

Frequently Asked Questions (FAQ)

What is RTI?

RTI stands for Right to Information. Right to Information is a part of fundamental rights under Article 19(1) of the Constitution. Article 19 (1) says that every citizen has freedom of speech and expression. As early as in 1976, the Supreme Court said in the case of Raj Narain vs State of UP that people cannot speak or express themselves unless they know. Therefore, right to information is embedded in article 19. In the same case, Supreme Court further said that India is a democracy. People are the masters. Therefore, the masters have a right to know how the governments, meant to serve them, are functioning. Further, every citizen pays taxes. Even a beggar on the street pays tax (in the form of sales tax, excise duty etc.) when he buys a piece of soap from the market. The citizens therefore, have a right to know how their money was being spent. These three principles were laid down by the Supreme Court while saying that RTI is a part of our fundamental rights.

If RTI is a fundamental right, then why do we need an Act to give us this right?

This is because if you went to any Government Department and told the officer there, “RTI is my fundamental right, and that I am the master of this country. Therefore, please show me all your files”, he would not do that. In all probability, he would throw you out of his room. Therefore, we need machinery or a process through which we can exercise this fundamental right. Right to Information Act 2005, which became effective on 13th October 2005, provides that machinery. Therefore, Right to Information Act does not give us any new right. It simply lays down the process on how to apply for information, where to apply, how much fees etc.

When did RTI Act come into force?

The Central Right to Information Act came into force on the 12th October, 2005.

What rights are available under RTI Act 2005?

Right to Information Act 2005 empowers every citizen to

- Ask any questions from the Government or seek any information
- Take copies of any government documents
- Inspect any government documents.
- Inspect any Government works
- Take samples of materials of any Government work.

Who is covered under RTI?

The Central RTI Act extends to the whole of India except the State of Jammu and Kashmir. All bodies, which are constituted under the Constitution or under any law or under any Government notification or all bodies, including NGOs, which are owned, controlled or substantially financed by the Government are covered.

What is “substantially financed”?

This is neither defined under RTI Act nor under any other Act. So, this issue will evolve with time, maybe through some court orders etc.

Are Private bodies covered under the RTI Act?

All private bodies, which are owned, controlled or substantially financed by the Government, are directly covered. Others are indirectly covered. That is, if a government department can access information from any private body under any other Act, the same can be accessed by the citizen under the RTI Act through that government department.

Isn't Official Secrets Act 1923 an obstacle to the implementation of RTI Act?

No. Sec 22 of the RTI Act 2005 clearly says that RTI Act would override all existing Acts including Official Secrets Act.

Can the PIO refuse to give me information?

A PIO can refuse information on 11 subjects that are listed in section 8 of the RTI Act. These include information received in confidence from foreign governments, information prejudicial to security, strategic, scientific or economic interests of the country, breach of privilege of legislatures, etc.

There is a list of 18 agencies given in second schedule of the Act to which RTI Act does not apply. However, they also have to give information if it relates to matters pertaining to allegations of corruption or human rights violations.

Does the Act provide for partial disclosure?

Yes. Under Section 10 of the RTI Act, access may be provided to that part of the record which does not contain information which is exempt from disclosure under this Act.

Can access be denied to file noting?

No. File noting is an integral part of the government file and is subject to disclosure under the Act. This has been clarified by the Central Information Commission in one of its orders on 31st Jan 2006.

How to use Right to Information

How do I locate the full Act?

The full Act in Hindi and English is available on the website of Department of Personnel and Training www.persmin.nic.in. It is also available on this website.

Who will give me information?

One or more existing officers in every Government Department have been designated as Public Information Officers (PIO). These PIOs act like nodal officers. You have to file your applications with them. They are responsible for collecting information sought by you from various wings of that Department and providing that information to you. In addition, several officers have been appointed as Assistant Public Information Officers (APIOs). Their job is only to accept applications from the public and forward it to the right PIO.

Is there any fee? How do I deposit that?

Yes, there is an application fee. For Central Government Departments, it is Rs 10. However, different states have prescribed different fee. For getting information, you have to pay Rs 2 per page of information provided for Central Government Departments. It is different for different states. Similarly, there is a fee for inspection of documents. There is no fee for first hour of inspection, but after that, you have to pay Rs. 5 for every subsequent hour or fraction thereof. This is according to Central Rules. For each state, see respective state rules. You can deposit fee with in cash or through a DD or bankers cheque or postal order drawn in favor of that public authority. In some states, you can buy court fee stamps and affix it on your application. This would be treated as if you have deposited the fee. You can then deposit your application either by post or by hand.

Where do I submit application?

You can do that with the PIO or with APIO. In the case of all Central Government Departments, 629 post offices have been designated as APIOs. This means that you can go to any of these post offices and submit your fee and application at the RTI counter in these post offices. They will issue you a receipt and acknowledgement and it is the responsibility of that post office to deliver it to the right PIO. The list of these post offices is given at <http://www.indiapost.gov.in/rtimanual16a.html>

What should I do if the PIO or the concerned Department does not accept my application?

You can send it by post. You should also make a formal complaint to the respective Information Commission under section 18. The Information Commissioner has the power to impose a penalty of Rs 25000 on the concerned officer who refused to accept your application.

Is there an application form for seeking information?

For Central Government Departments, there is no form. You should apply on a plain sheet of paper like an ordinary application. However, many states and some ministries and departments have prescribed formats. You should apply in these formats.

How can I apply for information?

Draft your application on a normal sheet of paper and submit it by post or in person to the Public Information Officer (PIO). [Remember to keep a copy of the application for your personal reference]

What can I do if I do not receive information?

If you do not receive information or are dissatisfied with the information received, you can file an appeal with the first appellate authority under section 19 (1) of the right to Information Act.

Who is a First Appellate authority?

Every public authority must designate a First Appellate Authority. This officer designated is the officer senior in rank to your PIO.

Is there a form for the first appeal?

No there is no form for filing a first appeal (but some state governments have prescribed a form). Draft your appeal application on a blank sheet of paper addressed to the First Appellate Authority. Remember to attach a copy of your original application and a copy of the reply in whatever form (if received) from the PIO.

Do I have to pay a fee for the first appeal?

No. You are not required to pay any fee for the first appeal. However, some state governments have prescribed a fee.

In how many days can I file my first appeal?

You can file your first appeal within 30 days of receipt of information or within 60 days of filing RTI application (if no information received).

What if I do not receive the information after the first appeal process?

If you do not receive information even after the first appeal then you can take the matter forward to the second appeal stage.

What is a second appeal?

A second appeal is the last option under the RTI Act to get the information requested. You can file second appeal with the Information Commission. For appeals against Central Government Departments, you have Central Information Commission (CIC). For every state Government, there is a State Information Commission.

Is there a form for the second appeal?

No there is no form for filing a second appeal (but some state governments have prescribed a form for second appeal too). Draft your appeal application on a normal sheet of paper addressed to the Central or State Information Commission. Carefully read the appeal rules before drafting your second appeal. Your second appeal application can be rejected if it does not comply with the appeal rules.

Do I have to pay a fee for the second appeal?

No. You are not required to pay any fee for the second appeal. However, some states have prescribed a fee for that.

In how many days can I file my second appeal?

You can file your second appeal within 90 days of disposal of first appeal or within 90 days of the date, by when first appeal was to be decided.

What should I do after getting information?

There cannot be one answer for that. It depends on why you asked for that information and what type of information is it. Often a lot of things start falling in place just by asking for information. For instance, you would get your passport or a ration card just by your asking for the status of your application. In many cases, roads got repaired as soon as the money spent on its repairs in the last few repairs was asked. So, seeking information and questioning the government is an important step, which in itself is complete in many cases.

But suppose you expose some corruption or wrongdoing using RTI. Then, you can complain to vigilance agencies, CBI or even file an FIR. But it is seen that the Government does not take any action against the guilty even after repeated complaints. Though one can keep up the pressure on vigilance agencies by seeking to know the status of complaints under RTI, however, the wrongdoings can also be exposed through media. However, experience has not been very encouraging at getting guilty punished. But one thing is certain. Seeking information like this and exposing wrongdoings does improve the future. The officials get a clear message that the people of that area have become alert and any wrongdoings in future would not remain hidden as they were in the past. So, their risks of getting caught increase.