

Citizen Guide

People Friendly Version



Right To Information

A Tool for Equitable Governance

This handbook is for informational purpose only. The information given in this book is merely for reference and must not be taken as binding in any way. This Manual is intended to provide guidance to the readers, but cannot be a substitute for the Act and the Rules made thereunder. If any comments or suggestions please connect us at: contact@citizensupport.in

A Citizensupport Initiative

www.citizensupport.in

Form A
APPLICATION FOR SEEKING INFORMATION
(See Rule 5)

Application No.

Details of fee remitted:

Mode of remittance:

Date:

Amount: Rs.10/-

To,
The Public Information Officer,

.....
.....

1. Name of the Applicant
2. Address for correspondence
3. Nature and details of information Required
4. Indicate whether the applicant is a Party to the litigation, if Information sought is in respect of a case
5. The Administrative section or office who is In custody of the file/matter, if known to the Applicant.

Place:

Date:

signature of the applicant



Right To Information Act presents wide range of opportunities to the people to know/redress personal as well as community matters. But recent studies shows that applicants are not getting proper answers or replies from the concerned departments. To overcome such issues; it is important that every citizen must know the route, access points and features of the law and its application on the ground. A mere questions won't make our authority transparent and accountable, for them, applicant must aware about facts and its official discourse. This Guide is aimed to look matters in this view point to assist our citizens to get an idea about the law discourse.

File an RTI application

To file an RTI, Applicant should write/type his questions in a white A4 size paper mentioning the address of concerned department/ institution (see above page) with duly undersigned. Questions should be precise and not exceed 500 words. Applicant can submit directly or by registered post. While applying PIO, Appellate Authority and Information Commission, applicant must keep copy of the application, postal receipts and other evidences. Applications must be clear and precise, it should be for the purpose of information, do not address any redressal or complaint booking.



Steps of RTI exercise

1. Application

Information seeker submit RTI application along with prescribed fee to the State Public Information Officer (CPIO)/ Chief Public Information Officer (CIO) by post or by hand. If applicant submitting by hand, he will receive a receipt of submission, if submitting by post he can attach an acknowledgement card along with the application envelope and keep the receipt of registered post.

2. Reply

The CPIO/CIO should reply to the applicant within 30 days of receipt of application. If information which the applicant asked, denied/ incomplete/incorrect/misleading/ delayed/ refuse/unsatisfactory; applicant can file 1st appeal before the appellate authority to avail the information within a period of 30 days from date of receipt of PIO's reply or from date when reply was to be received or after 30 days of the submission to the CPIO.

3. First Appellate Authority (FAA)

FAA would be a senior officer of the department/organisation where the applicant submit RTI application. The first appeal should consist of the ground of appeal, and the details of information required attached with the copies of original application,

receipts, and reply of CPIO. There is no fee required to file 1st appeal. First Appellate Authority should reply to the applicant within a period of 30 days from receipt of First Appeal or Maximum 45 days, if reasons for delay are given in writing. In most of the issues, FAA may stand along with the CPIO, such a case or unsatisfactory reply from the FAA, applicant can move before the State Information Commission within 90 days from the receipt of First Appeal orders or from the date when orders were to be received.

4. State Information Commission

while filing a complaint before State Information Commission, applicant must ensure whether any prescribed format required or not. The complaint must contain the ground for 2nd appeal before the State Information Commission along with copies of original application, replies, receipts etc. There is no fee required to file 2nd appeal before the State Information Commission. There is no prescribed time limit for the disposal of a complaint filed before State Information Commission.

5. Central Information Commission(CIC)

CIC is the final word of RTI related matters in India. Its decisions are final and bound to follow. If a complainant unsatisfied with State Information Commission's decision, he can move before CIC to redress his issue. To file before SIC/CIC applicant can use its official website or via post. There is a prescribed format to file a complaint before CIC, but no fee required. Only one copy of the appeal is to be filed with the Commission. An advance copy of the 2nd Appeal needs to be served separately on the FAA and CPIO and the declaration to this effect is to be mentioned in the index of the documents referred to in Rule 4(iii) of the said Rules.

Information Commission Websites

Andhra Pradesh	http://www.apic.gov.in
Arunachal Pradesh	http://www.arnsic.nic.in
Assam	http://www.sicassam.in
Bihar	http://www.biharonline.gov.in/sic/index.html
Chhattisgarh	http://www.siccg.gov.in
Goa	http://www.goa.nic.in
Gujarat	http://gic.guj.nic.in
Haryana	http://cicharyana.gov.in
Himachal Pradesh	http://admis.hp.nic.in/sic
Jammu & Kashmir	http://jksic.nic.in
Jharkhand	http://www.sicjharkhand.in
Karnataka	http://www.kic.gov.in
Kerala	http://keralasic.gov.in

Madhya Pradesh	http://www.mpsic.nic.in
Maharashtra	http://sic.maharashtra.gov.in
Meghalaya	http://megsic.gov.in
Mizoram	http://mic.mizoram.gov.in
Nagaland	http://nlsic.gov.in
Orissa	http://orissasoochanacommission.nic.in
Punjab	http://www.infocommpunjab.com
Rajasthan	http://ric.rajasthan.gov.in
Sikkim	http://www.cicsikkim.gov.in
Tamil Nadu	http://www.tnsic.gov.in
Tripura	http://rtitripura.nic.in
Uttarakhand	http://uic.gov.in
Uttar Pradesh	http://upsic.up.nic.in
West Bengal	http://wbic.gov.in/

Fee

Usually RTI applications required Rs.10/ fee in the form of cash, postal order/ court fee stamp/ Banker's Cheque, chalan etc. But it exempted for persons below poverty line. People who belongs to this category should attach copy of BPL card. Application fee may vary state to state, please refer below.

State	Application Fee	Mode of Payment	Fee for Access	Inspection of Records
Central Government & its Organisations, Lok Sabha & Rajya Sabha	Rs.10/-	Postal order/Banker's Cheque/ Net banking	a) Rs. 2/-) for each page (in A-3 or smaller size paper) ; b)actual cost or price of a photocopy in larger size paper; c)actual cost or price for samples or models; d)Rs.50/-) per diskette or floppy; e)price fixed for a publication or rupees two per page of photocopy for extracts from the publication. (f) so much of postal charges involved in supply of information	No fee for the first hour. But a fee of rupees five (Rs.5/-) for each subsequent hour (or fraction thereof) shall be charged.

			that exceeds fifty rupees.	
Andra Pradesh& Telangana	Village level-No fee mandal level- Rs.5 Other public authorities – Rs.10	Postal order/Banker's Cheque	Printed publication-sale price on A3/A4- Rs.2 each others- actual cost postal charge additional	
Arunachal Pradesh	1.Tender documents/bids/business contracts/quotation : Rs.500/application 2. other than above: Rs.50/application 3. for appeal: Rs.50/-	Treasury Chalan under the head of 0070 in the form of “other administrative charges”	Rs.5/ per page	-
Assam	Rs10/-	Postal order/Banker's Cheque	a) Rs. 2/-) for each page (in A-3 or smaller size paper) ; b)actual cost or price of a photocopy in larger size paper; c)actual cost or price for samples or models; d)Rs.50/-) per diskette or floppy; e)price fixed for a publication or rupees two per page of photocopy for extracts from the publication.	No fee for the first hour. But a fee of rupees five (Rs.5/-) for each subsequent hour (or fraction thereof) shall be charged.
Bihar	Rs.10	Same as above	Same as above	Same as above
Chhattisgarh	Rs10	Prescribed in the website	-	-
Gujrat	Rs.20/- per application	Postal order/Banker's Cheque/chalan	(a) A4, A3 size paper - Rs.2/- per page (b) Larger size paper - Amount of actual cost. Rs.50/- per floppy or disc for information to be furnished in a floppy or a disc, wherever possible.	(a) No fees for the first half an hour. (b) Rs.20/- for each half an hour thereafter.
Goa	Rs 10/-	Postal order/Banker's Cheque/chalan	a) A4, A3 size paper - Rs.2/- per page (b) Larger size paper - Amount of actual cost. Rs.50/- per floppy or disc for information to	No fee for the first hour. But a fee of rupees five (Rs.5/-) for each subsequent hour (or fraction

			be furnished in a floppy or a disc, wherever possible.	thereof) shall be charged.
Haryana	Rs.50	Banker's draft, postal order, treasury chalan	Rs.100 for diskette Rs.2 for A4/A3	1 hour-no fee more than 1 hour- Rs.10 every 15 minutes
Himachal Pradesh	Rs.10	Banker's draft, postal order, treasury chalan	A4/A3/printed – Rs.10 larger size- Rs.20 diskette- Rs.100	Rs.10 for each 15 minutes
Jharkhand	Rs.10	Banker's draft, postal order,	A3/A4- Rs.2 extracts – Rs.2	-
Karnataka	Rs.10	Same as above + pay order	Same as above	1 hour-no fee each 30 minutes- Rs.20
Kerala	Rs.10	Same as above+ court fee stamp	Same as above	1 hour – no fee each 30 minutes - Rs.10
Madhya Pradesh	Rs.10	Same as above	Proactive disclosure information -Rs.10 Printed/electronic form- actual cost	Rs.50 for one hour. Rs.25 for subsequent 15 minutes
Maharashtra	Rs.10	Same as above	-	1 hour-no fee Rs.5 for each 15 minutes.
Manipur	Rs.10	Same as above		1 hour-no fee Rs.5 for each 15 minutes.
Meghalaya	Rs.10	Same as above	a) A4, A3 size paper - Rs.2/- per page (b) Larger size paper - Amount of actual cost. Rs.50/- per floppy or disc for information to be furnished in a floppy or a disc, wherever possible.	Same as above
Mizoram	Rs.10	Same as above	Same as above	Same as above
Nagaland	Rs.10	Same as above	Photocopies/extracts – Rs.2 each printed- Actual cost	Same as above
Odisha	Rs.20	Same as above	A4 printout- Rs.10 A4 typed/photocopy -Rs.5	Rs.15 per hour
Punjab	Rs.50	Same as above	A4/A3 /printed publication/extracts – Rs.10/page	1 hour – no fee each 15 minutes - Rs.10
Rajasthan	Rs.10	Same as above	a) A4, A3 size paper -	1 hour-no fee

			Rs.2/- per page (b) Larger size paper - Amount of actual cost. Rs.50/- per floppy or disc for information to be furnished in a floppy or a disc, wherever possible.	Rs.5 for each 15 minutes.
Sikkim	Rs.100	Same as above	A4 printout- Rs.10 A4 typed/photocopy -Rs.5	1 hour-no fee Rs.5 for each 15 minutes.
Tamilnadu	Rs.50	Same as above	Rs.2/- per page (b) Larger size paper - Amount of actual cost. Rs.50/- per floppy or disc for information to be furnished in a floppy or a disc, wherever possible.	Same as above
Tripura	Rs.10	Same as above	Rs.2/- per page (b) Larger size paper - Amount of actual cost. Rs.50/- per floppy or disc for information to be furnished in a floppy or a disc, wherever possible.	Same as above
Uttar Pradesh	Rs.10	Same as above	Same as above	Same as above
Uttarkhand	Rs.10	Same as above	Same as above	Same as above
West Bengal	Rs.10	Same as above	Same as above	Same as above

Time Period for Supply of Information

	Course of Action	Time Limit
1	Supply of information in normal course.	30 Days
2	Supply of information if the application is received through APIO.	05 days shall be added to the time period indicated
3	Supply of information if it concerns the life or liberty of a person	48 hours
45	Transfer of application to other public authority under section 6(3) of the Act	05 days
	Third Party Involvement; a. For PIO to issue notice to 3 rd Party b. For 3 rd Party to make a representation to PIO	5 days from date of receipt of application 10 days from receipt of notice from PIO

	c. For PIO to reply to application if 3 rd Party involved	40 days from date of receipt of application
6	Supply of information by organizations specified in the Second Schedule: (a) If information relates to allegations of violation of human rights (after approval of the Central Information Commission) (b) In case information relates to allegations of corruption.	(a) 45 days from the receipt of application. (b) Within 30 days of the receipt of application.

It is pertinent to note that if a public authority fails to comply with the specified time limit, the information to the concerned applicant would have to be provided free of charge.

Exempted Information

Applicant may not be provided the following information unless you convince the Public Information Officer that the public interest in disclosure outweighs any other interests served by non-disclosure (partial access may be provided to the part of the record which does not contain information exempted from disclosure).

- ➔ 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;
- ➔ 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;
- ➔ information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- ➔ 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;
- ➔ 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;
- ➔ information received in confidence from foreign Government;
- ➔ 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;
- ➔ information which would impede the process of investigation or apprehension

- or prosecution of offenders;
- ➔ 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;
 - ➔ information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Public Information Officer is satisfied that the larger public interest justifies the disclosure of such information.

The second schedule(exempted from RTI)

- Intelligence Bureau, Ministry of Home Affairs
- Directorate of Revenue Intelligence, Ministry of Finance
- Central Economic Intelligence Bureau, Ministry of Finance
- Directorate of Enforcement, Ministry of Finance
- Narcotics Control Bureau
- Aviation Research Centre
- Special Frontier Force
- Border Security Force, Ministry of Home Affairs
- Central Reserve Police Force, Ministry of Home Affairs
- Indo-Tibetan Border Police, Ministry of Home Affairs
- Central Industrial Security Force, Ministry of Home Affairs
- National Security Guard, Ministry of Home Affairs
- Research & Analysis Wing of The Cabinet Secretariat
- Assam Rifles, Ministry of Home Affairs
- Sashastra Seema Bal, Ministry of Home Affairs
- Special Protection Group
- Research and Development Organisation, Ministry of Defence
- Border Road Development Organisation
- Financial Intelligence Unit, India
- Directorate General Income Tax (Investigation)
- National Technical Research Organisation

- National Security Council Secretariate

Proactive disclosure of Information by public authorities

Every public authority must publish in the local language the following information:

- the particulars of its organisation, functions and duties;
- the powers and duties of its officers and employees;
- the procedure followed in the decision making process, including channels of supervision and accountability; the norms set by it for the discharge of its functions;
- the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
- a statement of the categories of documents that are held by it or under its control;
- the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
- a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
- a directory of its officers and employees; the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations; the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made; the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
- particulars of recipients of concessions, permits or authorizations granted by it;
- details in respect of the information, available to or held by it, reduced in an electronic form; the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- the names, designations and other particulars of the Public Information Officers;
- such other information as may be prescribed; and thereafter update these publications every year;
- Every public authority must also: Publish facts behind important policies Publish relevant facts before announcing decisions affecting you Provide reasons for administrative / quasi-judicial decisions to affected persons. The publications will be available to you free or at a reasonable price. The information may be made available on the internet / website of the public authority

Penalty

The Information Commission can impose penalty of Rs. 250/- per day, up to a maximum of Rs. 25,000/- on erring PIOs for:

- Without any reasonable cause:
- refusing an application
- delaying information release without reasonable cause
- malafidely denying information
- knowingly giving incomplete, incorrect, misleading information
- destroying information that has been requested
- obstructing furnishing of information in any manner

The Commission also has powers to recommend disciplinary action against PIOs. It can also direct compensation to be paid to the appellant by the public authority.

Disciplinary Action Against PIO

Where the Information Commission at the time of deciding any complaint or appeal is of the opinion that the Public Information Officer has without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it may recommend disciplinary action against the Public Information Officer.

Information Commissions have the power to order a public authority -

- to provide information, records
- to appoint the public information officers
- to publish information
- to reject the request.

Information Under RTI

<ul style="list-style-type: none">● Records● Documents● Memos● E-mails● Opinions● Advices● Press releases● Circulars	<ul style="list-style-type: none">● Contracts● Reports● Papers● Samples● Models● Data material held in any electronic form● Information relating to any private
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<ul style="list-style-type: none"> ● Orders ● Logbooks 	body which can be accessed by a public authority under any other law for the time being in force.
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What “Record” means under RTI?

The Act specifies “Records” to include:

- 1) any document, manuscript and file;
- 2) any microfilm, microfiche and facsimile copy of a document;
- 3) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and
- 4) any other material produced by a computer or any other device.

Applicant can access:

- I. information held by a public authority, information under the control of a public authority and includes the right to:
- II. inspect work, documents, records;
- III. take notes, extracts or certified copies of documents or records;
- IV. take certified samples of material;
- V. obtain 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.

“public authority” means?

The Act gives the right to access to information held by “public authorities” which includes authorities, bodies, institution of self government which are: established or constituted:

- ▶ by the Constitution;
- ▶ by a law of Parliament or a State Legislature;
- ▶ by a notification or order of the State or Central Governments;
- ▶ bodies owned, controlled or substantially financed by the State or Central Governments, including non-government organisations which receive substantial government funds directly or indirectly.

Complaint under RTI act

Section 18 of the act empowers Central Information Commission [CIC] and also State Information Commissions [SICs] to enquire into complaints against Public Authority, Public Information Officer [PIO] and First Appellate Authority [FAA]. The section has provided for enquiring and taking corrective steps by the respective commissions in respect of majority of problems that the applicant/appellant may face in getting information to which he is entitled to under this act. Situations under which complaint can be lodged ;

1. No PIO or APIO or FAA is appointed by public authority.
2. PIO/APIO/FAA has refused to receive application/appeal.
3. No reply is received from PIO & FAA within time limit fixed by the act.
4. Reply received from PIO is unsatisfactory, irrelevant, unreadable, misleading, unclear, false, incomplete etc.
5. Information has been wrongly and unjustifiably refused.
6. When applicant is required to pay fee/charges in excess of those prescribed in RTI rules applicable.
7. PIO/APIO is not accessible in person or by post and his whereabouts are not easily available/prominently exhibited.
8. Proactive disclosure under section 4 [1] has not been made or it is not made publicly available/accessible.
9. PIO/FAA has wrongly refused inspection of records of public authority or reasonable cooperation is not extended during inspection.
10. PIO, FAA or any other person directly/indirectly intimidates or ill-treats or pressurizes the applicant/appellant or restrains him from exercising his right under the act.
11. PIO/FAA disobeys orders of CIC/SIC.
12. Any other situation where the citizen has been wrongly restrained/refused access to information to which he is entitled under the act.
13. Any other violation of provisions of the act by public authority, PIO or FAA.

Duty of PIOs to provide Assistance to Applicants

- * PIOs have a statutory duty to provide reasonable assistance to applicants
- * Applicants do not have to explain why they want the information
- * They should however clarify what information they need, if this can help them locate the information.

Transfer of Misdirected Requests

Section 6 (3) of the Act prescribes that every public authority shall transfer request for information (i) which is held by another public authority; or (ii) the subject matter of which is more closely connected with the functions of another public authority, in full or part, as may be appropriate to that other public authority within 5 days of receipt, informing the applicant immediately about such transfer.

Disclosure of Third Party Information

- ★ Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, is exempt from disclosure. Such information should not be disclosed unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.
- ★ In regard to a third party information which the third party has treated as

confidential, the Public Information Officer should follow the procedure as given in part IV viz. 'FOR PUBLIC INFORMATION OFFICERS'. The third party should be given full opportunity to put his case for non-disclosure if he desires that the information should not be disclosed.

RTI Online

Department of Personnel & Training has launched a web portal namely RTI online with URL www.rtionline.gov.in for all Central Ministries/Departments. This is a facility for the Indian citizens to file RTI applications and first appeals online to all Central Ministries/Departments. The prescribed RTI fees can also be paid online. Reply to the RTI applications and first appeals received online can also be given online by the respective PIOs/FAAs.

The appeal made to the Central Information Commission should contain the following information: -

- ⦿ Name and address of the appellant;
- ⦿ Name and address of the Public Information Officer to whom the application was addressed;
- ⦿ Name and address of the Public Information Officer who gave reply to the application;
- ⦿ Name and address of the First Appellate Authority who decided the first appeal;
- ⦿ Particulars of the application;
- ⦿ Particulars of the order including number, if any, against which the appeal is preferred;
- ⦿ Brief facts leading to the appeal;
- ⦿ Prayer or relief sought;
- ⦿ Grounds for prayer or relief;
- ⦿ Any other information relevant to the appeal;
- ⦿ Verification/authentication by the appellant.

The **appeal** made to the Central Information Commission should be accompanied by the following **documents**, duly authenticated and verified by the appellant, namely:

- ⦿ a copy of the application submitted to the CPIO;
- ⦿ a copy of the reply received, if any, from the CPIO;
- ⦿ a copy of the appeal made to the FAA;
- ⦿ a copy of the order received, if any, from the FAA;
- ⦿ Copies of other documents relied upon by the appellant and referred to in his appeal; and
- ⦿ an index of the documents referred to in the appeal.

Record Retention Schedule and the Act

The Act does not require the public authorities to retain records for indefinite period.

The records need be retained as per the record retention schedule applicable to the concerned public authority. Information generated in a file may survive in the form of an OM or a letter or in any other form even after destruction of the file/record. Section 8(3) of the Act requires furnishing of information so available after the lapse of 20 years even if such information was exempt from disclosure under subsection(1) of Section 8.
