

Some Important Aspects

Overriding effect of the Act The provisions of the RTI Act shall have effect notwithstanding any thing inconsistent therewith contained in any other law for the time being in force or any instrument by virtue of any law other than this act. An application for information received under the RTI Act can be rejected only for any of the reasons u/s 8 or 9 of the Act. The application can not be rejected under the Provisions of any other law. Bar of Jurisdiction of Courts No court shall entertain any suit, application or other proceedings in respect of any order made under this act and no such order shall be called in question otherwise than by way of an appeal under the RTI Act. The decision of the State Public Information Officer shall be called in question only by an appeal before the Appellate Authority u/s 19(1) of the Act and the decision of the Appellate Authority shall be called in question only by way of an appeal before the State Information Commission u/s 19(3) of the Act. Exempted Organizations By virtue of the powers vested under section 24 of RTI Act, Government of Kerala, have exempted the following organizations from the purview of the Act. 1. Special Branch CID2. Crime Branch CID3. District Special Branches of all Districts/Cities4. District and Crime Record Bureau5. Police Telecommunication Unit6. Confidential Branch in the Police Headquarters, Kerala and Confidential sections in all Police Offices in Kerala7. State and Regional Forensic Science Laboratories8. State and District Finger Print Bureau However, the information pertaining to allegations of corruption and human rights violations are not exempted from disclosure in the case of these exempted organisations. In the case of allegations of violation of human rights, the information shall be provided only after the approval of the State Information Commission and the information shall be provided within 45 days from the receipt of request. How to make a request for information under the RTI Act 1. The request shall be in writing or through electronic means in English or Malayalam or in the official language of the area in which the application is made. 2. The full name, address, particulars of information required and other relevant reference, if any, are to be clearly specified in the application. 3. The application shall be accompanied by the prescribed fee. Govt. of Kerala have prescribed the Kerala Right to Information (Regulation of Fee and cost) Rules, 2006. The application fee is Rs.10/- The application fee shall be paid in any of the following manners. a. by affixing court fee stamp; orb. by remitting the amount to the Government Treasury, under the head of account " 0070 other administrative services - 60 other services - 118 other receipts - 99 other items" under RTI Act, 2005. c. by cash remittance against proper receipt in the office of the State Public Information Officer/ State Assistant Public Information Officer, as the case may be; or d. by demand draft/bankers' cheque /pay order payable to the State Public Information Officer/State Assistant Public Information Officer; Provided that in the case of public authorities other than the Government Departments, the fee shall be remitted to the account of such public authority as provided in (c) & (d) above. 4. The application shall be made to the State Public Information Officer of the concerned Public Authority or the State Asstt. Public Information Officer as the case may be, specifying the particulars of information sought for by him. 5. Where the applicant cannot make the request in writing, the State Public Information Officer shall render all reasonable assistance to the person making the request to reduce the oral request into a written request. 6. Person's below poverty line are not required to remit the application fee. However, they are required to produce BPL certificate from the Block Development Officer for those persons residing in rural areas and, from the Secretary of the Corporation/Municipality for those residing in Corporation/Municipal area, respectively. 6. An applicant is not required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him. Disposal of the Request 1. On receipt of a request for information, the State Public Information Officer shall either give the information on payment of the prescribed fee or reject the request for any of the reasons specified in section 8 and 9 of the RTI Act as expeditiously as possible, and in any case within thirty days of the receipt of the request. 2. Where the information sought for concerns the life or liberty of a person, the same shall be given within 48 hours of the receipt of the request. 3. If the decision on the request for information is not given within the prescribed time limit, the request shall be deemed to have been refused. 4. Where a decision is taken to provide the information on payment of the cost of providing the information, the Public Information Officer shall send an intimation to the person making the request giving details of the fee representing the cost of providing the information and the calculation made to arrive at the amount, requesting him to deposit the fees. The period intervening between the despatch of the above intimation and payment of fees shall be excluded for the purpose of maximum period in determining the time limit for providing the information. Fee for providing information For providing information, the public authority shall charge the fee at the following rates, in case no separate fee is prescribed: a) rupees two for each page in ‘A4’ size paper. b) actual charge or cost price of the copy in larger size paper. c) actual cost or price for samples or models, maps, plans etc. d) for inspection of records, no fee for the first hour; and a fee of rupees ten for every subsequent thirty minutes or fraction thereof. Provided that in the case of public authorities other than the Government Departments, the fee shall be remitted to the account of such public authority as provided in clause (c) and (d) of rule 3 of the Kerala Right to Information (Regulation of Fee and Cost Rules), 2006. No fees shall be charged from person Below Poverty Line Persons below poverty line are exempted from payment of application fee and also the fee for providing the information. The Government of Kerala have authorized the Block Development Officers as the competent authority to issue eligibility certificate to those below poverty line in rural areas and, the Secretary of the Corporation/Municipality for those below poverty line in Corporation/Municipal area. Information is free if the time limit is exceeded The information shall be provided free of cost where a Public Authority fails to comply with the prescribed time limit. Rejection of a request Where a request is rejected, the State Public Information Officer shall inform the person making the request -a. the reason for such rejection b. period within which the appeal may be preferred; and c. the particulars of Appellate Authority.