

**Citizens' Guide to  
RIGHT TO INFORMATION ACT 2005.**

The RTI is a powerful tool, which gives you the chance to transform the way the government and its officials function. By asking for information, you ask for the government to be more transparent and accountable. Since 12<sup>th</sup> Oct. 2005, this powerful tool is in your hands. Don't sit and watch but get involved and use your right to information today.

**2. The Objective:** To promote transparency and accountability in the working of every Public Authority and to contain corruption.

**3. The Paradigm Shift:** The only Indian Act .....

- i) which does not have immunity for Prime Minister or President. (Even the Indian Constitution have such immunity).
- ii) which the Government implements and citizen supervises.
- iii) which does not respect any hierarchy.
- iv) which reminds and makes Government servants and citizen their masters.

RTI Act applies only to citizen of India and does not cover Jammu & Kashmir.

**4. Under the RTI Act you can access information from any Public Authority.** Public Authority means:

- All Central, State and local level bodies which are set up under the Constitution or under any other State or Central statute. This means that it covers the President, the legislature and the judiciary and all related Ministries, departments and agencies.
- Any body owned, controlled or substantially financed or any NGOs substantially financed directly or indirectly by Government. This means that even some private bodies which receive funding from the Government can be asked for information.

**5. What information can you ask?**

Information means any material in any form, including records, documents, manuscripts, memos, emails, opinions, advices, file notings, press releases, circulars, orders, logbooks, contracts, reports, papers, samples and models. Also data held in any electronic form such as fax, microfilm, microfiche, computer etc.

**6(a) 'Right to information' means you have the right to:-**

- i) Take certified copies of documents, notes, extracts, contracts, etc.
- ii) Inspect documents and records at government offices.
- 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, e.g., polluted water, road material, cement.

**6(b) However, the information may be refused, if the disclosure of information:-**

- i) could affect the sovereignty, integrity, security, strategic, scientific or economic interests of India, or relations with foreign State.
- 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) No copyrighted information can be provided.
- ix) Cabinet papers generated during the process of making a decision cannot be disclosed until the decision has been taken.
- x) may cause breach of privilege of Parliament or State Legislature.
- xi) Personal information which serves no public interest, or which would cause unwarranted invasion of the privacy of the individual unless the PIO is satisfied of the larger public interest.

However, any information which cannot be denied to Parliament or State Legislature shall not be denied to you. Partial information may also be given if any part of the information requested falls under the above category. Certain intelligence & security organisations (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. You can seek the information from any Public Authority through the PIO and APIO.

**7. TIME DURATION – you should get information within:-**

**30 days:** On receipt of request for information, the PIO has either to provide information on payment of such fees as prescribed or reject with reason.

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

**48 hours:** If the information sought concerns the life or liberty of a person.

**40 days:** If third party is involved.

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

**8. FEE STRUCTURE.**

Application (Basic) fee	Cost of Information (Additional fees)	Mode of payment
Rs. 10.00	<ul style="list-style-type: none"> <li>• A4/A3 paper – Rs. 2.00 per page</li> <li>• Larger paper – actual cost</li> <li>• Printed publications –actual cost</li> <li>• photocopies/extracts of printed publications – Rs. 2.00 per page;</li> <li>• Floppy/diskette – Rs. 50.00 per disk</li> <li>• Samples/models – actual cost;</li> <li>• Inspection of records – Free for the 1<sup>st</sup> hour and Rs. 5.00 for each subsequent hour.</li> </ul>	<ul style="list-style-type: none"> <li>• Cash against receipt</li> <li>• demand draft</li> <li>• bankers' cheque.</li> </ul>

**NOTE:** Citizens belonging to Below Poverty Line (BPL) are exempted from payment of fees. No fee if information is provided after the expiry of the time limit.

**9. APPEALS**

**(a) First Appeal:**

You have the right to make an appeal to the First Appellate Authority of the Public Authority, if:-

- The PIO or APIO refuses your application.
- You 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

You can submit your appeal to the PIO or APIO within 30 days from date of expiry of time limit or the receipt of decision.

Your Appeal shall contain:-

- i) Name & address of the applicant
- ii) Name & address of the PIO
- iii) Details of the Order against which appeal is made – including No., date & PIO.
- 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 appellent

ix) Any other information required in deciding the appeal.

Documents to accompany the appeal:-

- Attested copy of the order 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.

You can also **complain** anytime to the Nagaland State Information Commission, if:-

- i) You are unable to submit a request as;
  - a. No PIO or APIO appointed
  - b. PIO or APIO refused to accept your application
  - c. PIO do not forward your Appeal to the Appellate Authority
- ii) Refusal of access to information requested
- iii) No response to your request or access within the time limit.
- iv) the fees charged is unreasonable
- v) you alleges that information is incomplete, misleading or false.
- vi) Any other matters relating to requesting or obtaining access to records under the Act.

If you face any resistance, incompetence, inefficiency or lack of interest in implementing the RTI in any of the Public Authorities, do bring this to the notice of the Commission by writing to them at the following address:-

Nagaland State Information Commission  
Old Secretariat Complex,  
Post Box – 148,  
Kohima, Nagaland – 797001.  
Tel: (0370) 2291595(O), Fax: 2291798,  
Email: cic\_nagaland@yahoo.co.in  
Website: www.nlsic.gov.in

### **(b) Second Appeal:**

STILL, if you are not satisfied with the decision of the First Appellate Authority or do not receive any decision of your appeal within 30 to 45 days, you have the right to make an appeal to the Information Commission within 90 days from the date on which first appeal decision was actually made or from the date on which first appeal decision was actually received.

### **10. Penalty**

The Nagaland State Information Commission could impose a penalty of Rs. 250.00 per day subjected to a maximum of Rs. 25,000.00 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 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. For example, you apply for your passport today and file your RTI application the next day, then RTI application will not help. An RTI application can be filed only after the end of the time limit prescribed for that work.
- iii) Information does not come for free. You need to pay for the cost of information(including mode of communication). Ask what is needed, else you may land up paying huge amount for the information later.
- iv) Application can be submitted on plain paper in English, Hindi or local language addressed to the PIO.
- v) Make the application more specific, clear and comprehensive about the information you need or the work and records you want to inspect, 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.

- vi) Mention the period of records you want.
- vii) Mention the form in which you want information.
- viii) Mention the mode of communication which you desire the information
- ix) Give your contact details. PIO need it to intimate the cost and send you the information.
- x) You are not required to give any reason for asking for the information.
- xi) Your application should be accompanied by an application fee of Rs. 10.00 to be paid either in cash or Demand Draft or banker's cheque.
- xii) If you are BPL(Below Poverty Line) mention it and produce proof of document like ration card, ID card etc. as there is no application fee and information is free.

## 12. Some point to remember:

- i) The PIO or APIO cannot refuse your application even though the information you request 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.
- iii) If a request cannot be made in writing, you can seek the assistance of the PIO to *reduce oral requests to writing OR to assist you in case you are disabled person.*
- iv) Obtain acknowledgement receipt of your application and the application fee from the PIO.
- v) You should receive intimation about the cost of information alongwith the details of calculations from the PIO. The information will not be provided to you till you pay the cost. The time period between the date of intimation of the cost and the date when you pay is called '*Intervening period*', and is excluded from the time limits.
- vi) There is no fee for making appeals.

**13. THE FUTURE:** Nothing can be changed by changing the face but anything can be changed by facing the change.

The RTI Act - A Dream of Excellence for the generation to come.

### **Fight for your right and Act Right now**

*"It is never the ACTIVITY of rascals that destroys a society, but always the INACTIVITY of the good people that does it".*

*"If a citizen does not oppose injustice and crime, then he is encouraging it".*

*"Corrupt governance neither lets its citizens live in dignity nor die with dignity". - Shiv Khera.*

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