

Table 1: Fees under the Central Government RTI Rules

Govt	Application Fee	Additional Fees					Inspection Fees	Mode of Payment
Central	Rs 10/-	Rs 2/- per page for A4/A3 size paper	Actual price for larger size paper	Printed publications – actual price or Rs 2/- per page for photocopies or extracts	Rs 50/- for a floppy or CD	Actual price for sample or model	First hour free, with Rs 5/- for every subsequent hour	Cash, demand draft or bankers cheque

Even if an exemption applies the PIO should still disclose the information if there is greater public interest served by giving the information, than by keeping it secret.

### What can you do if you don't get the information you request?

- ♦ If the PIO does not accept your application; or
- ♦ If you do not get the information within the 30-day time limit specified; or
- ♦ If the PIO asks you to pay a additional fee amount which is unauthorised;
- ♦ If you do not get any answer from the PIO within 30 days;
- ♦ If the PIO after receiving your application destroys the records requested by you;
- ♦ If you have any other problem related to accessing information under the Act;

You can file an internal appeal with the concerned department or a complaint with the Information Commission.

- Your appeal should:
  - ♦ state the information requested and from which public authority;
  - ♦ attach a copy of your request, if possible; and
  - ♦ attach any written order you may have received;
- The Act does not require the payment of any fees to lodge an appeal/complaint.

#### Internal Appeal

In each Government department, an Appellate Authority has been designated above the rank of the PIO to hear appeals. To find out who these officers are please log on to <http://rti.gov.in/ministrynew> (Central Government)

- The Appellate Authority shall give a written notice of his/her decision within 30 days.

#### Complaint with the Information Commission

In matters relating to the Central Government offices, you can file a complaint with the Central Information Commission. (for more information, see [www.cic.gov.in](http://www.cic.gov.in))

In matters relating to the State or Local Government offices, you can file a complaint State Information Commissions. (for contact details, see [http://rti.nic.in/sic\\_detail](http://rti.nic.in/sic_detail))

In the course of handling a complaint, the concerned Information Commission can call upon the concerned PIO(s) and can issue summons for examining witnesses or documents. You also have a right to be heard by the Information Commission.

The burden of proof to justify denial of release of information lies on the PIO, i.e., the PIO needs to defend their decision to the Information Commission.

#### Central Information Commission

Block No 4, 5 Floor, JNU Old Campus  
New Delhi – 110067  
Phone: 011- 2671 7352  
Fax: 011-2671 7354  
Email: [pkgera@nic.in](mailto:pkgera@nic.in)  
Website: <http://www.cic.gov.in>

If the PIO is found guilty under the Act by the Information Commission then he/she will be liable for punishment which can be:

- ♦ a personal penalty of Rs. 250/- per day to a maximum amount Rs. 25,000/- on the PIO; or
- ♦ the concerned Government department may be directed to initiate disciplinary action against the PIO who consistently violates the provisions of the law.

### The Challenge is Yours!

Today, millions of people across the country are using the right to information to hold the Government accountable.

Will you stand by or join the movement

*Use your Right to Information to  
pave the way for your own progress.*

Our work on the Right to Information is supported by  
Friedrich Naumann Stiftung, New Delhi.



#### Commonwealth Human Rights Initiative

B-117, First Floor, Sarvodaya Enclave  
New Delhi - 110017  
Tel: 011-2686 4678, 2685 0523  
Fax: 011-2686 4688  
E-mail: [chriall@nda.vsnl.net.in](mailto:chriall@nda.vsnl.net.in)  
Website: [www.humanrightsinitiative.org](http://www.humanrightsinitiative.org)

# RIGHT TO INFORMATION



# YOUR RIGHT TO LIFE

Can you work a transparent Govt? **Yes!**  
Can you work a non-transparent Govt as responsibly? **No!**



**Why dare you hold the  
government to account?**

Can Right to Info and Access Information to Govt be considered Right  
The Government to Account? **Yes!** **Yes!** **Yes!**

## Do you want to know?

- The details of how your MP is spending his/her Local Area Development Fund?
- Why the roads in your neighbourhood are not well constructed? Or how much money was sanctioned to construct the road and how much was actually spent?
- Why you have not received a new water metre connection despite having made an application for the same?
- What is the budget allocated by the Municipal Corporation annually to maintain parks in your neighbourhood? How much was sanctioned and how much was actually spent?



How many times have you tried to get answers to these questions from Government offices only to return empty handed?

You can get replies to your questions now because on 12 October 2005, the Right to Information Act, 2005 ('Act') formally came into force across the whole of India, (except Jammu and Kashmir).

Today, the Government cannot refuse to give you information which they give to an MLA or MP

## All citizens have rights under the national *Right to Information Act, 2005*

- You can get information from every level of Government – whether a Village Panchayat or the Office of the President of India.
- You can demand information from any of the PIOs (PIOs), who have been designated by the Central Government, State Governments and local administration offices to provide information.
- Every PIO has a duty to provide you with the information you request.
- Every Public Authority has a duty to proactively disclose a wide range of information, by publishing it on websites, office notice boards, and the like and by keeping it available for inspection.

India is the largest democracy in the world. Your vote elects the Government to power. The Government is run on monies from the taxes you pay.

So, when the Government is elected by you and run by your money, shouldn't you hold the Government accountable?



## What information must be proactively published?

Under section 4 of the Act, the following types of information must be released by Government offices proactively:

- The names, designations, powers, duties and responsibilities of all officers.
- The procedure followed in making a decision, and the norms set for taking action on a decision.

- Details of the rules, regulations, instructions, manuals and records referred to by officers for discharging their functions.
- A list of all the categories of documents available in the office.
- The proposed budget for all schemes and activities and the report prepared on it thereafter.
- The manner of execution of subsidy programmes including funds allocated and the details of beneficiaries of such programmes.
- Particulars of recipients of all concessions, permits or authorisations granted by the office.

The Act or the Rules framed under it do not require you to file an application or pay an application fee when requesting section 4 proactive disclosure information. If an official asks you to, you should get them to check with the Central or State Information Commissions – or you may wish to file a complaint with the relevant Commission. At the most, you may need to pay the normal fees, which apply to requested information – i.e. maximum of Rs. 2/- per page for photocopies.

Each PIO has to have this information available with him/her either in the form of a document or on a computer and will have to provide it to you immediately in the form of a photocopy or printout.

## Can you obtain further information upon request?

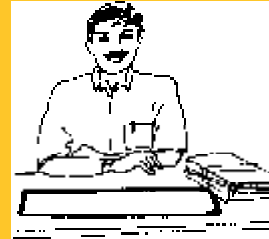
Now you can:

- inspect any government file or record.
- inspect any public work.
- demand a certified copy or extract of any government record or document.
- obtain certified samples of any materials.
- obtain a copy of information available in an electronic format.

Besides information being proactively disclosed, you can request for information in the form of records, documents, memos, emails, opinions, advice, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models etc.

You can also inspect an official document, record or work. The same process is followed whether you want a copy of document, inspection or taking a sample.

- To get the requested information an application along with the prescribed application fee (see Table 1 for details) must be submitted to the PIO in the concerned Government department.
  - An application can be submitted in person or sent by post, fax or email.
  - You can obtain an Application Form from the Public Authority or you can submit an application on plain paper in the format prescribed below.
  - Fees shall be waived if you are a BPL cardholder and you produce it to the PIO.



- Get a receipt from PIO for the application submitted.

### Suggested format of the Application

1. Applicant's Name.....
2. Address/Fax where information is to be collected.....
3. Phone Number..... Email.....
4. Application Submission Date.....
5. Name of the Department.....
6. Details of the information requested.....
7. Information requested – copy/inspection of works/inspection of records/certified copy of records/certified sample
8. Fee paid along with the application – Rs 10 by cash/stamp – receipt no..... Date.....
9. Does the applicant fall below the poverty line - Yes/No (If yes, then attach proof of BPL status).....

Signature of the Applicant

- The PIO has to provide the information within 30 days from the date your application is submitted.
- If the information relates to life and liberty of a person, it has to be provided within 48 hours. Explain in your application how the requested information relates to your 'life and liberty' to describe your case fully to the PIO.

The PIO does not have the right to ask you the reasons for which you are making an information request. You can request for any kind of information without saying why or for what purpose you want the information.

- If decision to release information is made you will have to pay additional fees as applicable. (See Table 1 for details)
  - The PIO should send you a written notice, which explains how the fees were calculated.
  - If you think the access fees charged are unreasonable, you can appeal to the Appellate Authority or Information Commissioner (see below for more).
  - Fees shall be waived if you are a BPL cardholder and you produce it to the PIO.

However, a PIO can deny giving information, if:

- The disclosure of the information would harm the sovereignty and integrity of India, security, strategic, scientific or economic interests; or
- The disclosure of the information would lead to the incitement of an offence; or
- Any court of law or tribunal has forbidden the information to be published or the release of which would constitute a contempt of court; or
- The disclosure of the information would endanger the life or physical safety of a person; or
- The disclosure of the information would hinder the process of criminal investigation or apprehension of offenders or criminals; or
- The request is for personal information, which does not relate to any public activity or interest.