

F.No1/2/2007-IR
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block New Delhi
Dated 23 March, 2007

OFFICE MEMORANDUM

Subject: Non-implementation of various provisions of the RTI Act, 2005 by public authorities- regarding.

It has been brought to the notice of this Department that

- (i) Some public authorities have not designated Public Information Officers and/ or Assistant Public Information Officers under the Right to Information Act, 2005 so far;
- (ii) Some public authorities do not accept fee by way of Indian Postal Orders;
- (iii) Some public authorities do not accept demand drafts/bankers cheques/Indian Postal Orders drawn in the name of their Accounts Officer and insist that these should be drawn in the name of Drawing and Disbursing Officer or the Under Secretary or the Section Officer etc.; and
- (iv) Some public authorities do not accept applications submitted by the applicant and insist that application for seeking information should be submitted in a particular format prescribed by them.

2. Attention is invited to sub-section (1) of section 5 of the Act, which provides that "every public authority shall designate Public Information Officers in all administrative units or offices under it within one hundred days of the enactment of the Act. Like wise sub-section (2) of section 5 of the Act provides that every public authority shall designate an officer as Assistant Public Information Officer at each sub-divisional level within one hundred days of the enactment of the Act. More than a year has passed since the Act was enacted. Non-designation of Public Information Officer(s) and/or Assistant Public Information Officer(s) by any public authority contravenes the provisions of the Act.

3. According to the Right to Information (Regulation of Fee and Cost) Rules, 2005 as amended by the Right to Information (Regulation of Fee and Cost) Rules, 2006, the approved mode of payment of fee for obtaining information is by cash or demand draft or banker's cheque or Indian Postal Order payable to the Accounts Officer of the public authority. Non-acceptance of fee by way of Indian Postal Order or insistence that the demand draft/banker's cheque/Indian Postal Order should be drawn in the name of any officer other than the Accounts Officer of the public authority is not in line with the provisions of the Rules.

4. Section 6 (1) provides that a person, who desires to obtain any information under the Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made. The Act or Rules notified by the Government do not prescribe any format of application for seeking information. Non-acceptance of an application on the ground that it is not in prescribed format is against the provisions of the Act.

5. In view of above facts, all the public authorities may ensure that:-

- (i) Central Public Information Officers/Central Assistant Public Information Officers are designated immediately, if it has not been done so far. Details of these officers may also be posted on the website;
- (ii) Fee paid by any of the modes prescribed in the Rules including by way of Indian Postal Order is accepted;
- (iii) Demand draft/Banker's Cheques/IPOs made payable to the Account Officer of the public authorities are accepted; and
- (iv) Applications submitted by the applicants are not refused on the ground that it has not been submitted in prescribed format.

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



(K.G. Verma)
Director

To

1. All Ministries/Departments of Government of India.
2. Department of Economic Affairs (Banking Division), New Delhi
3. Department of Economic Affairs (Insurance Division), New Delhi
4. Department of Public Enterprises, New Delhi
5. Railway Board
6. Union Public Service Commission / Supreme Court of India / Election Commission / Lok Sabha Secretariat / Rajya Sabha Secretariat / Cabinet Secretariat / Central Vigilance Commission / President's Secretariat / Prime Minister's Office / Planning Commission.
7. Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi
8. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi
9. 200 spare copies.