

# Guide on Applying Online Under RTI

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### How can the guide help you?

The **Nyaaya Guide on Applying Online 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 online, appeals against certain authorities' decisions, as well as complaint mechanisms for any online grievances. This guide also serves to inform citizens of their rights in seeking information from the central and state governments through their online portals.

## What are the laws discussed in the guide?

The Nyaaya Guide on Online RTI Applications explains the Right to Information Act, 2005 and the Right to Information Rules, 2012.

# Guide



## **TABLE OF CONTENTS**

Things to Remember Before Applying:	05
• Who can file an RTI application?	05
· Wha <b>t types of information</b> can you ask for through RTI?	05
· What are the types of information you can not ask for through RTI?	06
· Who can you ask <b>information from</b> ?	06
How to File an RTI Application Online	07
After Applying: Tracking and Response	10
· How to <b>track</b> an RTI application?	<u>10</u>
· How <b>long will it take</b> to get a response to the application?	11
Payment Process: For Online Application	12
· How do you pay for an RTI online?	12
· Are there any <b>additional fee</b> payments?	<u>13</u>
Appeal Process: In Case of Rejection	14
· What is an RTI <b>First Appeal</b> ?	<u>14</u>
· What are the <b>steps to file</b> an RTI First Appeal Online?	<u>15</u>
· What is an RTI Second Appeal?	<u>16</u>
Resources	17
· Contact Information	<u>17</u>
· Checklists	<u>17</u>
· Sources of Information	18
· Glossarv	18

## 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.



For example, an RTI application can **enquire how much money was spent** on a Member of Parliament's official trip abroad.

# 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.**
- · 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.

## Who can you ask information from?

Citizens can ask for information from any **public authority**.6

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 <u>Public Information</u> <u>Officers ('PIO')</u>. **PIOs** are responsible for **providing information to applicants** seeking them.<sup>7</sup>



You **do not need to mention any reason** for asking for any information and must only provide the **necessary personal information** asked for in the application.<sup>8</sup>

## **RTI Application**

#### HOW TO FILE ONLINE

An online RTI must be filed either through the <u>rti.gov.in</u> portal or through RTI portals created by states like, <u>Delhi</u>, <u>Maharashtra</u>, <u>Karnataka</u>.

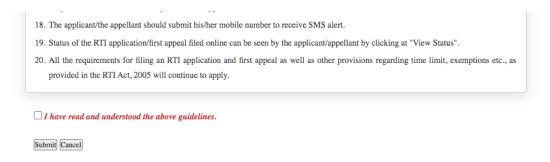
# Follow these **steps to file** an RTI application online:

- 1. Go to https://rtionline.gov.in
- 2. Click on 'Submit Request'





- 3. Read the guidelines for using the RTI Online Portal.
- 4. Click on the checkbox 'I have read and understood the above guidelines' and then click on the submit button.



- 5. Select the Ministry or Department for which you want to file an RTI application.
- 6. Select the relevant public authority.





For example, for the **Ministry of Tribal Affairs**, the options for public authority available include **National Commission for Scheduled Tribes** and the **Tribal Cooperative Marketing Development Federation of India Ltd (TRIFED)**.



- 7. Fill in details including name, gender, address, pin code, country, state, status, educational qualifications, phone number, mobile number, etc. The fields marked \* are mandatory.
- 8. If you belong to the Below Poverty Line (BPL) category, select the option 'Yes' in the 'Is the applicant below the poverty line?' field and upload a BPL card certificate in the supporting document field.



- 9. Fill in the RTI question. It should be clear and concise.
- 10. If you want to to elaborate the question, upload a supporting document.



- 11. Note down your unique registration number.
- 12. Pay Rs 10 by clicking on the 'Make Payment' option. BPL Candidates do not have to pay to file an application.
- 13. You will get an email and SMS alert on the submission of the application.



# **After Applying**

#### **TRACKING & RESPONSE**

## How to track an RTI application?

- 1. Go to <a href="https://rtionline.gov.in.">https://rtionline.gov.in.</a>
- 2. Click on 'View Status.'
- 3. Fill in the form.
- 4. You can use your mobile number and email address to check the status.

# Online RTI Status Form Note:Fields marked with \* are Mandatory. \* Enter Registration Number \* Enter Email Id \* Enter Security code Submit Reset



Table of Contents

# 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>9</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>10</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>11</sup>
- 3. If the requested information concerns **third party** <u>information</u>, the concerned PIO must deliver the information within **40 days.**<sup>12</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>13</sup>

## **Payment Process**

#### FOR ONLINE APPLICATION

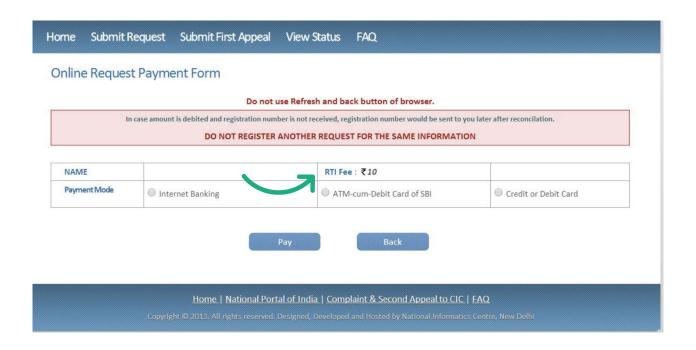


## How do you pay for an RTI online?

Applicants must make a **payment of Rs. 10.**<sup>14</sup> Payment options include internet banking through SBI, using credit/debit card of Master/Visa, or using a RuPay Card.

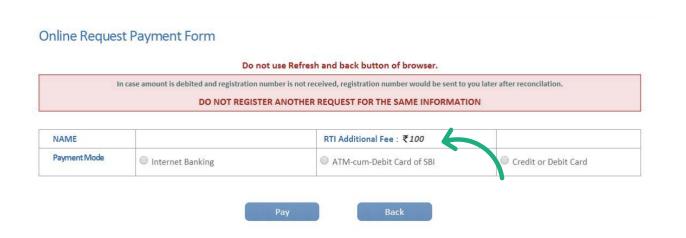


Table of Contents



## Are there any additional fee payments?

Additional fee payment is requested from the applicant when the information must be couriered or for photocopy charges etc.<sup>15</sup> The PIO would **inform the applicant** through this portal and by email.



## **Appeal Process**

#### IN CASE OF REJECTION

An RTI application may be **rejected for various reasons, or not answered satisfactorily.** When this happens, the applicant can file an appeal at two levels - **First Appeal and Second Appeal.** 

## What is an RTI First Appeal?

The applicant files an appeal when they are **not satisfied with the PIO's reply**, or the **PIO rejects the applicant's request** for information. It is an **appeal before a senior officer** of a particular department or ministry, against the decision of PIO.<sup>19</sup>

If the applicant does not receive the information within 30 days,<sup>20</sup> then their application is assumed to be rejected.<sup>21</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>22</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>23</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 by an applicant.<sup>24</sup>



Table of Contents

# What are the **steps to file** an RTI First Appeal Online?

#### Online RTI First Appeal Form

If request registration no. is available please provide in the box given below.



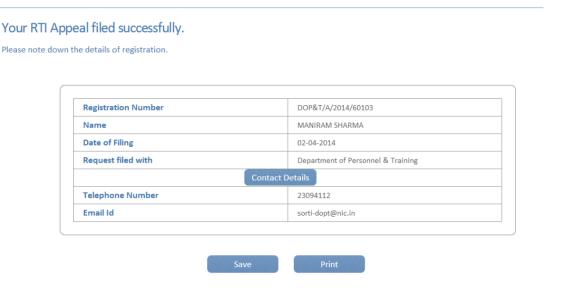
Home. | National Portal of India. | Complaint & Second Appeal to CIC. | FAQ

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- 1. Go to <a href="https://rtionline.gov.in.">https://rtionline.gov.in.</a>
- 2. Click on 'Submit First Appeal'
- 3. Read the guidelines for using the RTI Online Portal.
- 4. Click on the checkbox 'I have read and understood the above guidelines' and then click on the submit button.
- 5. Enter the **registration number, email ID, and security code** and click on the submit button.
- 6. Select a reason for filing the appeal application from the 'Ground for Appeal' dropdown field.



- 7. Fill in the text in the RTI application within 3000 characters.
- 8. Attach supporting documents, if the text is more than 3000 characters.
- 9. Enter security code and submit the application
- 10. A unique registration number is issued for tracking the application.
- 11. Track applications on the 'View Status' form by entering mobile number and email address.





The application filed through this web portal would reach electronically to the PIO of the concerned Ministry/Department, who will transmit the RTI application electronically to the concerned appellate authority. There is **no additional payment required for the first appeal** of the Right to Information Application.

#### What is an RTI Second Appeal?

If an applicant is **dissatisfied with the decision in the first appeal**, then such applicant 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 <u>Central Information Commission</u> or **the State Information Commission**, depending on the authority approached for information.<sup>25</sup>

## Resources

## Contact Information

The Helpline and email address are for queries faced while filing the <u>online RTI through the portal.</u>



O11-24622461 (9:00 AM to 5:30 PM, Monday to Friday except for on Public Holidays)



helprtionline-dopt@nic.in

#### Checklists

- 1. Check whether the **applicant is eligible to file an RTI** depending on their citizenship and residency status.
- 2. Check whether the information required is **exempt from disclosure for any reason** whatsoever.
- Check whether the applicant has addressed the RTI application to the correct public authority.
- 4. Check whether the applicant falls under the category of **Below Poverty Line**. If yes, such applicants are **not required to pay** application fees. If not, applicants are required to pay a **fee of Rs. 10** with their application.
- 5. Check that the applicant adheres to the **timeline for the online first and second appeal,** if made.

#### Sources of Information

#### Guideline

User Manual - Online RTI Application - https://rtionline.gov.in/um\_citizen.pdf

#### Legislation

Right to Information Act, 2012 Right to Information Act, 2005

#### **Important Links**

RTI Sample Application Form - <a href="https://onlinerti.com/rti-forms/Center.pdf">https://onlinerti.com/rti-forms/Center.pdf</a>
RTI FAQs - <a href="https://rtionline.gov.in/faq.php">https://rtionline.gov.in/faq.php</a>
First Appeal Portal - <a href="https://rtionline.gov.in/">https://rtionline.gov.in/</a>
Second Appeal Information - <a href="https://cic.gov.in/second-appeal-guidelines">https://cic.gov.in/second-appeal-guidelines</a>

### Glossary

**RTI Request** - RTI Request is filing the application for the first time. The citizen requests one person (i.e., PIO) to provide information. This means that it involves only the citizen and PIO.

**RTI Appeal** - RTI Appeal is an appeal before a senior officer against the decision of PIO. This means that a third person (i.e., the Appellate Authority) comes between the applicant and the PIO.

**BPL** - BPL is a benchmark used by India's government to indicate economic disadvantage and identify individuals and households in need of government assistance and aid. It is determined using various parameters which vary from state to state and within states.

**Public Information Officers (PIO)** - Public Information Officers (PIO) are responsible for receiving and managing RTI applications. Assistant Public Information Officers (APIO) who are responsible only for accepting applications and passing them on to PIOs.

**Central Information Commission** - 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>26</sup>

**Public authority** - 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 under the Right to Information Act, 2005. Additionally, bodies owned, controlled, or substantially governed by the central government or state governments fall under 'public authorities'. Nongovernmental organizations directly or indirectly financed by the government are also public authorities.<sup>27</sup>

Overseas Citizens of India (OCI) - Overseas Citizens of India (OCI) is a form of permanent residency available to people of Indian origin and their spouses which allows them to live and work in India indefinitely. Despite the name, OCI status is not citizenship and does not grant the right to vote in Indian elections or hold public office.

**Non-Resident Indian (NRI)** - Non-Resident Indian (NRI) are people of Indian birth, descent or origin who live outside the Republic of India.

#### **Endnotes**

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

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

3 Guide on Right to Information Act, 2005, Government of India Office Memorandum, accessed at https://<u>www.</u>

#### 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 Section 6(1, Right to Information Act, 2005.
- 9 Section 7(1), Right to Information Act, 2005.
- 10 Section 7(1), Right to Information Act, 2005.
- 11 Section 5(2), Right to Information Act, 2005.
- 12 Section 11(3), Right to Information Act, 2005.
- 13 Section 24(4), Right to Information Act, 2005.

14 Guide on Right to Information Act, 2005, Government of India Office Memorandum, accessed at https://www.

#### <u>iitbbs.ac.in/pdf/RTI-Act%20(DoPT%20Guidelines).pdf</u>

15 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

16 Section 7(5), RTI Act.

17 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

18 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

- 19 Section 19(1), Right to Information Act, 2005.
- 20 Section 19(6), Right to Information Act, 2005.
- 21 Section 7(2), Right to Information Act, 2005.
- 22 Section 7(8), Right to Information Act, 2005.
- 23 Section 19(1), Right to Information Act, 2005.
- 24 Section 19(1), Right to Information Act, 2005.
- 25 Section 19(3), Right to Information Act, 2005.
- 26 Section 12(1) & 12(2), Right to Information Act, 2005.
- 27 Section 2(h), Right to Information Act, 2005.

