

KEY TO TRANSPARENCY



**Your Guide to using the Right to Information Act, 2005,
to collect data about Indian Prisons**



Prisoner



General Public



Prison Officer



Non-Governmental
Organisations



Academia



Media



CHRI

Commonwealth Human Rights Initiative
working for the *practical* realisation of human rights in
the Commonwealth

Commonwealth Human Rights Initiative

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CHAPTER I | INTRODUCTION TO ACCESS TO INFORMATION AND ITS IMPORTANCE IN MAKING PRISONS OPEN AND ACCOUNTABLE

History

“Recognizing the fundamental importance of access to information to democratic participation, to holding governments accountable and to controlling corruption, as well as to personal dignity and business efficiency, [we declare that] the right to access information held by public authorities is a fundamental human right which should be given effect at the national level through comprehensive legislation (for example, Freedom of Information Acts) based on the principle of maximum disclosure, establishing a presumption that all information is accessible subject only to a narrow system of exceptions.”

- UN Special Rapporteur on Freedom of Expression, 2004

Securing the right to information and expression, including the freedom to access official information, has been a struggle spanning hundreds of years. According to *Walby and Larsen*¹, legislation to ensure public access to official records can be traced to centuries ago,² but it was only after the experience of the regimes engineered by authoritarian regimes and dictatorships – and their effects, such as the Holocaust and the Second World War -- that the importance of the public right to information was fully realized.

With the passage of time, in democratic societies, the right to information was seen as a crucial factor in the struggle for citizenship and the foundation upon which all rights were built. Just as there can be no democracy without the protection of human rights, there cannot be a viable human rights agenda without respect for civil and public liberties, which includes the right to information. Article 19 of the U.N. Universal Declaration of Human Rights (1948) states that

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

Article 19 refers to various rights: the right to be informed, to share information with others, to formulate an opinion and to express such an opinion. These rights were ratified by the European Convention on Human Rights (1950), the United Nations Covenant on Civil and Political Rights (1966), and the Inter American Convention on Human Rights (1969), among others.³

Citizens' Access to Information (ATI) is an essential step in ensuring transparency and accountability in government systems and processes. When a government is transparent, there is less chance for corruption and more room for accountability. That is why Freedom of Information Acts (FOIAs) are becoming standard good practices in the international arena. Right to information -- generally understood as the right to access information held by public authorities -- is not just a necessity for citizens but is also a precondition to good governance. More specifically, it makes democracy more vibrant and meaningful, and allows citizens to participate in governance processes. It empowers ordinary citizens, especially those in rural areas.

1 Walby K and Larsen M (2012) Access to information and freedom of information requests: neglected means of data production in the social sciences. *Qualitative Inquiry* 18: 31-42.

2 Sweden's Press Act of 1766.

3 Lafer C (1994) *La Reconstrucción de los Derechos Humanos. Un diálogo con el pensamiento de Hannah Arendt*. Mexico: Fondo de Cultura Económica.

Citizens can play an important role in instituting oversight of prisons. The world over, prison reforms have been catalyzed by sustained civil rights movements by researchers, academicians, human rights defenders, the media and also by prisoners themselves. Prisons have traditionally been closed places, with little or no information available in the public domain. As such times, prisoners' rights can face gross neglect.

The recognition and implementation of basic human rights in prisons is miserably low across the world. However, with increasing recognition for the need of prison reforms, initiatives have been undertaken by surrounding communities to provide charitable, rehabilitative and ameliorative assistance to prisoners. Additionally, prison reforms continue being aided by sustained advocacy and litigation by prisoners and public interest groups.

Another important aspect in the path towards prison reforms lies in ensuring access to information regarding prisons. With the implementation of right to freedom laws in many countries -- including the enactment of the Right to Information Act 2005 in India -- information regarding prisons, their management and functioning can be sought from stakeholders. This information can be of great importance while pushing for reforms in this sector.

As a part of CHRI's Access to Justice initiative, the Prison Reforms programme has consistently used the Right to Information Act, 2005, to increase transparency in this traditionally closed system and has highlighted failures of the criminal justice system, failures that seem to have resulted in overcrowding and unconscionably long pre-trial detention and prison overstay. Further, based on data received from the RTI applications to prisons, we have engaged in interventions to push reforms and increase accountability.

Our reports have mapped issues such as the production of prisoners, legal aid for persons in custody, the functioning of under-trial review committees, the constitution of prison oversight mechanisms such as board of visitors, among other things. Responses thus received have been evaluated for generating action-oriented reports which have offered practical solutions for effectuating systemic changes in the prison system. This has furthered our engagement in policy-level advocacy with relevant stakeholders.

CHRI has prepared this handbook to facilitate access to information on prisons by using the Right to Information Act, 2005, based on years of our experiences, to assist researchers, academicians, civil society organisations and other interested members of society. This handbook provides basic information on filing RTI requests, as well as step-by-step guides on the process and procedures that one must be aware of while filing such requests to receive information related to prisons. It also includes a database on relevant public information officers (PIOs), sample applications and a basic guide on what kind of information can be sought from relevant authorities.

An intervention cannot be effective without thorough knowledge of the rules, norms and best practices that govern and influence the management of prisons and those residing within. Anyone seeking to repair the system has to know the legal norms and focal points for responsibilities and weigh these against the identified shortfalls and malpractices. It is only accurate information that can ground policy dialogue and public awareness that leads to change. Seeking information is only the first step.

Preparing an RTI inquiry requires knowledge of the Right to Information Act, 2005, as well as the provisions of the laws and practices governing the criminal justice system and prisons in India.

The administration of prisons in India is a state subject and listed under the State List in the Seventh Schedule of the Constitution of India, 1950. This means that state governments are responsible for the management and administration of prisons, as governed by the Prisons Act, 1894, and the prison acts⁴ and manuals of the respective state governments. A good source of information on the state of prisons is the National Crime Records Bureau (NCRB) of India, which collates and compiles a vast amount of data related to prisons and also provides annual state-wise data in its publication, *'Prison Statistics India'*.⁵

4 Some states like West Bengal (<http://wbcorrectionalservices.gov.in/>), Punjab (<http://www.amritsarprison.org/punjabprisons.htm>), and Delhi (<http://www.delhi.gov.in>) have enacted separate prisons acts.

5 PSI 2015.

India has one of the highest under-trial populations in the world (67.2%)⁶, which is the fifth highest in the world⁷ and the second highest in Asia⁸. Even in United States, which is estimated to have the highest incarceration rate in the world, only 21.6% of prisoners are under-trials.⁹

India's under-trial prisoners comprise a disproportionate number of members from minority, scheduled caste and tribal communities. About 30.2% are from minority communities and 34% from reserved categories (scheduled castes and tribes). The discrepancy in proportions becomes evident when one considers that members of minority communities make up 20.2% and reserved categories (scheduled castes and tribes) make up 24.4% of the Indian population.¹⁰

Above all, a quarter of the population in prisons has been there for more than a year.¹¹ This information has far-reaching importance and relevance for many stakeholders and attains value when filing for information from prisons. The right of access to information belongs to everyone, including people in prisons, who are entitled to access all laws, regulations, policies and procedures, subject to reasonable restrictions. They are entitled to access information held by any public authority as well as information about themselves. Information regarding their personal affairs may also be obtained through an RTI request. The relevant forms should be made available at prisons and such requests must be processed within the time-frame prescribed by law.

Utilising the right to information to instill openness¹² in prisons paves the way for transparency and accountability within the framework. There are numerous stories that showcase how asking the right question can create a change. One such has been narrated in the box below.

The Power of RTI...

When activist Shailesh Gandhi filed a Right to Information application for a list of all undertrial prisoners, the Maharashtra prisons department sent a reply to him saying the information was not collated in the format he desired. The same department had earlier refused the information sought, stonewalled his first appeal and instead furnished unwanted information in a bid to avoid collecting and classifying data.

In his second appeal, also ignored by the state, Gandhi requested Maharashtra's current Chief Information Commissioner (CIC), Ratnakar Gaikwad, to direct the state's prisons to publish online the necessary information on all undertrial prisoners incarcerated for more than half of the duration of their maximum punishment. His objective was to provide these prisoners with an avenue for release on personal bond, as is their entitlement under section 436A of the Criminal Procedure Code.

When Gaikwad issued the order on April 12, 2013, he did so using his powers under Section 19(8) of the Right to Information Act, 2005. The prison officials were asked to comply with the order in fulfillment of the prison department's obligation under Section 4(1)(b) of the Act that requires public authorities to proactively disclose all public information.

Three weeks later, Andhra Pradesh followed Gaikwad and Gandhi's lead. In Hyderabad, Jannat Hussain, the state's CIC, issued a similar order to the state's prisons demanding information on undertrials be made public under RTI.

RTI empowered Gandhi to demand accountability and ensure the rights of prisoners through information received from the prison department. This suggests that a group of informed citizens or even a single individual equipped with the knowledge of RTI is a formidable force that can drive change, demand rights and check institutional failures that result in rights violations. If the Maharashtra State Chief Information Commissioner's orders were to be implemented in all states across India, it would be a powerful tool in facilitating the release of many undertrials and reducing the population of the country's overcrowded prisons.

6 National Crimes Records Bureau, Prison Statistics India 2015.

7 http://www.prisonstudies.org/highest-to-lowest/prison-population-total?field_region_taxonomy_tid=All (Accessed on 11th July, 2018).

8 http://www.prisonstudies.org/highest-to-lowest/prison-population-total?field_region_taxonomy_tid=16 (Accessed on 11th July, 2018).

9 <http://www.prisonstudies.org/country/united-states-america> (Accessed on 11th July, 2018).

10 *ibid.*

11 PSI 2015.

12 'Openness and access to information', as used in this introduction, are measures which public authorities can or must take to make the conduct of public affairs transparent. Refer to http://www.humanrightsinitiative.org/programs/ai/rti/articles/handbook_intro_to_openness_&_ai.pdf.

CHAPTER II | STANDARDS AND PROVISIONS: BASIC QUESTIONS AND ANSWERS

What is Right to Information?

The right to information is a fundamental human right made up of different rights and responsibilities, namely:

- Every person's **RIGHT** to request information from the government - and even from private bodies in some cases;
- The **DUTY** of the government to provide the requested information, unless defined exemptions apply; and
- The **DUTY** of the government to proactively disclose information that is of general public interest without the need for requests from citizens.

Though the Constitution of India does not specifically mention the right to information, it has long been recognized by the Supreme Court of India as a fundamental right necessary for democratic functioning.¹³ It has also been recognized as an integral part of the right to freedom of speech and expression (Article 19) and right to life (Article 21).

This right echoes the fact that information belongs to the people and cannot be owned by any department or the government. Rather, information held by public authorities is generated and paid for by public funds, and is, therefore, being held in trust for the people. Therefore, it also translates that one may access information about government's actions, decisions, policies, decision-making processes and even information held by private bodies or individuals (in some cases).

The right to information is not absolute. Some information may be held back when it would harm key interests that need to be protected. For example, information about the map of a prison and the number of police guards, are among instances where it may be valid for officials to deny disclosing information. Nonetheless, the key question which guides the answer would be whether it would be in the public interest to disclose information than withhold it.

How can RTI Act help me?

You can use the RTI Act to ensure that the government provides you with the services you are entitled to, and the rights and benefits that are your due as a citizen of India. With respect to prisons, one may request for information on the living conditions vis-à-vis the standards for prisoners; availability of medical staff and infrastructure vis-à-vis the posts sanctioned; prison administration and corresponding vacancies; details regarding prisoners with special needs, such as women, the mentally ill, differently abled, and foreign national prisoners; legal aid services in prison; deaths in prison, both natural and unnatural, etc. However, the RTI Act is not a solution in itself; it is a first step. For example, using the RTI Act may get you the information regarding the number of deaths in prisons which could prompt you to advocate for further investigations for its reasons and highlighting the issues surrounding it.

¹³ Bennett Coleman & Co. v Union of India, AIR 1973 SC 783, dissenting judgment of Justice KK Matthew; State of UP v Raj Narain, AIR 1975 SC 865; SP Gupta v Union of India, AIR 1982 SC 149; Indian Express Newspapers (Bombay) Pvt Ltd v India (1985) 1 SCC 641; Reliance Petrochemicals Ltd v Proprietors of Indian Express Newspapers Bombay Pvt Ltd, AIR 1989 SC 190. Essar Oil Ltd. v Halar Utkarsh Samiti and Ors., AIR 2004 SC 1834.

From whom can I get information?

The RTI Act applies to the whole country, across all the States and Union Territories (except the State of Jammu & Kashmir, which is not covered because of its special status under Article 370 of the Constitution).¹⁴ The RTI Act specifically spells out the government bodies from which you can and cannot get information. It even requires that bodies covered by the Act nominate specific officers who will be responsible for receiving and processing your requests.

The RTI Act gives you the right to access to information held by “public authorities”.¹⁵ Public authorities include bodies which are:

- Established or constituted by or under the Constitution;
- Established or constituted by a law of Parliament or a State Legislature;
- Established or constituted by a notification or order of the State or Central Governments;
- Owned, controlled or substantially financed by the State or Central Governments, including non-government organizations which receive substantial government funds.

While defining “public authorities”, the provisions of the Act were deliberately kept broad because it was essential that as many bodies as possible are brought within the scope of the law. In effect, all administrative levels of government are covered. This means that people can ask for information from Panchayats - Zila Parishads, Samitis/Mandal/Janpad Panchayats and Gram Panchayats -- municipalities, block development offices, sub-divisional offices, the District Collector/Deputy Commissioner's office, all government departments at the Secretariat level, armed forces, schools and colleges which are established, run and/or funded by the government, universities, public sector banks and public sector enterprises. The Act also covers non-governmental organizations, which are substantially financed by government funds. Therefore, where public monies are given to a private organization, that organization should be open to scrutiny from the public.

In the prison context, prisoners can file applications seeking information to state prison departments. The prisoner may address to a specific Prison or to the Department as well. The Department would then transfer the applications to applicable prisons and thereafter share the information after collating the responses.

Who do I approach to access the information?

To make the process for submitting an application, the RTI Act designates two different types of officials to handle requests in public authorities from the public. They are Public Information Officers (PIOs) and Assistant Public Information Officers (APIOs). PIOs are to be designated in all administrative units or offices, at the Central, State and local administration levels. They are responsible for receiving and processing applications.¹⁶ In cases, where the applicant is facing trouble in writing the application, it is the PIO's duty to assist them. Their names have to be prominently displayed on notice boards at all offices and made available on their respective websites.

The Act requires the designation of APIOs at the sub-divisional level, to forward applications to the relevant PIO at higher levels. This system has been put in place keeping in view that people living in places far away from government headquarters must not be dissuaded from submitting applications. The APIO has a duty to forward the application to the PIO within five days of its receipt. APIOs are not responsible for actually giving you the information because that is the primary responsibility of the PIO.¹⁷ However, if the information is easily accessible, they should log your application and provide the information to you as soon as possible.

¹⁴ Jammu and Kashmir is not covered because of its special constitutional status. The Jammu and Kashmir Right to Information Act enacted by the State Legislature in 2009 may be used to seek information from public authorities under the State Government. Residents of J&K may use the RTI Act, 2005, to access information from public authorities under the Central Government.

¹⁵ Section 2(h), Right to Information Act 2005.

¹⁶ Section 5(1), Right to Information Act, 2005.

¹⁷ Section 5(2), Right to Information Act, 2005.

For ease of access, the Central Government has designated APIOs in the Postal Department offices across the country, to forward applications related to all Central Government matters and forward these on to the relevant PIOs in different departments.¹⁸

In the prison context, since prisons is a state subject, every state prison department designates an officer as the State Public Information Officers (SPIOs) for each prison and the respective appellate authority for first appeal. At the prison level, generally the Superintendent of prison is the PIO/SPIO. A PIO and the first appellate authority are also designated for the state prison directorate/ headquarters.

Applicant can access the name and address of the PIO from the website of the prison department under the RTI section or Citizen's Charter.¹⁹ If the website is not operational, applicant may call the prison directorate/ headquarters.²⁰ If the applicant fails to find the contact details of the PIO, s/he may send the RTI request addressing to the PIO with the name of the specific department.

What information is accessible?

The RTI Act allows you access to a wide range of information in different forms. For example, you can use the Act to get hold of records, manuscripts, files, file notings, microfilm, microfiche, facsimiles, documents, memos, emails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data in electronic form, any material produced by a computer or any other device, and even information relating to a private body which a public authority can get under an existing law.²¹

Furthermore, you have the right to inspect records or works in person. For example, you can ask to physically inspect the register where the wages paid for the labor of the convict inside prison premises are recorded to ensure that the recording of the wages being paid to the convicts is according to the agreed upon wage rates in the State.²² Right to get certified copies or extracts of documents²³ and right to get certified samples of materials²⁴ have also been included.

Can RTIs also be filed to ask 'why' and 'how' questions to public authorities?

No, the applicant cannot seek information about the reason or motive for the decision of a public authority. The applicant may access information regarding the existing facts being held by the respective public authority.

Note: There is an exceptional procedure drawn out in cases where there is a concern for the life and liberty of a person when the information must be released within 48 hours of asking for the same.

Grounds for rejection

The Act has been path-breaking in creating the right to access to information, but there are still situations in which you may not be able to get access to information because it is considered sensitive by a public authority. Such information is "exempt" from being accessed, on the basis that making it public would cause more harm than good to the public. The Act spells out specific grounds²⁵ under which the information can legitimately be denied to you if:

- (a) disclosure would harm national security, scientific or economic interests of India or relations with a foreign State or lead to the incitement of an offence;
- (b) any court of law or tribunal has forbidden the information from being published or the release would constitute a contempt of court;
- (c) disclosure would cause a breach of privilege of Parliament or the State Legislature;

¹⁸ For a full list of Central APIOs within the Postal Department log on to the RTI portal set up by the Government of India at: <http://rti.gov.in>.

¹⁹ Website (Delhi- <http://www.delhi.gov.in>).

²⁰ Annexure VI.

²¹ Section 2(f) and 2(i), Right to Information Act, 2005.

²² Section 2(f)(i), Right to Information Act, 2005.

²³ Section 2(f)(ii), Right to Information Act, 2005.

²⁴ Section 2(f)(iii), Right to Information Act, 2005.

²⁵ Section 8(1) and Section 9, Right to Information Act 2005.

- (d) the information is confidential commercial information, trade secrets or intellectual property or giving it out would harm the competitive position of a third party (such as the company that provided it to the public authority);
- (e) the information is available to a person because he has a fiduciary relationship with another person (such as a doctor/patient or lawyer/client relationship);
- (f) the information has been given by a foreign government in confidence;
- (g) disclosure would endanger the life or physical safety of a person;
- (h) disclosure would impede the process of criminal investigation or apprehension or prosecution of offenders;
- (i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers, although information should be released after a decision is made;
- (j) the information requested is personal information, the giving out of which has nothing to do with any public activity, or which would cause an unwarranted invasion of the privacy of the individual; (k) disclosure would infringe the copyright of a body other than the State.

These exemptions are not absolute. Even where the information you have requested is covered by an exemption, if the public interest in disclosure outweighs the harm against which the exemptions are protecting, then it should still be released.²⁶ Further, exempt information can in certain cases have a shelf life and may not be exempt forever. Sometimes, once a bit of time has passed, releasing the information will no longer cause any kind of harm. The RTI Act allows you to request information about any event, occurrence or matter after 20 years, even though at one time or another it may have been covered by one or more exemptions.²⁷

²⁶ Known as the “public interest override”. Section 8(2), Right to Information Act 2005.

²⁷ Section 8(3), Right to Information Act 2005.

CHAPTER III | HOW RTI CAN ASSIST IN CITIZEN OVERSIGHT

The Right to Information is not a solution, but a first step.

To make considerable strides in promoting prison reforms or seeking accountability in individual cases or processes, there are a host of issues that may be assessed which affect prisoners routinely. Some such areas where RTI can be effectively utilized can be regarding the living conditions of inmates, the status of healthcare in detention (especially for the physically and mentally challenged prisoners), the plight of children of women prisoners, causes of delay in the repatriation of foreign nationals after they have completed their sentences, outreach and effectiveness of legal aid in jails, constitution of prison oversight mechanisms such as the board of visitors and undertrial review committees, information on deaths in custody, etc. These are only some of the many concerns that require immediate attention and advocacy in the context of prisons. This chapter provides guidance on how one can file RTI requests to procure such information.

i) Frequently Asked Questions about the RTI process

Q: Who is covered under the Right to Information Act, 2005?

A: The Act extends to the whole of India except the State of Jammu & Kashmir [Section 1].

Q: Who can ask for information under RTI?

A: Any citizen can ask for information under these laws. The Act extends to the whole of India except the State of Jammu & Kashmir. OCIs (Overseas Citizens of India) and PIOs (Persons of Indian Origin) card holders can also ask for information under the RTI Act. For citizens, OCIs and PIOs who are staying outside India, the RTI application can be filed with the PIO of the local Indian Embassy/Consulate/High Commission and they will inform you about the application fee in local currency as well as the mode of payment.

Q: Whom to ask the question? Or who is the public authority?

A: You can table your inquiry either to the district authorities/State agencies/Ministry of Home Affairs and/or central institutions, depending on the information you are seeking. For focused intervention, it is advised to keep your inquiries limited to one area or theme of investigation. For example, asking district authorities about the details of undertrial prisoners and their period of detention for a specified time-frame can be used to highlight the problem of overcrowding in that district.

Q: How can one find out the name and contact details of the concerned Public Information Officer?

A: The details of the Public Information Officer (PIO) of a concerned department are often available on the department's official website. Sometimes, the State Information Commission's official website may also contain the list of PIOs for all the departments of the State Government. If you are unable to find out the details of the PIO, you can call the relevant department and ask for their details.²⁸

Q: Which language should the RTI application be in?

A: Although there is no language specification, it is always better to use the regional language. If it is not

²⁸ Supra Note 19.

possible to prepare the application in the regional language, then one can opt for English/Hindi. However, there is no guarantee that the responses will be in the same language as your application.

Q: Does the application need to be in a specific format?

A: As per the RTI rules are made by the States; each State has its own preference. Some States do not require a particular format for the applications, while others may provide specific formats in their RTI rules. It is advisable to go through the rules of the relevant state before drafting your application. These rules are usually available on the website of the state information commission.

Q: Does one mandatorily need to pay using the Indian Postal Order?

A: The Indian Postal Order is just one way to make your payment. Other modes of payments are cash, bankers cheques, court fees, non-judicial stamp paper, demand draft or treasury challan. Note that the mode of payment is specified in the RTI rules of all the states and union territories. The amount may vary from state to state, requiring you to go through the state RTI rules very carefully.

Q: How much information can be asked for?

A: Although there is no specified limit, if the PIO is of the view that the information asked for is “voluminous” then he can choose not to send photocopies. Instead, he will request you to physically inspect the records. Even if the information is not considered voluminous by the concerned authority, it may be so for you. Therefore, when filing your application, bear in mind the available human resources and infrastructure so that you can easily collate and analyze the information once you’ve received them.

Q: What is the fee for an RTI applicant who is Below Poverty Line (BPL)?

A: There is no reason why a prisoner should be exempt from fee payment requirement. If the prisoner belongs to the BPL category, they are not required to pay a fee. However, they should submit a proof in support of their claim to belong to the category.

Q: Is there any assistance available to the applicant for filing an RTI application?

A: If a person is unable to make a request in writing, they may seek the help of the Public Information Officer to write their application and the PIO should render them reasonable assistance with free of cost. Where a decision is taken to give access to a sensorily disabled person to any document, the PIO shall provide such assistance to the person as may be appropriate for inspection.

Q: Is there any provision for exemption from disclosure of information?

A: Sub-section (1) of section 8 and section 9 of the Act detail the types of information exempt from disclosure. Sub-section (2) of section 8, however, provides that information exempted under sub-section 3 (1) or exempted under the Official Secrets Act, 1923, can be disclosed if public interest in disclosure overweighs the harm to the protected interest.

Q: What is ‘third party’ information?

A: ‘Third party’ in relation to the Act signifies a person other than the citizen who has made the request for information. The definition of third party also includes a public authority other than the public authority to whom the request has been made. In the prison context, a prisoner may file an RTI to seek information regarding a contract between the prison administration and a public authority like the Sanitation Department, Public Works Department and such others. This could be with respect to their maintenance activities inside prison premises.

Q: What is ‘Proactive Disclosure’? What are the categories of information which must be proactively disclosed?

A: Right to Information laws not only require governments to provide information upon request, they also impose a duty on public bodies to actively disclose, disseminate and publish, as widely as possible,

information of general public interest even before it has been requested. This has a number of positive effects:

- It minimizes the time, money and effort required by the public to access important but routine information;
- It helps people to better understand what information they can access and how and where to seek it;
- It reduces the overall number of individual requests that bureaucrats have to process, thereby reducing the administrative burden on government of implementing access to information laws.

The Act has a comprehensive proactive disclosure provision which sets out a list of 17 categories of information which have to be proactively disclosed by all public authorities.²⁹ At a basic level, it requires every public authority to routinely disclose information about its functions, decision-making norms, documents held, employee contacts, and budgets.³⁰ It goes further though, and even requires regular disclosure of information about subsidy schemes (including details of beneficiaries) and the recipients of licenses, concessions and permits. Considering the amount of corruption in these areas, it is hoped that greater transparency will result in greater accountability.

ii) Steps to be taken before filing an RTI

Before filing a Right to Information application to seek access to information held by a particular public authority, it is wise to first answer a few questions oneself before proceeding. Below is a checklist which can guide you in the process.

Questions all information seekers must address before filing an RTI request:

1. Have I framed the questions, clearly without any ambiguity, that I would like to ask? If my questions pertain to more than one department, have I drafted separate applications for such departments? ☐
2. Is the question already answered under the proactive disclosure guidelines under Sec 4 (1)(b)? ☐
3. Have I addressed my RTI to the correct department of the concerned public authority? ☐
4. The public authority is not exempted under Section 24 of the RTI Act? ☐
5. Have I found who the Public Information Officer is? ☐
6. Is the address of the department on the application correct? ☐
7. Is there a format for filing the RTI for the particular department? ☐
8. Have I followed the format? ☐
9. Have I complied with the mode of payment when filing the RTI? ☐
10. Have I found out about the application fee? ☐
11. If required, have I attached my passport sized photograph? ☐
12. Have I enclosed a copy of a self attested identity proof along with my application? ☐
14. Are my questions valid, short, direct and do not ask for reasons? ☐
15. Have I mentioned the declaration at the end of the application? ☐

²⁹ Sec 4(1)(b).

³⁰ Department of Tihar Prisons (Delhi) has information relating to legal aid and role of relevant authorities, role of jail adalats, complaint redress mechanism to be followed by the prisoners; West Bengal Correctional Services carries information on rules on healthcare and welfare, rights and duties of prisoners, rules on accommodation, work conducted by prisoners; and Rajasthan Prisons Department has information relating to rules on bail, rules and information on legal aid, educational opportunities and recreational activities available to the prisoners.

16. Have I signed the application before sending it? ☐
17. I am a BPL (below poverty line) category applicant, I am exempt from paying the application fee. ☐
18. Have I made a special mention of the appropriate provisions in the Jail Manual/CrPC/Legal Services Authority Act/MHA order or advisory/JJB Act, or any other information sought? ☐
19. Have I adhered to the word limit which is prescribed for certain states ³¹? ☐
20. Have I specified the time period (if any) for which I require this information? ☐
21. Have I mentioned my contact details (name, address, email, fax, phone number) clearly for the PIO to respond to my application?

iii) Steps to be taken after filing the RTI

One of the crucial things to do after filing an RTI application is to follow up. Being organized and persistent is the key to a successful application. One should prepare a timetable flagging important dates and plan of action. Make a note of the following:

- a) Date on which the application was sent;
- b) Probable date of receipt by the concerned department;
- c) Time period/date on which to expect a response;
- d) When to file the first appeal;
- e) When to file a second appeal or file a complaint with the department/State Information Commission.

Set reminders for the relevant dates. If an application has not yielded the desired information within the stipulated time frame, then proceed to the appeals stage immediately and follow up. Even a day's miscalculation can lead to loss of information.

To assist you in this task, you may utilize the following checklist to follow up on the replies and the timeliness of the replies being provided:

1. Have I put a reminder on date for my first appeal?
2. Can my application get rejected, If so, on what grounds?
3. On rejection, can I submit an application again? If so, what is the procedure?
4. If rejected, can I continue to pursue the authority to give access to information?
5. What if I do not get a satisfactory response within the prescribed time even though my application was valid?
6. What if I do not get any response to my first application? What is the procedure for the first and second appeal?
7. In any event, if I do not get a satisfactory response after multiple appeals, can I file a complaint? If so, where and how?
8. When partial or incomplete information is received, appeal may be preferred.
9. If for any reasons, I fail to file the first appeal within the stipulated time, have I attached a letter of condonation?

³¹ Chhattisgarh, Maharashtra, Uttar Pradesh.

10. During this stage, it is advisable to utilize a tracker³² to follow up on the receipt of an unsatisfactory response or non-receipt of response. The tracker will act as a reminder for the timely filing of first appeals, second appeals/ complaints to the Information Commissions.

iv) A step-by-step guide for filing a Right to Information application

Identify the department

File an RTI keeping in mind that some cases may fall under State department, while others may fall under the Central government and yet others can fall within the ambit of the local authority.

Writing an application

Write out the application by hand or type it in English, Hindi or the official language.

Public Information Officer

Identify the State/Central Public Information Officer/Assistant Public Information Officer.

Request for documents

Request in the form of specific, detailed questions, and mention the period/year your request falls into.

Pay the Fees

Pay the requisite fee to file the RTI, using either money order, court fee stamp, non-judicial stamp paper, bank draft or cash as mentioned in the State information laws.

Contact details

Provide your full name and address, contact details, email address and sign the application clearly.

Photocopy

Take a photocopy of the application along with receipt of the application fee.

Information

Allow 30 days for the department to process the RTI application.

First appeal

First appeals have to be filed within 30 days of the expected response date of RTI application.

Second appeal

The second appeal has to be filed within 90 days of expected response of the first appeal.

Chief Information Commissioner, State/Central Information Commission

If the Appellate authority fails to reply, further appeals lie with the Information Commission.

v) Filing RTI applications online

At present, only the Central government and a few State government departments have offered the facility to file RTI applications online. Additionally, there are many independent websites too³³ that let you file your application online. They charge you a nominal amount for which they draft your application and send it to the relevant department. This can be preferred if you want to send an RTI application without having to worry about particulars of the concerned department.

Some features of www.rtionline.gov.in/, which is the Central government online portal to file RTI requests are below:

1. This Web Portal can be used by Indian citizens to file RTI application online and also to make payment for RTI application online. First appeal can also be filed online.
2. An applicant who desires to obtain any information under the RTI Act can make a request through this Web Portal to the Ministries/Departments of Government of India.
3. On clicking at “Submit Request”, the applicant has to fill the required details on the page that will appear.

The fields marked * are mandatory while the others are optional.

4. The text of the application may be written at the prescribed column.
5. At present, the text of an application that can be uploaded at the prescribed column is confined to 3000 characters only.
6. In case an application contains more than 3000 characters, it can be uploaded as an attachment, by using column “Supporting document”.
7. After filling the first page, the applicant has to click on “Make Payment” to make payment of the prescribed fee.
8. The applicant can pay the prescribed fee through the following modes:
 - (a) Internet banking through SBI and its associated banks;
 - (b) Using credit/debit card of Master/Visa;
 - (c) Using RuPay Card.
9. Fee for making an application is as prescribed in the RTI Rules, 2012.
10. After making payment, an application can be submitted.
11. No RTI fee is required to be paid by any citizen who is below poverty line as per RTI Rules, 2012. However, the applicant must attach a copy of the certificate issued by the appropriate government in this regard, along with the application.
12. On submission of an application, a unique registration number would be issued, which may be referred by the applicant for any references in future.
13. The application filed through this Web Portal would reach electronically to the “Nodal Officer” of concerned Ministry/Department, who would transmit the RTI application electronically to the concerned CPIO.
14. In case additional fee is required representing the cost for providing information, the CPIO will intimate the applicant through this portal. This intimation can be seen by the applicant through Status Report or through their e-mail alert.

33 Add examples of these websites – links – <https://rtionline.gov.in/>, <https://www.filerionline.in/>, <https://onlinerti.com>, <https://www.indiafilings.com/learn/file-rti-online/>.

15. For making an appeal to the first Appellate Authority, the applicant has to click at “Submit First Appeal” and fill up the page that will appear.
16. The registration number of original application must be retained for reference.
17. Filing of first appeal depends on State RTI rules.
18. The applicant/the appellant should submit his/her mobile number to receive SMS alert.
19. Status of the RTI application/first appeal filed online can be seen by the applicant/appellant by clicking at “View Status”.
20. All the requirements for filing an RTI application and first appeal as well as other provisions regarding time limit, exemptions etc., as provided in the RTI Act, 2005 will continue to apply.

Note: Only alphabets A-Z or a-z and numbers 0-9 and special characters , . - _ () / @: & \ % are allowed in the text column in the online RTI request application.

vi) Collating and documenting the information received

Where the information requested relates to an individual or one single aspect, there may be no need to devise mechanisms to collate it. It would be fairly easy to document it as a question and answer. For instance, for a convict wanting to know the details of the constitution of the State Sentence Review Board, the number of their sittings and statistics related to their recommendations and cases reviewed, the reply would contain the details of the Board members, the number of cases reviewed and the number of cases recommended.

However, where individuals or organisations intend to gather information from multiple states or districts on one particular issue or multiple issues, one must put in place trackers or mechanisms to monitor the vast volumes of data that will be received over time. For instance, if a researcher intended to study whether the Review Boards have been established in all states, their members, the number of sittings and cases reviewed and recommended, the replies would need to be tracked because of the sheer volume of the data that will have to be navigated.

When applications are filed to access information held with various public authorities, the applicant is often inundated with responses. Prompt, clear and standard expressions used for collating data must be agreed upon, which helps in understanding patterns in the information received. With markers in place for easier reading of data, it also helps in data mining and data projection in line with the target queries at the start of the process.

The availability of human capital and infrastructure is also critical in the management of data and information. It is advisable that organizations that are short-staffed and undertake time-bound smaller projects rather than ending up overwhelmed with too much information and no human resources to collate, analyze it properly.

After the data is collated, the applicant may analyze the data to decipher patterns. The data may point towards gaps, inefficiencies or even violations, and thus needs to be well documented. This can then be analyzed and compiled as a report or submission with recommendations on actions to be taken to check any violations or fill any gaps. For instance, if a researcher has information that claims that among 50 prisons in a given state, five do not have established Jail Legal Aid Clinic (as is mandated under the Regulations), this information can be shared with relevant stakeholders to seek for compliance of the Regulations, and therefore, assist in setting them up.

vii) Learning by example: How CHRI tracked and evaluated responses

At CHRI, we believe a person behind bars is not beyond justice. Hence, we aim to cure the malaise the system suffers from. We strive to ensure that legal safeguards reach out to the last person in the queue – the prisoner, by increasing transparency of a traditionally closed system and holding the stakeholders

accountable for the gaps. We stress monitoring of prison conditions, enhancement of legal aid practices, reform of prison management and foster cooperation between the various agencies of the criminal justice system in particular, the judiciary, lawyers, probation officers, prison administration and police. From time to time, we use the Right to Information (RTI) to question various agencies of the criminal justice system. We seek to achieve our goals through research, legal analysis and advice, advocacy, capacity building and network building. Over the years, we have worked in different parts of the country because in India prison is a state subject. We concentrate on monitoring demonstration projects on legal aid, court practices and jail reforms.

Most advocacy planning and intervention at CHRI is driven by information and data analysis. For instance, for a particular report that we worked on, before setting out to document and analyze the information collected, CHRI identified a set of indicators to help evaluate its RTI processes and data. Four such key indicators were identified to help monitor and evaluate the information it sought and received³⁴, which were: the nature of the response, communication issues, knowledge gaps and obstacles.

Nature of Response: This indicator measured the responses CHRI did or did not receive. This section was further sub-categorized into a) time of response, b) speed of response, and c) completeness of response. The time factor assessed whether the response was received after the application or whether an appeal was necessary to obtain the desired information. The speed factor assessed whether the response was received within the stipulated 30-day frame allowed under the law. The final indicator took into consideration whether the information received was complete or not. And in cases where information was denied, whether the grounds were clearly laid down and reasons attached.

Communication Issues: This indicator helped assess elements such as language barriers, level of communication or miscommunication, misinterpretation, and the degree of proactive disclosure practiced by the authorities.

Knowledge Gaps: This helped evaluate CHRI's knowledge gaps as well as the limitations of the authorities it sought information from.

Obstacles: This indicator helped identify the hurdles faced by CHRI in the entire RTI process. This section was sub-divided into a) obstacles faced due to complex network of prisons-police-judiciary, b) problems faced due to discrepancy in responses to set rules and regulations, formats, payment methods, word limits (e.g. Chhattisgarh and Maharashtra has a stipulated word limit of 150 words for filing an RTI) and c) hurdles due to limited access to information and/or complete lack of information d) Challenges of tracking RTIs esp. when filed for all states/ UTs – state-level authority transferring to district level bodies, when only partial information given, different payment methods for extra amount to be paid, etc.

The above indicators were divided into sub-categories to help ease the assessment of institutional responses that varied from prison to prison. The grid at the end of the brief offers a glimpse into how CHRI proceeded with tabulating institutional responses. The grid helped track the experiences it had with the use of the RTI, and enabled it to shape its analyses and future intervention. For instance, while analyzing the applications and their replies, we realized that certain actions were completed by following appropriate steps and rules, but there were also some things that could have been improved upon. The learning is thus based on organizational experience and CHRI hopes that this handbook can guide those working on penal reforms on using RTI in the prisons.

* One can rely on the concerned state's RTI rules for answers about the format and fee.

Tips

1. A good RTI application must be very simple. It is the list of questions you need the answers for.
2. If you need a lot of information, it is advisable to write the questions in a crisp and clear manner for the PIO to understand. It may even be advisable to file multiple RTIs if you need a lot of information.
3. Keep the period of information minimal.

³⁴ Each of these indicators are then further subdivided into sub-indicators.

4. Check and recheck your RTI application before sending it to the PIO.
5. Don't demand explanations and don't level allegations in the RTI.

CHRI STORIES

1. Legal Aid Reforms

Among the categories eligible to seek legal aid from the State, persons in custody form a vulnerable category due to their limits of physical accessibility and communication gaps. Over time, CHRI filed RTIs to assess the status of the provision of legal aid services to persons in custody. These replies have provided proof of significant growth in the creation of access to legal aid for persons in custody within prisons. With time, our RTI applications have also received information about the personnel manning these legal aid clinics in prisons, the frequency of their visits, maintenance of requisite documentation and registers, as well as about legal awareness resources shared. This information showed the steady increase in penetration of access to legal aid for persons in custody.

Recently, CHRI launched its first national report on access to legal aid by persons in custody³⁵ for which also extensive RTIs were filed and the data received from 29 states and Union territories (<http://www.humanrightsinitiative.org/publication/hope-behind-bars-status-report-on-legal-aid-for-persons-in-custody>) was collated and analysed. The recommendations of the report had acceptance by the legal services institutions, especially the National Legal Services Authority which has led to many new initiatives like putting in place a manual for the working of legal aid lawyers in the capacity of jail visiting lawyers, working of the monitoring committee among many others.”

2. Speedy Repatriation of Foreign National Prisoners

CHRI filed regular RTI requests every year from 2009-2013 to collate the number of Bangladeshi nationals that were in prisons in West Bengal beyond their imprisonment terms. Armed with this information, CHRI approached the Calcutta High Court to ensure that such persons do not remain behind bars. The court intervened and passed directions for prompt repatriation for such persons.

3. Foreign Nationals in Indian Prisons

We also filed an RTI to get information on foreign national prisoners. Many states rejected our requests or provided partial information, but several others readily provided information in its entirety. We filed appeals and received favorable orders in many states as well. The data collated from all these activities facilitated our advocacy for the rights of foreign national prisoners in India with regard to consular access, early nationality verification and quick repatriation upon completion of sentence. Though it is embedded in the law that a foreign national shall have consular access at the time of admission into prison, in practice that is not the case. In fact, in several instances, the inmate goes through trial, sentencing and beyond because this information is not communicated to the embassy. Hence, this tool has helped greatly in ensuring rights to those behind bars.

4. Strengthening Prison Oversight

The Prison Visiting System, mandated under the Prisons Act 1894, statutorily requires the constitution of a Board of Visitors to oversee prison conditions and treatment of prisoners through a set of Official Visitors and Non-Official Visitors (NOVs) drawn from civil society and from significant professions and services. The BOVs are mandated to carry out certain inspectorial and grievance redressal functions in the closed environment of prisons and report back to the government. CHRI believes that independent monitoring of prisons must be ensured and through evidence building and untiring advocacy, it has maintained a vigil on the functioning of this significant prison oversight mechanism.

In its national report titled *'Looking into the Haze: A Study on Prison Monitoring in India'* (2016), CHRI studied this mechanism and found that not even 1% of jails are monitored according to law. The findings

³⁵ <http://www.humanrightsinitiative.org/publication/hope-behind-bars-status-report-on-legal-aid-for-persons-in-custody>

of this RTI based report were mentioned in the Supreme Court by the *amicus curiae* in the ongoing writ petition *Re-inhuman Conditions in 1382 Prisons*, which led to the court passing a direction in May 2017 to all state governments to, “take immediate steps to appoint a Board of Visitors who can visit jails and suggest remedial measures to improve the conditions of the prisoners – convicts as well as under trial prisoners.” It was reiterated by the 15 September 2017 order when the court directed the states to constitute Board of Visitors in a time bound manner and laid down the importance of independent prison oversight, “The constitution of a Board of Visitors which includes non-official visitors is of considerable importance so that eminent members of society can participate in initiating reforms in prisons and in the rehabilitation of prisoners.”

5. Checking Unnecessary Detention

- (i) **Rajasthan’s Periodic Review Committees** – We have been monitoring the functioning of Periodic Review Committees in Rajasthan, through the RTI Act, since 2009-10. In 2013, a state-level consultation of all the Chief Judicial Magistrates was organised under the aegis of the High Court. In 2013-14, the prison department issued a number of directives to officer in-charge of all prisons to convene these meetings. As a result, PRCs became more regular than before and the periodicity of meetings increased from 26.3 per cent in 2009-10 to 53% in 2014-15. Most importantly, the Committees made considerably more recommendations than earlier to release people who were in custody despite being eligible for bail as a right; charged with petty offences; and those living in jail for an inordinately long period. Moreover, since mid-2015 the prison department had begun to proactively disclose information on meetings and number of cases taken up for review.
- (ii) **Undertrial Review Committees** – The Undertrial Review Committee (UTRC) is a district level oversight body headed by a judicial officer and mandated to review and recommend release in cases of petty offence, long detentions, and in cases where statutory bail is ordained. UTRCs were established by the Supreme Court in April 2015 as part of the writ petition *Re-inhuman Conditions in 1382 Prisons*.

Using the Right to Information Act, CHRI, in November 2015 pushed on to investigate the functioning of the committees in the first six months of the order of the court. Through our national report, we showed that 60% of the committees did not hold the required quarterly meetings and 85% did not comply with the laid down mandate. The findings were presented to the National Legal Services Authority (NALSA) and the Supreme Court. This led NALSA to initiate drafting the Standard Operating Procedure (SOP) on the functioning of the committees.

ANNEXURES

Annexure I: APPLICATION FORMAT

Right to Information Act-2005

Application for Information

To,

Central/State Public Information Officer,

(Name & Address of CPIO/SPIO)

Subject: Application under-Section 6(1) of Right to Information Act- 2005.

Particular of information required:

Applicant Name:-----

Father's/Spouse Name:-----

Category (SC/ST/OBC):-----

Below Poverty Line (BPL) (Write Yes or No) :-----

Postal Address :-----

Phone/Mobile No: ----- (if available)

e-mail Id: ----- (if available)

Date: -----

Place: -----

List of enclosures:

Signature of Applicant

Note: Strike out whichever not applicable

Select either CPIO (Central Public Information Officer) or SPIO (State Public Information Officer) in your application

Annexure II: APPEAL FORMAT

PROFORMA OF FIRST APPEAL UNDER SECTION 19(1) OF THE RIGHT TO INFORMATION ACT, 2005.

I.D. No _____

(for official use)

To

(Name & address of the Senior Officer acting as First Appellate Authority).

1. Name of the Applicant :
2. Address of the Applicant :
3. Particulars of the Central/
State Public Information Officer: (a) Name :
(b) Address:
4. Date of submission of application for seeking information :
5. Date on which 30/35/40 days from submission of application are over:
6. Reasons for appeal:
(Please indicate separately for each question)
(a) No response received within the specified period:
(b) Aggrieved by the response received within the specified period
(c) Grounds for appeal
7. Last date for filing the appeal :
8. Particulars of Information
(a) Information requested
(b) Subject
(c) Period
9. A fee of _____ for appeal has been deposited in _____ vide Receipt no _____
Dated _____ (only if applicable)

Place _____

Date _____

Signature of Appellant

E-mail address, if any _____

Tel. No. (office) _____ (Residence) _____

Please attach:

- (a) Copy of RTI application.
- (b) Copy of the response received from CPIO with which the appellant is aggrieved.

Annexure III: APPEAL/COMPLAINT FORMAT

The Right to Information Act, 2005 before

CENTRAL INFORMATION COMMISSION

August Kranti Bhavan, Bhikaji Kama Place, NEW DELHI 110066

Appeal / Complaint No. _____ dated _____
[For office use only]

As I am aggrieved by decision/no decision of Central Public Information Officer and/or First Appellate Authority, I hereby file this appeal/complaint for your kind decision.

1. Details of appellant/complainant
 - 1.1 Full Name:
 - 1.2 Full Address:
 - 1.3 Phone/Cell No.:
 - 1.4 Email ID:
2. Details of CPIO:
 - 2.1 Name/Designation:
 - 2.2 Full Address:
 - 2.3 Name of Public Authority:
3. Details of First Appellate Authority [FAA]:
 - 3.1 Name/Designation of the FAA:
 - 3.2 Full Address of FAA:
4. Dates of RTI application/first appeal:
 - 4.1 To CPIO: _____ & mailed on: _____
 - 4.2 To FAA: _____ & mailed on: _____
5. Particulars of Decisions:
 - 5.1 Reference No & Date of CPIO's Decision:
 - 5.2 Reference No & Date of FAA's Decision:
 - 5.3 Date/s of personal hearing by FAA:
6. Dates of receipt of replies by appellant/complainant from:
 - 6.1 CPIO:
 - 6.2 FAA:
7. Details of information sought:
8. Brief facts of the case:
9. Reasons/grounds for this appeal / complaint:
10. Any other information in support of appeal/complaint:
11. Prayer/relief sought for:

12. Grounds for prayer/relief sought for:

13. Personal Presence at hearing: YES / NO

14. Declaration:

I hereby state that the information and particulars given above are true to the best of my knowledge and belief. I also declare that this matter is not previously filed with this commission nor is pending with any Court or tribunal or authority.

Place

Date

Signature of appellant/complainant

INDEX OF APPEAL/COMPLAINT

of Mr. _____ dated _____ with CIC

1. Particulars Page Sr. No. from/ to
2. Original second appeal
3. Chronology chart of RTI application
4. Copy of RTI application dtd _____ with its enclosures.
5. Copy of proof of mailing RTI application
6. DD/IPO/PS/Cash receipt for filing fees and other charges.
7. Copy of first appeal dtd. _____ with its enclosures
8. Copy of proof of mailing first appeal
9. Postal A.D. card/Acknowledgement letter, received from CPIO & FAA
10. Copy of decision of CPIO dated _____
11. Copy of decision of FAA dated _____
12. Proof of mailing complaint/second appeal to CPIO and FAA
13. Other documents in support of second appeal

Place

Date

Signature of appellant/complainant

Annexure IV: ONLINE RTI FORMAT

Online RTI Request Form

Note: Fields marked with * are Mandatory.

Public Authority Details :-

Search Public Authority

Type name or part of name of public authority

* Select Ministry/Department/Apex body	--Select--
* Select Public Authority (Your Request will be filed with this selected Public Authority)	--Select--

Personal Details of RTI Applicant:-

*Name	
*Gender	Gender <input type="radio"/> Male <input type="radio"/> Female <input type="radio"/> Third Gender
* Address	
Pin code	
Country	<input checked="" type="radio"/> India <input type="radio"/> Other
State	--Select--
Status	<input type="radio"/> Rural <input type="radio"/> Urban
Educational Status	<input type="radio"/> Literate <input type="radio"/> Illiterate
Phone Number	+91
Mobile Number (For receiving SMS alerts)	+91
* Email-ID	e.g user@domain.com
* Confirm Email-ID	

Request Details :-

Citizenship (Only Indian citizens can file RTI Request application)	Indian
* Is the Applicant Below Poverty Line ?	--Select--

(Enter Text for RTI Request application upto 3000 characters)

Note:- Only alphabets A-Z a-z number 0-9 and special characters , . _ () / @ : & \ % are allowed in Text for RTI Request application.

* Text for RTI Request application	
Supporting document (only pdf upto 1 MB)	Choose File No file chosen
* Enter security code	269252 Refresh
Submit	Reset

Annexure V: DATABASE OF PIOS AND APPELLATE AUTHORITIES – HOME DEPARTMENT

1. Public Information Officer / Assistant Public Information Officer

Public Information Officer

Public authorities have designated some of its officers as Public Information Officer. They are responsible to give information to a person who seeks information under the RTI Act.

2. Assistant Public Information Officer

These are the officers at sub-divisional level to whom a person can give his RTI application or appeal. These officers send the application or appeal to the Public Information Officer of the public authority or the concerned appellate authority. An Assistant Public Information Officer is not responsible to supply the information.

The Assistant Public Information Officers appointed by the Department of Posts in various post offices are working as Assistant Public Information Officers for all the public authorities under the Government of India.

A) Database on PIOs / Appellate Authority - Home Departments

Name of the PIO	Name of the appellate authority
Additional Secretary / Joint Secretary	Principal Secretary

3. First appellate authority

The first appeal lies within the public authority itself which is made to an officer designated as the First Appellate Authority by the concerned public authority. The first Appellate Authority happens to be an officer senior in rank to the CPIO.

4. Central Information Commission, Second Appellate Authority

If the first appellate authority fails to pass an order on the appeal within the prescribed period or if the appellant is not satisfied with the order of the first appellate authority, he may prefer a second appeal with the Central Information Commission within ninety days from the date on which the decision should have been made by the first appellate authority or was actually received by the appellant.

Annexure VI: DATABASE OF PIOS AND APPELLATE AUTHORITIES – PRISON DEPARTMENT (STATE WISE)

S.no.	State	Public Information Officer	Application format	Application fee and mode of payment	First Appellate Authority	Application fee to First / Second Appellate Authority
1	Andaman & Nicobar Islands	Superintendent Office of the Superintendent, Andaman & Nicobar Islands prisons department, District jail, Prothrapur, South Andaman, Port Blair-744103	Form 'A'	Rs 10 IPO	Inspector General (Prisons)	Not required
2	Andhra Pradesh	Inspector General of Prisons Andhra Pradesh, Andhra Pradesh Prisons Department, Chanchalguda, Hyderabad- 500024 Andhra Pradesh	There is no prescribed format for first appeal Format for second appeal required	Rs 10 Indian Postal Order / demand draft / Cash against receipt	Director General of Prisons & Correctional Services, Andhra Pradesh,	Not required
3	Arunachal Pradesh	Superintendent of Prison Arunachal Pradesh Prisons Department Directorate of Prisons, JHQ Jolly, Arunachal Pradesh, Itanagar -791113	Form 'A'	Rs. 50/- through DD /IPO/ Bankers Cheque/ Treasury Challan under head of account 0056 Jail	Inspector General of Prison Directorate of Prisons, Arunachal Pradesh	First Appeal to Appellate Authority - Rs. 50
4	Assam	DIG of Prisons (HQ), Assam, Assam Prisons Department, Headquarters, Khanapara, Guwahati-22	There is no prescribed format for first appeal and second appeal	Rs 10 IPO	Inspector General of Prisons, Assam, Assam Prison	Not required
5	Bihar	Joint Secretary cum Director Home (Jail) Bihar Prisons Department Department, Old Secretariat, Patna – 800 015, Bihar	Form 'A'	Rs 10 IPO, Cash, DD, Payment Order, Non-judicial stamp paper	Inspector General of Prisons and Correctional Services	Rs.10
6	Chandigarh	Deputy Superintendent Jail cum CPIO, Model jail, Chandigarh sector 51, Burail, Chandigarh	There is no prescribed format for first appeal and second appeal	Rs 10 Cash, DD, Cheque, IPO	Additional Inspector General of Prisons, Model jail Chandigarh sector 51, Burail, Chandigarh	Not required
7	Chattisgarh	Law Officer Chattisgarh Prisons Department Office of the Director General of Prisons Prisons & Correctional Services, Near central jail Raipur, Jail Road, Chattisgarh, Raipur	There is no prescribed format for first appeal and second appeal	Rs 10 Registry challan / IPO/ Non Judicial Stamp / Money Order, DD and banker's Cheque	Deputy Inspector General of prisons	First Appeal to Appellate Authority - Rs. 50

8	Dadra and Nagar Haveli	The Superintendent Dadra and Nagar Haveli Prisons Department Office of the Mamlatdar Opp. Treasury office, Dadra and Nagar Haveli Silvassa-396230	FORM-1-A	Rs 10 Cash against receipt/ demand draft / banker cheque/ Indian postal order	Inspector General (Prisons)	Not required
9	Daman and Diu	Superintendent Daman and Diu prison department Collectorate Building, at Dholar, Moti Daman - 396 220, Daman and Diu	There is no prescribed format for first appeal and second appeal	Rs 10 Court fee / Treasury challan	Collector /Inspector General Prisons, Daman	Not required
10	Delhi	Superintendent (PHQ-I), Tihar Prisons, Office of the Director General (Prisons), Prisons Headquarters, Tihar, New Delhi	There is no prescribed format for first appeal and second appeal	Rs 10 through IPO / Demand draft / Cheque (All in favour of DDO, Prison Headquarter, Delhi)	Additional Inspector General Prisons	Not required
11	Goa	Superintendent Goa Prisons Department Collector of North Goa, Dist. Panaji, Goa – 403 001	NA	Rs 10 Court fee / demand draft / banker cheque	Addl. Inspector General of Prisons	Not required
12	Gujarat	Superintendent(PHQ-I) Gujarat Prisons Department, Office of the Addl. D.G.P. & I.G. of Prisons, Gujarat State, 'Jail Bhavan', Near Subhash Bridge Circle, Ahmedabad	Form A	Rs 20 Cash, demand draft, pay order, Non-Judicial stamp, stamping through franking, Electronic stamping, Court fee stamp, Judicial stamp paper, IPO, revenue stamp, Challan credited in the Government Treasury	Inspector General of Police (Prison)	Not required
13	Haryana	Chief Probation Officer Haryana prisons department O/o DG Prisons, Panchkula	Form A	Rs 10 cash against proper receipt/ Bank draft/ IPO, treasury challan	Additional Director General of Prisons Haryana	Not required
14	Himachal Pradesh	Public Information Officer- Cum- Chief Welfare Officer, Himachal Pradesh prisons department , Office of the DG of Prisons and Correctional Services, HP Shimla-9	Form A (See rule 3(1))	Rs 10 IPO, DD, Challan	Superintendent of Police (Prisons),	Not required
15	Jharkhand	Superintendent Jharkhand Prisons Department T.A. Division Building, Near Goal Chakkar, H.E.F., Dhurwa, Ranchi Jharkhand – 834 001	Format for filing RTI application – Form A (See rule 3(1)) Format for filing first appeal – Form G (see rule 6(1))	Rs 10 through Postal order / IPO	Inspector Genral Prisons, Jharkhand Ranchi	Not required

16	Karnataka	Addl. Inspector General of Prisons Office of the ADGP & IG Prisons Bengaluru 4, Seshadri Road, Bangalore 560 009, Karnataka, India	There is no prescribed format for first appeal and second appeal	Rs. 10 IPO, DD, Cash, Cheque, Pay order drawn in favour of SPIO or by remitting it to treasury as per Karnataka Financial Code	Additional Director General of Police & Inspector General of Prisons	Not required
17	Kerala	PA to DGP & CS, Officer, Prisons HQ, Poojappura, Thiruvananthapuram, Kerala 695012	There is no prescribed format for first appeal and second appeal	Rs 10 Court fee stamp, remitting the amount in government treasury, Cash, DD, Cheque, Pay order,	Inspector General of Prisons, Prisons HQ, Thiruvananthapuram	Not required
18	Lakshadweep	Superintendent, Deputy collector and sub jail, Kavaratti Union Territory of Lakshadweep	Form A [Section 6(1)]	Rs 15 Court fee stamp, remitting the amount in government treasury, Cash, DD, Cheque, Pay order	Collector, Territory of Lakshadweep Kavaratti	Not required
19	Madhya Pradesh	Addl. Director General of prisons, & Correctional Services, Madhya Pradesh Jail HQ, Old Central Jail Campus, Bhopal - 462 004. Madhya Pradesh	There is no prescribed format for first appeal and second appeal	Rs 10 IPO/Demand draft /Money order	Director General of prisons, & Correctional Services, Madhya Pradesh	First Appeal to Appellate Authority - Rs. 50 Second Appeal to SIC- Rs. 100
20	Maharashtra	Superintendent Office of the Inspector General of Prison, Maharashtra, Pune – 1	Form A	Rs 10 Cash, DD, Cheque	Inspector General of Prison, (H.Q.)	Rs. 20 Second Appeal to SIC- Rs. 20
21	Manipur	Special Secretary (Home), Govt. of Manipur Manipur Secretariat, South Block, Imphal 795001	There is no prescribed format for first appeal and second appeal	Rs 10 IPO	Additional Chief Secretary (Home), Govt. of Manipur	Not required
22	Meghalaya	Asst. Inspector General of Prisons as PIO Office of the Director General of Prisons, Horse, Shoe Building, Lower Luchumiere, Shillong, Meghalaya -793001	NA	Rs 10 IPO, Cash, DD, Cheque	Director General of Prisons	Not required
23	Mizoram	Dy. Inspector General of Prisons Directorate of Prisons Dawrpui Aizawl Pin:796001	Form 'A' [Rule 4 (1)]	Rs 10 Cash/ Demand draft / IPO	Inspector General of Prison	First Appeal to Appellate Authority - Rs. 40 Second Appeal to SIC- Rs. 50
24	Nagaland	Deputy Inspector General of Prison Office of the Director General of Prison, Jail Colony, Kohima	There is no prescribed format for first appeal and second appeal	Rs 10 IPO/ Cash	Director General of Prisons	Not required

25	Odisha	Accounts Officer Odisha Prison Department 3rd Floor, Southern wing, Heads of Deppt. Building, Bhubaneswar	Form A (Rule 4 (1))	Rs 10 Treasury Challan, cash	Addl. Inspector General of Prisons, Odisha	First Appeal to Appellate Authority - Rs. 20 Second Appeal to SIC- Rs. 25
26	Puducherry	Chief Superintendents of Jails Puducherry Prisons Department Central Prison, Mathura Road, Kalapet – 605 014, Puducherry.	Form A	Rs. 10 Cash, demand draft, bankers cheque	Inspector General of Prisons Puducherry Prisons Department	Not required
27	Punjab	Superintendent Punjab prisons, SCO. No. 8-9, Rattan Building, Sector 17 A, Chandigarh	Form A	Rs 10 IPO, Cash, DD, cheque, electronic means if electronic means is available with public authority	Additional Director General of Police (Prisons), Punjab, Chandigarh	Not required
28	Rajasthan	Additional Director General of Rajasthan Prisons, Jaipur Directorate of Rajasthan Prisons Ghat Gate Agra Road, Jaipur, 302003 Rajasthan.	There is no prescribed format for first appeal and second appeal	Rs 10 Cash against receipt / banker's cheque / demand draft	Director General of Rajasthan Prisons, Jaipur	Not required
29	Sikkim	Sr. Superintendent of Police/Prisons State Central Prisons, Rongyek, Sikkim	Form A [Rule 5 (1)]	Rs 100 Bank receipt, Where electronic application is made, payment to be made in Money order/ cheque/ demand draft	Director General of Police/Prisons State Central Prisons, Rongyek Sikkim,	First Appeal to Appellate Authority - Rs. 100 Second Appeal to SIC- Rs. 100
30	Tamil Nadu	Personal Assistant (HQrs), Chief Office (Office of the Additional Director General of Prisons, Chennai-8)	NA	Rs 50 cash or by Demand Draft or Bankers' Cheque	D.I.G. of Prisons (HQrs)/ (Women Prisoners)	Not required
31	Telangana	Inspector General of Prisons, O/o The Director General of Prisons & CS, Chanahalguda, Hyderabad -500024, Telangana	NA	Rs 10 Cash, IPO, DD, Cheque	Director General of Prisons & Correctional Services	Not required
32	Tripura	OSD to Inspector General of Prisons. Prisons Directorate, Dhaleswar, West Tripura, P.O. Dhalweswar, Agartala -799007	Format of filing RTI- Form no. 3 -	Rs 10 Cash/IPO	Inspector General of prisons Prisons Directorate,	Not required

33	Uttarakhand	Assistant account officer Office of the Inspector General of Prisons 129, Old Nehru Colony, Haridwar Road, Dehradun – 248 001, Uttarakhand	There is no prescribed format for first appeal and second appeal	Rs 10 Postal order / Bank draft / Banker Cheque / Cash	Senior Finance Officer	Not required
34	Uttar Pradesh	SSP (HQ) Officer Headquarter, Prisons Administration And Reform Services, U.P., Lucknow- 9454418154 Deputy Inspector General Headquarters, Public Information Officer Headquarter, Prisons Administration And Reform Services, U.P., Lucknow- 9454418154, Senior Superintendent, Headquarters, Assistant Public Information Officer, Headquarter, Prisons Administration And Reform Services, U.P., Lucknow- 9454468318	Format of filing RTI- Form 2 [Rule 4(1)] Format for filing first appeal – Form 13	Rs 10 IPO, DD, Cash	Additional Inspector General of Prisons (Administration) Headquarters Prisons Administration and Reforms Services, Uttar Pradesh, Lucknow	Not required
35	West Bengal	Additional Inspector General of Prisons (South), (AIG South) Directorate of Correctional Services, Jessop Building, First floor 63, Netaji Subhash Road, Kolkata -700001	There is no prescribed format for first appeal and second appeal	Rs 10 Court fee stamp, Non-judicial stamp paper, DD, Cheque, IPO	The joint Secretary to the Government of West Bengal, Department of Correctional Administration	Not required

Note:

- Jammu and Kashmir is not covered by the RTI Act because of its special constitutional status. However Jammu and Kashmir has its own state RTI Law under which a separate set of rules have been formed.
- This fees table is a sample guideline. CHRI does not warrant that this information is correct in all its details. You may want to check your state Rules if you have any problems with this table.

Annexure VII: SUGGESTED RTI QUESTIONS

One of the most important features of a successful RTI application is a well-framed question. A good question will be simple, direct and precise. Vague or poorly structured questions may mislead or confuse the information provider, who may even use the ambiguity to his or her advantage and provide you with wrong information. In other words, a good question is like a trap; it will not allow information to escape. As far as possible mention the legal provision in regard to the questions asked.

***Note:** Lengthy questions seldom yield accurate information. Frame your question in a single sentence if possible. Also, never overload your application with multiple questions; if necessary file separate applications.*

1. On classification of prisoners:

- Q. How many barracks/wards exist for the following categories of prisoners: - female prisoners, male prisoners, convicted prisoners, undertrial prisoners, political prisoners, political detainees, habitual offenders, first-time offenders, prisoners suffering from any contagious diseases, civil prisoners, and criminal prisoners?
- Q. What is the ratio of warders to undertrial prisoners in the Central/District prison?
- Q. When were the warders last appointed and number of times they have been trained in last the past one year?
- Q. How many female warders are appointed in the women's prison?
- Q. Are women prisoners completely segregated from male prisoners?
- Q. How many foreign nationals are held as prisoners in the prison?
- Q. How many physically and mentally challenged prisoners are in custody?

2. On the wellbeing of prisoners:

- Q. Do prisoners have the prescribed amount of clothing and bedding during different seasons of the year?
- Q. Is the prison diet in accordance with the ration mentioned in the Prison Manual?
- Q. Have prisoners who are eligible to perform labour been assigned work in the prison?
- Q. How many times does the Grievance Redressal Committee meet?
- Q. How many 'grievance boxes' are available in each prison?
- Q. How many custodial deaths were reported in the last 6 six months?
- Q. How many times does the Medical Officer visit the prison in a month?
- Q. Is there a separate room for the prisoners to meet with their lawyers and family members?
- Q. How many mentally ill civil prisoners are housed in the prison?

3. On Legal Aid for prisoners

- Q. How many Lok/Jail Adalats have taken place in the prison?
- Q. How many cases have been disposed of in the Lok Adalats?
- Q. How many legal aid lawyers have been appointed?
- Q. How many legal aid cases of persons in custody were taken up by the Legal Services Authority in the State/District in the last six months?

- Q. How many undertrial prisoners have been assigned legal aid lawyers in the past six months?
- Q. How many legal aid cases have yielded release on bail/bonds in the past six months/one year?
- Q. How many legal aid camps and awareness camps have been organized in the prison?
- Q. How many training workshops for social workers have been organized by the National/State/District Taluka Legal Services Authority?

4. On healthcare in prisons:

- Q. Did the prisoners undergo the mandatory health screening at the time of admission to the prison?
- Q. What medical facilities are available for prisoners in the prison?
- Q. How many certified doctors visit the prison in a month?
- Q. How many times has the civil surgeon visited the prison?
- Q. How many times does the Medical Officer visit the prison in a week?
- Q. How many nurses and compounders are present in the prison?
- Q. What facilities are available for pre-natal and post-natal care for pregnant prisoners?
- Q. Do mentally sick prisoners receive regular psychiatric treatment and counseling?
- Q. Are cases of terminally ill prisoners forwarded to the government for consideration of premature release?

5. On prison management: These could be filed to the Prison Directorate, or and for some questions, even to the Home Department too.

- Q. When was the last time the Inspector General prepared a list of the undertrial prisoners in his prison who have been confined for more than 3 three months?
- Q. When was the last time the Inspector General prepared his inspection report?
- Q. What items were included in his inspection report to the Chief Secretary of the State's Administration?
- Q. Have the Non Official Visitors (NOVs) been appointed? When was the date of their last appointment?
- Q. How many times do the NOVs visit the prison in a year?
- Q. How many times has the Board of Visitors convened?
- Q. How many cases of prison deaths were recorded by the NOVs?
- Q. How many cases of 436/436A CrPC were identified by the NOVs?
- Q. What is the frequency of prison punishments?
- Q. How many prisoners were awarded solitary confinement in the past 1 one year?
- Q. How many undertrial prisoners were kept in fetters and handcuffs and for how long?
- Q. When did the Superintendent submit his last periodic report to the District & Sessions Judge?

6. On Foreign National Prisoners

- Q. Certified copy of the prison rules/order/ circular/ notification/ guidelines in regard to foreign nationals to contact their families.
- Q. Whether there is a prescribed format in which the Embassy/ High Commission has to apply for consular access?

- Q. How long does it take for an embassy to receive permission for consular access and duration of its validity?
- Q. List of embassies that have been granted access to their nationals via consular access.
- Q. The list of all the under trial prisoners, housed in your prison and in the sub-jails under your supervision as on <date>, who are (i) foreign nationals; (ii) persons whose nationality is not known yet; and (iii) persons whose nationality is disputed
- Q. The list of all the convicted foreign nationals, undergoing imprisonment in your prison as on <date>, who are (i) foreign nationals; (ii) persons whose nationality is not yet known; and (iii) persons whose nationality is disputed
- Q. The list of all prisoners housed in your prison as on <date>, who are (i) foreign nationals; (ii) persons whose nationality is not yet known; and (iii) persons whose nationality is disputed, who may have completed their term of sentence, yet are detained awaiting repatriation.

7. On Death in Prisons

- Q. Information regarding the number of deaths of undertrial and convicted prisoners in all the jails.
- Q. Year-wise and cause-wise distribution of total number of deaths of undertrials in all the prisons.
- Q. Year-wise and cause-wise distribution of total number of deaths of convicts in all the prisons.
- Q. Certified copies of the notices sent by the Superintendent of Jail to the Court or other authorities of the state as provided in the prison rules of the state.
- Q. Certified copies of the notices sent to the Magistrate of the District in case of death of female prisoners, as provided in the prison rules of the state.
- Q. Certified Copies of the reports regarding the death of a prisoner from jailor to the superintendent or medical officer or medical superintendent as provided in the prison rules of the state.
- Q. Certified copies of the register entries being maintained by medical officers to record death of a prisoner, as required Under /section. 15 of the Prisons Act, 1894.?
- Q. Prison-wise and designation-wise distribution of total number of sanctioned posts, filled posts, vacant posts and required posts of medical staff.

8. On Undertrial Review Mechanisms

- Q. Whether Undertrial Review Committees are established in every district of your state –
 - a) in compliance with the directives of the Supreme Court in Re Inhuman Conditions Case.
 - b) by any other government/judicial order prior to the order of the Supreme Court.
- Q. Please provide the following information regarding undertrial review committees –
 - a) Certified copy of the government/judicial order which established Undertrial Review Committee in every district of the state.
 - b) Date of constitution of the committee
 - c) Composition of the committee and designations of members
 - d) Periodicity of committee meetings (eg. monthly/quarterly/other)
 - e) Mandate of the committee mentioning kinds of cases that are to be reviewed (eg. S.436, 436A, compoundable, etc.)
- Q. District-wise number of all the Under-trial Review Committee meetings held

- Q. Certified copies of minutes (district-wise) of all the Under-trial Review Committee meetings held
- Q. Please provide information regarding the interventions by panel lawyers:
- a) Certified copies of all the orders/directions/guidelines issued by the SLSA, since the Supreme Court order dated 24 April 2015, instructing panel lawyers to urgently meet prisoners who are unable to furnish bail and still in custody for that reason (Refer para 6 & 7 of the Supreme Court order dated 24 April 2015).
 - b) District-wise number of applications, from July 2016 to June 2017, moved before the appropriate court for release of prisoners who are unable to furnish bail and still in custody for that reason (Refer para 6 & 7 of the Supreme Court order dated 24 April 2015).
- Q. Please provide information regarding the number of undertrials found eligible by the Undertrial Review Committees
- a. District-wise and category-wise number of undertrials found eligible for the quarter
 - b. District-wise and category-wise number of undertrials found eligible for the quarter
 - c. District-wise and category-wise number of undertrials found eligible for the quarter
 - d. District-wise and category-wise number of undertrials found eligible for the quarter
- Q. Please provide information regarding the number of undertrials released, as a result of the recommendations of the Under-trial Review Committee or by above mentioned interventions of panel lawyers
- a. District-wise and category-wise number of undertrials released for the quarter District-wise and category-wise number of undertrials released for the quarter
 - b. District-wise and category-wise number of undertrials released for the quarter
 - c. District-wise and category-wise number of undertrials released for the quarter
- 9. Checking compliance of schemes/regulations of the National Legal Services Authority**
- Q. Certified copies of all the legal aid schemes, regulations and guidelines issued by the State Legal Service Authority
- Q. Certified copies of all the letters, circulars, notices and orders issued by State Legal Services Authority
- a) related to the NALSA legal aid schemes;
 - b) related to the SLSA Legal aid schemes; and
 - c) in compliance with the Supreme court judgements.
- Q. Certified copies of all the letters, circulars, notifications and orders issued by the National Legal Service Authority to the State Legal Services Authority
- a) related to the 1 legal aid schemes; and
 - b) in compliance with the Supreme court judgement.
- Q. Certified copies of all the legal aid schemes, regulations and guidelines issued by the State Legal Service Authority
- Q. Certified copies of all the letters, circulars, notices and orders issued by State Legal Services Authority
- a) related to the NALSA legal aid schemes;
 - b) related to the SLSA Legal aid schemes; and
 - c) in compliance with the Supreme court judgements.

- Q. Certified copies of all the letters, circulars, notifications and orders issued by the National Legal Service Authority to the State Legal Services Authority
 - a) related to the legal aid schemes; and
 - b) in compliance with the Supreme court judgement.

10. Questions for the Police:

- Q. Has the accused been produced before a Magistrate within 24 hours as mandated in Section 57 CrPC?
- Q. Did the police officer inform the arrested person's family and friends of his/her arrest? (An entry stating the names and address of the people the police have informed must be recorded in a general diary maintained at the police station)
- Q. Did the arresting officer inform the arrested person of his/her rights? (D.K. Basu v. State of West Bengal AIR 1997 SC 610)
- Q. Was a female searching officer present during the arrest of a female offender?
- Q. Does the arrest memo have details of the arrest such as the time and place of arrest signed by either a family or a friend of the arrested person?
- Q. Did the police examine the arrested person physically to check for injuries (major/minor) and record their observations in the 'Inspection Memo'?
- Q. Was the arrested person examined by a medical doctor within 48 hours of his/her detention?
- Q. Did the police inform the accused of his/her right to bail in bailable cases?

11. Questions for the Judiciary:

- Q. How many times has the District & Sessions Judge visited the prison in the last six months?
- Q. How many undertrial prisoners have been remanded to police custody in the past six months?
- Q. How many undertrial prisoners have been remanded to judicial custody in the past six months to 1 one year?
- Q. Did the Magistrate inform the accused of his/her right to a legal counsel and bail at the first production? (the court is mandated to provide legal representation to the accused at the expense of the state under-Section 304(1) CrPC)
- Q. Did the Magistrate inform the arrested person of his/her right to a medical examination?
- Q. Has the Magistrate provided the accused with a copy of the 1) police report, 2) first information report, 3) statements of prosecution witnesses, 4) recorded confessions/ statements? (this must be done in compliance with Section 208 CrPC)
- Q. Was the accused present in court during his trial? (Section 273 CrPC mandates that the accused must be present in court, except if he/she is in a critical condition that prevents him/her to be physically present. In other words, the accused has a right to be present in court in one's own trial)

12. Questions for the National/State Human Rights Commission:

- Q. How many times has the NHRC/SHRC visited the prison/police lock-ups in the last 1 one year?
- Q. In how many cases/proceedings did the NHRC/SHRC intervene involving violation of prisoners' rights or human rights in general?
- Q. How many times did the NHRC/SHRC inquire about prison conditions, prisoners' rights, state of medical and other facilities available to the inmates?

- Q. How many cases of torture/custodial deaths and rapes did the NHRC/SHRC record in the past 1 one year? What steps were taken to improve the conditions of detention in those cases?
- Q. When was the last time the NHRC/SHRC reviewed the safeguards provided for the protection of the rights of the accused in judicial and/or police custody?
- Q. How many times has the NHRC/SHRC organized seminars and training workshops in the state on prisoners' rights?
- Q. When was the Chairman of the NHRC/ Chairperson of the SHRC appointed?
- Q. How many Members and Ex-officio Members are listed in the NHRC/SHRC?
- Q. How many Member seats are vacant in the NHRC/SHRC?

13. Questions for the Ministry of Home Affairs:

- Q. How many mercy petitions under Article 72 of the Constitution has the MHA entertained and decided in the past one year?
- Q. How many transfers of sentenced persons to their respective countries were carried out in the past year?
- Q. What steps have been taken to repatriate and rehabilitate foreign nationals detained in Indian prisons?
- Q. Which are the countries that have signed MoUs/agreements with India to facilitate exchange of prisoners/repatriate foreign prisoners?

14. Questions for the Probation Department:

- Q. When was the Probation Officer appointed? (Officer appointed by the State government to undertake probation work under the Probation of Offenders Act, 1958 or any other law)
- Q. How many Probation Officers does the state have?
- Q. When did the Probation Officer file his last probation report in court?
- Q. How many cases of release on probation under Section 3 and 4 of the Act were ordered in the last 6 six months? (The sections contemplate that an offence punishable with imprisonment, not being imprisonment for life, must invariably be allowed to be released on admonition or probation unless there are reasons to be recorded having regard to the nature of offence and the character of offender: - *Mafaldina Fernandes v. State*, AIR 1968 Goa 103).
- Q. Has the Probation Officer made efforts to supervise the probationer periodically and where necessary, find him/her suitable employment as suggested by the Act?
- Q. Are probation officers also acting as aftercare officers for prisoners?
- Q. Do probation officers have any role to play in parole or furlough applications of prisoners?

15. On Prison Monitoring by Board of Visitors (BOVs) and Non Official Visitors (NOVs)

- Q. Please provide prison-wise information on whether Board of Visitors, as mandated under State rules, are currently constituted in all the jails. Kindly provide the details, preferably as per the table below:

A) Name of Jail	B) Date of Constitution of BOVs	C) Name of Members and their Designation	D) Number of Meetings since constitution

- Q. If the Board of Visitors are not constituted currently, kindly provide the details of the last constituted Board of Visitors, preferably as per the aforementioned table.

- Q. Where are the meetings of the Board of Visitors held?
- Q. Where are the minutes of the meetings of the Board of Visitors recorded? Please specify.
- Q. Please provide a certified copy of the minutes of the meetings held since their constitution for the past one year.
- Q. Please provide prison-wise information on whether Non-Official Visitors, as mandated under State rules are currently appointed in all the jails, preferably as per the table below.

A) Name of Jail	B) Name of NOVs and their designation	C) Date of appointment	D) Number of visits made since their appointment	E) Number of inspection reports submitted since their appointment

- Q. If no Non-Official Visitors are appointed at present, kindly provide the details of the last appointed Non-Official Visitors, preferably as per the aforementioned table.
- Q. Please provide information on whether the Non-Official Visitors were given training after their appointment? If yes, who conducted the training and what was the duration and content of the training.
- Q. Please provide the certified copy of all the inspection reports and remarks recorded in the Visitors Book by the currently appointed/ last appointed non-official visitors since their appointment, for the last one year.
- Q. Is there a format that has been issued and communicated to you by the Ministry of Home Affairs, State Home Department, National Human Rights Commission or State Human Rights Commission for visitors to record their remarks? If yes, please provide a certified copy of the format.
- Q. Whether any order/ circular/ notification/ guideline have been issued by the State Home Department based on the Ministry of Home Affairs' 'Advisory for appointment and working of Non-Official Visitors for Prisons', dated 18th February, 2011. If yes, please provide the certified copy of the same.

16. On Mentally Ill Prisoners (state specific inquiry)

- Q. All mentally ill prisoners housed in your prison as on date along with a) prisoner's name, b) father's name, c) date of admission, d) case reference number, e) offences charged with;
- Q. All mentally ill prisoners when last produced in court with dates and names of courts;
- Q. List of mentally ill prisoners who have legal aid representation or private lawyers;
- Q. Certified copies of dates when the Medical Officer and Psychiatrist visited the jail in the past 1 year;
- Q. List of mentally ill prisoners who have not been visited by their families in the past 1 year;
- Q. A clear photocopy of the last report forwarded by the Superintendent to the Inspector-General as mandated under State rules;
- Q. Certified list of mentally ill prisoners who do not have any lawyers representing them.

17. On Court Production

- Q. Day-wise certified copies of the register recording the number of prisoners ordered by the court to be produced in various courts from _____ to _____
- Q. Day-wise certified copies of the register recording the number of prisoners actually sent from prison to various courts from _____ to _____
- Q. Day-wise Certified copies of police requisition forms/letters (forms/letters written by the prison

department to the police department on a daily basis requesting the police to send guards to escort the prisoners in court) from _____ to _____

- Q. The number of inmates who were supposed to be sent to the medical centre/hospital from _____ to _____
- Q. The number of inmates actually sent from the jail to a medical centre/hospital from _____ to _____
- Q. The number and type of vehicles available with the prison department for ferrying prisoners to court and hospitals as on the date of the RTI
- Q. The name of jails in the State which have video conferencing facility to produce inmates to court electronically/for production purposes as on _____. The date on which this facility was installed in the prison.
- Q. Jail-wise distribution of number of productions which have taken place from _____ to _____ through video conferencing in these jails
- Q. Certified copies of guidelines/advisories/letters/circulars/notifications issued by the MHA/Central Government/State Government/Prison department on the production of accused through video-conferencing in jails
- Q. Minutes of the last three meetings of the committee constituted to oversee /manage the escorts in the state, if any.
- ii. Period for which information asked for: _____ to _____
- iii. Other details:

18. On Video Conferencing

- Q. A true copy of the relevant state rules for production of prisoners in courts.
- Q. True copy of any State specific circular/orders/guidelines issued by the State, the prison department, judiciary or any other authority in relation to production of accused through video conferencing (VC).
- Q. Prison-wise information regarding setup of VC facilities, as _____, preferably as per the following format:-
- a) Name of prison b) Whether VC facilities setup (Y/N) c) Expenditure incurred for setup of VC in prison d) Date on which setup e) No. of prison officers provided training for using VC facilities? f) No. of awareness camps held to inform prisoners w.r.t. production via VC g) Whether legal aid lawyer/ paralegal required to be present during VC
- Q. Please provide details on the department/institution responsible for
- a) Installing VC units in prisons
- b) Training of stakeholders involved in production proceedings through VC
- c) Functioning & maintenance of VC units in prisons
- Q. Details regarding the total amount of expenditure incurred on setting up of VC facilities in all prisons of the State?
- a) Purchase & Installation of VC equipment
- b) Construction of VC rooms with adequate infrastructure
- c) Number and designation of persons hired as on _____ and whether the post created is temporary/permanent

19. On Conditions monitoring detention centre

Q. Whether State rules apply to the _____ detention centre.?

Q. Which department is responsible for the maintenance of the _____ Detention Centre?

Q. Please provide certified copies of all the notifications/ rules/ guidelines/ orders/ circulars/ letters issued by the State or any department thereunder, in regard to the administration and management of detention centre/s and rights of the foreign nationals who have completed their sentence and are lodged in the detention centre/s in the State.

Q. Kindly provide information regarding –

- a) Total amount spent as expenditure for the maintenance and up keep of the detention centre/s in the financial year _____ to _____. of the state.
- b) Total number of visits made to the detention centre/s from _____ till date by:
 - i. Official Visitors including judicial and executive officers and legislators of the district
 - ii. Non-Official visitors, if appointed to the detention centre/s as mandated under State rules
 - iii. Any officials of the State and Central Government
 - iv. Consulate Officers from Consulates/ Embassies/ High Commissions of various countries whose foreign nationals are lodged in detention centre/s.
 - v. Representatives of State and National Human Rights Commission

(Note: Please be sure to check your concerned State's RTI rules and regulations before filing an application. Quite often, the format, fee and PIOs differ from state to state).

Annexure VIII: RTI TRACKER FORMAT

[illegible]

Annexure IX: STATE WISE RULES REGARDING FEE AND FORM OF RTI APPLICATIONS

The central government has come up with RTI act which is applicable in all states **except Jammu and Kashmir** which has its own act very similar to central act.

1. Each state has extended central act with state specific rules which contain rules on RTI fees, mode of payment, RTI application form and sometimes a limit on number of words or questions.
2. In the following table, we have summarized rules of different states and also provided link to copy of respective rules.
3. Word limit - Bihar, Chattisgarh, Karnataka, Maharashtra (Each RTI application must be limited to one subject matter & 150 words only)

S.no	State	Acts / Rules	RTI fees	Mode of payment	Is the form compulsory	Form
1	Andaman and Nicobar Islands	http://andssw1.and.nic.in/rti/pdf/amendment_notif.pdf	10	Cash, DD, Cheque, IPO	No	NA
2	Andhra Pradesh	https://onlinerti.com/rti-act/Andhrapradesh.pdf	10	Cash, DD, Cheque	No	NA
3	Arunachal Pradesh	http://www.rtifoundationofindia.com/staterules/aranachalpradeshamendment.pdf (amendment rule)	50	Treasury Challan	Yes	Yes https://onlinerti.com/rti-forms/Arunachal.pdf According to Amendment 2 in the Notification on 15th May, 2006 : Person's residing outside the Capital Complex as well as District headquarters are allowed to apply on plain paper
4	Assam	http://www.humanrightsinitiative.org/programs/ai/rti/india/states/assam/assam_rti_fee_rules_2005.pdf	10	DD, Cheque, Cash	No	NA
5	Bihar	http://www.rtifoundationofindia.com/staterules/bihar.pdf	10	IPO, Cash, DD, Payment Order, Non-judicial stamp paper	Yes	Yes
6	Chandigarh	http://chandigarh.gov.in/WriteReadData/notification/hom_not09_9894.pdf	10	Cash, DD, Cheque, IPO	No	NA
7	Chattisgarh	http://www.rtifoundationofindia.com/staterules/chg.pdf http://siccg.gov.in/How_to_Apply_Appeal.htm	10	Cash, Challan, Non-judicial Stamp, Money Order, DD and Cheque	No	NA
8	Dadra and Nagar Haveli	http://www.pccdaman.info/pdf/RTI_Notification.pdf	25	Treasury challan (i.e. Dena Bank, Silvassa)	Yes	Yes
9	Daman and Diu	https://daman.nic.in/rti/6.pdf	25	Treasury challan ((i.e. State Bank of India, Daman and State Bank of Saurashtra, Diu)	Yes	Yes
10	Delhi	http://delhi.gov.in/wps/wcm/connect/doit_ar/Administrative+Reforms/Home/Right+to+Information/Right+to+Information+Rules+-+2001/	10	Cash, Non-judicial stamp, postal order, bank draft	Yes	Yes http://delhi.gov.in/DoIT/DoIT_AR/Form-A.doc

11	Goa	http://www.rtifoundationofindia.com/staterules/Goarules.pdf	10	Cash against proper receipt, affixing court fee stamp DD, Cheque	No	NA
12	Gujarat	http://www.rtifoundationofindia.com/staterules/gujaratrules.pdf	20	Cash, demand draft, pay order, Non-Judicial stamp, stamping through franking, Electronic stamping, Court fee stamp, Judicial stamp paper, IPO, revenue stamp, Challan credited in the Government Treasury	No	Yes
13	Haryana	http://www.rtifoundationofindia.com/staterules/HaryanaRules.pdf	50	cash against proper receipt, Bank draft, IPO, treasury challan	Yes	Yes
14	Himachal Pradesh	http://himachal.nic.in/WriteReadData/1892s/9_1892s/6530444043HP-RTI-Rules2006-Eng-71858795.pdf	10	IPO, DD, Challan	Yes	Yes
15	Jammu and Kashmir	http://www.rtifoundationofindia.com/staterules/jammuandkashmirAct.pdf (Act) http://www.rtifoundationofindia.com/staterules/jammuandkashmirrules.pdf (Rules)	50	IPO, Cash, DD, Cheque, non-judicial stamp paper, treasury receipt	Yes	Yes https://onlinerti.com/rti-forms/JK.pdf
16	Jharkhand	https://onlinerti.com/rti-act/Jharkhand.pdf	10	DD, Cash, Cheque	No	NA
17	Karnataka	https://onlinerti.com/rti-act/Karnataka.pdf	10	IPO, DD, Cash, Cheque, Pay order drawn in favour of SPIO or by remitting it to treasury as per Karnataka Financial Code	No	Yes- https://onlinerti.com/rti-act/Karnataka.pdf Application to be made in Form-A or in any other format as far as possible containing the particulars specified under the format to the State Public Information Officer or State Assistant Public Information Officer as the case may
18	Kerala	https://lsgkerala.gov.in/hm/right_information/RTIRules_2006.pdf	10	Court fee stamp, remitting the amount in government treasury, Cash, DD, Cheque, Pay order,	Yes	Yes https://onlinerti.com/rti-forms/Kerala.pdf
19	Lakshadweep	http://lakshadweepforum.com/blog/right-to-information-act-help-desk/	10	Court fee stamp, remitting the amount in government treasury, Cash, DD, Cheque, Pay order	Yes	Yes https://cdn.s3waas.gov.in/s358238e9ae2dd305d79c2ebc8c1883422/uploads/2018/03/2018032861.pdf

20	Madhya Pradesh	http://www.rtifoundationofindia.com/staterules/madhyaparakadesh.pdf	10	IPO, Cash, Non-judicial stamp	No	NA
21	Maharashtra	http://www.rtifoundationofindia.com/staterules/maharashtrarules.pdf	10	Cash, DD, Cheque	Yes	Yes http://diehardindian.com/download/rti-application-form.doc
22	Manipur	https://maninfocom.nic.in/notice_rules.html	10	DD, Cash, Cheque payable to the accounts officer of the public department	No	NA
23	Meghalaya	http://megsic.gov.in/pdf/notif48-2005-ptii-28.pdf http://megsic.gov.in/pdf/notif16sep.pdf	10	IPO, Cash, DD, Cheque	No	NA
24	Mizoram	http://www.rtifoundationofindia.com/staterules/mizoram.pdf	10	Treasury Challan, Cash	Yes	Yes https://onlinerti.com/rti-forms/Mizoram.pdf
25	Nagaland	http://nlsic.nagaland.gov.in/RTI%20appeals.htm#noti24	10	DD, Cash, Cheque	No	NA
26	Odisha	http://orissasoochanacommission.nic.in/Odisha%20Information%20Rule-2005.pdf	10	Treasury Challan, cash	Yes	Yes https://onlinerti.com/rti-forms/Odisha.pdf
27	Puducherry	http://www.humanrightsinitiative.org/programs/ai/rti/india/national/goi_fee_cost_rti_rules.pdf	10	Cash, DD, Cheque	No	NA
28	Punjab	http://infocommpunjab.com/htm/documents/Punjab_RTI_Rules_2017.pdf	10	IPO, Cash, DD, cheque, electronic means if electronic means is available with public authority	No	NA
29	Rajasthan	http://ric.rajasthan.gov.in/includes/rti%20rules%20english.pdf	10	IPO, DD, Cash, Cheque	No	No
30	Sikkim	http://www.cicsikkim.gov.in/RTI/Rules%20Regarding%20Fee%20and%20Cost.pdf	100	Bank receipt, Where electronic application is made, payment to be made in Money order/ cheque/ demand draft	No	Yes http://districtcourtsnamchi.nic.in/laws/Sikkim-RTI-Rules-and-Fees_1272118668.pdf
31	Tamil Nadu	http://www.tnsic.gov.in/rules/RTI_Fees_Rules_2005_1.pdf	10	Cash, or Postal Money order, or Court fee stamp, or Demand draft, or Banker's Cheque	No	NA
32	Telangana	The details of the fee are announced by G.O.Ms No.454 GA _I&PR.II) with amendments vide G.O.Ms.No. 530 and G.O.Ms.No.545 http://tsic.gov.in/apicWebsite/Downloads/GOs/GO_8.pdf	10	Cash, IPO, DD, Cheque	No	NA
33	Tripura	https://agartalacity.tripura.gov.in/act/RTI_2008.pdf	10	Cash, Treasury Challan, IPO	No	Yes

34	Uttar Pradesh	http://upic.gov.in/MediaGallery/RTI%20Rules%202015%20(English)-Final%20Draft-1.pdf	10	IPO, DD, Cash, Cheque	Yes	Yes Form 2 http://upic.gov.in/MediaGallery/RTI%20Rules%202015%20(English)-Final%20Draft-1.pdf (PS: PAGE 27)
35	Uttarakhand	Uttarkhand information commission: http://uic.gov.in/howtoapply/mainpocess.pdf	10	Cash, DD, Cheque, IPO, Challan, Non-judicial stamp paper	No	NA
36	West Bengal	http://wbic.gov.in/getInfo.do http://www.humanrightsinitiative.org/programs/ai/rti/india/states/bengal/wb_rti_rules_2006.pdf	10	Court fee stamp, Non-judicial stamp paper, DD, Cheques, IPO	No	NA

CHRI PROGRAMMES

CHRI believes that the Commonwealth and its member countries must be held to high standards and functional mechanisms for accountability and participation. This is essential if human rights, genuine democracy and development are to become a reality in people's lives. CHRI furthers this belief through strategic initiatives and advocacy on human rights, access to justice and access to information. It does so through research, publications, workshops, information dissemination and advocacy. It has three principal programmes:

1. Access to Justice

Police Reforms: In too many countries, the police are seen as an oppressive instrument of the state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that the police act as upholders of the rule of law rather than as instruments of the current regime. In India, CHRI's programme aims at mobilising public support for police reform. In South Asia, CHRI works to strengthen civil society engagement on police reforms. In East Africa and Ghana, CHRI is examining police accountability issues and political interference.

Prison Reforms: CHRI's work is focused on increasing transparency of a traditionally closed system and exposing malpractices. A major area is focused on highlighting failures of the legal system that result in terrible overcrowding and unconscionably long pre-trial detention and prison overstay, and engaging in interventions to ease this. Another area of concentration is reviving the prison oversight systems that have completely failed. We believe that attention to these areas will bring improvements to the administration of prisons as well as have a knock-on effect on the administration of justice overall.

2. Access to Information

CHRI is acknowledged as one of the main organisations working to promote Access to Information across the Commonwealth. It encourages countries to pass and implement effective Right to Information laws. It routinely assists in the development of legislation and has been particularly successful in promoting Right to Information laws and practices in India, Sri Lanka, Afghanistan, Bangladesh and Ghana. In the latter, CHRI is the Secretariat for the RTI civil society coalition. CHRI regularly critiques new legislation and intervenes to bring best practices into governments and civil society knowledge, both at a time when laws are being drafted and when they are first being implemented. Its experience of working in hostile environments as well as culturally varied jurisdictions allows CHRI to bring valuable insights into countries seeking to evolve and implement new laws on right to information. In Ghana, for instance, it has been promoting knowledge about the value of Access to Information which is guaranteed by law while at the same time pushing for introduction of an effective and progressive law.

3. International Advocacy and Programming

CHRI monitors Commonwealth member states' compliance with human rights obligations and advocates around human rights exigencies where such obligations are breached. CHRI strategically engages with regional and international bodies, including the Commonwealth Ministerial Action Group, the UN and the African Commission for Human and People's Rights. Ongoing strategic initiatives include advocating for and monitoring the Commonwealth's reform; reviewing Commonwealth countries' human rights promises at the UN Human Rights Council's Universal Periodic Review; advocating for the protection of human rights defenders and civil society space; and monitoring the performance of National Human Rights Institutions in the Commonwealth while advocating for their strengthening.

ABOUT THE REPORT

This handbook has been prepared to facilitate access to information on prisons by using the Right to Information Act 2005. This handbook provides basic information required for filing right to information requests, as well as a step by step guide on the process and procedures that one must be aware of while filing such requests to receive information related to prisons.

It also includes a database on relevant public information officers (PIOs), sample applications and a basic guide on what kind of information can be sought from relevant authorities. As a part of the access to justice initiative of Commonwealth Human Rights Initiative (CHRI), the prison reforms programme has consistently used the Right to Information Act 2005 to collect data on prisons, and engaged in interventions based on this information to push prison reforms and increase accountability. Some excerpts from the team on using the Act can be read below.

"Using the right to information act as a tool, I was able to ensure consular access as well as facilitate repatriation of many foreign nationals lodged in prisons across India. This information is usually not in the public domain, making it difficult for embassies to proactively provide assistance to their nationals who are detained."

"Our watch reports, both at the national and regional level, on Board of Visitors, Under Trial Review Committees and Legal Aid for Persons in Custody have been instrumental in highlighting both policy and implementation gaps in the system. This information has been the foundation of our advocacy with stakeholders, which has helped push reforms in the access to justice sector"

"Once we received complaints from prisoners of their non production due to lack of police escorts. We immediately filed right to information requests, which confirmed the allegations, and formed the basis of our report on the topic. This has been immensely helpful in supporting our advocacy and initiatives to push for reforms in this area."



CHRI

Commonwealth Human Rights Initiative
working for the practical realisation of human rights in the Commonwealth

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