



**COMPILATION OF OMs & NOTIFICATIONS
ON
RIGHT TO INFORMATION ACT, 2005**



GOVERNMENT OF INDIA

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

DEPARTMENT OF PERSONNEL AND TRAINING

Preface

Right to Information Act, 2005 was promulgated in 2005 to promote transparency and accountability in the working of every public authority. A clear knowledge of the provisions of the Act to the Public Information Officers/First Appellate Authorities of the public authorities is key to the successful implementation of the Act.

During the course of evolving of the RTI Act, 2005, Department of Personnel and Training (DoPT) has issued clarifications on various provision of the Act. For the convenience of the citizens, a compendium of Office Memorandums (OMs) and Notifications issued by DoPT has been launched online, with topic wise search facility.

It is hoped that online topic based search of OMs issued by DoPT would further enhance the understanding of the provisions of the Act by both information seekers and information providers. This would go a long way in further strengthening the RTI regime.

New Delhi
October, 2013

Dr. S.K. Sarkar
Secretary
Department of Personnel and Training

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Chapter 1

Designation of PIO/APIO/FAA, nodal points for receiving RTI applications and expectation from PIO

S.No.	File No	Date	Subject
1	34012/13(S)/2005-Estt.(B)	06/10/2005	Designation of Central Assistant Public Information Officers(CAPIOs)
2	1/24/2007-IR	14/11/2007	Designation of the CPIOs in the Organisations specified in the second schedule of the Right to Information Act, 2005.
3	1/32/2007-IR	14/11/2007	Point for receiving applications and designation of appellate authorities under the RTI Act, 2005.
4	4/9/2008-IR	24/06/2008	Courteous behavior with the persons seeking information under the RTI Act, 2005.

MOST IMMEDIATE

No. 34012/13(S)/2005-Estt. (B)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

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New Delhi, Dated the 6th October, 2005

OFFICE MEMORANDUM

Sub. : Designation of Central Assistant Public Information Officers (CAPIOs) by the public authorities under Section 5 (2) of the Right to Information Act, 2005.

The under signed is directed to say that Section 5 (2) of the Right to Information Act, 2005 provides that every public authority shall designate an officer within 100 days of the enactment of this Act, at each sub-divisional or other sub-district level as a Central Assistant Public Information Officer to receive the applications for information or appeals under this Act for forwarding the same forthwith to the Central Public Information Officer or senior officer specified under sub-section (1) of section 19 or the Central Information Commission, as the case may be.

2. Since a number of public authorities do not have offices located at each sub-divisional level or sub-district level, the matter was taken up with the Department of Posts to provide the services of their Central Assistant Public Information Officers (CAPIOs) to function in that capacity for all public authorities under the Central Government.

3. In this connection Department of Posts require urgently the addresses of the nodal officers/central point in each Ministry/Organisation in need of their services as CAPIOs. The Department of Posts have also indicated that they will be in a position to undertake the work only on behalf of those Ministries who have completed this action and have informed them of the same. Ministries/Departments are, therefore, requested to indicate the details of the Central Public Information Officers designated by them as well as the nodal officers/central point in their Department to receive the RTI mails (application etc. forwarded by the CAPIOs) **to the Department of Posts** urgently.

4. Ministries/Departments are also requested to bring the above position to the notice of other public authorities coming under the preview of the Ministries/Departments concerned for urgent action by them.



(T.Jacob)

Joint Secretary to the Government of India

To

All Ministries/Departments of the Government of India (Secretaries by name).

No.1/24/2007-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

North Block, New Delhi,
Dated: the 14th November, 2007

OFFICE MEMORANDUM

Subject: Designation of the Central Public Information Officers in the Organisations specified in the second schedule of the Right to Information Act, 2005.

The undersigned is directed to say that sub-section (1) of Section 24 of the RTI Act, 2005 provides that nothing contained in the Act shall apply to the intelligence and security organizations specified in the Second Schedule or to any information furnished by such organizations to the Government. However, this provision does not exempt these organizations from the purview of the Act in respect of the information pertaining to the allegations of corruption and human rights violations. Thus, the citizens have a right, though limited, to seek information from these organizations. Therefore, it is necessary that these organizations too designate Central Public Information Officers to deal with the RTI applications.

2. The Act does not contain any special provision about the method of supply of information in respect of allegations of corruption by the above referred organizations. It, however, provides that information in respect of allegations of violation of human rights shall be given only after the approval of the Central Information Commission. In either case, it is possible that the applicant may not receive a decision within the time specified or he may be aggrieved by the decision communicated to him. In such a case, he may like to exercise his right to appeal as provided in section 19 of the Act.

3. Keeping above facts in view, all the organizations specified in the Second Schedule of the RTI Act, 2005 are advised to designate Central Public Information Officers (CPIO) immediately, if it has not been done so far. These organization are also advised to specify the First Appellate Authorities within the organizations and publish the details of the CPIOs and the Appellate Authorities.


(K.G. Verma)
Director

Organisations specified in the Second Schedule of the RTI Act, 2005.

Copy to:

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
3. Central Information Commission/State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi
5. O/o the Comptroller&Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, DOP&T and Department of Pension & Pensioners Welfare.

Copy also to: the Chief Secretaries of all the States/UTs. Office Address with Location:

No.1/32/2007-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

North Block, New Delhi,
Dated: the 14th November, 2007

OFFICE MEMORANDUM

Subject: Creation of a Central Point for receiving applications and designation of appellate authorities under the Right to Information Act, 2005.

The undersigned is directed to say that the sub-section (1) of Section 5 of the Right to Information Act, 2005 mandates all public authorities to designate as many Public Information Officers as necessary to provide information under the Act. The Second Administrative Reforms Commission in its First Report (June 2006) has observed that where a public authority designates more than one Public Information Officer (PIO), an applicant is likely to face difficulty in approaching the appropriate Public Information Officer, and the applicants would also face problem in identifying the officer senior in rank to the PIO to whom an appeal under sub-section (1) of Section 19 of the Act can be made. (For convenience such an officer is termed as the First Appellate Authority). The Commission has, inter-alia, recommended that all Ministries/ Departments/Agencies/Offices, with more than one PIO, should designate a Nodal Officer with the authority to receive requests for information on behalf of all PIOs. The Commission has also recommended that all the public authorities should designate the First Appellate Authorities.

2. It is, therefore, requested that all public authorities with more than one PIO should create a central point within the organisation where all the RTI applications and the appeals addressed to the First Appellate Authorities may be received. An officer should be made responsible to ensure that all the RTI applications/appeals received at the central point are sent to the concerned Public Information Officers/Appellate Authorities, on the same day. For instance, the RTI applications/appeals may be received in the Receipt and Issue Section/ Central Registry Section of the Ministry/Department /Organsiation/Agency and distributed to the concerned PIOs/Appellate Authorities. The R&I/CR Section may maintain a separate register for the purpose. The Officer-in-Charge/Branch Officer of the Section may ensure that the applications/appeals received are distributed the same day.

3. Sub-section (8) of Section 7 of the RTI Act provides that where a request for information is rejected, the Public Information Officer shall, inter-alia, communicate to the person making the request the particulars of the Appellate Authority. Thus, the applicant is informed about the particulars of the Appellate Authority when a request for information is rejected. There may be cases where the Public Information Officer does not reject the application, but the applicant does not receive a decision within the time as specified in the Act or he is aggrieved by the decision of the Public Information Officer. In such cases the applicant may like to exercise his right to appeal. But in absence of the particulars of the appellate authority, the applicant may face difficulty in making an appeal. It has, therefore, been decided that all the public authorities shall designate the First Appellate Authorities and publish their particulars alongwith the particulars of the PIOs.

4. All the Ministries/Departments etc. are requested to issue instructions to all concerned to take action accordingly.



(K.G. Verma)
Director

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
3. Central Information Commission/State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs.

No. 4/9/2008-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated the 24th June, 2008

OFFICE MEMORANDUM

Subject: Courteous behavior with the persons seeking information under the RTI Act, 2005.

The Central Information Commission has brought to the notice of this Department that officers of some of the public authorities do not behave properly with the persons who seek information under the RTI Act. The undersigned is directed to say that the responsibility of a public authority and its public information officers (PIO) is not confined to furnish information but also to provide necessary help to the information seeker, wherever necessary. While providing information or rendering help to a person, it is important to be courteous to the information seeker and to respect his dignity.

2. Many organizations/training institutions are conducting training programmes on the Right to Information Act. The public authorities should ensure that their PIOs and other concerned officers are exposed to such training programmes. The public authorities may also organize training programmes at their own level. While imparting such training, the officers should be sensitized about the need of courteous behaviour with the information seekers.

3. The Commission has also expressed concern over the fact that many public authorities have not published relevant information under section 4 of the Act. All the public authorities should ensure that they make suo motu disclosure as provided in the Act without any further delay. It is a statutory requirement, which should not be compromised with.

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4. All Ministries/Departments etc. are requested to bring the contents of this OM to the notice of all concerned and ensure compliance thereof.



(K.G. Verma)
Director

To

1. All the Ministries / Departments of the Government of India.
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/ Election Commission.
3. Central Information Commission/ State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi.
5. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, DOP&T and Department of Pension & Pensioners Welfare.

Copy to: JS(Training), DOPT

With the request to issue necessary instructions to all the training institutes conducting training programmes on the Right to Information to the effect that the programme should have a component on sensitizing the officers about the need of courteous behaviour with the information seekers.

Copy also to:

Chief Secretaries of all the States/UTs.

Chapter 2

Payment of fee and Cost

S.No.	File No.	Date	Subject
1	10/9/2008-IR	05/12/2008	Payment of fee under the RTI Act by demand draft/bankers cheque/Indian Postal Order.
2	12/9/2009-IR	24/05/2010	Payment of fee under the Right to Information Act, 2005 - scope of sub-section (3) of Section 7 of the Act.
3	1/5/2011-IR	26/04/2011	Harmonization of fee payable under the Right to Information Act, 2005.
4	10/9/2008-IR	26/04/2011	Payment of fee under the RTI Act by Indian Postal Order.
5	12/31/2013-IR	11/02/2013	Timely intimation about payment of additional fee under RTI Act 2005.

No.F.10/9/2008-IR
Government of India
Ministry of Personnel, PG and Pension
Department of Personnel & Training

North Block, New Delhi
Dated: the 5th December, 2008

OFFICE MEMORANDUM

Subject: Payment of fee under the RTI Act by demand draft/bankers cheque/Indian Postal Order.

The undersigned is directed to say that the Right to Information (Regulation of Fee and Cost) Rules, 2005 provide that a person seeking information under the RTI Act, 2005 can make payment of fee for obtaining information by cash or demand draft or banker's cheque or Indian postal order. According to the rules the demand draft/banker's cheque /IPO should be payable to the Accounts Officer of the concerned public authority. It was brought to the notice of this Department that some public authorities did not accept demand drafts/banker's cheques/Indian Postal Orders drawn in the name of their Accounts Officer and insisted that these should be drawn in the name of Drawing and Disbursing Officer or the Under Secretary or the Section Officer etc. This Department vide OM No.1/2/2007-IR dated 23rd March, 2007 issued instructions that the demand drafts/banker's cheques/IPOs made payable to the Accounts Officers of the public authority should not be denied. In spite of the provisions in the rules and instructions of this Department, some public authorities still refuse to accept demand drafts/banker's cheques /IPOs drawn in the name of the Accounts Officer of the public authority.

2. Refusal to accept an application on the ground that the demand draft/banker's cheque/IPO submitted by the applicant has been drawn in the name of the Accounts Officer may amount to refusal to accept the application. It may result into imposition of penalty by the Central Information Commission on the concerned Central Public Information Officer under Section 20 of the Act. All the public authorities should, therefore, ensure that payment of fee by demand draft/banker's cheque/IPO made payable to the Accounts Officer of the public authority is not denied.

3. Contents of this OM may be brought to the notice of all concerned



(K.G. Verma)

Director

Tel: 23092158

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/

Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.

3. Central Information Commission/State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi
5. O/o the Comptroller&Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, DOP&T and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs.

No.12/9/2009-IR
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi
Dated the 24th May, 2010

OFFICE-MEMORANDUM

Subject : Payment of fee under the Right to Information Act, 2005 – scope of sub-section (3) of Section 7 of the Act.

The Undersigned is directed to say that a question is raised from time to time whether a Public Information Officer (PIO) has power to charge fee under Section 7(3) of the RTI Act, 2005 in addition to fee prescribed under Sections 6(1), 7(1) and 7(5) of the Act.

2. Section 6(1) of the Act enables the Government to prescribe application fee and sub-sections (1) and (5) of Section 7 to prescribe fee in addition to application fee for supply of information. On the other hand sub-section (3) of Section 7 provides the procedure which a PIO has to follow for realizing the fee prescribed under sub-sections (1) and (5) of the Section. Details of fees that can be charged by a public authority under the Central Government are contained in the Right to Information (Regulation of Fee & Cost) Rules, 2005. The Rules or the Act do not give power to the PIO to charge any fee other than prescribed in the Fee and Cost Rules. Attention in this regard is invited to following extracts from the common order passed by the Central Information Commission in Appeal No. CIC/MA/A/2008/0185 (Shri K.K. Kishore Vs. Institute of Company Secretaries of India) and Complaint No.CIC/WB/C/2007/00943 (Shri Subodh Jain Vs. Dy. Commissioner of Police) :

“The Act under proviso to sub-section (5) of Section 7 also provides that fee prescribed under sub-sections (1) and (5) of Section 7 shall be reasonable and no such fee shall be charged from the persons who are below poverty line as may be determined by the Appropriate Government. The Government has already prescribed fees as deemed reasonable mandated under Sections 7(1) and 7(5) of the Act and in the view of the Commission, there is no provision for any further fee apart from the one already prescribed under Sections 7(1) and 7(5) of the Act”.

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“Thus, there is provision for charging of fee only under Section 6(1) which is the application fee; Section 7(1) which is the fee charged for photocopying etc. and Section 7 (5) which is for getting information in printed or electronic format. But there is no provision for any further fee and if any further fee is being charged by the Public Authorities in addition to what is already prescribed under Section 6(1), 7(1) and 7(5) of the Act, the same would be in contravention of the Right to Information Act. The “further fee” mentioned in Section 7(3) only refers to the procedure in availing of the further fee already prescribed under 7(5) of the RTI Act, which is “further” in terms of the basic fee of Rs.10/- . Section 7(3), therefore, provides for procedure for realizing the fees so prescribed”.

3. The Commission, while delivering decision in above cases, recommended to this Department to make rules, for charging fee towards supply of information which may include fee for supply of books, maps, plans, documents, samples, models etc. that are priced and towards postal/courier charges for mailing information, when postal/courier charges are in excess of minimum slab prescribed by the Department of Posts and for other similar situations.

4. The Right to Information (Regulation of Fee & Cost) Rules, 2005 already provide provisions for charging of fee for giving information in diskettes or floppies or in the form of photo copy; for providing samples, models, printed material like books, maps, plans etc; and for inspection of records. The Government have, however, not considered it desirable to charge fee towards expenditure involved in mailing information or overhead expenditure etc. Nevertheless, supply of information in a form which would disproportionately divert the resources of the public authority is taken care of by Section 7(9) of the Act according to which information shall ordinarily be provided in the form in which it is sought but supply of information in a particular form may be refused if supply of information in that form would divert the resources of the public authority disproportionately.

5. It is hereby clarified that where a Public Information Officer takes a decision to provide information on payment of fee in addition to the application fee, he should determine the quantum of such fee in accordance with the fee prescribed under the Fee and Cost Rules referred to above and give the details of such fee to the applicant together with the calculation made to arrive at such fee. Since the Act or the Rules do not provide for charging of fee towards postal expenses or cost involved in deployment of man power for supply of information etc., he should not ask the applicant to pay fee on such account. However, wherever supply of information in a particular form would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the records, the PIO may refuse to supply the information in that form.

6. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)
Director
Tel.23092158

1. All the Ministries/Departments of the Government of India.
2. Union Public Service Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretary/Central Vigilance Commission/President's Secretariat/Vice-President's Secretariat/Prime Minister's Office/Planning Commission/Election Commission.
3. State Information Commissions
4. Staff Selection Commission, CGO Complex, New Delhi.
5. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All Officers/Desks/sections, DOP&T and Department of Pension and Pensioners Welfare.

Copy to : Chief Secretaries of all the States/UTs.

Copy also to : Central Information Commission with reference to the Commission's recommendation referred to above.

No.F. 1/5/2011-IR
Government of India
Ministry of Personnel, PG & Pension
Department of Personnel & Training

North Block, New Delhi
Dated April 26, 2011

To

1. The Chief Secretaries of all States/UTs (except J&K)
2. The Registrars of all High Courts
3. The Registrar of the Supreme Court

Subject:- Harmonization of fee payable under the Right to Information Act, 2005.

Sir,

Sections 27 and 28 of the Right to Information Act, 2005 empower the appropriate Governments and the Competent Authorities to make rules to prescribe, inter-alia, the fees payable under the Act. In exercise of the powers, the Central Government, State Governments, High Courts etc. have notified rules. It has been observed that the fee prescribed by different appropriate Governments/Competent Authorities is at great variance.

2. The 2nd Administrative Reforms Commission has, in this regard recommended that the States should frame Rules regarding application fee in harmony with the Central Rules and ensure that the fee should not become a disincentive for using the right to information.
3. All the States/Competent Authorities are, therefore, requested to kindly review their Fee Rules and to prescribe fee in consonance with the fee prescribed by the Government of India. A copy of the Right to Information (Regulation of Fee and Cost) Rules, 2005 notified by the Government of India is enclosed for ready reference.
4. Kindly inform us of the action taken in this regard.

Yours faithfully,

(K.G. Verma)
Director
Tel. 2309 2158

No.F. 10/9/2008-IR
Government of India
Ministry of Personnel, PG & Pension
Department of Personnel & Training

North Block, New Delhi
Dated April 26, 2011

Subject:- Payment of fee under the RTI Act by Indian Postal Order.

The undersigned is directed to say that the Right to Information (Regulation of Fee and Cost) Rules, 2005 provide that a person seeking information under the RTI Act, 2005 can make payment of fee for obtaining information by cash or demand draft or banker's cheque or Indian Postal Order. It has been brought to the notice of this Department that some public authorities do not accept fee through the Indian Postal Orders.

2. As stated above, one of the approved modes of payment of fee under the Rules is through Indian Postal Order. Refusal to accept fee through the IPO may be treated as refusal to accept the application. It may result into imposition of penalty by the Central Information Commission on the concerned Central Public Information Officer under Section 20 of the Act. All the public authorities should, therefore, ensure that payment of fee by IPO is not denied.

3. Contents of this OM may be brought to the notice of all concerned.


(K.G. Verma)
Director
Tele 2309 2158

1. All the Ministries/Departments of the Government of India
2. Union Public Service Commission/Lok Sabha Secretariat./Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Vice-President's Secretariat/Prime Minister's Office/Planning Commission/Election Commission
3. Central Information Commission
4. Staff Selection Commission, CGO Complex, New Delhi
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi
6. All Officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensions Welfare

Copy to: Chief Secretaries of all the States/UTs.

F. No.12/31/2013-IR
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

North Block, New Delhi - 110001
Dated : 11.2.2013

OFFICE MEMORANDUM

Subject: Timely intimation about payment of additional fee under RTI Act 2005.

It has been brought to the notice of the Central Information Commission that some CPIOs inform the information seeker about the additional fee under sub section 7(3) of the RTI Act at the fag end of the thirty days period prescribed for providing the information under sub-section 7(1) of the RTI Act.

2. The Central Information Commission in one of its orders has mentioned that while there cannot be any hard and fast rule about when exactly the intimation about the photocopying charges should be conveyed to the information seeker, it is implied in the prescribed time limit that the demand for the photocopying charges must be made soon after the RTI application is received so that the information seeker has time to deposit the fees and receive the information within the prescribed thirty days period. If the information sought is not voluminous or is not dispersed over a large number of files, computation of the photocopying charges should not be a time consuming task. As soon as the RTI application is received, the holder of the information should decide about how much information to disclose and then calculate the photocopying charges so that the CPIO can immediately write to the information seeker demanding such fees.

3. This may be brought to the notice of all concerned for compliance.


11/2/13
(Sandeep Jain)
Deputy Secretary

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission, Lok Sabha Sectt, Rajya Sabha Secretariat, Cabinet Secretariat, Central Vigilance Commission, President's Secretariat, Vice-President's Secretariat, Prime Minister's Office, Planning Commission, Election Commission.

3. Central Information Commission/State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi
5. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, DOP&T and Department of Pension & Pensioners Welfare.

Copy to :- Chief Secretaries of All the States/UTs

Chapter 3

Deemed CPIO

S.No.	File no	Date	Subject
1	1/14/2008-IR	28/07/2008	Clarification regarding Sub-sections (4) and (5) of Section 5 of the Right to Information Act, 2005.

No.1/14/2008-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: the 28th July, 2008

OFFICE MEMORANDUM

Subject: Clarification regarding Sub-sections (4) and (5) of Section 5 of the Right to Information Act, 2005.

Sub-sections (4) and (5) of section 5 of the Right to Information Act, 2005 provide that a Public Information Officer (PIO) may seek the assistance of any other officer for proper discharge of his/her duties. The officer, whose assistance is so sought, shall render all assistance to the PIO and shall be treated as a PIO for the purpose of contravention of the provisions of the Act. It has been brought to the notice of this Department that some PIOs, using the above provision of the Act, transfer the RTI applications received by them to other officers and direct them to send information to the applicants as deemed PIO. Thus, they use the above referred provision to designate other officers as PIO.

2. According to the Act, it is the responsibility of the officer who is designated as the PIO by the public authority to provide information to the applicant or reject the application for any reasons specified in sections 8 and 9 of the Act. The Act enables the PIO to seek assistance of any other officer to enable him to provide information to the information seeker, but it does not give him authority to designate any other officer as PIO and direct him to send reply to the applicant. The import of sub-section (5) of section 5 is that, if the officer whose assistance is sought by the PIO, does not render necessary help to him, the Information Commission may impose penalty on such officer or recommend disciplinary action against him the same way as the Commission may impose penalty on or recommend disciplinary action against the PIO.

3. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)
Director

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's

Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.

3. Central Information Commission/State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi
5. O/o the Comptroller&Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers / Desks / Sections, DOP&T and Department of Pension and Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs.

Chapter 4

e-IPO & online filing of RTI applications

S.No.	File No.	Date	Subject
1	1/44/2009-IR	22/03/2013	Electronic Indian Postal Order - launching of.
2	1/44/2009-IR	07/10/2013	Extending the facility of e-IPO for payment of RTI fee in Indian Missions by Indian citizens abroad.
3	1/1/2013-IR	22/04/2013	Launch of RTI web portal for online filing of RTI application.
4	1/1/2013-IR	12/08/2013	Extension of RTI web portal for online filling of RTI application.

No.1/44/2009-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated the 22nd March, 2013

OFFICE MEMORANDUM

Subject – Electronic Indian Postal Order – launching of.

On the initiative of Department of Personnel and Training, Department of Posts has launched a service called "eIPO" (Electronic Indian Postal Order) w.e.f. 22/03/2013. This is a facility to purchase an Indian Postal Order electronically by paying a fee on-line through e-Post Office Portal i.e. <http://www.epostoffice.gov.in>. It can also be accessed through India Post website www.indiapost.gov.in. As per RTI Rules, 2012, fees may be paid by electronic means, if facility for receiving fees through electronic means is available with the public authority.

2. At present, this facility is provided only for Indian Citizens abroad across the globe to facilitate them to seek information from the Central Public Information Officers (CPIOs) under the RTI Act, 2005. Debit and Credit cards can be used to purchase eIPO.

3. The user needs to get himself registered at the website. He has to select the Ministry/Department from whom he desires to seek the information under the RTI Act and the eIPO so generated can be used to seek information from that Ministry/Department only. A printout of the eIPO is required to be attached with the RTI application. If the RTI application is being filed electronically, eIPO is required to be attached as an attachment.

4. It may be noted that this facility is only for purchasing an Indian Postal Order electronically. All the requirements for filing an RTI application as well as other provisions regarding eligibility, time limit, exemptions etc., as provided in the RTI Act, 2005 will continue to apply.

5. An eIPO so generated must be used only once with an RTI application. To check any multiple use of the same eIPO, the CPIOs shall maintain a record of the eIPOs so received from Indian Citizens abroad. In case of any doubt, the details of eIPO can be verified from the above mentioned site/portal of India Post.



(Sandeep Jain)
Deputy Secretary

1. All the Ministries/Departments of the Government of India
2. Union Public Service Commission, Lok Sabha Secretariat, Rajya Sabha Secretariat, Cabinet Secretariat, Central Vigilance Commission, President's Secretariat, Vice-President's Secretariat, Prime Minister's Office, Planning Commission, Election Commission.
3. Central Information Commission.
4. Staff Selection Commission, CGO Complex, New Delhi
5. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

No. 1/44/2009-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi,
Dated the 7th October, 2013

OFFICE MEMORANDUM

Subject: - Extending the facility of e-IPO for payment of RTI fee in Indian Missions by 'Indian citizens abroad'.

A service called e-IPO (Electronic Indian Postal Order) was launched w.e.f. 22.03.2013 to facilitate Indian citizens abroad across the globe to purchase an e-IPO by paying the fee online to access the information under the RTI Act, 2005 from the Central Public Authorities.

2. The procedure to obtain e-IPO has already been explained vide this Department's Office Memorandum of even number dated 22.03.2013. The main points of the procedure are as under:

- [a] The user needs to get himself registered at either of the two websites <http://www.epostoffice.gov.in> or www.indiapost.gov.in.
- [b] He has to select the Ministry/Department from whom he desires to seek the information under the RTI Act and the e-IPO so generated, by making payment using Debit or Credit card, can be used to seek information from that Ministry/Department only.
- [c] A printout of the e-IPO is required to be attached with the RTI application. If the RTI application is being filed electronically, e-IPO is required to be attached as an attachment.
- [d] This facility is only for purchasing an Indian Postal Order electronically. All the requirements for filing an RTI application as well as other provisions regarding eligibility, time limit, exemptions etc., as provided in the RTI Act, 2005 will continue to apply.

3. It has been brought to the notice of this Department that Indian citizens living abroad are facing difficulties in payment of fees for accessing information from Indian Missions/Posts abroad as the facility of e-IPO was not available with them.

4. In order to facilitate for obtaining the information under the RTI Act, 2005 by the Indian citizen living abroad from Indian Missions/Posts under Ministry of External Affairs, the facility of e-IPO is extended to 176 Indian Missions/Posts. List is enclosed.

5. This may be brought to the notice of all concerned.

Manoj Joshi

(Manoj Joshi)
Joint Secretary (AT&A)
Tel: 23093688

1. All the Ministries / Departments of the Government of India.
2. Union Public Service Commission! /Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
3. Central Information Commission/ State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi.
5. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, DOP&T and Department of Pension & Pensioners Welfare.

Copy to: Ms. Sujata Choudhary, General Manager (BP), Deptt. of Posts, Business Development and Marketing Directorate, Dak Bhawan, Sansad Marg, New Delhi for information w.r.t. their letter No. 65-04/2013-BD&MD dated 17.09.2013.

S.no.	Name of the Indian Mission/Post
1	Embassy of India,Kabul, Afghanistan
2	Consulate General of India, Herat, Afghanistan
3	Consulate General of India, Jalalabad, Afghanistan
4	Consulate General of India, Kandahar, Afghanistan
5	Consulate General of India, Mazar-e-Sharif, Afghanistan
6	Embassy of India, Algiers,Algeria
7	Embassy of India, Luanda, Angola
8	Embassy of India, Buenos Aires, Argentina
9	Embassy of India,Yerevan, Armenia
10	High Commission of India, Canberra, Australia
11	Consulate General of India, Melbourne, Australia
12	Consulate General of India, Perth, Australia
13	Consulate General of India, Sydney, Australia
14	Embassy of India,Vienna, Austria
15	Embassy of India, Baku, Azerbaijan
16	Embassy of India,Manama, Bahrain
17	High Commission of India,Dhaka, Bangladesh
18	Assistant High Commission of India, Chittagong, Bangladesh
19	Assistant High Commission of india, Rajshahi, Bangladesh
20	Embassy of India, Minsk, Belarus
21	Embassy of India, Brussels, Belgium
22	Embassy of India,Thimphu, Bhutan
23	Consulate General of India, Phuentsholing, Bhutan
24	High Commission of India,Gaborone, Botswana
25	Embassy of India, Brasilia, Brazil
26	Consulate General of India, Sao Paulo, Brazil
27	High Commission of India,Bandar Seri Begawan, Brunei Darussalam
28	Embassy of India, Sofia,Bulgaria
29	Embassy of India, Pnom Penh,Cambodia
30	High Commission of India, Ottawa, Canada
31	Consulate General of India, Toronto, Canada
32	Consulate General of India, Vancouver, Canada
33	Embassy of India,Santiago, Chile
34	Embassy of India, Beijing, China
35	Consulate General of India, Guangzhou, China
36	Consulate General of India, Hongkong
37	Consulate General of India, Shanghai, China
38	Embassy of India, Bogota, Colombia
39	Embassy of India, Democratic Republic of Congo
40	Embassy of India,Abidjan, Ivory Coast
41	Embassy of India, Zagreb, Croatia
42	Embassy of India, Havana, Cuba
43	High Commission of India, Nicosia, Cyprus
44	Embassy of India, Prague, Czech Republic
45	Embassy of India,Copenhagen, Denmark
46	Embassy of India, Cairo, Egypt
47	Embassy of India,Addis Ababa, Ethiopia

- 48 High Commission of India, Suva, Fiji islands
- 49 Embassy of India, Helsinki, Finland
- 50 Embassy of India, Paris, France
- 51 Permanent Delegation of India to the UNESCO, Paris, France
- 52 Consulate General of India, Saint Denis, Reunion Island
- 53 Embassy of India, Berlin, Germany
- 54 Consulate General of India, Frankfurt, Germany
- 55 Consulate General of India, Hamburg, Germany
- 56 Consulate General of India, Munich, Germany
- 57 High Commission of India, Accra, Ghana
- 58 Embassy of India, Athens, Greece
- 59 Embassy of India, Guatemala City, Guatemala
- 60 High Commission of India, Georgetown, Guyana
- 61 Embassy of India, Budapest, Hungary
- 62 Embassy of India, Reykjavik, Iceland
- 63 Embassy of India, Jakarta, Indonesia
- 64 Consulate General of India, Medan, Indonesia
- 65 Embassy of India, Tehran, Iran
- 66 Consulate General of India, Bandar Abbas, Iran
- 67 Consulate General of India, Zahidan, Iran
- 68 Embassy of India, Baghdad, Iraq
- 69 Embassy of India, Dublin, Ireland
- 70 Embassy of India, Tel Aviv, Israel
- 71 Embassy of India, Rome, Italy
- 72 Consulate General of India, Milan, Italy
- 73 High Commission of India, Kingston, Jamaica
- 74 Embassy of India, Tokyo, Japan
- 75 Consulate General of India, Osaka-Kobe, Japan
- 76 Embassy of India, Amman, Jordan
- 77 Embassy of India, Astana, Kazakhstan
- 78 High Commission of India, Nairobi, Kenya
- 79 Assistant High Commission of India, Mombasa, Kenya
- 80 Embassy of India, Pyongyang, DPR Korea
- 81 Embassy of India, Seoul, Republic of Korea
- 82 Embassy of India, Safat, Kuwait
- 83 Embassy of India, Bishkek, Kyrgyzstan
- 84 Embassy of India, Vientiane, Lao People's Democratic Republic
- 85 Embassy of India, Beirut, Lebanon
- 86 Embassy of India, Tripoli, Libya
- 87 Embassy of India, Antananarivo, Madagascar
- 88 High Commission of India, Kuala Lumpur, Malaysia
- 89 High Commission of India, Male, Republic of Maldives
- 90 Embassy of India, Bamako, Mali
- 91 High Commission of India, Port Louis, Mauritius
- 92 Embassy of India, Mexico
- 93 Embassy of India, Ulaanbaatar, Mongolia
- 94 Embassy of India, Rabat, Morocco
- 95 High Commission of India, Maputo, Mozambique
- 96 Embassy of India, Yangon, Myanmar
- 97 Consulate General of India, Mandalay, Myanmar

- 98 High Commission of India, Windhoek, Namibia
- 99 Embassy of India, Kathmandu, Nepal
- 100 Embassy of India Camp Office, Biratnagar, Nepal
- 101 Consulate General of India, Birgunj, Nepal
- 102 Embassy of India, The Hague, Netherlands
- 103 High Commission of India, Wellington, New Zealand
- 104 Embassy of India, Niamey, Niger
- 105 High Commission of India, Abuja, Nigeria
- 106 Office of the High Commission of India, Lagos, Nigeria
- 107 Embassy of India, Oslo, Norway
- 108 Embassy of India, Muscat, Sultanate of Oman
- 109 High Commission of India, Islamabad, Pakistan
- 110 Representative Office of India, Ramallah City, State of Palestine
- 111 Embassy of India, Panama
- 112 High Commission of India, Port Moresby, Papua New Guinea
- 113 Embassy of India, Lima, Peru
- 114 Embassy of India, Manila, Philippines
- 115 Embassy of India, Lisbon, Portugal
- 116 Embassy of India, Doha, Qatar
- 117 Embassy of India, Bucharest, Romania
- 118 Embassy of India, Moscow, Russian Federation
- 119 Consulate General of India, St. Petersburg, Russian Federation
- 120 Consulate General of India, Vladivostok, Russian Federation
- 121 Embassy of India, Riyadh, Saudi Arabia
- 122 Consulate General of India, Jeddah, Saudi Arabia
- 123 Embassy of India, Dakar, Senegal
- 124 Embassy of India, Belgrade, Republic of Serbia
- 125 High Commission of India, Victoria, Seychelles
- 126 High Commission of India, Singapore
- 127 Embassy of India, Bratislava, Slovak Republic
- 128 Embassy of India, Ljubljana, Slovenia
- 129 High Commission of India, Pretoria, South Africa
- 130 Consulate General of India, Cape Town, South Africa
- 131 Consulate General of India, Durban, South Africa
- 132 Consulate General of India, Johannesburg, South Africa
- 133 Embassy of India, Madrid, Spain
- 134 High Commission of India, Colombo, Sri Lanka
- 135 Assistant High Commission of India, Kandy, Sri Lanka
- 136 Consulate General of India, Hambantota, Sri Lanka
- 137 Consulate General of India, Jaffna, Sri Lanka
- 138 Embassy of India, Khartoum, Sudan
- 139 Consulate General of India, Juba, Sudan
- 140 Embassy of India, Paramaribo, Suriname
- 141 Embassy of India, Stockholm, Sweden
- 142 Embassy of India, Berne, Switzerland
- 143 Consulate General of India, Geneva, Switzerland
- 144 Permanent Mission of India to the UN Offices in Geneva, Switzerland
- 145 Embassy of India, Damascus, Syria
- 146 Embassy of India, Dushanbe, Tajikistan
- 147 High Commission of India, Dar es Salaam, Tanzania

- 148 Consulate General of India, Zanzibar, Tanzania
- 149 Embassy of India, Bangkok, Thailand
- 150 Consulate of India, Chiangmai, Thailand
- 151 High Commission of India, Trinidad & Tobago, West Indies
- 152 Embassy of India, Tunis, Tunisia
- 153 Embassy of India, Istanbul, Turkey
- 154 Consulate General of India, Istanbul, Turkey
- 155 Embassy of India, Ashgabat, Turkmenistan
- 156 High Commission of India, Kampala, Uganda
- 157 Embassy of India, Kyiv, Ukraine
- 158 Embassy of India, Abu Dhabi, UAE
- 159 Consulate General of India, Dubai, UAE
- 160 High Commission of India, London, United Kingdom
- 161 Consulate General of India, Birmingham, United Kingdom
- 162 Consulate General of India, Edinburgh, United Kingdom
- 163 Embassy of India, Washington, USA
- 164 Consulate General of India, Atlanta, USA
- 165 Consulate General of India, Chicago, USA
- 166 Consulate general of India, Houston, USA
- 167 Consulate General of India, New York, USA
- 168 Consulate General of India, San Francisco, USA
- 169 Permanent Mission of India to the UN, New York, USA
- 170 Embassy of India, Tashkent, Uzbekistan
- 171 Embassy of India, Caracas, Venezuela
- 172 Embassy of India, Hanoi, Vietnam
- 173 Consulate General of India, Ho Chi Minh City, Vietnam
- 174 Embassy of India, Sana'a, Yemen
- 175 High Commission of India, Lusaka, Zambia
- 176 Embassy of India, Harare, Zimbabwe

No.1/1/2013-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: 22/04/2013

OFFICE MEMORANDUM

Subject: Launch of RTI web portal for online filing of RTI application.

A Web Portal namely RTI Online with url <https://rtionline.gov.in> has been launched. This portal, developed by NIC, is a facility for the Indian Citizens to online file RTI applications and first appeals and also to make online payment of RTI fees. The prescribed fees can be paid through Internet banking of State Bank of India and its associate banks as well as by Credit/Debit cards of Visa/Master, through the payment gateway of SBI linked to this site.

2. At present, this facility is available only for Department of Personnel and Training (DoPT). It is planned to extend this facility to all the Ministries/Departments of Govt. of India within a month. This facility is presently not proposed to be extended for field offices/attached/subordinate offices.

3. This system would work as RTI MIS also. The details of RTI applications received through post should also be entered into this system. The system would also provide for online reply of RTI applications, though reply could be sent by regular post also.

4. It is requested that full co-operation may be extended for the successful implementation/roll out of this facility. First of all, it is necessary that the RTI Nodal Officers, officials of RTI Cell and all the CPIOs/FAAs of the Ministries/Departments are trained to use this facility. Arrangements have been made to provide training to the RTI Nodal Officers, RTI Cell officials and the NIC/IT personnel attached with the Ministries/Departments, by DoPT with the help of NIC, within next 2-3 weeks. The schedule for such training would be intimated to the RTI Nodal Officers directly. It is requested that training for all the CPIOs and FAAs may be organized by the concerned Ministry/Department, through these officers trained by DoPT/NIC.

5. The screen shot of the home page of the portal, the terms and conditions and copy of the O.M.No.1/1/2013-IR dated 08.04.2013 issued in respect of DoPT are enclosed for information.

6. The contents of this OM may be brought to the notice of all concerned.

Sandeep Jain

(Sandeep Jain)
Deputy Secretary
Tele : 23092755

All the Ministries/Departments of the Government of India

Copy to:

1. Union Public Service Commission, Lok Sabha Secretariat, Rajya Sabha Secretariat, Cabinet Secretariat, Central Vigilance Commission, President's Secretariat, Vice-President's Secretariat, Prime Minister's Office, Planning Commission, Election Commission.
2. Central Information Commission.
3. Staff Selection Commission, CGO Complex, New Delhi
4. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

RTI Online

[Home](#) [Submit Request](#) [Submit First Appeal](#) [View Status](#) [FAQ](#)


Presently, the Online filing of RTI Request and Appeal is available ONLY for Department of Personnel & Training (DOPT).

Online RTI Information System

This is a portal to file RTI applications/first appeals online along with payment gateway. Payment can be made through internet banking of SBI & its associate banks and debit/credit cards of Master/Visa. Through this portal, RTI applications/first appeals can be filed by Indian Citizens only for the main ministries/departments of Central Govt., located at New Delhi. RTI applications/first appeals should not be filed for other Public authorities under Central/State Govt. through this portal.

Please read instructions carefully while submitting request/appeal.

Login for Registered Users



Username:

Password:

[Sign In](#)

[Not Registered Yet ?](#) [Forgot Password](#)

[Sign Up here](#)

Help Desk : For any queries related to this portal, Please contact at 011-24622461, during normal office hours.

Right to Information Act 2005

Right to Information Act 2005 mandates timely response to citizen requests for government information. It is an initiative taken by Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions to provide a RTI Portal Gateway to the citizens for quick search of information on the details of first Appellate Authorities, PIOs etc.

Important links

[National Informatics Centre](#)

[Right to Information](#)

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GUIDELINES FOR USE OF RTI ONLINE PORTAL

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. At present, an applicant who desires to obtain any information under the RTI Act can make a request through this Web Portal to only Department of Personnel and Training (DoPT).
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 500 words only.
6. In case an application contains more than 500 words, 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.
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, alongwith 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 DoPT, 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 would intimate the applicant through this portal. This intimation can be seen by the applicant through Status Report or through his/her e-mail alert.
15. For making an appeal to the first Appellate Authority, the applicant has to click at "Submit Appeal" and fill up the page that will appear.
16. The registration number of original application has to be used for reference.
17. As per RTI Act, no fee has to be paid for first appeal.
18. At present, an applicant/the appellant can see the following status :
 - (i) Application filed on..
 - (ii) Additional fees, if required..
 - (iii) Appeal filed on..
 - (iv) Replied on..
19. The applicant/the appellant should submit his/her mobile number to receive SMS alert.
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.

I have read and understood the above guidelines.

No.1/1/2013-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: 08/04/2013

OFFICE MEMORANDUM

Subject: Launch of RTI web portal for online filing of RTI application.

A Web Portal namely RTI Online with url <https://rtionline.gov.in> has been launched. This is a facility for the Indian Citizens to file RTI applications and first appeals online and also to make payment of RTI fees online. To begin with, this facility is available only for Department of Personnel and Training (DoPT).

2. The applicant can pay the prescribed fee through the following modes:

- a) Internet banking through State Bank of India and its associate banks;
- b) Credit/Debit card of Visa/Master.

3. As prescribed in the RTI Rules, 2012, RTI application fee is Rupees 10/-. No RTI fee is required to be paid by any citizen who is below poverty line. However, such applicant must attach a copy of the certificate issued by the appropriate government in this regard, along with the application.

4. The application filed through this Web Portal would reach electronically to the "Nodal Officer" of DoPT. The Nodal Officer shall access this portal at least twice in a day. He shall transmit the RTI application electronically to the concerned CPIO. In case the RTI application is not meant for DoPT, the "Nodal Officer" shall transfer the application physically to the concerned public authority, under section 6(3) of the RTI Act.

5. Each CPIO has been provided username and password by the Nodal Officer, to login. All CPIOs shall regularly check the portal, atleast once in a day, to know whether any new RTI application has been received or not.

6. In case additional fee is required representing the cost for providing information, the CPIO shall intimate the applicant about the same through this portal.

7. The first appeals filed through this Web Portal would also reach electronically to the "Nodal Officer" of DoPT, who would transmit the appeals electronically to the concerned First Appellate Authority (FAA). Each FAA would be provided

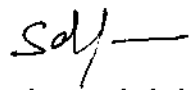
username and password by the Nodal Officer to login. All FAAs shall regularly check the portal to know whether any new appeal has been received or not.

8. The CPIOs and the FAAs shall reply to the applicant/appellant electronically through this portal. However, if the volume of information to be supplied is large, the same could be sent through post, as being done at present.

9. The RTI applications received physically through Dak in RTI Cell should also be entered in the Portal by the Nodal Officer/RTI Cell, before forwarding to the concerned CPIO. The RTI applications received physically through Dak directly by the CPIO should also be entered in the Portal by the concerned CPIO. The CPIOs should reply to such applications **physically through post**.

10. It may be noted that management of RTI applications/first appeals received **henceforth** would be through this portal and not through the existing RTIMIS. However, CPIOs/FAAs may continue to use the RTIMIS to clear the pendency, for the RTI applications/first appeals lodged in RTIMIS till date.

11. 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 shall continue to apply.



(Sandeep Jain)
Deputy Secretary

All Officers/Desks/Sections, DOP&T

No.1/1/2013-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

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North Block, New Delhi
Dated: 12/08/2013

OFFICE MEMORANDUM

Subject: Extension of RTI web portal for online filing of RTI application.

In continuation of this Department's O.M. of even number dated 22/04/2013, it is intimated that the facility of RTI online web portal has been extended to 37 Ministries/Departments of Government of India, so far (list enclosed). This facility would be extended to all the remaining Ministries/Departments of Government of India with effect from 21st August, 2013. This facility is presently not proposed to be extended for field offices/attached/subordinate offices.

2. It is again requested that training to all the CPIOs and First Appellate Authorities (FAAs) may be provided by the concerned Ministry/Department, through the officials trained by DoPT/NIC. If required, further training can be provided by DoPT/NIC, on the request of the concerned Ministry/Department. User name/password to all the CPIOs and FAAs are to be provided by RTI Nodal Officers of the concerned Ministry/Department. It is imperative that the RTI Nodal Officers update the details of CPIOs/FAAs in the system and issue user name and password to them at the earliest.

3. The contents of this OM may be brought to the notice of all concerned.

Manoj Joshi
(Manoj Joshi)
Joint Secretary
Tele : 23093668

All the Ministries/Departments of the Government of India (except in the list enclosed)

Copy to:

1. Union Public Service Commission, Lok Sabha Secretariat, Rajya Sabha Secretariat, Cabinet Secretariat, Central Vigilance Commission, President's Secretariat, Vice-President's Secretariat, Prime Minister's Office, Planning Commission, Election Commission.

2. Central Information Commission.

3. Staff Selection Commission, CGO Complex, New Delhi

4. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

**LIST OF MINISTRIES/DEPARTMENTS TO WHOM RTI ONLINE WEB PORTAL
FACILITY HAS BEEN EXTENDED**

1. DEPARTMENT OF AGRICULTURE RESEARCH & EDUCATION
2. DEPARTMENT OF AGRICULTURE & COOPERATION
3. DEPARTMENT OF ANIMAL HUSBANDRY, DAIRYING & FISHERIES
4. DEPARTMENT OF AYUSH
5. DEPARTMENT OF CHEMICALS & PETROCHEMICALS
6. DEPARTMENT OF COMMERCE
7. DEPARTMENT OF CONSUMER AFFAIRS
8. DEPARTMENT OF DISINVESTMENT
9. DEPARTMENT OF FOOD & PUBLIC DISTRIBUTION
10. DEPARTMENT OF INDUSTRIAL POLICY & PROMOTION
11. DEPARTMENT OF PERSONNEL & TRAINING
12. DEPARTMENT OF PUBLIC ENTERPRISES
13. MINISTRY OF CULTURE
14. MINISTRY OF EXTERNAL AFFAIRS
15. MINISTRY OF FOOD PROCESSING INDUSTRIES
16. MINISTRY OF HEALTH & FAMILY WELFARE
17. MINISTRY OF HOME AFFAIRS
18. MINISTRY OF INFORMATION & BROADCASTING
19. MINISTRY OF PANCHAYATI RAJ
20. MINISTRY OF POWER
21. MINISTRY OF ROAD TRANSPORT & HIGHWAYS
22. MINISTRY OF STEEL
23. PRESIDENT SECRETARIAT
24. VICE-PRESIDENT SECRETARIAT
25. MINISTRY OF WATER RESOURCES
26. UNION PUBLIC SERVICE COMMISSION
27. DEPARTMENT OF ECONOMIC AFFAIRS
28. DEPARTMENT OF REVENUE
29. DEPARTMENT OF YOUTH AFFAIRS
30. MINISTRY OF ENVIRONMENT & FORESTS
31. DEPARTMENT OF HEAVY INDUSTRY
32. MINISTRY OF TOURISM
33. MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT
34. MINISTRY OF SHIPPING
35. MINISTRY OF CORPORATE AFFAIRS
36. PLANNING COMMISSION
37. DEPARTMENT OF ADMINISTRATIVE REFORMS & PG

Chapter 5

RTI Cell

S.No.	File No.	Date	Subject
1	1/12/2010-IR	19/05/2011	Effective Implementation of RTI Act, 2005-Setting up of RTI Cells.
2	1/12/2010-IR	02/08/2012	Financial Assistance for setting up RTI Cells

No.1/12/2010-IR
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel & Training

....

North Block, New Delhi
Dated: 19th May, 2011

OFFICE MEMORANDUM

Subject: Effective Implementation of RTI Act, 2005-Setting up of RTI Cells.

The undersigned is directed to refer to this Department's OM No.1/32/2007-IR dated 14th November, 2007 whereby all the public authorities with more than one Public Information Officer (PIO) were advised to create a Central Point within the organization to receive RTI applications and appeals and ensure quick distribution thereof. Experience of past five years has shown that there is a need to expand the scope of the Central Point so as to deal with the RTI related issues effectively.

2. In this context a RTI Cell has been set up in the Department of Personnel and Training (by reorganizing the staff in Administration Division) with the following functions:

- a) to receive RTI applications/ appeals/decisions of the Central Information Commission (CIC) and to route them to CPIOs /AAs;
- b) dispatch replies to RTI requests and appeals including the letters requiring the applicants to deposit additional fee;
- c) transfer applications not pertaining to the public authority to the concerned public authority;
- d) maintain lists of PIOs, First Appellate Authorities and their link officers; and
- e) coordinate the work relating to proactive disclosure, and the Annual Report of the Central Information Commission etc.

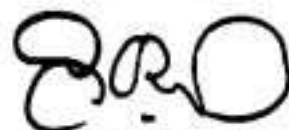
A copy of the OM No. 2/10/2010 dated 9th July, 2010 detailing the roles and functions of the RTI Cell is enclosed at Annexure I.

3. Subsequent to the setting up of the Cell, detailed instructions were issued to outline the procedures for handling RTI applications/ appeals vide OM No 2/10/2010 dated 16th July, 2010 (Annexure II). This cell has been functioning for the last 9 months and has resulted in better compliance with the provisions of the RTI Act, 2005.

4. It is recommended that Ministries/ Departments may set up RTI Cells to streamline the receipt and disposal of RTI Applications. They may use the arrangements made by DoPT vide OMs referred to above with suitable modifications.

5. Ministries/ Departments may also avail of a one-time grant of up to Rs. 50,000.00 for procuring a computer along with a printer and scanner facility for RTI Cells under the Centrally Sponsored Plan Scheme "Improving transparency and accountability through Effective Implementation of RTI" being implemented by this Department. Balance expenditure may be met by the Ministries /departments from their own funds. Central Public Authorities may send detailed proposals as per proforma in 'Annexure III' to Deputy Secretary (IR), Room No. 280, North Block, New Delhi -110001. Telefax: 23093074, email osdrti-dopt@nic.in

6. The status of setting up of RTI Cells by all Central Public Authorities may kindly be intimated to this department by 31st July, 2011



(K.G. Verma)
Director
Tel:23092158

1. All the Ministries/Departments of the Government of India.
2. Union Public Service Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/ Central Vigilance Commission / President's Secretariat/Vice-Presidents's Secretariat/Prime Minister's Office/Planning Commission/Election Commission.
3. Central Information Commission.
4. Staff Selection Commission, CGO Complex, New Delhi.
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

No.2/10/2010-CR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated 9th July, 2010

OFFICE MEMORANDUM

Subject:- Setting-up of RTI Cell in the Department of Personnel and Training : Composition and functions.

In order to strengthen the system of RTI implementation in the Department of Personnel and Training, a RTI Cell has been set up. The RTI Cell shall act as a nodal point for all RTI implementation issues within the Department. The Cell is hosted in the Administration Division and is headed by Under Secretary(Administration) under overall supervision of Director(Administration).

2. The RTI Cell will perform the following functions:
 - i. The Cell will be a single reference point to receive applications, appeals, complaints and decisions of the Central Information Commission;
 - ii. The Cell will ensure uploading of all applications, and appeals received by it on the RTI-MIS;
 - iii. All replies to RTI requests and appeals will be despatched by R&I Section through the RTI Cell. This will include letters for deposit of additional fee;
 - iv. The Cell will ensure uploading of all complaints and decisions of CIC on the DMIS (computerized diary system);
 - v. The Cell will segregate applications and appeals pertaining to life and liberty and forward the same to the concerned CPIO without delay so that they can be responded to within the time frame specified in the Act;
 - vi. The Cell will transfer applications not pertaining to this Department to the concerned public authority;

vii. Coordination for the Department regarding:

- Proactive disclosures under Section 4.
- Systemic changes that can be introduced to reduce the number of queries on a particular area/process;
- Formulation of FAQs on information that can be accessed from the Department;
- Information dissemination through the Information Facilitation Counter (IFC);
- Maintaining lists of CPIOs, FAAs and link officers;
- Annual Report of the CIC;

viii. Preparation of periodic monitoring reports regarding disposal of RTI requests/Appeals and compliance of CIC instructions.

3. All concerned are requested to provide necessary cooperation to the RTI Cell in discharge of its functions.


(Rajiv Rai)
Director

All the CPIOs/officers/Desks/Sections in Department of Personnel & Training

Copy to :-

All the Appellate Authorities/Directors/DS of Department of Personnel & Training

Copy for information to :-

1. EO&SS
2. AS(S&V)
3. JS(E)
4. JS(AT&A)
5. JS(Trg.)
6. JS(Vig)
7. Secretary, PESB
8. PPS to Secretary(P)

IMMEDIATE

No.2/10/2010-CR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated 16th July, 2010

OFFICE MEMORANDUM

Subject: Streamlining Receipt, Disposal and follow-up of RTI requests and Appeals.

- 1.0 It is noted that the receipt, follow-up and monitoring system for RTI requests and appeals is not streamlined which has resulted in late disposal of such requests and on many occasions it has also invited displeasure of the Central Information Commissioner (CIC).
- 2.0 An RTI Cell has been set up under the charge of US (Administration) to coordinate all work relating to disposal of RTI request and appeals and its functions have been detailed vide OM No. 2/10/2010-CR dated 9th July, 2010. In continuation of the aforesaid OM detailed instructions for dealing with RTI Requests and appeals are given here under which need to be scrupulously followed by all concerned.
- 3.0 **Receipt of RTI Applications**
 - 3.1 RTI Requests are received in this Department through following means:
 - (a) Direct receipt in the Central Receipt (CR) Section;
 - (b) Directly received by the concerned CPIOs;
 - (c) Received by Senior Officers as reference from other Departments or from other Public Authorities especially, PMO and Cabinet Secretariat.
 - 3.2 As soon as any RTI application is received by any officer or in any office, it will be **immediately** sent to **SO (RTI Cell)**, along with the payment, if any, enclosed. **This will apply even to the applications received by the CPIOs.**
 - 3.3 RTI Cell will handle the applications in the following manner:

- (a) If an RTI request does not concern DoPT, it would immediately be sent to the concerned public authority. Such cases will be finalized by US (Administration), who may consult Director (Administration) as per need. However, such consultations should be done on an urgent basis and not in a routine manner.
- (b) In case, information pertains to DoPT and one other Public Authority, part that concerns the other Public Authority would be transferred to them by RTI Cell at the level of US (Administration).
- (c) In case, part of the information pertains to DoPT and remaining part pertains to more than one Public Authority, further processing will be made only regarding the part that concerns DoPT and as per existing instructions applicant will be informed to make a separate request to concerned Public Authorities at his/her own level.
- (d) RTI Cell would examine that correct fee (by correct mode) has been received. In case it is not so, the application would be returned with the remarks that it may be resubmitted along with correct fee (by correct mode).
- (e) For applications where correct fee has been submitted the fee will be deposited by RTI Cell and receipt obtained. Thereafter:
 - (i) If the RTI application concerns only one CPIO it would be marked to the concerned CPIO along with the fee receipt after making necessary entries into the RTI-MIS. Thereafter, the application would be handled under the relevant provisions of RTI Act by the concerned CPIO.
 - (ii) If the information sought from DoPT concerns more than one CPIO, the original application would be entered into the RTI-MIS and thereafter, separate copies would be marked to the relevant CPIOs who would then handle them as independent RTI application. In these cases the fee receipt will be sent to the CPIO dealing with the first part of query.
 - (iii) In all cases a unique RTI Registration number will be generated, which will enable monitoring till the application is disposed off. In case, parts of one application is being sent to more than one CPIO, unique number will be generated

for each of the parts. However, in such cases numbering would be such that it would be possible to link all the parts together.

3.4 It may be reiterated that vide Order No.2/3/2010-CR dated 7/6/2010, it has been laid down that no CPIO will refuse to accept an application which has been marked to them by the Coordination Section (now RTI cell). In case this happens, RTI Cell would immediately bring this to the notice of Director (Administration) who will take further necessary action urgently and if needed, bring it to the notice of the higher authorities as mentioned in the aforesaid Order. **Such cases of refusal by CPIO would be viewed extremely seriously and may result in disciplinary action.**

3.5 However, in case a CPIO is genuinely aggrieved with wrong marking of an RTI request, he will personally bring it to the notice of Director (Administration) who will either refuse the request or agree to transfer (in full or a part of) the RTI request to another CPIO (s). If a change is made, the application will be routed again through RTI cell which will make necessary corrections in the RTI-MIS. It is, however, reiterated that till the time the application (or a part thereof) is transferred to another CPIO by the RTI cell, the CPIO to whom it was originally marked will continue to remain responsible.

4.0 Disposal of RTI applications by CPIOs

- (a) The concerned CPIO would handle the RTI request as per the provisions of the Act/Rules and once the reply is ready to be sent, entry will be made into the RTI-MIS and the reply would be uploaded. An intimation will automatically reach the RTI cell, as soon as the above is done. **RTI cell will not dispatch RTI letters / replies unless this intimation is received through the system.**
- (b) After relevant entry is made in the RTI-MIS, the CPIO will keep the reply in the envelope and details of the RTI Registration no. and nature of reply etc. would be superscribed on the envelope. Director (Administration) will be providing special envelopes (called RTI envelopes) to all CPIOs and AAs and all correspondence with applicants will be mailed in these envelopes.

- (c) These envelopes will be sent to the RTI Cell who will thereafter ensure dispatch of these replies through R&I cell as per the established procedure and make necessary entry into the RTI-MIS regarding dispatch date and means.
- (d) In order to ensure that the time limits for disposal of applications are met, CPIOs (and AAs) are required to send the replies to RTI cell **at least 2 days** before the deadline.
- (e) It is possible that additional fee is required to be paid before a request can be entertained. The concerned CPIO will make relevant entry into the RTI-MIS which would result in a standard letter being generated through the software giving full details of the RTI query as well as additional fee to be deposited. This letter will be sent to RTI Cell for further dispatch. Such additional fee whenever received (either directly by the CPIO or through CR Section) will again be sent to RTI Cell who will thereafter deposit this with the Cash Section and update the RTI-MIS accordingly. Thereafter, the intimation of receipt of additional fee will be sent to the concerned CPIO for further action in the matter.
- (f) In some cases, an interim reply is sent to the applicant. Although these communications will also be dispatched through RTI Cell, no entry into the RTI-MIS will be made regarding such interim replies.

5.0 Receipt and Disposal of RTI Appeals

The system for receiving and handling the appeals will be simpler as in such cases the name of the Appellate authority (AA) is known to the RTI applicant and no payment of fee is involved.

- (a) As and when an appeal is received by an AA, s/he will make necessary entry into the RTI-MIS and will handle it as per the provisions of the Act/ Rules.
- (b) If any appeal is received directly in the CR Section or by an officer who is not the concerned AA, all such references will be sent to the RTI Cell who will make necessary entry into RTI MIS and forward it to the concerned AA for taking necessary action.
- (c) In case appeal is received through e-mail, a print out will be taken and entry will be made into the RTI-MIS and thereafter it would be handled like any other appeal received through post.

- (d) On disposal of appeals, procedure for handling them would be the same as detailed for disposal of RTI applications.

6.0 Monitoring of RTI applications and appeals

Time limits have been prescribed under the RTI act and rules regarding disposal of RTI applications and appeals and all the CPIOs and AAs are expected to adhere to them. RTI cell would generate:

- (a) Exception reports of cases where disposal has not been made within 25 days of the receipt of RTI request and appeals. These would be posted on the Intra-MOP, so that JSs and other supervisory officers may also follow up with the concerned CPIO.
- (b) A monthly report of all RTI requests received and disposed off during the month with a comparative picture. These reports will also be posted on the Intra-MOP.
- (c) A quarterly report regarding disposal and receipts including CPIO wise analysis of disposal.
- (d) Annual Reports as prescribed by the CIC.

7.0 This system of centralized management of RTI applications/ appeals will be followed by all divisions located in North Block. As far as offices located in JNU Campus (Training Division) or Lok Nayak Bhawan are concerned, they will continue to handle the RTI requests and appeals as per current arrangements. However, all the applications and appeals would necessarily be entered into the RTI-MIS so that correct picture of receipts and disposals for the department may always be assessed.

8.0 **These instructions will come into effect from 1 August 2010.** Prior to that, brief training session will be organized by the RTI cell with the cooperation of NIC, to demonstrate the working of the RTI-MIS and to remove doubts, if any, about the procedure detailed above.

9.0 These instructions issue with the approval of Secretary [P].



(Harish Chander)
Under Secretary (Admn)

All the CPIOs/officers/Desks/Sections in Department of Personnel & Training

Copy to :-

All the Appellate Authorities/Directors/DS of Department of Personnel & Training

Copy for information to :-

1. EO&SS
2. AS(S&V)
3. JS(E)
4. JS(AT&A)
5. JS(Trg.)
6. JS(Vig)
7. Secretary, PESB
8. PPS to Secretary(P)

Application Proforma
Centrally Sponsored Scheme on Improving Transparency and Accountability
in government through effective implementation of
Right to Information

To be submitted in Five copies.

The format given below should neatly typed on separate sheets given item-wise information

Application in an incomplete form will not be entertained

A		Setting up of RTI Cells
1	Component for which assistance sought	
2	Public Authority (Min/Deptt/ Attached / Subordinate Office)	

B. Details of Institution	
1	Name of the Institution
2.	Particulars of the Institution
i	Complete postal address
3	Particulars of Nodal Officer
i	Name
ii	Designation
iii	Tel and Fax No. (Including mobile No.)
iv	E-mail id

C. Details of Expenditure	
1	Date of Setting up of RTI Cell
2.	Details of items to be procured
3.	Detailed estimates of expenditure
4.	Total amount of grant required
5.	CSPMS details of Public Authority.

D. Documents required	
1	Copy of order setting up the RTI Cell
2	An undertaking that once the estimates of expenditure are approved as reasonable and the grant assessed on the basis of these estimates, they shall not be modified by the institution without prior approval of the sanctioning authority of the grant

1/12/2010-IR
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi-10001
Dated: 2.8.2012

OFFICE MEMORANDUM

Subject: Financial assistance for Setting up RTI Cells

The undersigned is directed to refer to O.M. of even number dated 19.5.2011 regarding setting up RTI Cells in the Public Authorities and a one time grant of Rs.50,000 by DOPT for procuring a computer, scanner, printer, etc under the Centrally sponsored scheme "Improving transparency and accountability in the government through effective implementation of RTI".

2. It is reiterated that Ministries/Departments desirous of availing the facility of financial assistance mentioned above, may send their proposals in the proforma enclosed to Director(IR), Room No.280, North Block, New Delhi-1 by post or through email at osdrti-dopt@nic.in.

3. O.M. dated 19.5.2011 referred to above is available on the website of DOPT (**persmin > OMs & Orders > RTI**)

Sarita Nair

(Sarita Nair)

Under Secretary to the Govt of India
Tel:23040401/23092356

To

1. All Ministries/Departments of the Govt of India
2. UPSC/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/CVC/ President's Secretariat/Vice President's Secretariat/PMO/Planning Commission/ Election Commission
3. Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi
4. Office of the Comptroller and Auditor General of India, 10 Bahadur Shah Zafar Marg, New Delhi
5. NIC Cell, DOPT with a request to upload this O.M. on the website

Application Proforma
Centrally Sponsored Scheme on Improving Transparency and Accountability
in government through effective implementation of
Right to Information

To be submitted in Five copies.

The format given below should neatly typed on separate sheets given item-wise information

Application in an incomplete form will not be entertained

A

1	Component for which assistance sought	Setting up of RTI Cells
2	Public Authority (Min/Deptt/ Attached / Subordinate Office)	

B. Details of Institution

1	Name of the Institution	
2.	Particulars of the Institution	
i	Complete postal address	
3	Particulars of Nodal Officer	
i	Name	
ii	Designation	
iii	Tel and Fax No. (Including mobile No.)	
iv	E-mail id	

C. Details of Expenditure

1	Date of Setting up of RTI Cell	
2.	Details of items to be procured	
3.	Detailed estimates of expenditure	
4.	Total amount of grant required	
5.	CSPMS details of Public Authority.	

D. Documents required

1	Copy of order setting up the RTI Cell	
2	An undertaking that once the estimates of expenditure are approved as reasonable and the grant assessed on the basis of these estimates, they shall not be modified by the institution without prior approval of the sanctioning authority of the grant.	

Chapter 6

Transfer of Applications

S.No.	File no.	Date	Subject
1	11/12/2008-IR	22/04/2008	Transfer of applications under the RTI Act, 2005
2	10/2/2008-IR	12/06/2008	RTI applications received by a public authority regarding information concerning other public authority/authorities.
3	10/2/2008-IR	24/09/2010	RTI applications received by a public authority regarding information concerning other public authority - authorities.

No.F. 11/12/2008-IR
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

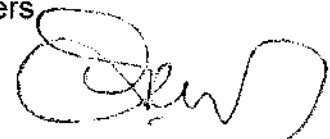
North Block, New Delhi
Dated the 22nd April, 2008

OFFICE MEMORANDUM

SUBJECT: Transfer of applications under the RTI Act, 2005.

It has been brought to the notice of this Department that the Central Public Information Officers of some public authorities transfer the applications received under the Right to Information Act, 2005 to the Prime Minister's Office in a routine manner when there is just a mention of the Prime Minister or the Prime Minister's Office in the application. According to sub-section (3) of section 6 of the RTI Act, if an application is received by a public authority seeking an information which is held by another public authority or which is more closely connected with the subject matter relating to another public authority, the public authority receiving the application should transfer the application to the concerned public authority. It may be pointed out here that the Prime Minister's Office has been assigned the work of providing secretariat assistance to the Prime Minister. After a decision is taken in a matter, the Ministry/Department to which the matter concerns takes further action regarding issue of orders etc. Naturally, the information in such cases would be available with the concerned Ministry/Department and not the PMO. The CPIO receiving the application should carefully see the subject matter in the RTI application and transfer it, if need be, to the concerned public authority and not to the PMO simply because the applicant has made a reference to the PM or PMO.

2. All the Ministries/Departments etc. are requested to bring the contents of this OM to the notice of all the Central Public Information Officers



(K. G. Verma)
Director
Tel. 2309 2158

Copy to:

1. All the Ministries/Departments of the Government of India

2. Union Public Service Commission/Lok Sabha Secretariat./Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Vice-President's Secretariat/Prime Minister's Office/Planning Commission/Election Commission
3. Central Information Commission/State Information Commissions
4. Staff Selection Commission, CGO Complex, New Delhi
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi
6. All Officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensions Welfare

No.10/2/2008-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: the 12th June, 2008

OFFICE MEMORANDUM

Subject: RTI applications received by a public authority regarding information concerning other public authority/authorities.

It has been brought to the notice of this Department that requests are made to the public authorities under the Right to Information Act for pieces of information which do not concern those public authorities. Some times, such an information is sought, a part or no part of which is available with the public authority to which the application is made and remaining or whole of the information concerns another public authority or many other public authorities. A question has arisen as to how to deal with such cases.

2. Section 6(1) of the RTI Act, 2005 provides that a person who desires to obtain any information shall make a request to the public information officer (PIO) of the concerned public authority. Section 6(3) provides that where an application is made to a public authority requesting for any information which is held by another public authority or the subject matter of which is more closely connected with the functions of another public authority, the public authority to which such application is made, shall transfer the application to that other public authority. A careful reading of the provisions of sub-section (1) and sub-section(3) of Section 6, suggests that the Act requires an information seeker to address the application to the PIO of the 'concerned public authority'. However, there may be cases in which a person of ordinary prudence may believe that the piece of information sought by him/her would be available with the public authority to which he/she has addressed the application, but is actually held by some another public authority. In such cases, the applicant makes a bonafide mistake of addressing the application to the PIO of a wrong public authority. On the other hand where an applicant addresses the application to the PIO of a public authority, which to a person of ordinary prudence, would not appear to be the concern of that public authority, the applicant does not fulfill his responsibility of addressing the application to the 'concerned public authority'.

3. Given hereinafter are some situations which may arise in the matter and action required to be taken by the public authorities in such cases:

- (i) A person makes an application to a public authority for some information which concerns some another public authority. In such a case, the PIO receiving the application should transfer the application to the concerned public authority under intimation to the applicant. However, if the PIO of the public authority is not able to find out as to which public authority is concerned with the information even after making reasonable efforts to find out the concerned public authority, he should inform the applicant that the information is not available with that public authority and that he is not aware of the particulars of the concerned public authority to which the application could be transferred. It would, however, be the responsibility of the PIO, if an appeal is made against his decision, to establish that he made reasonable efforts to find out the particulars of the concerned public authority.
- (ii) A person makes an application to a public authority for information, only a part of which is available with that public authority and a part of the information concerns some 'another public authority.' In such a case, the PIO should supply the information available with him and a copy of the application should be sent to that another public authority under intimation to the applicant.
- (iii) A person makes an application to a public authority for information, a part of which is available with that public authority and the rest of the information is scattered with more than one other public authorities. In such a case, the PIO of the public authority receiving the application should give information relating to it and advise the applicant to make separate applications to the concerned public authorities for obtaining information from them. If no part of the information sought, is available with it but is scattered with more than one other public authorities, the PIO should inform the applicant that information is not available with the public authority and that the applicant should make separate applications to the concerned public authorities for obtaining information from them. It may be noted that the Act requires the supply of such information only which already exists and is held by the public authority or held under the control of the public authority. It is beyond the scope of the Act for a public authority to create information. Collection of information, parts of which are available with different public authorities, would amount to creation of information which a public authority under the Act is not required to do. At the same time, since the information is not related to any one particular public authority, it is not the case where application should be transferred under sub-section (3) of Section 6 of the Act. It is pertinent to note that sub-section (3) refers to 'another public authority' and not 'other public authorities'. Use of singular form in the Act in this regard is important to note.

- (iv) If a person makes an application to a public authority for some information which is the concern of a public authority under any State Government or the Union Territory Administration, the Central Public Information Officer (CPIO) of the public authority receiving the application should inform the applicant that the information may be had from the concerned State Government/UT Administration. Application, in such a case, need not be transferred to the State Government/UT Administration.
4. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)
Director

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
3. Central Information Commission/State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs.

North Block, New Delhi
Dated September 24, 2010

OFFICE MEMORANDUM

Subject:- RTI applications received by a public authority regarding information concerning other public authority/authorities.

The undersigned is directed to refer to this Department's OM of even number dated 12th June, 2008 on the above noted subject, clause (iii) of para 3 of which provides that if a person makes an application to the public authority for information, a part of which is available with that public authority and the rest of the information is scattered with more than one other public authorities, the Public Information Officer (PIO) of the public authority receiving the application should give information relating to it and advise the applicant to make separate applications to the concerned public authorities for obtaining information from them. It further provides that if no part of the information is available with the public authority receiving the application but scattered with more than one other public authorities, the PIO should inform the applicant that information is not available with the public authority and that the applicant should make separate application to the concerned public authorities for obtaining information from them.

2. The matter has been examined in consultation with the Chief Information Commissioner, Central Information Commission and it has been decided to advise the PIOs that if the details of public authorities who may have this information sought by the applicant are available with the PIO, such details may also be provided to the applicant.
3. Contents of this OM may be brought to the notice of all concerned.



[K.G. Verma]
Director
Tel. 2309 2158

1. All the Ministries/Departments of the Government of India
2. Union Public Service Commission/Lok Sabha Secretariat./Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's

3. Secretariat/Vice-President's Secretariat/Prime Minister's Office/Planning Commission/Election Commission
4. Central Information Commission/State Information Commissions
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6. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi
7. All Officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensions Welfare

Copy also to: Chief Secretaries of all the States/UTs

Chapter 7

Implementation of various provisions of the Act

S.No.	File no	Date	Subject
1	1/12/2007-IR	31/07/2007	Preparation of Inventory of Public Authorities under RTI Act, 2005.
2	1/4/2006-IR	21/02/2006	Implementation of the various provision of the RTI Act, 2005.
3	1/2/2007-IR	23/03/2007	Non-Implementation of various provisions of the RTI Act, 2005 by public authorities - regarding
4	4/10/2011-IR	18/05/2011	Strengthening Implementation of the Right to Information Act, 2005.
5	4/8/2011-IR	20/05/2011	Laying of Annual Reports of the Central Information Commission before the Houses of Parliament.

No.1/12/2007-IR
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

New Delhi, the 31st July, 2007

OFFICE MEMORANDUM

Subject: Preparation of Inventory of Public Authorities under RTI Act, 2005.

The Second Administrative Reforms Commission in its First report has inter-alia made the following recommendations:

- (i) At the Government of India level, the Department of Personnel & Training has been identified as the nodal department for implementation of the RTI Act. This nodal department should have a complete list of all Union Ministries/Departments, which function as public authorities.
- (ii) Each Union Ministry/Department should also have an exhaustive list of all public authorities, which come within its purview. The public authorities coming under each Ministry/Department should be classified into (i) constitutional bodies (ii) line agencies (iii) statutory bodies (iv) public sector undertakings (v) bodies created under executive orders (vi) bodies owned, controlled or substantially financed and (vii) NGOs substantially financed by Government. Within each category an up-to date list of all public authorities has to be maintained.
- (iii) Each public authority should have the details of all public authorities subordinate to it at the immediately next level. This should continue till the last level is reached. All these details should be made available on the websites of the respective public authorities, in a hierarchical form.
- (iv) A similar system should also be adopted by the States.

2. The Government has considered the above recommendations and decided to accept the same. A list of all Union Ministries/Departments has already been posted on the RTI Portal (www.rti.gov.in). All the Ministries/Departments are requested to prepare an exhaustive list of all the public authorities under them. These authorities may suitably be classified into attached offices, subordinate

offices, autonomous bodies, public sector undertakings, constitutional bodies, statutory bodies etc. The Ministries/Departments may also prepare the list of NGOs which receive grant from them and fall within the definition of 'public authority'. The lists of public authorities so prepared may be uploaded by the concerned Ministries/Departments on the RTI Portal and kept updated.

3. It is also requested that the Ministries/Departments may issue instructions to all the public authorities under them to take action as per the recommendation of the Administrative Reforms Commission contained in clause (iii) of para 1 above.



(K.G. Verma)

Director

To

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission / President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission / Election Commission
3. Staff Selection Commission, CGO Complex, New Delhi
4. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
5. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs – It is requested that necessary action may be taken to implement the above referred recommendations of the Administrative Reforms Commission in their States/UTs.

Most Immediate
Time Bound

F.No.1/4/2006-IR
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

New Delhi Dated ~~24th~~ 21st February, 2006

OFFICE MEMORANDUM

The undersigned is directed to say that the Central Information Commission, on the basis of suggestions and complaints received from members of public, has desired that the following steps should be taken by Ministries/Departments regarding the Right to Information Act, 2005 within individual jurisdiction.

1. The PIOs, APIOs and Appellate Authorities are placed in all public authorities set up from Ministry's/Department's budget or under administrative control of Ministry/Department, if they are not already there.
2. Furnishing to the Central Information Commission the details of nodal officer appointed for implementation of the Act and the complete list of PIOs/APIOs and the Appellate Authorities alongwith their contact details, namely addresses, phone numbers, e-mail addresses and fax numbers.
3. Steps be taken to enable people to file their applications by post. To make this easy, awareness should be generated through print and electronic media regarding the name of the bank account into which the demand draft or bankers cheque should be accepted. The particulars of these bank accounts should be furnished to the Central Information Commission.
4. Some Ministries/Departments have appointed several Public Information Officers having different jurisdictions. In such case a clarification may be issued to the effect that application can be received by any PIO whose duty it would be to direct it to the PIO concerned under intimation to the applicant.

5. In case a person writes directly to the Head of Department/Office enclosing the required fee, it should be ensured that application reaches the proper PIO under intimation to the applicant.
6. The Right to Information Act, 2005 does not provide for any formal application form for acquiring access to information. The Act also states that request for information can be sought 'in writing or through electronic means.....' therefore, application for information on plain paper are also to be received and replied within the prescribed time limit.
7. Section 6(2) of the Right to Information Act, 2005 states that no person seeking information shall be required to give any reason for his request. Therefore, necessary orders may be issued to all the officials in the Ministries/Departments/Public Authorities to comply with the directives of the Act and not to ask unnecessary questions from complainants/applicants.

It is requested that action on the above points may be taken at the earliest and a compliance report sent to the Central Information Commission by 24/2/2006.


(C.A. Subramanian)

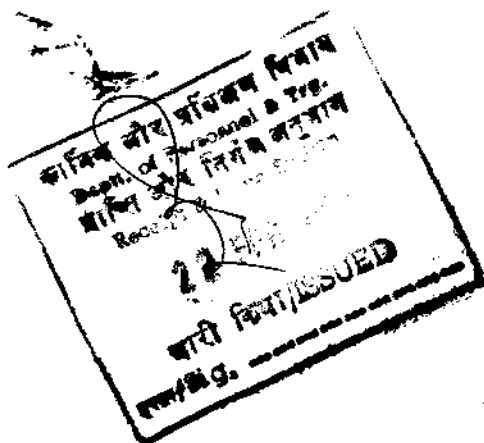
Deputy Secretary to the Government of India

To

All Ministries/Departments

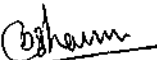
Copy to

- PPS to Secretary (P)
- PS to JS(AT&A)
- PS to JS(E)
- Director (Admn.)
- All Director/Deputy Secretaries/Section in the this Minsitry



o/c

NEC may please upload the OM on website of this Min.


4/3/09
(D.C. Shamm)
SO(IR)

NIC-DOPT

F.No1/2/2007-IR
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block New Delhi
Dated 23 March, 2007

OFFICE MEMORANDUM

Subject: Non-implementation of various provisions of the RTI Act, 2005 by public authorities- regarding.

It has been brought to the notice of this Department that

- (i) Some public authorities have not designated Public Information Officers and/ or Assistant Public Information Officers under the Right to Information Act, 2005 so far;
- (ii) Some public authorities do not accept fee by way of Indian Postal Orders;
- (iii) Some public authorities do not accept demand drafts/bankers cheques/Indian Postal Orders drawn in the name of their Accounts Officer and insist that these should be drawn in the name of Drawing and Disbursing Officer or the Under Secretary or the Section Officer etc.; and
- (iv) Some public authorities do not accept applications submitted by the applicant and insist that application for seeking information should be submitted in a particular format prescribed by them.

2. Attention is invited to sub-section (1) of section 5 of the Act, which provides that "every public authority shall designate Public Information Officers in all administrative units or offices under it within one hundred days of the enactment of the Act. Like wise sub-section (2) of section 5 of the Act provides that every public authority shall designate an officer as Assistant Public Information Officer at each sub-divisional level within one hundred days of the enactment of the Act. More than a year has passed since the Act was enacted. Non-designation of Public Information Officer(s) and/or Assistant Public Information Officer(s) by any public authority contravenes the provisions of the Act.

3. According to the Right to Information (Regulation of Fee and Cost) Rules, 2005 as amended by the Right to Information (Regulation of Fee and Cost) Rules, 2006, the approved mode of payment of fee for obtaining information is by cash or demand draft or banker's cheque or Indian Postal Order payable to the Accounts Officer of the public authority. Non-acceptance of fee by way of Indian Postal Order or insistence that the demand draft/banker's cheque/Indian Postal Order should be drawn in the name of any officer other than the Accounts Officer of the public authority is not in line with the provisions of the Rules.

4. Section 6 (1) provides that a person, who desires to obtain any information under the Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made. The Act or Rules notified by the Government do not prescribe any format of application for seeking information. Non-acceptance of an application on the ground that it is not in prescribed format is against the provisions of the Act.

5. In view of above facts, all the public authorities may ensure that:-

- (i) Central Public Information Officers/Central Assistant Public Information Officers are designated immediately, if it has not been done so far. Details of these officers may also be posted on the website;
- (ii) Fee paid by any of the modes prescribed in the Rules including by way of Indian Postal Order is accepted;
- (iii) Demand draft/Banker's Cheques/IPOs made payable to the Account Officer of the public authorities are accepted; and
- (iv) Applications submitted by the applicants are not refused on the ground that it has not been submitted in prescribed format.

6. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)
Director

To

1. All Ministries/Departments of Government of India.
2. Department of Economic Affairs (Banking Division), New Delhi
3. Department of Economic Affairs (Insurance Division), New Delhi
4. Department of Public Enterprises, New Delhi
5. Railway Board
6. Union Public Service Commission / Supreme Court of India / Election Commission / Lok Sabha Secretariat / Rajya Sabha Secretariat / Cabinet Secretariat / Central Vigilance Commission / President's Secretariat / Prime Minister's Office / Planning Commission.
7. Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi
8. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi
9. 200 spare copies.

No.4/10/2011-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: 18th May, 2011

OFFICE MEMORANDUM

Subject: Strengthening Implementation of the Right to Information Act, 2005.

Central Chief Information Commissioner has made a reference to the Cabinet Secretary making several suggestions for effective implementation of the Right to Information Act, 2005. It has been decided in consultation with the Cabinet Secretariat that following actions shall be undertaken by all Ministries/Departments/Attached Offices/PSUs of Central Government to strengthen the implementation of the RTI Act:

- a) In the Annual reports of the Central Ministries/Departments and other attached/subordinate offices/PSUs, a separate chapter shall be included regarding implementation of the RTI Act in their respective offices. This chapter should detail the number of RTI applications received and disposed off during the year, including number of cases in which the information was denied. In addition to the above, efforts made to improve the implementation of the Act in their respective offices, including any innovative measures that have been undertaken, should also be listed. This is to be ensured for Annual reports for the year 2011-12 onwards.
- b) Each Ministry/Department should organize atleast a half day training programme for all CPIOs/Appellate Authorities (AAs) every year to sensitize them about their role in implementation of the RTI Act. The concerned Ministries/Departments shall ensure that similar programmes are organized for all CPIOs/AAs of all attached/subordinate offices and PSUs under their control as well.
- c) All public authorities who have a web site shall publish the details of monthly receipts and disposal of RTI applications on the websites. This should be implemented within 10 days of the close of the month. Ministries/Departments would ensure that these instructions are communicated to their attached/subordinate offices as well as PSUs immediately. Monthly reporting on the above pattern should begin latest by 10th July, 2011 for the month of June, 2011 and thereafter continue on a regular basis.

No.4/8/2011-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

...

North Block, New Delhi

Dated: 20th May, 2011

OFFICE MEMORANDUM

Subject: Laying of Annual Reports of the Central Information Commission before the Houses of Parliament.

The undersigned is directed to refer to Section 25 of the Right to Information Act, 2005 which provides that the Central Information Commission shall prepare a report on the implementation of the provisions of the Act each year, which the Central Government would lay before each House of Parliament. Each Ministry/Department is responsible to ensure that necessary information in relation to preparation of the Report is sent to the Central Information Commission by all public authorities within its jurisdiction in time. The Central Information Commission has developed a web based system through which the public authorities may upload the Annual Return on the website of the Commission direct. The software developed by the Commission is known as the RTI Annual Report Information System which is accessible on the website www.cic.gov.in. The information has to be posted on quarterly basis.

2. It has been observed that a number of public authorities do not upload the Annual Return in time on the system. It results in the delay of the preparation of the Annual Report and consequently in laying the Report before the Houses of the Parliament.

3. All the Ministries/Departments are requested to ensure that the quarterly returns of all public authorities under their jurisdiction is uploaded on the Annual Report Information System referred to above in time every year. The final Return for the year should be uploaded latest by the 15th April of the subsequent financial year. The public authorities who have not uploaded their final returns in respect of the year 2010-11 may upload the same on the website latest by 30th June, 2011.

4. It has also been brought to the notice of this Department that some Ministries/Departments have not registered all the public authorities under their jurisdiction with the Central Information Commission. It results into non-inclusion of the complete information in the Annual Report. All the Ministries/ Departments are requested to ensure that all public authorities under their jurisdiction are registered with the Commission and they all post requisite information on the website referred to above regularly.



(K.G. Verma)
Director
Tel: 23092158

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission
3. Staff Selection Commission, CGO Complex, New Delhi
4. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
5. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.
6. Central Information Commission, August Kranti Bhawan, Bhikaji Kama Place, New Delhi

Copy to: Chief Secretaries /Administrators of all the UTs for necessary action.

Chapter 8

Clarification regarding 'information' to be provided

S.No.	File no	Date	Subject
1	11/2/2008-IR	10/07/2008	Clarification regarding format in which information should be supplied under the RTI Act, 2005.

No.11/2/2008-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: the 10th July, 2008

OFFICE MEMORANDUM

Subject: Clarification regarding format in which the 'information' should be supplied under the RTI Act, 2005.

It has been observed that some people under the Right to Information Act, 2005 request the Public Information Officers (PIO) to cull out information from some document(s) and give such extracted information to them. In some cases, the applicants expect the PIO to give information in some particular proforma devised by them on the plea that sub-section (9) of Section 7 provides that an information shall ordinarily be provided in the form in which it is sought. It need be noted that the sub-section simply means that if the information is sought in the form of photocopy, it shall be provided in the form of photocopy and if it is sought in the form of a floppy, it shall be provided in that form subject to the conditions given in the Act etc. It does not mean that the PIO shall re-shape the information.

2. According to section 2(f) of the Act 'information' means 'any material in any form'. A citizen, under the Act, has a right to get 'material' from a public authority which is held by or under the control of that public authority. The right includes inspection of work, documents, records; taking notes, extracts or certified copies of documents or records; taking certified samples of material; taking information in the form of diskettes, floppies, tapes video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device. Careful reading of the definition of 'information' and 'right to information' makes it clear that a citizen has a right to get the material, inspect the material, take notes from the material, take extracts or certified copies of the material, take samples of the material, take the material in the form of diskettes etc. The PIO is required to supply such material to the citizen who seeks it. The Act, however, does not require the Public Information Officer to deduce some conclusion from the 'material' and supply the 'conclusion' so deduced to the applicant. The PIO is required to

supply the 'material' in the form as held by the public authority and is not required to do research on behalf of the citizen to deduce anything from the material and then supply it to him.

3. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)
Director

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
3. Central Information Commission/State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi
5. O/o the Comptroller&Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers / Desks / Sections, DOP&T and Department of Pension and Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs.

Chapter 9

Spreading Awareness

S.No.	File no	Date	Subject
1	1/26/2007-IR	09/01/2008	Involving Non-Governmental Organisations for spreading awareness about the RTI Act, 2005.

No.1/26/2007-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

....
North Block, New Delhi,
Dated: the 9th January, 2008

To

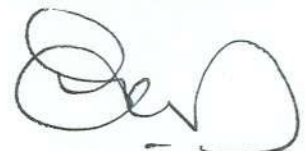
Chief Secretaries of all the States/UTs

Subject: Involving Non-Governmental Organisations for spreading awareness about the RTI Act, 2005.

Sir,

I am directed to say that clause (a) of sub-section (1) of Section 26 of the Right to Information Act, 2005 casts a responsibility on the Governments of States to develop and organize educational programmes to advance the understanding of the public about exercise of their right to information. It is a gigantic task which requires involvement of various sections of society. Non-Governmental Organisations are providing various kinds of services to the people and creating awareness amongst them. They come in close contact with the public and may play an important role in disseminating knowledge about the use of the Right to Information Act. You are, therefore, requested to involve the Non-Governmental Organisations working in your State to spread awareness about the Act.

Yours faithfully,



(K.G. Verma)
Director

Chapter 10

Disposal of First Appeal

S.No.	File no	Date	Subject
1	10/23/2007-IR	09/07/2007	Disposal of first appeals under the RTI Act, 2005

No.10/23/2007-IR
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

New Delhi, the 9th July, 2007

OFFICE MEMORANDUM

Subject: Disposal of first appeals under the RTI Act, 2005.

The undersigned is directed to say that the Central Information Commission has brought to the notice of this Department that in some cases,

- (i) The first Appellate Authorities under the Right to Information Act do not dispose off the appeals within the time frame prescribed by the Act;
- (ii) The Appellate Authorities do not examine the appeals judiciously and express their agreement with the decision of the Central Public Information Officer mechanically;
- (iii) The Central Public Information Officers do not comply with the directions of the first Appellate Authority to furnish information to the appellant.

2. Section 19(6) of the RTI Act provides that the first Appellate Authority should dispose off the appeal within thirty days of the receipt of the appeal. In exceptional cases, the appellate authority may take forty five days to dispose off the appeal subject to the condition that he shall record in writing the reasons for delay in deciding the appeal. Therefore, each first appellate authority should ensure that an appeal received by him is disposed off within 30 days of the receipt of the appeal. If, in some exceptional cases, it is not possible to dispose off the appeal within 30 days, its disposal should not take more than 45 days. In such cases, the appellate authority should record, in writing, the reasons for not deciding the appeal within 30 days.

3. Deciding appeals under the RTI Act is a quasi-judicial function. It is, therefore, necessary that the appellate authority should see to it that the justice is not only done but it should also appear to have been done. In order to do so, the order passed by the appellate authority should be a speaking order giving justification for the decision arrived at.

4. If an appellate authority comes to a conclusion that the appellant should be supplied information in addition to what has been supplied to him by the CPIO, he may either (i) pass an order directing the CPIO to give such information to the appellant; or (ii) he himself may give information to the appellant while disposing off the appeal. In the first case the appellate authority should ensure that the information ordered by him to be supplied is supplied to the appellant immediately. It would, however, be better if the appellate authority chooses the second course of action and he himself furnishes the information alongwith the order passed by him in the matter.

5. The Central Information Commission has also pointed out that some of the Ministries/Departments have appointed very junior officers as appellate authorities who are not in a position to enforce their orders. The Act provides that the first appellate authority would be an officer senior in rank to the CPIO. Thus, the appellate authority, as per provisions of the Act, would be an officer in a commanding position vis-à-vis the CPIO. Nevertheless, if, in any case, the CPIO does not implement the order passed by the appellate authority and the appellate authority feels that intervention of higher authority is required to get his order implemented, he should bring the matter to the notice of the officer in the public authority competent to take against the CPIO. Such competent officer shall take necessary action so as to ensure implementation of the provisions of the RTI Act.

6. Contents of this OM may be brought to the notice of all concerned.


(K.G. Verma)
Director

To

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission / President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission / Election Commission
3. Staff Selection Commission, CGO Complex, New Delhi
4. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
5. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs for information

Chapter 11

Maintenance of Records

S.No.	File no	Date	Subject
1	1/18/2007-IR	21/09/2007	Maintenance of records and publication of information under the Right to Information Act, 2005.
2	1/33/2007-IR	14/11/2007	Updating of Records - Recommendations of the Second Administrative Reforms Commission.
3	12/192/2009-IR	20/01/2010	Maintenance of records in consonance with Section 4 of the RTI Act.

No.1/18/2007-IR

Government of India

Ministry of Personnel, Public Grievances & Pensions

Department of Personnel & Training

New Delhi, the 21st September, 2007

OFFICE MEMORANDUM

Subject: Maintenance of records and publication of information under the Right to Information Act, 2005.

Section 4 of the Right to Information Act, 2005 sets out a practical regime of transparency in the working of the public authorities by way of disclosure of as much information to the public as possible, suo-motu so that the public may not have to resort to section 6. It is an important part of the Act observance of which is essential for its effective implementation.

2. Clause (a) of sub-section (1) of the section makes it obligatory for every public authority to maintain all its records duly catalogued and indexed. Record management in accordance with this provision is an important step to enable the Public Information Officers to furnish information sought under the Act. The clause also requires the public authority to have its records computerized and connected through a network all over the country. The public authorities are expected to complete the requirements of this clause on top priority.

3. Clause (b) of the sub-section ibid mandates the public authorities to publish the information mentioned therein within one hundred and twenty days from the date of enactment of the Act. It is expected that all public authorities would have complied with this requirement already. If it has not been done, its compliance may be ensured without any further delay. Information so published should also be updated every year as provided in the Act.

4. It is obligatory for all the public authorities under clause (c) of sub section (1) of section 4 of the Act to publish all relevant facts while formulating important policies and announcing decisions affecting the public. They, under clause (d), are also obliged to provide reasons for their administrative or quasi judicial decisions to the affected parties.

5. Section 4 of the Act requires wide dissemination of every information required to be disclosed suo motu in such form and manner which is accessible to the public. Dissemination may be done through notice boards, news papers, public announcements, media broadcasts, the internet or any other means. While

disseminating the information, the public authority should take into consideration the cost effectiveness, local language and the most effective method of communication in the concerned local area. The information should be, to the extent possible, available with the Public Information Officer in the electronic format which could be made available free of cost or at such price as may be prescribed. A copy of the document published, referred to in para 3, and also the copies of publications referred to in para 4 above, should be kept with an officer of the public authority and should be made available for inspection by any person desirous of inspecting these documents.

6. All the Ministries/Departments etc. are requested to comply with the above referred requirements of the Act and also to issue necessary instructions to the public authorities under them for compliance of the same.



(K.G. Verma)

Director

Tel: 23092158

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission
3. Central Information Commission/State Information Commissions. ✓
4. Staff Selection Commission, CGO Complex, New Delhi
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs.

No.1/33/2007-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

North Block, New Delhi,
Dated: the 14th November, 2007

OFFICE MEMORANDUM

Subject: Updating of Records- Recommendations of the Second Administrative Reforms Commission.

The undersigned is directed to say that with a view to ensuring proper maintenance of records, the Right to Information Act, 2005, mandates that every public authority shall maintain all its records duly catalogued and indexed in a proper manner. The Second Administrative Reforms Commission, in its First Report (June 2006), 'Right to Information – Master Key to Good Governance', has observed that the weakest link in our information system is the neglect of record keeping. The Commission has recommended that, as a one time measure, the Government of India should earmark 1% of the funds of all Flagship Programmes for a period of five years for updating records, improving infrastructure, creating manuals and establishing the Public Records Offices.

2. The maintenance and updating of records is a continuing process which every public authority is obligated to do. Improving the infrastructure and bringing out the necessary manuals are also continuing processes, and the responsibility of the concerned public authorities. All the public authorities should update their records, improve their infrastructure, bring out necessary manuals from within their resources. They may make specific budgetary provision for the purpose as per their requirement.

3. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)
Director

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
3. Central Information Commission/State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs.

No.12/192/2009-IR
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

North Block, New Delhi
Dated the 20th January 2010

OFFICE MEMORANDUM

Subject: Maintenance of records in consonance with Section 4 of the RTI Act

The Central Information Commission in a case has highlighted that the systematic failure in maintenance of records is resulting in supply of incomplete and misleading information and that such failure is due to the fact that the public authorities do not adhere to the mandate of Section 4(1)(a) of the RTI Act, which requires every public authority to maintain all its records duly catalogued and indexed in a manner and form which would facilitate the right to information. The Commission also pointed out that such a default could qualify for payment of compensation to the complainant. Section 19(8)(b) of the Act gives power to the Commission to require the concerned public authority to compensate the complainant for any loss or other detriment suffered.

2. Proper maintenance of records is vital for the success of the Right to Information Act but many public authorities have not paid due attention to the issue despite instructions issued by this Department. The undersigned is directed to request all the Ministries/Departments etc. to ensure that requirements of Section 4 of the Act in general and clause (a) of sub-section (1) thereof in particular are met by all the public authorities under them without any further delay.



(K.G. Verma)

Director

Tel. No.23092158

To

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission / President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission / Election Commission
3. Central Information Commission/State Information Commission
4. Staff Selection Commission, CGO Complex, New Delhi
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, Department of Personnel & Training, Department of AR & PG and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs

Chapter 12

Suo-motu Disclosure

S.No.	File no	Date	Subject
1	1/8/2012-IR	11/09/2012	Suo motu disclosure on official tours of Ministers and other officials
2	1/6/2011-IR	15/04/2013	Implementation of suo motu disclosure under Section 4 of RTI Act, 2005 - Issue of guidelines regarding.



F. No. 1/ 8/2012-IR
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: 11th September, 2012

Office Memorandum

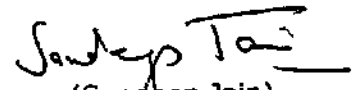
Sub: Suo motu disclosure on official tours of Ministers and other officials.

Sub-Section (2) of Section 4 of the RTI Act, 2005 requires every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information *suo motu* to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to use the Act to obtain information.

2. It has been brought to the notice of this Department that public authorities are receiving RTI applications frequently asking for details of the official tours undertaken by Ministers and other officials of the Ministries/Departments concerned. In compliance with the provisions of Section 4 of the RTI Act, 2005, it is advised that Public Authorities may proactively disclose the details of foreign and domestic official tours undertaken by Minister(s) and officials of the rank of Joint Secretary to the Government of India and above and Heads of Departments, since 1st January, 2012. The disclosures may be updated once every quarter starting from 1st July, 2012.

3. Information to be disclosed proactively may contain nature of the official tour, places visited, the period, number of people included in the official delegation and total cost of such travel undertaken. Exemptions under Section 8 of the RTI Act, 2005 may be taken in view while disclosing the information. These advisory would not apply to security and intelligence organisations under the second schedule of the RTI Act, 2005 and CVOs of public authorities.

4. Contents of this OM may be brought to the notice of all concerned.


(Sandeep Jain)
Deputy Secretary
Tele: 23092755

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/Lok Sabha Sectt./Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
3. Central Information Commission.
4. Staff Selection Commission, CGO Complex, New Delhi
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, of DOP&T, Department of Pension & Pensioners Welfare and Department of Administrative Reforms and Public Grievances.

Copy to: Chief Secretaries of all the States/UTs.

No.1/6/2011-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated the 15th April, 2013

OFFICE MEMORANDUM

Subject: Implementation of *suo motu* disclosure under Section 4 of RTI Act, 2005 – Issue of guidelines regarding:

Section 4(1)(b) of the RTI Act lays down the information which should be disclosed by Public Authorities on a *suo motu* or proactive basis. Section 4(2) and Section 4(3) prescribe the method of dissemination of this information. The purpose of *suo motu* disclosures under Section 4 is to place large amount of information in public domain on a proactive basis to make the functioning of the Public Authorities more transparent and also to reduce the need for filing individual RTI applications.

2. Since the promulgation of the Act in 2005, large amount of information relating to functioning of the government is being put in public domain. However, the quality and quantity of proactive disclosure is not up to the desired level. It was felt that the weak implementation of the Section 4 of the RTI Act is partly due to the fact that certain provisions of this Section have not been fully detailed and, in case of certain other provisions there is need for laying down detailed guidelines. Further there is need to set up a compliance mechanism to ensure that requirements under section 4 of the RTI Act are met.

3. In order to address the above, Government of India constituted a Task Force on *suo motu* disclosure under the RTI Act, 2005 in May 2011 which included representatives of civil society organizations active in the field of Right to Information, for strengthening compliance with provisions for *suo motu* or proactive disclosure as given in Section 4 of the RTI Act, 2005. Based on the report of the Task Force, the Government have decided to issue guidelines for *suo motu* disclosure under section 4 of the RTI Act.

4. Guidelines for Central Government Ministries/Departments are on:
 - i. *Suo motu* disclosure of more items under Section 4.
 - ii. Guidelines for digital publication of proactive disclosure under Section 4.
 - iii. Detailing of Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(xi) and 4(1)(b)(xiv)
 - iv. Compliance mechanism for *suo motu* disclosure (proactive disclosure) under the RTI Act, 2005.
5. The above guidelines are enclosed. However, it may be kept in mind that proactive disclosure should be done in the local language so that it remains accessible to public. It should be presented in a form that is easily understood and if technical words are used they should be carefully explained. As provided in section 4, disclosure should be made in as many mediums as feasible and disclosures should be kept up to date. The disclosure of Information may be made keeping in mind the provisions of Section 8 to 11 of the RTI Act.
6. Central Government Ministries/ Departments should undertake *suo motu* disclosure and ensure compliance based on these guidelines.
7. The enclosed guidelines may be brought to the notice of all for compliance.

Manoj Joshi

(Manoj Joshi)
Joint Secretary
Tele : 23093668

1. All the Ministries/Departments of the Government of India
2. Union Public Service Commission, Lok Sabha Secretariat, Rajya Sabha Secretariat, Cabinet Secretariat, Central Vigilance Commission, President's Secretariat, Vice-President's Secretariat, Prime Minister's Office, Planning Commission, Election Commission.
3. Central Information Commission.
4. Staff Selection Commission, CGO Complex, New Delhi
5. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

Copy to : Chief Secretaries of all the States/UTs.

Guidelines on *suo motu* disclosure under Section 4 of the RTI Act

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Guidelines on *suo motu* disclosure under Section 4 of the RTI Act

1.0 *Suo motu* disclosure of more items under Section 4

Sub-section 4(2) of the RTI Act, 2005 requires every public authority to take steps in accordance with the requirements of clause (b) of sub-section 4(1) to provide as much information *suo motu* to the public at regular intervals through various means of communication, including internet, so that the public have minimum resort to use the Act to obtain information. Accordingly, the Public Authorities may proactively disclose the following items also under the *suo motu* disclosure provisions of Section 4:

1.1 Information related to Procurement

1.1.1 Information relating to procurement made by Public Authorities including publication of notice/tender enquiries, corrigenda thereon, and details of bid awards detailing the name of the supplier of goods/services being procured or the works contracts entered or any such combination of these and the rate and total amount at which such procurement or works contract is to be done should be disclosed. All information disclosable as per Ministry of Finance, Department of Expenditure's O.M. No 10/1/2011-PPC dated 30th November, 2011 on Mandatory Publication of Tender Enquiries on the Central Public Procurement Portal and O.M. No. 10/3/2012- PPC dated 30th March, 2012 on Implementation of comprehensive end-to-end e-procurement should be disclosed under Section 4. At present the limit is fixed at Rs. 10.00 lakhs. In case of procurements made through DGS&D Rate Contracts or through Kendriya Bhandar/ NCCF, only award details need to be published. However information about procurement which fall within the purview of Section 8 of the RTI Act would be exempt.

1.2 Public Private Partnerships

1.2.1 If Public services are proposed to be provided through a Public Private Partnership (PPP), all information relating to the PPPs must be disclosed in the public domain by the Public Authority entering into the PPP contract/concession agreement. This may include details of the Special Purpose Vehicle (SPV), if any set up, detailed project reports, concession agreements, operation and maintenance manuals and other documents generated as part of the implementation of the PPP project. The documents under the ambit of the exemption from disclosure of information under section 8(1)(d) and 8(1)(j) of

the RTI Act would not be disclosed *suo motu*. Further, information about fees, tolls, or other kinds of revenue that may be collected under authorization from the Government, information in respect of outputs and outcomes, process of selection of the private sector party may also be proactively disclosed. All payments made under the PPP project may also be disclosed in a periodic manner along with the purpose of making such payment.

1.3 Transfer Policy and Transfer Orders

1.3.1 Transfer policy for different grades/cadres of employees serving in Public Authority should be proactively disclosed. All transfer orders should be publicized through the website or in any other manner listed in Section 4(4) of the Act. These guidelines would not be applicable in cases of transfers made keeping in view sovereignty, integrity, security, strategic, scientific or economic interests of the State and the exemptions covered under Section 8 of the Act. These instructions would not apply to security and intelligence organizations under the second schedule of the RTI Act.

1.4 RTI Applications

1.4.1 All Public Authorities shall proactively disclose RTI applications and appeals received and their responses, on the websites maintained by Public Authorities with search facility based on key words. RTI applications and appeals received and their responses relating to the personal information of an individual may not be disclosed, as they do not serve any public interest.

1.5 CAG & PAC paras

1.5.1 Public Authorities may proactively disclose the CAG & PAC paras and the Action Taken Reports (ATRs) only after these have been laid on the table of both the houses of the Parliament. However, CAG paras dealing with information about the issues of sovereignty, integrity, security, strategic, scientific or economic interests of the State and information covered under Section 8 of the RTI Act would be exempt.

1.6 Citizens Charter

1.6.1 Citizens Charter prepared by the Ministry/Department, as part of the Result Framework Document of the department/organization should be proactively disclosed and six monthly report on the performance against the benchmarks set in Citizens Charter should also be displayed on the website of public authorities.

1.7 Discretionary and Non-discretionary grants

1.7.1 All discretionary /non-discretionary grants/ allocations to state governments/ NGOs/Other institutions by Ministry/Department should be placed on the website of the Ministry/Department concerned. Annual Accounts of all legal entities who are provided grants by Public Authorities should be made available through publication, directly or indirectly on the Public Authority's website. Disclosures would be subject to provisions of Section 8 to 11 of the RTI Act.

1.8 Foreign Tours of PM/Ministers

1.8.1 A large number of RTI queries are being filed on official tours undertaken by Ministers or officials of various Government Ministries/Departments. Information regarding the nature, place and period of foreign and domestic tours of Prime Minister are already disclosed on the PMO's website.

1.8.2 As per DoPT's OM No. 1/8/2012-IR dated 11/9/2012, Public Authorities may proactively disclose the details of foreign and domestic official tours undertaken by the Minister(s) and officials of the rank of Joint Secretary to the Government of India and above and Heads of Departments, since 1st January, 2012. The disclosures may be updated once every quarter.

1.8.3. Information to be disclosed proactively may contain nature of the official tour, places visited, the period, number of people included in the official delegation and total cost of such travel undertaken. Exemptions under Section 8 of the RTI Act, 2005 may be kept in view while disclosing the information. These instructions would not apply to security and intelligence organisations under the second schedule of the RTI Act, 2005 and CVOs of public authorities.

2.0 Guidelines for digital publication of proactive disclosure under Section 4

2.1 Section 4 lays down that information should be provided through many mediums depending upon the level of the public authority and the recipient of information (for example, in case of Panchayat, wall painting may be more effective means of dissemination of information), and that more and more proactive disclosure would gradually be made through Internet. There is need for more clear guidelines for web-based publication of information for disclosure.

2.2 The Department of Information Technology has been working on setting of technical standards for government websites and the Department of Administrative Reforms & Public Grievances has published guidelines for websites of Government Departments. These guidelines prescribe the manner in which websites need to be designed and how information should be disclosed. While adhering to the standards of government guidelines as laid down by Department of Information Technology and Department of Administrative Reforms & Public Grievances, the following principles additionally should also be kept in view to ensure that websites' disclosures are complete, easily accessible, technology and platform neutral and in a form which conveys the desired information in an effective and user-friendly manner.

- a) It should be the endeavor of all public authorities that all entitlements to citizens and all transactions between the citizen and government are gradually made available through computer based interface. The 'Electronic Delivery of Services Bill, 2012' under formulation in Government of India would provide the necessary impetus.
- b) Websites should contain detailed information from the point of origin to the point of delivery of entitlements/services provided by the Public Authorities to citizens.
- c) Orders of the public authority should be uploaded on the website immediately after they have been issued.
- d) Website should contain all the relevant Acts, Rules, forms and other documents which are normally accessed by citizens.

- e) Websites should have detailed directory of key contacts, details of officials of the Public Authority.
- f) It is obligatory under Section 4(1)(b)(xiv) of the RTI Act for every Public Authority to proactively disclose 'details in respect of the information, available to or held by it, reduced in an electronic form'. The website should therefore indicate which digitally held information is made available publicly over the internet and which is not.
- g) As departments reorganize their systems and processes to enable themselves for electronic service delivery, it is recommended that the requirement of bringing due transparency as provided in the RTI Act is given adequate consideration at the design stage itself.
- h) To maintain reliability of information and its real time updation, information generation in a digital form should be automatically updated on the basis of key work outputs, like a muster roll and salary slip (NREGA in Andhra Pradesh) or formalization of a government order (Andhra Pradesh). Such an approach will lead to automation of proactive disclosure.
- i) Information must be presented from a user's perspective, which may require re-arranging it, simplifying it etc. However, original documents in original formats should continue to be made available because these are needed for community monitoring of government's functioning.
- j) The 'National Data Sharing and Accessibility Policy' by the Department of Science and Technology is based on the principle that all publicly funded information should be readily available. The policy has been notified in March, 2012 and the schedule should be strictly adhered to.
- k) Information and data should be presented in open data formats whereby it can be pulled by different Application Protocol Interfaces to be used in different fashions more appropriate to specific contexts and needs. Information/ data can, for instance, be presented in powerful visual ways using visualisation techniques. Such visual representation of information/ data can give insights that may remain largely

hidden in a textual or tabular presentation of data. In some contexts, pictures and audio/videos recordings etc may be more useful. There have been moves in some parts of the country to video record Gram Sabha meetings. A picture of a NREGA worksite, for instance, may tell much more than words can. All such different media and forms should be used for proactive disclosure.

- l) Every webpage displaying information or data proactively disclosed under the RTI Act should, on the top right corner, display the mandatory field 'Date last updated (DD/MM/YY)'.

3.0 Guidelines for certain clauses of Section 4(1)(b) to make disclosure more effective

3.1 The elements of information listed in the various sub-clauses of Section 4(1)(b) must be disclosed in an integrated manner. For example, the functions and responsibilities of a public authority cannot be understood in isolation from the powers and functions of its employees, the norms that inform its decision making processes and the rules, instructions and manuals that are used in the discharge of its functions. Description of one element presupposes the existence of another. So every public authority must endeavour to integrate the information mentioned in these sub-clauses while preparing voluntary disclosure materials.

3.2 Considering that disclosure in regard to certain sub-clauses have been relatively weak, detailed guidelines for four sub-clauses are given below:

3.3 Guidelines for section 4(1)(b)(iii) - “the procedure followed in the decision-making processes, including channels of supervision and accountability”.

3.3.1 All government departments have specific duties and responsibilities under the respective Allocation of Business Rules (AOB) issued by the appropriate Government. The constitutional provisions and statutes each department is required to implement are clearly laid down in the AOB. The manner of disposal of matters assigned to each Department/Ministry is described in the Transaction of Business Rules (TOB). Additionally, every department would have a specific set of schemes and development programmes which they are required to implement directly or through their subordinate offices or other designated agencies. These documents contain the specific operations that every Public Authority is required to undertake in the course of implementing the programme or scheme. Every operation mandated under the AOB read with the TOB would be linked to a specific decision-making chain. All government officers have to follow laid down office procedure manual or the other rules which gives details of how representations, petitions and applications from citizens must be dealt with. Templates, formats, and basic steps of decision-making are briefly explained in such manuals. These descriptions constitute the elements of decision-making processes in general.

3.3.2 Additionally, in the routine work of governance, government functionaries are required to make decisions in a discretionary manner but broad guiding principles are laid down in some rule or the other. For example, the General Financial Rules lay down procedures for a variety of operations relating to government finances. How sanction must be accorded for incurring expenditure; how losses to government must be reported; how responsibility for losses may be fixed on any government servant; how budgets, demand for grants are prepared and submitted; how public works must be sanctioned and executed; how commodities and services may be procured by a public authority; are all explained in these manuals which are updated from time to time. The challenge is to present a simplified version of the decision-making procedure that is of interest to a common citizen.

3.3.3 In view of the above, the guidelines for detailing the decision making processes are as follows:

- (a) Every public authority should specifically identify the major outputs/ tangible results/ services/ goods, as applicable, that it is responsible for providing to the public or to whosoever is the client of the public authority.
- (b) In respect of (a) above, the decision-making chain should be identified in the form of a flow chart explaining the rank/grade of the public functionaries involved in the decision-making process and the specific stages in the decision-making hierarchy.
- (c) The powers of each officer including powers of supervision over subordinates involved in the chain of decision-making must also be spelt out next to the flow chart or in a simple bullet-pointed format in a text-box. The exceptional circumstances when such standard decision-making processes may be overridden and by whom, should also be explained clearly. Where decentralization of decision-making has occurred in order to grant greater autonomy to public authorities, such procedures must also be clearly explained.
- (d) This design of presentation should then be extended to cover all statutory and discretionary operations that are part of the public authority's mandate under the AOB read with the TOB.

(e) In the event of a public authority altering an existing decision-making process or adopting an entirely new process, such changes must be explained in simple language in order to enable people to easily understand the changes made.

3.4 Guidelines for Section 4(1)(b)(iv) - “the norms set by it for the discharge of its functions”.

3.4.1 Primarily, the intention of this clause is that every public authority should proactively disclose the standards by which its performance should be judged. Norms may be qualitative or quantitative in nature, or temporal or statutory norms. In order to ensure compliance with this clause, public authorities would need to disclose norms for major functions that are being performed.

3.4.2 Citizen Charters, which are mandatory, for each central Ministry/Department/Authority, are good examples of vehicles created for laying down norms of performance for major functions and for monitoring achievements against those standards.

3.4.3 Wherever norms have been specified for the discharge of its functions by any statute or government orders, they should be proactively disclosed, particularly linking them with the decision making processes as detailed earlier. All Public Authorities should proactively disclose the following:

- a) Defining the services and goods that the particular public authority/office provides directly (or indirectly through any other agency/contractor).
- b) Detailing and describing the processes by which the public can access and/or receive the goods and services that they are entitled to, from the public authority/office along with the forms, if any prescribed, for use by both the applicant and the service providing agency. Links to such forms (online), wherever available, should be given.
- c) Describing the conditions, criteria and priorities under which a person becomes eligible for the goods and services, and consequently the categories of people who are entitled to receive the goods and services.

- d) Defining the quantitative and tangible parameters, (weight, size, frequency etc,) and timelines, that are applicable to the goods and services that are accessible to the public.
- e) Defining the qualitative and quantitative outcomes that each public authority/office plans to achieve through the goods and services that it was obligated to provide.
- f) Laying down individual responsibility for providing the goods and services (who is responsible for delivery/implementation and who is responsible for supervision).

3.5 Guidelines for Section 4(1)(b)(xi)- “the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made”.

3.5.1 The public authorities while disclosing their budgets shall undertake the following:

- (a) Keeping in view of the technical nature of the government budgets, it is essential that Ministries/Departments prepare simplified versions of their budgets which can be understood easily by general public and place them in public domain. Budgets and their periodic monitoring reports may also be presented in a more user-friendly manner through graphs and tables, etc.
- (b) Outcome budget being prepared by Ministries/Departments of Government of India should be prominently displayed and be used as a basis to identify physical targets planned during the budgetary period and the actual achievement vis-à-vis those targets. A monthly programme implementation calendar method of reporting being followed in Karnataka is a useful model.
- (c) Funds released to various autonomous organizations/ statutory organizations/ attached offices/ Public Sector Enterprises/ Societies/ NGOs/ Corporations etc. should be put on the website on a quarterly basis and budgets of such authorities may be made accessible through links from the website of the Ministry/Department. If a subsidiary does not have a website then the budgets and expenditure reports of

such subsidiary authority may be uploaded on the website of the principal Public Authority.

- (d) Wherever required by law or executive instruction, sector specific allocations and achievements of every department or public authority (where feasible) must be highlighted. For example, budget allocation and target focusing on gender, children, Scheduled Castes and Scheduled Tribes and religious minorities should be specially highlighted. The sector-wise breakup of these targets and actual outcomes must be given in simplified form to enable the vulnerable segments of society to better understand the budgets of public authorities.

3.6 Guidelines for Section 4(1)(b)(xiv) – details in respect of information, available to or held by it, reduced in an electronic form.

3.6.1 On the one hand, this clause serves as a means of proactively disclosing the progress made in computerizing information under Section 4(1)(a) of the RTI Act in a periodic manner. On the other, it provides people with clarity about the kinds of electronic information that, although not held by the public authority, is available to them. For example the stocks of ration available with individual fair price shops may not be held by the District Civil Supplies office, but may be available at a subordinate formation.

3.6.2 Keeping in view the varied levels of computerization of records and documents in public authorities, data about records that have been digitized may be proactively disclosed on the respective websites, excluding those records /files /information that are exempted under Section 8. The data about digitized record may include the name of the record and any categorization or indexing used; the subject matter and any other information that is required to be compiled in relation to a file as prescribed by Manual of Office Procedure (and to be prescribed by MOP for electronic records that is under finalization by DARPG), the division/ section/ unit/ office where the record is normally held; the person, with designation, responsible for maintaining the record; and the life span of the record, as prescribed in the relevant record retention schedule.

4.0 Compliance with Provisions of *suo motu* (proactive) disclosure under the RTI Act

4.1 Each Ministry/Public Authority shall ensure that these guidelines are fully operationalized within a period of 6 months from the date of their issue.

4.2 Proactive disclosure as per these guidelines would require collating a large quantum of information and digitizing it. For this purpose, Ministries/Public Authorities may engage consultants or outsource such work to expeditiously comply with these guidelines. For this purpose, the plan/non-plan funds of that department may be utilized.

4.3 The Action Taken Report on the compliance of these guidelines should be sent, along with the URL link, to the DoPT and Central Information Commission soon after the expiry of the initial period of 6 months.

4.4 Each Ministry/ Public Authority should get its proactive disclosure package audited by third party every year. The audit should cover compliance with the proactive disclosure guidelines as well as adequacy of the items included in the package. The audit should examine whether there are any other types of information which could be proactively disclosed. Such audit should be done annually and should be communicated to the Central Information Commission annually through publication on their own websites. All Public Authorities should proactively disclose the names of the third party auditors on their website. For carrying out third party audit through outside consultants also, Ministries/Public Authorities should utilize their plan/non-plan funds.

4.5 The Central Information Commission should examine the third-party audit reports for each Ministry/Public Authority and offer advice/recommendations to the concerned Ministries/ Public Authorities.

4.6 Central Information Commission should carry out sample audit of few of the Ministries/ Public Authorities each year with regard to adequacy of items included as well as compliance of the Ministry/Public Authority with these guidelines.

4.7 Compliance with the proactive disclosure guidelines, its audit by third party and its communication to the Central Information Commission should be included as RFD target.

5.0 Nodal Officer

5.1 Each Central Ministry/ Public Authority should appoint a senior officer not below the rank of a Joint Secretary and not below rank of Additional HOD in case of attached offices for ensuring compliance with the proactive disclosure guidelines. The Nodal Officer would work under the supervision of the Secretary of the Ministry/Department or the HOD of the attached office, as the case may be. Nodal Officers of Ministry/Department and HOD separately should also ensure that the formations below the Ministry/Department/Attached Office also disclose the information as per the proactive disclosure guidelines.

6.0 Annual Reports to Parliament/Legislatures

6.1 Government has issued directions to all Ministries/Departments to include a chapter on RTI Act in their Annual Reports submitted to the Parliament. Details about compliance with proactive disclosure guidelines should mandatorily be included in the relevant chapter in Annual Report of Ministry/Department.

Chapter 13

Disclosure of file notes, ACRs, personal information, third party information etc.

S.No.	File no	Date	Subject
1	10/20/2006-IR	21/09/2007	Disclosure of Annual Confidential Reports under the RTI Act, 2005.
2	1/14/2007-IR	31/10/2007	Disclosure of Information relating to occurrence/event/matter which took place 20 years back.
3	1/20/2009-IR	23/06/2009	Clarification on disclosure of file noting under the Right to Information Act, 2005.
4	8/2/2010-IR	27/04/2010	Disclosure of third party information under the RTI Act, 2005.
5	11/2/2013-IR (Pt.)	14/08/2013	Disclosure of personal information under the RTI Act, 2005.

No.10/20/2006-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block New Delhi

Dated: the 21st September, 2007

OFFICE MEMORANDUM

Subject: Disclosure of Annual Confidential Reports under the RTI Act, 2005.

The undersigned is directed to say that a number of applications are received under the Right to Information Act, 2005 requesting for supply of copies of Annual Confidential Reports (ACRs) of employees. The matter regarding disclosure of the ACRs under the Act has been examined in consultation with the Department of Legal Affairs.

2. Clause (j) of sub-section (1) of section 8 of the RTI Act provides that there is no obligation to give any citizen an information which relates to personal information and disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of privacy of the individual unless the Public Information Officer or the Appellate Authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information. An ACR contains information about the character, capability and other attributes of the official reported upon, disclosure of which to any other person amounts to cause unwarranted invasion of the privacy of the individual. Besides, an ACR, as its name suggests, is a confidential document. The Official Secrets Act, 1923 is not completely superseded by the Right to Information Act. Sub-section (2) of Section 8 of the 2005 Act gives a discretion to the public authority to disclose or not to disclose the ACRs of an officer to himself or to any other applicant.

3. It is clear from the above discussion that the public authority is not under obligation to disclose ACRs of any employee to the employee himself or to any other person inasmuch as disclosure of ACRs is protected by clause (j) of sub-section (1) of Section 8 of the RTI Act; and an ACR is a confidential document, disclosure of which is protected by the Official Secrets Act, 1923. However, the public authority has a discretion to disclose the Annual Confidential Reports of an employee to the employee himself or to any other person, if the public authority is satisfied that the public interest in disclosure outweighs the harm to the protected interests. If it is felt that public interest in disclosure of ACR of any employee outweighs the protected

interests, decision to disclose the ACRs should be taken with the approval of the competent authority. Competent authority in the matter may be decided by the concerned public authority.



(K.G. Verma)

Director

Tel. No. 23092158

OFFICE MEMORANDUM

To

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission / President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission / Election Commission
3. Central Information Commission/State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

No.1/14/2007-IR

Government of India

Ministry of Personnel, Public Grievances & Pensions

Department of Personnel & Training

New Delhi, the 31st October, 2007

OFFICE MEMORANDUM

Subject: Disclosure of information relating to occurrence/event/matter which took place 20 years back.

Attention is invited to sub-section (3) of section 8 of the Right to Information Act, 2005 (Act) which provides that 'subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under Section 6 shall be provided to any person making a request under that section'. References have been received in this Department seeking clarification whether the above provision of the Act requires all the records to be preserved for more than a period of 20 years. The Second Administrative Reforms Commission, in its First Report titled the 'Right To Information – Master Key to Good Governance', has also expressed an apprehension about interpretation of the above provision with reference to the retention schedule of the files.

2. The RTI Act does not prescribe a record retention schedule. The records are to be retained by a public authority as per the record retention schedule applicable to that public authority. It is, however, important to note that weeding out of a file or any other record does not necessarily result into destruction of all the information contained in that file or record. It is possible that information generated in a file may be available in the form of an OM or a letter or in any other form even after the file has been weeded out. The above referred provision of the Act requires furnishing of information so available after the lapse of 20 years even if such information was exempt from disclosure under sub-section (1) of Section 8. It means that the information which, in normal course, is exempt from disclosure under sub-section (1) of Section 8 of the Act, would cease to be exempted if 20 years have lapsed after occurrence of the incident to which the information relates. However, the following types of information would continue to be exempt and there would be no obligation, even after lapse of 20 years, to give any citizen -

- (i) Information disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interest of the State, relation with foreign state or lead to incitement of an offence;

- (ii) Information the disclosure of which would cause a breach of privilege of Parliament or State Legislature; or
 - (iii) Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other Officers subject to the conditions given in proviso to clause (i) of sub-section (1) of Section 8 of the Act.
3. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)

Director

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
3. Central Information Commission/State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs.

No.1/20/2009-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

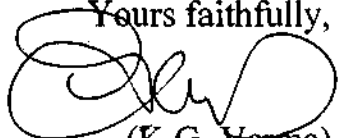
North Block, New Delhi
Dated: the 23rd June, 2009

OFFICE MEMORANDUM

Subject : Disclosure of 'file noting' under the Right to Information Act, 2005.

The undersigned is directed to say that various Ministries/Departments etc. have been seeking clarification about disclosure of file noting under the Right to Information Act, 2005. It is hereby clarified that file noting can be disclosed except file noting containing information exempt from disclosure under section 8 of the Act.

2. It may be brought to the notice of all concerned.

Yours faithfully,

(K.G. Verma)
Director

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
3. Central Information Commission/State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi
5. O/o the Comptroller&Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, DOP&T and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs.

23/06/09
जारी किया
ISSUED

No. 8/2/2010-IR
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel & Training

North Block, New Delhi-110001
Dated: the 27th April, 2010

OFFICE MEMORANDUM

Subject: Disclosure of third party information under the RTI Act, 2005.

The undersigned is directed to say that the Government, in a number of cases makes inter departmental consultations. In the process, a public authority may send some confidential papers to another public authority. A question has arisen whether the recipient public authority can disclose such confidential papers under the RTI Act, 2005. If yes, what procedure is required to be followed for doing so.

2. Section 11 of the Act provides the procedure of disclosure of 'third party' information. According to it, if a Public Information Officer (PIO) intends to disclose an information supplied by a third party which the third party has treated as confidential, the PIO, before taking a decision to disclose the information shall invite the third party to make submission in the matter. The third party has a right to make an appeal to the Departmental Appellate Authority against the decision of the PIO and if not satisfied with the decision of the Departmental Appellate Authority, a second appeal to the concerned Information Commission. The PIO cannot disclose such information unless the procedure prescribed in section 11 is completed.

3. As defined in clause (n) of Section 2 of the Act, 'third party' includes a public authority. Reading of the definition of the term, 'third party' and Section 11 together makes it clear that if a public authority 'X' receives some

information from another public authority 'Y' which that public authority has treated as confidential, then 'X' cannot disclose the information without consulting 'Y', the third party in respect of the information and without following the procedure prescribed in Section 11 of the Act. It is a statutory requirement, non-compliance of which may make the PIO liable to action.

4. The Public Information Officers and the First Appellate Authorities should keep these provisions of the Act in view while taking decision, about disclosure of third party information in general and disclosure of the third party information, when third party is a public authority, in particular.

5. Hindi version will follow.



(K.G. VERMA)
Director
Tel: 23092158

Copy to:

1. All the Ministries/Departments of the Government of India.
2. Union Public Service Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/Vice-Presidents's Secretariat/Prime Minister's Office/Planning Commission/Election Commission.
3. Central Information Commission/State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi.
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All Officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensions Welfare.

Copy to: Chief Secretaries of all the States/UTs.

No. 11/2/2013-IR (Pt.)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi,
Dated the 14th August, 2013

OFFICE MEMORANDUM

Subject: Disclosure of personal information under the RTI Act, 2005.

The Central Information Commission in one of its decisions (copy enclosed) has held that information about the complaints made against an officer of the Government and any possible action the authorities might have taken on those complaints, qualifies as personal information within the meaning of provision of section 8 (1) (j) of the RTI Act, 2005.

2. The Central Information Commission while deciding the said case has cited the decision of Supreme Court of India in the matter of Girish R. Deshpande vs. CIC and others (SLP (C) no. 27734/2012) in which it was held as under:-

"The performance of an employee/Officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression 'personal information', the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which could cause unwarranted invasion of the privacy of that individual." The Supreme Court further held that such information could be disclosed only if it would serve a larger public interest.

3. This may be brought to the notice of all concerned.

Encl: As above.

Manoj Joshi
(Manoj Joshi)
Joint Secretary (AT&A)
Tel: 23093668

1. All the Ministries / Departments of the Government of India.
2. Union Public Service Commission /Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
3. Central Information Commission/ State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi.
5. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, DOP&T and Department of Pension & Pensioners Welfare.

Central Information Commission, New Delhi
File No.CIC/SM/A/2013/000058
Right to Information Act-2005-Under Section (19)

Date of hearing : 26/06/2013

Date of decision : 26/06/2013

Name of the Appellant : Sh. Manoj Arya,
(RTI Activists and Social Worker) 67, Sec-
12, CPWD Flats, R K Puram, New Delhi
-110022

Name of the Public Authority : Central Public Information Officer,
Cabinet Secretariat,
(Vigilance & Complaint Cell), 2nd Floor,
Sardar Patel Bhawan, New Delhi -110001

The Appellant was not present in spite of notice.

On behalf of the Respondent, Shri M.P. Sajeevan, DS & CPIO was present.

The third party, Shri S B Agnihotri, DG (DEF. ACQ) MoD was present.

Chief Information Commissioner : **Shri Satyananda Mishra**

2. We heard the submissions of both the respondent and the third party in the case.

3. In his RTI application, the Appellant had sought the copies of the complaints made against the third party in the case and the details of the action taken including the copies of the enquiry reports. He had also wanted the copies of the correspondence made between the Cabinet Secretariat and the Ministry of Shipping in respect of the third party in the case. The CPIO after consulting the third party under Section 11 of the Right to Information Act, had

refused to disclose any such information by claiming that it was personal in nature and thus exempted under the provisions of section 8(1) (j) of the Right to Information (RTI) Act. Not satisfied with this decision of the CPIO, the Appellant had preferred an appeal. The Appellate Authority had disposed of the appeal in a speaking order in which he had endorsed the decision of the CPIO.

4. We have carefully gone through the contents of the RTI application and the order of the Appellate Authority. We have also considered the submissions of both the respondent and the third party in the case. The entire information sought by the Appellant revolves around the complaints made against an officer of the government and any possible action the authorities might have taken on those complaints. The Appellate Authority was very right in deciding that this entire class of information was qualified as personal information within the meaning of the provisions of Section 8 (i) (j) of the RTI Act. In this connection, it is very pertinent to cite the decision of the Supreme Court of India in the SLP(C) No. 27734 of 2012 (Girish R Deshpande vs CIC and others) in which it has held that "the performance of an employee/Officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression personal information, the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which could cause unwarranted invasion of the privacy of that individual." The Supreme Court further held that such information could be disclosed only if it would serve a larger public interest. The information sought by the Appellant in this case is about some complaints made against a government official and any possible action the authorities might have taken on those complaints. It is, thus, clearly the kind of information which is envisaged in the above Supreme Court order. Therefore, the information is completely exempted from disclosure under the provisions of the RTI Act which both the CPIO and the Appellate Authority have

rightly cited in their respective orders.

5. We find no grounds to interfere in the order of the Appellate Authority.

The appeal is rejected.

6. Copies of this order be given free of cost to the parties.

(Satyananda Mishra)

Chief Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(Vijay Bhalla)

Deputy Registrar

Chapter 14

Can 'Reasons' be asked under RTI Act

S.No.	File no	Date	Subject
1	1/7/2009-IR	01/06/2009	Decision dated 3.4.2008 of the High Court of Bombay at Goa in Writ Petition No. 419 of 2007 in the case of Dr. Celsa Pinto Vs. Goa State Information Commission regarding information under the Right to Information Act, 2005
2	1/7/2009-IR	20/05/2011	Decision dated 03.04.2008 of the High Court of Bombay at Goa in Writ Petition No. 419 of 2007 in the case of Dr. Celsa Pinto Vs. Goa State Information Commission regarding Information under the Right to Information Act, 2005.

No.1/7/2009-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: the 1st June, 2009

OFFICE MEMORANDUM

Subject: Decision dated 3.4.2008 of the High Court of Bombay at Goa in Writ Petition No.419 of 2007 in the case of Dr. Celsa Pinto Vs. Goa State Information Commission regarding information under the Right to Information Act, 2005.

The undersigned is directed to say that the High Court of Bombay at Goa in the above referred case has held on 3.4.2008 that the term 'information' as defined in the Right to Information Act does not include answers to the questions like 'why'. The relevant part of the judgement is reproduced below:

"The definition of information cannot include within its fold answers to the question "why" which would be same thing as asking the reason for a justification for a particular thing. The public information authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information."

2. This may be brought to the notice of all concerned.



(K.G. Verma)
Director
Tel: 23092158

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
3. Central Information Commission/State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi
5. O/o the Comptroller&Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, DOP&T and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs.

No.1/7/2009-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions,
Department of Personnel & Training

North Block, New Delhi,
Dated the 20th May, 2011.

OFFICE MEMORANDUM

Subject : Decision dated 03.04.2008 of the High Court of Bombay at Goa In Writ Petition No.419 of 2007 in the case of Dr. Celsa Pinto Vs. Goa State Information Commission regarding information under the Right to Information Act, 2005.

The undersigned is directed to invite attention to this Department's Office Memorandum of even number dated 1st June, 2009 on the subject mentioned above (copy enclosed) and to say that some persons have observed that the High Court of Bombay at Goa in the above referred case did not use the word 'like' in the judgement and that inclusion of this word in the O.M. before the word 'why' is creating confusion. It is hereby stated that the word 'like' used before the word 'why' in line 3 of the O.M. may be treated as deleted. The relevant part of the judgement is again being quoted below :

"The definition of information cannot include within its fold answers to the question "why" which would be same thing as asking the reason for a justification for a particular thing. The public information authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information."

2. This may be brought to the notice of all concerned.



(K.G. Verma)
Director
Tele : 23092158

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Copy to : Chief Secretaries of all the States/UTs.

Chapter 15

Issues relating to Information Commissioners

S.No.	File no	Date	Subject
1	1/1/2009-IR	22/05/2009	Clarification on constitution of Bench by Central Information Commission (CIC).
2	1/1/2009-IR	22/05/2009	Clarification on constitution of Bench by State Information Commission (SIC).

No.1/1/2009-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: the 22nd May, 2009

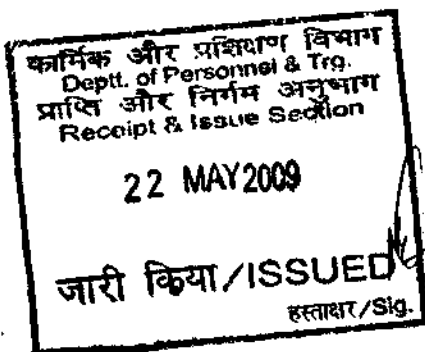
To
The Secretary,
Central Information Commission,
August Kranti Bhawan,
Bhikaji Cama Place,
New Delhi

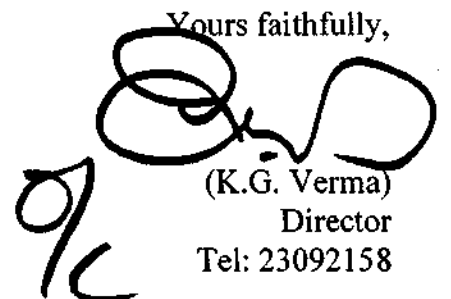
Sir,

I am directed to say that the Right to Information Act, 2005 provides that a person can make a complaint or an appeal to the Central Information Commission or the State Information Commission, as the case may be, in the circumstances as provided in the Act and that the concerned Commission may take action on the complaint or appeal in accordance with the provisions of the Act.

2. It is observed that the Central Information Commission and some State Information Commissions are taking decisions on the complaints and the appeals by constituting Benches. The matter has been examined in consultation with the Department of Legal Affairs who have pointed out that the Central Information Commission or the State Information Commissions could function through Benches only if there was a specific provision in the Act regarding constitution of Benches. That Department has further opined that provision of Section 12(4) of the RTI Act does not empower the Chief Information Commissioner to constitute the Benches.

3. In view of this legal position, it is advised that decisions on the complaints and appeals should be taken by the Central Information Commission as defined in Section 2(b) of the RTI Act, 2005 and not by the Benches of the Commission.



Yours faithfully,

(K.G. Verma)
Director
Tel: 23092158

No.1/1/2009-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: the 22nd May, 2009

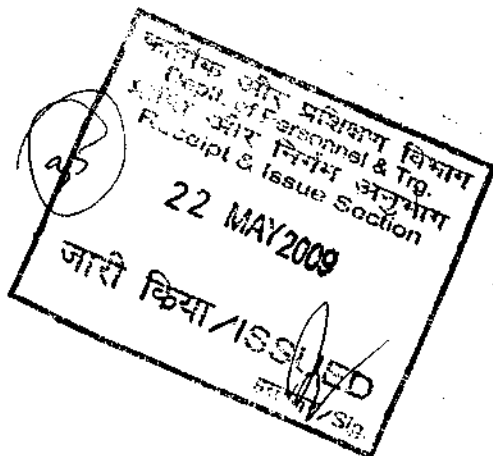
To ✓
The Chief Secretaries of all the States

Sir,

I am directed to say that the Right to Information Act, 2005 provides that a person can make a complaint or an appeal to the Central Information Commission or the State Information Commission, as the case may be, in the circumstances as provided in the Act and that the concerned Commission may take action on the complaint or appeal in accordance with the provisions of the Act.

2. It is observed that the Central Information Commission and some State Information Commissions are taking decisions on the complaints and the appeals by constituting Benches. The matter has been examined in consultation with the Department of Legal Affairs who have pointed out that the Central Information Commission or the State Information Commissions could function through Benches only if there was a specific provision in the Act regarding constitution of Benches. That Department has further opined that provision of Section 12(4) or Section 15(4) of the RTI Act does not empower the Chief Information Commissioner to constitute the Benches.

3. In view of this legal position, you are requested to advise the State Information Commission that decisions on the complaints and appeals should be taken by the State Information Commission as defined in Section 2(k) of the RTI Act, 2005 and not by the Benches of the Commission.



Yours faithfully,

(K.G. Verma)

Director

Tel: 23092158

o/c

Chapter 16

Supreme Court judgement regarding advice/opinion

S.No.	File no	Date	Subject
1	1/18/2011-IR	16/09/2011	Observation of Honourable Supreme Court on Right to Information Act, 2005 in Civil Appeal no.6454 of 2011, arising out of SLP (C) No.7526/2009 in the case of Central Board of Secondary Education and Anr.Vs. Aditya Bandopadhyay and Ors.



No.1/18/2011-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: the 16th September, 2011

Subject: Observation of Hon'ble Supreme Court on Right to Information Act, 2005 in Civil Appeal no.6454 of 2011, arising out of SLP [C] No.7526/2009 in the case of Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors.

The undersigned is directed to invite attention to this Department's O.M. No.1/4/2009-IR dated 05.10.2009 whereby a Guide on the Right to Information Act, 2005 was circulated. Para 10 of Part I of the Guide, inter alia, stated that 'only such information can be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. The Public Information Officer is not supposed to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.' The same issue has been elaborated by the Supreme Court in the matter of Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors. (Civil Appeal No.6454 of 2011) as follows:

"At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information *that is available and existing*. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non available information and then furnish it to an applicant. A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and

furnish any 'opinion' or 'advice' to an applicant. The reference to 'opinion' or 'advice' in the definition of 'information' in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act."

3. This may be brought to the notice of all concerned.



(K.G. Verma)
Joint Secretary(RTI)
Tel: 23092158

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/Lok Sabha Sectt./Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
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6. All officers/Desks/Sections, DOP&T and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs.

Chapter 17

RTI Rules

S.No.	File no	Date	Subject
1	34012/8/(S)/2005-Estt(B)	16/09/2005	Right to Information (Regulation of Fee and Cost) Rules, 2005
2	34012/8/(S)/2005-Estt(B)	27/10/2005	Right to Information (Regulation of Fee and Cost)(Amendment) Rules, 2005
3	34012/8/(S)/2005-Estt(B)	17/05/2006	Right to Information (Regulation of Fee and Cost) Amendment Rules, 2006
4	1/35/2009-IR	31/7/2012	Right to Information Rules, 2012

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 16th September, 2005

G.S.R. 336.—In exercise of the powers conferred by clauses (b) and (c) of sub-section (2) of Section 27 of the Right to Information Act, 2005 (22 of 2005), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Right to Information (Regulation of Fee and Cost) Rules, 2005.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In the rules, unless the context otherwise requires,—

- (a) 'Act' means the Right to Information Act, 2005;
- (b) 'section' means section of the Act;
- (c) all other words and expressions used herein but not defined and defined in the Act shall have the meanings assigned to them in the Act.

3. A request for obtaining information under sub-section (1) of Section 6 shall be accompanied by an application fee of rupees ten by way of cash against proper receipt or by demand draft or bankers cheque payable to the Accounts Officer of the public authority.

4. For providing the information under sub-section (1) of Section 7, the fee shall be charged by way of cash against proper receipt or by demand draft or bankers cheque payable to the Accounts Officer of the public authority at the following rates:—

- (a) rupees two for each page (in A-4 or A-3 size paper) created or copied;
- (b) actual charge or cost price of a copy in larger size paper;
- (c) actual cost or price for samples or models; and
- (d) for inspection of records, no fee for the first hour; and a fee of rupees five for each fifteen minutes (or fraction thereof) thereafter.

5. For providing the information under sub-section (5) of Section 7, the fee shall be charged by way of cash against proper receipt or by demand draft or bankers cheque payable to the Accounts Officer of the public authority at the following rates:—

- (a) for information provided in diskette or floppy rupees fifty per diskette or floppy; and
- (b) for information provided in printed form at the price fixed for such publication or rupees two per page or photocopy for extracts from the publication.

[F.No. 34012/8(S)/2005-Estt. (B)]

HARI KUMAR, Director

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**(Department of Personnel and Training)****NOTIFICATION**

New Delhi, the 27th October, 2005

G.S.R. 649(E).—In exercise of the powers conferred by clauses (b) and (c) of Sub-section (2) of Section 27 of the Right to Information Act, 2005 (22 of 2005), the Central Government hereby makes the following rules to amend the Right to Information (Regulation of Fee and Cost) Rules, 2005, namely :—

1. Short title and commencement.— (1) These rules may be called the Right to Information (Regulation of Fee and Cost) (Amendment) Rules, 2005.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Right to Information (Regulation of Fee and Cost) Rules, 2005, in rule 4, for clause (d), the following clause shall be substituted, namely :—

“(d) for inspection of records, no fee for the first hour; and a fee of rupees five for each subsequent hour (or fraction thereof).”

[F. No. 34012/8(S)/2005-Estt. (B)]

T. JACOB, Jt. Secy.

Note :—The principal rules were published in the Gazette of India *vide* Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) notification No. 34012/8(S)/2005-Estt. (B) dated 16th September, 2005 [No. G.S.R. 336 dated 1st October, 2005, Part II, Section 3, Sub-section (i)].

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel & Training)

NOTIFICATION

New Delhi, the 17th May, 2006

G.S.R. 294(E).—In exercise of the powers conferred by clauses (b) and (c) of Sub-section (2) of Section 27 of the Right to Information Act, 2005 (22 of 2005), the Central Government hereby makes the following rules further to amend the Right to Information (Regulation of Fee and Cost) Rules, 2005, namely :—

1. **Short Title and Commencement.**—(1) These rules may be called the Right to Information (Regulation of Fee and Cost) Amendment Rules, 2006.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Right to Information (Regulation of Fee and Cost) Rules, 2005,—

(a) in rule 3, after the words “bankers cheque”, the words “or Indian Postal Order” shall be inserted ;

(b) in rule 4, after the words “bankers cheque”, the words “or Indian Postal Order” shall be inserted ;

(c) in rule 5, after the words “bankers cheque”, the words “or Indian Postal Order” shall be inserted ;

[F.No. 34012/8(S)/2005-Estt. (B)]

C. B. PALIWAL, Jt. Secy.

Note :—The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), dated the 1st October, 2005 *vide* number G.S.R. 336 dated the 16th September, 2005 and were amended *vide* number G.S.R. 649(E) dated the 27th October, 2005.

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

NOTIFICATION

New Delhi, the 31st July, 2012

G.S.R. 603(E).—In exercise of the powers conferred by Section 27 of the Right to Information Act, 2005 (22 of 2005) and in supersession of the Central Information Commission (Appeal Procedure) Rules, 2005 and the Right to Information (Regulation of Fee and Cost) Rules, 2005 except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Right to Information Rules, 2012.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions.**—In these rules, unless the context otherwise requires,—
 - (a) "Act" means the Right to Information Act, 2005 (22 of 2005);
 - (b) "Commission" means the Central Information Commission constituted under sub-section (1) of Section 12 of the Act;
 - (c) "First Appellate Authority" means an officer in the public authority who is senior in rank to the Central Public Information Officer to whom an appeal under sub-section (1) of Section 19 of the Act lies;
 - (d) "Registrar" means an officer of the Commission so designated and includes an Additional Registrar, Joint Registrar and Deputy Registrar;
 - (e) "Section" means a Section of the Act;
 - (f) all other words and expressions used herein but not defined in these rules shall have the same meanings assigned to them in the Act.

2848 GI/12-2

3. Application Fee.—An application under sub-section (1) of Section 6 of the Act shall be accompanied by a fee of rupees ten and shall ordinarily not contain more than five hundred words, excluding annexures, containing address of the Central Public Information Officer and that of the applicant:

Provided that no application shall be rejected only on the ground that it contains more than five hundred words.

4. Fees for providing information.—Fee for providing information under sub-section (4) of Section 4 and sub-sections (1) and (5) of Section 7 of the Act shall be charged at the following rates, namely :—

- (a) rupees two for each page in A-3 or smaller size paper;
- (b) actual cost or price of a photocopy in large size paper;
- (c) actual cost or price for samples or models;
- (d) rupees fifty per diskette or floppy;
- (e) price fixed for a publication or rupees two per page of photocopy for extracts from the publication;
- (f) no fee for inspection of records for the first hour of inspection and a fee of rupees 5 for each subsequent hour or fraction thereof; and
- (g) so much of postal charge involved in supply of information that exceeds fifty rupees.

5. Exemption from Payment of Fee.—No fee under rule 3 and rule 4 shall be charged from any person who is below poverty line provided a copy of the certificate issued by the appropriate Government in this regard is submitted alongwith the application.

6. Mode of Payment of fee.—Fees under these rules may be paid in any of the following manner, namely :—

- (a) in cash, to the public authority or to the Central Assistant Public Information Officer of the public authority, as the case may be, against a proper receipt; or
- (b) by demand draft or bankers cheque or Indian Postal Order payable to the Accounts Officer of the public authority; or
- (c) by electronic means to the Accounts Officer of the public authority, if facility for receiving fees through electronic means is available with the public authority.

7. Appointment of Secretary to the Commission.—The Central Government shall appoint an officer not below the rank of Additional Secretary to the Government of India as Secretary to the Commission.

8. Appeal to the Commission.—Any person aggrieved by an order passed by the First Appellate Authority or by non-disposal of his appeal by the First Appellate Authority, may file an appeal to the Commission in the format given in the Appendix and shall be accompanied by the following documents, duly authenticated and verified by the appellant, namely :—

- (i) a copy of the application submitted to the Central Public Information Officer;
- (ii) a copy of the reply received, if any, from the Central Public Information Officer;
- (iii) a copy of the appeal made to the First Appellate Authority;
- (iv) a copy of the Order received, if any, from the First Appellate Authority;
- (v) copies of other documents relied upon by the appellant and referred to in his appeal; and
- (vi) an index of the documents referred to in the appeal.

9. Return of Appeal.—An appeal may be returned to the appellant, if it is not accompanied by the documents as specified in rule 8, for removing the deficiencies and filing the appeal complete in all respects.

10. Process of appeal.—(1) On receipt of an appeal, if the Commission is not satisfied that it is a fit case to proceed with, it may, after giving an opportunity of being heard to the appellant and after recording its reasons, dismiss the appeal:

Provided that no appeal shall be dismissed only on the ground that it has not been made in the specified format if it is accompanied by documents as specified in rule 8.

(2) The Commission shall not consider an appeal unless it is satisfied that the appellant has availed of all the remedies available to him under the Act.

(3) For the purposes of sub-rule (2), a person shall be deemed to have availed of all the remedies available to him under the Act:

- (a) if he had filed an appeal before the First Appellate Authority and the First Appellate Authority or any other person competent to pass order on such appeal had made a final order on the appeal; or
- (b) where no final order has been made by the First Appellate Authority with regard to the appeal preferred, and a period of forty five days from the date on which such appeal was preferred has elapsed.

11. Procedure for deciding appeals.—The Commission, while deciding an appeal may—

- (i) receive oral or written evidence on oath or on affidavit from concerned or interested person;
- (ii) peruse or inspect documents, public records or copies thereof;
- (iii) inquire through authorised officer further details or facts;
- (iv) hear Central Public Information Officer, Central Assistant Public Information Officer or the First Appellate Authority, or such person against whose action the appeal is preferred, as the case may be;
- (v) hear third party; and
- (vi) receive evidence on affidavits from Central Public Information Officer, Central Assistant Public Information Officer, First Appellate Authority and such other person against whom the appeal lies or the third party.

12. Presence of the appellant before the Commission.—(1) The appellant shall be informed of the date at least seven clear days before the date of hearing.

- (2) The appellant may be present in person or through his duly authorised representative or through video conferencing, if the facility of video conferencing is available, at the time of hearing of the appeal by the Commission.
- (3) Where the Commission is satisfied that the circumstances exist due to which the appellant is unable to attend the hearing, then, the Commission may afford the appellant another opportunity of being heard before a final decision is taken or take any other appropriate action as it may deem fit.

13. Presentation by the Public Authority.—The public authority may authorise any representative or any of its officers to present its case.

14. Service of notice by Commission.—The Commission may issue the notice by name, which shall be served in any of the following modes, namely:—

- (i) service by the party itself;
- (ii) by hand delivery (dasti) through Process Server;
- (iii) by registered post with acknowledgement due;
- (iv) by electronic mail in case electronic address is available.

15. Order of the Commission.—The order of the Commission shall be in writing and issued under the seal of the Commission duly authenticated by the Registrar or any other officer authorised by the Commission for this purpose.

[F. No. 1/35/2009-IR]

MANOJ JOSHI, Jt. Secy.

APPENDIX

FORMAT OF APPEAL

(See Rule 8)

1. Name and address of the appellant
2. Name and address of the Central Public Information Officer to whom the application was addressed
3. Name and address of the Central Public Information Officer who gave reply to the Application

4. Name and address of the First Appellate Authority Who decided the First Appeal
5. Particulars of the application
6. Particulars of the order(s) including number, if any, against which the appeal is preferred
7. Brief facts leading to the appeal
8. Prayer or relief sought
9. Grounds for the prayer or relief
10. Any other information relevant to the appeal
11. Verification/authentication by the appellant