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# Transfer of Application to other PIO

Section-6, Transfer

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## Provision of the RTI Act for Transfer of Application



As per the Section 6 (3) [RTI Act 2005](#) Where an application is made to a public authority requesting for an 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 or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.

## Interpretation of the Provision

'Section 6( 1) of the RTI Act, 2005 provides that a person who desires to obtain any in formation 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'.

If the citizen sends the application to the wrong Public Authority, it is the responsibility of the PIO to send it to the concerned Public authority within a period of five days. However, the citizen must take care to find the appropriate Public authority. But in case the application reaches erroneously to another PIO, then that PIO is responsible for transferring it to the right Public authority. No PIO is authorized to return a Right to Information application, saying that the applicant must approach another department or Public authority which holds the information. This provision is further proof of the extent to which this Act is designed for the convenience of the citizens.

If the information is available in the same Public authority, it is clearly the job of the PIO to collect the information from the units or different offices by seeking assistance as envisaged in Section 5(4)and

give it to the applicant.<sup>27</sup> If the information is available with different Public authorities, the PIO must transfer it to them. Section 13 of the General Clauses Act, 1897 enacts a general rule of construction that words in the singular shall include the plural and vice versa if there is nothing repugnant to such a construction in the subject or context of the legislation which is to be construed. There is nothing in the Act which would show that Parliament intended that the transfer should only be to one public authority.

This principle of law has been well-established and applied by various authorities. Hence, if a Right to Information request has to be transferred to multiple public authorities, or assistance

## Transfer of Application

### Scenario I: Concerned Public Authority is known

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.

### Scenario II: Concerned Public Authority is Not known

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.

### Scenario III: Part Information is available

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.

### Scenario III: Part Information is available but rest of the information is scattered

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.

## Scenario III: No Information is available but the information is scattered

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 anyone 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.**

*The matter was further 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<sup>1)</sup>*

## Scenario IV: Information pertains to State Government

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.**

Various Circulars of Central Information Commission regarding [transfer of Application](#).<sup>2)</sup> Public Information Officer (PIO) cannot escape his responsibility to provide the information by simply stating that the queries were forwarded to other officials.

## Related Judgement of Court

[Girish Mittal Vs Ministry of Railways](#)

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## More Common terms under RTI

- [Annual Confidential Report](#)
- [Citizenship under RTI Act 2005](#)
- [Competent Authority under RTI Act](#)
- [Deemed PIO](#)
- [Disproportionate Diversion of Resources](#)

- [What is Fiduciary Relationship](#)
- [File Notings under RTI Act](#)
- [Grounds for Rejection](#)
- [What is Information under RTI Act](#)
- [Investigation/Inquiry reports under RTI](#)
- [Justification for Denial of Information is mandatory](#)
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- [What is Privacy under RTI](#)
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<sup>1)</sup>

[CIC OM No F.10/2/2008-IR Dated Sept 24, 2010](#) Subject: RTI Application received by a public authority regarding information concerning other public authority/authorities.

<sup>2)</sup>

[Transfer of Application Circulars from CIC](#)

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