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No. . PER(AR)A(3)-1/2008-II
Government of Himachal Pradesh,
Administrative Reforms Department.

2825
17/4/2010

From:

Pr. Secretary(AR) to the
Government of Himachal Pradesh.

To

1. All Administrative Secretaries to the Govt. of H.P.
2. All Heads of Departments in Himachal Pradesh.
3. Secretary to Governor, Himachal Pradesh.
4. Divisional Commissioners, Shimla/Mandi/ Kangra Divisions.
5. Secretary, H.P. Vidhan Sabha, Shimla.
6. Secretary, H.P. Public Service Commission.
7. All Deputy Commissioners in Himachal Pradesh.
8. Registrar, H.P. High Court, Shimla.
9. All Managing Directors of Boards/Corporations, H.P.
10. Registrar, H.P. University/H.P. Agr. University, Palampur/
H.P. Horticulture University, Nauni, Solan.

Regd. AR(GA) 20/16/04
PA copy to GF
16/4/10
16/4/10

1208
17/4/2010

Subject:-

Dated Shimla-171002, the 3rd April, 2010.
Transfer of Application under Section 6 of RTI Act, 2005
(Instruction No.1 of 2010).

Madam/Sir,

It has been brought to the notice of this Department that the Public Information Officers (PIOs) of some Public Authorities transfer the applications received under the RTI Act to various Public Authorities. Instances have come to the notice of the Department that the applications have also been transferred by PIOs to all the PIOs of the State Government and all the Departments of the State. Even some PIOs have transferred applications to Departments of Government of India.

In view of this, it has been felt that the clarification on Section 6 of RTI Act may be issued for convenience of information seekers and also Public Authorities, PIOs and other functionaries under the RTI Act. Based on the Manual for PIOs, APIOs, AAs and Public Authorities circulated by this Department in January, 2009 and coupled with the Guidelines issued by Government of India, Ministry of Personnel, PG & Pensions, Department of Personnel & Training, an abstract of guidelines on Section 6 of RTI Act are enclosed which could be kept in view while transferring applications.

Encls: 1-3 Pages

Yours faithfully,

Regd. AR
17/4/10

Webmaster
Pl. upload in
RTI paper
20/5/10

Pr. Secretary(AR) to the
Govt. of Himachal Pradesh.

CSK Himachal Pradesh Krishi Vishvavidyalaya
"General Admn. Branch."

Endst.No.QSD.1-31/09-CSKHPKV/(GA)-49448-568 Dated: Palampur, the

18 MAY 2010

Copy to:-

1. All the Appellate authorities, CSKHPKV, Palampur.
2. All the PIOs/APIOs, CSKHPKV, Palampur.
3. All the Statutory Officers, CSKHPKV, Palampur.
4. All the Heads of Deptts./Offices, CSKHPKV, Palampur.
5. All Associate Directors/Scientist Incharges/ Programme Coordinators, Regional Research Centers/ RSSs/KVKs in CSKHPKV.
6. Jt. Controller (LA), CSKHPKV, Palampur.
7. Incharge, UNS, CSKHPKV for uploading in University Website.
8. SPS to Vice-Chancellor, CSKHPKV, Palampur.
9. All Dy./Asstt. Registrars/Section Officers/Suptds (HQ), CSKHPKV, Palampur.
10. PS/PA to Vice-Chancellor/Registrar/Comptroller, CSKHPKV, Palampur.
11. Guard file./ All Dealing Assts GA branch.

Pratish
Dy. Registrar (Admn)
CSKHPKV, Palampur.

Kindly upload
the above mentioned
information in Univ.
web site.

R. Del. and def
20.05.2010
Web Manager

Transfer of Application under section 6 of RTI Act

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.

2. Sometimes 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.

3. 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'.

4. Given herein under 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. 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 of State Government for some information which is the concern of a public authority under any Central Government, 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 Central Government, State Government/UT Administration. Application, in such a case, need not be transferred to the Central Government, State Government/UT Administration.

5. 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.
