

ASSAM INFORMATION COMMISSION



**RIGHT TO
INFORMATION**

**BASIC POINTS FOR
SPIOs AND
FIRST APPELLATE AUTHORITIES**

ASSAM INFORMATION COMMISSION

POINTS NEEDING IMMEDIATE ATTENTION OF THE PUBLIC AUTHORITIES

1. Has the SPIO and ASPIO been designated -**Sec. 5(1) and (2)**
2. Prominent display of names, designations, phone nos., e-mail address etc. of the SPIO(s) and the First Appellate Authority in the Office campus-**Sec. 4(1)(b)(xvi)**.
3. Proper arrangements for receipt of Application fee as well as cost of the documents/samples to be furnished.
4. Names of the SPIO and the First Appellate Authority must be written below their signatures in all their correspondences

ASSAM INFORMATION COMMISSION

BASIC POINTS TO BE TAKEN CARE OF BY THE SPIOs

1. Post of SPIO legal/statutory, discharging of responsibility independent.
2. Receipt of RTI Application, enter first in Register (**Annexure I**).
3. Examine- whether information available within your Office or with some other Offices.
4. If **not available** in your Office, but available with another Office - transfer the application instantly (maximum 5 days) u/s 6(3) to that Office(**Annexure II**).
5. If Information not available in your Office, but scattered with more than one other Offices - advise Applicant to submit applications separately to each of those Offices (**Annexure III**). (GOI OM- **Annexure X**)
6. If a portion of the information available within your Office and the rest with another Office - furnish information relating to your portion and transfer the application to the other Public Authority for furnishing the information relating to that remaining portion (**Annexure IV**).

ASSAM INFORMATION COMMISSION

7. If some information available in your Office and some scattered with more than one Offices-furnish information relating to your portion and advise the applicant to submit separate applications to each of the other Offices for the remaining portion (**Annexure V**).
8. If the information available within your Public Authority, ask the concerning Officer(s) /Assistant(s) possessing or dealing with the information to provide the same to you u/s 5(4) (**Annexure VI**). Then they become Deemed SPIOs.
9. Maintain separate files for each of the applications for which information is furnished, even if in part. Applications transferred to other Public Authorities may be kept together in a separate file.
10. While asking for information u/s 5(4), provide time limit such a way that after receipt of the information from him/her, you get sufficient time to furnish the same to the Applicant within the stipulated time.
11. While asking the Applicant for payment of cost u/s 7(3) for providing the information, the intimation must contain cost analysis and must be issued within the stipulated period of 30 days. (**Annexure VII**). (intimation without cost analysis or sent after stipulated period of 30 days meaningless)

ASSAM INFORMATION COMMISSION

12. If required information is related to third party – write to third party (**Sec 11**) (**Annexure VIII**) within 5 days asking to furnish his/her views within 10 days.
1. Furnishing information within 30 days is personal responsibility of SPIOs, failing which **Sec. 20** is attracted, penalty under which is **mandatory, not optional** and **to SPIO**, unless absolved on the basis of the reply to show cause notice (**Annexure IX**) supported by documents.
14. Paying penalty does not absolve the SPIO from the responsibility of furnishing the information. Rather persistent failure to furnish information will invite disciplinary action **u/s 20(2)**.

ASSAM INFORMATION COMMISSION

ANNEXURE - I

Suggested format for Registration of RTI applications

Date of Receipt	Sl. No.	File No.	Name & address of the applicant	Whether rejected/transferred/returned /accepted	If rejected	
					Reasons of rejection	No. and date of intimation
1	2	3	4	5	6	7

If transferred u/s 6(3)		If returned to applicant
Name of the P.A. to whom transferred	No. & date of transfer	No. & Date of return
8	9	10

ASSAM INFORMATION COMMISSION

Annexure II

Suggested format for Transfer of RTI Applications u/s 6(3)
OFFICE OF THE

.....,

From: Sri

State Public Information Officer

Office of the

To: The State Public Information Officer,

Office of the

.....

Sub: Transfer of RTI application u/s 6(3) of the RTI Act, 2005.

Sir,

I am transferring the enclosed RTI application u/s 6(3) of the Right to Information Act, 2005 for furnishing the information to the applicant directly from your end as the information sought for appears to be available in your Office. The application fee of Rs. 10.00 deposited by the Applicant in cash/DD/IPO/Banker's cheque is also enclosed herewith.

It may be mentioned that failure to furnish the information within 30 days from the date of receipt of the application as provided u/s 7(1) of the RTI Act may invite the penalty prescribed u/s 20 of the Act.

Encl: RTI application, dt....., submitted by

Yours faithfully,

(Name)

SPIO & Designation

office of the

Copy for information and necessary action to: Sri

vill: PO:, Dist:....., Assam, PIN:

SPIO &

Designation

Office of the

ASSAM INFORMATION COMMISSION

Annexure III

Suggested format for advising applicant to submit separate applications

OFFICE OF THE

.....,

From: Sri

State Public Information Officer.

Office of the

To: Sri

Vill:, PO:, Dist., PIN.....

Sub: Information sought for scattered with more than one Public Authorities.

Ref: Your RTI application, dt., submitted to

Sir,

It is to inform you that the information sought for by you vide your above-mentioned RTI application is not available with this Public Authority. However the same may be available with the following Public Authorities, for which the application is returned herewith for favour of your information and taking necessary action to submit separate applications to each of the said Public Authorities for obtaining the required information from them.

Public Authorities with whom the required information may be available:

- 1.
- 2.
- 3.

Encl: Your RTI application, dt.

Yours faithfully,

(Name)

SPIO & Designation

Office of the

ASSAM INFORMATION COMMISSION

Annexure IV

Suggested format for part furnishing of information and part transfer of application

OFFICE OF THE

.....,

From: Sri

State Public Information Officer.
Office of the

To: The SPIO,

.....

Sub: Furnishing of information in Part available with another Public Authority.

Ref: RTI application, dt., submitted by

Sir,

It is to inform you that the information relating to the item nos. of the above-mentioned application is available with this Public Authority, while the information relating to the remaining items should/may be available with your Public Authority. As such, I am transferring the application u/s 6(3) of the Right to Information Act, 2005 for favour of furnishing the information relating to your office from your end.

It may be mentioned that failure to furnish the information within 30 days from the date of receipt of the application as provided u/s 7(1) of the RTI Act may invite the penalty prescribed u/s 20 of the Act.

Encl: The RTI application stated above.

Yours faithfully,

(Name)

SPIO & Designation

Office of the

Copy for information and necessary action to: Sri, vill:

PO:, Dist:, Assam, PIN:

SPIO & Designation

Office of the

ASSAM INFORMATION COMMISSION

Annexure V

Suggested format for part furnishing and advising applicant for the rest
OFFICE OF THE

.....,

From: Sri
State Public Information Officer.
Office of the

To: Sri
.....

Sub: Part of required information available with other Public Authorities,
Ref: Your RTI application, dt., submitted to

Sir,
It is to inform you that the information relating to the item nos. of your above-mentioned application is available with this Public Authority, while the remaining items should/may be available with the following Public Authority(ies). As such, for the information available in this office you are requested to deposit Rs. towards the cost of furnishing the information, the break up of which is given below and for the remaining information you are requested to submit separate application(s) to each of the said Public Authorities for obtaining the required information.

Break up: i) Photocopying cost pages @ Rs. /page = Rs.

Public Authorities with whom the remaining information should/may be available:

- 1.
- 2.

Yours faithfully,
(Name)
SPIO & Designation
Office of the

ASSUMED INFORMATION COMMISSION

Suggested format for seeking assistance u/s 5(4) of the Act
OFFICE OF THE

From: Sri
State Public Information Officer.
Office of the

To: Sri, Vill:, PO:, Dist:

Sub: Assistance sought u/s 5(4) of the RTI Act, 2005.

Ref: RTI Application, dt. submitted by

Sir,

In enclosing herewith a copy of the above-mentioned RTI application, I am seeking your assistance u/s 5(4) of the RTI Act, 2005 for furnishing the information relating to the item nos. of the application. For this purpose you are requested to intimate me within the details of the amount required to be paid by the applicant as given below for providing the information :

1. Cost of creating or copying

..... pages of size @ Rs. /page = Rs.....

..... pages of size @ Rs. /page = Rs.....

2. Cost of Floppy/CD/Pen Drive = Rs.....

3. Cost for printed publication = Rs.....

4. Actual cost for sample/model = Rs.....

Total = Rs.....

Photocopying of the information will be done only after payment of the cost by the applicant.

It may be mentioned that furnishing of the information within the stipulated time is your legal responsibility as per provisions contained u/s 5(5) of the RTI Act, 2005, failing which penalty as per provisions of Sec. 20 of the RTI Act, 2005 may be imposed on you as a deemed SPIO.

Yours faithfully,

(Name)

SPIO & Designation

Office of the

Received the copy of the above-mentioned RTI Application,
Name & designation of the Officer/Assistant

ASSAM INFORMATION COMMISSION Annexure VII

Suggested format for asking applicant to deposit costs

OFFICE OF THE

From: Sri
State Public Information Officer.
Office of the

To: Sri, Vill:, PO:, Dist:, PIN.....

Sub: Intimation u/s 7(3) of the RTI Act, 2005 for payment of cost for providing information.

Ref: Your RTI Application, dt. submitted to

Sir,

With reference to your above-mentioned RTI application, you are requested to deposit an amount of Rs.
(Rupees) to this office towards the cost for furnishing the information ,
the break up of which is given below:

- | | |
|--|------------------|
| 1) Application fee | = Rs..... |
| 2) Cost of photocopying | |
| pages of size @ Rs. /page | = Rs..... |
| pages of size @ Rs. /page | = Rs..... |
| 3) Cost of Floppy/CD/Pen Drive | = Rs..... |
| 4) Cost for printed publication | = Rs..... |
| 5) Actual cost for sample/model | = <u>Rs.....</u> |
| Total | = Rs..... |

As required under the provisions of Section 7 (3)(b) of the RTI Act, 2005, it is to inform you that you have the right to prefer an appeal before the under-mentioned Appellate Authority to review the decision relating to the amount of fees charged or the form of access provided within 30 days from the date of receipt of this intimation.

Name & designation of the Appellate Authority :

Name :

Designation :

Telephone No. :

Yours faithfully,
(Name)

PIO &

Designation

Office of the

ASSAM INFORMATION COMMISSION

Annexure VIII

Suggested format for seeking third party's views

OFFICE OF THE

.....,

From: Sri

State Public Information Officer.

Office of the

To: Sri

.....

.....

Sub: Information sought for under RTI Act relating to third party.

Ref: RTI application, dt., submitted by

Sir,

In enclosing herewith a copy of the RTI Application cited above, I would like to inform you that the information sought for against item no. of the said application relates to you. I would, therefore, request you to please intimate whether the required information as sought for by the applicant can be furnished or not. If not, kindly intimate the reason citing the provisions of the relevant Act under which the furnishing of the said information is exempted.

You are requested to provide your views within 10 days from the date of receipt of this intimation, failing which it will be presumed that you do not have any objection in furnishing the said information to the applicant.

Encl: Copy of the RTI Application cited above.

Yours faithfully,

(Name)

SPIO & Designation

Office of the

ASSAM INFORMATION COMMISSION

ANNEXURE-IX

OFFICE OF THE ASSAM INFORMATION COMMISSION
HOUSEFED COMPLEX : : DISPUR : : GUWAHATI- 781006.
Phone & Fax No. : 0361-2220193.

File No. :

Date of Order :

ORDER

Perused the petition, dt., submitted by along with the enclosures. Observed that an application, dt., seeking certain information u/s 6(1) of the RTI Act, 2005, was submitted to, which was transferred u/s 6(3) of the RTI Act to on for furnishing the information. Also observed that the information as sought for had not yet been furnished to the petitioner for which the petition had been submitted to the Commission for taking necessary action.

Admitted the petition and the case is listed for hearing on at AM/PM in the Commission's Office.

A copy of the petition along with a copy of the RTI application be provided to the State Public Information Officer of the said Public Authority and he/she be asked to attend the hearing along with all the relevant records for apprising the Commission accordingly.

The SPIO shall also show cause as to why penalty as provided u/s 20(1) of the RTI Act, 2005 shall not be imposed on him/her for his/her failure to furnish the information to the applicant within the stipulated period of 30 days. The written reply, indicating clearly the date of receipt of the RTI application and the date of furnishing the required information to the applicant, shall be submitted to the Commission at the time of hearing, when the SPIO shall also be heard in person before passing any order to that effect.

Date:

Place: Guwahati.

(M. C. Malakar)

State Information Commissioner

ASSAM INFORMATION COMMISSION

No. F.10/2/2008-IR

Government of India

Minister of Personnel, PG and Pension

Department of Personnel & Training

North Block, New Delhi
Dated September 24, 2010

OFFICE MEMORANDUM

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

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

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

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

Sd/- (K.G. Verma)

Director

Tel. 23092158

- All the Ministries/ Departments of the Government of India.
- 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.
- Central Information Commission/ State Information Commissions.
- Staff Selection Commission, CGO Complex, New Delhi.
- Office of the Comptroller & Auditor General of India, 10 Bahadur Shah Zafar Marg, New Delhi.
- All Officers/ Desk Officers Department of Personnel & Training and Department of Pension.

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

ASSAM INFORMATION COMMISSION

THANKS