

Guidelines/ Procedure under RTI Act, 2005

As per Section 4 (2) of RTI Act, 2005, each Public Authority is required to pro-actively disclose maximum information on their website so that the public have to resort minimally to the use of this Act to obtain information.

Accordingly, Quality Council of India (QCI) has disclosed maximum information under Mandatory disclosure on following QCI website: <https://qcin.org/qci-secretariat/#rticell>

However, few of the points which may be referred while receiving or disposing RTI Applications are mentioned below:

- **Procedure to file an RTI Application-**

The procedure to file RTI Application has been mentioned on Quality Council of India (QCI) website under the following link: <https://qcin.org/qci-secretariat/#rticell>

- **Application fee for filing RTI Application-**

In accordance to directive given in the Gazette notification issued by Department of Personnel & Training, Ministry of Personnel, Public Grievances and Pension, Govt. of India, vide no. 34012/8(s)/2005-Estt.(B) dated 16.09.2005, the application for obtaining information under sub-section (1) of section 6 must be accompanied by prescribed application fee of Rs. 10/-.

However, any person who belongs to BPL category is not required to pay any fee, provided necessary documents are produced in support of the claim.

Further, in case additional fees is required, the applicant is also required to pay additional fees for getting copy of the desired information. Intimation for the same shall be provided by CPIO as and when required.

- **Selection of a wrong Public Authority by applicant in the RTI request form-**

In case the RTI application is not meant for the Public authority which has been selected by the applicant, the "Nodal Officer" of the said public authority would transfer the application electronically to the "Nodal Officer" of the concerned Central Public authority, if aligned to Central Government RTI MIS portal and physically to that Central Public authority which is not aligned to RTI portal, under section 6(3) of the RTI Act.

It may be noted that RTI applications filed through central government RTI MIS portal for the state public authorities, including NCT of Delhi, would be returned, without any refund of fee. (The same has been mentioned on RTI MIS portal under following FAQ section: <https://rtionline.gov.in/faq.php>)

- **Information under RTI Act, 2005-**

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.

- **Time limit for supply of information under RTI Act, 2005-**

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

- 30 days: On receipt of a request for information, the CPIO/ 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 CPIO/ 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 CPIO/ 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.

- **Time limit of 30 days to be followed if the applicant does not respond to the intimation letter of the CPIO requesting additional fee payment under RTI Act, 2005-**

CPIO is not duty bound to provide information to the applicant in such cases. RTI Act clearly states that the CPIO will provide access to information only upon payment of further fee as may be determined [Section 7(1) of RTI Act] by him/her (for non-BPL cases). The 30 days clock stops ticking from the date of dispatching the intimation for further fees issued by the CPIO and restarts on the date on which the applicant pays the additional fee [Sections 7(3)(a) & 7(3)(b) of RTI Act].

- **Conditions under which information can be denied by a CPIO-**

- i. The rejection of RTI application can be done in the following cases-
 - a. Citing exemption under Section 8(1) of the RTI Act.
 - b. Citing exemption under Section 9 of the RTI Act.

- c. Citing exemption under Section 11(1) of the RTI Act.
- ii. Other situations where information can be denied are-
 - a. Citing any article of the Constitution.
 - b. For non-payment/ improper payment of application fee.
 - c. If what has been sought in the application is not 'information'.
 - d. If the RTI Act does not apply to a particular organization, then citing exemption u/s 24.
 - e. If the organization from whom the information is sought is not a public authority.

- **Third party information under RTI Act, 2005-**

Any information which relates to or has been supplied by the third party is referred to as third party information. This may involve different types of records like those related to personal information of individual or commercial information about an organization.

Protection of personal information, especially of a third-party, is a valuable privilege which should not be lightly done away with or diluted.

- **Interrogative queries under RTI Act, 2005-**

As per decision dated 03.04.2008 of the High Court of Bombay at Goa in Writ Petition No. 419 of 2007, in the case of Dr. Celsa Pinto Vs. Goa State Information Commission, the term 'information' as defined under RTI Act does not include answers to questions like 'why'. The relevant part of judgement is as follows:

The definition of information cannot include within its fold answers to the question "why" which would be same thing as asking the reason for a justification for a particular thing. The public information authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information.

- **Public Interest-**

In the Indian context, and especially as per RTI Act, 2005, a significant judgment of the Supreme Court of India can be taken note of in understanding the term public interest.

In S. P. Gupta v/s President of India, AIR 1982 SC 149, Justice Bhagwati, in referring to public interest, maintained:

Redressing public injury, enforcing public duty, protecting social, collective, diffused rights and interests vindicate public interest (in the enforcement of which) the public or a class of the community have pecuniary interest or some interest by which their legal rights or liabilities are affected.

- **Penalizing PIO for not providing the records which have been destroyed as per record retention policy of the organization-**

If a record has been destroyed legally, the question of penalization does not arise. But the RTI Act clearly requires a review of all weeding practices in existence to ensure that information which could be requested under the RTI Act is not destroyed.