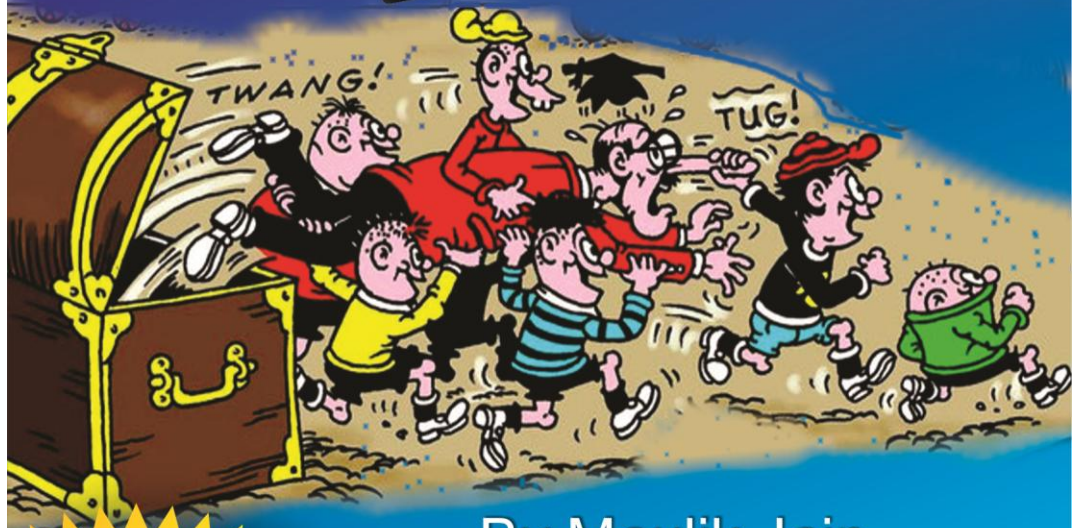


# Your Right To Information made Easy!



*A Layman's  
Guide to  
RTI Act 2005*

By Maulik Jain  
and Krishnaraj Rao

## Preface

Right to Information Act 2005 has empowered the common man to question government servants and hold them accountable. Under the RTI Act, a large official mechanism was brought into existence, consisting of lakhs of Public Information Officers (PIOs), thousands of First Appellate Authorities, and over a hundred Information Commissioners in various States. Nourished by this mechanism, a sweeping civil society movement consisting of lakhs of independent citizens and hundreds of NGOs sprang up. All these people are actively questioning the administration on various issues, public or private. They are the “RTI Activists”.

Right to Information is the connective-tissue between the powerful administration and the powerless *aam aadmi*. The common man is voiceless, but RTI gives him a voice and a tiny lever to move the seats of ministers and bureaucrats. Thousands of journalists are participating in this movement by reporting RTI findings, raising public awareness and giving credible feedback to the government.

RTI activists are continually trying to get various rules and laws implemented. They are always fighting on the side of Rule of Law. The logic behind most RTI applications is to compare laws, rules, norms and guidelines with the administration's failure to deliver and exercise due diligence. And that is why the system bows to these ordinary men and women who harry the high and mighty with questions!

*'Where the mind is without fear and the head is held high,  
Into that heaven of freedom, my Father, let my country awake.'*

*— Rabindranath Tagore*

Friends, the RTI movement is a grassroots-level Satyagraha, and it is now ten years old. This book is our small contribution to the movement; through it, we aim to make RTI a tiny bit easier to understand and use.

-- Maulik Jain and Krishnaraj Rao

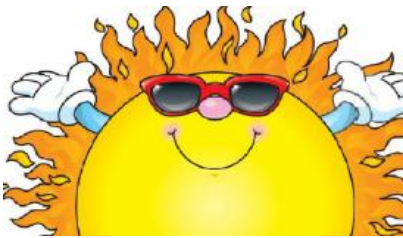
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## ***Chapter 1: How to Use RTI?***

### **1. What is Right to Information (RTI)?**

Right to Information means our right to get information from “public authorities”. Broadly speaking, RTI means that We The People have the right to procure copies of documents from State and Central Government, and other organizations that are controlled, or substantially owned and financed by the government. Right to Information Act 2005 (RTI Act 2005) is called the “**Sunshine Act**”, because it helps people like you and I -- the citizens of India – to make the government transparent.



Also, just as sunlight destroys germs, the Sunshine Act helps the common man to fight against corruption, and to fight for getting his rights from various government authorities, and also from government-regulated private parties such as suppliers of various goods and services, builders and contractors, utility companies, etc.

### **2. What does RTI Act say?**

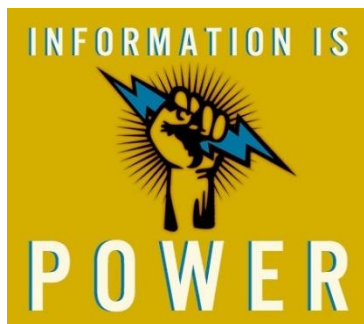
In a nutshell, the Right to Information Act says that any citizen of India has the right to demand information from a government organization (e.g. BMC ward office, police station, Govt. Department in Mantralaya, District Collector's office, etc.) by filing up an RTI Application form. Once such an

application is received, it becomes the official duty of the Public Information Officer (PIO) in that organization to send the requested information, or a properly reasoned reply to the information-seeker, within 30 days.

### **3. What is the guarantee that PIO will give us information?**

If the PIO – who is usually a government official -- does not do this duty, then you and I have the power to get him/her penalized. Penalty of Rs 250/- per day will be deducted from his salary if it is proved that the PIO neglected his duty to give you the correct information within 30 days. If the PIO is found to be habitually negligent in his duty to give you information, then departmental enquiry and disciplinary action can also happen, and he will suffer severe consequences such as loss of seniority. The PIO's whole career as a government employee will be affected.

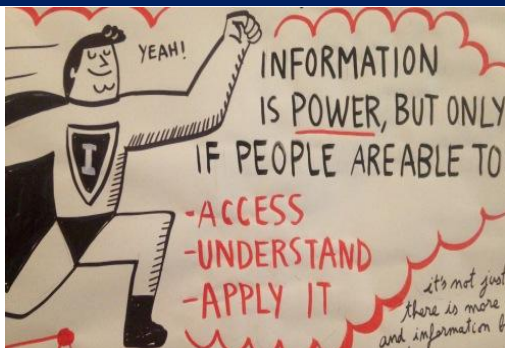
### **4. After proper information is given to us, what to do with it?**



Information is power. After you get your hands on the necessary information – which is usually in the form of documents – you must promptly use these documents to take further actions for enforcement of your own rights, or the rights of your fellow-citizens. You may use these documents for fighting corruption, or for spreading knowledge in the public. Of you may use them for your own purposes, e.g. if you are a doctoral researcher or a journalist,

you may use the documents for writing your PhD thesis or filing a newspaper report. If you are a policeman, you may use this information for detecting crime. If you are a lawyer, you may use it for fighting your case. If you are an RTI activist, you may share this information with your fellow-activists, or publish this information in the public domain to help others.

## 5. What actions can we take after receiving RTI documents?



Getting documents under RTI is only the first step. After that, you need to do some or all of the following things:

each document shows.

(a) Study, analyze and understand what

(b) Understand exactly which laws and rules have been violated.

(c) Use these documents as evidences for writing complaints and representation to the proper authorities e.g. government department, police station, consumer court etc. for resolving your grievances.

(d) Issue a press release, or write a blog using these documents.

(e) Scan and upload the RTI documents, and make them accessible to the public through social media.

(g) Call a meeting of like-minded and knowledgeable persons to share and discuss these documents. *Discussions give clarity!*

(h) Hold meetings with government officials and support your arguments with RTI documents. Documents are a powerful way of asking for change and giving them a sense of urgency.

(h) Call a press conference if the documents are of public importance and reveal a scam.

(i) After you have used these documents in every possible way to improve the situation, then you may consider filing a Public Interest Litigation before the High Court.



(j) ... And last but not least, follow up with further RTI applications based on the documents that you now have! There is no such thing as having “too much information”. Every additional piece of information and additional document makes you stronger and smarter, and makes your opponents less able to defeat you. If the subject of your RTI is important, you may

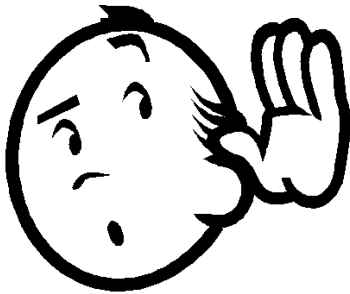
continue filing a variety of RTI applications to various government departments, Public Sector Undertakings (PSUs), regulatory institutions etc. to build up a huge bank of documents that you can use for the actions suggested above.

## **6. What to do if proper information is not given to you?**



If the PIO does not give you proper information (or proper reply) within one month, then file a “First Appeal” to the First Appellate Authority (FAA) in the same organization, within another 30 days.

Filing a First Appeal is as easy as filing an RTI application. After receiving and reading your first appeal, the FAA will write a letter to you, inviting you for a hearing, where the PIO will also be present. After listening to your arguments and also



the PIO's arguments, the FAA will hopefully pass an order that strictly instructs the PIO to give you the necessary information. (Sometimes, the FAA may uphold what the PIO says in his own defense. He may say, for instance, that the information that you had requested are exempted from

disclosure under the RTI Act.) In case the FAA's order is not in your favour, you have the option of going for a Second Appeal. Alternatively, you may accept the reply and use it as feedback to write a better RTI application next time!

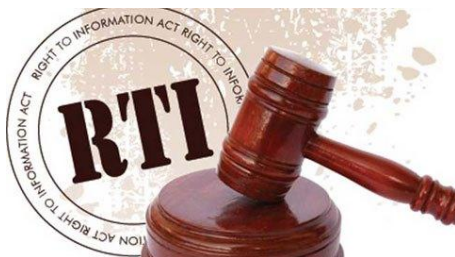
## **7. What is Second Appeal, and when should we exercise it?**

In case you have not got the proper information even after going for First Appeal, then it may be necessary to continue the battle. A Second Appeal must be filed within 90 days of filing the First Appeal, and it must be addressed to the Information Commissioner. The Commissioner will hold a hearing where you and the other party (PIO and FAA) will be allowed to present your respective arguments. The Commissioner has the power to order the PIO to give you the information, and to

order the PIO's department to deduct upto Rs 25,000/- penalty from the PIO's salary. He also has the power to order the PIO's department to hold a departmental enquiry and initiate disciplinary proceedings if there is evidence to show that the PIO is habitually disobeying the RTI Act.

## **8. Where is the office of the Information Commissioner?**

That depends on whether you have to approach the State Information Commissioner or the Central Information Commissioner.



You should file Second Appeal to the **State** Information Commission if your original RTI application was to a State Government body (e.g. BMC, Chief Minister's

Office, any department in Mantralaya (Mumbai), Police, BEST, District Collector, Gram Panchayat, etc.) Names and contact details of various Maharashtra Information Commissioners, and other useful details, are at <http://tinyurl.com/Maharashtra-SIC>. The headquarters of Maharashtra SIC is at 13<sup>th</sup> floor, State Administrative Building, Opposite Mantralaya, Mumbai. Maharashtra SIC holds hearings in Mumbai, Pune, Aurangabad, Nagpur, Amrawati, Konkan and Nashik, where it has offices.

Alternatively, if your RTI Application was addressed to a Central Government body (e.g. Union Ministry of Petroleum & Natural Gas, Prime Minister's Office, Bharat Petroleum, etc.), then your Second Appeal should be filed to the **Central**

Information Commission. Names and contract details of various Central Information Commissioners, as well as other useful details, are at <http://cic.gov.in/> . Central Information Commission is at August Kranti Bhavan, Bhikaji Cama Place, New Delhi - 110 066 & Old JNU Campus, New Delhi - 110 067.

## ***Chapter 2: Standard format for RTI Application***

***(Can be used for RTI to Public Authorities under Maharashtra Govt. or Central Govt.)***

Affix Indian Postal Order of Rs. 10/-

Application for obtaining information under the Right To Information Act, 2005.

The State Public information Officer, (Name of the Office with Address)

(1) Full name of Applicant:

(2) Full Address with phone No.:

(3) Particulars of the information required

(i) Subject matter of Information:

(ii) The period to which the information relates:

(iii) Description of the information required:

(iv) Whether the information is required by post or in person:  
(the actual postal charges shall be included in additional fees)

(v) In case by post (Ordinary, Registered or Speed):

(4) Whether the applicant is below poverty line  
(if yes, attach the photocopy of the proof thereof.)

Place: Date: Signature of Applicant

## ***Chapter 3: Where can you file RTI?***

### ***From which organizations can you demand RTI info?***

A wide variety of offices of government and administration, PSUs, and some privately owned and run bodies also, are covered under the RTI Act 2005. You have the right to demand information from anybody that is covered under the definition of “public authority” under RTI Act. Your RTI application has to be addressed to “The Public Information Officer, [Name of Public Authority, Postal Address of Postal Authority.]” For example, if you want some information from Kasturba Marg police station, your RTI application should say, “To the Public Information Officer, Kasturba Cross Road Number 1, Chinchpada, Borivali East, Mumbai, Maharashtra 400066.”

The beauty of RTI Act is that you don't even have to know the name of the Public Information Officer, or the name of the office about which you need information. You only need



commonsense and the information that is easily available on the internet. For example, you can file RTI applications to, “Public Information Officer, Department of Panchayati Raj,

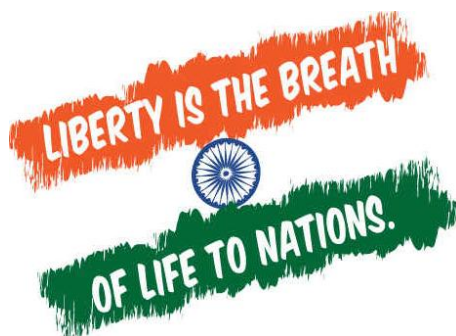
Mantralaya,” OR “Public Information Officer, Transport Department, BEST” OR “PIO, Ministry of External Affairs”.

First, let us understand the definition of Public Authority.

## Definition of Public Authority

Section 2(h) of RTI Act 2005 says: "*Public authority*" means any authority or body or institution of self- government established or constituted—

- (a) *by or under the Constitution;*
- (b) *by any other law made by Parliament;*
- (c) *by any other law made by State Legislature;*
- (d) *by notification issued or order made by the appropriate Government, and includes any —*
  - (i) *body owned, controlled or substantially financed;*
  - (ii) *non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government;*



**This definition covers not only all the bodies that are part of the government, but also those controlled or substantially financed by the government. It includes everything that is considered part of "state" i.e. nation, from**

the top to the bottom. For example, under RTI, you can get the daily logbooks of the President, Prime Minister and Chief Justice of India at the top of the pyramid, to the daily logbooks of beat-marshalls of a particular police squad, or the cleaners and garbage collectors of a particular conservancy squad of a remote municipality or panchayat in a remote corner of India.

## Private Entities under RTI Act

Just being a private entity does not automatically exempt it from RTI Act. Private entities that have been “substantially funded” from taxpayer’s money are covered under RTI Act, including NGO’s, schools, colleges that are aided by the government. Substantially funded means either the government has given it subsidies or grants in cash, or subsidies or grants in kind, such as land or building or other facilities for operating, or even leased it land at a concessional rate of lease rent that is much less than the market value. Alternatively, government may be providing aids in the process of working. Or such an organization may be working in a private-public partnership (PPP) arrangement with the government. Such organizations are expected to appoint a Public Information Officer.



**All schools and colleges – whether aided or unaided -- have been declared as “public authorities” by the Central Information Commission, and their information may be accessed through RTI.** The principal or

dean of every educational institution is automatically presumed to be the Public Information Officer. One may address the RTI Application to “Public Information Officer, [Name and Postal Address of School]”.

Also private organizations that are given licenses by the government may be accessed through the licensing authority. For example, one cannot rightly file an RTI application to a cooperative society. However, the Registrar of Cooperative Societies is a public authority that gives licenses for every cooperative society in the state, and therefore, one may file RTI application to the relevant Deputy Registrar's office and request information regarding any society in his jurisdiction.

For example: you may not directly file RTI application to utility companies like Reliance Energy Co. and Tata Power Co., but you can seek information about it through the government regulatory bodies with which they are regulated,



such as Maharashtra Electricity Regulatory Commission (MERC). Similarly, you may not file RTI application to Airtel and Vodafone, but you may seek information regarding

the rules governing their charges through Telecom Regulatory Authority of India (TRAI), which is their industry's regulatory body.



## ***Chapter 4: What information can you demand under RTI?***

While drafting your RTI applications, please try to use the terms that are used in the RTI Act, as this will tremendously increase your power vis-à-vis the PIO, FAA and Information Commissioner. Using these terms makes it extremely difficult if not impossible for anybody to deny you the information.

**It is important to remember that although an RTI application is commonly referred to as a “request” for information, it is really a “demand” for information, as it has the force of law behind it.**

Read the below sections of the RTI Act 2005 very carefully when you are drafting your RTI application.

### **Definition of Information**



Section 2(f) of RTI Act says: *"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.*

## ***Definition of "Records"***

*Section 2(i) "Record" includes—*

- (i) any document, manuscript and file;*
- (ii) any microfilm, microfiche and facsimile copy of a document;*
- (iii) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and*
- (iv) any other material produced by a computer or any other device;*

## ***Definition of Right To Information***

*Section 2(j) "Right to information" means the right to information 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.*

## ***Duty of Public Authorities to publish or provide basic information without being asked for it***

*Section 4(1) Every public authority shall—*

- (a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records are computerised and connected through a network all over the country on different systems*

*(b) Every public authority shall publish, —*

- (i) the particulars of its organisation, functions and duties;*
- (ii) the powers and duties of its officers and employees;*
- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;*
- (iv) the norms set by it for the discharge of its functions;*
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;*
- (vi) a statement of the categories of documents that are held by it or under its control;*
- (vii) 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;*
- (viii) 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;*
- (ix) a directory of its officers and employees;*
- (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;*
- (xi) the budget allocated to each of its agency,*

- indicating the particulars of all plans, proposed expenditures and reports on disbursements made;*
  - (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;*
  - (xiii) particulars of recipients of concessions, permits or authorizations granted by it;*
  - (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;*
  - (xv) 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;*
  - (xvi) the names, designations and other particulars of the Public Information Officers;*
  - (xvii) such other information as may be prescribed and thereafter update these publications every year;*
- (c) Every public authority shall publish all relevant facts while formulating important policies or announcing the decisions which affect public;*
- (d) Every public authority shall provide reasons for its administrative or quasi-judicial decisions to affected persons.*

## ***Chapter 5: Which govt. agencies are exempted from RTI***

Can government give every information that is requested by a citizen? No. The country cannot run unless some information is secret or confidential in government organizations.



For example, information that is of strategic importance (such as the latest missile being developed by Indian Space Research Organization (ISRO), cannot be shared with the public. Similarly, if peace talks are being held between Indian and its neighbouring country, such details cannot be disclosed until the talks are concluded.

**Intelligence and national security organizations of the government are generally exempted from the ambit of the RTI Act.**For example:

Intelligence Bureau.

Research and Analysis Wing (RAW)

Directorate of Revenue Intelligence

Central Economic Intelligence Bureau

Directorate of Enforcement

Narcotics Control Bureau...

A complete list is available in **Second Schedule** of RTI Act.

## ***Chapter 6: How to avoid refusal by Public Information officer?***

All the types of information that you may not get under RTI are specifically mentioned in Section 8, 9 and 11 of RTI Act. Please read these sections carefully, and **word your RTI application in such a way that it does not attract the provisions of these sections.**

### **Section 8:**

**8(1) *There shall be no obligation to give any citizen,—***

*(a) Information which would 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 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 disclosure;*

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



*(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:*

*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.*

*(j) 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 PIO or the appellate authority is satisfied that the larger public interest justifies the disclosure.*

*The information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.*

Section 8(2) says: *Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.*



Section 8(3) says: *Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to*

*any person making a request under that section:*

*Where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.*



## **Chapter 7: Confidential papers**

What happens if the information that you have requested directly pertains to a third party?

Section 9 says: *PIO 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.*



In cases other than copyrights, the PIO will probably have to seek the opinion of that third party and take their opinion into consideration.

**However, by cleverly framing your RTI application as a request for a generic class of information i.e. not relating to any particular individual or commercial entity, it is usually possible to get around this obstacle.**

Section 11 says: *“Where a PIO intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the PIO shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the PIO intends to disclose the information or record, or part thereof, and invite the third party to make a submission*

*in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:*

*Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.*

*Where a notice is served by the PIO under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.*

*PIO shall, **within forty days** after receipt of the request, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.*



There is a slim chance that the third party will not object to the PIO giving you the papers. There is an even slimmer chance the PIO will overrule the objections of the third party and give you the papers. The odds are you will not get

confidential documents.

Protection of confidentiality is also covered under Sections 8(1) (d) and (e), mentioned in the previous chapter i.e.



*(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 disclosure;*

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

However, if you are able to convince the PIO and his bosses (i.e. the competent authority) that it is necessary to disclose this information in the larger public interest, then you can indeed get access to even information that is identified as third-party, confidential or given to the public authority in fiduciary capacity. Choose your words very carefully while framing your RTI application. Prominently mention public interest so that it becomes difficult for the PIO to refuse at the initial stage itself.

## **Chapter 8: Severability**

In case the requested documents are denied to you under sections 8, 9 or 11, and the PIO and appellate authorities refuse to budge, what to do?

The answer is: Take whatever documents you can get, after severing off the documents (or parts thereof) to which the above-mentioned sections apply.



### **Section 10:**

*(1) Where a request for access to information is rejected on the ground that it is exempt from disclosure, access may be provided to that part of the record*

*which does not contain any information which is exempt from disclosure and which can reasonably be **severed from any part that contains exempt information.***

*(2) Where access is granted to a part of the record under subsection(1) the PIO shall give a notice to the applicant, informing—*

*(a) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;*

*(b) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;*

- (c) the name and designation of the person giving the decision;*
- (d) the details of the fees calculated by him or her and the amount of fee which the applicant is required to deposit; and*
- (e) his or her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the senior officer specified under sub-section (1) of section 19 or the Information Commission, time limit, process and any other form of access.*

If you have asked inspection of, or copy of, a certain file, the PIO may argue that it contains confidential material. You should counter-argue that it is the PIO's duty to remove any confidential documents from that file, but give you access to the rest of the papers in that file. However, he must mention which papers are being withheld from you, and under what sub-sections of Section 8, 9 or 11 etc. are those document being withheld.



Alternatively, if you have asked copy of a specific document, and the PIO argues that some words or lines in that document are confidential, you may ask the PIO to photocopy that document after covering those words with patches!

## ***Chapter 9: Never justify***

Quite often, people feel guilty and try to explain why they want a particular piece of information. Some people write a covering letter for their RTI application explaining their grievances and how getting the information will help them. Others explain that they are collecting information for their doctoral thesis or newspaper article. Still others try to impress the PIO by writing that they are relatives of a Member of Parliament, or the president of some association or trade union.

All that is unnecessary.

Section 6(2) clearly says: *An applicant making request for information shall not be required to give any reason or any other personal details except those that necessary for contacting him.*



So, whether you are drafting your RTI application, speaking to a PIO or any Appellate Authority, remember: you need not disclose the purpose for which you want the information, or any additional details about yourself. Your name and contact details is all that anybody needs to know!

## ***Chapter 10: What are your rights?***

The duties of the Public Information Officer are your rights under RTI. So, understand the duties of the PIO, which are set out in Sections 5, 6 and 7 of RTI Act 2005.

### **Section 5:**

*(3) Every PIO shall deal with requests from persons seeking information and render reasonable assistance.*

*(4) PIO may seek the assistance of any other officer for the proper discharge of his or her duties.*

*(5) Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the PIO seeking his assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Public Information Officer.*

### **Section 6:**

*(1) A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area, accompanying fee prescribed, to—*

*(a) the PIO of the concerned public authority;*

*(b) the Assistant Public Information Officer specifying the particulars of the information sought by him or her:*

*Where such request cannot be made in writing PIO shall render all reasonable assistance to reduce the same in writing.*

*(2) An applicant making request for information shall not be required to give any reason or any other personal details except those that necessary for contacting him.*

*(3) Where an application is made to a public authority requesting for an 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, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:*

*The transfer of an application shall be in no case later than five days from the date of receipt of the application.*

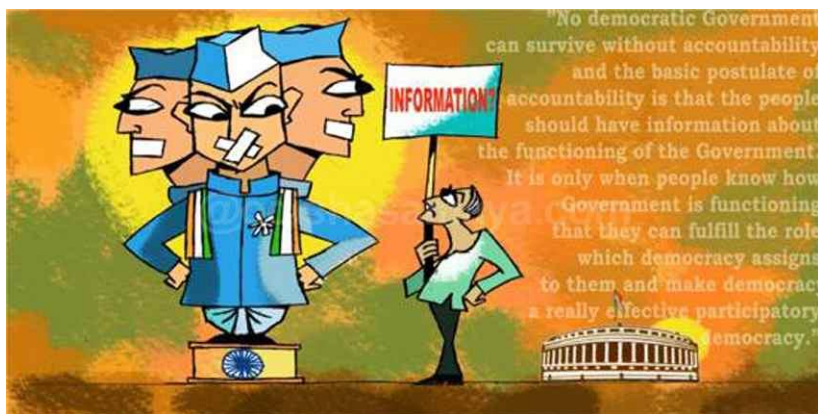
## **Section 7:**



- (1) *Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the PIO shall, as expeditiously as possible, and in any case **within thirty days, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9:***

*Where the information sought for concerns the life or liberty of a person, the same shall be provided within **forty-eight hours.***

- (2) *If the PIO fails to give decision on the request for information within the period specified under sub-section (1), **the PIO shall be deemed to have refused the request.***



- (3) *Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, the PIO shall send an intimation to the person making the request, giving—*  
(a) *the details of further fees, together with the*

*calculations made, requesting him to deposit that fees, and the period between the despatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days;*

*(b) information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms.*

*(4) Where the person is sensorily disabled, the PIO shall provide assistance to enable access to the information, including assistance appropriate for inspection.*

*(5) Where access to information is to be provided in the printed or in any electronic format, the applicant shall pay such fee as may be prescribed:  
The fee prescribed shall be reasonable.*

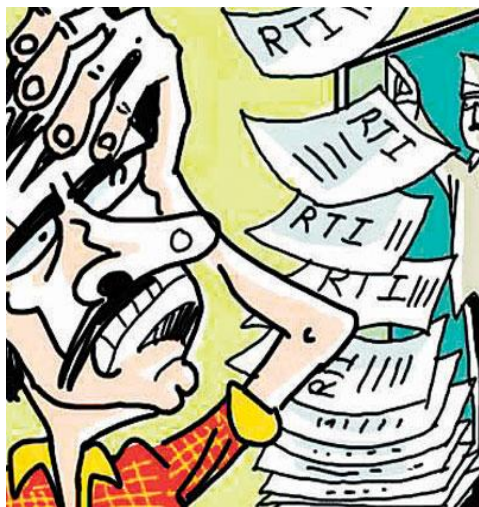


*(6) The person-making request for the information shall be provided the information **free of charge** where a public authority fails to comply with the time limits.*

*(7) Before taking any decision under sub-section (1), the PIO shall take into consideration the representation made by a third party under section 11.*

*(8) Where a request has been rejected under sub-section (1), the PIO shall communicate to the person making*

*the request,—*



(i) the reasons for such rejection;

(ii) the period within which an appeal against such rejection may be preferred; and

(iii) the particulars of the first appellate authority.

(9) Information shall be provided in the

form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record.

## ***Chapter 11: RTI Rules***

Maharashtra Government's RTI Rules are almost identical with Central Government's RTI rules, with only tiny differences.

**The rules are:**

- 1) **Form of application.** RTI application should generally be filed in format given as Annexure A of the Rules.



- 2) **Word limit and subject:** Each RTI application should only be about one subject, and the queries or requests under the heading 'Description of

Information', should not exceed 150 words. You can file additional RTI applications on same subject, if your queries exceed 150 words, or you want information on more than one subject. For Central government, the word limit is 500 words.

- 3) **Application fee.** Application fee of Rs.10/- are to be paid by affixing Court Fee Stamp or Indian Postal Order (IPO) or bank's demand draft or banker's cheque in favour of public authority from whom information is sought, or in cash at the concerned office against receipt.

- 4) **Copying charges.** Information in A-3 or A-4 size paper

-- Rs.2/- per page

Large photocopies or printouts (e.g. architectural plans)

– as per actual cost.

Publications – as per printed cost.

If any government department has prescribed fixed charges for documents/maps etc under its rules, then such charges are payable.

Information given on CD / DVD / Pen Drive etc.-- Rs.50/- apiece.

- 5) **Postage.** Postal charges for sending the information to the applicant will be charged in advance as per estimated actual cost, unless the information is collected in person.



6) **Cost of inspection.** Actual Inspection of files at the office of the public authority: Rs.5/- each 15 minutes or part thereof, with first hour free. If copies

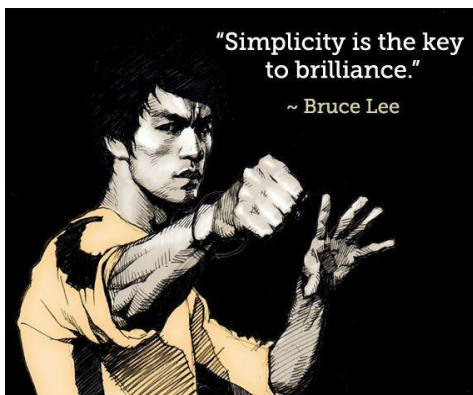
of documents inspected are requested, then copying charges will be as per rule no. 4 above.

- 7) **Appeal fees.** First Appeal has to be filed in Annexure-B format, and Second Appeal in Annexure-C format. Appellant has to affix court fee stamp of Rs.20/- each for first and second appeal (State Information Commission). For Central Information Commission, there is no appeal fee.

## ***Chapter 12: Tips for writing successful RTI applications***

### **1) A good RTI application as boring as a laundry list.**

It is a bare list of items of information WITHOUT ANY reasoning. If the first draft of RTI application is interesting to read, something is wrong. Make corrections by deleting the interesting material, such as logical threads of reasoning and justification. You must focus on how to draft an RTI application that DOES NOT disclose the overall nature of the problem in your mind. It must not give a glimpse of what you intend to do with the requested information e.g. register police complaints, approach investigating agencies, file a PIL etc. Also, your RTI application must not indicate how badly you want the information, and therefore, please don't mention anything such as "I am a senior citizen dependent on my pension cheques, and I have been pushed from pillar-to-post in search of this information." When you write an RTI application, you must try to gain only information, and not sympathy, respect etc.



### **2) A good RTI application is short and childishly simple for the PIO to fulfill.**

On the other hand, a badly-drafted RTI application is like a huge challenge to the PIO, virtually saying "I

dare you to try and answer all these questions.” Put yourselves in the shoes of the Public Information Officer (PIO); what would you do if you saw a lengthy RTI application that asks endless questions and supplementary questions? If we were PIOs, we would endlessly postpone looking at the application, and then go out of our way to justify the delay or denial. Wouldn't you? Think that you are a PIO, and then think about how to draft an RTI application that you would like to give a reply to without any delay.

### **3) If you need a lot of info, write multiple RTI applications.**

A single lengthy application may scare and overwhelm the PIO, and tempt him to throw it into his drawer and delay in answering it. He will hesitate and postpone searching for the information. Instead, send a small, manageable RTI application with only 3-4 questions. Then, after you receive a reply to that, send another one... and another. This strategy also has another advantage: If the public information officer fails to answer more than one of these applications, he feels the threat of being liable for a larger penalty (Rs 250 x days of delay x no. of RTI applications). Even if he escapes penalty after denying information to one application, there is always the chance that other pending applications will get him penalized or reprimanded. Ask yourself: how to draft RTI applications that are difficult to deny, but very easy to answer? Draft your RTI applications in this way.

### **4) Keep the period of information minimal.**

Don't be over-ambitious. For an RTI applicant, it is very easy to write a question like, “Give copies of all gun licenses issued from January 1981 till date.” For the PIO, this means searching

30 years of files and records. Older files may have been put into basements or buried under tons of old dusty files. Therefore, please ask yourself whether you REALLY need data that is so old, or whether you are just trying to satisfy an academic curiosity. Don't request 30 years data if five years data will suffice for your purposes. Don't ask for five years data if six months data is sufficient.

### 5) Crime-fighting RTI application?

Ask for plenty of unnecessary data to misdirect mala-fide PIO. (Of course this contradicts earlier points... but there is method in the madness.)



Suppose you want the details of a certain building that you suspect has built-up area in excess of permissions. To confirm your suspicions, you need the approved floor plan, etc. You may fear that if you make a direct request, corrupt officials of the

Building Proposal department may deny, delay endlessly and argue that the files are lost. **Question:** how to improve your chances of quickly getting these key documents? **Answer:** Ask for inspection of entire files of five other unrelated buildings in your neighborhood. Include the name of this particular building in a random and casual way. When you go for inspection, don't show any special interest of this particular building; request photocopies of some unnecessary documents along with what you really want. Of course you may some money rupees on



xeroxing unnecessary documents, but if you get the necessary documents without delays and appeals, it is worth it!

#### **6) You are a citizen, not an investigating agency.**

You don't have to substantiate every allegation. File complaint first, RTIs later. That way, you will stop worrying about how to



draft an RTI application that covers all the problem areas. Sometimes, we hesitate before leveling allegations and writing complaints. Our sense of fairness compels us to get into fact-finding by filing an RTI application first. That is not necessary. You are an alert citizen and not an expert; your first duty is to register a complaint! Let the investigating agency guys do their job and earn their salaries. Later on, you

may optionally write an RTI application to uncover facts and documents... but that is your second step, not first. As the cowboys say, "Shoot first and ask questions later."

#### **7) Don't shoot your first draft; first drafts are always faulty.**

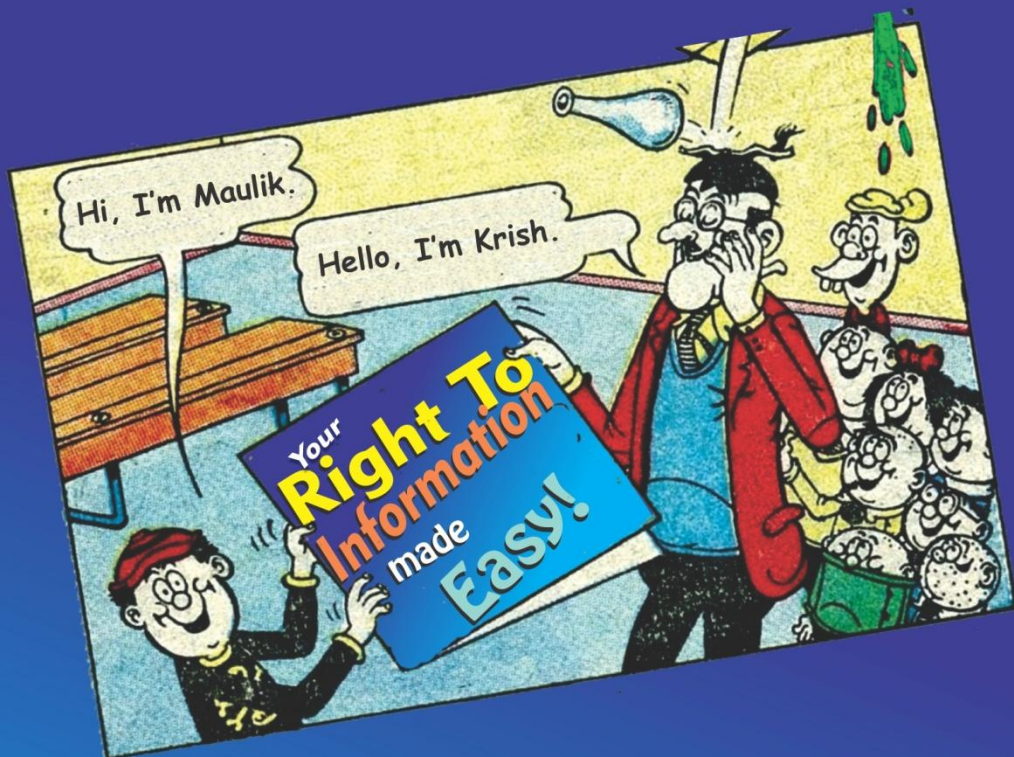
After you have written down your first draft of RTI application (or complaint or anything else), let it cool down in your drawer for a couple of days. Then take a re-look and think about

making improvements. Ask a friend or colleague to have a look and give you suggestions.

Hope you enjoyed reading this  
as much as we enjoyed writing it!



Wish you a happy RTI experience!



### *About the authors*

*Maulik Jain, a 16-year-old schoolboy with big dreams, feels that India is a good place to be, and all Indians are basically decent people. He believes in taking baba steps to lend a helping hand and make the world a slightly better place... and having fun while doing it.*

*Krishnaraj Rao, a crunchy old RTI activist, grudgingly agrees. This book is a fruit of their teamwork.*

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