



# COMPILATION OF OMs, CIRCULARS, GUIDELINES & NOTIFICATIONS

ON

# RIGHT TO INFORMATION ACT, 2005



GOVERNMENT OF INDIA  
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS  
DEPARTMENT OF PERSONNEL AND TRAINING

**Most Immediate**

No. 34012/13(S)2005-Estt. (B)

Government of India

Ministry of Personnel, Public Grievances and Pensions

Department of Personnel and Training

New Delhi, Dated the 6th October, 2005

**OFFICE MEMORANDUM**

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

The undersigned 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 Ministers 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. forward by the CAPIOs) to the 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 purview 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).

**Most Immediate**  
**Time Bond**

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

New Delhi, Dated 21<sup>st</sup> 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/Depts./public authorities to comply with the directives of the Act and not to ask unnecessary questions from complaints/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

F.No. 1/2/2007-1R  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training

New Delhi, Dated the 3<sup>rd</sup> 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 Officers and/or Assistant Public Information Officers 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.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-a-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 action 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.



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

New Delhi, the 31<sup>st</sup> 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](http://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.

No. 10/20/2006-1R  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

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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 RTI Act, 2005 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

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. Staf 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.1/18/2007-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 4 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 or 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.

No.4/16/2007-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
(Department of Personnel & Training)

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North Block, New Delhi,  
**Dated:** the 5th October, 2007

To

The Secretaries of all  
State Information Commissions

**Subject:** Foreign Visits of the State Chief Information Commissioners and Information Commissioners - Clarifications regarding.

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Sir,

I am directed to say that a question has been raised whether the State Chief Information Commissioners and the State Information Commissioners are required to obtain the approval of this Department for going abroad on official visit.

2. Decision regarding foreign visit of the State Chief Information Commissioner and other State Information Commissioners of a State may be taken by the Governor of that State. Approval of this Department in the matter is not required. However, clearance from the Central Ministry of Home Affairs, the Ministry of External Affairs etc. may be obtained as per extant instructions.

Yours faithfully

(K.G. Verma)  
Director

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. 1/8/2007-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
(Department of Personnel & Training)

New Delhi, the 8th November, 2007

**OFFICE MEMORANDUM**

**Subject:** Guidelines for information seekers under the Right to Information Act, 2005.

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The undersigned is directed to say that this Department, soon after the enactment of the Right to Information Act, 2005, had posted reply to some 'Frequently Asked Questions' regarding implementation of the Act on its website (<http://righttoinformation.gov.in/>) so as to enable smooth exercise of the right to information by persons who wish to do so. A number of references have since been received which would show that there is a need to issue further guidelines elaborating some provisions of the Act and method of its use by the general public. The guidelines have, accordingly, been prepared for the information seekers, a copy of which is enclosed. It is requested that these guidelines may be given wide publicity.

(K.G. Verma)  
Director  
Tel: 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. 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.

# **GUIDE FOR THE INFORMATION SEEKERS**

**HOW TO GET INFORMATION**

**FROM THE PUBLIC AUTHORITIES OF THE CENTRAL  
GOVERNMENT**

**UNDER  
THE RIGHT TO INFORMATION ACT, 2005**

**Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training  
North Block, New Delhi**

## **INDEX**

<b>SI. No.</b>	<b>Contents</b>	<b>Page No.</b>
1.	Foreword	1
2.	Object of the Right to Information Act	2
3.	What is Information	2
4.	Right to Information under the Act	2-3
5.	Exemptions from Disclosure	3
6.	Central Public Information Officers	3-4
7.	Assistance Available From CPIOs	4
8.	Suo Motu Disclosure	4
9.	Method of Seeking Information	4
10.	Fee for Seeking Information	4-5
11.	Format of Application	5
12.	Disposal of the Request	5-6
13.	First Appeal	6-7
14.	Second Appeal	7
15.	Complaints	8
16.	Disposal of Appeals and Complaints by the CIC	8
17.	Important Web-sites	8

## **FOREWORD**

The Right to Information Act, 2005 has converted the prevailing culture of secrecy into a culture of openness and transparency in the working of the Government. It will go a long way in strengthening our democratic institutions, empowering the public, removing corruption and greater involvement of citizens in the development of the nation.

This compilation explains the method of making application for seeking information from the public authorities under the Central Government, the procedure for preparing appeals and the steps for filing complaints in the matter and other related issues. The contents of this document would apply mostly in connection with getting information from the public authorities of the State Governments as well. Nevertheless, since there are different fee rules and appeal rules in different States, the States may like to bring out their own guide on the subject on similar lines.

I wish the Right to Information Act is made use of by the public for larger public good.

(Satyananda Mishra)

Secretary

Department of Personnel & Training,

Ministry of Personnel, Public

Grievances and Pensions

New Delhi

Dated: the 8th November, 2007

## **A GUIDE FOR THE INFORMATION SEEKERS UNDER THE RIGHT TO INFORMATION ACT, 2005.**

### **Object of the Right to Information Act**

The basic object of the Right to Information Act is to empower the citizens, promote transparency and accountability in the working of the Government, contain corruption, and make our democracy work for the people in real sense. An informed citizenry will be better equipped to keep necessary vigil on the instruments of governance and make the government more accountable to the governed. The Act has created a practical regime through which the citizens of the country may have access to information under the control of public authorities.

### **What is Information**

2. Information is any material in any form. It includes records, documents, memos, e-mails, opinions, advises, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.

### **Right to Information under the Act**

3. A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; taking certified samples of material held by the public authority or held under the control of the public authority.

4. The public authority under the RTI Act 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. Only such information can be had under the Act which already exists with the public authority.

5. A citizen has a right to obtain information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided information is already stored in a computer or in any other device from which the information may be transferred to diskettes etc.

6. The information to the applicant shall ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form would disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied.

7. The Act gives the right to information only to the citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens. However, if an application is made by an employee or office-bearer of any Corporation, Association, Company, NGO etc. who is also a citizen of India, information shall be supplied to him/her, provided the applicant gives his/her full name. In such cases, it will be presumed that a citizen has sought information at the address of the Corporation etc.

### **Exemptions from Disclosure**

8. The right to seek information from a public authority is not absolute. Sections 8 and 9 of the Act enumerate the categories of information which are exempt from disclosure. At the same time Schedule II of the Act contains the names of the Intelligence and Security Organisations which are exempt from the purview of the Act. The exemption of the organisations, however, does not cover supply of information relating to allegations of corruption and human rights violations.

9. The applicants should abstain from seeking information which is exempt under Section 8 and 9 and also from the organizations included in the Second Schedule except information relating to allegations of corruption and human rights violations.

### **Central Public Information Officers**

10. Application for seeking information should be made to an officer of the public authority who is designated as Central Public Information Officer (CPIO). All the public authorities have designated their Central Public Information Officers and have posted their particulars on their respective web-sites. This information is also available on the 'RTI PORTAL' ([www.rti.gov.in](http://www.rti.gov.in)). Persons seeking information are advised to refer to the web-site of the concerned public authority or the 'RTI PORTAL' for ascertaining the name of the concerned CPIO. If it is found difficult to identify or locate the concerned Central Public Information Officer of a public authority, application may be sent to the Central Public Information Officer without specifying the name of the CPIO at the address of the public authority.

### **Assistance Available From CPIOs**

11. The Central Public Information Officer shall render reasonable assistance to the persons seeking information. If a person is unable to make a request in writing, he may seek the help of the CPIO to write his application. Where a decision is taken to give access to a sensorily disabled person to any document, the Central Public Information Officer, shall provide such assistance to enable access to information, including providing such assistance to the person as may be appropriate for the inspection.

## **Suo Motu Disclosure**

12. The Act makes it obligatory for every public authority to make suo-motu disclosure in respect of the particulars of its organization, functions, duties etc. as provided in section 4 of the Act. Besides, some public authorities under the Central Government have published other information and have posted them on their websites.

## **Method of Seeking Information**

13. A citizen who desires to obtain any information under the Act, should make an application to the Central Public Information Officer (CPIO) of the concerned public authority in writing in English or Hindi or in the official language of the area in which the application is made. The applicant can send the application by post or through electronic means or can deliver it personally in the office of the public authority. The application can also be sent through a Central Assistant Public Information Officer appointed by the Department of Post at sub-divisional level or other sub-district level.

## **Fee for Seeking Information**

14. The applicant, along with the application, should send a demand draft or a banker's cheque or an Indian Postal Order of Rs.10/- (Rupees ten), payable to the Accounts Officer of the public authority as fee prescribed for seeking information. The payment of fee can also be made by way of cash to the Accounts Officer of the public authority or to the Central Assistant Public Information Officer against proper receipt.

15. The applicant may also be required to pay further fee towards the cost of providing the information, details of which shall be intimated to the applicant by the CPIO as prescribed by the Right to Information (Regulation of Fee and Cost) Rules, 2005. Rates of fee as prescribed in the Rules are given below:

- (a) rupees two (Rs. 2/-) 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;
- (d) for inspection of records, no fee for the first hour; and a fee of rupees five (Rs.5/-) for each subsequent hour (or fraction thereof);
- (e) for information provided in diskette or floppy rupees fifty (Rs.50/-) per diskette or floppy; and
- (f) for information provided in printed form at the price fixed for such publication or rupees two per page of photocopy for extracts from the publication.

16. If the applicant belongs to below poverty line (BPL) category, he is not required to pay any fee. However, he should submit a proof in support of his claim to belong to the below



poverty line. The application not accompanied by the prescribed fee of Rs.10/- or proof of the applicant's belonging to below poverty line, as the case may be, shall not be a valid application under the Act and therefore, does not entitle the applicant to get information.

### **Format of Application**

17. There is no prescribed form of application for seeking information. The application can be made on plain paper. The application should, however, have the name and complete postal address of the applicant. Even in cases where the information is sought electronically, the application should contain name and postal address of the applicant.

18. The information seeker is not required to give reasons for seeking information.

### **Disposal of the Request**

19. The CPIO is required to provide information to the applicant within thirty days of the receipt of a valid application. If the information sought for concerns the life or liberty of a person, the information shall be provided within forty-eight hours of the receipt of the request. If the CPIO is of the view that the information sought for cannot be supplied under the provisions of the Act, he would reject the application. However, while rejecting the application, he shall inform the applicant the reasons for such rejection and the particulars of the appellate authority. He would also inform the applicant the period within which appeal may be preferred.

20. If an applicant is required to make payment for obtaining information, in addition to the application fee, the Central Public Information Officer would inform the applicant about the details of further fees alongwith the calculation made to arrive at the amount payable by the applicant. After receiving such a communication from the CPIO, the applicant may deposit the amount by way of cash against proper receipt or by Demand Draft or by Banker's cheque or by Indian Postal Order in favour of the Accounts Officer of the concerned public authority. The CPIO is under no obligation to make available the information if the additional fee intimated by him is not deposited by the applicant.

21. Where an additional fee is required to be paid, the period intervening between the dispatch of the intimation regarding payment of additional fee and payment of fee by the applicant shall be excluded for the purpose of computing the period of thirty days within which the CPIO is required to furnish the information.

22. If the CPIO fails to send decision on the request on the information within the period of thirty days or forty-eight hours, as the case may be, the information may be deemed to have been refused.

### **First Appeal**

23. If an applicant is not supplied information within the prescribed time of thirty days or 48 hours, as the case may be, or is not satisfied with the information furnished to him, he may

prefer an appeal to the first appellate authority who is an officer senior in rank to the CPIO. Such an appeal, should be filed within a period of thirty days from the date on which the limit of 30 days of supply of information is expired or from the date on which the information or decision of the CPIO is received.

24. The appellate authority of the public authority shall dispose of the appeal within a period of thirty days or in exceptional cases within 45 days of the receipt of the appeal.

### **Second Appeal**

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

- (i) Name and address of the appellant;
- (ii) Name and address of the Central Public Information Officer against the decision of whom the appeal is preferred;
- (iii) Particulars of the order including number, if any, against which the appeal is preferred;
- (iv) Brief facts leading to the appeal;
- (v) If the appeal is preferred against deemed refusal, particulars of the application, including number and date and name and address of the Central Public Information Officer to whom the application was made;
- (vi) Prayer or relief sought;
- (v) Grounds for prayer or relief;
- (vi) Verification by the appellant; and
- (vii) Any other information, which the Commission may deem necessary for deciding the appeal.

26. The appeal made to the Central Information Commission should be accompanied by the following documents:

- (i) Self-attested copies of the orders or documents against which appeal is made;
- (ii) Copies of the documents relied upon by the appellant and referred to in the appeal; and
- (iii) An index of the documents referred to in the appeal.

### **Complaints**

27. If any person is unable to submit a request to a Central Public Information Officer either by reason that such an officer has not been appointed by the concerned public authority;

or the Central Assistant Central Public Information Officer has refused to accept his or her application or appeal for forwarding the same to the Central Public Information Officer or the appellate authority, as the case may be; or he has been refused access to any information requested by him under the RTI Act; or he has not been given a response to a request for information within the time limit specified in the Act; or he has been required to pay an amount of fee which he considers unreasonable; or he believes that he has been given incomplete, misleading or false information, he can make a complaint to the Central Information Commission.

### **Disposal of Appeals and Complaints by the CIC**

28. The Central Information Commission decides the appeals and complaints and conveys its decision to the appellant/complainant and first appellate authority/CPIO. The Commission may decide an appeal/complaint after hearing the parties to the appeal/complaint or by inspection of documents produced by the appellant/complainant and CPIO or such senior officer of the public authority who decided the first appeal. If the Commission chooses to hear the parties before deciding the appeal or the complaint, the Commission will inform of the date of hearing to the appellant or the complainant at least seven clear days before the date of hearing. The appellant/complainant has the discretion to be present in person or through his authorized representative at the time of hearing or may opt not to be present.

### **Important Web-sites**

29. Given below are the addresses of some important web-sites which contain substantial information relevant to the right to information:

- (i) Portal of the Government of India (<http://indiaimage.nic.in>).
- (ii) Portal on the Right to Information ([www.rti.gov.in](http://www.rti.gov.in)).
- (iii) Website of the Central Information Commission (<http://cic.gov.in>).

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.

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.

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.

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

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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



No.1/69/2007-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

North Block, New Delhi  
Dated: the 27th February, 2008

**OFFICE MEMORANDUM**

**Subject:** Guidelines for the officers designated as Central Public Information Officer under the Right to Information Act, 2005.

The undersigned is directed to say that the Central Public Information Officer (CPIO) of a public authority plays an important role in effective implementation of the provisions of the Right to Information Act, 2005. At the same time, he is liable for penalty in case of default in performance of duties assigned to him by the Act. It is, therefore, crucial for a CPIO to study the Act carefully and understand its provisions correctly. This Department has prepared a 'Guide' which clarifies some of the important aspects of the Act relating to the functions of the CPIOs. The Guide so prepared is enclosed as Annexure.

2. The Act provides that a CPIO may seek the assistance of any other officer for proper discharge of his/her duties. Such other officer would be deemed to be a CPIO and would be liable for contraventions of the provisions of the Act the same way as the CPIO himself. Since the CPIO may seek the assistance of any officer, it is desirable for all the officers to acquire necessary knowledge about the provisions of the Act, which a CPIO should have. The Guide would help them in this task.

3. All Ministries/Departments etc. are requested to bring the contents of the Guide to the notice of all concerned.

(K.G. Verma)  
Director  
Tel: 23092158

To

1. All Ministries / Departments of Govt. 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
3. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
4. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
5. Central Information Commission / State Information Commissions.

## **A GUIDE FOR THE CENTRAL PUBLIC INFORMATION OFFICERS**

The Right to Information Act, 2005 empowers citizens to get information from any 'public authority'. The Central Public Information Officer (CPIO) of a public authority plays a pivotal role in making the right of a citizen to information a reality. The Act casts specific duties on him and makes him liable for penalty in case of default. It is, therefore, essential for a CPIO to study the Act carefully and understand its provisions correctly. Following aspects should particularly be kept in view while dealing with the applications under the Act.

### **What is Information**

2. Information is any material in any form. It includes records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.

### **Right to Information under the Act**

3. A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority.

4. The Act gives the citizens a right to information at par with the Members of Parliament and the Members of State Legislatures. According to the Act, the information which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.

5. A citizen has a right to obtain an information in the form of diskettes, floppies, tapes, video, cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device from which the information may be transferred to diskettes etc.

6. The information to the applicant should ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form would disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied.

7. The Act gives the right to information only to the citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens. However, if an application is made by an employee or office-bearer of any Corporation, Association, Company, NGO etc. indicating his name and such employee/office bearer is a citizen of India, information may be supplied to him/

her. In such cases, it would be presumed that a citizen has sought information at the address of the Corporation etc.

8. Only such information is required to 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 CPIO 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.

### **Information Exempted From Disclosure**

9. Sub-section (1) of section 8 and section 9 of the Act enumerate the types of information which is exempt from disclosure. Sub-section (2) of section 8, however, provides that information exempted under sub-section (1) or exempted under the Official Secrets Act, 1923 can be disclosed if public interest in disclosure overweighs the harm to the protected interest. Further, sub-section (3) of section 8 provides that information exempt from disclosure under sub-section (1), except as provided in clauses (a), (c) and (i) thereof, would cease to be exempted after 20 years from the date of occurrence of the related event etc.

10. It may be noted that section 8(3) of the Act does not require the public authorities to retain records for indefinite period. The records should be retained as per the record retention schedule applicable to the concerned public authority. Information generated in a file may survive in the form of an OM or a letter or in any other form even after destruction of the file/record. 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.

### **Right to Information Vis-a-Vis other Acts**

11. The RTI Act has over-riding effect vis-a-vis other laws inasmuch as the provisions of the RTI Act would have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than the RTI Act.

## **Rendering Assistance to Applicants**

12. The Central Public Information Officer has a duty to render reasonable assistance to the persons seeking information. As per provisions of the Act, a person, who desires to obtain any information is required to 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 made. If a person seeking information is not able to make such request in writing, the Central Public Information Officer should render reasonable assistance to him to reduce the same in writing.

13. Where access to a record is required to be provided to a sensorily disabled person, the Central Public Information Officer should provide assistance to such person to enable him to access the information. He should also provide such assistance to the person as may be appropriate for the inspection of records where such inspection is involved.

## **Assistance Available to CPIO**

14. The Central Public Information Officer may seek the assistance of any other officer as he or she considers necessary for the proper discharge of his or her duties. The officer, whose assistance is so sought by the CPIO, would render all assistance to him. Such an officer shall be deemed to be a Central Public Information Officer and would be liable for contravention of any provisions of the Act the same way as any other Central Public Information Officer. It would be advisable for the CPIO to inform the officer whose assistance is sought, about the above provision, at the time of seeking his assistance.

## **Suo Motu Disclosure**

15. The Act makes it obligatory for every public authority to make suo-motu disclosure in respect of the particulars of its organization, functions, duties and other matters, as provided in section 4 of the Act. The information so published, according to sub-section (4) of section 4, should be easily accessible with the CPIO in electronic format. The CPIO should, therefore, make concerted efforts to ensure that the requirements of the Section 4 are met and maximum information in respect of the public authority is made available on the internet. It would help him in two ways. First, the number of applications under the Act would be reduced and secondly, it would facilitate his work of providing information inasmuch as most of the information would be available to him at one place.

## **Fee for Seeking Information**

16. An applicant, along with his application, is required to send a demand draft or a banker's cheque or an Indian Postal Order of Rs.10/- (Rupees ten), payable to the Accounts Officer of the public authority as fee prescribed for seeking information. He can also make payment of fee by way of cash to the Accounts Officer of the public authority or to the Central Assistant Public Information Officer against proper receipt.

17. Additional fee has been prescribed by the Right to Information (Regulation of Fee and Cost) Rules, 2005 for supply of information as given below:

- (a) rupees two (Rs. 2/-) 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;
- (d) for inspection of records, no fee for the first hour; and a fee of rupees five (Rs.5/-) for each subsequent hour (or fraction thereof);
- (e) for information provided in diskette or floppy rupees fifty (Rs.50/-) per diskette or floppy;
- and
- (f) for information provided in printed form at the price fixed for such publication or rupees two per page of photocopy for extracts from the publication.

18. If the applicant belongs to below poverty line (BPL) category, he is not required to pay any fee. However, he should submit a proof in support of his claim to belong to the below poverty line. The application not accompanied by the prescribed fee of Rs.10/- or proof of the applicant's belonging to below poverty line, as the case may be, shall not be a valid application under the Act and, therefore, does not entitle the applicant to get information.

#### **Contents and Format of Application**

19. An applicant making request for information is not required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him. Also, the Act or the Rules do not prescribe any format of application for seeking information. Therefore, the applicant should not be asked to give justification for seeking information or to give details of his job etc. or to submit application in any particular form.

#### **Invalid Applications**

20. Soon after receiving the application, the CPIO should check whether the applicant has made the payment of application fee of Rs. 10 or whether the applicant is a person belonging to a Below Poverty Line (BPL) family. If application is not accompanied by the prescribed fee or the BPL Certificate, it cannot be treated as a valid application under the RTI Act and may be ignored.

#### **Transfer of Application**

21. If the application is accompanied by the prescribed fee or the Below Poverty Line Certificate, the CPIO should check whether the subject matter of the application or a part thereof concerns some other public authority. If the subject matter of the application concerns any other public authority, it should be transferred to that public authority. If only a part of the application concerns the other public authority, a copy of the application may be sent to that public authority, clearly specifying the part which relates to that public authority. While transferring the application or sending a copy thereof, the concerned public authority should be informed that the application fee has been received. The applicant should also be informed

about the transfer of his application and the particulars of the public authority to whom the application or a copy thereof has been sent.

22. Transfer of application or part thereof, as the case may be, should be made as soon as possible and in any case within five days from the date of receipt of the application. If a CPIO transfers an application after five days from the receipt of the application, he would be responsible for delay in disposing of the application to the extent of number of days which he takes in transferring the application beyond 5 days.

23. The CPIO of the public authority to whom the application is transferred, should not refuse acceptance of transfer of the application on the ground that it was not transferred to him within 5 days.

24. A public authority may designate as many CPIOs for it, as it may deem necessary. It is possible that in a public authority with more than one CPIO, an application is received by the CPIO other than the concerned CPIO. In such a case, the CPIO receiving the application should transfer it to the concerned CPIO immediately, preferably the same day. Time period of five days for transfer of the application applies only when the application is transferred from one public authority to another public authority and not for transfer from one CPIO to another in the same public authority.

### **Supply of Information**

25. The answering CPIO should check whether the information sought or a part thereof is exempt from disclosure under section 8 or Section 9 of the Act. Request in respect of the part of the application which is so exempt may be rejected and rest of the information should be provided immediately or after receipt of additional fees, as the case may be.

26. Where a request for information is rejected, the Central Public Information Officer should communicate to the person making the request.

- (i) the reasons for such rejection;
- (ii) the period within which an appeal against such rejection may be preferred; and
- (iii) the particulars of the authority to whom an appeal can be made.

27. If additional fee is required to be paid by the applicant as provided in the Right to Information (Regulation of Fee and Cost) Rules, 2005, the Central Public Information Officer should inform the applicant:

- (i) the details of further fees required to be paid;
- (ii) the calculations made to arrive at the amount of fees asked for;
- (iii) the fact that the applicant has a right to make appeal about the amount of fees so demanded;
- (iv) the particulars of the authority to whom such an appeal can be made; and
- (v) the time limit within which the appeal can be made.

### **Supply of Part Information by Severance**

28. Where a request is received for access to information which is exempt from disclosure but a part of which is not exempt and such part can be severed in such a way that the severed part does not contain exempt information then, access to that part of the information/record may be provided to the applicant. Where access is granted to a part of the record in such a way, the Central Public Information Officer should inform the applicant that the information asked for is exempt from disclosure and that only part of the record is being provided, after severance, which is not exempt from disclosure. While doing so, he should give the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based. The CPIO should take the approval of appropriate authority before supply of information in such a case and should inform the name and designation of the person giving the decision to the applicant also.

### **Time Period for Supply of Information**

29. The CPIO should supply the information within thirty days of the receipt of the request. Where the information sought for concerns the life or liberty of a person, the same should be provided within forty-eight hours of the receipt of the request.

30. Every public authority is required to designate an officer at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer (CPAIO) to receive the applications or appeals under the Act for forwarding the same to the Central Public Information Officer or the first Appellate Authority or the Central Information Commission. If request for information is received through the CPAIO, the information may be provided within 35 days of receipt of application by the CPAIO in normal course and 48 hours plus 5 days in case the information sought concerns the life or liberty of a person.

31. In case of an application transferred from one public authority to another public authority, as referred to in para 21, reply should be provided by the concerned public authority within 30 days of the receipt of the application by that public authority in normal course and within 48 hours in case the information sought concerns the life or liberty of a person.

32. The Central Public Information Officers of the intelligence and security organisations specified in the Second Schedule of the Act may receive applications seeking information pertaining to allegations of corruption and human rights violations. Information in respect of allegations of violation of human rights, which is provided only after the approval of the Central Information Commission, should be provided within forty-five days from the date of the receipt of request. Time limit prescribed for supplying information in regard to allegations of corruption is the same as in other cases.

33. Where the applicant is asked to pay additional fee, the period intervening between the dispatch of the intimation about payment of fee and the payment of fee by the applicant shall be excluded for the purpose of calculating the period of reply. The following table shows the maximum time which may be taken to dispose off the applications in different situations:

Sr. No.	Situation	Time limit for disposing off applications
1.	Supply of information in normal course.	30 days
2.	Supply of information if it concerns the life or liberty of a person	48 hours
3.	Supply of information if the application is received through CAPIO.	05 days shall be added to the time period indicated at Sr. No. 1 and 2.
4.	Supply of information if application/request is received after transfer from another public authority: (a) In normal course  (b) In case the information concerns the life or liberty of a person.	(a) Within 30 days of the receipt of the application by the concerned public authority.  (b) Within 48 hours of receipt of the application by the concerned public authority.
5.	Supply of information by organizations specified in the Second Schedule: (a) If information relates to allegations of violation of human rights. (b) In case information relates to allegations of corruption.	(a) 45 days from the receipt of application. (b) Within 30 days of the receipt of application.
6.	Supply of information if it relates to third party and the third party has treated it as confidential.	Should be provided after following the procedure given in para 37 to 41 of these guidelines.
7.	Supply of information where the applicant is asked to pay additional fee.	The period intervening between informing the applicant about additional fee and the payment of fee by the applicant shall be excluded for calculating the period of reply.

34. If the CPIO fails to give decision on the request for information within the prescribed period, the Central Public Information Officer shall be deemed to have refused the request. It is pertinent to note that if a public authority fails to comply with the specified time limit, the information to the concerned applicant would have to be provided free of charge.

### Third Party Information

35. Third party in relation to the Act means a person other than the citizen who has made request for information. Any public authority other than the public authority to whom the request has been made shall also be included in the definition of third party.



36. It may be noted that information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, is exempt from disclosure. Section 8(1) (d) requires that such information should not be disclosed unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.

37. If an applicant seeks any information which relates to or has been supplied by a third party and that third party has treated that information as confidential, the Central Public Information Officer should consider whether the information should be disclosed or not. The guiding principle in such cases should be that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party. However, procedure as given below should be followed before disclosing such information. It may be noted that this procedure need be followed only when the third party has treated the information as confidential.

38. If the CPIO intends to disclose the information, he should within five days from the receipt of the application, give a written notice to the third party that the information has been sought by the applicant under the RTI Act and that he intends to disclose the information. He should request the third party to make a submission in writing or orally, regarding whether the information should be disclosed. The third party should be given a time of ten days, from the date of receipt of the notice by him, to make representation against the proposed disclosure, if any.

39. The Central Public Information Officer should make a decision regarding disclosure of the information keeping in view the submission of the third party. Such a decision should be taken within forty days from the receipt of the request for information. After taking the decision, the CPIO should give a notice of his decision to the third party in writing. The notice given to the third party should include a statement that the third party is entitled to prefer an appeal under section 19 against the decision.

40. The third party can prefer an appeal to the First Appellate Authority against the decision made by the Central Public Information Officer within thirty days from the date of the receipt of notice. If not satisfied with the decision of the First Appellate Authority, the third party can prefer the second appeal to the Central Information Commission.

41. If an appeal has been filed by the third party against the decision of the CPIO to disclose the third party information, the information should not be disclosed till the appeal is decided.

### **Appeals and Complaints**

42. If an applicant is not supplied information within the prescribed time limit, or is not satisfied with the information furnished to him, he may prefer an appeal to the first appellate authority who is an officer senior in rank to the CPIO. Such an appeal can be made within a period of 30 days from the date on which time limit for supply of information expires or the decision of the CPIO is received. The appellate authority of the public authority is expected to dispose of the appeal within a period of thirty days or in exceptional cases within 45 days of

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

43. If any person is unable to submit a request to a Central Public Information Officer either by reason that such an officer has not been appointed by the concerned public authority; or the Central Assistant Public Information Officer has refused to accept his or her application or appeal for forwarding the same to the Central Public Information Officer or the appellate authority, as the case may be; or he has been refused access to any information requested by him under the RTI Act; or he has not been given a response to a request for information within the time limit specified in the Act; or he has been required to pay an amount of fee which he considers unreasonable; or he believes that he has been given incomplete, misleading or false information, he can make a complaint to the Central Information Commission.

#### **Imposition of Penalty**

44. As pointed out above, an applicant under the Act has a right to appeal to the Central Information Commission and also to make complaint to the Commission. Where the Central Information Commission at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer has without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished subject to the condition that the total amount of such penalty shall not exceed twenty-five thousand rupees. The Central Public Information Officer shall, however, be given a reasonable opportunity of being heard before any penalty is imposed on him. The burden of proving that he acted reasonably and diligently and in case of denial of a request that such denial was justified shall be on the Central Public Information Officer.

#### **Disciplinary Action Against CPIO**

45. Where the Central Information Commission at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer has without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it may recommend for disciplinary action against the Central Public Information Officer.

### **Protection for Work Done in Good Faith**

46. Section 21 of the Act provides that no suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under the Act or any rule made thereunder. A CPIO should, however, note that it would be his responsibility to prove that his action was in good faith.

### **Annual Report of the CIC**

47. The Central Information Commission prepares a report on the implementation of the provisions of the RTI Act every year, which is laid before each House of the Parliament. This report, inter-alia, has to include information about the number of requests made to each public authority, the number of decisions where the applicants were not entitled to access to documents requested for, the provisions of the Act under which these decisions were made and the number of times such provisions were invoked, the amount of charges collected by each public authority under the Act. Each Ministry/Department is required to collect such information from all the public authorities under its jurisdiction and send the same to the Commission. The CPIOs should maintain the requisite information in this regard so that it may be supplied to their administrative Ministry/Department soon after the end of the year, which in turn may supply to the Commission.

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

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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

No. 1/4/2008-IR  
Government of India  
Ministry of Personnel, P.G. and Pensions  
Department of Personnel & Training

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New Delhi, Dated the 25<sup>th</sup> April, 2008

**OFFICE MEMORANDUM**

**Subject:** Guidelines for the public authorities under the Right to Information Act, 2005.

The undersigned is directed to say that the public authorities are the repository of information which the citizens have a right to have under the Right to Information Act, 2005. The Act casts important obligations on them so as to facilitate the reach of people to information held by them. This Department has prepared a 'Guide' for the public authorities which would help them in discharge of their functions under the Act effectively. A copy of the Guide so prepared is enclosed as Annexure.

2. All the Ministries / Departments etc. are requested to bring the contents of the Guide to the notice of all public authorities under them and to ensure that they comply with the requirements of the Act.

(K.G. Verma)  
Director  
Tel: 23092158

To

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

### **GUIDE FOR THE PUBLIC AUTHORITIES**

Public authorities are the repository of information which the citizens have a right to have under the Right to Information Act, 2005. As defined in the Act, a "public authority" is any authority or body or institution of self government established or constituted by or under the Constitution; or by any other law made by the Parliament or a State Legislature; or by notification issued or order made by the Central Government or a State Government. Bodies owned, controlled or substantially financed by the Central Government or a State Government and non-Government organisations substantially financed by the Central Government or a State Government also fall within the definition of public authority. The financing of the body or the NGO by the Government may be direct or indirect.

2. The Act casts important obligations on public authorities so as to facilitate the citizens of the country to access the information held under their control. The obligations of a public authority are basically the obligations of the head of the authority, who should ensure that these are met in right earnest. Reference made to public authority in this document is, in fact, a reference to the head of the public authority.

#### **What is Information**

3. Information is not an abstract concept under the RTI Act. It is conceived as being contained in any material including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.

#### **Right to Information under the Act**

4. A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority.

5. The Act gives the citizens a right to information at par with the Members of Parliament and the Members of State Legislatures. According to the Act, the information which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.

6. A citizen has a right to obtain an information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device from which the information may be transferred to diskettes etc.

7. The information to the applicant should ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form would disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied.

8. The Act gives the right to information only to the citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens. However, if an application is made by an employee or office-bearer of any Corporation, Association, Company, NGO etc. indicating his name and such employee/office bearer is a citizen of India, information may be supplied to him/her. In such cases, it would be presumed that a citizen has sought information at the address of the Corporation etc.

9. Only such information is required to be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. It is not required under the Act to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.

### **Information Exempted From Disclosure**

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

Further, sub-section (3) of section 8 provides that information exempt from disclosure under sub-section (1), except as provided in clauses (a), (c) and (i) thereof, would cease to be exempted after 20 years from the date of occurrence of the related event etc.

11. It may be noted that section 8(3) of the Act does not require the public authorities to retain records for indefinite period. The records should be retained as per the record retention schedule applicable to the concerned public authority. Information generated in a file may survive in the form of an OM or a letter or in any other form even after destruction of the file/record. 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.

### **Timely Supply of Information**

12. The Act requires that except in some special circumstances, decision on an application for information should be given within 30 days of the receipt of the request. Where the information sought for concerns the life or liberty of a person, the same should be provided within forty-eight hours of the receipt of the request. If the decision on the request for information is not given within the prescribed period, it is deemed that the request has been refused. It is pertinent to note that if a public authority fails to Comply with the specified time limit, the information to the concerned applicant would have to be provided free of charge.

### **Right to Information Vis-a-Vis other Acts**

13. The RTI Act has over-riding effect vis-a-vis other laws inasmuch as the provisions of the RTI Act would have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than the RTI Act.

### **Maintenance and Computerisation of Records**

14. Proper management of records is of utmost importance for effective implementation of the provisions of the Act. A public authority should, therefore, maintain all its records properly. It should ensure that the records are duly catalogued and indexed in such a manner and form that it may facilitate the right to information.

15. The Public authorities should computerize all its records which are appropriate to be computerized. Records so computerised should be connected through a network on different systems so that access to such records is facilitated.



## **Suo Motu Disclosure**

16. Every public authority should provide as much information suo motu to the public through various means of communications so that the public have minimum resort to the use of the Act to obtain information. Internet being one of the most effective means of communications, the information may be posted on the website.

17. Section 4(1) (b) of the Act, in particular, requires every public authority to publish following sixteen categories of information:

- (i) the particulars of its organisation, functions and duties;
- (ii) the powers and duties of its officers and employees;
- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions;
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
- (vi) a statement of the categories of documents that are held by it or under its control;
- (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
- (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
- (ix) directory of its officers and employees;
- (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
- (xiii) particulars of recipients of concessions, permits or authorisations granted by it;
- (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
- (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- (xvi) the names, designations and other particulars of the Public Information Officers;

18. Besides the categories of information enumerated above, the Government may prescribe other categories of information to be published by any public authority. It need be stressed that publication of the information as referred to above is not optional. It is a statutory requirement which every public authority is bound to meet.

19. An another important point to note is that it is not sufficient to publish the above information once. The public authority is obliged to update such information every year. It is advisable that, as far as possible, the information should be updated as and when any development takes place. Particularly, in case of publication on the internet, the information should be kept updated all the time.

### **Dissemination of Information**

20. The public authority should widely disseminate the information. Dissemination should be done in such form and manner which is easily accessible to the public. It may be done through notice boards, newspapers, public announcements, media broadcast, the internet or any other means. The public authority should take into consideration the cost effectiveness, local language and most effective method of communication in the local area while disseminating the information.

### **Publication of Facts about Policies and Decisions**

21. Public authorities formulate policies and take various decisions from time to time. As provided in the Act, while formulating important policies or announcing the decisions affecting the public, the public authority should publish all relevant facts about such policies and decisions for the information of public at large.

### **Providing Reasons for Decisions**

22. The public authorities take various administrative and quasi-judicial decisions which affect the interests of certain persons. It is mandatory for the concerned public authority to provide reasons for such decisions to the affected persons. It may be done by using appropriate mode of communication.

### **Designation of CPIOs etc.**

23. Every public authority is required to designate Public Information Officers in all the administrative units or offices under it. The public authorities should also designate the First Appellate Authorities and publish the details thereof alongwith the details of the Public Information Officers. Every public authority is also required to designate Assistant Public Information Officers at each sub-divisional level. The Government has decided that Central Assistant Public Information Officers (CAPIOs) appointed by the Department of Posts would act as CAPIOs for all the public authorities under the Government of India.

## **Acceptance of Fee**

24. 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, an applicant can make payment of fee in cash or by demand draft or banker's cheque or Indian Postal Order payable to the Accounts Officer of the public authority. The public authority should ensure that payment by any of the above modes is not denied or the applicant is not compelled to draw IPO etc. in the name of any officer other than the Accounts Officer. If any public authority does not have any Accounts Officer, an officer may be designated as such for the purpose of receiving fee under the RTI Act or rules made thereunder.

## **Transfer of Applications**

25. The Act provides that if an application is made to a public authority requesting for an 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 or relevant part of it to that other public authority within five days from the receipt of the application. The public authority should sensitize its officers about this provision of the Act lest the public authority is held responsible for delay.

## **Compliance with the Orders of the CIC**

26. While deciding an appeal, the Central Information Commission, may require the concerned public authority to take such steps as may be necessary to secure compliance with the provisions of the Act. In this regard the Commission may pass an order to provide information to an applicant in a particular form; appoint a Public Information Officer; publish certain information or categories of information; make necessary changes to its practices in relation to the maintenance, management and destruction of records; enhance the provision of training for its officials; provide an annual report as prepared in compliance with clause (ii) of subsection (1) of section 4 of the Act.

27. The Commission has power to pass orders requiring a public authority to compensate the complainant for any loss or other detriment suffered by him. It also has power to impose penalty on the Public Information Officer as provided in the Act. It may be noted that penalty is imposed on the Public Information Officer which is to be paid by him. However, the compensation, ordered by the Commission to be paid to an applicant would have to be paid by the public authority.

28. The decisions of the Commission are binding. The public authority should ensure that the orders passed by the Commission are implemented. If any public authority is of the view that an order of the Commission is not in consonance with the provisions of the Act, it may approach the High Court by way of a Writ Petition.

## **Annual Report of the CIC**

29. The Central Information Commission, after the end of each year, is required to prepare a report on the implementation of the provisions of, the Act during that year. Each Ministry or Department is required, in relation to the public authorities within its jurisdiction, to collect and provide information to the Central Information Commission for preparation of the report. The report of the Commission, inter-alia, contains following information in respect of the year to which the report relates-

- (a) the number of requests made to each public authority;
- (b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of the Act under which these decisions were made and the number of times such provisions were invoked;
- (e) particulars of any disciplinary action taken against any officer in respect of the administration of the Act;
- (e) the amount of charges collected by each public authority under the Act; and
- (f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of the Act.

30. Every public authority should send necessary material to its administrative Ministry/ Department soon after the end of the year so that the Ministry/Department may send the information to the Commission and the Commission may incorporate the same in its report.

31. If it appears to the Central Information Commission that a practice of a public authority in relation to the exercise of its functions under the Act does not conform with the provisions or spirit of the Act, it may give a recommendation to the authority specifying the steps ought to be taken for promoting such conformity. The concerned public authority should take necessary action to bring its practice in conformity with the Act.

### **Development of Programmes etc.**

32. It is expected of each public authority that it would develop and organise educational programmes to advance the understanding of the public, in particular of disadvantaged communities, as to how to exercise the rights contemplated under the Act; and ensure timely and effective dissemination of accurate information about their activities. Training of the Public Information Officers and other officers of a public authority is very important for meeting these expectations and effective implementation of the provisions of the Act. The public authorities should, therefore, arrange for training of their officers designated as Public Information Officer/First Appellate Authority and other officers who are directly or indirectly involved in the implementation of the provisions of the Act.

No.1/3/2008-IR  
Government of India  
Ministry of Personnel, P.G. and Pensions  
Department of Personnel & Training

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New Delhi, Dated the 25th April, 2008

**OFFICE MEMORANDUM**

**Subject:** Guidelines for the Officers designated as first appellate authority under the RTI Act, 2005.

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The undersigned is directed to say that the Central Public Information Officer (CPIO) of a public authority is responsible to supply correct and complete information to an information seeker under the Right to Information Act, 2005 within the specified time. It is possible that a CPIO may not act as per provisions of the Act or an applicant may not otherwise be satisfied with the decision of the CPIO. The Act contains provision of two appeals to tide over such situations. While the first appeal lies within the public authority itself, the second appeal lies with the Central Information Commission. The Central Information Commission (Appeal Procedure) Rules, 2005 govern the procedure for deciding appeals by the Commission. The First Appellate Authority is, however, required to dispose off the appeals received by him in the light of the provisions of the Act and keeping in view the principles of natural justice. A Guide has been prepared for the First Appellate Authorities, a copy of which is enclosed as Annexure. It is expected that it would help them perform their duties effectively.

2. All the Ministries / Departments etc. are requested to bring the contents of the Guide to the notice of all concerned.

(K.G. Verma)  
Director  
Tel: 2309.2158

To

1. All Ministries / Departments of Govt. 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
3. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
4. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
5. Central Information Commission/State Information Commissions. The guidelines contained in the Annexure apply mutatis mutandis to the First Appellate Authorities under the States. The State Governments may like to issue similar guidelines for their First Appellate Authorities.

## **GUIDE FOR THE FIRST APPELLATE AUTHORITIES**

It is the responsibility of the Central Public Information Officer (CPIO) of a public authority to supply correct and complete information within the specified time to any person seeking information under the RTI Act, 2005. There are possibilities that a CPIO may not act as per provisions of the Act or an applicant may not otherwise be satisfied with the decision of the CPIO. The Act contains provision of two appeals to tide over such situations. The first appeal lies within the public authority itself which is made to an officer designated as the First Appellate Authority by the concerned public authority. The First Appellate Authority happens to be an officer senior in rank to the CPIO. The second appeal lies with the Central Information Commission. The Central Information Commission (Appeal Procedure) Rules, 2005 govern the procedure for deciding appeals by the Commission. The Guidelines contained in this document are meant for the First Appellate Authorities.

2. In order to perform his/her duties effectively, the Appellate Authority should study the Act carefully and understand its provisions correctly. This document explains some of the important aspects of the Act which a First Appellate Authority should, in particular, be conversant with.

### **What is Information**

3. Information is any material in any form. It includes records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.

### **Right to Information under the Act**

4. A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority.

5. The Act gives the citizens a right to information at par with the Members of Parliament and the Members of State Legislatures. According to the Act, the information which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.

6. A citizen has a right to obtain an information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts provided such information is already stored in a computer or in any other device from which the information may be transferred to diskettes etc.

7. The information to the applicant should ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form would disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied.

8. The Act gives the right to information only to the citizens of India. It does not make

provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens. However, if an application is made by an employee or office-bearer of any Corporation, Association, Company, NGO etc. indicating his name and such employee/office bearer is a citizen of India, information may be supplied to him/her. In such cases, it would be presumed that a citizen has sought information at the address of the Corporation etc.

9. Only such information is required to be supplied under the Act 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 to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.

### **Information Exempted From Disclosure**

10. Sub-section (1) of section 8 and section 9 of the Act enumerate the categories of information which is exempt from disclosure. Sub-section (2) of section 8, however, provides that information exempted under sub-section (1) or exempted under the Official Secrets Act, 1923 can be disclosed if public interest in disclosure overweighs the harm to the protected interest. Further, sub-section (3) of section 8 provides that information exempt from disclosure under sub-section (1) except as provided in clauses (a), (c) and (i) thereof, would cease to be exempted after 20 years from the date of occurrence of the related event etc.

11. It may be noted that section 8(3) of the Act does not require the public authorities to retain records for indefinite period. The records should be retained as per the record retention schedule applicable to the concerned public authority. Information generated in a file may survive in the form of an OM or a letter or in any other form even after destruction of the file/record. 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.

### **Right to Information Vis-a-Vis Other Acts**

12. The RTI Act has over-riding effect vis-a-vis other laws inasmuch as the provisions of the RTI Act would have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than the RTI Act.

### **Fee for Seeking Information**

13. An applicant, along with his application, is required to pay a sum of Rs.10/- as application fee in cash or by way of a demand draft or a banker's cheque or an Indian Postal

Order payable to the Accounts Officer of the public authority. The applicant may also have to pay additional fee, as prescribed by the Right to Information (Regulation of Fee and Cost) Rules, 2005 for supply of information as given below:

- (a) rupees two (Rs. 2/-) 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;
- (d) for inspection of records, no fee for the first hour; and a fee of rupees five (Rs.5/-) for each subsequent hour (or fraction thereof);
- (e) for information provided in diskette or floppy rupees fifty (Rs.50/-) per diskette or floppy; and
- (f) for information provided in printed form at the price fixed for such publication or rupees two per page of photocopy for extracts from the publication.

14. If the applicant belongs to 'below poverty line' (BPL) category, he/she is not required to pay any fee. However, he/she should submit a proof in support of his/her claim to belong to the below poverty line. The application not accompanied by the prescribed fee of Rs. 10/- or proof of the applicant's belonging to below poverty line, as the case may be, shall not be a valid application under the Act and, therefore, does not entitle the applicant to get information.

15. It may be noted that where the CPIO decides that the information shall be provided on payment of fee in addition to the application fee, the CPIO is required, inter-alia, to inform the applicant:

- (i) the details of further fees required to be paid;
- (ii) the calculations made to arrive at the amount of fees asked for;

#### **Contents and Format of Application**

16. An applicant making request for information is not required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him. Also, the Act or the Rules do not prescribe any format of application for seeking information. Therefore, the applicant should not be asked to give justification for seeking information or to give details of his job etc. or to submit application in any particular form.

#### **Transfer of Application**

17. If the subject matter of the application concerns any other public authority, it should be transferred to that public authority. If only a part of the application concerns the other public authority, a copy of the application may be sent to that public authority, clearly specifying the part which relates to that public authority. While transferring the application or sending a copy thereof, the concerned public authority should be informed that the application fee has been received. The applicant should also be informed about the transfer of his application and the particulars of the public authority to whom the application or a copy thereof has been sent.

18. Transfer of application or part thereof: as the case may be, should be made as soon as possible and in any case within five days from the date of receipt of the application. If a CPIO transfers an application after five days from the receipt of the application, he would be responsible for delay in disposing of the application to the extent of number of days which he takes in transferring the application beyond 5 days.

19. The CPIO of the public authority to whom the application is transferred, should not refuse acceptance of transfer of the application on the ground that it was not transferred to him within 5 days.



20. A public authority may designate as many CPIOs for it, as it may deem necessary. It is possible that in a public authority with more than one CPIO, an application is received by the CPIO other than the concerned CPIO. In such a case, the CPIO receiving the application should transfer it to the concerned CPIO immediately, preferably the same day. Time period of five days for transfer of the application applies only when the application is transferred from one public authority to another public authority and not for transfer from one CPIO to another in the same public authority.

### **Supply of Information**

21. The answering CPIO should check whether the information sought or a part thereof is exempt from disclosure under section 8 or Section 9 of the Act. Request in respect of the part of the application which is so exempt may be rejected and rest of the information should be provided immediately or after receipt of additional fees, as the case may be.

### **Supply of Part Information by Severance**

22. Where a request is received for access to information which is exempt from disclosure but a part of which is not exempt and such part can be severed in such a way that the severed part does not contain exempt information then, access to that part of the information/record may be provided to the applicant. Where access is granted to a part of the record in such a way, the Central Public Information Officer should inform the applicant that the information asked for is exempt from disclosure and that only part of the record is being provided, after severance, which is not exempt from disclosure. While doing so, he should give the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based. The CPIO should take the approval of appropriate authority before supply of information in such a case and should inform the name and designation of the person giving the decision to the applicant also.

### **Time Period for Supply of Information**

23. The CPIO should supply the information within thirty days of the receipt of the request. Where the information sought for concerns the life or liberty of a person, the same should be provided within forty-eight hours of the receipt of the request.

24. Every public authority is required to designate an officer at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer (CAPIO) to receive the applications or appeals under the Act for forwarding the same to the Central Public Information Officer or the first Appellate Authority or the Central Information Commission, as the case may be. If request for information is received through the CAPIO, the information may be provided within 35 days of receipt of application by the CAPIO in normal course and 48 hours plus 5 days in case the information sought concerns the life or liberty of a person.

25. In case of an application transferred from one public authority to another public authority reply should be provided by the concerned public authority within 30 days of the receipt of the application by that public authority in normal course and within 48 hours in case the information sought concerns the life or liberty of a person.

26. The Central Public Information Officers of the intelligence and security organisations specified in the Second Schedule of the Act may receive applications seeking information pertaining to allegations of corruption and human rights violations. Information in respect of allegations of violation of human rights, which is provided only after the approval of the Central Information Commission, should be provided within forty-five days from the date of the receipt of request. Time limit prescribed for supplying information in regard to allegations of corruption is the same as in other cases.

27. Where the applicant is asked to pay additional fee, the period intervening between the dispatch of the intimation about payment of fee and the payment of fee by the applicant shall be excluded for the purpose of calculating the period of reply. The following table shows the maximum time which may be taken to dispose off the applications in different situations:

Sr. No.	Situation	Time limit for disposing off applications
1.	Supply of information in normal course.	30 days
2.	Supply of information if it concerns the life or liberty of a person	48 hours
3.	Supply of information if the application is received through CAPIO.	05 days shall be added to the time period indicated at Sr. No. 1 and 2.
4.	Supply of information if application/request is received after transfer from another public authority:  (a) In normal course  (b) In case the information concerns the life or liberty of a person.	(a) Within 30 days of the receipt of the application by the concerned public authority.  (b) Within 48 hours of receipt of the application by the concerned public authority.
5.	Supply of information by organizations specified in the Second Schedule:  (a) If information relates to allegations of violation of human rights.  (b) In case information relates to allegations of corruption.	(a) 45 days from the receipt of application.  (b) Within 30 days of the receipt of application.
6.	Supply of information if it relates to third party and the third party has treated it as confidential.	Should be provided after following the procedure given in para 37 to 41 of these guidelines.
7.	Supply of information where the applicant is asked to pay additional fee.	The period intervening between informing the applicant about additional fee and the payment of fee by the applicant shall be excluded for calculating the period of reply.

28. If the CPIO fails to give decision on the request for information within the prescribed period, the Central Public Information Officer shall be deemed to have refused the request. It is pertinent to note that if a public authority fails to comply with the specified time limit, the information to the concerned applicant would have to be provided free of charge.

## **First Appeal**

29. The information sought by an applicant should either be supplied to him or his application should be rejected within the time prescribed by the Act. If additional fee need be charged from the applicant, communication in this regard should be sent to him within the time limit prescribed for sending information. If the applicant does not receive information or decision about rejection of request or communication about payment of additional fee within the specified time, he can make an appeal to the First Appellate Authority. Appeal can also be made if the applicant is aggrieved by the decision of the CPIO regarding supply of information or the quantum of fee decided by the CPIO.

## **Appeal in relation to Third Party Information**

30. Third party in relation to the Act means a person other than the citizen who has made request for information. Any public authority other than the public authority to whom the request has been made shall also be included in the definition of third party.

31. It may be noted that information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, is exempt from disclosure. Section 8(1) (d) requires that such information should not be disclosed unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.

32. If an applicant seeks any information which relates to or has been supplied by a third party and that third party has treated that information as confidential, the Central Public Information Officer should consider whether the information should be disclosed or not. The guiding principle in such cases should be that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party. However, procedure as given below should be followed before disclosing such information. It may be noted that this procedure need be followed only when the third party has treated the information as confidential.

33. If the CPIO intends to disclose the information, he should within five days from the receipt of the application, give a written notice to the third party that the information has been sought by the applicant under the RTI Act and that he intends to disclose the information. He should request the third party to make a submission in writing or orally, regarding whether the information should be disclosed. The third party should be given a time of ten days, from the date of receipt of the notice by him, to make representation against the proposed disclosure, if any.

34. The Central Public Information Officer should make a decision regarding disclosure of the information keeping in view the submission of the third party. Such a decision should be taken within forty days from the receipt of the request for information. After taking the decision, the CPIO should give a notice of his decision to the third party in writing. The notice given to the third party should include a statement that the third party is entitled to prefer an appeal under section 19 against the decision.

35. The third party can prefer an appeal to the First Appellate Authority against the decision made by the Central Public Information Officer within thirty days from the date of the receipt of notice. If not satisfied with the decision of the First Appellate Authority, the third party can prefer the second appeal to the Central Information Commission.

36. If an appeal has been filed by the third party against the decision of the CPIO to disclose the third party information, the information should not be disclosed till the appeal is decided.

#### **Time Limit for Filing of First Appeal**

37. The first appeal may be made within 30 days from the date of expiry of the prescribed period or from the receipt of communication from the CPIO. If the First Appellate Authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal, the appeal may be admitted after 30 days also.

#### **Disposal of Appeal**

38. 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.

#### **Time Limit for Disposal of Appeal**

39. The appeal should be disposed off within 30 days of receipt of the appeal. In exception cases, the Appellate Authority may take 45 days for its disposal. However, in cases where disposal of appeal takes more than 30 days, the Appellate Authority should record in writing the reasons for such delay.

40. 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.

41. 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 action against the CPIO. Such competent officer shall take necessary action so as to ensure implementation of the provisions of the RTI Act.

No.13/10/2007-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

.....

North Block, New Delhi  
Dated: the 29th April, 2008

To,

1. Central Information Commission,  
August Kranti Bhawan,  
Bhikaji Cama Place,  
New Delhi
2. All the State Information Commissions

**Subject:** Special Civil Application No.23305 of 2007 - Ahmedabad Education Society & Another Vs. UOI & Ors.

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I am directed to bring following observations made by the High Court of Gujarat in the matter of Ahmedabad Education Society & Another V/s UOI & Others [Special Civil Application No.23305 of 2007] to the notice of the Central Information Commission and all the State Information Commissions:

"As per Section 18, the complaint can be preferred before the State Information Commission and Chief Information Commissioner can initiate an inquiry and can impose penalty as per Section 20 of the Act, 2005. While holding inquiry, as per Section 18(3) of the Act, 2005, State Chief Information Commissioner has been clothed with powers of the Civil Court under the Code of Civil Procedure, 1908, in respect of summoning and enforcing the attendance of persons and compel them to give oral and written evidence on oath, requiring the discovery and inspection of documents; receiving evidence on affidavit; requisitioning any public record or copies thereof from any court or office. But so far as refund of fees is concerned, it is a matter to be decided by the Civil Court of competent jurisdiction under Code of Civil Procedure, 1907. State Chief Information Commissioner has no power, jurisdiction and authority under the Act, 2005, to pass an order of refund of the fees."

Yours faithfully,

(K.G. Verma)

Director

Tele: 23092158

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.

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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 here in under 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 anyone 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 Minister / Department 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 and Department of Pension & Pensioners Welfare.



No. 1/12/2008-IR  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
(Department of Personnel & Training)

North Block, New Delhi  
Dated the 23rd June, 2008

To

The Chief Secretaries of all  
the States/UTs (except the State of J&K)

**Subject:** Initiatives for effective implementation of the RTI Act, 2005.

Sir,

I am directed to say that it is the responsibility of the Central Government and the Governments of all the States/UTs to implement the provisions of the Right to Information Act, 2005 effectively. Some of the States have taken innovative steps in fulfillment of their responsibility. One of such States is the State of Andhra Pradesh. That State has taken following steps in the matter:

- (i) It has introduced an elaborate system of compiling of RTI data from various public authorities in the State through an MIS developed by it in consultation with the Centre for Good Governance, Hyderabad. This enables the State information Commission to prepare its Annual Report as mandated under Section 25 of the Act. Simultaneously, the system facilitates the State Government to monitor the implementation of the Act.
- (ii) There is a high level Monitoring Committee on RTI matters in the State, headed by the Chief Secretary, which meets once in a quarter.
- (iii) The Government of Andhra Pradesh and the State information Commission had organized a Mass Awareness Programme last year throughout the State. The result manifested itself in the form of increase in the number of RTI applications in the State. The following initiatives were taken for awareness generation in the State
  - (a) preparation of slides for exhibition in cinema theatres and beaming of strips on TV channels;
  - (b) preparation of short films for telecasting on TV/cinema theatres;
  - (c) preparation of lessons on RTI for incorporation in school syllabi;
  - (d) display of information on boards and presentation of templates for rural areas;
  - (e) preparation of e-learning module on RTI under the technical support by the Centre for Good Governance, Hyderabad.

3. You are requested to take similar actions/measures in your State, so as to ensure effective implementation of the provisions of the Act. Copies of the following documents are enclosed for your ready reference:

- (i) Order No.253 dated 12.1.2007 issued by the Govt. of Andhra Pradesh nominating all the District Collectors as Coordinating Officers and District Revenue Officers (DROs) as Nodal Officers for effective and timely implementation of the RTI Act, 2005;
- (iii) Order No.6488 dated 20.11.2006 directing all the Departments of the Secretariat to issue suitable instructions to all the Heads of Departments and Public Authorities

under their control to maintain information relating to RTI in prescribed registers and for timely submission of the information to the State information Commission for preparation of Annual Report. (Copies of the format of Registers and related reports are annexed with the Order);

- (iii) Order No.6412 dated 15.11.2006 of the State Government constituting high level Monitoring Committee;
- (iv) Model lessons to be introduced in the Environmental Science of Class 5th

Yours faithfully,

(K.G. Verma)  
Director  
Tel : 23092158

Right to information Act, 2005 (Central Act 22 of 2005) – Preparation of Annual Report for the period from October, 2005 to 31st December, 2006-All the Collectors and DROs nominated as Coordinating Officers and Nodal Officers respectively-Orders-Issued.

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**GENERAL ADMINISTRATION (COORDINATION, GPM&AR) DEPARTMENT**

G.O.Rt.No. 253

Dated: 12.1.2007

Read the following

1. G.O.Rt.No. 6488, General Administration (Coordn., GPM&AR) Department, dt. 20.11.2006.
2. The Chief information Commissioner, A.P. Information Commission, Hyderabad, D.O.Lr.No. 1160/APIC/2006, Dt. 11.1.2007.

.....

**ORDER:**

Government in the G.O. read above, issued orders prescribing the procedure as envisaged in the Annexure to the order and requested all the Departments of Secretariat to issue suitable instructions to all the Heads of Departments and public authorities under their control to maintain the Registers at Public information Officer level and 1st appellate authority level respectively. It was also requested in the same G.O. to furnish the information in the prescribed proforma to the respective Officers duly indicating the dates on it. The reports should be submitted at each level so as to enable the A.P. Information Commission to prepare its Annual Report and place the same before the State Legislature in the Budget Session 2007 as per the time schedule laid down.

2. In the D.O. Letter read above, the Chief information Commissioner, A.P. Information Commission, Hyderabad has submitted proposals to nominate the Collectors as Coordinating Officers and the DROs as Nodal Officers for effective implementation of the Right to information Act, 2005.

3. Government have carefully considered the matter and agreed with the views of the Chief information Commissioner, as contained in the D.O. Letter 2nd read above, to designate the Collector as Coordinating Officer and the DRO as Nodal Officer in each District for speedy transmission of information from District level Officers to the concerned Heads of Departments, to facilitate effective implementation of the Right to information Act, 2005.

4. Government accordingly hereby nominate all the District Collectors as Coordinating Officers and DROs as Nodal Officers for effective and timely implementation of the Right to information Act, 2005.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**J. HARINARAYAN**

**CHIEF SECRETARY TO GOVERNMENT**

**To**

**All the District Collectors**

**All the Departments of Secretariat**

**All the Heads of Departments**

**The Secretary**

**AP Information Commission,**

**HACA Bhawan**

**Opp. Public Gardens,**

**Hyderabad**

**GOVERNMENT OF ANDHRA PRADESH**

**ABSTRACT**

Right to information Act, 2005 (Central Act 22 of 2005) - Preparation of Annual Report by the AP. Information Commission under Section 25 of the RTI Act, 2005—Furnishing of Information by the public authorities — Revised formats — Prescribed — Orders Issued.

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**GENERAL ADMINISTRATION (COORDINATION, GPM&AR) DEPARTMENT**

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G.O.Rt.No. 6488

Dated: 20-11-2006

Read the following

1. Govt. Circular Memo. No. 1 5890/I&PR-II/A1/06-13,Dt.05. 10.2006.
2. Govt. D.O. Lr.No. 74487/Coordn. GPM&AR / 2006-6, Dt.17.1 0.2006.
3. Govt.D.O.Letter.No.62565/Coordn.,GPM&AR/2006-10,Dt: 17- 10-2006
4. From A.P. Information Commission, OSD& Secy.(FAC) Lr.No.1160 / APIC / 06, Dt.26.10.2006.

**ORDER:**

1. Under Section 25(1) of the RTI Act, 2005 the State Information Commission at the end of each year shall prepare a report on the implementation of the provisions of this Act.

2. Under Section 25(4) a copy of the report of State Information Commission shall be laid before the House of State Legislature.

3. Under Section 25(2) each Department shall, in relation to the Public Authorities within their jurisdiction, collect and provide information to the State Information Commission.

4. During the Secretaries Meeting and High Level Committee Meeting held on 11.10.2006, it was decided to furnish the information to the Commission for preparation of Annual Report by the Public Authorities Departments from 12th October, 2005 to 31.12.2006 by 31st January, 2007 and also decided to rationalise the number of Registers and Reports while revising the existing proforma Registers and Reports already communicated to the Departments of Secretariat, through the reference 1st read above so as to enable them to prepare and furnish the requisite information expeditiously.

5. Accordingly, Government in supersession of the circular Memo first read above hereby prescribe the procedure as envisaged in the annexure-I and prescribe the revised proforma Registers-I & II and Proforma Reports A,B,C & D as Annexure - II & III to this order.

6. All the departments of Secretariat are directed to issue suitable instructions to all the Heads of Departments and Public authorities under their control to maintain Register-I & II at PIO level and 1st Appellate Authority level respectively. They shall also furnish the information in the prescribed proformas to the respective officers, while indicating the dates on which the reports should be submitted at each level so as to enable the AP Information Commission for preparation of Annual Report and placing the same before the State Legislature in the Budget Session, 2007, as per the time schedule.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J. HARINARAYAN  
CHIEF SECRETARY TO GOVERNMENT

To  
All Departments of Secretariat (10 Copies)  
All Spl. C.Ss/Prl.Secys./Secys. to Govt.,

## **ANNEXURE-I**

### **REGISTER-I**

Each PIO shall maintain Register-I for recording status of requests received from persons seeking information u/s 6(1) of the RTI Act. It should also contain the number of requests received, disposed, rejected and pending along with the amount collected towards application fee and charges for providing information etc., (proforma enclosed)

### **REGISTER-II**

Each 1<sup>st</sup> Appellate Authority shall maintain Register-II for recording status of appeals filed before him with regard to the date of receipt, the PIO against whose decision appeal was filed and their disposals by the first appellate authority etc., (proforma enclosed)

### **PROFORMA REPORT:**

For the preparation of Annual Report, the information has to be collected from State Public Information Officers (PIOs) at the field level and transmit upto Secretariat Level. In order to facilitate, the collection and transmission of information four stages have been identified as shown below and a common proforma for furnishing information at all stages has been prescribed:

- |  |                  |
|--|------------------|
| (1) State Public Information Officer (PIO) | : (Proforma - A) |
| (2) District Officer (DO)                  | : (Proforma - B) |
| (3) Head of the Department (HOD)           | : (Proforma - C) |
| (4) Secretariat Department                 | : (Proforma - D) |

#### **1. STATE PUBLIC INFORMATION OFFICER:**

Each State Public Information Officer (PIO) shall prepare information in the **Proforma - A** (Proforma enclosed), from the particulars maintained in the Register-I and submit to District Officer of his Department at the end of each month.

#### **2. DISTRICT OFFICER:**

Each District Officer shall collect information from all the PIOs working under his control and consolidate the information of the District in the **Proforma - B** (enclosed) after including his own office information and submit to the Head of the Department (HOD). The PIOs of Zonal/ Regional Offices located in the District shall submit their reports directly to their respective Heads of the Department and they need not be included in the District information

#### **3. HEAD OF THE DEPARTMENT:**

Each Head of the Department will collect the information from all the District Officers of all Districts and Zonal/Regional Offices and prepare a consolidated statement after including

his Dept's information in the Proforma – C (enclosed) and submit to the concerned Secretariat Department.

**4. SECRETARIAT DEPARTMENT:**

Each Secretariat Department will collect the information from all the Heads of Departments and other units under their control, such as Universities, Corporations etc., and prepare a consolidated statement in the Proforma – D (enclosed) including the information of the Secretariat Dept. and submit to Andhra Pradesh information Commission (APIC). Autonomous Bodies like Corporations, Commissions, Universities etc. shall directly submit their Information of their PIOs to the respective Secretariat Department.

The following schedule has been prescribed for obtaining/collecting information by the Departments of the Secretariats and submit to the Andhra Pradesh information Commission.

<b>REPORT FOR THE PERIOD</b>	<b>Last Date For Submission</b>
12 <sup>th</sup> October, 2005 to 31 <sup>st</sup> October, 2006	21.11.2006
November, 2006	21.12.2006
December, 2006	31.01.2007





**PROFORMA**

**REGISTER-II**

Register of First Appeals maintained by the I<sup>st</sup> Appellate Authority

Sl. No.	Application No. & Date	Name of Applicant & Address	Date of Receipt of Appeal by Appellate Authority	Name & Designation of PIO against whose decision Appeal No. & Date	Decision by 1st Appellate Authority			Whether 2nd Appeal made u/s 19(3)	Any other information
					Date	Allowed	Rejected u/s 8,9,11 & 24		
1	2	3	4	5	6			7	8

**ANNEXURE-III (Proforma-A)**

**REPORT TO BE PREPARED BY P.I.O AND TO SUBMIT TO DIST. OFFICER**

**CONSOLIDATED STATEMENT ON THE APPLICATIONS RECEIVED AND DISPOSED OF UNDER THE R.T.I. ACT**

NAME OF THE DEPARTMENT:

PERIOD

SI. No.	Name & Address of the PIO	Total No. of applications pending as on end of the last Month	Total No. of Applications received during the Month	Total (Cols. 3+4)	Total No. of Applications Disposed during the Month	Total No. of Applications pending (Cols. 5-6)	Out of cases Disposed shown in Col. 6, Information furnished	Out of cases Disposed shown in Col. 6, Deemed Refusals u/s 7(2) 18(1)
1	2	3	4	5	6	7	8	9

74

Out of cases disposed shown in Col. No. (6), Cases rejected under Sections															Amount of Total Application Fee and charges Collected for furnishing	Any other information
6	8(1)(a)	8(1)(b)	8(1)(c)	8(1)(d)	8(1)(e)	8(1)(f)	8(1)(g)	8(1)(h)	8(1)(i)	8(1)(j)	9	11	24	other		
10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26

SIGNATURE:  
NAME OF THE OFFICER:  
TELEPHONE NO.:

- Notes:**
1. This conciliated report to be prepared at the level of PIO and to submit to District Officer of this Dept.
  2. Each District Officer will collect informations from their PIOs under their control and prepare a consolated statement including his department's information for submission to the HOD.
  3. Each HOD will collect information from the their District Level Officers, Zonal/Regional Officers if any, under their control and prepare a conciliated statement including HOD's information and submit to the Secretariat Department concerned.
  4. Each Secretariat Department shall collect information from the HODs and other units under their control and prepare a conciliated statement including its department's information and provide the same to the Andhra Pradesh information commission.

**ANNEXURE-III (Proforma-B)**

**REPORT TO BE PREPARED BY DISTRICT OFFICER AND TO SUBMIT TO H.O.D.**

**CONSOLIDATED STATEMENT ON THE APPLICATIONS RECEIVED AND DISPOSED OF UNDER THE R.T.I. ACT**

**PERIOD**

**NAME OF THE DEPARTMENT:**

Sl. No.	Name & Address of the PIO	Total No. of applications pending as on end of the last Month	Total No. of Applications received during the Month	Total (Cols. 3+4)	Total No. of Applications Disposed during the Month	Total No. of Applications pending (Cols. 5-Col.6)	Out of cases Disposed shown in Col. 6, Information furnished	Out of cases Disposed shown in Col. 6, Deemed Refusals u/s 7(2) 18(1)
1	2	3	4	5	6	7	8	9

75

Out of cases disposed shown in Col. No. (6), Cases rejected under Sections														Amount of Total Application Fee and charges Collected for furnishing	Any other information	
6	8(1)(a)	8(1)(b)	8(1)(c)	8(1)(d)	8(1)(e)	8(1)(f)	8(1)(g)	8(1)(h)	8(1)(i)	8(1)(j)	9	11	24			other
10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26

**SIGNATURE:**  
**NAME OF THE OFFICER:**  
**TELEPHONE NO.:**

- Notes:**
1. This consolidated report to be prepared at the level of PIO and to submit to District Officer of this Dept.
  2. Each District Officer will collect informations from their PIOs under their control and prepare a consolidated statement including his department's information for submission to the HOD.
  3. Each HOD will collect information from the their District Level Officers, Zonal/Regional Officers if any, under their control and prepare a consolidated statement including HOD's information and submit to the Secretariat Department concerned.
  4. Each Secretariat Department shall collect information from the HODs and other units under their control and prepare a conciliated statement including its department's information and provide the same to the Andhra Pradesh information commission.

**ANNEXURE-III (Proforma-C)**

**REPORT TO BE PREPARED AT H.O.D. AND TO SUBMIT TO SECRETARIAT DEPT.**

**CONSOLIDATED STATEMENT ON THE APPLICATIONS RECEIVED AND DISPOSED OF UNDER THE R.T.I. ACT  
PERIOD**

**DEPARTMENT:**

Sl. No.	Name of the Districts & Regional/ Zonal Offices & HOD	Total No. of PIOs in each District & Zonal & HOD	Total No. of applications pending as on end of the last Month	Total No. of Applications received during the Month	Total (Cols. 4+5)	Total No. of Applications Disposed during the Month	Total No. of Applications pending (Cols. 6-7)	Out of cases Disposed shown in Col. 7, Information furnished	Out of cases Disposed shown in Col. 7, Deemed Refusals u/s 7(2) 18(1)
1	2	3	4	5	6	7	8	9	10

76

Out of cases disposed shown in Col. No. (6), Cases rejected under Sections														Amount of Total Application Fee and charges Collected for furnishing	Any other information	
6	8(1)(a)	8(1)(b)	8(1)(c)	8(1)(d)	8(1)(e)	8(1)(f)	8(1)(g)	8(1)(h)	8(1)(i)	8(1)(j)	9	11	24			other
11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27

**SIGNATURE:**  
**NAME OF THE OFFICER:**  
**TELEPHONE NO.:**

- Notes:**
1. This consolidated report to be prepared at the level of PIO and to submit to District Officer of his Dept.
  2. Each District Officer will collect informations from their PIOs under their control and scephare a consolidated statement including his department's information for submission to the HOD.
  3. Each HOD will collect information from the their District Level Officers, Zonal/Regional Officers if any, under their control and prepare a consolidated statement including HOD's information and submit to the Secretariat Department concerned.
  4. Each Secretariat Department shall collect information from the HODs and other units under their control and prepare a conciliated statement including its department's information and provide the same to the Andhra Pradesh information commission.

**ANNEXURE-III (Proforma-D)**

**REPORT TO BE PREPARED BY SECRETARIAT DEPT. AND TO SUBMIT TO A.P. INFORMATION COMMISSION**

**CONSOLIDATED STATEMENT ON THE APPLICATIONS RECEIVED AND DISPOSED OF UNDER THE R.T.I. ACT PERIOD**

DEPARTMENT:

Sl. No.	Name of the HOD & other units	Total No. of PIOs in each HOD & other units	Total No. of applications pending as on end of the last Month	Total No. of Applications received during the Month	Total (Cols. 4+5)	Total No. of Applications Disposed during the Month	Total No. of Applications pending (Cols. 6-7)	Out of cases Disposed shown in Col. 7, Information furnished	Out of cases Disposed shown in Col. 7, Deemed Refusals u/s 7(2) 18(1)
1	2	3	4	5	6	7	8	9	10

7

Out of cases disposed shown in Col. No. (6), Cases rejected under Sections														Amount of Total Application Fee and charges Collected for furnishing	Any other information	
6	8(1)(a)	8(1)(b)	8(1)(c)	8(1)(d)	8(1)(e)	8(1)(f)	8(1)(g)	8(1)(h)	8(1)(i)	8(1)(j)	9	11	24			other
11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27

SIGNATURE:  
NAME OF THE OFFICER:  
TELEPHONE NO.:

- Notes:**
1. This consolidated report to be prepared at the level of PIO and to submit to District Officer of his Dept.
  2. Each District Officer will collect informations from their PIOs under their control and scpare a consolidated statement including his department's information for submission to the HOD.
  3. Each HOD will collect information from the their District Level Officers, Zonal/Regional Officers if any, under their control and prepare a consolidated statement including HOD's information and submit to the Secretariat Department concerned.
  4. Each Secretariat Department shall collect information from the HODs and other units under their control and prepare a conciliated statement including its department's information and provide the same to the Andhra Pradesh information commission.

**RIGHT TO INFORMATION**

(Raju, Ravi and Aruna are playing in front of Ravi's house)

- Mother:** Ravi, why have you been playing here instead of going to the playground? '
- Ravi:** Ma, a drain has been overflowing on to the playground and the smell is unbearable.
- Mother:** Then, you should have complained in the Panchayat Office, instead of playing here.
- Raju:** Aunty, my brother has already given a written complaint in the Panchayat Office five days ago.
- Aruna:** Aunty, will they look into our complaints?
- Mother:** Yes Aruna, ever since the Right to Information Act came fully into force on October 12, 2005, officers are looking into such complaints.

[Picture1: Children at their play and Ravi's mother talking to them]

- Aruna:** Aunty, what is "Right to Information"?
- Mother:** The right to obtain information available with any Public Authority is Right to Information. It includes the right to inspect work, documents, records and also taking certified samples of material.
- Raju:** Aunty, would you, please, tell us more about the 'Right to Information Act'?
- Mother:** Yes, gladly. This Act can be used to get information about the developmental activities of the Government, their expenditure, welfare schemes and services.
- Ravi:** Ma, what else can we know under this Act?
- Mother:** We can also access information regarding roads, electricity, services available at Primary Health Centres, quota sanctioned to Ration Shops etc.
- Raju:** Aunty, can we also ask for information related to our school?

**Mother:** Not only information related to your school, but you can also ask for information about land records, particulars of village developmental activities, old age pensions etc.

**Aruna:** Aunty, the Act is really wonderful! How did you come to know about this Act?

**Mother:** I have come to know all this through the media. I read newspaper every day, listen to the radio and watch TV.

**Mother:** Anty, please tell us more about this Act.

**Mother:** Sure! Ours is a democratic country. Democracy is people's government. Government spends public money. Under this Act, public offices should provide information relating to their offices, voluntarily.

**Raju:** Aunty, why do you say that money spent by Government is public money?

**Mother:** You see, if you buy a pen, a part of the price paid goes to the government as tax. The amount we pay towards Property Tax, Water Tax etc., is spent by the Government on developmental works.

**Ravi:** Ma, will information be available in all public offices in our village?

**Mother:** Yes, it should be. It is the duty of the Public Authority to make the information available and we have a right to obtain this information.

**Aruna:** You said that we have a right to obtain information. But whom do we ask, aunty?

**Mother:** Good question! We can get information from the Public Information Officer of every public office.

**Raju:** Aunty, so we can find out the status of my brother's complaint about the drainage problem near the playground!

**Mother:** Oh yes, one can make an application to find out the action taken on the complaint. To obtain information is our right. Not just that, Raju, normally, information shall be provided to the applicant within 30 days. In case, information concerns the life or liberty of a person, it shall be provided within 48 hours.

**Aruna:** Aunty, what if information is not given in 30 days?

**Mother:** Then you can appeal to a higher official.

**Ravi:** Ma, will you please come along with us to the Panchayat Office to find out about the action taken on the complaint given by Raju's brother?

**Mother:** Sure. Get a sheet of paper. I'll help you write an application under the Right to Information Act.



[Children write as directed and they leave to meet the Village Secretary along with Ravi's mother].

**Village Secretary:** Namaste Madam! (turning towards the children) What made you come here with your mother instead of going to school, children?

[Picture 2: All greeting the Panchayat Secretary]

**Raju, Ravi, Aruna and Mother:** We have to meet you, Sir.

**Mother:** Sir, Raju's brother gave a written complaint in your office 5 days ago stating that the drain near the playground has been overflowing and spreading foul smell.

**Village Secretary:** The sanitary workers of our Panchayat are cleaning the drains every day.

**Raju:** No Sir. Nobody has cleaned the drain near the playground for several days.

**Aruna:** Sir, may I know whose duty is it to clean the drains and how frequently?

**Village Secretary:** Why do you need this information?

**Mother:** Sir, under the Right to Information Act, every citizen has a right to obtain information. Children! Give him the application.

**Village Secretary:** [Receives the application] OK. You can go, now.

**Children:** What about the receipt, Sir?

**Village Secretary:** Oh! You want a receipt. (Prepares the receipt) Here you are! I will get the drain cleaned immediately.

Children. you had asked for information. Well, sanitary workers of our Panchayat should clean the drain every day.

I will send you this information in writing.

**Children:** Sir, it was good to meet you. We are pleased with your response.

All the children raise the following slogans.

*Right to Information* - a statutory Right

*Disclosing information* - an obligation of the Government

*Right to Information Act* - related to all of us

## **ACTIVITIES**

1. Write an application to your Village Secretary requesting him to supply the information about the funds. Allotted by the Government in this financial year towards the repairs of roads and drains of your village.
2. How many old age pensions have been sanctioned by the Government in your village? Prepare a table on the particulars of the beneficiaries of old-age pensions.

### **Questions:**

1. What is meant by Right to Information? When did it come fully into force?
2. What will you do if the information is not provided in a given period?
3. Identify a problem of your village and describe what you will do about it.

### **Fill in the blanks.**

1. To get any information from a public office, we must request the \_\_\_\_\_ in that office.
2. When an application is given in an office to get some information, it is necessary to obtain a \_\_\_\_\_.
3. Information concerning life or liberty of a person has to be provided within a period of \_\_\_\_\_.

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

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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.

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 % 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.

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

North Block, New Delhi  
Dated: the 10<sup>th</sup> 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.

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.

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 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.

No.1/1/2009-IR  
Government of India  
Ministry of Personnel, PG and Pension  
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 Commission are taking decisions on the complaints and the appeals by constituting Benches/ The matter has been examined in the 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 Deptt. 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

No.1/1/2009-IR  
Government of India  
Ministry of Personnel, PG and Pension  
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 Commission are taking decisions on the complaints and the appeals by constituting Benches/ The matter has been examined in the 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 Deptt. 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.

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Yours faithfully,

(K.G. Verma)  
Director  
Tel: 23092158

No.1/7/2009-IR  
Government of India  
Ministry of Personnel, PG and Pension  
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.

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

North Block, New Delhi  
Dated: the 1<sup>st</sup> June, 2009

**OFFICE MEMORANDUM**

**Subject:** RTI applications received by a public authority relating to information concerning other public authority/authorities.

Attention is invited to clause (iii) of para 3 of this Department's OM of even number dated 12<sup>th</sup> June, 2008 on the above noted subject which, inter-alia, states as follows:

"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."

2. The Central Information Commission while deciding an appeal has observed that collection of information cannot amount to creation of information and desired that the above referred OM should be modified so as to avoid any confusion among public authorities.
3. The undersigned is directed to clarify that the OM dated 12.6.2008 does not propose to say that collection of information per se amounts to creation of information. The above referred statement has been made to emphasize that the public authority to whom the application is made is not required to collect information from different public authorities to supply it to the applicant.
4. 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.

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 I 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.

No.1/4/2009-1R  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

North Block, New Delhi  
Dated: the 05th October, 2009

**OFFICE MEMORANDUM**

**Subject:** Guide on the Right to information Act, 2005

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The undersigned is directed to say that this Department has issued four sets of guidelines and several other Office Memoranda regarding implementation of the Right to Information Act, 2005 during last three years. Section 26 of the Act requires the Government to prepare such guidelines and update these at regular intervals. Accordingly a consolidated updated Guide on the Act has been prepared which would help all the stake-holders -information seekers in getting information, public information officers in dealing with the RTI applications, first appellate authorities in taking cogent decisions on appeals and the public authorities in implementing various provisions of the Act in right earnest.

2. A copy of the Guide is enclosed herewith with the request that it 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. 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.

The enclosed Guide is mutatis mutandis applicable to the public authorities of the States as well. The State Government may like to get it translated into the regional language(s) and circulate amongst various stake-holders.

# **GUIDE ON RIGHT TO INFORMATION**

## **ACT, 2005**

### **PART-I**

### **FOR ALL STAKE HOLDERS**

The right to information is implicitly guaranteed by the Constitution. However, with a view to set out a practical regime for securing information, the Indian Parliament enacted the Right to Information Act, 2005 and thus gave a powerful tool to the citizens to get information from the Government as a matter of right. This law is very comprehensive and covers almost all matters of governance and has the widest possible reach, being applicable to Government at all levels- Union, State and Local as well as recipients of government grants.

2. The Act requires the Government to compile a guide in easily comprehensible form and to update it from time to time. The Government has already published four guides in the past, one each for the information seekers, the public authorities, the Central Public Information Officers and the Appellate Authorities. Here is an updated consolidated guide for the use of all stake-holders. This guide contains five parts. Part I of the guide discusses some aspects of the Act which all the stake-holder are required to know. Rest of the four parts are specifically relevant to the public authorities, the information seekers, the public information officers and the first appellate authorities respectively.

3. Contents of this guide are specifically relevant in relation to the Central Government but are equally applicable to the State Governments except in relation to rules about payment of fee or deciding of appeals by the Information Commissions. It may be noted that this guide uses the term Public Information Officer in place of Central Public Information Officer/ State Public Information Officer. Likewise Assistant Public Information Officer has been used for Central Assistant Public Information Officer/State Assistant Public Information Officer and Information Commissioner for Central Information Commission and State Information Commission except where it was considered necessary to make specific reference to the Central Information Commission etc. The Departmental Appellate Authority has been referred to as First Appellate Authority inasmuch as the first appeal lies with him.

#### **Object of the Right to Information Act**

4. The basic object of the Right to Information Act is to empower the citizens, promote transparency and accountability in the working of the Government, contain corruption, and make our democracy work for the people in real sense. It goes without saying that an informed citizen is better equipped to keep necessary vigil on the instruments of governance and make the government more accountable to the governed. The Act is a big step towards making the citizens informed about the activities of the Government.

#### **What is Information**

5. Information is any material in any form. It includes records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating



to any private body which can be accessed by the public authority under any law for the time being in force.

### **What is a Public Authority**

6. A "public authority" is any authority or body or institution of self government established or constituted by or under the Constitution; or by any other law made by the Parliament or a State Legislature; or by notification issued or order made by the Central Government or a State Government. The bodies owned, controlled or substantially financed by the Central Government or a State Government and non-Government organisations substantially financed by the Central Government or a State Government also fall within the definition of public authority. The financing of the body or the NGO by the Government may be direct or indirect.

### **Public Information Officer**

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

### **Assistant Public Information Officer**

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

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

### **Right to Information under the Act**

10. A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority. It is important to note 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.

11. The Act gives the citizens a right to information at par with the Members of Parliament and the Members of State Legislatures. According to the Act, the information which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.

12. A citizen has a right to obtain information from a public authority in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device from which the information may be e-mailed or transferred to diskettes etc.

13. The information to the applicant should ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form would

disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied.

14. In some cases, the applicants expect the Public Information Officer to give information in some particular proforma devised by them on the plea that they have a right to get information in the form in which it is sought. It need be noted that the provision in the Act simply means that if the information is sought in the form of photocopy, it shall be provided in the form of photocopy, or 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. It does not mean that the PIO shall re-shape the information. This is substantiated by the definition of the term 'right to information' as given in the Act, according to which, it includes right to obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device. Everywhere in the Act, the word 'form' has been used to represent this meaning.

15. Some Information Seekers request the Public Information Officers to cull out information from some document(s) and give such extracted information to them. A citizen has a right to get 'material' from a public authority which is held by or under the control of that public authority. 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. It means that the Public Information Officer is required to supply the 'material' in the form as held by the public authority, but not to do research on behalf of the citizen to deduce anything from the material and then supply it to him.

#### **Right to Information Vis-a-Vis other Acts**

16. The RTI Act has over-riding effect vis-à-vis other laws inasmuch as the provisions of the RTI Act would have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than the RTI Act.

#### **Supply of Information to Associations etc.**

17. The Act gives the right to information only to the citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens. However, if an application is made by an employee or office-bearer of any Corporation, Association, Company, NGO etc. indicating his name and such employee/office bearer is a citizen of India, information may be supplied to him/her. In such cases, it would be presumed that a citizen has sought information at the address of the Corporation etc.

#### **Fee for Seeking Information**

18. A person who desires to seek some information from a public authority is required to send, along with the application, a demand draft or a banker's cheque or an Indian Postal Order of Rs.10/- (Rupees ten), payable to the Accounts Officer of the public authority as fee prescribed for seeking information. The payment of fee can also be made by way of cash to the Accounts Officer of the public authority or to the Assistant Public Information Officer against proper receipt.

19. The applicant may also be required to pay further fee towards the cost of providing the information, details of which shall be intimated to the applicant by the PIO as prescribed

by the Right to Information (Regulation of Fee and Cost) Rules, 2005. Rates of fee as prescribed in the Rules are given below:

- (a) rupees two (Rs. 2/-) 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;
- (d) for information provided in diskette or floppy, rupees fifty (Rs.50/-) per diskette or floppy; and
- (e) for information provided in printed form, at the price fixed for such publication or rupees two per page of photocopy for extracts from the publication.

20. As already pointed out, a citizen has a right to inspect the records of a public authority. For inspection of records, the public authority shall charge no fee for the first hour. But a fee of rupees five (Rs.5/-) for each subsequent hour (or fraction thereof) shall be charged.

21. If the applicant belongs to below poverty line (BPL) category, he is not required to pay any fee. However, he should submit a proof in support of his claim to belong to the below poverty line. The application not accompanied by the prescribed fee of Rs.10/- or proof of the applicant's belonging to below poverty line, as the case may be, shall not be a valid application under the Act. It may be pointed out that there is no bar on the public authority to supply information in response to such applications. However, provisions of Act would not apply to such cases.

#### **Format of Application**

22. There is no prescribed format of application for seeking information. The application can be made on plain paper. The application should, however, have the name and complete postal address of the applicant. Even in cases where the information is sought electronically, the application should contain name and postal address of the applicant.

23. The information seeker is not required to give reasons for seeking information.

#### **Information Exempted From Disclosure**

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

25. 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.

### **Record Retention Schedule and the Act**

26. The Act does not require the public authorities to retain records for indefinite period. The records need be retained as per the record retention schedule applicable to the concerned public authority. Information generated in a file may survive in the form of an OM or a letter or in any other form even after destruction of the file/record. Section 8(3) 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.

### **Assistance Available to the Applicant**

27. If a person is unable to make a request in writing, he may seek the help of the Public Information Officer to write his application and the Public Information Officer should render him reasonable assistance. Where a decision is taken to give access to a sensorily disabled person to any document, the Public Information Officer, shall provide such assistance to the person as may be appropriate for inspection

### **Time Period for Supply of Information**

28. In normal course, information to an applicant shall be supplied within 30 days from the receipt of application by the public authority. If information sought concerns the life or liberty of a person, it shall be supplied within 48 hours. In case the application is sent through the Assistant Public Information Officer or it is sent to a wrong public authority, five days shall be added to the period of thirty days or 48 hours, as the case may be. Further details in this regard are given in the chapter, 'For the Public Information Officers.'

### **Appeals**

29. If an applicant is not supplied information within the prescribed time of thirty days or 48 hours, as the case may be, or is not satisfied with the information furnished to him, he may prefer an appeal to the first appellate authority who is an officer senior in rank to the Public Information Officer. Such an appeal, should be filed within a period of thirty days from the date on which the limit of 30 days of supply of information is expired or from the date on which the information or decision of the Public Information Officer is received. The appellate authority of the public authority shall dispose of the appeal within a period of thirty days or in exceptional cases within 45 days of the receipt of the appeal.

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

### **Complaints**

31. If any person is unable to submit a request to a Public Information Officer either by reason that such an officer has not been appointed by the concerned public authority; or the Assistant Public Information Officer has refused to accept his or her application or appeal for forwarding the same to the Public Information Officer or the appellate authority, as the

case may be; or he has been refused access to any information requested by him under the RTI Act; or he has not been given a response to a request for information within the time limit specified in the Act; or he has been required to pay an amount of fee which he considers unreasonable; or he believes that he has been given incomplete, misleading or false information, he can make a complaint to the Information Commission.

### **Disposal of Appeals and Complaints by the CIC**

32. The Central Information Commission decides the appeals and complaints and conveys its decision to the appellant/complainant and first appellate authority/ Public Information Officer. The Commission may decide an appeal/complaint after hearing the parties to the appeal/complaint or by inspection of documents produced by the appellant/complainant and Public Information Officer or such senior officer of the public authority who decided the first appeal. If the Commission chooses to hear the parties before deciding the appeal or the complaint, the Commission will inform the date of hearing to the appellant or the complainant at least seven clear days before the date of hearing. The appellant/complainant has the discretion to be present in person or through his authorized representative at the time of hearing or not to be present.

### **Third Party Information**

33. Third party in relation to the Act means a person other than the citizen who has made request for information. The definition of third party includes a public authority other than the public authority to whom the request has been made.

### **Disclosure of Third Party Information**

34. Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, is exempt from disclosure. Such information should not be disclosed unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.

35. In regard to a third party information which the third party has treated as confidential, the Public Information Officer should follow the procedure as given in the chapter 'FOR PUBLIC INFORMATION OFFICERS'. The third party should be given full opportunity to put his case for non-disclosure if he desires that the information should not be disclosed.

**Part II**  
**FOR PUBLIC AUTHORITIES**

Public authorities are the repository of information which the citizens have a right to have under the Right to Information Act, 2005. The Act casts important obligations on public authorities so as to facilitate the citizens of the country to access the information held under their control. The obligations of a public authority are basically the obligations of the head of the authority, who should ensure that these are met in right earnest. Reference made to public authority in this document is, in fact, a reference to the head of the public authority.

**Maintenance and Computerisation of Records**

2. Proper management of records is of utmost importance for effective implementation of the provisions of the Act. A public authority should, therefore, maintain all its records properly. It should ensure that the records are duly catalogued and indexed in such a manner and form that it may facilitate the right to information.

**Suo Motu Disclosure**

3. Every public authority should provide as much information suo motu to the public through various means of communications so that the public have minimum need to use the Act to obtain information. Internet being one of the most effective means of communications, the information may be posted on the website.

4. Section 4(1)(b) of the Act, in particular, requires every public authority to publish following sixteen categories of information:

- (i) the particulars of its organisation, functions and duties;
- (ii) the powers and duties of its officers and employees;
- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions;
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
- (vi) a statement of the categories of documents that are held by it or under its control;
- (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
- (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
- (ix) directory of its officers and employees;

- (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
- (xiii) particulars of recipients of concessions, permits or authorisations granted by it;
- (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
- (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- (xvi) the names, designations and other particulars of the Public Information Officers;

5. Besides the categories of information enumerated above, the Government may prescribe other categories of information to be published by any public authority. It need be stressed that publication of the information as referred to above is not optional. It is a statutory requirement which every public authority is bound to meet.

6. Another important point to note is that it is not sufficient to publish the above information once. The public authority is obliged to update such information every year. It is advisable that, as far as possible, the information should be updated as and when any development takes place. Particularly, in case of publication on the internet, the information should be kept updated all the time.

#### **Dissemination of Information**

7. The public authority should widely disseminate the information. Dissemination should be done in such form and manner which is easily accessible to the public. It may be done through notice boards, newspapers, public announcements, media broadcast, the internet or any other means. The public authority should take into consideration the cost effectiveness, local language and most effective method of communication in the local area while disseminating the information.

#### **Publication of Facts about Policies and Decisions**

8. Public authorities formulate policies and take various decisions from time to time. As provided in the Act, while formulating important policies or announcing the decisions affecting the public, the public authority should publish all relevant facts about such policies and decisions for the information of public at large.

#### **Providing Reasons for Decisions**

9. The public authorities take various administrative and quasi-judicial decisions which affect the interests of certain persons. It is mandatory for the concerned public authority to provide reasons for such decisions to the affected persons. It may be done by using appropriate mode of communication.

### **Designation of PIOs and APIOs etc.**

10. Every public authority is required to designate Public Information Officers in all the administrative units or offices under it. Every public authority is also required to designate Assistant Public Information Officers at each sub-divisional level. The Government of India has decided that Central Assistant Public Information Officers (CAPIOs) appointed by the Department of Posts would act as CAPIOs for all the public authorities under the Government of India.

### **Designation of Appellate Authority**

11. 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 the particulars of the Appellate Authority to the person making the request. Thus, the applicant is informed about the particulars of the Appellate Authority when a request for information is rejected but 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 a case 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. All the public authorities should, therefore, designate the First Appellate Authorities and publish their particulars alongwith the particulars of the Public Information Officers.

### **Acceptance of Fee**

12. 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, an applicant can make payment of fee in cash or by demand draft or banker's cheque or Indian Postal Order payable to the Accounts Officer of the public authority. The public authority should ensure that payment by any of the above modes is not denied or the applicant is not compelled to draw IPO etc. in the name of any officer other than the Accounts Officer. If any public authority does not have any Accounts Officer, it should designate an officer as such for the purpose of receiving fee under the RTI Act or rules made thereunder.

### **Compliance of the Orders of the Information Commission**

13. While deciding an appeal, the Information Commission, may require the concerned public authority to take such steps as may be necessary to secure compliance with the provisions of the Act. In this regard the Commission may pass an order to provide information to an applicant in a particular form; appoint a Public Information Officer; publish certain information or categories of information; make necessary changes to its practices in relation to the maintenance, management and destruction of records; enhance the provision of training for its officials; provide an annual report as prepared in compliance with clause (b) of subsection (1) of section 4 of the Act.

14. The Commission has power to pass orders requiring a public authority to compensate the complainant for any loss or other detriment suffered by him. It also has power to impose penalty on the Public Information Officer as provided in the Act. It may be noted that penalty is imposed on the Public Information Officer which is to be paid by him. However, the compensation, ordered by the Commission to be paid to an applicant would have to be paid by the public authority,



15. The decisions of the Commission are binding. The public authority should ensure that the orders passed by the Commission are implemented. If any public authority or a PIO is of the view that an order of the Commission is not in consonance with the provisions of the Act, it may approach the High Court by way of a Writ Petition.

#### **Development of Programmes etc.**

16. It is expected of each public authority that it would develop and organise educational programmes to advance the understanding of the public, in particular of disadvantaged communities, as to how to exercise the rights contemplated under the Act; and ensure timely and effective dissemination of accurate information about their activities. Training of the Public Information Officers and other officers of a public authority is very important for meeting these expectations and effective implementation of the provisions of the Act. The public authorities should, therefore, arrange for training of their officers designated as Public Information Officer/First Appellate Authority and other officers who are directly or indirectly involved in the implementation of the provisions of the Act.

#### **Creation of Central Point**

17. 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. 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. The applicants would also face problem in identifying the officer senior in rank to the Public Information Officer to whom an appeal under sub-section (1) of Section 19 of the Act can be made. Therefore 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.

#### **Transfer of Applications**

18. The Act provides that if an application is made to a public authority requesting for an 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 or relevant part of it to that other public authority within five days from the receipt of the application. The public authority should sensitize its officers about this provision of the Act lest the public authority is held responsible for delay.

#### **Annual Report of the CIC**

19. The Information Commissions, after the end of each year, are required to prepare reports on the implementation of the provisions of the Act during that year. Each Ministry or Department is required, in relation to the public authorities within its jurisdiction, to collect and provide information to the concerned Information Commission for preparation of the report. The report of the Commission, inter-alia, contains following information in respect of the year to which the report relates—

- (a) the number of requests made to each public authority;

- (b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of the Act under which these decisions were made and the number of times such provisions were invoked;
- (c) particulars of any disciplinary action taken against any officer in respect of the administration of the Act;
- (e) the amount of charges collected by each public authority under the Act; and
- (f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of the Act.

20. Every public authority should send necessary material to its administrative Ministry/Department soon after the end of the year so that the Ministry/Department may send the information to the Commission and the Commission may incorporate the same in its report.

21. If it appears to the Information Commission that a practice of a public authority in relation to the exercise of its functions under the Act does not conform with the provisions or spirit of the Act, it may give a recommendation to the authority specifying the steps ought to be taken for promoting such conformity. The concerned public authority should take necessary action to bring its practice in conformity with the Act.

**Part III**  
**FOR INFORMATION SEEKERS**

**Method of Seeking Information**

A citizen who desires to obtain any information under the Act, should make an application to the Public Information Officer of the concerned public authority in writing in English or Hindi or in the official language of the area in which the application is made. The application should be precise and specific. He should make payment of application fee of Rs. 10/- at the time of submitting the application as prescribed in the Fee Rules. The applicant can send the application by post or through electronic means or can deliver it personally in the office of the public authority. The application can also be sent through an Assistant Public Information Officer appointed by the Department of Post at sub-divisional level or other sub-district level.

**Application to the concerned Public Authority:**

2. The applicant should make application to the concerned public authority. It is advised that he should make all efforts to ascertain as to which is the public authority concerned with the information and should send application to the Public Information Officer of that public authority.

3. It is observed that some applicants seek information in respect of many subjects by way of one application. It creates problem for the Public Information Officer as well as the applicant. The applicant should, therefore, see to it that by way of one application, he seeks information in respect of one subject only.

**Fee for Seeking Information**

4. The applicant, along with the application, should send application fee to the Public Information Officer. In case of Government of India prescribed application fee is Rs. 10/- which can be paid through a demand draft or a banker's cheque or an Indian Postal Order payable to the Accounts Officer of the public authority. The payment of fee can also be made by way of cash to the Accounts Officer of the public authority or to the Assistant Public Information Officer against proper receipt.

5. The applicant may also be required to pay further fee towards the cost of providing the information, details of which shall be intimated to the applicant by the Public Information Officer. The fee so demanded can be paid the same way as application fee.

6. If the applicant belongs to below poverty line (BPL) category, he is not required to pay any fee. However, he should submit a proof in support of his claim to belong to the below poverty line. The application not accompanied by the prescribed fee of Rs.10/- or proof of the applicant's belonging to below poverty line, as the case may be, shall not be a valid application under the Act.

**Format of Application**

7. There is no prescribed format of application for seeking information. The application can be made on plain paper. The application should, however, have the name and complete postal address of the applicant. Even in cases where the information is sought electronically, the application should contain name and postal address of the applicant.

### **Filing of Appeal**

8. An applicant can file an appeal to the first appellate authority if information is not supplied to him within the prescribed time of thirty days or 48 hours, as the case may be, or is not satisfied with the information furnished to him. Such an appeal, should be filed within a period of thirty days from the date on which the limit of 30 days of supply of information is expired or from the date on which the information or decision of the Public Information Officer is received. The appellate authority of the public authority shall dispose of the appeal within a period of thirty days or in exceptional cases within 45 days of the receipt of the appeal.

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

10. The appeal made to the Central Information Commission should contain the following information: -

- (i) Name and address of the appellant;
- (ii) Name and address of the Public Information Officer against the decision of whom the appeal is preferred;
- (iii) Particulars of the order including number, if any, against which the appeal is preferred;
- (iv) Brief facts leading to the appeal;
- (v) If the appeal is preferred against deemed refusal, particulars of the application, including number and date and name and address of the Public Information Officer to whom the application was made;
- (vi) Prayer or relief sought;
- (v) Grounds for prayer or relief;
- (vi) Verification by the appellant; and
- (vii) Any other information, which the Commission may deem necessary for deciding the appeal.

11. The appeal made to the Central Information Commission should be accompanied by the following documents:

- (i) Self-attested copies of the orders or documents against which appeal is made;
- (ii) Copies of the documents relied upon by the appellant and referred to in the appeal; and
- (iii) An index of the documents referred to in the appeal.

### **Filing of Complaints**

12. A person can make a complaint to the Information Commission if he is unable to submit a request to a Public Information Officer either by reason that such an officer has not been appointed by the concerned public authority; or the Assistant Public Information Officer

has refused to accept his or her application or appeal for forwarding the same to the Public Information Officer or the appellate authority, as the case may be; or he has been refused access to any information requested by him under the RTI Act; or he has not been given a response to a request for information within the time limit specified in the Act; or he has been required to pay an amount of fee which he considers unreasonable; or he believes that he has been given incomplete, misleading or false information.

**Part IV**  
**FOR PUBLIC INFORMATION OFFICERS**

The Public Information Officer of a public authority plays a pivotal role in making the right of citizens to information a reality. The Act casts specific duties on him and makes him liable for penalty in case of default. It is, therefore, essential for a Public Information Officer to study the Act carefully and understand its provisions correctly. Besides the issues discussed elsewhere in this document, a Public Information Officer should keep the following aspects in view while dealing with the applications under the Act.

**Applications Received Without Fee**

2. Soon after receiving the application, the Public Information Officer should check whether the applicant has made the payment of application fee or whether the applicant is a person belonging to a Below Poverty Line (BPL) family. If application is not accompanied by the prescribed fee or the BPL Certificate, it cannot be treated as an application under the RTI Act. It may, however, be noted that Public Information Officer should consider such application sympathetically and try to supply information sought by way of such an application.

**Transfer of Application**

3. Some times requests are made to a public authority for information which do not concern that public authority or only a 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.

4. 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 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 an application is made, shall transfer the application to that other public authority. The provisions of sub-section (1) and sub-section(3) of Section 6, suggest that the Act requires an information seeker to address the application to the Public Information Officer of the 'concerned public authority'. However, there may be cases in which a person of ordinary prudence may believe that the 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 other public authority. In such cases, the applicant makes a bonafide mistake of addressing the application to the Public Information Officer of a wrong public authority. On the other hand where an applicant addresses the application to the Public Information Officer 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'.

5. Given hereinunder are some situations which may arise in the matter and action required to be taken 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 Public

Information Officer receiving the application should transfer the application to the concerned public authority under intimation to the applicant. However, if the Public Information Officer 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 his 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 Public Information Officer should supply the information concerning his public authority 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 Public Information Officer 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 Public Information Officer 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 collect the information from various public authorities to supply it to the applicant. At the same time, since the information is not related to any one another 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 to '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 Public Information Officer 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.

6. In brief, if the application is accompanied by the prescribed fee or the Below Poverty Line Certificate, the Public Information Officer should check whether the subject matter of the application or a part thereof concerns some other public authority. If the subject matter of the application concerns any other public authority, it should be transferred to that public authority. If only a part of the application concerns the other public authority, a copy of the application may be sent to that public authority, clearly specifying the part which relates to that public authority. While transferring the application or sending a copy thereof, the concerned public authority should be informed that the application fee has been received. The applicant should also be informed about the transfer of his application and the particulars of the public authority to whom the application or a copy thereof has been sent.

7. Transfer of application or part thereof, as the case may be, should be made as soon as possible and in any case within five days from the date of receipt of the application. If a Public Information Officer transfers an application after five days from the receipt of the application, he would be responsible for delay in disposal of the application to the extent of number of days which he takes in transferring the application beyond 5 days.

8. The Public Information Officer of the public authority to whom the application is transferred, should not refuse acceptance of transfer of the application on the ground that it was not transferred to him within 5 days.

9. A public authority may designate as many Public Information Officers for it, as it may deem necessary. It is possible that in a public authority with more than one Public Information Officer, an application is received by the Public Information Officer other than the concerned Public Information Officer. In such a case, the Public Information Officer receiving the application should transfer it to the concerned Public Information Officer immediately, preferably the same day. Time period of five days for transfer of the application applies only when the application is transferred from one public authority to another public authority and not for transfer from one Public Information Officer to another in the same public authority.

#### **Rendering Assistance to Applicants**

10. The RTI Act provides that the Public Information Officer has a duty to render reasonable assistance to the persons seeking information. As per provisions of the Act, a person, who desires to obtain any information is required to 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 made. If a person seeking information is not able to make such request in writing, the Public Information Officer should render reasonable assistance to him to reduce the same in writing.

11. Where access to a record is required to be provided to a sensorily disabled person, the Central Public Information Officer should provide assistance to such person to enable him to access the information. He should also provide such assistance to the person as may be appropriate for the inspection of records where such inspection is involved.

#### **Assistance Available to PIO**

12. The Public Information Officer may seek the assistance of any other officer as he or she considers necessary for the proper discharge of his or her duties. The officer, whose assistance is so sought by the Public Information Officer, would render all assistance to him.



Such an officer shall be deemed to be a Public Information Officer and would be liable for contravention of any provisions of the Act the same way as any other Public Information Officer. It would be advisable for the Public Information Officer to inform the officer whose assistance is sought, about the above provision, at the time of seeking his assistance.

13. Some Public Information Officers, on the basis of above referred 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 Public Information Officer. Thus, they use the above referred provision to designate other officers as Public Information Officer. According to the Act, it is the responsibility of the officer who is designated as the Public Information Officer 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 Public Information Officer 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 Public Information Officer and direct him to send reply to the applicant. The import of the provision is that, if the officer whose assistance is sought by the Public Information Officer, 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 Public Information Officer.

#### **Supply of Information**

14. The answering Public Information Officer should check whether the information sought or a part thereof is exempt from disclosure under Section 8 or Section 9 of the Act. Request in respect of the part of the application which is so exempt may be rejected and rest of the information should be provided immediately or after receipt of additional fees, as the case may be.

15. Where a request for information is rejected, the Public Information Officer should communicate to the person making the request—

- (i) the reasons for such rejection;
- (ii) the period within which an appeal against such rejection may be preferred; and
- (iii) the particulars of the authority to whom an appeal can be made.

16. If additional fee is required to be paid by the applicant as provided in the Fee and Cost Rules, the Public Information Officer should inform the applicant:

- (i) the details of further fees required to be paid;
- (ii) the calculations made to arrive at the amount of fees asked for;
- (iii) the fact that the applicant has a right to make appeal about the amount of fees so demanded;
- (iv) the particulars of the authority to whom such an appeal can be made; and
- (v) the time limit within which the appeal can be made.

#### **Supply of Part Information by Severance**

17. Where a request is received for access to information which is exempt from disclosure but a part of which is not exempt, and such part can be severed in such a way that

the severed part does not contain exempt information then, access to that part of the information/record may be provided to the applicant. Where access is granted to a part of the record in such a way, the Public Information Officer should inform the applicant that the information asked for is exempt from disclosure and that only part of the record is being provided, after severance, which is not exempt from disclosure. While doing so, he should give the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based. The Public Information Officer should take the approval of appropriate authority before supply of information in such a case and should inform the name and designation of the person giving the decision to the applicant also.

### **Time Period for Supply of Information**

18. The Public Information Officer should supply the information within thirty days of the receipt of the request. Where the information sought for concerns the life or liberty of a person, the same should be provided within forty-eight hours of the receipt of the request. If request for information is received through the APIO, the information may be provided within 35 days of receipt of application by the APIO in normal course and 48 hours plus 5 days in case the information sought concerns the life or liberty of a person.

19. In case of an application transferred from one public authority to another public authority, reply should be provided by the concerned public authority within 30 days of the receipt of the application by that public authority in normal course and within 48 hours in case the information sought concerns the life or liberty of a person.

20. The Public Information Officers of the intelligence and security organisations specified in the Second Schedule of the Act may receive applications seeking information pertaining to allegations of corruption and human rights violations. Information in respect of allegations of violation of human rights, which is provided only after the approval of the Central Information Commission, should be provided within forty-five days from the date of the receipt of request. Time limit prescribed for supplying information in regard to allegations of corruption is the same as in other cases.

21. Where the applicant is asked to pay additional fee, the period intervening between the dispatch of the intimation about payment of fee and the payment of fee by the applicant shall be excluded for the purpose of calculating the period of reply. The following table shows the maximum time which may be taken to dispose off the applications in different situations:

<b>Sr. No.</b>	<b>Situation</b>	<b>Time limit for disposing off applications</b>
1.	Supply of information in normal course.	30 days
2.	Supply of information if it concerns the life or liberty of a person	48 hours
3.	Supply of information if the application is received through APIO.	05 days shall be added to the time period indicated at Sr. No. 1 and 2.
4.	Supply of information if application/request	

	<p>is received after transfer from another public authority:</p> <p>(a) In normal course receipt of the application by the concerned public authority.</p> <p>(b) In case the information concerns the life or liberty of a person. concerned public authority.</p> <p>5. Supply of information by organizations specified in the Second Schedule:</p> <p>(a) If information relates to allegations of violation of human rights.</p> <p>(b) In case information relates to allegations of corruption.</p> <p>6. Supply of information if it relates to third party and the third party has treated it as confidential.</p> <p>7. Supply of information where the applicant is asked to pay additional fee.</p>	<p>(a) Within 30 days of the</p> <p>(b) Within 48 hours of receipt of the application by the</p> <p>(a) 45 days from the receipt of application.</p> <p>(b) Within 30 days of the receipt of application.</p> <p>Should be provided after following the procedure given in para 23 to 28 of this part of the document.</p> <p>The period intervening between informing the applicant about additional fee and the payment of fee by the applicant shall be excluded for calculating the period of reply.</p>
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22. If the Public Information Officer fails to give decision on the request for information within the prescribed period, he shall be deemed to have refused the request. It is pertinent to note that if a public authority fails to comply with the specified time limit, the information to the concerned applicant would have to be provided free of charge.

**Disclosure of Third Party Information**

23. Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, is exempt from disclosure. Such an information shall not be disclosed unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.

24. If an applicant seeks any information which relates to or has been supplied by a third party and that third party has treated that information as confidential, the Public Information Officer shall consider whether the information should be disclosed or not. The guiding principle in such cases is that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party. However, the Public Information Officer would have to follow the following procedure before disclosing such information.

25. If the Public Information Officer intends to disclose the information, he shall within five days from the receipt of the application, give a written notice to the third party that the information has been sought by the applicant under the RTI Act and that he intends to disclose the information. He shall request the third party to make a submission in writing or orally, regarding whether the information may be disclosed. The third party shall be given a time of ten days, from the date of receipt of the notice by him, to make representation against the proposed disclosure, if any.

26. The Public Information Officer shall make a decision regarding disclosure of the information keeping in view the submission of the third party. Such a decision should be taken within forty days from the receipt of the request for information. After taking the decision, the Public Information Officer should give a notice of his decision to the third party in writing. The notice given to the third party should include a statement that the third party is entitled to prefer an appeal under section 19 against the decision.

27. The third party can prefer an appeal to the First Appellate Authority against the decision made by the Public Information Officer within thirty days from the date of the receipt of notice. If not satisfied with the decision of the First Appellate Authority, the third party can prefer a second appeal to the Central Information Commission.

28. If an appeal has been filed by the third party against the decision of the Public Information Officer to disclose the third party information, the information should not be disclosed till the appeal is decided.

#### **Suo Motu Disclosure**

29. The Act makes it obligatory for every public authority to make *suo-motu* disclosure in respect of the particulars of its organization, functions, duties and other matters, as provided in section 4 of the Act. The information so published, according to sub-section (4) of section 4, should be easily accessible with the Public Information Officer in electronic format. The Public Information Officer should, therefore, make concerted efforts to ensure that the requirements of the Section 4 of the RTI Act 2005 are met and maximum information in respect of the public authority is made available on the internet. It would help him in two ways. First, the number of applications under the Act would be reduced and secondly, it would facilitate his work of providing information inasmuch as most of the information would be available to him at one place.

#### **Imposition of Penalty**

30. An applicant under the Act has a right to appeal to the Information Commission and also to make complaint to the Commission. Where the Information Commission at the time of deciding any complaint or appeal is of the opinion that the Public Information Officer has without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished subject to the condition that the total amount of such penalty shall not exceed twenty-five thousand rupees. The Public Information Officer shall, however, be given a reasonable opportunity of being heard before any penalty is

imposed on him. The burden of proving that he acted reasonably and diligently and in case of denial of a request that such denial was justified shall be on the Public Information Officer.

### **Disciplinary Action Against PIO**

31. Where the Information Commission at the time of deciding any complaint or appeal is of the opinion that the Public Information Officer has without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it may recommend disciplinary action against the Public Information Officer.

### **Protection for Work Done in Good Faith**

32. Section 21 of the Act provides that no suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under the Act or any rule made thereunder. A Public Information Officer should, however, note that it would be his responsibility to prove that his action was in good faith.

### **Annual Report of the CIC**

33. The Central Information Commission prepares a report on the implementation of the provisions of the RTI Act every year, which is laid before each House of the Parliament. This report, *inter-alia*, has to include information about the number of requests made to each public authority, the number of decisions where the applicants were not entitled to access to documents requested for, the provisions of the Act under which these decisions were made and the number of times such provisions were invoked, the amount of charges collected by each public authority under the Act. Each Ministry/Department is required to collect such information from all the public authorities under its jurisdiction and send the same to the Commission. The Public Information Officers should maintain the requisite information in this regard so that it may be supplied to their administrative Ministry/Department soon after the end of the year, which in turn may supply to the Commission.

**Part V**  
**FOR FIRST APPELLATE AUTHORITIES**

It is the responsibility of the Public Information Officer of a public authority to supply correct and complete information within the specified time to any person seeking information under the RTI Act, 2005. There are possibilities that a Public Information Officer may not act as per provisions of the Act or an applicant may not otherwise be satisfied with the decision of the Public Information Officer. The Act contains provision of two appeals to tide over such situations. The first appeal lies within the public authority itself which is made to an officer designated as the First Appellate Authority by the concerned public authority. The First Appellate Authority happens to be an officer senior in rank to the Public Information Officer. The second appeal lies with the Information Commission. The Central Information Commission (Appeal Procedure) Rules, 2005 govern the procedure for deciding appeals by the Central Information Commission.

**First Appeal**

2. The information sought by an applicant should either be supplied to him or his application should be rejected within the time prescribed by the Act. If additional fee need be charged from the applicant, communication in this regard should be sent to him within the time limit prescribed for sending information. If the applicant does not receive information or decision about rejection of request or communication about payment of additional fee within the specified time, he can make an appeal to the First Appellate Authority. Appeal can also be made if the applicant is aggrieved by the decision of the Public Information Officer regarding supply of information or the quantum of fee decided by the Public Information Officer.

3. A third party can prefer an appeal to the First Appellate Authority if it is not satisfied with the decision made by the Public Information Officer about disclosure of the information for which it has objected. Such an appeal can be made within thirty days from the date of the receipt of notice from the Public Information Officer to the effect that he proposes to disclose the concerned information. If not satisfied with the decision of the First Appellate Authority, the third party can prefer the second appeal to the Information Commission.

**Disposal of Appeal**

4. 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.

5. If an appellate authority while deciding an appeal comes to a conclusion that the appellant should be supplied information in addition to what has been supplied by the Public Information Officer, he may either (i) pass an order directing the Public Information Officer to give such information to the appellant; or (ii) he himself may give information to the appellant. 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.

6. If, in any case, the Public Information Officer 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 action against the Public Information Officer. Such competent officer shall take necessary action so as to ensure implementation of the provisions of the RTI Act.

**TIME LIMIT FOR DISPOSAL OF APPEAL**

7. The first appellate authority should dispose off the appeal within 30 days of receipt of the appeal. In exceptional cases, the Appellate Authority may take 45 days for its disposal. However, in cases where disposal of appeal takes more than 30 days, the Appellate Authority should record in writing the reasons for such delay.

No.12/192/2009-1R  
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

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.



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

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

**OFFICE MEMORANDUM**

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

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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: 23052158

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

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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".

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

Te1.23092158

1. All the Ministries Departments of the Government of India.
2. Union Public Service Commission Lok Sabha Secretaria V Rajya Sabha \ SecretariaVCabinet Secretary Central Vigilance Commission President's Secretaria \ Vice-President's SecretariaVPrime Minister's Office / Planning Commission/ Election Commission.
3. State Information Commissions
4. Staff Selection Commission, CGO Complex, New Delhi.
5. 010 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.

**IMMEDIATE**

**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;**

**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,
    - (vi) 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

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 RTIMIS 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 toresaid 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 reuest, 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 set, 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

**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

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

<b>B. Details of Institution</b>	
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	

<b>C. Details of Expenditure</b>	
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.	

<b>D. Documents required</b>	
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	

**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.

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3.4 It may be reiterated that vide Order No. 2/3/2010-CR dated 7/6/2010, it has been laid down that on 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.

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- (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.
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- (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

No.F. 10/2/2008-IR  
Government of India  
Ministry of Personnel, PG and Pensions  
Department of Personnel & Training  
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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.

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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, 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
5. Staff Selection Commission, CGO Complex, New Delhi
6. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi
7. All Officers/Desks/Sections, Department of Personnel 8. Training and Department of Pension & Pensions Welfare.

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

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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, 1005 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

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 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



No.F 1/5/2011-IR  
Government of India  
Ministry of Personnel, PG & Pension  
Department 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 or 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 taken in this regard.

Yours faithfully

(K.G. Verma)  
Director  
Tel.23092158

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.

2. All the Ministers/Departments are requested to take action as above and also to ensure that these instructions are communicated to their attached and subordinate offices/PSUs for compliance.

(K.G. Verma)  
Director  
Te1.23092158

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-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

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

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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-JR 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:230921 58

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.4/8/2011-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

North Block, New Delhi

Dated: 20 May, 2011

**OFFICE MEMORANDUM**

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

The underigned 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](http://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 15 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 Sectii Rajya Sabha Secretariat' Cabinet Secretariat' Central Vigilance Commission/President's Secretariuil Vice-President' s Sc c rctariatl 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. T3ahadur 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.

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

North Block, New Delhi

Dated: 20 May, 2011

**OFFICE MEMORANDUM**

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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 Sectii Rajya Sabha Secretariat' Cabinet Secretariat' Central Vigilance Commission/President's Secretariuil Vice-President' s Scc rctariatl 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. T3ahadur 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.

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

North Block, New Delhi,  
Dated the 20<sup>th</sup> 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  
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-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, DOP&T and Department of Personnel & Pensioners Welfare.

NO.1/18/2011-IR  
Government of India  
Ministry of Personal, Public Grievances b& pensions  
Department of Personal & Training

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North Block, New Delhi  
Dated : the 16<sup>th</sup> 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 Bandhopadhyay & Ors.

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The undersigned is directed to invite attention to this Department's O.M. No. 1/4/2009-IR dated 05.10.2009 Where by 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 provides access to all information *that is available and existing*. This is clear from a combined reading of section 3 and the definition 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 statics, an applicant may access such information, subject to the exemption 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, 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 assumption. It is also not required to provide 'advice' to an applicant, nor required to obtain and furnish any 'opinion' 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 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 Ministers / Departments of the Governments 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. 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.