



# Guide on Applying Under RTI (Offline)

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## How can the guide **help you**?

The **Nyaaya Guide on Applying Offline under RTI** provides applicants with the steps to take when seeking information under **the Right to Information Act, 2005**. This guide summarises the processes involved in filing an RTI application offline, appeals against certain authorities' decisions, as well as complaint mechanisms for any grievances.

## What are **the laws** discussed in the guide?

The Nyaaya Guide on Offline RTI Applications explains **the Right to Information Act, 2005** and **the Right to Information Rules, 2012** and **the Right to Information (Regulation of Fee and Cost) Rules, 2005**.

# Guide



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# Things to Remember

## BEFORE APPLYING

### Who can file an RTI application?



**Any citizen of India**, even citizens who stay abroad, can request information under **the Right to Information Act, 2005**.<sup>1</sup>



However, **Overseas Citizens of India (OCI)** and **persons of Indian origin (PIO) with foreign citizenship**, cannot seek information through an RTI.<sup>2</sup>



## What **types of information** can you ask for through RTI?

An applicant can ask for information including: copies of government documents, Records, Reports, Papers, File noting, Email communications, Electronic data etc.

## What are the types of information **you cannot ask for** through RTI?

In some situations, **certain information will not be given** to the applicant. This includes:

- If it would **divert the resources** of public authorities or cause **harm** to the **safety or preservation of public records**.<sup>3</sup>
- If it affects India's **sovereignty, integrity, security, or economic interest** or leads to the **incitement of an offence**.<sup>4</sup>
- If it is provided in **fiduciary relationships**, or during **commercial transactions**.
- If the disclosure of any information **harms public interest**.<sup>5</sup>

To learn more on **types of information exempted under the law**, read our explanation on [Exempted Information under RTI](#).



For example, through an RTI application you can **enquire how much money was spent** on building a road in your locality.

## Who can you ask information from?

Citizens can ask for information from any **public authority**.<sup>6</sup>

A **public authority** is a:

- **Body, institution, or an organization established by the government** under the Indian Constitution or any other law or by way of a notification. For example, the Ministry of Home Affairs, Law Departments in states etc.
- **Government owned, controlled, or substantially governed bodies.** For example, the National Human Rights Commission, Indian Council of Medical Research.
- **Government-financed NGOs,** whether funded directly or indirectly. For example, DAV College Trust and Management Society.

To answer RTI queries public authorities may designate officers as [Public Information Officers \('PIO'\)](#). They are responsible for providing information on behalf of a public authority.<sup>7</sup>



There is **no prescribed format** for an offline RTI application.<sup>8</sup> The application can be **simply made on a plain paper.**<sup>9</sup>

# RTI Application

## HOW TO WRITE

Follow these **steps to write** an RTI application:

1. Make an RTI application by **writing it by hand or typing it out**. If you cannot write the application, go to the **PIO who will assist you** in writing the application.
2. Write the application either in **English, Hindi or your mother tongue**.<sup>10</sup>
3. Write down the questions you want to ask in a **clear and concise** manner.<sup>11</sup>
4. Mention your **name and postal address** so that the information can be sent to you.
5. Mention the details of who you are sending the application to (**PIO**) including address.
6. **Avoid giving reasons** as to why certain information is being sought.
7. **Avoid providing any personal information** except the necessary contact details.<sup>12</sup>

## How do you **submit** an RTI application?

Since there are different public authorities, you should ascertain which public authority has the information that you seek.<sup>13</sup> For instance, if you want to get information on taxes you should file the RTI to the PIO of the income tax office in your district or state.

Follow the steps given below to submit an RTI application:

- **Personally give your application** to the concerned PIO or Assistant PIO.<sup>14</sup> **Note down the RTI number** given to you by the PIO to keep a track of the information.
- Or, send the RTI application **by post** to the concerned PIO.<sup>15</sup>







If you send the RTI to **the wrong public authority or PIO**, they will transfer the application to the correct public authority or PIO that can provide the information.<sup>16</sup>

## How long will it take to get a response to the application?

The concerned PIO must give the requested information within **30 days of submission of application**.<sup>17</sup> Except, if:

1. The requested information is **about the life or liberty of any person**, then such information must be **given in 48 hours**.<sup>18</sup>
2. If the **wrong public authority receives the application**, then the concerned PIO must send the requested information **within additional five days** beyond the prescribed 48 hours or 30 days, depending on the information sought.<sup>19</sup>
3. If the requested information concerns **third party information**, the concerned PIO must deliver the information within **40 days**.<sup>20</sup>
4. Similarly, if the requested information concerns **allegations of corruption or violation of human rights by intelligence and security organizations**, then the concerned PIO must deliver the information **within 45 days**.<sup>21</sup>

## What happens there is **no response** from the PIO?

- If you do not receive the information within the prescribed time period, then your application is **assumed to be rejected**.<sup>22</sup>
- The concerned PIO must communicate the **reasons for the rejection**, the **time period** within which an appeal can be made and **information** regarding where appeal can be made.<sup>23</sup>

# Payment Process

## FOR RTI APPLICATION

### How do you pay for an RTI?

For an RTI application, you must make a **payment of Rs. 10.**<sup>24</sup>

There are **two methods** for payment of fees.

- If you opt for **postal service**, such you have to send a **demand draft or a banker's cheque or Indian Postal Order** along with the application to the public authority or PIO.<sup>25</sup>
- If you prefer a **direct payment method**, you must pay the **fees by cash** directly to the PIO and collect a receipt for it.<sup>26</sup>



The method of payment for an RTI **varies across different states**. For instance, in Delhi, you have to pay Rs. 10 for filing the RTI application and the payment must be made only through the Indian Postal Order.<sup>27</sup>



## Do you have to pay if you are Below Poverty Line (BPL)?

If you are Below Poverty Line (BPL), you can file RTI applications **free of charge**.<sup>28</sup> You will have to give your BPL certification as a supporting document to seek this concession.<sup>29</sup>

## Do you have to pay any additional fees for RTI?

- You may have to pay **additional fees** for receiving the information depending upon the **number of pages and/or nature of the medium** in which information is to be delivered.<sup>30</sup>
- However, **the reason for the higher fee** would be given to you by the PIO.<sup>31</sup>



If you wish to **inspect the records** of the concerned public authority, you have to pay an **additional fee of Rs. 5** for the second hour of inspection.<sup>32</sup> **No fee** has to be paid for the first hour of inspection of records.<sup>33</sup>

# Appeal & Complaints

## PROCESS

### How do you file an RTI First Appeal?

You can file an appeal when you are **not satisfied** with the PIO's reply, or **the PIO rejects your request** for information. RTI First Appeal is an appeal before a senior officer of a particular department or ministry, against the decision of PIO.<sup>34</sup>

If you do not receive the information **within 30 days**,<sup>35</sup> then your application is **assumed to be rejected**.<sup>36</sup> The concerned **PIO must communicate**:

1. The **reasons** for the rejection,
2. The **time period for an appeal**, and
3. Any **other information** regarding appeals.<sup>37</sup>

An appeal must be filed within **30 days of the expiry of the time period** within which information was to be received or when PIO rejects the application.<sup>38</sup> Filing the appeal **beyond the 30-day period** may be allowed only if there is a justifiable reason for the delay in filing of appeal.<sup>39</sup> The appeal reply must come to you within **a maximum of 45 days** from the date on which you filed the appeal.<sup>40</sup>



## How do you file an RTI Second Appeal?

If you are **dissatisfied with the decision in the first appeal**, then you can **file a second appeal** against such decision. The filing of the second appeal must be done **90 days after receiving the rejection of application** or non-receipt of the requested information. It will be filed with either the [Central Information Commission](#) or **the State Information Commission**, depending on the authority approached for information.<sup>41</sup> Filing the appeal **beyond the 90-day period** may be allowed only if there is a justifiable reason for the delay in filing of appeal.<sup>42</sup>

For the second appeal, certain documents have to be attached with the application. The requirements can be found [here](#).

## How do you file a complaint against a public authority?

You can file a complaint with the **Central Information Commission or State Information Commission** if : <sup>43</sup>

- You have been **unable to make an application** for receiving certain information.
- Your application has been **rejected**.
- You have **not received the requested information** within the prescribed time period.
- You have been asked to pay an **unreasonable amount of fees**.
- You were not given the **necessary information** requested.



If the complaint is found to be true, the concerned Information Commission may impose **a fine of Rs. 250 per day** for every day of delay on the concerned PIO and take departmental action against the PIO.<sup>44</sup> The maximum amount of penalty that can be imposed is **Rs. 25,000**.<sup>45</sup> The PIO may also must compensate for any loss incurred by you.<sup>46</sup>

# Resources

## Contact Information

### Central Information Commission

If you want to file a second appeal or a separate complaint for rejection of application to receive certain information or you do not receive information in the prescribed time period, you can file an appeal or complaint with the Central Information Commission in the contact details given below.

Address: August Kranti Bhavan, Bhikaji Cama Place, New Delhi & Old JNU Campus, New Delhi – 110 067.

Phone: 26183053

Fax: 26186536.

### State Information Commission

If you face any difficulty/ query with respect to filing an RTI application, you can contact your state's Information Commission. The helpline contact details for each state can be found [here](#).



# Checklists

1. Check whether you are **eligible** to file an RTI depending on your citizenship and residency status.
2. Check whether the information is **exempted** from being disclosed for any reason whatsoever.
3. Check that the particulars of the **information to be sought, your name and postal address** are clearly mentioned in the RTI application.
4. Check whether you have addressed the RTI application to the **public authority** that is connected to the information sought.
5. If you **require any assistance**, check that the concerned PIO offers the assistance while making the application.
6. Check whether you fall under the **category of Below Poverty Line**. If yes, you don't have to pay application fees. If not, you have to **pay a fee of Rs. 10** with your application.
7. Check the **prescribed mode of payment** as given in the Centre and State Rules.
8. If the RTI application is rejected, check whether the **reasons for rejection** are provided along with relevant information about filing an appeal against such rejection.
9. Check that you **adhere to the timeline** for the first and second appeal, if made.
10. Check that the first appeal is made to the **senior officer of the concerned PIO** and that the second appeal is made to the **concerned Central or State PIO**.

## Sample Forms

### 1. RTI Application

APPLICATION UNDER SECTION 6 OF THE RIGHT TO INFORMATION ACT, 2005

To

Public Information Officer,

X Department,

Government of X Pradesh

<b>Date of Application</b>	
<b>Name of Applicant</b>	
<b>Postal Address</b>	
<b>Contact phone no.</b>	+91 -----
<b>Email ID</b>	_____@gmail.com
<b>Specific subject matter of the document</b>	Details regarding _____
<b>Further details of queries</b>	
<b>Preferred format of receipt of information.</b>	Soft/digital copy preferred in English language.
<b>Preferred mode of receipt of copy of documents</b>	By speed post/email, if soft/ digital copy is not convenient.
<b>Is inspection of documents requested</b>	No
<b>Mode of payment of application fee</b>	Via Post

I am herewith paying the application fee of Rs. 10 by way of Indian Postal Order.

If you are of the view that the above requested information does not pertain to your department, then please follow the provisions of Section 6 (3) of the RTI Act 2005 and direct the query to the concerned authority. Also, as per the provisions of the RTI Act, 2005, kindly provide the details (including name and designation) of the first appellate authority before which I may, if required, file my first appeal.

Regards,

Name of Applicant

Address



## 2. Format of Second Appeal<sup>47</sup>

Since there is no prescribed format to file an appeal, some of the details asked while filing a second appeal include:

1. Name and address of the applicant
2. Name and address of the concerned Central PIO
3. Name and address of the central PIO who gave the reply to the RTI applicant, if any.
4. Name and address of the senior official who decided the first appeal
5. Information on the RTI application
6. Information on the decision of the first appeal against which the second appeal is being filed
7. Brief facts that led to filing of second appeal
8. Mention of the relief sought by the applicant
9. Grounds for relief
10. Any other information relevant to the second appeal
11. Signature of the applicant

## Sources of Information

### Guides

Guide on Right to Information Act, 2005, Government of India Office Memorandum available at [https://rti.gov.in/rticorner/guide\\_2013-issue.pdf](https://rti.gov.in/rticorner/guide_2013-issue.pdf).

### Legislations

Right to Information Act, 2012

Right to Information Act, 2005

Right to Information (Regulation of Fee and Cost) Rules, 2005.

### Important Links

RTI Sample Application Form - <https://onlinerti.com/rti-forms/Center.pdf>

State RTI contact information, available at <https://www.indiacustomer care.com/all-state-rti-contact-numbers>

# Glossary

**Public Authority-** A public authority is a body, institution or an organisation established by the government under the Indian Constitution or any other law or by way of a notification.<sup>48</sup> Additionally, bodies which are owned, controlled, or substantially governed by the Central Government or state governments fall under 'public authorities'.<sup>49</sup> Non- governmental organisations directly or indirectly financed by the government are also public authority for the purpose of RTI Act.<sup>50</sup>

**Third Party-** 'Third Party' refers to any person or body other than the applicant and includes any public authority meaning anybody whose information is sought by an applicant.<sup>51</sup>

**Central Information Commission-** The Central Information Commission refers to a body constituted by the Central Government consisting of Chief Information Commissioner and a maximum number of ten Central Information Commissioners.<sup>52</sup>

**State Information Commission-** Each state government has to constitute a State Information Commission consisting of a Chief State Information Commissioner and a maximum number of ten State Information Commissioners.<sup>53</sup> The list of all State Information Commissions along with the links to their websites can be found [here](#).

## Endnotes

1 Section 1(2), Right to Information Act, 2005.

2 Lok Sabha Questions, Ministry of Personnel, Public Grievances and Pensions, 3535 accessed at <http://164.100.47.194/Loksabha/Questions/QResult15.aspx?qref=72489&lsno=16>.

3 Guide on Right to Information Act, 2005, Government of India Office Memorandum, accessed at [https://www.iitbbs.ac.in/pdf/RTI-Act%20\(DoPT%20Guidelines\).pdf](https://www.iitbbs.ac.in/pdf/RTI-Act%20(DoPT%20Guidelines).pdf)

4 Section 8, Right to Information Act, 2005.

5 Section 8, Right to Information Act, 2005.

6 Section 6, Right to Information Act, 2005; Section 2(h), Right to Information Act, 2005.

7 Section 5, Right to Information Act, 2005.

8 Guide on Right to Information Act, 2005, Government of India Office Memorandum, accessed at [https://www.iitbbs.ac.in/pdf/RTI-Act%20\(DoPT%20Guidelines\).pdf](https://www.iitbbs.ac.in/pdf/RTI-Act%20(DoPT%20Guidelines).pdf)

9 Guide on Right to Information Act, 2005, Government of India Office Memorandum, accessed at [https://www.iitbbs.ac.in/pdf/RTI-Act%20\(DoPT%20Guidelines\).pdf](https://www.iitbbs.ac.in/pdf/RTI-Act%20(DoPT%20Guidelines).pdf)

10 Section 6(1), Right To Information Act, 2005.

11 Section 6(1), Right To Information Act, 2005.

12 Section 6(1), Right To Information Act, 2005.



13 Section 2(h), Right To Information Act, 2005.  
14 Section 6(1), Right To Information Act, 2005.  
15 Comic Strip (English), Right to Information, Government of India, accessed at [https://rti.gov.in/comicstrip/comicStrip\\_eng3.htm](https://rti.gov.in/comicstrip/comicStrip_eng3.htm)  
16 Section 6(3), Right To Information RTI Act, 2005.  
17 Section 7(1), Right to Information Act, 2005.  
18 Section 7(1), Right to Information Act, 2005.  
19 Section 5(2), Right to Information Act, 2005.  
20 Section 11(3), Right to Information Act, 2005  
21 Section 24(4), Right to Information Act, 2005.  
22 Section 7(2), Right To Information Act, 2005.  
23 Section 7(8), Right To Information Act, 2005.  
24 Guide on Right to Information Act, 2005, Government of India Office Memorandum, accessed at [https://www.iitbbs.ac.in/pdf/RTI-Act%20\(DoPT%20Guidelines\).pdf](https://www.iitbbs.ac.in/pdf/RTI-Act%20(DoPT%20Guidelines).pdf)  
25 Guide on Right to Information Act, 2005, Government of India Office Memorandum, accessed at [https://www.iitbbs.ac.in/pdf/RTI-Act%20\(DoPT%20Guidelines\).pdf](https://www.iitbbs.ac.in/pdf/RTI-Act%20(DoPT%20Guidelines).pdf)  
26 Guide on Right to Information Act, 2005, Government of India Office Memorandum, accessed at [https://www.iitbbs.ac.in/pdf/RTI-Act%20\(DoPT%20Guidelines\).pdf](https://www.iitbbs.ac.in/pdf/RTI-Act%20(DoPT%20Guidelines).pdf)  
27 Right to Information (Regulation of Fee and Cost) Amendment Rules, 2006, accessed at <http://delhigovt.nic.in/rti/Noti170506.pdf>  
28 Section 7(5), Right To Information Act, 2005.  
29 Guide on Right to Information Act, 2005, Government of India Office Memorandum, accessed at [https://www.iitbbs.ac.in/pdf/RTI-Act%20\(DoPT%20Guidelines\).pdf](https://www.iitbbs.ac.in/pdf/RTI-Act%20(DoPT%20Guidelines).pdf)  
30 RTI Application Fees, Nyaya, accessed at <https://nyaaya.org/government-and-politics/right-to-information/application-fees/>  
31 Guide on Right to Information Act, 2005, Government of India Office Memorandum, accessed at [https://www.iitbbs.ac.in/pdf/RTI-Act%20\(DoPT%20Guidelines\).pdf](https://www.iitbbs.ac.in/pdf/RTI-Act%20(DoPT%20Guidelines).pdf) ; Right to Information (Regulation of Fee and Cost) Rules, 2005.  
32 Guide on Right to Information Act, 2005, Government of India Office Memorandum, accessed at [https://www.iitbbs.ac.in/pdf/RTI-Act%20\(DoPT%20Guidelines\).pdf](https://www.iitbbs.ac.in/pdf/RTI-Act%20(DoPT%20Guidelines).pdf)  
33 Guide on Right to Information Act, 2005, Government of India Office Memorandum, accessed at [https://www.iitbbs.ac.in/pdf/RTI-Act%20\(DoPT%20Guidelines\).pdf](https://www.iitbbs.ac.in/pdf/RTI-Act%20(DoPT%20Guidelines).pdf)  
34 Section 19(1), Right to Information Act, 2005.  
35 Section 19(6), Right to Information Act, 2005.  
36 Section 7(2), Right to Information Act, 2005.  
37 Section 7(8), Right to Information Act, 2005.  
38 Section 19(1), Right to Information Act, 2005.  
39 Section 19(1), Right to Information Act, 2005.  
40 Section 19(6), Right To Information Act, 2005.  
41 Section 19(3), Right to Information Act, 2005.  
42 Section 19(1), Right to Information Act, 2005.  
43 Section 18(1), Right To Information Act, 2005.  
44 Section 20(1) & 20(2), Right To Information Act, 2005.  
45 Section 20(1), Right To Information Act, 2005.  
46 Section 19(8)(b), Right To Information Act, 2005.  
47 Annexure, Right to Information Rules, 2012.  
48 Section 2(h), Right To Information Act, 2005.  
49 Section 2(h), Right To Information Act, 2005.  
50 Section 2(h), Right To Information Act, 2005.  
51 Section 2(n), Right To Information Act, 2005.  
52 Section 12(1) & 12(2), Right To Information Act, 2005.  
53 Section 15(1) & 15(2), Right To Information Act, 2005.

