

East Central Railway

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Office of the
General Manager
Hajipur

No. ECR/ADM/PG/RTI Bill /2005

All CHODs/PHODs
CAO(Con)/MHX,
CWM/PD/MGS,
CAO(Con)/HRK,
CWM/SPJ Workshop.

Dated: -02/12/05

Sub:- Right to Information Act. 2005- Appointment of Public Information Officer.

Ref:- Director (Estt.) Rly. Bds letter No.E(O)/III -2005/PL/04 dt. 14.07.05.

All concerned may be aware that the "Right to Information Act.-2005" has been notified on 21.6.05 in the Gazette of India. As per provision of Sub section-1 of section 5 of the Act and authority communicated by Railway Board vide his letter under reference a list of officers designated as Public Information Officer and Appellate authority at HQ. and Divisions is enclosed for information.

Now PIO and APIO are also to be nominated in the following Units. Similarly PIO and APIO are to be nominated in all Depptt. for HQ level.

Unit	PIO	APIO
All Deptt.	Not below JAG Level	Sr Scale/Jr. Scale
CAO/Con/MHX		
CAO/Con/HRK		
CWM/PD/MGS		
CWM/SPJ/Workshop	Sr. Scale	Jr. Scale

The concerned Head of Depptt/Unit will be designated as Appellate Authority for their Units/Depptt.(for HQ level).

All Head of the above Units/Depptts are requested to nominate PIO&APIO for their Unit/Depptt. and communicate to this office with their full particulars (Name, Designation, Telephone No. Fax No.) by 07.12.2005 positively. PIO/APIO Appellate authorities will act as per provision of the RTI Act 2005.

A copy of Gazette and guideline issued by Rly. Bd. have already been circulated to all PHOD/CHOD. A copy of the above are enclosed for CAO(Con)/MHX, CAO(Con) HRK, CWM/PD/MGS and CWM/SPJ/Workshop.

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पू० म० रेलवे हाजीपुर

Addl. General Manager

क्रमांक.....

प्राप्ति तिथि.....

Shri Rakesh

22/12

Right to Information Act 2005

Citizens of India have a new legal Right

To access information

Public Authorities have a new legal duty

To provide information

What does Right to Information mean?

To access information held by any public authority. It includes the right to:-

- inspect works, documents, records
- take notes, extracts or certified copies of documents or records
- take certified samples of material
- obtain information in form of printouts, diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts

What is Information?

Any material in any form

including

records, documents, manuscript, file, memos, e mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data in electronic form

Obligations of Public Authorities

Give maximum information suo motu to minimize resort to Act

- catalogue, index, computerize, connect through network records to facilitate right to information
- publish and update yearly
 - functions and duties of the organization
 - employees details – powers, duties, directory, remuneration
 - decision making process with supervision & accountability
 - norms, rules, regulations, instructions, manuals, records used by its employees for discharging functions
 - statement of the boards, councils, committees and other bodies consisting of two or more persons
 - details of each agency – budget, plans, proposed expenditures, disbursements made
 - names, designations and other particulars of the PIOs
- publish all relevant facts while formulating policies
- provide reasons for administrative or quasi judicial decisions

Officers under the Act

- Public Information Officers (PIO)
 - as many Officers in all administrative units or offices as may be necessary to provide information under the Act
- Assistant Public Information Officer (APIO)
 - at each sub-divisional level
 - receive applications and forward to PIO
 - receive appeals and forward to Appellate Authority or CIC
- Appellate Authority
 - an officer senior to PIO to whom appeal is preferred
- Any Other Officer
 - an officer other than the PIO, whose assistance is sought by PIO for discharge of duties (s 5(5))
 - Such other officer shall be treated as PIO

Guidelines for PIO

- Deal with requests for information within 30 days
- Render all reasonable assistance to applicants
- Either provide the information or reject the request for any of the reasons specified in s 8 or s 9
- In case of rejection, communicate to the applicant -
 - the reasons for such rejection
 - the period within which appeal may be preferred
 - the particulars of the Appellate Authority
- Provide information in the form in which it is sought
- Transfer the request to the public authority concerned within 5 days and inform the applicant immediately
- Reasons for seeking information and personal details of applicant not to be asked
- Failure to give decision within time is deemed as refusal

- Application to be submitted in writing or electronically, prescribed fee, to PIO.
- APIO at sub-district levels to receive applications and appeals and forward to appropriate PIO
- Information to be provided within
 - 30 days when made to PIO
 - 48 hours where life or liberty is involved
 - 35 days where request is given to APIO
 - 40 days where third party is involved
 - Time taken for calculation and intimation of fees, excluded from the time frame.
- No action on application for 30 days is a deemed refusal
- No fee for delayed response

Information exempted from disclosure

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- affect national interest
- lead to incitement of an offence
- contempt of court
- privilege of Parliament or the State Legislature
- competitive position of a third party
- fiduciary relationship
- confidence from foreign Government
- endanger life or physical safety of any person
- investigation or apprehension or prosecution of offenders
- cabinet papers including records of deliberations
- personal information

S 9

- Infringement of copyright subsisting in a person

Information exempted from disclosure

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- Intelligence and security agencies except cases of corruption and human rights violation
- CVC, CBI & Railway Vigilance not exempted
- RPF not exempted

S 11

- Third party information after giving notice to third party

Riders

- Information that cannot be denied to the Parliament or a State Legislature shall not be denied to any person
- A public authority may allow access to information if public interest in disclosure outweighs the harm to the protected interests

Central Information Commission

Central Information Commission is an autonomous body set up to inquire into complaints received from citizens on

- refused access to information requested
- failure to respond to request within 30 working days
- failure to give proper advice and help within the stipulated time
- failure to give information in the form in which asked
- failure to properly explain reasons for refusing request
- required to pay an unreasonable fee
- given incomplete, misleading or false information

CIC has powers of a court while enquiring into complaints

Appeal

- First appeal to a senior officer within 30 days of decision of PIO
- Second appeal to CIC within 90 days of decision of Appellate Authority
- Appeal to be disposed off within 30 days
- Onus in appeal is on PIO

CIC can direct public authority to take steps to secure compliance by

- providing information in a particular form
- appointing PIO
- publishing information
- making changes in practices relating to maintenance management & destruction of records
- training to officials
- compensate the complainant for loss or detriment
- impose penalties

Penalties

CIC can impose penalty on PIO or officer asked to assist PIO for

- unreasonable delay
- illegitimate refusal to accept application
- mala fide denial
- knowingly providing false information
- destruction of information

Quantum of penalty - Rs 250 per day

Maximum - Rs 25000

Onus of proving that he acted reasonably and diligently on PIO

CIC can recommend disciplinary action against PIO for persistent or serious violations. However, no criminal liability. Immunity for actions done in good faith (S. 21).

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Monitoring and reporting

Annual Report to CIC stating

- number of requests received
- number of decisions where access denied and under what provisions
- number of appeals to CIC, nature of appeals and their outcome
- particulars of disciplinary actions taken
- amount of charges collected
- efforts made to implement Act in spirit
- recommendations for improvement in the Act

CIC will prepare an annual report
Report to be placed in Parliament

Decisions of CIC

- Standard format of application upheld but asking reasons for seeking information struck down.
- First appeal should be exhausted before CIC is approached.
- File noting not exempted
- Evaluated answer sheets exempted on grounds of fiduciary relationship
- Answer key has to be provided
- Reasons for rejection of tender has to be provided even if NIT states otherwise
- Where matter sub judice, information sought may impede prosecution
- IPR of CIT held to be personal information
- IRCON is a public authority under the Act
- Within same public authority s 5(5) and not 6 (3) will apply
- Tour programme and TA journal of a public servant cannot be denied on ground of personal information

Why such a law has been enacted?

'Democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed'

Right to Information Act 2005

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Most Urgent

RTI Matter

For Special Attention

**GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)**

No. RTI Cell/2006/26/21

New Delhi, dated 15.1.2007

The Appellate Authorities
All Indian Railways.

The Appellate Authority,
COFMOW & DMW.

The Appellate Authority,
RDSO & RSC.

The Appellate Authority,
All Training Institutes.

The Appellate Authority,
CAMECH/Gwalior.

Sub: RTI Act - Implementation of.

In terms of Section 7 (1) of the Right to Information Act, 2005, the Central Public Information Officer, on receipt of a request u/s 6 shall, as expeditiously as possible, and in any case within 30 days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in Section 8 & 9 of RTI Act.

Also section 7 (2) of the Act stipulates that if the CPIO fails to give decision on the request for information within a period of 30 days, it will be treated as deemed refusal.

Of late, it has been observed that some of the Zonal Railways are not adhering to the provisions of RTI Act, 2005 and continue to furnish the information through the officer (custodian of the information) whereas it should be provided under the signature of the designated CPIO of the Zonal Railway concerned.

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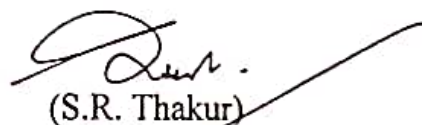
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Recently, the Central Information Commission was constrained to deliver the judgment against one of the Zonal Railways for delay in providing the information and issued show cause notice to the CPIO as to why a fine @ Rs.250/- per day for 17 days be not imposed. The information furnished was also misleading and also issued under the signature of the officer who provided the information whereas it should have been issued under the signature of the CPIO. The appeal submitted by the applicant was also not finalized within the prescribed time limit provided in the Act.

Board desire that to overcome such situation, all out efforts should be made to provide complete information under the signature of CPIO and Appellate Authority should decide the cases within the prescribed time limited to avoid adverse decision from CIC.

Please acknowledge the receipt.



(S.R. Thakur)

Adviser/Commercial & Appellate Authority
Railway Board

- Copy to: (1) Secretary/Railway Board for information.
(2) The Secretaries to General Managers, All Indian Railways for information of G.M.
(3) The PIOs, All Indian Railways.

EAST CENTRAL RAILWAY

ECR/ADM/RTI Act.2005/Rly. Bd. Ref.

Dated- 13.03.2007

Sri S. R. Thakur
Advisor/Comm. cum Appellate Authority
Railway Board,
New Delhi.

Sub:- RTI Act. - Implementation of.

Ref:- Your Letter no.RTI Cell/2006/26/21 dt. 15.01.2007

In reference to your letter, the Structure and Function of RTI Cell over ECR are as under:

A. Structure of RTI Cell

1. An RTI Cell is centrally functioning under Administrative Control of DGM (G) cum PIO/Admn. AGM is Appellate Authority of this cell. In addition, Sr. ADGM has been nominated as APIO to assist PIO/Admn for smooth functioning of RTI Cell.
2. In all departments, there is a PIO and an APIO to deal with the matter pertaining to their departments.

The PHODs/CHODs of the department concerned has been nominated to act as Appellate Authority for matters relating to their department.

3. In all divisions / units, a PIO and APIO have been nominated to deal with the matter pertaining to the concerned divisions. ADRMs of the divisions are acting as Appellate Authority for the matters pertaining to respective division.

B. **Function of RTI Cell**

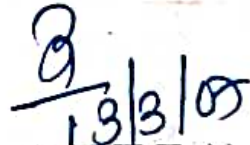
1. On receipt of any application under RTI Act. the same is registered in RTI Cell if the application fulfills all criteria for making request for any information under the provision of RTI Act-2005.
2. After receipt, the same is put-up to PIO/ Admn. (under administrative control of whom the central RTI Cell is functioning), who after examining the applications, decides as to which department the sought information pertains to and which department should supply the desired information.
3. Accordingly, the application is sent to concerned PIOs (department/division/unit) advising him to furnish information as asked for by the applicant directly within 30 days as per provision of RTI Act.

While advising concerned PIO, a copy of the letter is also sent to the party advising him the Name, Address and Telephone no. of PIO and the concerned Appellate Authority and also clearly mentioning that if they are not satisfied with reply of the PIO concerned, they may prefer appeal to the concerned Appellate Authority.

4. The Appellate Authority has also been advised to finalize the appeal within target time under RTI Act.

5. Subsequently, the functioning of PIOs of all departments and Divisions/units are administratively monitored by "Central RTI Cell" by obtaining position Quarterly and also by holding meeting time to time.
6. It has also been advised to all PIOs and Appellate Authority of Departments/Divisions /units to furnish desired information under the signature of PIO / Appellate Authority, as case may be, not by the custodian of the information.

In this way the RTI machinery of ECR is running smoothly and satisfactory.


(A.K.CHANDRA)
For-DGM(G) cum PIO
ECR/HJP.


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18/08/07