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No. Ec.Ad/I-1/11/WPD/12-Part I
Government of India
Ministry of Commerce & Industry
Department of Industrial Policy & Promotion
(Office of the Economic Adviser)

Udyog Bhawan, New Delhi
Date: 21st August, 2014

OFFICE MEMORANDUM

Subject: Inappropriate transfer of RTI application in contravention of ^{of} Guide on RTI Act, 2005

The undersigned has been receiving RTI applications forwarded by DIPP under Section 6(3) of RTI Act, 2005 with the request to provide information on subjects **not dealt** by Office of the Economic Adviser. Further, such forwarded applications are also accompanied by a caveat requesting CPIO, Office of the Economic Adviser to transfer the applications to the appropriate CPIOs in case information sought does not pertain to the Office of the Economic Adviser.

2. In view of the above, attention is drawn to the standard protocol regarding Transfer of Applications as enunciated by DoPT in their Guide on Right to Information Act, 2005 (*copy of relevant section enclosed*). Para 5 of part IV of the Guide states that ".... if the Public Information Officer 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 the 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* (emphasis added). Further it is also elucidated that "If no part of the information sought, is available with it but is scattered with more than one other public authorities, the Public Information Officer 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 collect the information from various public authorities to supply it to the applicant. *At the same time, since the information is not related to any one another 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 to 'other public authorities'. Use of singular form in the Act in this regard is important to note* (emphasis added)".
3. It appears that a large number of RTI applications transferred to this office from DIPP in general and applications written in Hindi in particular violate the above guidelines in letter and spirit.

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