

No.A-60011/15(ii)/2012-RTI Cell
Government of India
Ministry of Health and Family Welfare
(RTI Cell)

Nirman Bhawan, New Delhi,
the 16th May, 2012

OFFICE MEMORANDUM

Subject: Streamlining receipt, Disposal and follow up of RTI requests and Appeals – reg.

The undersigned is directed to say that the receipt, follow up and monitoring system for RTI request and appeals is not streamlined which has resulted in late disposal of such requests and on many occasions it has invited displeasure of the Central Information Commissioner (CIC).

2. The RTI Cell has been set up for co-ordination of the work relating to disposal of RTI request and appeals and its functions are being detailed separately. In order to ensure smooth effective disposal of RTI matter and its monitoring, the detailed instructions for dealing with RTI requests and appeals are given here under which need to be scrupulously followed henceforth by all concerned:-

I. Receipt of RTI Applications

(A) RTI Requests are received in this Department through following means:

- (i) Direct receipt in the Central Receipt (CR) Section.
- (ii) Directly received by the concerned CPIOs.
- (iii) Received by Senior Officer as reference from other Department or from other Public Authorities especially PMO and Cabinet Secretariat.

(B) As soon as any RTI application is received by any officer or in any office it will be sent immediately to SO(RTI Cell) along with the payment, if any, received. This will apply even to the application received by the CPIOs.

(C) RTI Cell will handle the application in the following manner.

- (i) If an RTI request does not concern it would immediately be sent to the concerned public authority. Such cases will be finalized by US (Co-ord) who may consult US(IWSU) or US(Admn) or DS(Co-ord.) as per need. However, such consultation should be done on an urgent basis and not in a routine manner.
- (ii) In case, information pertains to Ministry of Health & Family Welfare and other public authority, part that concern to other Public Authority would be transferred to them by RTI Cell at the level of US(Co-ordination).
- (iii) In case, part of the information pertains to Ministry of Health & Family Welfare and remaining part pertains to more than one public authority, further processing will be made only regarding the part that concern Ministry of Health & Family Welfare and as per existing instruction applicant will be informed to make a separate request to concerned public authorities at his/her own level.

- (iv) RTI Cell would examine that correct fee (by correct mode) has been received. In case, it is not so, the application would be returned with the remarks that it may be resubmitted along with correct fee (by correct mode).
- (v) For application where correct fee has been submitted, the fee will be deposited by RTI Cell and receipt obtained. Thereafter:-
- a) If the RTI application concerns only one CPIO it would be marked to the concerned CPIO along with the fee receipt after making necessary entries in the File Tracking System (FTS). Thereafter, the application would be handled under the relevant provision of RTI by the concerned CPIO.
 - b) If the information sought from Ministry of Health & Family Welfare concern more than one CPIO, the original application would be entered into the FTS and thereafter separate copies would be marked to the relevant CPIO who would handle the same as independent RTI application. In these cases, a proper acknowledgement of receipt of the prescribed fee will be intimated to the concerned CPIO(s).
 - c) In all cases a unique RTI registration number will be generated which will enable monitoring the application is disposed off. In case part of one application is being sent to more the one CPIO unique number will be generated for each at the parts. However, in such numbering would be such that it would be possible to link all the parts together.

(D) It may be reiterated that it has already been laid down that no CPIO will refuse to accept an application which has been marked to them by the RTI Cell. In case, the contents of any RTI Application are not fully or partly concerned with the CPIO to whom application is marked, he/she may forward the same to other CPIO(s), who is/are closely concerned with it, under intimation to RTI Cell. If any CPIO(s) refuses to accept the same, the matter may be reported to RTI Cell, which would immediately bring it to the notice of Deputy Secretary (Co-ord) or Director(Admn) for taking further necessary action urgently and if needed, bring it to the notice of the higher authorities. Such cases of refusal by CPIO would be viewed seriously.

(E) However, in case a CPIO is genuinely aggrieved with wrong marking of an RTI request, he will personally bring it to the notice of Deputy Secretary (Co-ord) who will either refuse the request or agree to transfer (In full or a part of) the RTI request to another CPIO(s). If a change is made, the application will be routed again through RTI Cell which will make necessary correction in the FTS. It is, however, reiterated that till the time the application (or a part thereof) is transferred to another CPIO by the RTI Cell, the CPIO to whom it was originally marked will continue to remain responsible.

II. Disposal of RTI application by CPIOs

- (i) The concerned CPIO would handle the RTI request as per the provision of the Act/Rules and once the reply is ready to be sent entry will be made into the FTS. Intimation will automatically reach the RTI Cell, as soon as the FTS entry is made. RTI Cell will not receive or dispatch RTI letter/reply unless this intimation is received through the system.
- (ii) After relevant entry is made in the FTS, the CPIO will keep the reply in the envelope and details of the RTI registration/FTS No. and nature of reply etc. would be subscribed on the envelope. Administrative Wing (General-I Section)

will provide special envelope correspondence will applicant will be mailed in these envelopes.

- (iii) These envelopes will be sent to the RTI Cell who will thereafter ensure dispatch of these replies through R&I Section as per the established procedure and make necessary entry into the FTS regarding dispatch date and means.
- (iv) In order to ensure that the time limit for disposal of application is met, CPIO (and AAs) are required to send the replies to RTI Cell at least 2 working days before the deadline.
- (v) It is possible that additional fee is required to be paid before a request can be entertained. The concerned CPIO will make relevant & proper entry into his/her record/system and prepare a standard letter giving full details of the RTI query as well as additional fee to be deposited. This letter will be sent to RTI Cell for further dispatch. Such additional fee wherever received (either directly by the CPIO or through CR Section) will again be sent to RTI Cell who will thereafter deposit this with Cash Section and update the FTS accordingly thereafter, the intimation of receipt of additional fee will be sent to the concerned CPIO for further action in the matter.
- (vi) In some cases, an interim reply is sent to the applicant. Although these communications will also be dispatched through RTI Cell. No entry into the FTS will be made regarding such interim replies.

III. Receipt and disposal of RTI appeals

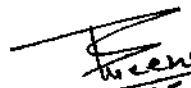
The system for receiving and handling the appeal will be simpler as in such cases the name of the First Appellate Authority (FAA) is known to the RTI applicant and no payment of fee is involved.

- (i) As and when an appeal is received by the FAA, she/he will make necessary entry into the FTS and will handle it as per the provision of the act/Rules. However, a copy of all such appeal(s) will be sent to the RTI Cell who will make necessary entry and forward it to other concerned FAA, if any, for taking necessary action.
- (ii) If any appeal is received directly in the CR Section or by an officer who is not the concerned FAA, all such reference will be sent to the RTI Cell who will make necessary entry into FTS and forward it to the concerned AA taking necessary action.
- (iii) In case appeal is received through e-mail, a print out will be taken and entry will be made into the FTS and thereafter it would be handled like any other appeal received through post.
- (iv) On disposal of appeals, procedure for handling them would be the same as detailed for disposal of RTI application.

IV. Monitoring of RTI application and appeals:

Time limits have been prescribed under the RTI act and rules regarding disposal of RTI application and appeals and all the CPIOs and FAAs are expected to adhere to them
RTI Cell would generate -

- a) Reports of cases where disposal has not been made within 25 days of the receipt of RTI request and appeals. These would be posted on the Intra-health so that JSs and other supervisory officer, as the case may be, may also follow up with the concerned CPIO.
 - b) A Monthly report of all RTI request and disposed off during the month with a comparative picture. These reports will also be posted on the intra-health.
 - c) A quarterly report regarding disposal and receipt including CPIO wise analysis of disposal.
 - d) Annual report as prescribed by the CIC.
3. The above procedure / system for handling of RTI application/appeals will be followed by all Divisions in D/o Health & Family Welfare (MoH&FW), Nirman Bhawan.
4. Brief training session will be organized by the RTI Cell with the co-operation of NIC to demonstrate the working of the FTS and to remove doubts, if any, about the procedure detailed above.
5. These instructions issue with the approval of Secretary (HFW)


16/5/2012
(B L Meena)
o/c Under Secretary(Co-ord)

1. All the CPIOs/Officers/Sections in Department of Health & Family Welfare
2. All the First Appellate Authorities (Directors/DS or equivalent Officers),
D/o of Health & Family Welfare

Copy for information to:-

1. PPS to Secretary (HFW)
2. PPS to SS(Health/AS&MD(NRHM)/AS&DG(CGHS)
3. PPS to JS(AKP)/JS(RK)/JS(SG)/JS(SK)/JS(SKR)/JS(RS)/JS(MJ)/JS(VM)/CD(Stats)/CCA
4. All DCs and ACs
5. DGHS