

Project Background:

The European Union - in India has funded 14 projects across 20 states reaching 20 million people with the objective to increase and improve the access, delivery and quality of public services in order to contribute to reducing poverty and social exclusion. One of these projects, “Improving Access to Information and Delivery of Public Service Schemes in Remote and Backward Districts of North East India”, is implemented by ACTED and implementing partners NEICORD, PAC and NTF in 5 North Eastern States of India.

The project seeks to achieve three main results:

- *Enhanced access, transparency and quality of information to ten public schemes with a particular focus on enhancing access for the most marginalised and women.*
- *Improved access to and quality of public services, particularly for the most marginalised and women.*
- *Enhanced accountability of public service delivery providers.*

Steps for submitting First/Second Appeal/complain (Refer Format 2)

This is the format used for seeking the information again, when the RTI that you have filed is not being answered within a given time frame (35 days or 40 days), or if you are not satisfied with the response received. This has to be applied to a higher authority within 30 days of due date of previous RTI filed.

1. This is to be addressed to the first appellate authority (who is a designated higher officer in the same department where the RTI was filed by you). Therefore, identify the person/official in the department who is designated as first appellate authority. Write his/her designation and full address on the top of the page (on left hand corner).
2. Then write your name and address (i.e. applicant)
3. Write the subject. For eg. Follow up on RTI filed in relation to JSSK
4. Then you have to provide a reference for filing this appeal/complain. Here you will mention the date of the RTI filed and the concern department name. Also, enclose a photocopy of the previous RTI filed with this application/appeal)
5. Mention the name of the office, his/her designation against whom the appeal is made (i.e. details of the person/officer to whom you have filed the previous RTI)
6. Then write a brief fact/reason for filing this appeal (For eg. Response for the RTI filed in relation to JSSK data for the month of January 2014 has not been received even after the due date)
7. Write what exactly you/applicant is asking for in the column of “prayer/relief sought” (For eg. Release of information JSSK data for month of March 2014)
8. Write the reason for which information is sought for (in the column of “appeal ground for prayer/relief”). (For eg. We require the data for conducting a social audit, or I want to know how many people have been benefited by the scheme/ JSSK)
9. Finally, you/applicant have to verify that all information in this application is true/correct and do a self attestation to the application (For eg. I agree/verify that all information in this application is true to my knowledge.... Then put your name and signature). This self declaration is to be done in a stamp paper (available at any court)

Do not forget to enclose the following documents along with your signed/self attested application (appeal/complain)

- A) Copy of the acknowledgement issue by PIO (of previous RTI filed)
- B) Copy of the postal order or proof of initial fee
- C) Copy of response from PIO (if any as such)

**First/Second Appeal/Complaint Under Section 19 of
The Right to Information Act 2005**

To,
----- Write Designation of the first/second appellate/
complaint authority with full address)

Name of the Applicant (with full address)	
Subject (Only in one line)	
Reference (if any)	My application under RTI act 2005, dated..... addressed to the PIO..... of office (copy enclosed with this application)
Officer name, designation (with telephone number) of PIO against whom the appeal is made.	
Particulars of PIOs orders/ numbers and date (if any)	
Brief facts leading to this appeal:	
Prayer/Relief sought (Example: release of information for free of cost, compensation etc.)	
Appeal ground for prayer/relief	
Verification by the appellant (applicant)	I attest all the information in this application is true and correct to my knowledge.
Index of documents in support of appeal	Copy of original application (self attested) Copy of acknowledgement issued by PIO/ APIO Copy of postal order or proof of initial fee Copy of responses from PIO (if any as such)

**The project covers 10 central sponsored
public schemes, namely:**

1. Janani Shishu Suraksha Karyakram (JSSK)
2. Integrated Child Development Services (ICDS)
3. Indira Awaas Yojana (IAY)
4. Mid-Day Meal (MDM)
5. Mahatma Gandhi National Rural Employment Guarantee (MGNREG)
6. Rashtriya Krishi Vikas Yojana (RKVY)
7. Nirmal Bharat Abhiyan (Total Sanitation Campaign) (NBA/TSC)
8. Rajiv Gandhi Grameen Vidyutikaran Yojana (RGGVY)
9. National Social Assistance Programme (NSAP)
10. Targeted Public Distribution System (TPDS)

Among the various activities/strategies proposed under the project, one of the major activities especially to enhance the accountability of service providers is promotion of RTI through various workshops and awareness events on RTI at district (up-to village level). Therefore, this booklet containing basic information on RTI has been developed, to help people understand the overall concept of RTI, and also in filing or facilitate in filing an RTI.

Right To Information:

The Right to Information Act, 2005 (“the Act” or “the RTI Act”) is a historic legislation in the annals of democracy in India. It was introduced on 12 October, 2005 and effected in all over the country except the State of Jammu & Kashmir. One of the major objectives of the Act is to promote transparency and accountability in the working of every public authority by enabling citizens to access information held by or under the control of public authorities.



Public Authority under RTI

Any department of the central or state government, Panchayati Raj Institutions, any other organization or institution (including NGOs) that is established, constituted, owned, controlled or substantially financed, directly or indirectly, by the state or central government.



Example: DRDA office, NHRM offices at State, District and Block, CHC, PHC, Electricity Department, Agriculture Department, Food and Civil Supply Office, ICDS office etc.

Steps of filing RTI (Refer the format 1):

1. Once you have the issue for which you are filing the RTI, first you need to find out to which department, office you will file it. For eg. For JSSK, you will file it to the PIO of NRHM at State/District/Block etc. If it is a school, you can file it directly to the concern school.
2. At the top of the page write “Application under RTI Act – 2005”. And on the left hand corner (at the top of the page) write “To the PIO” followed by the department/office name, and its full address.
3. Then, you will write your full name and full address (as you being the applicant). If you are helping someone filing it, write name and address of the applicant, who is filing the RTI. If you/applicant is BPL, put the BPL Card Number.
4. This will followed by a line of subject in single and short line i.e. what you are actually asking for. For eg. Seeking information on number of individual provided with job card under MGNREGA.
5. Then mention the period to which information related to. For eg. For the month of January 2014, For March to May 2014 etc.
6. Then you will write a brief note or explanation on what information you are seeking for (for which the RTI is filed). This you will have to write within word limit of 150 words.
7. Then write the postal order number (of Court Fee reference number) if you are paying a fee through postal order (or court fee). If you are paying the fee directly to the concern department or office, then mention the receipt number of the receipt of payment. Attached copy of the postal order or fee payment receipt with the copy of RTI filed. If you are BPL, then you will not be required to pay fee. In such case you have to attach a photocopy of your BPL card.

***Keep a photocopy of the same RTI filed, postal order or proof of initial fee and copy of the acknowledgement received from PIO/APIO with yourself for record. You may require it for future reference, or if you do not receive any response, and file an appeal or complain for not receiving the response .

Suggested format for applications:

Application under RTI Act 2005

To,
Public Information Officer
(write full address)

Name of the Applicant (with full address)	
Subject (Only in one line)	
Reference (if any)	
Period to which information relates to (if any)	
Information Required (word limit= 150 words)	
Particulars of initial fee	Indian Postal Order Number..... Or details of payment receipt Or a copy (photocopy) BPL card (if applicant is BPL)



Meaning of “information” under RTI

All Records, documents, memos, e-mails, opinions, advices, press release, circulars, orders, logbooks, contracts, reports, papers, samples, models & all data held in any electronic form within the custody of the Public Authority.



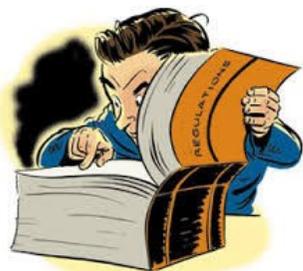
Rights of a citizen under RTI

- Any citizen have the right to access the information from any department/public authority without giving any reason.
- Even there is right to obtain certified copies of documents/records.
- Right to inspect the records, documents, sample and even the overall Work.
- Right to take the notes and/or extracts.
- Right to obtain the information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.



Proactive disclosure by the public authority:

This enables the citizen to know the functioning of the public authority. Every Public Authority should bring out the following information in public domain under section 4(1) of the act - Regularly.



Under Section 4 (1) a :

List of records available with public authority.

Under Section 4 (1) b :

Function, power and duties of its officers, norms set for the discharge of functions, list of rules/regulations used by its employees, arrangement that exists for consultation with public, budget allocated indicating the particulars of all plans, list of schemes and reports on disbursements made, names/designations of the Public Information Officers etc.

Public Information Officer:

In each department/Office an existing officer is designated as a Public Information Officer (PIO) and another as Assistant Public Information Officer (APIO) in addition to their regular duties they perform the duties of a PIO/APIO. Also within the same office a senior officials/public representative is designated as First Appellate Authority.



He/ She accepts the request forms and provides information sought by citizen.
Eg. of PIO/APIO : The Head Master of a school, Medical Officer in a PHC or CHC etc.

Help/support could be sought from “Information Commissions”

by those:-

- Who has not been able to submit an information request because a PIO has not been appointed;
- Who has been refused information that was requested;
- Who has received no response to his/her information request within the specified time limits;
- Who thinks the fees charged are unreasonable;
- Who thinks information given is incomplete or false or misleading;
- Any other matter relating to obtaining information under this law.

Powers of State Information Commission

- May pass order to provide information.
- May require the Public authority to publish information.
- May order enhancement of provisions for training.
- May require to submit annual report.
- May order to compensate the complainant/appellant.
- May impose penalty on PIO/APIO.

Power to order inquiry if there are reasonable grounds. CIC/SCIC will have powers of Civil Court such as –

- Summoning and enforcing attendance of persons, compelling them to give oral or written evidence on oath and to produce documents or things;
- Requiring the discovery and inspection of documents;
- Receiving evidence on affidavit;
- Requisitioning public records or copies from any court or office.
- Issuing summons for examination of witnesses or documents.
- Any other matter which may be prescribed.

- You could also file a complaint with the State Information Commission if the PIO refuses your request, if unreasonable fees are demanded, or incomplete, misleading or false information is given etc.
- You will be asked to appear for a hearing by the State Information Commission in both situations either first appeal or complaint. The onus lies on the PIO to provide reasons for not providing information. If the reasons given by the PIO are found to be unreasonable he could be fined Rs. 250 per day up to Rs. 25000 by the Information Commissioner. He will also be ordered to provide information.
- If you have suffered any loss or harm, you can claim compensation from the public authority.
- The PIO may deny information if the information asked is sensitive and compromises the state's position. He should formally communicate to you the reasons.

Information Commission:

A) The Central Information Commission

Central Information Commission constituted by the Central Government through a Gazette Notification. The Commission includes 1 Chief Information Commissioner (CIC) and not more than 10 Information Commissioners (IC) who is appointed by the President of India. Commission has its Headquarters in Delhi. Other offices are established in other parts of the country with the approval of the Central Government.

B) The State Information Commission

The State Information Commission constituted by the State Government through a Gazette notification. It has one State Chief Information Commissioner (SCIC) and not more than 10 State Information Commissioners (SIC) appointed by the Governor. The headquarters of the State Information Commission will be at such place as the State Government may specify. Other offices may be established in other parts of the State with the approval of the State Government.

Responsibilities of PIOs & APIOs:

- Accept requests for Information.
- Render reasonable assistance to citizens requesting for information.
 - * Reduce oral request into writing.
 - * Assist senior disabled persons.
- Seek assistance of any other officer where necessary
 - * Such officer shall be treated as PIOs.
- Disposal of Requests.
- Communicate the right to appeal and the details of the Appellate Authority to whom the applicant can appeal.



Ways of asking information from the Public Authority:

- Identify the office/department from which you need the information
- Write an application (In English, Hindi or official language of the area) to the PIO or APIO of that office/department with a contact details and specified particular of information's.
- The mode of electronics application (e-mails) also be treated as RTI application.
- There is no prescribed application format. You can apply in plain paper. However, a possible format is in last of page of this document (which may be referred or used)
- Make sure that you write 'Application under RTI' on the top of the application and in case of e-mails within the subject line.

Instead of asking for straight questions, rather ask for information:

- * Do not ask questions this way (as given below)
Why no action is taken by the Food Inspector on my application for a ration card?
- * Ask this way for information (as given below) *Please provide us/me a copy of the list of beneficiaries of IAY with process adopted for selection as well as reasons for selecting them?*
- Mention the initial fee details in the application.
- Make sure you get an acknowledgement.

Payment for Information:

- The general public has to pay Rs.10 as initial fee with the application.
- You can attach a postal order/court fee of Rs.10 or you can pay it in that office.
- Enclose it with the application. Retain the proof of payment.
- If the information asked is under Section 4 of RTI, there is no initial fee.
- If the applicant is a BPL card holder, she/ he do not have to pay the initial fee of Rs.10. However, along with the application, she/he needs to enclose a photocopy of the proof (for eg. BPL ration card)
- The public authority will charge Rs.1 per page for information under Section 4, and for other information other than those under section 4, the public authority will charge Rs.2 per page for other information.
- However, a BPL card holder gets free of cost for up to 100 pages.
- If the information is provided in a CD, it will be charged Rs.50.
- If you want to check the files to cross verify the information provided, you can do so for free in the first hour. From second hour onwards you will be charged Rs.20/- per hour.
- If the Information is not provided in the stipulated time limit then the information will be provided for free.

Important timeline for getting information (that one has applied for):

- The PIO should provide it to you in 30 days.
- He will communicate to you the cost of information by a letter. You will have to pay the cost. The days you take to pay the cost from the day you receive the cost of information is not included in 30 days cycle of the PIO.
- If your application was received by an APIO, then PIO should provide it to you in 35 days.
- If third party information is asked, PIO should provide it in 40 day (Ex: The wife of a government employee can ask the information on her husbands' salary).

- If the information asked pertains to life and liberty of an individual, it should be given in 48 hours. Ex: Information on whereabouts of a person who is detained by the police without warrant.
- If the information asked is not with that office, the PIO should transfer it the correct PIO/office in 5 days.

Supplying of information may be denied by the Public Authority:

- If category of information belongs to section 8 & 9 of the RTI Act, 2005
(*Section 8: Information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence and Section 9: May reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.*)



- A) But will be disclosed if public interest overweighs the harm of protected interest and
- B) 20 years have elapsed after occurrence of incident except in certain cases.
- Form in which information sought would disproportionately divert the resources of the Public authority.
- Cause harm to safety or preservation of records.

If PIO does not provide information:



- If you don't receive the information in time you can file a first appeal with the First Appellate Authority, who is designated (as notified) higher officer in the same office within 30 days from the day the information was due. You will be asked to appear for a hearing.
- If the first appeal proves unsatisfactory or not heard, you can file a second appeal with the State Information Commission within 90 days from the day the first appeal is held OR was supposed to be held.