

Right to Information

Act and the procedure to file an RTI

RTI Act of 2005

Objective is to **empower the citizens**, promote **transparency** and **accountability** in the working of the Government, **contain corruption** and make our democracy work for the people in real sense.

Aware and informed citizens would make democracy stronger and government more accountable.

Right To Information Act of 2005, mandates any agency, body, public authority to respond to the citizen's request for seeking information. These public authorities, under Sec 4 of RTI Act of 2005 are obliged to maintain their due records for facilitating Right To Information.

RTI Act 2005 truly is of the people, by the people, for the people.

Every citizen has a right to access information from public authorities.

All you have to do is to apply with a fee payable as Indian Postal Order (IPO) of Rs 10/- favoring the Accounts Officer of the department or 10 rupee non judicial court fee stamp.

The Public Information Officer in a public office is expected to respond within 30 days.

You can use this tool to seek information like:

- Funds allocated and utilised by MLAs, MPs, Corporators
- Work orders issued by state and central authorities
- How much the local ration shop has distributed from its stocks
- Status of your complaints with public authorities

RTI Flowchart

Central/State Asst. Public Information officer(APIO)

Within 5 days application to be forwarded to **Public Information Officer (PIO)**

Disposal of request by PIO within **30 days**

Scope for appeal to **Appellate Authority** within 30 days from the receipt of decision of PIO

Disposal of appeal by Appellate Authority within 30 days extended up to maximum 45 days

Scope for second appeal to Information commissioner within 90 days from the receipt of decision of Appellate Authority

Final decision by Information Commissioner binding

Information applications can be submitted at either of the places

Information would mean “inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority”

Information can be in the form of papers, printouts, or any other electronic modes.

Every citizen has the right to get that information which our elected representatives have access to.

Information exempted from disclosure (few main points)

Sec 8 of the RTI Act of 2005, denies the obligation of providing information if any information disclosure that:

- can prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interest of the State, relation with foreign state or lead to incitement of an offence;
- the disclosure of which would cause a breach of privilege of Parliament or State Legislature;
- has been explicitly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court.

Organisations covered under RTI Act

- Every organisation, public authority/government organisation, that deals with public interest should be able to provide information under RTI Act
- Apart from government organisations or public authority, any private organisation* working in Public Private Partnership, NGOs, cooperatives, banks, the organizations that get “substantial funding” from the government come under the RTI Act
- All the above mentioned organisations/authority should have appointed **Public Information Officer (PIO)**

*All private organisations do not come under RTI Act

Filing RTI

- Any citizen seeking any organization from any sort of information from the above mentioned organization can write an application, addressing the PIO of the public authority
- Even if you know the PIO's name, address to the designation of PIO
- The application can be a handwritten or typed, in about 500 words

- The application can be written in English or Hindi or the local (official) language
- Avoid verbal communication and seek information on papers or email
- There is a nominal fee for filing an RTI but information in the form of print-outs, diskettes will have some cost. Additional cost, if any, will be calculated and informed once the application is received.
- However, if the applicant/seeker belongs to the “Below Poverty Line” category, there will be no fees charged, provided the applicant produces his/her BPL card proof.
- Application can be handed over in-person or by registered post. (Registered post receipt is a proof of sending application)

- Application can also be sent on the PIO's official email id.
It is always preferable to do a quick search on the government organization's website.
- Expect the response in 30 days from the date the application is being sent.
- The PIO is bound to respond in the defined period after communicating with the concerned authorities.
- If the PIO fails to provide information within the defined time, an appeal can be filed addressing the The Appellate Authority.

- If even The Appellate Authority fails to respond within 30 days of the appeal, further appeal can be made to the Information Commission, addressing to the Chief Information Commissioner, Central/State Information Commissioner.
- If in case, the application is rejected, the applicant will receive an intimation with the reason for rejection.
- It might get rejected, if in case, the application is incomplete or violates the clause in Sec 8 of the RTI Act.
- It might also get rejected, if the information sought breaches Sec 8 invading the security of the third party involved.

- In case of no response from the PIO, while making the appeal to the Appellate Authority, a copy of the RTI application should be attached to avoid 'Return of Appeal'.
- The Act also has a provision of withdrawing the appeal, if the appellant makes a prayer on an application duly signed or during the hearing.
- But no withdrawal of the appeal will be entertained, once the matter has been heard or a decision or order is being made.

Right To Information is a basic human right of every Indian citizen, to be wisely used for the larger interest.

Any public authority is bound by the RTI Act to provide information if it deals with the public and their interest.