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UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2017

Program: BA LLB /BBALLB/B.Tech,LL.B (IPR & Cyber Law)

Semester: IX

Subject (Course): Right to Information

Max. Marks : 100

Course Code : LLBL503

Duration : 3 Hrs

No. of page/s: 3

Section A [1x10=10]

1. The officer designated by the public authorities in all administrative units or offices, to provide information to the citizens requesting for information under the Act is known as
 - a) Appellate Authority
 - b) Chief Information Commissioner
 - c) Public Information Officer
 - d) Assistant Public Information Officer
2. If the interests of a third party are involved in information sought for, the maximum time limit to get the information will be
 - a) 30 days
 - b) 40 days
 - c) 45 days
 - d) 60 days
3. For the PIO to disclose certain information, the Competent Authority should be satisfied that larger public interest warrants its disclosure. This information pertains to
 - a) information available to a person in his fiduciary relationship
 - b) Commercial confidence.
 - c) Intellectual property.
 - d) All of the above
4. The First Appellate Authority should decide on first appeals:
 - a) Within 30 days from the receipt of the first appeals
 - b) In less number of days the PIO concerned took to take a decision on the application.
 - c) Within 45 days from the date of receipt of the appeal, if the reasons are recorded.
 - d) None
5. An applicant making request for information
 - a) Should be give the reason why the information sought for
 - b) Shall not be give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

- c) Both (a) & (b)
 - d) None of these
6. Second schedule of RTI Act deals with
- a) Appeal Format
 - b) List Of Exempted Organizations
 - c) Rules Of Public Authority
 - d) Form of Oath Or Affirmation
7. The Central Government had power of to remove the difficulties of the Act with in from the date of the commencement of this Act.
- a. 1 year
 - b. 1.5 years
 - c. 2 years
 - d. 2.5 years
8. Section 21 of RTI Act, provide protection
- a. to the intelligence and security organizations
 - b. From action taken in good faith
 - c. Appeal in courts against the order of commissions
 - d. Protection against penalties
9. The provisions of sub-section (/) of section 4, sub-sections (/) and (2) of section 5, sections 12, 13, 15,16, 24, 27 and 28 shall come into force at once, and the remaining provisions of this Act shall come into force on theof its enactment.
- a. one hundred day
 - b. one hundred and twentieth day
 - c. one hundred and fiftieth day
 - d. two hundred days
10. public authority is defined under section
- a. 2(g)
 - b. 2(h)
 - c. 2(i)
 - d. 2(j)

Section B [4x5=20]

- 11. What are rules of penalty under RTI Act?
- 12. When Right to information has become a legal right, there is no need to declare RTI as a Human Right. Discuss.
- 13. What are the grounds of removal of State Chief Information Commissioner or State Information Commissioner?

14. Write down the process of appointment and qualification of Chief Information Commissioner.

Section C [2x10=20]

15. Describe and analyze the journey of right to information from right to know while making a reference to the role of judiciary in this development.

16. 'An aggrieved person can take recourse of only the appeal procedure provided in the RTI act for redressal of his grievances.' Comment and analyze the statement on basis of provisions of RTI Act.

Section D

17. Mr. Rajesh, in his application sought reply from the Public Information officer of University of Hindia that why a librarian post in his department was lying vacant for the last 10 years. PIO rejected the application and along with rejection order PIO sent details of Central Information commission as first appellant authority. Answer the following:

- a. What are powers of central information commission under RTI Act? [10 marks]
- b. Whether CIC is bound to decide the case as first appellant authority? Decide with the help of case laws. [10 marks]

18. Mr. Kumar filed an application before the PIO of Forest Department of Dehradun, seeking information regarding permission granted to cut the trees in Dunga forest to a private university for expansion of their medical school. The Public Information officer demanded a proof of citizenship from Mr. Kumar. Later the application was rejected by the PIO on the ground of non-submission of citizenship proof and third party information. Aggrieved by the decision of PIO, Mr. Kumar filed appeal before 1st appellate authority. The appellate authority also rejected the appeal on same ground. Now Mr. Kumar wants to file an appeal before commission. Answer the following:

- a. Whether the demand of citizenship proof of PIO is justified under RTI Act? Enumerate various grounds for rejection of a RTI under chapter II of RTI Act. [10 Marks]
- b. Who is the third party as per RTI Act? What are the rules relating to third party information? [10 Marks]
- c. Draft the second appeal for Mr. Kumar. Mentioning all relevant facts. [10 marks]

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Section A [2x5=10]

1. What is the time limit to get the information under RTI Act 2005?
2. Indian citizens have the right to information because of
 - a) Judgment of Supreme Court
 - b) Implementation of International Laws by Indian Government
 - c) All states adopted agree to implement the Act
 - d) A law passed by the Parliament of India.
3. A Public Information Officer will be liable to be imposed a monetary penalty for
 - a) A refusal to receive an information application.
 - b) Not providing information within specified time limits.
 - c) Destroying information.
 - d) All of them
4. What does Right to Information mean?
5. In case of emergency information can be supplied within 48 hours. True/False

Section B [2x10=20]

6. What are the duties of Public Information Officer?
7. What are the grounds for removal of Chief Information Commissioner?

Section C [2x10=20]

8. "Democracy requires free flow of information but balance between private and public interest also essential." Comment and elaborate how RTI Act is maintaining a balanced free flow of information.
9. Discuss and compare the scope of RTI under Indian and foreign legislations.

Section D

10. A proposal to increase sales tax on a particular product range has been prepared by the Commissioner, Commercial Taxes and the concerned Minister will table the proposal in the forthcoming session of the House, after it is approved by the Cabinet. A manufacturer will be adversely affected by the Amendment and has asked for a copy of the proposal to the PIO. You are the PIO for that Office. What will you do? Will you provide this information? Explain. [10]
11. Rajaram, a rickshaw-puller, has been admitted to a Government hospital in a serious condition. He has been treated at the hospital for a week but his condition has worsened. His wife has asked the PIO of the hospital to furnish details about the medicines and details of treatment administered to Rajaram after his admission. What action will the PIO take in this situation? [10]
12. Ms. Treesa has requested to furnish a photocopy of her evaluated answer sheet of the departmental exam. The PIO has refused to furnish the same on the ground that there is no public interest involved in her request. Ms. Treesa prefers an appeal to the Information Commission.
 - a. What will be the decision of the Information Commission? Make a presentation of the case explaining the decision taken with relevant provisions of the Act. [10]
 - b. Are the grounds for refusal by the PIO justified? Explain the public interest exception. [10]

13. Dr. Venkateswar Prasad had studied in AIIMS and got an MBBS degree in the year 1986 and later opened a deluxe hospital, the „Krishna Institute of Medical Science (KIMS) in Hyderabad. Dr. Prasad treated Shri Sanjeev Kumar Jain’s son who allegedly died at his hands. Shri Sanjeev Jain and his wife Smt. Anju Jain, a lecturer in Zoology, felt that Dr. Prasad was not a competent doctor and according to them on further enquiries, they discovered several discrepancies in the certificates the doctor had earned not only during his term of education, but even later. There were also discrepancies in the details of the passport that he had used to go to America. The couple, Shri Jain and Mrs. Anju Jain delved further into the matter and were convinced that this is a case of a fake doctor.

To strengthen their case, as also to procure documents to pursue the matter further, they applied to AIIMS to provide them with photocopies or certified copies of the degrees and certificates that the AIIMS has in possession regarding this doctor. They also applied to the Regional Passport office, New Delhi for details of the passport number as well as the photograph on Dr. Prasad’s passport in order to find out whether he was using more than one passport.

Discuss whether these disclosures invade the privacy of the Doctor? Is there public interest in disclosure of the requested information?[10]