

STEP BY STEP RTI PROCEDURE FOR FILING AN APPLICATION

STEP 1 - RESEARCH or COMPLAIN

Before filing an RTI

application, one must thoroughly explore the content on the website of the concerned Public Authority. There, you may find the information you desire. This will save you and the PIO a lot of trouble and money.

STEP 2 - FILING AN RTI APPLICATION

Citizens normally take to the RTI route after exhausting all other avenues. The RTI journey begins with filing an application. It is filed under section 6(1) but you don't have to mention this section.

Format

1. You can apply on a plain paper or on a letter head in English, Hindi or local language.
2. You may also choose to use the form designed us.
3. The RTI Act says that you can apply electronically but you should ignore that provision because there are many practical difficulties, least of all the problem with paying the fee.

Finding the right
PIO

1. Visit the website of the Public Authority for the name, designation and address of the correct PIO. Look for "RTI" or "Right to Information" link or icon.
2. Also visit <http://rti.gov.in>. Many central government departments are listed on this website.
3. Visit the official portal of the state government and the State Information Commission. You may find PIO details of many departments there.
4. Visit the local office of the concerned Public Authority and try to obtain PIO details.
5. If you can't find RTI link on the website of the concerned department, learn to use Google's advanced search facility. This will unearth hidden and deep-buried content on the website. For example, type the following in Google's search box:-
"right to information" site:<http://www.sitename.com>
OR, RTI site: <http://www.sitename.com>
4. If there are multiple PIOs in a department and you are not sure who is the right one, just send your application to any one and he will either collect and provide you the information himself or forward it to the right PIO under intimation to you.

5. In case the Public Authority has not appointed a PIO or you are unable to find one in spite of your best efforts, prepare your application addressed to the "Public Information Officer". Write a covering letter addressed to the head of the department, requesting him to forward it to the PIO. Address the envelope to the head of the department and send it by Regd./Speed Post so that it gets accepted at the other end.

Fee

1. Your application must be accompanied by fee. For details of fee structure for different States and the Centre, please visit "Fees, Rules, Commissions".
2. On the above page, you will also find the mode of payment for different States and the Centre.
3. If you are paying by postal order, make sure that you write in your application as follows - "I am leaving the 'pay to' field blank. Please fill it in yourself."

Submitting application

1. The easiest method of submitting an application is through Registered or Speed Post accompanied by Postal Order. Don't use a courier because it is not a legally acceptable proof of delivery.
2. Second easiest method is to submit it at a Post Office and pay the fee in cash. Many post offices across the country act as APIOs for most of the central government Public Authorities.
3. The last method is to go to the offices of the Public Authority and meet either the PIO or the APIO and deposit your application along with the appropriate fee either in cash or through postal order. Often, there is a desk or a clerk deputed for the purpose of receiving such applications. Do obtain acknowledgment on the photocopy of the application together with a receipt for the fee.

STEP 3 - PIO WRITES TO YOU / OR HE DOESN'T REPLY AT ALL

The PIO replies to you under section 7(1). He may write to you in a number of ways. He may provide you the information, provide you partial information, reject your application on valid or invalid grounds or ask for deposit of further fee. Some of the key scenarios are explained below.

Application transferred

1. If the transfer is justified, simply wait for information.
2. If the transfer is not done within 5 days, file a complaint under section 18 with the Information Commission.

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| Citizenship proof demanded | <ol style="list-style-type: none"> 1. File another RTI application before the same PIO and request information as to the number of applications received by him since he became a PIO, the number of cases in which he demanded proof of citizenship and the reasons for demanding proof of citizenship in each case. 2. Also file a complaint under section 18 with the Information Commission. 3. If the information is of urgent nature, you may submit proof of citizenship but also lodge complaint under section 18. To avoid vindictiveness on the part of the PIO, the RTI application mentioned at point 1 may be filed on behalf of a friend. |
| No reply | <ol style="list-style-type: none"> 1. If no reply is received within 40 days, prefer first appeal. 2. Also file a complaint under section 18 with the Information Commission. |
| Partial information supplied | <ol style="list-style-type: none"> 1. If you are not satisfied, go for first appeal. 2. If partial information is supplied and fee is demanded for the rest, you can either pay or prefer an appeal. |
| Demand for further fee | <ol style="list-style-type: none"> 1. If the PIO demands further fee, he has to <ol style="list-style-type: none"> a. show complete calculation as to how he arrived at this figure 2. You should normally pay fee within 15 days. 3. In case of any grievance, you can prefer first appeal against the fee or against the reply itself. |
| Incorrect information supplied | <ol style="list-style-type: none"> 1. Prefer first appeal. |
| Correct and comprehensive info provided | <ol style="list-style-type: none"> 1. Write a letter of thanks to the PIO as a matter of courtesy. You may also need his service/assistance later in life. |

STEP 4a - PREFERRING FIRST APPEAL

First appeal is preferred under section 19(1).

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| Important points to remember | <ol style="list-style-type: none"> 1. Always give the benefit of doubt to the PIO and wait for extra 10 days to allow for the transit time. Governments work slowly. 2. Write your preliminary comments as well as para-wise comments on the reply of the PIO. That makes it easier for the Appellate Authority (AA) to deal with your appeal. |
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Finding the right Appellate Authority (AA)

1. If the PIO has sent you any communication, he may have included the details of the first AA. He is duty bound to include this information if he has rejected part or whole of your request.
2. Or, visit the website of the Public Authority for the name, designation and address of the correct AA.
3. Also visit <http://rti.gov.in>. Many central government departments are listed on this website.
4. If there are multiple AAs and you are not sure which one is correct AA for you, just send it to any one. He will either deal with your appeal himself or forward it to the right AA under intimation to you.
5. In case you don't find any AA at all, send the appeal addressed to the "First Appellate Authority" with a covering letter addressed to the PIO, telling him that since he has not provided the details of the AA, he can forward it to the correct AA.

Format

1. You can apply on a plain paper or on a letter head in English, Hindi or local language.

Suggested "Relief Sought"

1. The information sought be provided immediately free of cost.
2. Compensation be provided for not supplying me information within the prescribed time limit.
3. Disciplinary action be initiated against erring officers for not complying with the law.

Fee

1. Many states have prescribed a nominal fee for first appeal.

Submitting appeal

1. The easiest method of submitting an appeal is through Registered or Speed Post. Don't use a courier because it is not a legally acceptable proof of delivery.
2. Or, go to the offices of the Public Authority and deposit it. Do obtain acknowledgment on the photocopy of the appeal.

STEP 4b - LODGING COMPLAINT WITH THE CENTRAL/STATE INFORMATION COMM.

1. A cause may arise at any point in the whole process of using the RTI.
2. Follow all steps described for preferring 2nd appeal, subsequent hearing, decision, etc.

STEP 5 - HEARING IN FIRST APPEAL

1. Some AAs may call you for a hearing, whilst many other do not. If you do not attend the hearing, a decision will be given in your absence on the basis of documents/merit.
2. If you go for a hearing, take all relevant documents with you.
3. Do not come under pressure to withdraw any part of the application or appeal.
4. Remember that AA is the boss of the PIO and both are likely to be well-wishers of each other.
5. If the information is important but not urgent and you feel that the PIO has no vested interest in the information, be kind to him and allow him more time.

STEP 6 - PREFERRING SECOND APPEAL IN CENTRAL/STATE INFORMATION COMMISSION.

Second appeal is preferred under section 19(3).

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| Format | | <ol style="list-style-type: none">1. Correct format is very important. Information Commissions are known to reject a large percentage of appeals due to their non-conformity with the format and compliance to regulations.2. Copy of every annexure attached to the original copy should be self-attested. |
| Drafting tips | | <ol style="list-style-type: none">1. All PIOs and the AA will be Respondents.2. If there has been no response from the PIO and the AA, you must also include proof of dispatch/delivery of the application/appeal. |
| Suggested
Sought" | "Relief | <ol style="list-style-type: none">1. Complete and comprehensive information be provided to the Appellant in one batch free of cost immediately.2. Compensation be provided to the Appellant u/s 19(8)(b) for not supplying information within the prescribed time limit.3. Disciplinary action be recommended against the Respondent(s) u/s 20(2).4. Penalty be imposed on the PIO u/s 20(1). |
| Where to send | | <ol style="list-style-type: none">1. For all central government Public Authorities, send your appeal to the Central Information Commission. For Public Authorities of state govt., send it to respective State Information Commission. |

How to submit

1. Send a copy to every Respondent.
2. Send the original + copy to the Information Commission.

STEP 7 - PURSUING INFORMATION COMMISSION FOR STATUS

1. Some Information Commissions have the facility to check the status of your appeal online.
2. You may send reminders through Registered or Speed Post every 2-3 weeks.
3. If you are not getting any response, file an RTI application with the Information Commission and ask for the status of your appeal.
4. Visit the Commission and check with the officials.

STEP 8 - HEARING IN SECOND APPEAL

1. In most cases, you will be called for a hearing which you must try to attend. If you do not attend, a decision will be given in your absence on the basis of documents/merit.
2. If you go for the hearing, take all relevant documents with you.
3. Some Information Commissions post most of their decisions on their website. Keep checking the website to see if your decision has been posted.

STEP 9 - IF YOU DON'T GET INFORMATION EVEN AFTER COMMISSION'S ORDER

You still don't get information even after Commission's order

1. Wait for the number days granted by the Commission to the PIO + 10 days and then write a letter to the Commission. Seek imposition of penalty and disciplinary action against the PIO.
2. Go to the High Court of your state by way of a writ.

Not satisfied with the Commission's order

1. Ask for a review by writing a detailed letter to the Chief Information Commission. Clarify why you think a review is necessary.
2. Or, go to the High Court of your state.