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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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JS (P & C)
Need to say
Mr. Luthra
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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 hereinunder are some situations which may arise in the matter and action required to be taken by the public authorities in such cases:

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

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



(K.G. Verma)
Director

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

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

SND BCR

No. 4/9/2008-IR

Government of India

Ministry of Personnel, Public Grievances & Pensions

Department of Personnel & Training

North Block, New Delhi

Dated the 24th June, 2008

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OFFICE MEMORANDUM

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

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

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

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

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



(K.G. Verma)
Director

To

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

Copy to: JS(Training), DOPT

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

Copy also to:

Chief Secretaries of all the States/UTs.

S No 16 (CR)

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30/6/08

SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi – 110001.

No.193/3/2008

Dated: 27th June, 2008

OFFICE ORDER

In supersession of the Commission's Office Order No. 181/2/2005(PIO), dated 10.10.2005 and with effect from 01.07.2008 and until further orders the Competent Authority hereby designates Shri Shangara Ram, Principal Secretary w.e.f. 01.07.2008) in the Election Commission of India as the Appellate Authority in the Commission in terms of Section 19(1) of the Right to Information Act, 2005.

Further with effect from 01.07.2008 and until further orders the Competent Authority hereby designates Shri Varinder Kumar, Under Secretary in the Election Commission of India as the Public Information Officer in the Commission in terms of Section 5 of the Right to Information Act, 2005.

In partial modification of the Office Order No. 181/2/2008(PIO), dated 08.05.2008, the updated details of the Appellate Authority and Public Information Officer are as under:-

Sl. No.	Name & Designation of the Officer	Designated under RTI Act, 2005	Official Address	Tel. No.
1.	Shri Shangara Ram, Principal Secretary	Appellate Authority	Room No. 114, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi-110001	23052005 and 23717391-EXT-248
2.	Shri Varinder Kumar, Under Secretary	Public Information Officer	Room No. 612, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi-110001	23716651 and 23717391-EXT-550

(STANDHOPE YUHLUNG)
SECRETARY

Concerned Officers STANDARD DISTRIBUTION

Copy to:

1. The Secretary to the Central Information Commission, 2nd Floor, 'B' Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066.
2. All Ministries and Departments of Govt. of India.
3. the Chief Secretaries/Administrators of all State Governments/UTs.
4. The Chief Electoral Officers of all States and UTs
5. Guard file.

Handwritten notes and signatures on the left side of the page.

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