

Right To Information

**A Practical Approach
and a few case studies**

Right to Information Presentation by
CA Ajay Goel

How to get information under RTI Act ?

- Make an RTI application.
- Wait for 30 days after the application.
- If get the reply, evaluate the same.
- If don't get the desired reply, make first appeal within 30 days.
- Wait for the disposal of the first appeal.
- If get the reply, fine. Otherwise, within 90 days go for the second appeal.

How to make the application?

- Make out what information you require?
- Identify the concerned public authority.
- Identify the designated PIO.
- Covering letter.
- Fee.
- Delivery of application.

What information is required?

- Draft the questions or information asked for very clearly and in such a way that it directly leads to fixation of responsibility on the person who was supposed to act earlier but had not acted because of negligence, corrupt practices or any other reason.

- Prepare an annexure containing the questionnaire.

- If you have earlier written any letter to the concerned authority or department and have not received any satisfactory reply, do enclose that letter with the application and ask for the information in the following manner-

Annexure

This is regarding the enclosed letter given by me to _____.
For this, please provide me the following information:

- 1. The current status of action taken on my above letter.
- 2. Please provide date wise movement of file.
- 3. Is there any delay in replying to my letter? If yes, who is responsible for the delay and what action you are taking / have taken / propose to take against the official/s responsible for the delay? If no, how much time it should take normally to reply to such a letter?

- 4. By which date the reply to above letter will be given to me?
- 5. Whether you have any system to provide feedback to the complainant? If yes, why I have not been informed about progress of my complaint? What action you have taken or propose to take against the person responsible?
- 6. Action taken on my complaint (detailed).

- 7. Whether action taken on my complaint if any is in accordance with law? If not what action you have taken or propose to take against the person responsible for taking action on my complaint?
- 8. Photocopies of all the notings / comments / minutes / proceedings etc. made by various authorities alongwith the copies of any inter / intra office communication.

(Name and signature of applicant)

PIO

- Visit the website of the concerned public authority/Delhi Government and identify the PIO details.
- www.delhigovt.nic.in
- www.incometaxindia.gov.in
- www.mca.gov.in

Covering Letter

- Use the suggested application form as provided by the Delhi Govt. which will serve the purpose of covering letter.

Form of application Under Right to Information Act 2005

PIO from which information is required

**Smt. Rama Sharma, Public Relations Officer,
CBSE, HQ, 2, Community Centre, Preet Vihar,
Delhi.**

A. Contact Details

1. Name of the Applicant Ajay Kumar Goel

2. a) Mailing Address D-94, Pandav Nagar, Patparganj Road, Delhi-110092.

b) Tel. No 98102-13865

c) E-mail ajay@vkgc.com

3. Whether a citizen of India Yes / No

B. Details of information sought

1. Nature of information sought (Please \checkmark Mark)

(a) Life & liberty of the person *

(b) Other than (a)

2. Type of information required

- | | |
|---------------------------|----------|
| (a) Copy of documents | Yes / No |
| (b) Inspection of records | Yes / No |
| (c) Sample of material | Yes / No |
| (d) Other information | Yes / No |

3. (a) Whether information sought relates to third party?
Yes / No

(b) If yes his/her name & address _____

4. Specify the particulars of information required

(i) _____As per annexure_____

(ii) _____

5. Time period for which information is required
.....as per annexure...

6. Whether applicant belongs to BPL category:
Yes / No

Proof of BPL attached

Yes / No

7. Details of fee paid Rs.10/-

Signature of the applicant

*Application may preferably be submitted directly to
the Public Information Officer concerned to avoid
delay.

How to File an Application

- Make two sets of the complete application form.
- Keep one copy for your own records.
- Submit the other copy alongwith the payment of application fee of Rs 10 with the Public Information Officer.

- The payment of fee of Rs 10 can be made by cash, DD/pay order or by postal order drawn in favour of relevant office.
- The Cashier or Public information officer will issue a receipt to you for the application received alongwith the fee.

Reply to your Application

- Public Information Officer is required to supply the information asked for by the applicant within 30 days of filing the application.
- You may receive a reply to your application directly or you may be further asked to deposit fee @ Rs 2 per page for the number of pages mentioned in the letter.
- Deposit further fee against the valid receipt and collect the reply from the Public Information Officer.

- In case you receive a reply to your application and are satisfied with the reply, you may use the information for the purpose required by you.
- This is equally possible that you may not receive any reply to your application within 30 days. This is treated as denial of information.
- You may also receive a rejection letter from the Public Information Officer refusing to supply the information while taking shelter under some of the exemptions available.

- When you don't receive the information or when you receive the information but are not satisfied with the calculation of the amount asked for the supply of information, you may file an appeal with the first appellate authority.
- The first appellate authorities have been notified by every public authority. The first appellant authority is normally the next senior rank officer to the Public Information Officer within the Public Authority.

Procedure before Ist Appellate Authority:

- File the appeal with the first appellate authority within 30 days of receipt of order from PIO or within 30 days of the day by which the PIO was supposed to reply.
- In case of delay, a condonation application may be filed alongwith the appeal.

- The First appellate authority may call you for a hearing or may directly send you a decision.
- Against the decision of the first appellate authority, you may appeal before State / Central Information Commission.

- In case you receive the information from PIO but are not satisfied as it appears to you as misleading / false information, incomplete information, information supplied after prescribed period etc. you may also file a complaint directly with State / Central Information Commission, in place of going to first appellate authority.

- When you file an appeal or a complaint with State / Central Information Commission, you have to prepare sets of papers equal to no. of respondents + 2 copies for State/Central Commission + one copy for yourself. Serve the copies of appeal to all the respondents and file two copies of the full set of papers alongwith proof of delivery of appeal copy to the respondents, with the commission and keep one set of papers for your records.

How To Prepare An Appeal/Complaint

- Give your details, PIO details, Public Authority details, First Appellate Authority details, details of any order if received earlier in response to your application.
- Give brief facts about the case.
- Give Grounds of Appeal/Complaint.
- Prayer and Grounds for the Prayer.
- Put an Index for all these documents.
- Enclose copy of acknowledgement from respondent for delivery of copy of appeal to him.

Sample of An Appeal/Complaint

- RTI -Mayur Vihar Dustbin\Appeal before
CIC-DC MCD-Mayur Vihar Dustbin.pdf

- On receipt of an appeal or complaint The Commission allots a reference no. to that case.
- Thereafter Commission calls for comments from the respondents.

- Respondent while submitting his reply to The Commission is supposed to send a copy of that reply to the appellant / complainant also.
- The complainant or appellant may file his reply in the form of a rejoinder.

- On consideration of correspondence received from the complainant / appellant and from the respondent, the commission will fix a date for hearing.
- On the basis of hearing and documents submitted by both the parties, the Commission takes a decision which is communicated to both the parties.

- In case any of the parties is not satisfied with the decision of the Commission, a review petition may be filed in that case.
- In case commission during review also takes the same decision as final decision, the only option available is a Writ Petition in the Court of Law.

Some case studies

- Erstwhile Delhi Vidyut Board.
- MCD-Road Construction/repair matter.
- ROC, Registrar of Societies, ITO, etc.
- MCD-weekly market case-the first penalty case.
- Directorate of Health Services- Free treatment to patients.
- Department of Health & Family Welfare- Delhi Govt. - Free treatment to patients by Indrapratha Apollo Hospital.
- Prime Minister Relief Fund.
- Subsidy on LPG & Kerosene
- Department of Trade & Taxes, Delhi

Prime Minister Relief Fund Case Study

- Article in Hindustan Times
- Application to CPIO of PMO
- Appeal to first Appellate Authority of PMO
- Reply from CPIO of PMO
- Amendment in Appeal
- Ist Appeal Dismissed
- Reply from CPIO
- IInd Appeal with CIC

Subsidy on LPG & Kerosene Case Study

- Application to CPIO of Ministry of Petroleum
- Reply from Ist CPIO of Ministry
- Reply from IInd CPIO of Ministry
- Reply from CPIO of BPCL
- Reply from CPIO of IOCL
- Reply from CPIO of HPCL

Ist Appeal with Ministry

- Ist Appeal against CPIO of Ministry
- Disposal of Ist Appeal by Ministry

Ist Appeal with BPCL

- Ist Appeal against CPIO of BPCL
- Disposal of Ist Appeal by BPCL

Ist Appeal with IOCL

- Ist Appeal against CPIO of IOCL
- Disposal of Ist Appeal by IOCL

Ist Appeal with HPCL

- Ist Appeal against CPIO of HPCL
- Disposal of Ist Appeal by HPCL Awaited

RTI with Delhi Food & Civil Supplies

- Application to SPIO
- Transfer of application to another SPIO
- Transfer of application to another SPIO

Future Course of Action

- Filing Ind Appeal with CIC in all the cases separately.

ITO, CAs IT Refund Case Study

- Application to CPIO of ITO Ward 37(1)
- Reply from CPIO
- Letter to CPIO
- Reply from CPIO
- Ist Appeal against CPIO
- Disposal of first appeal
- Further reply from CPIO
- IInd Appeal with CIC to be filed

Department of Trade & Taxes, Delhi

Case Study

- Application to CPIO of Department of Trade & Taxes Delhi
- Reply from SPIO
- Ist Appeal against SPIO
- Notice for hearing of Ist Appeal
- Disposal of Ist appeal
- Further supply of information by SPIO
- IInd Appeal before CIC
- Notice for hearing of IInd Appeal
- Decision on IInd appeal
- Further supply of information by SPIO
- Showing of information on Departments System in EDP Cell
- Meeting notice by Additional Commissioner DT&T Delhi
- Discussion on suggestions given by applicant and for taking appropriate action on the same.

Registrar of Societies

Case Study

- Application to SPIO i.e. Registrar of Societies
- Reply from SPIO
- Ist Appeal against SPIO
- Notice of hearing of Ist appeal
- Reply of SPIO to appeal
- Hearing before Commissioner of Industries
- Disposal of Ist appeal awaited

Custom Duty Exemption Case Study

- Andromeda Foundation India P.Ltd case
- Application to CPIO in Ministry of Finance
- No reply received from CPIO
- Ist Appeal against CPIO
- Ist Appeal against CPIO
- Reply to one of Ist appeal
- Ist Appeal disposal awaited



An RTI a Day Keeps Corruption Away

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