

**Ministry of Human Resource Development
Department of Secondary & Higher Education**

No.

Dated: October 13, 2005

Sub: Guidelines for Central Public Information Officers (CPIOs) appointed by the Department under the Right to Information (RTI) Act, 2005.

CPIOs for the Department under the RTI Act have been appointed vide this Department's orders of even number dated 22-9-05 and 3-10-05.

Following guidelines are laid down to enable them to properly discharge their responsibilities under the Act :-

For Purposes of Chapter II of the Act,

- 1. Department to function as “Public Authority”, and not as “Central Government”.**

It is important to bear in mind that, for purposes of Chapter II of the RTI Act, the Department is to function as a “public authority”, and not as “Central Government”. Therefore, while a Parliament Question, which concerns more than one Department, has to be answered by the nodal Department on behalf of all Departments (i.e., on behalf of the Central Government as a whole), there is no such obligation in regard to a request for information under the RTI Act. Responsibility of a “Public Authority” to furnish information to citizens under the Act through its CPIOs may be taken as being limited to that information which pertains to that public authority. Thus if a request seeks information concerning the Department of S & HE **as well as** certain other “public authorities” (e.g., other Departments or autonomous organisations), obligation of the Department (and therefore of its CPIOs) is limited to providing that part of the requested information for which Department of S&HE is the

“public authority”. With regard to remaining information, the applicant may be advised **at the earliest** to approach the appropriate public authority (whose name should also be communicated to the applicant as far as possible).

2. **Nodal CPIOs**

While some requests for information, which are received under the RTI Act, would clearly pertain to only one Division, there may be other requests which concern more than one Division of the Department. . In the latter event, the criterion for identifying the nodal CPIO for handling the request would be the same as the one followed for handling Parliament Questions, instructions regarding which are contained in Parliament Unit Circular No. _____ dated _____. In case, a CPIO who has received a request for information under the RTI Act is of the opinion that it he is not the nodal CPIO for it, and that it should be transferred to some other Division, he should **not do so unilaterally** but should first obtain concurrence of the other Division Head for the purpose, through personal / telephonic consultation. In case of difference of opinion, the matter should be resolved in the same manner as laid down in the above-mentioned Circular in respect of Parliament Questions.

3. **Preliminary Scrutiny:**

3.1 Once request for information under the RTI Act is received by a CPIO, he should examine it **himself at dak stage itself** with a view to ensuring the following:

- i) that name and address of the applicant, and the information sought by him have been clearly stated in the application;
- ii) that evidence of payment of the application fee of Rs. 10/- has been enclosed; and
- iii) That: -
 - (a) the Department of S & HE is indeed the “public authority” in respect of the requested information or at least a part thereof, and

- (b) The receiving CPIO is indeed the nodal CPIO for that part of the information, which pertains to the Department, S& HE. If the scrutiny reveals that Department of S & HE is not the “public authority” in respect of a request or part thereof, action should be taken as per para 1 above. In case, scrutiny reveals that the receiving CPIO is not the nodal CPIO within the Department of S & HE, action should be taken as per para 2 above.

3.2 Once a CPIO has satisfied himself in regard to points mentioned in para 3.1 above, he should see whether the requested information should be denied on the grounds mentioned in section 8 (1) or section 9. If yes, he should send a reply to the applicant accordingly giving details in accordance with section 7(8) of the Act.

4. **Action to furnish Information.**

4.1 After the scrutiny as mentioned in Para 3.2 above confirms that provisions of section 8 (1) and 9 are **not** attracted, the CPIO should initiate action to prepare and furnish the information, to the extent that the Department of S & HE is the “public authority” in respect of such information, within the time limit prescribed under the Act. For this purpose, he should, first of all see whether the entire requested information is available within his Division or whether a part thereof has to be obtained from other Divisions / agencies. In the latter case, he should send letters to such other concerned Divisions / Agencies clearly specifying the information required from them for replying to the applicant., and requesting them to furnish it **within a period of seven days.**

4.2 All correspondence related to disposal of request for information under the Right to Information Act should prominently carry the superscription **“RTI Act / Time Limit”** so that such correspondence is easily identified at all levels, and is dealt with on

priority by the Officer / Agency receiving such letters.

- 4.3 It is only after completing the preliminary steps mentioned in the foregoing paragraphs, that the CPIO should send the application down to his Under Secretary / Desk Officer with instructions to: -
- (a) prepare that part of the information which pertains to the Division,
 - (b) collate information to be received from other Divisions / Agencies, and
 - (c) put up consolidated reply for being sent to the applicant.

The time limit given for this should normally be **not more than two weeks**.

- 4.4 Before the CPIO marks a request for information down to his US / Desk Officer for action as above, he should take the following other steps:

1. Prominently mark / write "RTI Act/Time Limit" on the application, and
2. Get particulars of the application entered into a separate Register to be maintained by his PA, exclusively for applications received under the RTI Act.

A suggestive proforma is enclosed for maintaining the above Register. The Register should, as far as possible, be maintained electronically. It may, in addition, be maintained in manual form also, as a back up, if the CPIO considers it necessary.

- 4.5 Every CPIO should have a separate Dak Pad, which should carry on it prominently the words "Dak pertaining to RTI Act". All Dak pertaining to the Act should be sent down to the US / Desk Officer / Section Officer only in such Pads so that it does not get mixed up with

the rest of the day, and receives priority attention at all levels.

4.6 As soon as possible, after the receipt of a request for information, the CPIO should assess the amount payable, if any, for the information by the applicant, and should communicate it to him, in writing, **without delay**. The amount payable should be calculated in accordance with the provisions of Rules 4 & 5 of the RTI (Regulation of Fee and Cost) Rules, 2005.

4.8 CPIOs should carefully keep in mind the provisions of sections 10 ("severability") and 11 ("Third party information") of the Act in the discharge of their functions.

5 **Arrangements for depositing of fees payable under the RTI Act**

The Act lays down 3 modes of payment namely, Cash, Demand Draft and Banker's Cheque. DDs and Banker's cheques should be crossed and made payable to the Pay and Accounts Officer, Department of Secondary & H.E. An applicant who desires to pay the fee in cash, should be advised to do so at the Facilitation Counter of the Department, where arrangements are being made for receipt of fees in cash and issue of receipt to the applicants.

6. **Inspection of Document**

If the request is for inspection of a document (and **not** for furnishing copies of a document) the inspection facility should also normally be provided at the Facilitation Counter. The CPIO should depute a responsible subordinate who should remain there throughout while the inspection is carried out at the Facilitation Counter. However, if the CPIO is of the opinion that the inspection should be got done in either his own or his Under Secretary's / Desk Officer's / Section Officer's presence, he may direct and make arrangements accordingly.

7. **Regular monitoring of Disposal of Requests**

Every CPIO should review the status of pendency of requests for information received by him, at **least twice a week**, with a view to ensure that a situation does not arise where information requested is not furnished within the stipulated period of 30 days, [excluding the time mentioned under section 7 (3) (a) of the Act].

(Madan Mohan)
Dy. Secretary

All CPIOs Deptt. Of S&HE

Copy

1. PS to HRM / MOS
2. Sr. PPS to Secretary, S& HE / Secretary, EE&L
3. PS to AS - for information
4. All Bureau Heads, Deptt. S & HE
5. All Under Secretaries / Desk Officers / Section Officers, Deptt. of S & HE – for information and necessary action.

(Madan Mohan)
Dy. Secretary

PROFORMA

REGISTER OF RECEIPT & DISPOSAL OF REQUESTS FOR INFORMATION RECEIVED UNDER THE RTI ACT, 2005

Name & Designation of CPIO : _____

Sl.No.	Date of Receipt of Application	Name & Address of Applicant	Brief particulars of information requested	Name of other Divisions/Agencies from whom information sought by the Nodal CPIO			Whether fee payable by the Applicant		
				Name of Division/Agency	Date when info. sought	Date when info. Received.	Yes/No	If No, reasons	If Yes, amount payable
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.

If fee payable, Dates when			Details of final disposal of the Request			
Amount payable conveyed to Applicant	Amount payable deposited by Applicant	Mode of payment	Date of Disposal	Manner of Disposal	In case requested information or part thereof is refused, give reasons for the same	In case, information could not be furnished within stipulated time limit of 30 days, give reasons for the same
11.	12.	13.	14.	15.	16.	17.