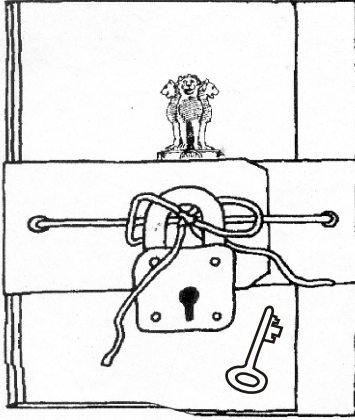


# RIGHT TO INFORMATION

## GUIDE-4



### HOW TO FILE AN APPLICATION



Since :1993

Right to Information Advocacy & Research Centre

**CONSUMER RIGHTS EDUCATION & AWARENESS TRUST (CREAT)**

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Submitting an application under the Right to Information (RTI) Act 2005 is not a difficult proposition. All it requires is to identify a subject and the body from which you need the information. For example you may like to know the total amount allocated for various development works for your ward or gram panchyat. Or if you want to know how your MP or MLA is spending his/her MP/MLA Local Area Development Fund you may get such information by using the RTI Act. In case you are interested in knowing the fate of your application for a ration card, electricity supply connection, water connection, building plan sanction or any other grievance with the public authorities, you may know it through the RTI Act.

**Here are the steps you need to follow for filing an application under the RTI Act.**

**Step 1: Identify the Public Authority**

The first step in seeking information under the RTI Act 2005 is to identify the Public Authority who holds the information you want. In case you are not sure of the public authority, you can consider the one most likely to have that information. Even if you submit the application to an office which does not have the information that you want, it doesn't matter. The law requires that the public authority cannot return the application, but has to transfer it to the correct public authority who has the information and inform you about the transfer. You need not pay the application again to this public authority.

**Step 2: Identify the Public Information Officer**

After identifying the public authority, the next step is to identify the exact person known as the Public Information Officer (PIO) or

Assistant Public Information Officer (APIO) who has the information that you require. In some public authorities there may be more than one PIO. In such a case you may have to identify the correct PIO. The public authorities are supposed to display the details of the PIOs in the notice boards. In case you submit the application to an APIO the time limits for a response to your application will increase from 30 to 35 days.

### **Step 3: Preparing the application**

Drafting the application is the most important step in exercising your right to information. Your application should be clear and concise. The RTI Act allows you to write or draft the application in English, Hindi or in the official language of your area. The application can also be sent by email. It is important to draft your application in specific terms so that the PIO cannot return it on the grounds that it was too vague or difficult to understand.

Though some of the State Governments have prescribed a format in which the application is to be made, it is not compulsory. You can draft the application on your own, provided it contains essential information like (a) your name and address (b) name and address of the PIO (c) the information that you need (d) the year to which the information relates to. It should also contain your signature and date.

The application should be accompanied by the application fee. In Karnataka the application fee is Rs.10. This may be remitted in the form of cash, DD, bankers' cheque, Indian Postal Order or in other form as specified in the relevant Rules. Remember that you need not give any reason for requesting information or any other personal details except those that may

other personal details except those that may be necessary for contacting the PIO.

In case you belong to the Below the Poverty Line (BPL) you need not pay the application fee. However you need to prove by way of documentary evidence that you belong to BPL category.

If you are submitting the application via email, you will have to pay the fees within seven days from the date of application. If you fail to do so then your application will be treated as withdrawn.

#### **Step 4: Submission of the application**

You can submit the application to the PIO or the APIO as the case may be. If you send the application by post you should send it by registered post or under certificate of posting so that you have proof of postage and the PIO cannot claim that he/she never received the application. If you submit the application in person, always make sure to get an acknowledgment.

#### **Processing the application**

After having completed the above exercise, it is the turn of the PIO to process your application and either provide you the information or transfer it or reject it as the case may be. In case the PIO accepts your application, he/she will inform you the number of pages in which the information is contained and the amount to be paid for the information. The PIO will also provide you the name and address of the Appellate Authority in case you want to appeal against the decision of the PIO

In case the required information is not available with the PIO to whom the application is sent, the PIO will identify the person or PIO with whom the information is likely to be available and transfer it to him/her. The applicant will be informed about

the transfer. The transfer should be done within 5 days after receipt of the application.

The PIO can reject the application if the information you have requested falls under one of the exemptions in the RTI Act and the PIO additionally decides that there is no overriding public interest in releasing the information. In case of rejection the PIO has to give you written notice within 30 days. The decision to reject must also state the reasons for rejection, the period within which you can appeal and the name and contact details of the Appellate Authority.

If the PIO fails to give you a decision notice, then this is regarded as a 'deemed refusal'. You may then appeal to the departmental Appellate Authority or send a complaint to the Central or State Information Commission of the State concerned.

### **Step 5: First Appeal**

In every public authority, an officer senior in rank to the PIO has been designated to hear appeals. He/she is referred to as the Appellate Authority (AA). You can make an appeal to the AA if (a) you are aggrieved by the decision made (b) no decision was made within the proper time limits (c) you are a third party consulted during the application process and you are unhappy with the decision made by the PIO

The appeal should be sent in writing within 30 days on which you received the decision or you should have received the decision from the PIO. Some State Governments have prescribed a format for the appeal and also the details to be included in the appeal.

The AA should take a decision within 30 days of filing the appeal. However the time limit can be extended to 45 days. Any delay after this has to be recorded. If you are not satisfied with the decision of the AA you have

the right to make a Second Appeal

### **Step 5: Second Appeal**

The Second Appeal against the AA can be made to the Central or State Information Commission as the case may be. The appeal should be filed within 90 days from the date on which the decision should have been made or from the date a decision was actually received. However the Information Commission has the discretion to allow appeals after this period has expired.

The procedure for Second Appeal, the information to be provided, fee to be paid, if any, are prescribed by the Central or State Government. The procedure is similar to that of First Appeal.

### **Making a complaint**

Instead of making an appeal to the AA and then to the Information Commission you also have the option of approaching the Information Commission directly and submitting a complaint under Section 18(1) of the Act. You can file a complaint if (a) you have not been able to submit an application to the PIO for various reasons (b) you have been refused access to any information requested (c) you do not get a response to your request within the prescribed time limits (d) you have been asked to pay fees which you think are unreasonable (e) you believe the information you have been given is incomplete, misleading or false (f) you face any other problem related to accessing information under the RTI Act

### **Step 6: Appeal to the Courts**

In case you are not satisfied with the decision of the Central or State Information Commission, as the case may be, you can file an appeal in the State High Court or the Supreme Court.