

**Government of India,
Ministry of Communications & Information Technology,
National Informatics Centre

A – Block, CGO Complex
New Delhi- 110003.
Dated: 31/10/2005

CIRCULAR

Subject: Setting up of Basic Infrastructure at the National Informatics Centre(NIC) for implementation of the RTI Act, 2005 - "Internal Procedure for processing of the Requests for Information" reg.

The Internal Procedure for processing of the Requests for Information under the R TI Act, 2005 has been formulated with the approval of competent authority and a copy of the same is forwarded herewith for information and necessary action.

(Dr. KASHI NATH)
STD/Staff Officer/PIO-NIC Hq.

1. Office of the DG(NIC)
2. All DDGs/HODs/SIOs
3. The Appellate Authority NIC-HQ.
4. PIO(RTI) in DIT - Hq
5. Office of Central Information Commissioner, Govt. of India, New Delhi
6. All Officers & Staff through interanic

**National Informatics Centre – Hq.
A – Block CGO Complex
Lodhi Road
New Delhi 110 003**

PROCESSING OF "REQUESTS FOR INFORMATION (UNDER THE RTI ACT, 2005)"
RECEIVED IN NIC(HQ) – INTERNAL PROCEDURE REG.

1 A person (Indian Citizen) , who desires to obtain any information under Sec – 6 of this Act, shall make a request in writing or through electronic means in English or Hindi (with details. as per RTI–Form No.1 enclosed), to:–

1.1 the officer designated as the Public Information Officer (PIO) under Section 5 of this Act who shall normally be available to directly meet members of the public between 10:00 AM to 01 :00 P.M on week days except Wednesday and Thursday.

[Office Address: The Office of PIO (RTI), National Informatics Centre (HQ) Room No 627, A – Block, CGO Complex, New Delhi 110 003.

Tel.No: 24364786, 24305688,

Fax No: 24364873

Email Id: pio.nichq@nic.in

1.2 that the request for obtaining information under sub–section (1) of section 6 shall be accompanied by an application fee of Rupees Ten by way of cash against proper receipt or by demand draft or bankers cheque payable to the Accounts Officer of the public authority. [Ref: DOPT's Notification no. 34012/8(s)/2005–Estt.(B) dated 16–9–2005]

1.3 specifying the particulars of the information sought by him or her:

Provided that where such request cannot be made in writing, the PIO, shall render all reasonable assistance to the person making the request orally to reduce the same in writing. [Ref.: sub–section 6(1)]

(The request for information may also be received online and registered accordingly once the system for the same is set up)

- 1.4 An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him. [Ref.: subsection 6(2)]

2. Where an application is made requesting for an information,
 - (i) which is held by another public authority; or
 - (ii) the subject matter of which is more closely connected with the functions of another public authority the PIO, to whom such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than 5 (five) days from the date of receipt of the application. (Ref.: sub-section 6(3)] (RTI-Form No.2):

3. Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6 of the Act, the PIO, on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within 30 (thirty) days of the receipt of the request [Ref.: subsection 7(1)], either provide the information on payment of such fee as prescribed for the purpose or reject the request for any of the reasons specified in sections 8 and 9

Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within 48 (forty-eight) Hours of the Receipt of the Request r Ref.:sub-section 7(1) ,.

If PIO fails to give decision on the request for information within the period specified under sub-sec. 7(1), it shall be deemed to have refused the request.

4. PIO shall as far as possible acknowledge receipt of requests for information under the Act (RTI-Form No.3 enclosed)

4.1 The PIO shall, on receipt of request for information under this Act, examine [A Check-list for facilitating examination is enclosed] whether the information sought for is already available in [(i) the Office of PIO, or (ii) the published documents under this Act, or (iii) NIC web-site] and in that case, the PIO shall directly communicate relevant information to the applicant under intimation to the concerned Officer.

- 4.2 Other-wise, the PIO shall communicate the applicant's request (both hard copy and soft copy – through email) to the Head of Group Head of division, SIO concerned, and seek feedback with full details with approval of the concerned GC, not later than 15 (Fifteen) days of such communication (RTI- Form No.4 enclosed).
- 4.3 On receipt of the same, the concerned HOG/HOD/SIO will take immediate action to collect and put up all relevant facts to his superior to approval and within the specified date the same should be communicated to the PIO who will then accordingly reply to the applicant. The concerned HOG/HOD/SIO and dealing officers will be responsible to assist the PIO and to provide relevant information as per time limit prescribed.
- 4.4 Provided any delay is anticipated by the HOG/HOD/SIO or if the remarks pertain to more than one Group/Division/Centre or pertain to some other Public Authority or Department etc. – this should be immediately (as far as possible within two days) advised to the PIO to enable the PIO to take further suitable action.
- 4.5 Provided that if there is delay in processing the case due to time taken for receipt of remarks from concerned HOG/HOD/SIO the PIO shall give a suitable interim reply to the applicant fixing a reasonable target for disposal of the request for information.
- 4.6 In the event of a request made in person to the PIO for perusal, of a document on any part thereof, the request is to be referred to the concerned HOG/HOD/SIO and if required, the official in whose custody the document is would make it available for inspection in the Office of PIO in NIC-Hq. in the presence of the PIO & copies of it if any required to be given would also be given by the concerned official in the presence of the PIO.
- 4.7 In the event of any dispute/confusion the PIO may apprise the concerned HOG/HOD/SIO and / or the Appellate Authority (RIT) in the matter.
5. 5.1 where access to the record or a part thereof is required to be provided

under this Act and the person to whom access is to be provided is sensorily disabled, the PIO, shall provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection.

- 5.2 An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question. [Ref.:sub-section 7(9)]
- 5.3 Before taking any decision the PIO shall take into consideration, the representation made by a third party under Section 11 of the Act.
- 5.4 Where a request for information has been rejected the PIO shall communicate to the person making the request giving -
- the reasons for such rejection
 - the period within which an appeal against such rejection may be preferred (normally within 30 days from the date of refusal through delay may be condoned if sufficient cause is shown) and
 - the particulars of the internal appellate authority.

(A format to serve as a guideline for reply is given in RTI Form No.5 - enclosed)

- 6 Where a decision is taken to provide the information on payment of any fee representing the cost of providing the information, (as per details at RTI-Form No.5 enclosed) the PIO, shall send an intimation to the person making the request, giving -
- 6.1 the details of representing the cost of providing the information as determined by him, together with the calculations made to arrive at the amount in accordance with fee prescribed under sub-section 7(1), requesting him to deposit that fees and the period intervening between the dispatch of the said intimation and payment of fees shall be excluded

for the purpose of calculating the period of thirty days referred to in that sub-section;

- 6.2 information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms. [Ref.: sub-section 7(3) (b)]
- 6.3 Where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to the provisions of sub-section 7 (6), pay such fee as may be prescribed by the competent authority (as per instructions vide DoPT's notification referred to in para 1.2), [details of fees and how the figure is arrived at must be given in writing]:

Provided that the fee prescribed under sub-section (1) of section 6 and sub-sections (1) and (5) of section 7 shall be reasonable and no such fee shall be charged from the persons who are of **Below Poverty Line (BPL)** as may be determined by the appropriate Government.

6.4 **Fees chargeable for providing printed information:**

If the information requested by the applicant involves priced publication(s) and/or to arrange photocopy of the document(s), the PIO shall inform the applicant reg. (i) actual price of the printed publications, if applicable, (ii) anticipated charges for providing photocopy of the document(s), (iii) anticipated actual Postage Charges, and (iv) Procedure for depositing the required fees, etc.

As per instructions issued by DoPT vide its notification referred to in para 1.2 , for providing the information under sub-section (1) of sec. 7, the fee shall be charged by way of cash against proper receipt or by demand draft or bankers cheque payable to the Accounts Officer of the public authority at the following rates:-

- (a) rupees two for each page (in A-4 or A-3 size paper) created or copied;

- (b) actual charge or cost price of a copy in larger size paper;
- (c) actual cost or price for samples or models; and
- (d) for inspection of records, no fee for the first hour; and a fee of rupees five for each fifteen minutes (or fraction thereof) thereafter.

Further as per above instructions, for providing the information under sub-section (5) of section 7, the fee shall be charged by way of cash against proper receipt or by demand draft or bankers cheque payable to the Accounts Officer of the public authority at the following rates:-

- (a) for information provided in diskette or floppy rupees fifty per diskette or floppy; and
- (b) for information provided in printed form at the price fixed for such publication or rupees two per page of photocopy for extracts from the publication.

(Fees / payment in Cash to be deposited with the Drawing & Disbursing Officer in NIC_Hq).

(Fees / payment through DO to be drawn in f/o "Accounts Officer, NIC payable at New Delhi).

6.5 The PIO shall satisfy himself/herself about the payment of the prescribed fees by the applicant before sending the relevant information. Notwithstanding anything contained in sub-section (8), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section 7(1).

7. (i) On receipt of any appeal under the above provision the PIO shall immediately put it up to the internal Appellate Authority and ensure disposal within the maximum time limit of 30 (thirty) days for reply regarding the appeal.

- (ii) The internal Appellate Authority may, if felt appropriate seek the approval of Director General, NIC on the appeal preferred to him.
- (iii) The PIO while communicating the decision of the Internal Appellate Authority shall indicate that an appeal may be further preferred to the Central Information Commission within 90 (ninety) days from the date of decision on the first appeal.

8. Notwithstanding anything contained in this Act, **there shall be no obligation to give any citizen** [Ref.:sub section 8(1) (a – j) ,

- information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
- information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
- information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
- If information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
- information received in confidence from foreign Government;
- information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
- information which would impede the process of investigation or apprehension or prosecution of offenders;
- cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:
- Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is

complete, or over:

- Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;
 - information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the PIO or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:
 - Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.
9. Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section 8(1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.
10. Subject to the provisions of clauses (a), (c) and (i) of sub-section 8 (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:
- Provided that where any question arises as to the date from which the said period of 20 (twenty years) has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.
11. Without prejudice to the above provisions, the PIO, may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State. [Ref.: Section 9]
12. Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to

that part **of the record** which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information. [Ref.: sub section 1 O(1)]

12.1 Sub section 10(2) of the Act provides that where access is granted to a part of the record under sub-section 10 (1), the PIO, shall give a notice to the applicant, informing

- that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;
- the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;
- the name and designation of the person giving the decision;
- the details of the fees calculated by him or her and the amount of fee which the applicant is required to deposit; and
- his or her rights with respect to review of the decision reg. non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the senior officer specified under sub-section (1) of section 19 or the Central Information Commission (CIC), time limit, process and any other form of access.

13. Sub section 11 (1) of the Act provides that where PIO, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a **third party** and has been treated as confidential by that third party, the PIO, shall, within 5 (five) days from the receipt of the request, give a written notice to such third party of the request and of the fact that the PIO, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the

13.1 information should be disclosed, and such submission of the third

party shall be kept in view while taking a decision about disclosure of information:

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

- 13.2 Sub section 11 (2) of the Act provides that where a notice is served by the PIO, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within 10 (ten) days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.
- 13.3 Sub section 11 (3) of the Act provides that notwithstanding anything contained in Section 7, the PIO, shall, within 40 (forty) days after receipt of the request, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.
- 13.4 Sub section 11 (4) of the Act provides that a notice given under sub-section 11 (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 of the Act against the decision.
14. The concerned Head of Group, Head of Division, State Informatics Officer ensure that any change in the documents published under this Act is brought to the notice of the PIO and may also bring to the notice of the PIO all relevant facts to be published while formulating important policies or announcing decisions which affect the public.
- 15 The Internal Procedure may further be modified, if required, by the PIO as per the provisions of the Act [and/or instructions issued by the competent Ministry/Department, in consultation with concerned HOG/HOD/SIO in NIC and with the approval of Competent Authority.

16. Following type of information is forbidden from pro-active enclosures as per current rti-act provisions:-

- i. Cabinet Papers' decision of Council of Ministers, record of deliberations of Secretaries and other officers.
- ii. Intelligence and Security related information.
- iii. Information pertaining to sovereignty & integrity of the country strategic scientific & economic where interest of the State could be affected, breach of Parliamentary privileges.
- iv. Third Party related information which has bearing on the confidentiality.
- v. Information pertaining to Intellectual Rights, Patents, Copyright.
- vi. Information available on fiduciary (trust) relationship basis.
- vii. Information received in confidence from Foreign Govts.
- viii. Information that would endanger life & physical safety of any person.
- ix. Information which could impede the process of investigation or apprehension or prosecution of offenders.

UNDER "RTI" ONLY "GOVERNMENT" to "CITIZEN" RELATED INFORMATION SHARING IS ALLOWED BASED ON QUERIES RECEIVED. FOR ENSURING OVERALL STANDARDISATION IN THE ORGANISATION OF RTI RELATED INFORMATION; ALL PIOs ARE ADVISED TO STRICTLY ADHERE TO THE GUIDELINES BEING GIVEN BY NIC-HQ's TECHNOLOGY SUPPORT GROUP COLLEAGUES VIZ. STD(ARUNA CHABA) & STD(SUBODH SHUKLA). THE INFORMATION RELATING TO NIC-HQ AS WELL AS FROM ALL NIC-STATE PIOs SHALL HAVE TO BE ORGANISED AT THE RTI.GOV.IN PORTAL AS A COMMON RESOURCE REPOSITORY FACILITATING NEED BASED SHARING OF INFORMATION BY RESPECTIVE PIOs.

[In the event of any contradiction / confusion, the provisions of the Act will prevail]

(Kashi Nath)
STD/Staff Officer/ PIO NIC-HQ

To: All PIOs of NIC
All DDGs /HoDs & SIOs