

F.No.1/32/2013-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: the 17th February, 2015

OFFICE MEMORANDUM

Subject: Guidelines for Public Information Officers / First Appellate Authorities for Supply of information and disposal of first appeal respectively – reiteration of

Section 26 of the RTI Act requires the Government to compile a guide containing such information, in as easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified in the Act. Further, it requires the Government to update the guide at regular intervals. Accordingly a Guide on the Act was published online on 28.11.2013 to help all the stake – holders viz. information seekers in getting information, public information officers in dealing with the RTI applications, first appellate authorities in taking cogent decisions on appeals and the public authorities in implementing various provisions of the Act in the right earnest.

The Public Information Officers /First Appellate Authorities should keep in mind the salient features of the guidelines in supply of information to the information seeker and disposal of first appeal respectively, so that information seekers may not resort to filing of second appeals before the Information Commissions. The relevant salient features of the guidelines are reiterated below for consideration of the Public information Officers and First Appellate Authorities:

Supply of Information by the Public Information Officer

- 1) The answering Public Information Officer should check whether the information sought or a part thereof is exempt from disclosure under Section 8 or Section 9 of the Act. Request in respect of the part of the application which is so exempt may be rejected and rest of the information should be provided immediately or after receipt of additional fees, as the case may be.
- 2) Where a request for information is rejected, the Public Information Officer should communicate to the person making the request –
 - (i) the reasons for such rejection;
 - (ii) the period within which an appeal against such rejection may be

- preferred; and
- (iii) the particulars of the authority to whom an appeal can be made.
- 3) If additional fee is required to be paid by the applicant as provided in the Fee and Cost Rules, the Public Information Officer should inform the applicant:
- i) the details of further fees required to be paid ;
 - ii) the Calculations made to arrive at the amount of fees asked for;
 - iii) the fact that the applicant has a right to make appeal about the amount of fees so demanded;
 - iv) the particulars of the authority to whom such an appeal can be made; and
 - v) the time limit within which the appeal can be made.
- 4) Though there is no hard and fast rule as to when exactly intimation about additional fees is to be given to the applicant, such intimation should be given soon after receipt of RTI application.

Disposal of Appeal by the First Appellate Authority

- 1) While disposing off first appeals, the first Appellate Authorities should act in a fair and judicious manner. It is very important that the order passed by the first appellate authority should be a detained and speaking order, giving justification for the decision arrived at.
- 2) If an appellate authority while deciding an appeal comes to a conclusion that the appellant should be supplied information in addition to what has been supplied by the Public Information Officer, he may either (i) pass an order directing the Public Information Officer to give such information to the appellant; or (ii) he himself may give information to the appellant .In the first case the appellant authority should ensure that the information ordered by him to be supplied is supplied to the appellant immediately. It would, however, be better if the appellate authority chooses the second course of action and he himself furnishes the information alongwith the passed by him in the matter.

(Sandeep Jain)

Director

Tel: 23092755

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2. Union Public Service Commission / Lok Sabha Sect / 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.

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