

**Subject: Expeditious furnishing of information on RTI requests and appeals.**

It is noticed that while furnishing information in response to RTI applications and appeals, sections/wings frequently do not conform to the timelines communicated, resulting in filing of 2nd appeals to the CIC.

Your kind attention is invited to the following Sections of the RTI (Act), its impact on the deemed PIOs, and action required to be taken by the deemed PIOs and officers responsible for furnishing the information:

A. **Section 5(5)** of the Act mentions that any officer whose assistance has been sought shall render assistance to the CPIO, and **for the purposes of any contravention of the provisions of the Act, such other officer (officer whose assistance is taken) shall be treated as CPIO.**

On receipt of a request (u/S 6 of the Act) for information, **Section 7(1)** of the Act requires the CPIO to either provide the information or reject the request as expeditiously as possible, and in any case within 30 days of the receipt of the request. To discharge this statutory duty, the CPIO requires the assistance of the concerned Wings in HQ, who hold the information to be furnished.

**Section 19(6)** of the Act requires the First Appellate Authority to dispose off an appeal within 30 days of its receipt.

**Section 20 (1)** of the Act confers power on the Central Information Commission to impose penalties for instances of non-compliance.

Where the CIC is of the opinion that the **CPIO has not furnished the information within the time specified under sub-section (1) of Section 7** or malafidely denied the request for information, or knowingly given incorrect, incomplete or misleading information or destroyed information which was 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 the application is received or information is furnished, the total amount of such penalty shall not exceed twenty five thousand rupees.**

**Section 20 (2)** of the RTI Act, 2005 confers power on the CIC to recommend for disciplinary action against the CPIO under service rules applicable to her/him.

**It needs to be noted that any penalty/disciplinary action following an infraction of RTI Act, shall finally be levied/taken on the deemed PIO or the officer responsible. The CPIO and FAA merely route requests, and forward information, and shall not be responsible for delays, non-furnishing of information, furnishing of incorrect information etc.**

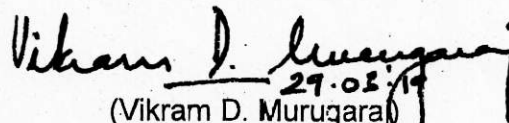
Timely disposal of RTI Requests and Appeals is, therefore, in the interest of the Department and the concerned deemed PIOs. It is requested that information in response to RTI requests and appeals be furnished expeditiously, and in any case not beyond 7 calendar days of receipt of request from the RTI Cell.

B. On several occasions, Sr.AOs/AOs of the concerned sections/ wings refuse to receive RTI applications endorsed to them and return the same to RTI Cell without any acknowledgement or formal reply/remarks in writing, or citing reasons for not receiving the application. In such cases, there is no documentation of non-receipt of RTI applications by the concerned section/wing. In some cases where the applications are received, they are returned by sections/wings (without any written comments/formal reply), 3-4 days after being forwarded by RTI Cell. This delays the entire cycle of furnishing of information, which culminates in filing of first appeal, and subsequent appeals to the CIC.

**Therefore, if the information sought in an RTI application does not pertain to the concerned section/wing, the same should be returned to RTI Cell latest by the next working day, with a formal reply citing the reasons for not accepting the same, or the name of the concerned section/wing to which the information sought pertains.**

C. Furthermore, information in response to RTI applications is routinely furnished by Sr. AOs/AOs of some sections/wings, without the approval of the deemed PIO. It is also seen (in cases where more than one section/wing exist under the control of one deemed PIO) that the Sr.AO/AO of one section/wing responds stating that the information sought does not pertain to that section/wing, without transferring the same to another concerned section/wing under the same deemed PIO. This results in unnecessary delay in furnishing information to RTI applicants, as the request for information has to be again endorsed to another section/wing under the same deemed PIO.

**It may please be ensured that replies to RTI requests are furnished only after approval of the deemed PIO.**

  
29.03.19  
(Vikram D. Murugara)  
Pr. Director (HQ) & FAA