

How to Inspect Government Documents Using RTI

1. Legislative provisions regarding the inspection of documents

The Right to Information Act, 2005 (herein referred to as the 'RTI') covers a plethora of ways through which information can be sought from the concerned public authority. They are mentioned within the definition of 'right to information as under **Section 2(j) of the RTI Act**. It says-

"Right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to –

- i. inspection of work, documents, records;*
- ii. taking notes, extracts or certified copies of documents or records;*
- iii. taking certified samples of material;*
- iv. obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;*

The Act enables the citizens to file applications for queries and consequently get information from the public authorities that belong to the citizens.

Section 2(f) of the RTI Act defines information as follows-

"information" means any material in any form, including records, documents, memos, e-mails, 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 can be accessed by a public authority under any other law for the time being in force."

It is usually advisable to file an application to get the desired information in cases where the documentation is limited. But, **in cases where the information is voluminous, it is advisable that applicants must go forward to file an application for inspection of files as under Section 6**. This section deals with the procedure for filing an application for obtaining certain information under the RTI Act and **since inspection of documents falls under the definition of the right to information under Section 2(j)(i)**, an application for inspection must be filed under Section 6(1).

All the formats that have been defined under the definition of information under section 2(f) can be inspected under the RTI Act.

2. Precedential Status

The inspection of documents under the RTI Act has been an acceptable form under the enactment and CIC has upheld it in various judgements. Below are a few instances

where inspection has been allowed by the Information Commissions which was previously denied by the PIO.

In *Rajveer Singh v Employees State Insurance Corporation*, the RTI application was initially left unanswered by the PIO and after appealing to the FAA, the information sought was denied. Subsequently, the applicant filed the second appeal before CIC. Consequently, the PIO was directed to allow inspection of the relevant information on a stipulated date and time slot with the instruction to provide photocopies of the sought documents.

The Hon'ble Supreme Court in the case of *CBSE & Ors. v. Aditya Bandopadhyay & Ors.*, upheld the decision of Calcutta High Court wherein the RTI applicant, who appeared in Senior Secondary Examination by CBSE, was allowed to inspect and take photocopies of his answer sheet. In this case, the PIO of CBSE had earlier denied information stating Section 8(1)(e). This contention was ruled out by both the High Court and Hon'ble SC on the ground that "**information should be furnished**".

3. How has inspection under RTI proved to be useful?

There have been many instances where this provision of the act has been used to inspect hospitals for faulty equipment, inspect files for corruption and mismatch of funds.

The General Administration Department of Maharashtra issued a [government resolution](#) dated 26.11.2018 to all the public authorities in Maharashtra (except for Ministries and Secretariats) to ensure transparency and reduce the burden of RTI Applications.

An experiment was made by the Municipality of Pune wherein the public was allowed to inspect the files on a specific day. Later on the same line, the abovementioned GR was issued across the State of Maharashtra.

4. Process of inspection

The process to be followed while inspecting files is very simple. You can file an RTI application with the concerned department and stating that you wish to inspect the XYZ file for the information that exists under the particular file. It is advised to both, suggest a date, and time slot, or seek a date and time slot for the process of inspection.

The inspections clause of the RTI act has also been used to inspect items other than files such as buildings, hospitals, roads etc. In this case, you can file an application with the relevant public authority and state that you wish to inspect the concerned building or publicly owned property/object.

The inspection clause, like the rest of the RTI Act, is applicable exclusively only for public authorities as defined under Sec 2(h).

5. What to do before filing for an inspection application under RTI?

Ms Vinita Deshmukh, who is a veteran Journalist and consulting editor for Moneylife News in her column once detailed her experience regarding visiting government offices for inspection. She shared some important tips after her consultation with fellow journalist and senior RTI activist Vijay Kumbhar which will come in handy to all who wish to make use of this powerful clause in the RTI act. According to her,

- a. When any citizen goes for filing inspection, she must make a note of the following as *"it will be an eye-opener to the PIO, besides arming you with the required ammunition."* The applicant must draw their attention to Section 4 of the Right to Information Act, 2005 under Chapter II on `Right to Information and Obligation of Public Authorities.
- b. As per section 4(1)(b), it is obligatory for every public authority to publish certain categories of documents (also known as '*Seventeen Points Manual*') so as to make a voluntary disclosure of information so that citizens have "minimum resort to the use of this Act to obtain information."
- c. Information covered by Section 4, in fact, should have been published on time and disseminated widely in such form and manner which is easily accessible to the public and should have been updated at regular intervals later.
- d. It is further *explained* in the provision that '*disseminated*' means making known or communicating the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including "inspection of offices of any public authority."
- e. It must be highlighted to the PIO that no information covered under this Section 4 has been disseminated yet by him/her for the public authority under the state government, through notice boards, newspapers, public announcements, media broadcasts and internet.
- f. Citizens also have a right to inspect these documents in the office of the public authority, as explicitly mentioned in the provision under Section 4.
- g. It may be noticed that a citizen desiring to inspect the documents containing information covered under Section 4 of the Right to Information Act, 2005, need not make any formal application under Section 6 of the Act because these documents should have already been published by the public authority so that citizens have "minimum resort to the use of this Act to obtain information."
- h. *Example:* You can always put forth the point that implementation of this provision of the 2005's Act is the direct responsibility of the head of the public authority. In this specific instance, it is your direct responsibility as the municipal commissioner and the administrative head of the Pune Municipal Corporation.

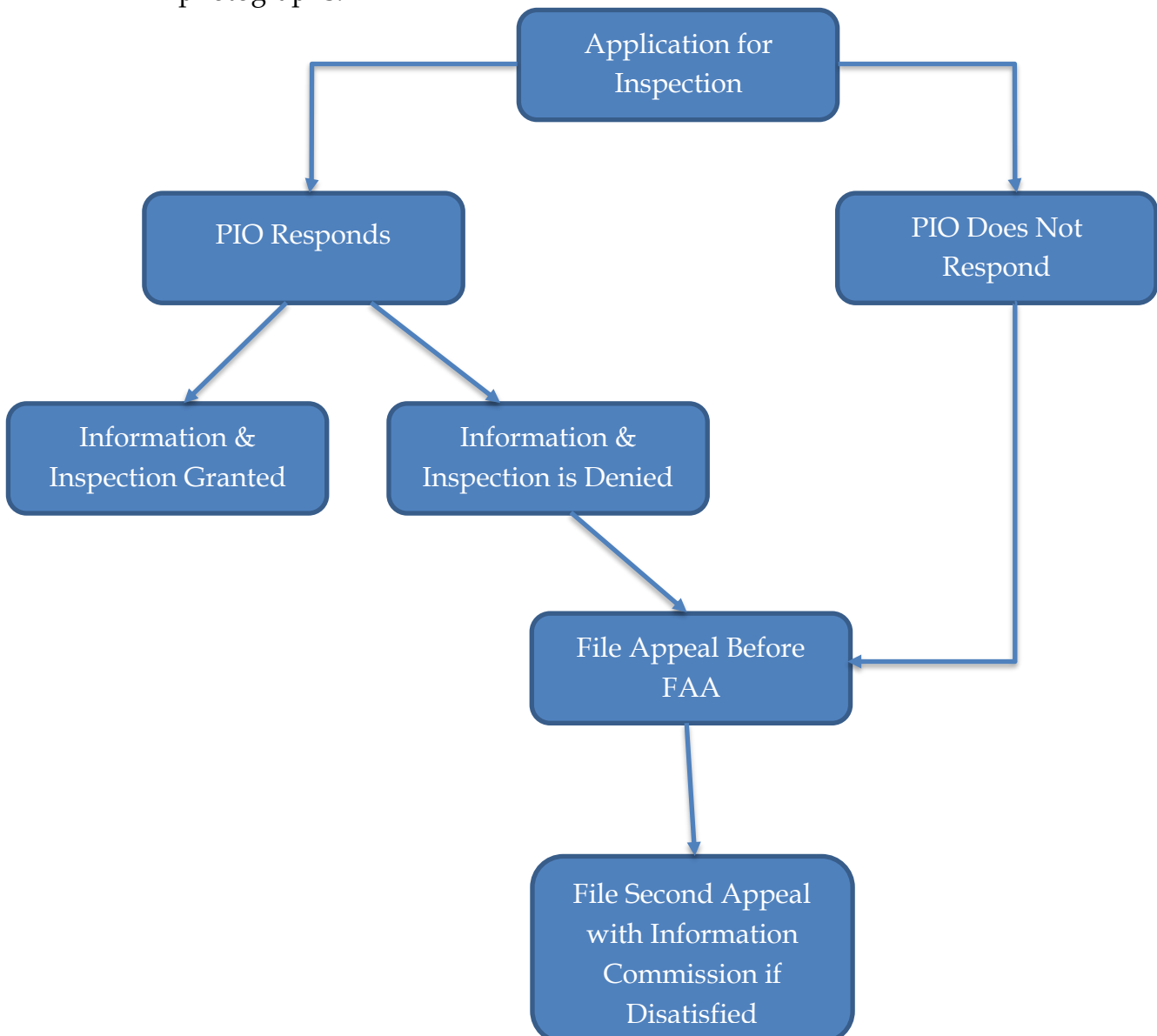
Hence, this letter is addressed to you and not to any public information officer (PIO) since no formal requisition is needed to be filed.

6. What happens after filing for inspection?

After filing an application for inspection, there is one of two things that can happen. In case the concerned authority **responds** to your request-

In this case, the PIO may invite you on a given date and time for inspection of the information or files/ documents you need or whatever it is that you had mentioned in your application. The following must be done in this case-

- i. The process involved is simple. You can visit the office at the stated date and time to inspect and get the requisite information.
- ii. You can also take a printout of requisite documents by paying a fee of Rs 2 per page as per the RTI act.
- iii. Please note, some offices allow you to take photographs of the file you need while some do not. Kindly ask the PIO for permission before taking any photographs.



7. First Appeal regarding Inspection

In case the PIO **does not respond** to your request you must follow up by filing an appeal. When the PIO refuses to reply or give you permission to inspect, in the name of section 8(1) of the Act, and if you feel the refusal is illegal or incorrect, you can file for an appeal with the FAA.

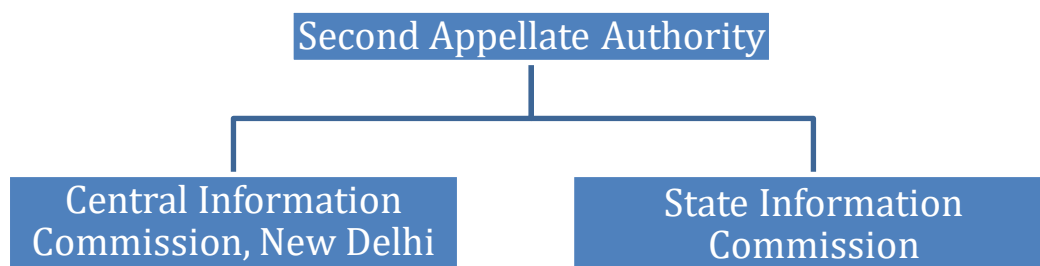
- a. If you filed the RTI application online through the government portal you should be able to file your first appeal online as well using the same portal.
- b. Do remember the following tips:
- c. Keep your first appeal brief, only explaining (i.) what inspection was sought for and (ii.) why the refusal is illegal or incorrect.
- d. In the case of the Central Government, there is no additional fee that needs to be paid for the appeal, but different state governments have different rules for appeals. It is advised to go through the rules of the concerned department or government office.
- e. In case of an offline appeal for inspection, you will also have to file the first appeal offline. This appeal shall have an attachment of a copy of the RTI application along with the PIO's response attached to the same and sent by speed post to the concerned appellate authority.
- f. You can also refer to rulings of the Supreme Court, or government circulars, or orders of Information Commissions which may substantiate the grounds of your appeal.
- g. Under this First Appeal process, once an appeal has been filed, you ought to wait for 45 days from the date of filing the first appeal till the appeal authority responds to your query.

8. Second Appeal for Inspection

If you do not get a response even from the FAA, you can follow the same process with the State Information Commission or Central Information Commission, as the case may apply.

The Second Appeal is the final relief available to an RTI applicant against the order of the FAA or the non-compliance by the PIO to the order of the FAA. You must adhere to the following point while filing an appeal-

- Under section 19(3) of the RTI Act, an appeal can be filed within 90 days from the date of order of the FAA, against such order of the FAA.
- **Where to File:**



In case of application pertaining to the state government, the appeal goes to SIC. If the application pertains to the offices of the central government, the appeal goes to CIC.

- The process of sending a second appeal to the SIC or CIC is similar to that of the First Appeal. For the central government, you can file an appeal electronically using the official website, <https://www.cic.gov.in/> and for the concerned state government, you can use their respective online portals.
- 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

- The RTI Rules, 2012 provides an Appendix 'Format of Appeal'. It provides a list of documents and details that would be enough and sufficient for the appellate bodies to adjudicate the matter. The list is as follows:
 1. Name and address of the appellant
 2. Name and address of the Central PIO to whom the application was addressed
 3. Name and address of the Central PIO who gave reply to the Application
 4. Name and address of the First Appellate Authority Who decided the First Appeal
 5. Particulars of the application
 6. Particulars of the order(s) including number, if any, against which the appeal is preferred
 7. Brief facts leading to the appeal
 8. Prayer or relief sought
 9. Grounds for the prayer or relief
 10. Any other information relevant to the appeal

11. Verification/authentication by the appellant

- However, as per Rule 10 of the RTI Rules, 2012, no appeal can be dismissed on the ground that compliance has not been made with the format prescribed under 'Appendix' which provides you with an opportunity to provide the documents further in time.

Although, it is necessary to note that it has been observed that a huge chunk of appeals is being dismissed by the appellate authorities on the ground of the format of appeal adopted by the appellant is inconsistent with the format prescribed under the Rules.

Hence, it is strongly advised to know that Act and Rules wrt to the format, but to adopt the prescribed format as strongly as possible.

- You can file an appeal on a plain sheet of paper, concisely mentioning the history of your case, reasons for filing the appeal and cause for rejection. Do not forget to attach the responses you have received from the PIO and FAA (if any), before sending the same by Speed Post or Registered Post.
- Appeals supplemented with the appropriate and exact rulings of the Supreme Court, High Courts, and Central Information Commission, State Information Commission make the appeal stronger because of the precedential position.
- For a Second Appeal, there has been no time limit specified under which the matter requires to be disposed of. Considering the disposal to pendency rate of the cases, a second appeal usually takes one to two years for getting a hearing.

SAMPLE RTI APPLICATION

RTI APPLICATION U/S 6(1) OF THE RTI ACT, 2005

September 12, 2021

To,
Mr. Jethalal Gada
Public Information Officer,
Public Works Department,
Shivpuri, M.P.
PIN: 473551

Subject: An application for inspection under section 6(1) of the RTI Act 2005.

Sir,

I want to inspect files relating to the repairing of roads of the 'Civil Lines' area, done since the year 2012 to the date of this application. I will bring Mr. Bhide 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.

Yours faithfully,

Mr. Roshan Singh Sodhi
G-12, Gokul Dham Society
Shivpuri, M.P.
+91-9898989898
Roashan@pmail.com

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.