

Right to Information Act – The Route to Effective Implementation

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The Right to Information Act came into force in India four years ago. No other law has captured so much widespread public attention and interest than the RTI Act. For the efficacious functioning of this Act, the common man and concerned officials have to be acquainted with the following points.

1. The application fee can be remitted at State Govt. offices through Court Fee Stamps, Treasury Challan, DD/Bankers Cheque or in cash directly.
2. Information provided will be based on the records available in the files. Application seeking redressal of grievances, opinions, explanations and interpretations should be avoided.
3. If more than one information is sought, clearly bring out in the form of a numbered list.
4. Cost of providing the information must be borne by the applicant and remitted as instructed by the Public Information Officer (PIO). Postage should also be borne by the applicant.
5. Applicants Below Poverty Line (BPL) have been exempted from paying application fees or any other fees that comes under the purview of the RTI Act.

If any fees/charges are prescribed under any other law or by a Govt. notification for providing any information, such fees/charges have to be borne by the BPL applicants also.

BPL certificate issued by Corporation secretary/Municipal secretary/BDO only will be accepted. The BPL entry in the ration card is not valid for this purpose.

6. The applicant is not expected to prepare a format and request the information to be filled into it. Similarly, the PIO is not required to compile information from different files and give it in the form of a report.
7. Information can be refused only on the grounds mentioned in sections 8 and 9 of the RTI Act. If information is refused, then the grounds on which it is refused, details of the appellate authority and the time period within which an appeal can be submitted should be clearly intimated to the applicant.
8. When the applicant is asked to remit the cost of providing information, the total amount to be remitted and the details and break-up of this amount should be communicated to the applicant.
9. The thirty days allowed for providing information will be extended by a period equal to the delay on the part of the applicant in submitting the proof of payment of fees, commencing from the date of issue of notice for remittance of fees. However, as some officials are erroneously following, this thirty-day period does not start from the day the proof of remittance is submitted.
10. The PIO can seek the assistance of other officials to collect the information. Action will be initiated against the officials who fail to provide the assistance sought by the PIO.
11. If the information sought is concerned with another public authority, then, within five days the application has to be handed over to the relevant office and the applicant informed.
12. If only a part of the information sought need be provided and the rest has to be rejected, then the information has to be so segregated and appropriate action taken up.
13. In case of applications that request for inspection of files and records, the applicant should be allowed to inspect them. Copies of records provided have to be certified.
14. Appeals and complaints submitted to the appellate authority or to the Information Commission have to be clear and concise. The issues

taken up with the appellate authority/commission should not deviate from the information sought in the original application. Copies of the original application, reply, first appeal and decision, chronologically sorted and attached along with the appeal will expedite the disposal of the appeal. For each application, a separate appeal/ complaint should be submitted.

15. Appellate authorities reviewing the PIO's decision often endorse or issue vague and ambiguous instructions without appraising and confirming the factual status of the statements made in the first appeal. This makes the first appeal a farce.
16. Govt. offices should have facility to preserve old documents and files. Files that not longer need be preserved should be disposed of as sanctioned by law, and those that are to be kept should be categorized, indexed and archived.