

# Chapter 6

## Transfer of Applications

S.No.	File no.	Date	Subject
1	11/12/2008-IR	22/04/2008	Transfer of applications under the RTI Act, 2005
2	10/2/2008-IR	12/06/2008	RTI applications received by a public authority regarding information concerning other public authority/authorities.
3	10/2/2008-IR	24/09/2010	RTI applications received by a public authority regarding information concerning other public authority - authorities.

No.F. 11/12/2008-IR  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training  
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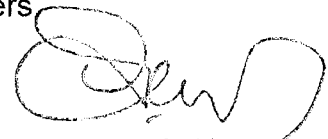
North Block, New Delhi  
Dated the 22<sup>nd</sup> April, 2008

**OFFICE MEMORANDUM**

SUBJECT: Transfer of applications under the RTI Act, 2005.  
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It has been brought to the notice of this Department that the Central Public Information Officers of some public authorities transfer the applications received under the Right to Information Act, 2005 to the Prime Minister's Office in a routine manner when there is just a mention of the Prime Minister or the Prime Minister's Office in the application. According to sub-section (3) of section 6 of the RTI Act, if an application is received by a public authority seeking an information which is held by another public authority or which is more closely connected with the subject matter relating to another public authority, the public authority receiving the application should transfer the application to the concerned public authority. It may be pointed out here that the Prime Minister's Office has been assigned the work of providing secretariat assistance to the Prime Minister. After a decision is taken in a matter, the Ministry/Department to which the matter concerns takes further action regarding issue of orders etc. Naturally, the information in such cases would be available with the concerned Ministry/Department and not the PMO. The CPIO receiving the application should carefully see the subject matter in the RTI application and transfer it, if need be, to the concerned public authority and not to the PMO simply because the applicant has made a reference to the PM or PMO.

2. All the Ministries/Departments etc. are requested to bring the contents of this OM to the notice of all the Central Public Information Officers



( K. G. Verma )  
Director  
Tel. 2309 2158

Copy to:

1. All the Ministries/Departments of the Government of India

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2. Union Public Service Commission/Lok Sabha Secretariat./Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Vice-President's Secretariat/Prime Minister's Office/Planning Commission/Election Commission
3. Central Information Commission/State Information Commissions
4. Staff Selection Commission, CGO Complex, New Delhi
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi
6. All Officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensions Welfare

No.10/2/2008-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

North Block, New Delhi  
Dated: the 12<sup>th</sup> June, 2008

**OFFICE MEMORANDUM**

Subject: RTI applications received by a public authority regarding information concerning other public authority/authorities.

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It has been brought to the notice of this Department that requests are made to the public authorities under the Right to Information Act for pieces of information which do not concern those public authorities. Some times, such an information is sought, a part or no part of which is available with the public authority to which the application is made and remaining or whole of the information concerns another public authority or many other public authorities. A question has arisen as to how to deal with such cases.

2. Section 6(1) of the RTI Act, 2005 provides that a person who desires to obtain any information shall make a request to the public information officer (PIO) of the concerned public authority. Section 6(3) provides that where an application is made to a public authority requesting for any information which is held by another public authority or the subject matter of which is more closely connected with the functions of another public authority, the public authority to which such application is made, shall transfer the application to that other public authority. A careful reading of the provisions of sub-section (1) and sub-section(3) of Section 6, suggests that the Act requires an information seeker to address the application to the PIO of the 'concerned public authority'. However, there may be cases in which a person of ordinary prudence may believe that the piece of information sought by him/her would be available with the public authority to which he/she has addressed the application, but is actually held by some another public authority. In such cases, the applicant makes a bonafide mistake of addressing the application to the PIO of a wrong public authority. On the other hand where an applicant addresses the application to the PIO of a public authority, which to a person of ordinary prudence, would not appear to be the concern of that public authority, the applicant does not fulfill his responsibility of addressing the application to the 'concerned public authority'.

3. Given hereinunder are some situations which may arise in the matter and action required to be taken by the public authorities in such cases:

- (i) A person makes an application to a public authority for some information which concerns some another public authority. In such a case, the PIO receiving the application should transfer the application to the concerned public authority under intimation to the applicant. However, if the PIO 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 that 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.
- (ii) A person makes an application to a public authority for information, only a part of which is available with that public authority and a part of the information concerns some 'another public authority.' In such a case, the PIO should supply the information available with him and a copy of the application should be sent to that another public authority under intimation to the applicant.
- (iii) A person makes an application to a public authority for information, a part of which is available with that public authority and the rest of the information is scattered with more than one other public authorities. In such a case, the PIO of the public authority receiving the application should give information relating to it and advise the applicant to make separate applications to the concerned public authorities for obtaining information from them. If no part of the information sought, is available with it but is scattered with more than one other public authorities, the PIO 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 create information. Collection of information, parts of which are available with different public authorities, would amount to creation of information which a public authority under the Act is not required to do. At the same time, since the information is not related to any one 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 'other public authorities'. Use of singular form in the Act in this regard is important to note.

- (iv) If a person makes an application to a public authority for some information which is the concern of a public authority under any State Government or the Union Territory Administration, the Central Public Information Officer (CPIO) of the public authority receiving the application should inform the applicant that the information may be had from the concerned State Government/UT Administration. Application, in such a case, need not be transferred to the State Government/UT Administration.

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



(K.G. Verma)  
Director

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
3. Central Information Commission/State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs.

**OFFICE MEMORANDUM**

Subject:- RTI applications received by a public authority regarding information concerning other public authority/authorities.

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The undersigned is directed to refer to this Department's OM of even number dated 12<sup>th</sup> June, 2008 on the above noted subject, clause (iii) of para 3 of which provides that if a person makes an application to the public authority for information, a part of which is available with that public authority and the rest of the information is scattered with more than one other public authorities, the Public Information Officer (PIO) of the public authority receiving the application should give information relating to it and advise the applicant to make separate applications to the concerned public authorities for obtaining information from them. It further provides that if no part of the information is available with the public authority receiving the application but scattered with more than one other public authorities, the PIO should inform the applicant that information is not available with the public authority and that the applicant should make separate application to the concerned public authorities for obtaining information from them.

2. The matter has been examined in consultation with the Chief Information Commissioner, Central Information Commission and it has been decided to advise the PIOs that if the details of public authorities who may have this information sought by the applicant are available with the PIO, such details may also be provided to the applicant.
3. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)  
Director  
Tel. 2309 2158

1. All the Ministries/Departments of the Government of India
2. Union Public Service Commission/Lok Sabha Secretariat./Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's

-: 2 :-

3. Secretariat/Vice-President's Secretariat/Prime Minister's Office/Planning Commission/Election Commission
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