

Right to information Act

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One or more existing officers in every Government Department have been designated as Public Information Officers (PIO). These PIOs act like nodal officers and one has to file the RTI applications with them. They are responsible for collecting information sought by you from various wings of that Department and providing the concerned information. In addition, several officers have been appointed as Assistant Public Information Officers (APIOs). Also the Information Commissioner has the power to impose a penalty of Rs 25,000/- on the concerned officer who refused to accept your application.

For RTI filing one needs to draft the application using a form and submit it by post or in person to the Public Information Officer (PIO). For Central Government Departments, there is no specific form. One should apply on a plain sheet of paper like an ordinary application. However, many states and some ministries and departments have prescribed formats. Hence one should apply in these formats. In case the PIO is not available then one can submit the application with the Assistant PIO or any other officer designated to accept the RTI applications.

After filing the application with the PIO, one must receive information within 30 days. In case one has filed the application with Assistant PIO then information has to be made available within 35 days. In case the matter to which the information pertains affects the life and liberty of an individual, information has to be made available in 48 hours. One is not required to give any reasons or additional information other than your contact details (i.e., Name, Address, and Phone No.). Sec 6(2) clearly says that no information other than contact details of the applicant shall be asked.

The PIO cannot refuse to accept an application for information under any circumstances. Even if the information does not pertain to his/her department/jurisdiction, s/he has to accept it. If concerned officer does not provide information in time, a penalty of Rs 250 per day of delay can be imposed by the Information Commissioner. If the information provided is false, a penalty of a maximum of Rs 25,000/- can be imposed. A penalty can also be imposed for providing incomplete or for rejecting your application for malafide reasons. One can also seek compensation under section 19.

If one does not receive information or are dissatisfied with the information received, one can file an appeal with the first appellate authority under section 19 (1) of the right to Information Act. This officer designated is the officer senior in rank to the PIO. One is not required to pay any fee for the first appeal. However, some state governments have prescribed a fee. One can file the first appeal within 30 days of receipt of information or within 60 days of filing RTI application (if no information received). If one does not receive information even after the first appeal then one can take the matter forward to the second appeal stage.

A second appeal is the last option under the RTI Act to get the information requested. One can file second appeal with the Information Commission. For appeals against Central Government Departments, one has Central Information Commission (CIC). For every state Government, there is a State Information Commission. No there is no form for filing a second appeal (but some state governments have prescribed a form for second appeal too). One is not required to pay any fee for the second appeal. However, some states have prescribed a fee for that. One can file the second appeal within 90 days of disposal of first appeal or within 90 days of the date, by when first appeal was to be decided.