Using the RTI Act Well: Drafting, Deadlines, Appeals and the New Privacy Exemption

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Figure 1. Every public authority holds records that a citizen may ask to see.

For ten rupees and a well-written page, an ordinary citizen can make a government office explain itself. The Right to Information Act 2005 obliges every public authority to answer written requests within fixed deadlines, gives a two-tier appeal when it does not, and lets an Information Commission fine the officer responsible. The law works best for people who use it with precision. Vague requests invite vague replies; sharp questions, filed with the right office and followed through the appeal stages, tend to produce documents. Here is how to use it well, including the significant change to the personal-information

exemption that took effect in November 2025.

Who can ask, and whom you can ask

Section 3 gives the right to information to **all citizens**.[1] Companies, associations and foreign nationals do not hold the right in their own name, although a citizen who works for an organisation can apply as an individual. You do not have to give reasons for wanting the information, and you need only provide details necessary to contact you (section 6(2)).

The request goes to a **public authority** (section 2(h)): bodies set up by or under the Constitution, by central or state law, or by government notification or order, including bodies owned, controlled or substantially financed by government and non-government organisations substantially financed by government funds.[?] Ministries, municipal corporations, police stations and government universities are typical examples. A purely private company is not, although information about it held by a regulator or department can be sought from that authority.

Every public authority must designate a **Public Information Officer (PIO)**, and Assistant PIOs at sub-divisional level to receive and forward applications.

Drafting a request that gets answered

The Act covers material that exists in some form: records, file notings, emails, orders, contracts, data. It does not oblige an officer to give opinions or answer hypothetical "why" questions. The biggest improvement most applicants can make is to turn grievances into requests for records.

Compare these two:

- Weak: "Why has my pension still not been sanctioned? Who is responsible for this harassment?"
- Strong: "With reference to my pension application dated 4 March 2026 (acknowledgement no. 1234), please provide: (1) a certified copy of the file notings and correspondence on this application from 4 March 2026 to the date of this request; (2) the name and designation of each officer with whom the file has been

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pending, with the dates it was received and forwarded; (3) a copy of any rule, circular or citizen's charter prescribing the time limit for deciding such applications."

The second version names a record, fixes a period, and asks for things that exist on file. It is hard to refuse and easy to check.

Practical drafting tips

1. **Address the right authority.** Look up the department's published PIO details. If you get it wrong, section 6(3) requires transfer to the correct authority within five days, but the right address saves time.
2. **Number your questions** and keep each to one item. Long composite questions get partial replies.
3. **Specify dates, reference numbers and places.** "Tenders for road works in Ward 12 between 1 April 2025 and 31 March 2026" beats "all road tenders".
4. **Ask for certified copies** where you may later rely on the documents, and say whether you prefer electronic copies or wish to **inspect** the file first. Under the central rules the first hour of inspection is free.[2]
5. **Keep it short.** The central RTI Rules 2012 say an application should ordinarily not exceed 500 words (excluding annexures), though it cannot be rejected on that ground alone.[?]
6. **Keep proof.** Retain the online registration number, or a postal receipt and copy of everything sent.

You may write in English, Hindi or the official language of the area. If you cannot write, the PIO must help you put an oral request into writing (section 6(1)).

Fees and the BPL exemption

For central public authorities, rule 3 of the Right to Information Rules 2012 fixes the application fee at **Rs 10**.[?] Copies cost Rs 2 per page (A3 or smaller), and inspection costs nothing for the first hour and Rs 5 for each further hour. Payment can be made in

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cash against receipt, by demand draft, banker's cheque or Indian Postal Order payable to the Accounts Officer, or electronically where available.

State governments, High Courts and certain other competent authorities make their own rules, so fees and payment modes for state bodies vary. Check the relevant state rules before filing.

Section 7(5) provides that no fee is to be charged from persons below the poverty line as determined by the appropriate government.[?] Under the central rules, a BPL applicant must attach a copy of the BPL certificate issued by the appropriate government.[?]

Filing online for central authorities

The Department of Personnel and Training runs **RTI Online** at rtionline.gov.in (opens in a new tab) for central ministries, departments and other central public authorities.[3] The fee can be paid by net banking, cards or UPI, a registration number is issued, and the request is routed electronically through the authority's nodal officer to the CPIO. The text box takes up to 3,000 characters; longer applications can be uploaded as a PDF. First appeals can also be filed on the portal, without fee, against requests filed online.

Do not use it for state government bodies (including those of the Government of NCT of Delhi): such applications are returned without refund.[?] Several states run their own portals.

The deadlines that bind the PIO

Situation	Time limit	Provision
Ordinary request	30 days from receipt	Section 7(1)
Information concerning the life or liberty of a person	48 hours from receipt	Proviso to section 7(1)
Application lodged through an Assistant PIO	5 days added to the period	Proviso to section 5(2)

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Information relating to or supplied by a third party who treated it as confidential	Notice to third party within 5 days; third party gets 10 days to object; decision within 40 days	Section 11
Information from listed intelligence and security bodies on human-rights violations	45 days, after approval of the Information Commission	Proviso to section 24

Two details matter in practice. Where the PIO asks for additional fees for copies, the time between the fee intimation and your payment is excluded from the 30 days (section 7(3)). And the 48-hour route is for genuine, imminent threats to life or personal liberty: explain the urgency plainly in the first lines of the application.

If the PIO does not decide within the time allowed, section 7(2) says the request is **deemed to have been refused**.[?] Silence is itself an appealable decision; you do not need to wait for a letter.

Exemptions, and the amended section 8(1)(j)

A PIO can refuse only on grounds the Act recognises, chiefly the exemptions in section 8(1) and copyright under section 9. Section 8(1) covers, among others, security and strategic interests of the State, material a court has forbidden to be published, legislative privilege, trade secrets, fiduciary information, information that would endanger life or impede investigation or prosecution, and cabinet papers until the matter is complete.[?]

Three counterweights survive. Section 8(2) allows a public authority to disclose even exempt information where the public interest in disclosure outweighs the harm to protected interests. Section 8(3) requires most information about events more than twenty years old to be provided. And section 10 requires the PIO to release the non-exempt part of a record after severing the exempt part, rather than refusing the whole file.

What changed in November 2025

Originally, section 8(1)(j) exempted personal information only where disclosure had no relationship to any public activity or interest, or would cause an unwarranted invasion of privacy, unless the PIO or appellate authority was satisfied that the larger public interest justified disclosure. The Supreme Court applied that balancing test in *Central Public*

Information Officer, Supreme Court of India vs. Subhash Chandra Agarwal (2019).[4]

Section 44(3) of the Digital Personal Data Protection Act 2023 substitutes the whole clause with a single line: "(j) information which relates to personal information;".[5] The Ministry of Electronics and Information Technology brought section 44(3) into force from the date of its notification published on 13 November 2025, alongside the definitions and the Data Protection Board provisions.[6] The amended clause has therefore been operative since then. On its face it drops the public-activity test, the privacy-invasion test and the clause's own larger-public-interest override.

The amendment is under constitutional challenge. Writ petitions filed in 2026, including by RTI campaigners and journalists, argue that it creates a blanket bar inconsistent with Articles 19(1)(a) and 21. In February 2026 the Supreme Court issued notice but declined to stay the amendment, and the matter remained pending through 2026.[7]

What this means for applicants now:

- Expect refusals citing section 8(1)(j) wherever a record names or concerns an individual, including public servants.
- Draft to reduce that risk: ask for aggregate figures, decisions, reasons recorded, rules applied and file movement, rather than another person's private details.
- Where personal information is central, invoke section 8(2) expressly and set out the specific public interest. Whether that override can carry personal information after the amendment is one of the questions before the Supreme Court, so treat the outcome as uncertain.

First appeal: within 30 days

If you receive no decision in time, or you are aggrieved by the decision (a refusal, an incomplete or misleading reply, or excessive fees), section 19(1) lets you appeal to the officer senior in rank to the PIO in the same authority, usually called the First Appellate Authority, within **30 days** of the expiry of the response period or of receiving the decision.[?] A late appeal can be admitted for sufficient cause. The appeal should be decided within 30 days, extendable to a total of 45 days with reasons recorded in writing (section 19(6)).

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A good first appeal quotes each question and reply and explains point by point why the reply falls short. Under section 19(5), the burden of justifying a denial lies on the PIO.

Second appeal or complaint before the Information Commission

Against the first appellate decision (or its absence), a **second appeal** lies to the Central Information Commission for central bodies, or the State Information Commission for state bodies, within **90 days** from the date the decision should have been made or was actually received, again with power to condone delay (section 19(3)).[?] The Commission's decision is binding; it can order disclosure, award compensation and impose penalties. The CIC accepts second appeals online and has linked its filing portal to RTI Online.[?]

Section 18 separately allows a **complaint** to the Commission, for instance where no PIO has been appointed, an application was refused at the counter, fees were unreasonable, or information was misleading or false. In *Chief Information Commissioner vs. State of Manipur* (2011), the Supreme Court held that a complaint is an inquiry route and cannot itself produce an order to supply the information; that requires an appeal under section 19. If you want the documents, appeal; if you want misconduct examined, complain; many applicants do both.

Penalties on PIOs under section 20

Where the Commission finds that a PIO, without reasonable cause, refused to receive an application, failed to reply within time, denied information mala fide, knowingly gave incorrect, incomplete or misleading information, destroyed requested information or obstructed its supply, it must impose a penalty of **Rs 250 per day** until the application is received or information furnished, capped at **Rs 25,000**.[?] The PIO must be heard first, and bears the burden of proving that he or she acted reasonably and diligently. For persistent default, section 20(2) requires the Commission to recommend disciplinary action under the officer's service rules. The penalty is personal to the officer; any compensation ordered for the applicant is paid by the public authority.

How Vakil Dial can help

An RTI application is cheap to file and easy to get wrong, and refusals under the amended section 8(1)(j) make careful drafting more important than ever.

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Vakil Dial's RTI & Transparency division can review your objective and any earlier replies, identify the public authority and the records most likely to hold what you need, prepare and file the application, and draft first and second appeals or complaints when a reply falls short. Where a matter calls for it, the team can connect you with an independent legal professional from Vakil Dial's network, whose credentials have been verified by its operations team, and guide you through Commission hearings.

To start, send an enquiry through the guided Free Legal Advice page. Sending an enquiry is free and does not commit you to any paid service: the Vakil Dial team reviews it and replies, and if a paid service would help, explains it to you first. You can follow your matter in "My Conversations" after signing in. For a general explanation of RTI concepts and procedure at any hour, you can also consult MAATRA, Vakil Dial's intelligent legal-information persona.

This is general legal information, not legal advice; every matter depends on its facts.

Conflicts of interest

This guide is published by Vakil Dial, which offers the services it describes.

Notes

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