

THE ESSENTIALS | HOW TO FILE A RTI & NAVIGATE THE ROADBLOCKS?

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The Right to Information (RTI) Act 2005 is one of the ways journalists can seek information from public authorities and corporations that are “owned, controlled or substantially financed” by the government. The RTI Act makes it mandatory for the Indian government to issue a timely response to Indian citizens who seek information that is in the public domain.

“The right to information is a very valuable tool in the hands of media persons engaged in investigative reporting. It helps them base their stories on evidence contained in government records. It's much more reliable as a source of information as compared to statements made by people in power, there is always a possibility that these kinds of sources might turn around tomorrow and say, we never said that, or we've been misquoted. But there are no such risks [with the RTI],” says Venkatesh Nayak, Programme Head - Access to Information programmes, Commonwealth Human Rights Initiative (CHRI).

What kind of information can one seek through an RTI application?

Under the RTI Act, one can ask for information that includes “inspection of work, documents and records; taking notes, extracts or certified copies of documents or records... held by the public authority or held under the control of the public authority.”

According to section 8 of the RTI Act 2005, which deals with exemption from disclosure of information, there is “no obligation to provide any citizen information, disclosure of which will affect India's sovereignty and integrity, the security, strategic, scientific or economic interests of the state and relations with foreign States or will lead to incitement of an offence.” Information which has been expressly forbidden to be published by any court of law, or the disclosure of which would cause breach of privilege, or includes trade secrets or intellectual property has also been exempted from the RTI Act.

“The law is very strong, but unfortunately the mindset has not really changed. We are seeing a number of illegal denials of information. The Public Information Officers (PIOs) wrongly invoke sections of the RTI Act related to exemptions where there's no question of national

security. They keep denying the information even though there is very clear public interest in sharing that information, and that's where the role of the Information Commissioners becomes so critical," says Anjali Bhardwaj, RTI activist and co-convenor of the National Campaign for People's Right to Information (NCPRI), commenting on the recent RTI Amendment Act 2019 which gives the government the power to decide salary, tenure and dismissal of the information commissioners.

"The commission must function autonomously, because under the RTI law, they are the final appellate authority... The autonomy of the Commission has been compromised, which means it will have a far reaching impact on the working of the commissioners, and therefore, on people's ability to access information," argues Bhardwaj.

This makes it all the more important for journalists to do thorough background research on a story before drafting the RTI application, so that they have the relevant information and know the gaps that they want plugged.

RTI Application Checklist

Be clear of the information you want and in what format: Be specific about the information you are seeking in the RTI form. Ambiguous RTI requests might lead to unclear responses and may give Public Information Officers (PIO) a reason to avoid giving specific information.

If you are not certain about the specific documents required for the story, you may first seek inspection of the records so as to identify the same. Under the RTI Rules, a citizen has the right to inspect the records of a public authority if the information sought is voluminous, and if it would take a huge amount of money to get the information.

18. The applicant may also be required to pay further fee towards the cost of providing the information, details of which shall be intimated to the applicant by the PIO as prescribed by the Right to Information Rules, 2012. Rates of fee as prescribed in the Rules are given below:

- (a) rupees two (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) rupees fifty (Rs.50/-) per diskette or floppy; and
- (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 that exceeds fifty rupees.

19. A citizen has a right to inspect the records of a public authority. For inspection of records, the public authority shall charge no fee for the first hour. But a fee of rupees five (Rs.5/-) for each subsequent hour (or fraction thereof) shall be charged.

Caption: Fees for getting the information in different formats as prescribed in the RTI rules. Source: rti.gov.in

If a request for access to information is rejected on the grounds that it is exempted from the RTI Act then partial access of the record may be requested from the Public Information Officer (Part 1 of Section 10 of the RTI Act, 2005).

✔ **Direct your RTI to the right department or ministry:** Identify the ministry or department where you want to file the RTI request - whether it comes under the scope of the local authority, state or central government. It is important that you address the right [ministry or department](#) for a quick response.

For e.g if you seek information under the National Corporate Social Responsibility (CSR) data portal, then the RTI request should be addressed to the Ministry of Corporate Affairs. If you need something from the Real Estate Regulatory Authority (RERA) or Smart Cities Mission then the RTI request has to be addressed to the Ministry of Housing and Urban Affairs.

“What has happened over the last few years is, if the information sought in the RTI application is available with multiple departments, then the receiving Public Information Officer does not transfer those portions of the RTI to the relevant departments. Instead they may transfer only one part of it to one department and tell the applicant to go back and file a separate RTI for the other bits of information, which means that the applicant has to do background research to find out who actually holds the information that the applicant wants,” says Nayak.

Apart from the central [online RTI portal](#) by the government, almost 37 ministries have their own RTI web portals. If the information you seek is state-specific, then RTI requests could be filed directly from [State RTI portals](#).

✔ **Draft your RTI application carefully:**

The application must be legible - either typed or neatly handwritten. Use simple and easy language. Try to avoid technical terms and jargon.

💡 **Pro Tip:** *Avoid asking information in the form of questions.*

“Over the last few years, public authorities have developed this practice of saying that if you ask us a question, we don't have a duty to give you answers as we [will have to] create answers for you. So, there is a greater success when you draft these kinds of affirmative statements like seeking copies of records in government files, or seeking information that can actually be held in computerised or digital form in the government offices,” says Nayak.

Language of the RTI application could be English, Hindi or any official language in which the department lies. You can also mention the language in which you seek a reply. Please note that the department has no responsibility to translate the content of records and it will be provided in the language it was originally prepared in.

Always mention the period for which the records are sought.

The online RTI portal has a limit of 3000 characters. If your application exceeds the character limit then you can attach the remaining application in the 'supporting document' section.

[Here](#) is a draft RTI application format that you can refer to.

How to file an RTI offline

How-to Guide

- Write or type out the application. You can also request the relevant Public Information Officer (PIO) to write the application.
- Address the application to the concerned state or central PIO. Mention 'Application under RTI Act 2005' in the subject line.
- To file the request, pay the RTI fee of Rs. 10 in cash or through bank draft or money order or court fee stamp. People living below the poverty line are exempted from paying the fee if they attach a supporting document of BPL card certificate.
- Mention the date, your full name, address and contact details.
- You can send the application by mail or hand it over at the office personally. Take a photocopy of the request and ask for an acknowledgement from the office for future references.

As per the RTI Act mandate, the concerned office must respond to the request within 30 days. You can file an RTI Appeal to the 'Appellate Authority' if you are not satisfied with the reply. You can also appeal to the Information Commission, the Chief Information Commissioner, and the State/Central Information Commission.

→ **Filing a RTI online, what to keep in mind:** [In Video](#)

→ **What if you don't get a response/valid response?**

If you don't receive a response within 30 days or if you are not satisfied by the response then you can file the first appeal online using the same RTI registration number. "First appeal lies within the department. But very often that is not successful. The second appeal is an independent appeal and that is with the Information Commission," says Anjali Bhardwaj.

Venkatesh Nayak suggests that journalists can also collaborate with RTI activists if they find it difficult to get the information or to follow up on an RTI response.

“There's a lot of potential for civil society activists, particularly the RTI activists, the transparency advocates, who may be working with organisations or in their individual capacity. They [journalists] can collaborate with RTI activists and say we want to do a story. It's happened many times. Once or twice a month, I even get these kinds of calls from journalists who are familiar with my work, who have asked me to file RTI applications...”

RESOURCES | INSPIRATIONS

- ◆ [RTI FAQs](#)
- ◆ [MCA: RTI page, CPIOs list, Guidelines](#)
- ◆ [List of State governments with RTI portal](#)
- ◆ [List of CPIOs](#)
- ◆ [How RTI Plays a Significant Role for Investigative Reporters](#)

PEOPLE TO FOLLOW

- ◆ [Nitin Sethi](#)
- ◆ [Vinita Deshmukh](#)
- ◆ [Anjali Bhardwaj](#)

- ◆ [CHRI](#)