

What is RTI & How to File RTI Application

1. Right to Information

The Right to Information (RTI) Act has empowered citizens to access information from public authorities. An RTI application can be filed in any government office or any organisation, where the government has its stakes, by submitting an RTI application, seeking the exact, to the point information, preferably in less than five hundred words, accompanied with the prescribed fee (majorly Rs. 10/-) before the public information office.

The Hon'ble Supreme Court in the case of *People's Union for Civil Liberties & Anr v. Union of India (Civil Appeal Number 4295 of 1998)* already declared Right to Information (hereinafter referred to as 'RTI') as a fundamental right under Article 19, The Right to Freedom of speech and expression, of the Constitution of India.

The preamble of the Right to Information Act, 2005 provides the objective behind the Act:

"An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto."

2. What exactly is 'Information' under the RTI Act?

Section 2(f) of the Act states the definition of information.

"Any material in any form, including records, documents, memos, emails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which a public authority can access under any other law for the time being in force".

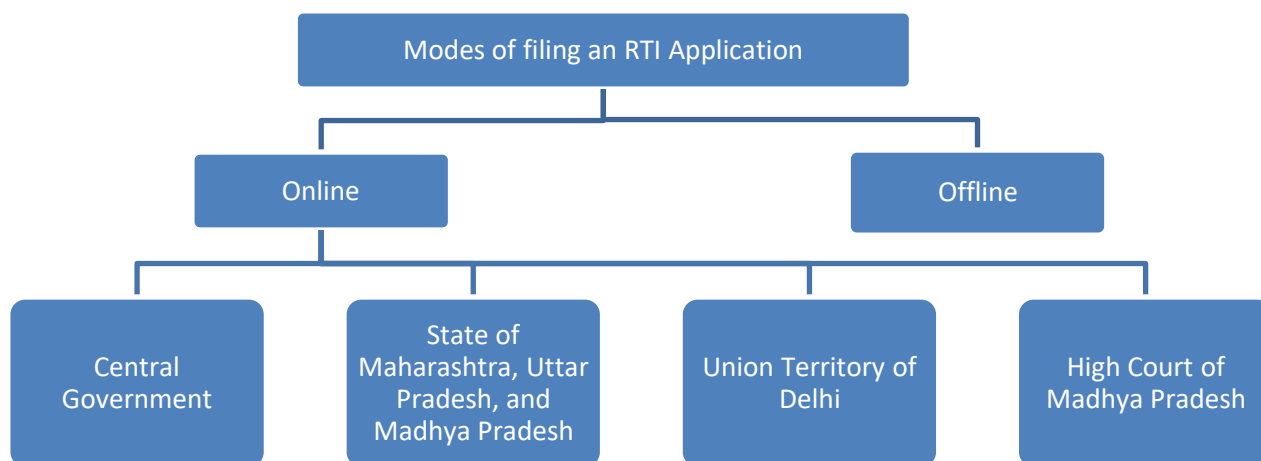
Keep in mind that what exists is information. Do not frame your query as a question.

3. Who can seek information under the RTI Act, 2005?

As per section 3 of the RTI Act, any Indian citizen can seek information under the Act.

4. How to file an RTI Application?

Section 6(1) of the Act provides that an RTI application can be filed in writing or through electronic means.



4.1 Online

- Presently the option for filing online RTI applications exists with the following wings of democracy. Links to the online portals are as follows:

Sr. No.	Authority	Link
01.	Government of India	https://rtionline.gov.in/request/request.php
02.	Union Territory of Delhi	https://rtionline.delhi.gov.in/
03.	State of Maharashtra	https://rtionline.maharashtra.gov.in/index-e.php
04.	State of Uttar Pradesh	https://rtionline.up.gov.in/
05.	State of Madhya Pradesh	http://rti.mp.gov.in/
06.	Hon'ble High Court of Madhya Pradesh	https://mphc.gov.in/right-information?qt-rti=2#qt-rti

- One has to convert the application in PDF format before filing the application.
- Recently, the Central Information Commission in its decision number [CIC/DOP&T/C/2018/628739/MOHRD/03274](#) held that amid the lockdown Public Information Officers (PIOs) should make a separate email address for the life and liberty matters.

4.2 Offline

- The RTI application should be simple, precise, and specific that concentrates on the query only.
- *Do not seek information as a question. Think of asking for records that should exist. If you want to know why action has not been taken on a complaint:*
Do not ask: Why you have not taken action on my complaint?

Ask: Send me the record of action taken on my complaint dated XX/XX/XXXX. If no action has been taken, then it should be stated “Please inform about the reason of non-compliance on my complaint dated XX/XX/XXXX”.

- You may pay the RTI fee either by postal order, cash or electronic means (if available with the department).
- Ensure to maintain a record of receipt of the RTI application by the office.
- You may send your application through Speed Post or Registered Post. It allows tracking the delivery status and provides you with proof that the application was delivered to the concerned department. If you give it personally to an office, get a stamp of receipt by the office on a photocopy.

5. Steps after filing an application

- The reply has to be furnished by the PIO within 30 days of receiving the application. In case if the application has been transferred to the appropriate department, an additional time of 5 days would be considered.
- In case of unsatisfactory, incomplete, or false information, or refusal to give information, an appeal can be made before the first appellate authority of the department.
- The first appellate authority is usually the superior most officer of the concerned department. The appeal should be made within 30 days, from the date of receiving the information. If you receive no response within 35 days, it is a deemed refusal and you must file your first appeal within sixty days of your application being received by the PIO.
- The PIO should inform you about the details of the First Appellate Authority. If he has not given the details, address your First appeal to the First Appellate Authority, c/o The PIO address. The first appellate authority is bound to decide the application within 45 days from the date of receiving the appeal.
- If dissatisfied with the order of the First Appellate Authority, the applicant may appeal within 90 days of receiving the appellate body’s order before the second appellate authority that is State Information Commission, if application pertains to state government, and Central Information Commission, if application pertains to the central government. In case the First appellate authority does not pass any order, the second appeal must be filed within 120 days of making the First appeal.
- No time limit has been ensured for disposal of application in case of a second appeal.

6. Exemptions

To uphold the spirit of confidentiality and secrecy, to maintain sovereign immunity, and to safeguard harm to certain interests, certain exemptions have been provided under the RTI Act for the information that should not be disclosed.

Section 8(1) and section 9 are the only sections under which the application can be rejected on the ground of non-disclosure. There are ten exemptions under section 8(1) and one under Section 9, which prevents the furnishing of information on the following grounds.

“8 (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen, –

(a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;

(b) Information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;

(c) Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

(e) Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

(f) Information received in confidence from foreign government;

(g) Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

(h) Information which would impede the process of investigation or apprehension or prosecution of offenders;

(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers: Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over: Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

(j) information which relates to personal information the disclosure of which has not relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is

satisfied that the larger public interest justifies the disclosure of such information: Provided that the information, which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

9. Without prejudice to the provisions of section 8, a Central Public Information Officer or a State Public Information Officer, as the case may be, may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State."

Note: No reasons need to be given for seeking information. Right to Information is your fundamental right like your right to free speech or publishing. You do not need to provide reasons for any of these.

7. Departments exempt under RTI

Section 24 of the Act states, "*Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government:*"

However, even in such situations where departments are exempted from sharing the information under RTI, there are certain exemptions to the section which the Act states:

"Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section: Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Central Information Commission, and notwithstanding anything contained in Section 7, such information shall be provided within forty-five days from the date of the receipt of request"

So even in case of a blanket ban, information about corruption and information regarding human-rights violations need to be shared under RTI.

The second schedule of the Act has a list of organisations that are exempt from the application of this Act. The organisations are as follows:-

1. *Intelligence Bureau*
2. *Research and Analysis Wing of the Cabinet Secretariat*
3. *Directorate of Revenue Intelligence*
4. *Central Economic Intelligence Bureau*
5. *Directorate of Enforcement*

6. *Narcotics Control Bureau*
7. *Aviation Research Centre*
8. *Special Frontier Force*
9. *Border Security Force*
10. *Central Reserve Police Force*
11. *Indo-Tibetan Border Police*
12. *Central Industrial Security Force*
13. *National Security Guards*
14. *Assam Rifles*
15. *Sashastra Seema Bal*
16. *Directorate General of Income Tax(Investigation)*
17. *National Technical Research Organization*
18. *Financial Intelligence Unit India*
19. *Special Protection Group*
20. *Defence Research and Development Organization*
21. *Border Road Development Board, and*
22. *National Security Council Secretariat*
23. *Central Bureau of Investigation*
24. *National Investigation Agency*
25. *National Intelligence Grid*
26. *Strategic Forces Command*

8. A few do's and don'ts

- At times filing an RTI application can be tricky since the concerned Information Officer needs to understand your request for them to reply appropriately. If the Information Officer cannot parse your request or fail to follow a particular format (as in the case of some state governments), your application may be rejected.
- **Section 6(2) of the Act states that an RTI Applicant is not required to state the reason and objective behind the filing of the application.** Neither the Act sought the information of the RTI applicant. Only a minimal level of applicant information is required so that the reply of the RTI application can be delivered to the RTI applicant. Technically, as per the Act, only the minimal, however adequate enough, contact details for delivering the information are required in an RTI application. The provision has been kept to assist the whistleblowers. You can also give a post box number instead of your address if you wish.
- The applicant must ensure that he is addressing the RTI application to the correct department. Section 6(3) of The RTI Act provides that if the PIO believes that the application pertains to any other closely connected

department then the said application will be transferred with immediate effect.

- Do not put the name of the PIO. You can simply address the application as "PIO, Name of Concerned Department." Even if your application is mistakenly addressed to the wrong PIO, under the provisions of the RTI Act, the application must be transferred to the concerned department and cannot be rejected for this reason.

9. Expert's Suggestions

Below are a few tips and tricks that former Central Information Commissioner Shailesh Gandhi has shared for users of the RTI Act:

- Remember that you can only seek information on matters that would be kept on a record by the government. Filing an RTI application for frivolous information, which is unlikely to be held on record, would be a waste of resources and time for both the applicant and the concerned department.
- Keep the information that you wish to seek simple. Explain your requirement in a concise manner, which the Information Officer will be able to understand easily. It may be a good idea to show your RTI application to a friend and see whether he is able to understand what you are seeking.
- If your RTI application is seeking information based on some prior knowledge, government circular, rule, regulation etc., please attach the relevant document to your application. This makes it easier for the Information Officer to understand the context of your application.
- Whenever possible, avoid framing your application by asking direct questions in the form of what/when/where. While there is no rule under the RTI Act that prevents you from doing so, there have been cases where applications have been rejected because of such inquisitive questions.
- Although it is not a requirement per se, it is advisable to mention in your application whether you would like to receive physical copies of the information requested or if the same can be emailed to you.
- Do not seek copies of information that could be considered voluminous, as that would require a considerable amount of time to be spent at the hands of the PIO. He is likely to refuse to provide it. Instead, seek to inspect such documents and upon receiving permission to do so, visit the concerned office at the appointed time and request whether a copy can be made of the required page for your reference.
- After your application has been filed, allow the Information Officer a period of 35 days to respond to your query before filing an appeal.

10. Some Models for drafting the requests in the RTI Applications

Obtaining the information regarding a Real Estate project:

- a. Please provide the photocopy of the layout approval and the Building proposal approval given for Sea face Apartments at Worli close to Mahakali Nullah.
- b. If there has been any violation in the construction, and if any action has been initiated, please provide a photocopy of the letter by which action has been initiated.
- c. Please provide a copy of the contract signed for the construction of the Hancock bridge along with the specifications.

Obtaining the information regarding Public Meetings:

- a. I want a copy of the minutes of the meeting of the Public hearing/Gramsabha held on 15/07/2019 along with the file noting(s) and comments of the officers.

Obtaining the information regarding Road Management:

- a. If there are any norms for inspection and maintenance of roads, please provide the copy(s) of the same, and designations of officers responsible for doing this work.
- b. If there are inspection reports of the roads from the period ___ to ___, then please provide the copy(s) of the inspection reports.

Obtaining the information regarding Encroachment:

You have, by your letter no. C/RTI/1365, given me information as 'Exh. III' about the encroachment of 16.5 acres at your Mankhurd premises by Ramji Tak, Mohan Goyal and Popular Beverage. Please provide the following information about these:

- a. Dates on which encroachment occurred;
- b. Details of action taken in these matters by you to remove encroachments.

Obtaining the information regarding Government Administered Projects

- a. Please provide the copy of the MOU signed between Jairath, Secretary Industries, Maharashtra State and DOW Chemicals International Pvt Ltd.
- b. Please provide the Copy of the IEM report submitted by DOW Chemicals with respect to the abovementioned project.
- c. Please provide the Copies of any other communications all file noting(s), with respect to the project for which MOU has been signed between Jairath, Secretary Industries, Maharashtra State and DOW Chemicals International Pvt. Ltd.

Obtaining the information by performing an Inspection:

I want to inspect files relating to _____. I will bring Mr. _____ to assist me in the inspection.

Please suggest two dates with the time at which I could come for the inspection. I will identify the documents for which I want photocopies at the time of inspection.

Note: Please ensure that the pages of the files are numbered.

In case you wish to receive further guidance on the matter related to the RTI Act or your own RTI application, you can also download Moneylife Foundation's RTI Advice App from Google or Apple App Stores.

BLANK PROFORMA FOR RTI APPLICATION

*Date: __/__/____

To,
Mr. _____
Public Information Officer,
*Ministry/ Department: _____,
*City & PIN: _____,

Subject: An application seeking information under section 6(1) of the RTI Act 2005

Sir,

Yours faithfully,

Name: _____

Designation: _____

*Address: _____

*City & State: _____

Contact No. & Id: _____

<Signature and Date>

PLEASE CONSIDER BEFORE DISPOSING OF THE APPLICATION:

1. If required then, please '*render reasonable assistance*' for the purpose of obtaining the information **u/s 5(3)** of the Right to Information Act, 2005.
2. If the information, wholly or partially is available with any other particular department then as per the provision **u/s 6(3)**, please transfer the application, wholly or partially, to the concerned department.

Note: All Asterisk () marked details are mandatory to be filled.*