

SUMMARY INFORMATION ON FILING RTI APPLICATIONS, COMPLAINTS AND APPEALS

Filing of RTI application

1. Any person can file an RTI application seeking informations before the Public Information Officer of any public authority. There is no prescribed format for filing RTI application. It may be hand written, typed or computer printed, in plain paper, in English or in the official language of the local area. The application should be accompanied by prescribed fee.
2. **Information means** any material in any form like documents, records, letters, file note sheets, etc., as detailed in section 2(f) of the RTI Act, 2005. Any information which is yet to be generated does not come under the purview of the RTI.
3. The information seeker **should be specific** about the information, i.e. documents, records, etc., that he is seeking. The application should be specific and brief as far as possible and free from all vagueness and avoidable details. Questions like “why”, “how”, “when”, etc., may be avoided as far as possible. Even in case of such question, the RTI applicant should indicate the material like document, circular, file note sheet, letter, etc. which will contain answers to such questions. RTI applications asking multiple questions involving voluminous informations, that is likely to **disproportionately divert** the resources of the public authority, may be avoided as far as possible.
4. RTI applications seeking informations from Central Government offices or bodies and institutions set up by, owned, controlled or substantially financed by the Central Government should be addressed to the Central Public Information Officer of such public authorities and subsequent second appeal petition and the complaint petition should be addressed to the Central Information Commission, **August Kranti Bhawan, Second Floor, Bhikaji Cama Place, New Delhi- 110 066**
5. RTI applications seeking informations about State Government offices or bodies and institutions set up by, owned, controlled or substantially financed by the State Government should be addressed to the State Public Information Officer of those public authorities and subsequent second appeal petition and the complaint petition should be addressed to the State Information Commission, **Jonakee Complex, Shilpgram Road Panjabari, Guwahati-781 037**

6. **Informations about any private bodies** like private schools, colleges, hospitals, hotels, airlines, companies, co-operative societies, telephone companies, etc., can also be sought for by submitting RTI application before the PIOs of the concerned Central or State public authorities as the case may be, if such public authority is empowered to access and obtain such information under any other law like Indian Companies Act, Societies Act, Co-operative Societies Act, Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006, etc. (Refer to section 2(f).
7. The public authorities are required to either furnish the sought for information or reject the request for information for any of the reasons specified under section 8 or 9 of the Act within maximum 30 days from the date of receipt of request for information. If such request concerns life or liberty of a person, then information has to be furnished within 48 hours.

First Appeal

8. If an information seeker does not get satisfactory replies from the concerned PIO within the prescribed time, then he or she can file an appeal petition within 30 days from the expiry of the stipulated time limit within which the information had to be furnished to the first appellate authority, i.e. an officer who is senior in rank to the PIO of the public authority

Second Appeal

9. A second appeal petition can be filed before the State or Central Information Commission, as the case may be, within 90 days from the date on which the decision of the first appellate authority should have been made or was actually received, with the Central or State Information Commission, as the case may be.

Complaint

10. There is no time limit to submit a complaint petition before the Central or State Information Commission under section 18 of the RTI Act, 2005. However, as per orders of Hon'ble Supreme Court of India in Civil Appeal Nos. 10787-10788 of 2011 between State Chief Information Commissioner of Manipur Vs the State of Manipur, Information Commissions can inquire into such complaints and take or recommend necessary penal actions, but cannot pass orders directing the concerned PIO to furnish sought for informations. On the other hand, in case of second appeal petition, Information Commissions can pass orders to furnish the sought for informations besides taking or recommending penal actions, if necessary.

Binding nature of the RTI and Court's jurisdiction

11. The decisions of the Central or State Information Commission are binding.
12. Other than Writ petitions, no suit, application or other proceedings can be entertained by any court in respect of any order made under the RTI Act, 2005, and no such order shall be questioned except by way of an appeal under section 19 of the Act.

Exemptions and exceptions to exemptions

13. Section 8(1) of the RTI Act has given a list of informations which are exempted from disclosure. But these exemptions are not valid if public interest in disclosure outweighs the harm to the protected interests.
14. Section 24(4) of the RTI Act, 2005 has authorized the State Governments to notify in their official gazette list of Intelligence and Security organizations like CID, BIEO, Special Branch, Vigilance, etc., exempting such organizations from the purview of the RTI Act, 2005. Similar exemptions have been granted to the Security and Intelligence organizations listed in the Second Schedule of the RTI Act read with sec. 24(1) of the Act.
15. Such exemptions will, however not apply in case of informations pertaining to allegations of corruption and human rights violations subject to the condition that in case of human rights violations, the sought for informations can be provided with prior approval of the Central or State Information Commission, as the case may be.

Note:

1. The expressions "Act" or "RTI Act" appearing in the above paragraphs mean the RTI Act, 2005.
2. For complete details, it is advisable to refer to the main text of the RTI Act, 2005 and the rules frames thereunder.