

## MIZORAM INFORMATION COMMISSION

### AIZAWL: MIZORAM

#### RIGHT TO INFORMATION (RTI) ACT, 2005

#### **Guidelines for Public Authorities-State Public Information Officers (SPIOs) and State Assistant Public Information Officers (SAPIOs).**

1. RTI Act applies only to citizen of India including NRI (Non-Resident Indian).
2. To display prominently the name plates and designation of SPIO/SAPIO for easy identification and access by public.
3. When on leave or tour, entrust other officer (in writing). Any applications received during the time, the entrusted officer shall act as SPIO or SAPIO as the case may be. If such arrangement is not done, the designated SPIO or SAPIO shall be held responsible for any delays in providing information.
4. Requesting for information is not harassment.
5. RTI is a tool to get information only and NOT what to do after getting the information.
6. RTI is about providing of information and NOT creating of information.
7. RTI assumes that every Public Authority has proper Records Management.
8. RTI is not about Grievance Redressal Mechanism or to solve problems.
9. Each Public Authority is required to prepare the proactive disclosure covering all offices under its control or jurisdiction.
10. Keep a copy of the Proactive Disclosure of your Public Authority.
11. Update information at regular intervals.
12. Keep Annual Report and other documents published by your Public Authority.
13. All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the SPIO, available free or at such cost of the medium or the print cost price as may be prescribed.
14. Maintain all transactions/receipts/correspondences.
15. Keep contact details of the other Public Authorities, SPIOs and SAPIOs.
16. RTI Applications to be treated on top priority.
17. To receive Application/request for information or appeals.

18. Be fully conversant with Sections 4, 5, 6, 7, 8, 9, 10, 11, 19, 20, 21, 22, 24, 25 of the RTI Act,2005.
19. Check and obtain Contact Address of Applicant whether received by post or mail.
20. Check that the Application is accompanied by the Application Fee of Rs 10/- as prescribed by the Government of Mizoram and, in the form of Cash/Treasury Challan/DD/Cheque for proof of payment. To note the Fees paid in the form of Indian Postal Order (IPO) of Rs 10/- are also accepted.
21. Application without the fee or Below Poverty Line (BPL) Certificate can be treated as invalid application. However, the SPIO or SAPIO may inform the Applicant to pay the fee and that the application cannot be activated or processed until the fee is paid.
22. Issue acknowledgement and receipt of the Application and the Fee to the Applicant at the time of receiving the application.
23. Meet Applicants with politeness.
24. Assist citizens to make their request properly, SPIO is not only confined to furnish information but also to provide necessary help to the information seeker, wherever necessary.
25. If an Applicant falls under BPL category or claims to be BPL, verify proof of identity like Voters Identity Card, Ration Card etc. For BPL there is no Application fee and information is free.
26. Render reasonable assistance to sensorily disabled person to make request. Preference should be given to Senior Citizens.
27. If oral request is received, say from an illiterate person, reduce such oral request to writing (make the request more specific).
28. Clarify with the Applicant for unclear requests.
29. It is NOT required to ask the Applicant the reason for requesting information or any other personal details except those that may be necessary for contacting him.
30. Open a Case File and record in the Case File Index Register.
31. Mark the Application with an ID No. and date of receipt of the Application.
32. SPIO or SAPIO cannot refuse an application.
33. Counting of time limit in providing information starts from the date of receipt of the Application and not from the date when it was written.
34. Both working and non-working days (holidays) are counted within the time limits.

35. If SPIO receives the Application, transfer it to the PIO at the earliest as the information or any reply must be given by SPIO. (additional 5 days is added to the time limit).
36. SPIO is not required to wait for the time limits to complete to provide the information, if the information was ready.
37. Arrangements for inspection of records/taking samples to facilitate easy accessibility of citizens making requests and fix a particular day or two in the week for the above purposes and be ready with an appropriate contingency plan.
38. SPIO can provide, as the case may be, as per the following Sections of (RTI Act 2005):
  - a. Full information [Sec. 7 (1)]
  - b. Free information [Sec. 7 (5&6)]
  - c. No information [Sec. 8, 9]
  - d. Partial information [Sec. 10 (1)]
  - e. Third Party information [Sec. 11]
39. Examine the details and nature of information sought.
40. If the request is for voluminous information, the Applicant may be invited to inspect the required documents or files.
41. For mis-directed application, transfer it to the relevant Public Authority within 5 days under intimation to the Applicant.
42. The SPIO of the Public Authority to whom the Application is transferred, should not refuse acceptance of transfer of the Application on the ground that it was not transferred to him within 5 days.
43. Time period of 5 days for transfer of Application applies only when the transfer is from one Public Authority to another Public Authority and not from one SPIO to another SPIO in the same Public Authority.
44. In the case of mis-directed request, the time period shall be counted from the date of receipt by the SPIO of the other public authority.
45. If in a single Application information is requested which concerns or is available with your Public Authority and a part of the information concerns some 'another Public Authority,' the SPIO should supply the information concerning his Public Authority only and a copy of the application should be sent to that another Public Authority clearly specifying the part which relates to that public authority and inform that the application fee has been received. Intimate the applicant about such transfer. The SPIO of the Public Authority need not collect the information from various Public Authorities and supply to the Applicant.

46. The SPIO is required to supply the 'material' in the form as held by the Public Authority and is not required to do research or deduce some conclusion from the 'material' and supply the 'conclusion' so deduced to the Applicant.
47. If requested information falls under the exempted categories, check whether there is public interest.
48. A subordinate or district offices under the control of your public authority cannot be considered as Third Party.
49. Third Party must be given a chance to make a representation (oral or written) before the SPIO within 10 days of receiving the notice.
50. May seek assistance of any other officer or staff if necessary for the proper discharge of duties. And any officer whose assistance is sought by the SPIO or requests transferred to other officers as he/she deals with the file or subject matter, shall be treated as SPIO for that particular case, also known as 'Deemed SPIO' though he/she may not be the officially designated SPIO.
51. The SPIO should not direct other officer or staff to provide the information to the Applicant, as SPIO is not authorized to designate any other officer as SPIO.
52. The 'deemed SPIO' is liable to be punished for not furnishing information in time or for refusing information or for giving wrong information or misleading information.
53. The SPIO need to take the approval of the higher Authority to release information, except before providing partial information and inform the Applicant the reasons and the persons giving the decision for partial access.
54. To the best effort, provide information in the same format sought unless it would disproportionately divert the resources of the Public Authority or would be detrimental to the safety or preservation of the record in question. [Section 7 (9)];
55. All information provided to the Applicant shall be under the signature of the SPIO.
56. Request for information shall be deemed to have been refused by the SPIO, if decision on the request for information is not given within the period specified; which may invite penalty on the SPIO.
57. Intimate the cost of information to the Applicant along with the details of calculations made to arrive at the amount in accordance with fee prescribed.
58. Fees should be charged as per the prescribed fees which must be reasonable. The Applicant has the right to appeal, if he thinks that the SPIO is charging unreasonable fee.
59. Do not provide the information until the Applicant pay the cost or proof of payment is produced.

60. Information must be provided to the Applicant free of cost if the information is provided after the time limit.
61. The intervening period is the period between the dispatch of the intimation of the cost and payment of fees, which is excluded from the time limits.
62. The fees collected are to be deposited into the Government Treasury at the end of every month through Treasury Challan under Head of Account:
  - 0070 - Other Administrative Services,
  - 60 - Other Services,
  - 118 - Receipt under RTI Act-2005,
  - (01) - RTI
63. While furnishing the Annual Report, each Department is required to collect information from all Public Authorities under its control or jurisdiction and send it to the Commission.
64. SPIOs may also sensitise their colleagues and employees on RTI Act, including the Public.
65. If Appeal is received, transfer it Departmental Appellate Authority (DAA) at the earliest.
66. There is no fee for filing either the First or the Second appeal.
67. There is no penalty for action taken in good faith. However, the burden of providing that information denial was justified lies with the SPIO.

Application (Basic) fee - **Rs 10.00**

**Cost of Information. (Additional/further/prescribed fees)**

- A4/A3 paper @ Rs 1.00 per page
- Larger paper @ actual cost
- Printed publications @ actual cost
- Photocopies/extracts of printed publications @ Rs 1.00 per page;
- Floppy/diskette @ Rs 30.00 per disk
- Samples/models @ actual cost;
- Inspection of records @ Free for the 1st hour and Rs 5.00 for each subsequent hour.

**Mode of payment**

- Cash against receipt or Treasury Challan or Demand Draft or Bankers cheque or Indian Postal Order.

On receipt of an Application, the SPIO or SAPIO shall give a receipt in token thereof to the applicant. The above Application Fee and Cost of information collected shall be deposited under Head of Account:

0070 - Other Administrative Services

60 - Other Services

118 - Receipt under RTI Act " 2005

(01) - RTI

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### **Special Skills of SPIOs:**

1. The SPIO needs to know the structure and delegation of powers within the organization. He should be well versed with organization chart, levels of disposal of cases, etc.
2. The SPIO should have complete knowledge and experience of office procedure. He should have adequate knowledge of record management prevailing with the Public Authority.
3. The SPIO should have good negotiations skills as often he will be negotiating with the public, colleagues, third party and others so that he could attend to his duties as SPIO smoothly.
4. Most importantly he should be good in time management. The work of SPIO is additional to the work he performs as an officer of the Public Authority. He should be able to apportion time available with him on various activities entrusted to him. Availability of inadequate time cannot be the basis for delay in disposal of request for information or for supply of incomplete information.
5. It will be advantageous for the SPIO to have knowledge on computers as sometimes information may be requested or require to provide in electronic form.
6. It may be remembered that the lines of demarcation between Public and Private interests are very thin and could pose problems to the SPIO in taking appropriate decision. Therefore, careful/thorough examinations/assessments of such cases must be done before taking decisions.