

## RTI Drafting

Before knowing about drafting RTI you need to read about RTI. Best source is [RTI act](#), if you have not already done that, now is the time to do so.

Here are the golden rules and tips that we have found useful based on our experience with RTI.

- 1) **Point to various specific documents.** Your application should look like a shopping-list of documents.
- 2) **Name documents using words from Sec 2(f) and Sec 4(1)(b)** of the RTI Act – reports, logbooks, emails, advices, rules, regulations, manuals etc. Only after exhausting these should you use other similar names e.g. quality audit reports, correspondence etc. In case this information is denied, the similarity of wordings will help you to convince appellate authorities that your requested information is “records” and “information” that must be mandatorily given.
- 3) **Don’t ask questions, don’t demand explanations, and don’t make allegations.** Don’t make your application sound like a letter of complaint or a letter-to-the-editor. Don’t preface it with a covering letter or an introductory paragraph. RTI applications should be emotionless and bland.
- 4) **Avoid vague expressions** and requests such as
  - (a) **“What is the status of my complaint? What further action has been taken on my complaint/letter? Give me action-taken report.”** Words like “status” and “action” are open to interpretation, and usually fail to point towards any particular document; they can mean different things to different persons like applicant, PIO, APIO and appellate authorities. In most cases, there is no such document called “action-taken report” in

existence, and therefore, the PIO cannot be rightly asked under RTI to generate such a document in reply to your application; PIO can only be asked to give you copy of a document that exists. The right way is to ask for signed and stamped copy of all correspondence till date in the matter of your complaint, including memos, emails, covering letters for forwarding your complaint etc. Ask for copy of logbook or any other book where details of your complaint are entered, marked to specific officers for their investigation and action. Ask for a copy of all their remarks, feedback, reports etc. If the case on your complaint is closed, ask for the closing remarks of the officer concerned.

(b) **“Give particulars of the project to build XYZ.”** What “particulars” do you want? Engineering drawings? Budgets? Financial projections? Feasibility reports? Consultants’ studies? This is not clear. Don’t leave it to the PIO to decide what documents to include and what to leave out. Be specific and name the documents that you want copied. Make it difficult for the PIO to loosely interpret your request.

- 1) **A good RTI application as boring as a laundry list. It is a bare list of items of information WITHOUT ANY reasoning.** If the first draft of RTI application is interesting to read, something is wrong. Make corrections by deleting the interesting material, such as logical threads of reasoning and justification. Your RTI application MUST NOT disclose the overall nature of the problem in your mind. It MUST NOT give a glimpse of what you intend to do with the requested information e.g. register police complaints, approach investigating agencies, file a PIL etc. Also, your RTI application MUST NOT indicate how badly you want the information, and therefore, please don’t mention anything such as “I am a senior citizen dependent on my pension cheques, and I have been pushed from pillar-to-post in search of this information.”
- 2) **A good RTI application is short and childishly simple for the PIO to fulfill.** On the other hand, a badly-drafted RTI application is like a huge challenge to the PIO, virtually saying “I dare you to try and answer all

these questions.” Put yourselves in the shoes of the PIO; what would you do if you see a lengthy RTI application that asks endless questions and supplementary questions? I would endlessly postpone looking at the application, and then go out of my way to justify the delay or denial. Wouldn't you?

- 3) **If you need a lot of information, write many small RTI applications.** A single lengthy application may scare and overwhelm the PIO, and tempt him to throw it into his drawer. He will hesitate and postpone searching for the information. Instead, send a small, manageable RTI application with only 3-4 questions. Then, after you receive a reply to that, send another one... and another. **This strategy also has another advantage:** If the PIO fails to answer more than one of these applications, he feels the threat of being eligible to a larger fine (Rs 250 x days of delay x no. of unanswered RTI applications) Even if he escapes penalty after denying information to one application, there is always the recurring chance that other pending applications will get him penalized or reprimanded.
- 4) **Keep the period of information minimal. Don't be over-ambitious.** For an RTI applicant, it is very easy to write a question like, “Give copies of all gun licenses issued from January 1981 till date.” For the PIO, this means searching 30 years of files and records. Older files may have been put into basements or buried under tons of old dusty files. Therefore, please ask yourself whether you REALLY need data that is so old, or whether you are just trying to satisfy an academic curiosity. Don't request 30 years data if five years data will suffice for your purposes. Don't ask for five years data if six months data is sufficient.
- 5) **Crime-fighting RTI application? Ask for plenty of unnecessary data to misdirect mala-fide PIO.** (Of course this contradicts earlier points... but there is method in the madness.) Suppose you want the details of a certain building that you suspect has built-up area in excess of permissions. To confirm your suspicions and file a complaint, you need to

ask for the approved floor plan, Occupation Certificate etc. You rightly fear that if you make a direct request, corrupt officials of the Building Permissions department will deny, delay endlessly and argue that the files are lost.

**Question:** how to improve your chances of quickly getting these key documents?

**Answer:** Generally ask for inspection of entire files of five other unrelated buildings in your neighborhood. Include the name of this particular building in a random and casual way. When you go for inspection with 4-5 others, do not show any special interest of this particular building, and request photocopies of similar and unnecessary documents along with what you really want. Of course you will spend hundreds of rupees on xeroxing unnecessary documents, but as you will get the necessary documents without delays and appeals, it is worth it!

- 6) **You are a citizen, not an investigating agency. You don't have to substantiate every allegation. File complaint first, RTIs later.** Sometimes, we hesitate before leveling allegations and writing complaints. Our sense of fairness compels us to get into fact-finding by filing an RTI application first. That is not necessary. You are an alert citizen and not an expert; your first duty is to register a complaint! Let the investigating agency guys do their job and earn their salaries. Later on, you may optionally write an RTI application to uncover facts and documents... but that is your second step, not first. As the cowboys say, "Shoot first and ask questions later."
- 7) **Don't shoot your first draft; first drafts are always faulty.** After you have written down your first draft of RTI application (or complaint or anything else), let it cool down in your drawer for a couple of days. Then take a re-look and think about making improvements. Ask a friend or colleague to have a look and give you suggestions.

**Credit : The above list is an extension of list compiled by Mumbai based RTI activist Mr Krishnaraj Rao**

## **Examples of success-oriented and failure-prone RTI applications**

### **EXAMPLE 1: TYPICAL SUCCESS-ORIENTED RTI APPLICATION**

**“Subject matter of RTI Application:** All documents concerning XYZ works, materials, services and products supplied to your department.

**Period of Information required:** After 1 January 2007 till date

Particulars of information required: Please give signed and stamped copies of:

- a) Circulars, GRs, reports, rules and guidelines concerning procurements of XYZ type of works, materials, services and products
- b) Log books of activity, reports, correspondence, memos, official correspondence including file notings concerning procurement of XYZ
- c) List of suppliers of XYZ, along with their contact details, capacities and capabilities
- d) Contracts signed with suppliers of XYZ materials, services and products.
- e) Tender notices, tendering terms & conditions, structural audit statements, inspection reports, quality control reports, pay orders, remarks etc.
- f) Copies of attendance records and other documents showing who were the architects and engineers in charge of the project on the ground level and supervisory levels. Give copies of records with the department regarding the credentials, qualifications and working experience of each architect and engineer.

### **Please Note:**

- 1) If the information requested is too voluminous, spread over too many files, and would disproportionately divert the resources of your organization, please intimate to me suitable dates and times for taking

inspection of files, along with the contact numbers of the officers to contact for taking inspection.

- 2) If you need any clarifications, please call between 10 am and 10 pm on my mobile number, which is given above.”

### **EXAMPLE 2: TYPICAL FAILURE-PRONE RTI APPLICATION**

**“Subject matter of RTI Application:** Corrupt and unholy nexus between bureaucrats and major suppliers of XYZ works, materials, services and products. Conspiracy in your department to loot the public and defraud the taxpayer, causing loss to exchequer of Rs 420 crore, with payoffs going to the highest levels of the ministry. See attached newspaper cutting from The Times of India, Mumbai, May 22, 2010.

Particulars of information required: You are hereby required to furnish answers to the following questions:

- a) What are the names and designations of the person/persons responsible for authorizing payments to crooked suppliers and contractors doing substandard work?
- b) Who is responsible for loss of life and possible catastrophe resulting from structural failure and breakage of bridges built with XYZ products?
- c) What are the particulars of all the accidents and casualties caused by the use of XYZ products and services since 2001? Give month-wise records and statistics.
- d) Do you know that many of the architects employed by ABC Ltd, who is one of the main suppliers of XYZ to you, are blacklisted by their

professional association? How many such blacklisted architects are working on your projects?

- e) What is the provision and procedure for giving compensation to all the people who can be hurt by the faulty workmanship and bad-quality material? From whose pockets will the compensation come? The poor taxpayers? Or will be it deducted from the salaries of your overpaid and corrupt officers?
- f) What are the procedures for conducting CBI enquiries and also taking disciplinary action against crooked officials in your organization, and also the “chor” minister who is in charge of the ministry?

## Finding PIO

1. Every government Department, Authority, Regulatory Body, Ministry including government Schools, Hospitals, Companies and Banks is required to designate Public Information Officer (PIO) even if its a small office. If you are not able to find any details of PIO on their website, just send the RTI application to the office address.
2. In case you are not able to find the postal address of any government office, you can send the RTI application to higher authority. **For example** if the RTI belongs to a particular gram panchayat whose postal address is not available, the RTI can be sent to District Magistrate office.
3. In some cases you might be confused about the department which would have required information. In such case, you can send your RTI applications to any department which is likely to have the information. Since, the RTI act mandates government offices to forward it to concerned department in case they don't have information.





## Some good sources

- <https://www.youtube.com/watch?v=ItFToUGk54w>
- <https://www.youtube.com/watch?v=zABCy1iBPEU>
- [Shailesh Gandhi on How to Effectively Use the Right to Information Act](#)