizen) can apply for information to those public authorities, who are already connected into the RTI CMM. Here, he/she may apply for information as prescribed under Section-6(1) of the Act and Rule-4 (1) of Odisha RTI Rules, 2005. So, PIO can receive online application through this.

5. Is it possible to receive and dispose a RTI application through this mechanism and if yes, how?

Yes, with your user ID and password, you can able to receive RTI applications online and also you may reject, transfer or supply the required information to the applicant online.

6. Is it possible to generate RTI Implementation Report (Annual Report/Return) through this mechanism and if yes, how?

Yes, here you can generate your RTI annual report just by a single click. For which, you are required to maintain and update the e-filing of Information register and cash register regularly.

7. Is it possible to transfer an application online to other public authority and if yes, how?

Yes, you can transfer an application to the concerned public authority online. However, that public authority must be connected into the RTI CMM earlier.

8. If I forgot the User ID and Password, then how to get it?

Click on the 'Forgot Password' button at login box. Then select any of the buttons and enter your e-mail Id or User ID accordingly. Then click on the 'Go' button. The system will automatically send your password to your e-mail Id immediately. If you are finding it difficult, please drop a mail to rti-ori@nic.in with subject "Forgot Password".

3.2. FAQ for all Government Departments

1. How RTI CMM does helps a Public Information Officer of a Department?

RTI central monitoring mechanism has been designed in such a manner, which will help each Departmental Nodal PIO to implement and monitor the RTI implementation. All the Departments are given with a user ID & password to manage their proactive disclosure information, RTI applications and appeals as well as to track the implementation in field level subordinate offices. This also helps to generate a comprehensive annual report of all offices from the e-filing system.

2. Is it possible to monitor the RTI implementation at all subordinate offices through this mechanism and if yes, how?

Yes, the system provides a monitoring tool to each department to check the status of RTI implementation at all subordinate offices. It allows the Nodal Officer of the department to know, which office or Offices have not disclosed their information and which office or offices is not updating their information in regular interval. It makes aware the Nodal PIO or Nodal Implementation Officer to implement the Act properly.

3. Is it possible to generate a comprehensive RTI Implementation Report (Annual Report/Return) of all offices under one Department through this mechanism and if yes, how?

Yes, but you must ensure that, all offices under the department are connected and the Information register, cash register & appeal registers are updated duly in the e-filing system of RTI CMM.

4. Can a PIO update his/her proactive disclosure through this mechanism and how?

Yes, a PIO can update his/her RTI information through a predefined Web Content Management System by using his/her user ID and password. To make it more easy, a user manual has been linked in .PDF format in their public authority account.

CHAPTER – 4

ABBREVIATIONS

1. APIO : Assistant Public Information Officer
2. CD : Compact Disk
3. DD : Demand Draft
4. CMM : Central Monitoring Mechanism
5. FAA : First Appellate Authority
6. FAQ : Frequently Asked Question
7. HoD : Heads of Department
8. ID : Identity
9. IPO : Indian Postal Order
10. I&PR : Information & Public Relations Department
11. IT : Information Technology
12. MB : Megabyte
13. NIC : National Informatics Center
14. OIC : Odisha Information Commission
15. PIO : Public Information Officer
16. PA : Public Authorities
17. RTI : Right to Information
18. URL : Uniform Resource Locator

CHAPTER – 5

ANNEXURES

Annexure – 1 : Cash Book

Receipt

Sl.No.	Name & Address of the Applicant (Source of the receipt)	Date of Receipt of Amount	Particulars of Fee/ Challan/ DD/Cash	Remarks
1	2	3	4	5

Expenditure

Sl.No.	Date	Amount deposited in Govt.Treasury/Bank/Refund to Applicant	T.C. No. & Date	Remarks
1	2	3	4	5

Annexure – 2 : Appeal Register

Sl. No. of Appeal	Name of the Appellant	Date of Receipt of the Appeal	Amount of Court fee Attached	Date of providing opportunity to the Requester	Due date of Disposal	Final date of Disposal	Reason for delay, if any
1	2	3	4	5	6	7	8

Annexure – 3 : Annual Report/Return Format

Annual Report of the Implementation of Right to Information Act, 2005

Sl. No.	Name of the Deptt./ Public Authority	No. of application received up to -----		Total	Total No. of Requests disposed off			Appeals made before FAA		Charges Collected under this Act				Remarks
		By PIO/ A.P.I.O	By Secretariat Information Cell (In case of a Govt. Deptt. Only)		No. of applicants provided with information	No. of applicants denied access to information	Total disposal	No. of Appeals received	No. of Appeals disposed off	Cash /M.O./I.P.O./B.D. etc (₹) (i)	Treasury Challan (₹) (ii)	Court fee (₹) (iii)	Total (iv)	
1	2	3	4	5	6	7	8 (6+7)	9	10	11				12

CHAPTER – 6

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- 4) <http://www.rti.gov.in>
- 5) <http://www.rti.india.gov.in>
- 6) Training material published by various Civil Societies

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