

આર.ટી.આઈ. મેટર / અગત્યનું

ક્રમાંક:આરટીઆઈ-૨૦૦૭-૪૫૭૨૯૭(ભા.સ.)-આરટીઆઈસેલ,
સામાન્ય વહીવટ વિભાગ,
સચિવાલય, ગાંધીનગર.
તારીખ:-૩-૭-૨૦૦૮.

પ્રતિ,

૧. માન. રાજ્યપાલશ્રીના સચિવશ્રી, રાજભવન, ગાંધીનગર.
૨. અધિક મુખ્ય સચિવશ્રી / અગ્ર સચિવશ્રી / સચિવશ્રી, સચિવાલયના સર્વે વિભાગો
૩. સચિવશ્રી, ગુજરાત વિધાનસભા સચિવાલય, ગાંધીનગર.
૪. સચિવશ્રી, ગુજરાત માહિતી આયોગ, સેક્ટર-૧૮, ગાંધીનગર.
૫. સચિવશ્રી, ગુજરાત જાહેર સેવા આયોગ, અમદાવાદ.
૬. સચિવશ્રી, ગુજરાત તકેદારી આયોગ, ગાંધીનગર.
૭. રજીસ્ટ્રારશ્રી, ગુજરાત હાઈકોર્ટ, અમદાવાદ.
૮. સચિવશ્રી, ગુજરાત મુલકી સેવા ટીબ્યુનલ, ગાંધીનગર.
૯. સચિવશ્રી, ગુજરાત ગૌણ સેવા પસંદગી મંડળ, ગાંધીનગર.
૧૦. સચિવશ્રી, ગુજરાત પંચાયત સેવા પસંદગી મંડળ, અમદાવાદ.
૧૧. ડેપ્યુટી ડાયરેક્ટર જનરલશ્રી, સરદાર પટેલ રાજ્ય વહીવટ સંસ્થા, અમદાવાદ.
૧૨. સર્વે જિલ્લા કલેક્ટરશ્રી.
૧૩. સર્વે જિલ્લા વિકાસ અધિકારીશ્રી.

વિષય:-

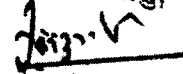
RTI applications received by a public authority regarding information concerning other public authority / public authorities.

શ્રીમાન / મહોદયા,

ઉપર્યુક્ત વિષય પરત્વે જણાવવાનું કે, આર.ટી.આઈ. એક્ટ હેઠળની અરજીમાં જ્યારે એક થી વધુ જાહેર સત્તામંડળોને લગતી માહિતી માંગવામાં આવી હોય ત્યારે આવી અરજી પ્રથમ જે જાહેર સત્તામંડળને મળી હોય તે જાહેર સત્તામંડળ/જાહેર માહિતી અધિકારીએ અનુસરવાની થતી કાર્યપદ્ધતિ બાબતે જરુરી સુચનાઓ ભારત સરકારશ્રીના મિનિસ્ટ્રી ઓફ પર્સોનલ, પબ્લિક પ્રિવન્સીસ એન્ડ પેન્શન્શના તા.૧૨-૬-૨૦૦૮ના ઓફિસ મેમોરન્ડમ ક્રમાંક: ૧૦/૨/૨૦૦૮-આઈઆર, અન્વયે આપવામાં આવેલ છે. જેની નકલ આ સાથે સામેલ રાખેલ છે. ઉક્ત સુચનાઓ ધ્યાને લઈ જરુરી કાર્યવાહી કરવા વિનંતી છે.

૨. સદરહુ સુચનાઓની જાણ આપના વિભાગના વહીવટી હકુમતમાંના સર્વે ખાતાના વડાઓ / જિલ્લા / તાલુકા / ગ્રામ કક્ષાની કચેરીઓ/ બોર્ડ/ નિગમ વગેરે સહિતના સર્વે જાહેર સત્તામંડળો / જાહેર માહિતી અધિકારીઓ / એપેલેટ અધિકારીઓના ધ્યાન ઉપર પણ લાવવા વિનંતી છે.

આપનો વિશ્વાસુ,


(સી.એસ.ઉપાધ્યાય)

નાયબ સચિવ,
સામાન્ય વહીવટ વિભાગ

નિકલ રવાના: ઉપર મુજબ.

નકલ રવાના:-

૧. નાયબ સચિવશ્રી, માન. મુખ્ય મંત્રીશ્રીનું કાર્યાલય, સચિવાલય, ગાંધીનગર.
૨. નાયબ સચિવશ્રી, મુખ્ય સચિવશ્રીનું કાર્યાલય, સચિવાલય, ગાંધીનગર.
૩. સામાન્ય વહીવટ વિભાગની સર્વે શાખાઓ
૪. ના.સે.અધિકારી સિલેક્ટ ફાઈલ
૫. શાખા સિલેક્ટ ફાઈલ.

North Block, New Delhi
Dated: the 12th June, 2008

OFFICE MEMORANDUM

Subject: RTI applications received by a public authority regarding information concerning other public authority/authorities

It has been brought to the notice of this Department that requests are made to the public authorities under the Right to Information Act for pieces of information which do not concern those public authorities. Some times, such an information is sought, a part or no 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. A question has arisen as to how to deal with such cases.


2. 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 (PIO) 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 application is made, shall transfer the application to that other public authority. A careful reading of the provisions of sub-section (1) and sub-section(3) of Section 6, suggests that the Act requires an information seeker to address the application to the PIO of the 'concerned public authority'. However, there may be cases in which a person of ordinary prudence may believe that the piece of 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 another public authority. In such cases, the applicant makes a bonafide mistake of addressing the application to the PIO of a wrong public authority. On the other hand where an applicant addresses the application to the PIO 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 fulfil his responsibility of addressing the application to the 'concerned public authority'.

3. Given hereinafter are some situations which may arise in the matter and action required to be taken by the public authorities 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 PIO receiving the application should transfer the application to the concerned public authority under intimation to the applicant. However, if the PIO 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 that 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 PIO should supply the information available with him 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 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. If no part of the information sought, is available with it but is 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 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 create information. Collection of information, parts of which are available with different public authorities, would amount to creation of information which a public authority under the Act is not required to do. At the same time, since the information is not related to any one particular public authority, it is not the case where application should be transferred under sub-section (3) of Section 6 of the Act. It is pertinent to note that sub-section (3) refers to 'another public authority' and not '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 for some information which is the concern of a public authority under any State Government or the Union Territory Administration, the Central Public Information Officer (CPIO) of the public authority receiving the application should inform the applicant that the information may be had from the concerned State Government/UT Administration. Application, in such a case, need not be transferred to the State Government/UT Administration.

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


(K.G. Verma)
Director

1. All the Ministries / Departments of the Government of India
 2. Union Public Service Commission/ Lok Sabha Sectt./ 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. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
 6. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.
- Copy to: Chief Secretaries of all the States/UTs.