

Information is knowledge & knowledge is power

STATE INFORMATION COMMISSION KERALA



RIGHT TO INFORMATION ACT-2005

The Right to Information Act 2005, was a landmark legislation to make people participate in Governance by giving them access to information ensuring greater transparency and accountability. RTI has empowered people to understand how schemes and policies of the Government are framed and decisions are made.

2. The Objective :

To promote transparency and accountability in the working of every Public Authority and to prevent corruption.

3. Vision and Mission :

It is a fact that all the information held by the Government ultimately belongs to the Government and people have right to know, whether decisions taken to spend their money were made honestly fairly or not? Thus sharing of information is considered healthy and beneficial for smooth functioning of the Democracy. RTI has definitely helped in reducing corrupt practices empowering the citizens to have smooth access to public information.

4. People can access information from any Public Authority

- Public Authority means all Central, State Government Offices and local bodies which are set up under the Constitution or under any other State or Central statute. It covers the President, the legislature and the judiciary and all related ministers, departments and agencies.
- An institution owned, controlled or substantially financed or any NGOs substantially financed directly or indirectly by Government. Even some private bodies which receive funding from the Government can be asked for information.

5. Information people can ask

Material in any form, including records, documents, manuscripts, memos, e-mails, opinions, advices, file notings, press releases, circulars, orders, logbooks, contracts, reports, papers, samples and models. Also data held in any electronic form.

6(a). Right to Information means people have the right to

- i. inspect documents and records at government offices.
- ii. take certified copies of documents, notes, extracts etc.
- iii. inspect works such as quality of roads, buildings etc.
- iv. obtain information in the form of Xerox, printouts, disks etc.
- v. take certified samples of materials, eg. Polluted water, road material, cement etc.

6(b). Information may be refused, if the disclosure of information

- i. could affect the sovereignty, integrity, security or strategic, scientific or economic interests of India, or relations with foreign states.
- ii. could lead to incitement of an offence.
- iii. is forbidden by court of law or may lead to contempt of court.
- iv. would endanger the life or physical safety of any person.
- v. would impede investigation or apprehension or prosecution of offenders.
- vi. may harm commercial interests, trade secrets or intellectual property unless larger public interest warrants.
- vii. information available to a person in his fiduciary relationship, unless public interest warrants.
- viii. may cause breach of privilege of Parliament or State Legislature.
- ix. Cabinet papers generated during the process of making a decision cannot be disclosed until the decision has been taken.
- x. No copyrighted information can be provided.
- xi. Personal information which serves no public interest, or which would cause unwarranted invasion of the privacy of an individual unless the PIO is satisfied of the larger public interest.

However, any information which cannot be denied to the Parliament or the State Legislature shall not be denied to people. Partial or no information may be given if any part of the information requested falls under the above category. Certain intelligence & security organizations (as in Schedule 2 of the Act) are exempted from the purview of the RTI Act except on charges of corruption and human rights violation.

Every Public Authority is supposed to have Public Information Officers (PIOs) or Assistant Public Information Officers (APIOs) in all its units. People can seek information from any Public Authority through the PIO or APIO.

7. TIME DURATION – Timelines

Expeditiously : On receipt of request for information, the PIO should either provide information or reject with reason as expeditiously as possible; in any case within 30 days.

in 35 days : If application is received by the APIO.

in 40 days : If third party is involved.

in 45 days : Information pertaining to allegations of violation of human rights. Approval of Information Commission is required for the release of such information.

in 48 hours : If the information sought concerned the life or liberty of a person.

8. FEE STRUCTURE

Application (Basic) fee	Cost of Information (Additional fees)	Mode of payment
10.00	<ul style="list-style-type: none"> • A4 paper = 3.00 per page • Larger paper = actual cost • Printed publications = actual cost • Photocopies / extracts of printed publications = Rs. 2 for each page or actual cost fixed for the publication • Floppy / diskette etc. = 75.00 per disk • Samples / models = actual cost • Inspection of records = No fees for the 1st hour and 10.00 for each subsequent 30 minutes 	<ul style="list-style-type: none"> • Court fee stamp (For application only) • Cash against receipt • Demand Draft • Bankers' Cheque • Treasury Challan (0070-60-118-99 Receipts under RTI Act)

NOTE : Citizens belonging to BPL are exempted from payment of fees. However, some proof of documents may be enclosed.

No fee for filing first or second appeals or complaints.

9. APPEALS

a. First Appeal :

People have the right to make an appeal to the First Appellate Authority of the PIO, if:-

- the PIO or APIO refuses your application.
- People are aggrieved by the decision of the PIO.
- the fee charged is unreasonable.
- information is not provided within the time limits.
- the information provided is incomplete, misleading or false.
- unsatisfactory mode of information.
- not provided in the same format sought.

People can submit appeal to the First Appellate Authority within 30 days from the date of expiry of time limit or the receipt of decision.

An Appeal shall contain:-

- i. Name & Address of the appellant
- ii. Name & Address of the PIO
- iii. Details of the reply against which appeal is made including Number, date & office.
- iv. Brief facts leading to the appeal
- v. Prayer or relief sought
- vi. Grounds for prayer or relief
- vii. Provisions of the Act or the rules
- viii. Verification by the appellant
- ix. Any other information required in deciding the appeal

Documents to accompany the appeal:-

- Copy of the application submitted before the PIO/APIO.
- Attested copy of the reply against which the appeal is being preferred.
- Copies of documents relied upon by the appellant and referred to in the appeal.
- an index of the documents referred to in the appeal.

b. Second Appeal:

STILL, if applicant is not satisfied with the decision of the First Appellate Authority or do not receive reply, Second Appeal can be filed to Kerala State Information Commission within 90 days from the date on which first appeal decision was actually made or received.

Penalty :

The Kerala State Information Commission may impose a penalty of Rs.250/- per day subjected to a maximum of Rs. 25,000/- on the PIO or any such officers for

- i. refusing application without reasonable cause
- ii. malafidely denying request for information
- iii. not giving information within the time limit
- iv. knowingly giving incorrect, incomplete or misleading information
- v. destroying information
- vi. obstructing furnishing of information

11.Tips for writing application :

- i. Identify the Public Authority which holds the information
- ii. Use RTI if you want information or inquire the status of your application you have submitted earlier.
- iii. Application can be submitted on plain paper in Malayalam, English, Hindi or local language addressed to the PIO.
- iv. Make the application more specific, clear and comprehensive about the information you need or the certified samples of materials you want to collect. If you ask vague questions you will get vague answers. Do not hesitate to write them in as much detail as is necessary. Write them in the form of a list.
- v. Mention the period of records you want.
- vi. Mention the form in which you want information.
- vii. Mention the mode of communication which you desire the information.
- viii. Give your contact details. PIO need it to intimate the cost and send you the information.
- ix. You are not required to give any reason or any other personal details for requesting the information.
- x. Avoid submitting thickly packed and omnibus queries
- xi. An application should contain application fee remitted as prescribed if applicant not belongs to BPL category.

12. Some points to remember

- i. The PIO or APIO cannot refuse application even though the information do not relate or belong to them (Public Authority).
- ii. In case the application was submitted wrongly to a public authority, the PIO should transfer your application to another relevant public authority, and inform you about such transfer **within 5 days as per section 6(3) of the RTI Act.**
- iii. If a request cannot be made in writing, people can seek the assistance of the PIO to writing or to assist in case they are sensorily disabled person.
- iv. Obtain acknowledgement receipt of the application and fee from the PIO.
- v. Applicants should receive from PIO an intimation about the cost of information and details of fee to be remitted. Information will be provided only after the fee is paid. The time period between the date of intimation of the cost and the date when fees is paid is called 'intervening period', and is excluded from the time limits prescribed.
- vi. RTI Act is applicable all over India except Jammu & Kashmir.
- vii. Only Indian citizen can apply for information.

USEFUL TIPS FOR OFFICIALS

1. It is always better to provide information expeditiously, instead of waiting for 30 days to avoid delays and Appeals later on.
2. In order to ensure transparency, it is better to give a chance for physical verification of records / files available and personal hearing where ever required, if petitioner is not satisfied with reply furnished.
3. Give replies with due application of mind and keeping every question in consideration.
4. PIOs should not forget to mention the name, address and designation of the Appeal Authority while replying to applications made under RTI Act

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