


**13**  
**RTI MATTERS**

OFFICE OF THE DIVISIONAL COMMISSIONER, GOVT. OF DELHI

Sub.: Regarding preventive and punitive action against people who hinder the smooth functioning of RTI Act, 2005.

Kindly find enclosed a copy of Circular No. 13/1/09-AR/10164-10323/C dated October 6, 2010 of Pr. Secretary (AR) regarding preventive and punitive action against people who hinder the smooth functioning of RTI Act, 2005.

It is requested that the action required by the Circular be initiated and the status report be sent to this office by November 3, 2010.

  
(Kuldeep Singh Gangar)  
Addl. Secretary (Revenue)


All Dy. Commissioners  
Department of Revenue, GNCTD.

U.O No.: PA/ASR/DOR/2010/ 9618

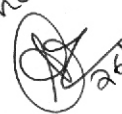
Dated : 21.10.2010

Copy to :

1. PIO (Co-ordination) / SDM-III (HQ) – To pursue the matter with all districts and submit a status report by November 9, 2010.

  
(Kuldeep Singh Gangar)  
Addl. Secretary (Revenue)



SDM(HQ) GA  
Pl. put up  
immediately.  
  
26/10/10

K. V. V.  
2  
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ADMINISTRATIVE REFORMS DEPARTMENT  
7<sup>TH</sup> LEVEL, C-WING, DELHI SECRETARIAT, NEW DELHI-110002  
<http://ar.delhigovt.nic.in>

No.F.13/1/09-AR/ 10164-10323/C

Dated: 06.10.2010

To  
Date 11 OCT 2010  
9358

All Principal Secretaries / Secretaries / HODs of GNCTD,

All Heads of Local Bodies / Autonomous Bodies / Undertakings / PSUs / Local Bodies under Govt. of Delhi.

Sub: Preventive and punitive action against people who hinder the smooth functioning of RTI Act, 2005.

Sir / Madam,


The Hon'ble Minister of State (Independent Charge) for Science & Technology and Earth Sciences; Minister of State in the Prime Minister's Office; Personnel, Public Grievances and Pensions and Parliamentary Affairs, Government of India in his D.O letter dated 25<sup>th</sup> August, 2010 addressed to the Chief Minister, Delhi has highlighted the significant impact of RTI Act, 2005 which was enacted with the objective of improving transparency in the working of the Government and accountability of public servants. He has observed that in a short span of five years, this act is slowly but surely changing the way Governments function right up to the field level. Many cases of corruption and mal-administration have also been exposed.

However, he is disturbed about the media reports regarding victimization of people who use RTI and PILs based on such information to expose corruption and mal-administration. He has further referred to media reports that during the last year, 8 activists have been allegedly murdered and reports that information seekers are often threatened or physically intimidated. Civil Society Organizations have also highlighted this issue. Although correct facts in all these cases would emerge only after proper investigations are made, if true this is a serious matter and cannot be allowed to continue, as it will negate the very purpose for which the Act was legislated.

While the fact remains that the success of RTI Act is due to the combined efforts of Central and State Governments, it was urged that all steps to ensure an atmosphere should be created, where citizens can exercise their right freely and without fear. It is also felt that the State Governments have a crucial role to play in creating such an environment. The Hon'ble Minister has also stated that there are enough provisions in CrPC and IPC to enable the law enforcement machinery to take strict preventive and punitive action against such people who hinder the smooth functioning of the Act and has urged the State Governments to sensitize District Authorities in this regard and also to issue detailed instructions.

In this regard, all Head of the Departments are requested to ensure that the citizens can exercise their right to information without fear. Any instances of hindering the smooth functioning of the act should be dealt with firmly and action taken against the offenders.

Yours faithfully,

  
( ARVIND RAY )  
PRINCIPAL SECRETARY (AR)  
Tel: 23392240  
Dated: 6 .10.2010

No.F.13/1/09-AR/ 10164-10323/C

Copy for information to:-

1. Principal Secretary to Lt. Governor, Delhi.
2. Principal Secretary to Chief Minister, Delhi.
3. Secretaries to all Ministers, Govt. of Delhi.
4. OSD to Chief Secretary, Delhi.

  
13-10-2010

adv. copy sent to  
SDM-III on 12/10/10

346

REVENUE DEPARTMENT  
GOVERNMENT OF N.C.T. OF DELHI  
(CO-ORDINATION BRANCH)  
5 SHAM NATH MARG, DELHI-54

4  
copy

F36 (19) / Cord / Div. Com. 2010 / 301-09

Date: -16/03/10

To  
The Deputy Commissioner,  
District : AI  
Revenue Department,  
New Delhi/Delhi.

2483  
19 MAR 2010

Subject: Non-supply of information in time, non-availability of record, non-reply to applicants etc

Sir,

I am directed to forward herewith original/ copy of letter No Office

Ord No Fil 305-1464/c

Dated 04/03/2010 on the subject cited above received from-----

Secretary (Administrative Reforms Department)

Govt. of NCT of Delhi/ Govt. of India, Delhi for further necessary action and action taken on the matter may be intimated to the concern department under intimation to the Head Quarter.

Yours Faithfully,

Encls: As above.

NAND LAL SINGH

SUB-DIVISIONAL MAGISTRATE-III (H.Q)

D (NW)  
19.03.10  
ADm (NW)  
ADm (NL)  
in PIOs

347

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI  
ADMINISTRATIVE REFORMS DEPARTMENT  
7<sup>TH</sup> LEVEL, C-WING, DELHI SECRETARIAT, I.P. ESTATE, NEW DELHI-110 002  
Dy. No. 2165  
05 MAR 2010  
1305-1464/c  
Office Order  
Dated: 04/03/2010  
Mar. No. 2063

It has been observed that a large number of Public Information Officers of the Government of Delhi are being penalized by the Central Information Commission for various reasons such as non-supply of information in time, non-availability of record, non-reply to applicants etc. The matter was discussed in the Secretaries meeting held on 26/2/2010 under the Chairmanship of Chief Secretary and a serious note was taken. It was observed that the departments are facing problem of fine due to some of the following reasons.

1. The departments are frequently changing their SPIOs with the result that junior functionaries who are not well conversant with the provisions of the Act are being designated as SPIOs by the concerned departments. Senior officers who are in commanding position are divesting this function to their juniors. The frequent changes in PIO's are effecting the work relating to implementation of RTI adversely. This calls for immediate review about the level of PIO and ensuring that senior responsible officers who have access and control over records should be designated as PIO.

2. The departments are not maintaining their records duly categorized, indexed and computerized as per requirements in Section 4 of the Act which reads as under:

"Maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated"

3. The departments are not weeding out old and unwanted records with the result that they are unable to locate the information in respect of old cases and provide the same in a time bound manner.

4. Record Retention Schedule and systematic record rooms are not available in most of the departments. It calls for preparation of Record Retention Schedule for sustentative functions by each department.

5. Proper filing system is not being adhered to which leads to mis-management of record.

6. The departments have not paid much attention to computerization of records and uploading of various Notifications/ Orders/ Instructions/ circulars on their respective website which is resulting in administrative problems.

All the Pr. Secretaries/Secretaries and Head of Departments are requested to pay attention to the above deficiencies in a time bound manner so that the PIOs are in a position to make available the desired information to the citizens as per provisions of the Act.

An action taken report may please be sent to this office by 30<sup>th</sup> April, 2010.

Arvind Ray  
(Arvind Ray)  
Secretary (AR)

1. All Pr. Secretaries/Secretaries/HODs of Govt. of NCT of Delhi.
2. All Heads of Autonomous Bodies/Undertakings/Local Bodies of Govt. of NCT of Delhi.
3. Pr. Secretary to LG/CM/
4. Secretary to Ministers.

Arvind Ray  
(Arvind Ray)  
Secretary (AR)

1/8/3  
8/3/10  
ADm (NW)  
ADm (NL)  
all sent  
10/3/10  
in Mahesh

12/3/10  
ADm (NW)

3431/ADM (NW)  
01/3/10

348

13 copy PA

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**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI  
ADMINISTRATIVE REFORMS DEPARTMENT  
7<sup>TH</sup> LEVEL, C-WING, DELHI SECRETARIAT, NEW DELHI - 110002.**

<http://delhi.gov.in>

No.F.13/1/09-AR/ 5353-5512/c Dated: 11/6/2010

To  
All Principal Secretaries / Secretaries / HODs of Deptts under GNCTD  
All Heads of Local Bodies / Autonomous Bodies / Undertakings /  
Institutions under Govt. of Delhi.

**Sub: Payment of fee under RTI Act, 2005 - scope of sub-section (3) of  
Section 7 of the Act.**

Sir / Madam,

I am directed to forward the copy of Office Memorandum No.12/9/2009-IR,  
dated 24<sup>th</sup> May, 2010 issued by the Ministry of Personnel, Public Grievances and  
Pensions, DOPT, Government of India on the subject mentioned above.

This may kindly be brought to the notice of all concerned.

Yours faithfully,

Encl: As above

*Seema Bawa*  
( SEEMA BAWA )  
DEPUTY DIRECTOR (AR)  
Tel: 23392422

No.F.13/1/09-AR 5353-5512/c

Dated: 11/6/2010

Copy for kind information to:-

1. The Director, Ministry of Personnel, Public Grievances and Pensions,  
Department of Personnel and Training, Government of India, North Block,  
New Delhi - 110001.

*Seema Bawa*  
( SEEMA BAWA )  
DEPUTY DIRECTOR (AR)

*ADP (M)*  
*SPM (M, N, SV)*

*5/10/10*  
*DP*

C-Memor RTI Act, 2005/DOL

*copy to NF-E & I*  
*DA-CRTD*

*copy to*  
*PAADP*

*RTI circular*

Pr. Bf. ADM/LAC  
Distt. No. 579  
Date: 7/2/10  
North - West

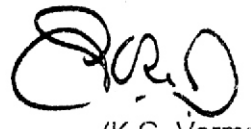
"Thus, there is provision for charging of fee only under Section 6(1) which is the application fee; Section 7(1) which is the fee charged for photocopying etc. and Section 7 (5) which is for getting information in printed or electronic format. But there is no provision for any further fee and if any further fee is being charged by the Public Authorities in addition to what is already prescribed under Section 6(1), 7(1) and 7(5) of the Act, the same would be in contravention of the Right to Information Act. The "further fee" mentioned in Section 7(3) only refers to the procedure in availing of the further fee already prescribed under 7(5) of the RTI Act, which is "further" in terms of the basic fee of Rs.10/- . Section 7(3), therefore, provides for procedure for realizing the fees so prescribed".

3. The Commission, while delivering decision in above cases, recommended to this Department to make rules, for charging fee towards supply of information which may include fee for supply of books, maps, plans, documents, samples, models etc. that are priced and towards postal/courier charges for mailing information, when postal/courier charges are in excess of minimum slab prescribed by the Department of Posts and for other similar situations.

4. The Right to Information (Regulation of Fee & Cost) Rules, 2005 already provide provisions for charging of fee for giving information in diskettes or floppies or in the form of photo copy; for providing samples, models, printed material like books, maps, plans etc; and for inspection of records. The Government have, however, not considered it desirable to charge fee towards expenditure involved in mailing information or overhead expenditure etc. Nevertheless, supply of information in a form which would disproportionately divert the resources of the public authority is taken care of by Section 7(9) of the Act according to which information shall ordinarily be provided in the form in which it is sought but supply of information in a particular form may be refused if supply of information in that form would divert the resources of the public authority disproportionately.

5. It is hereby clarified that where a Public Information Officer takes a decision to provide information on payment of fee in addition to the application fee, he should determine the quantum of such fee in accordance with the fee prescribed under the Fee and Cost Rules referred to above and give the details of such fee to the applicant together with the calculation made to arrive at such fee. Since the Act or the Rules do not provide for charging of fee towards postal expenses or cost involved in deployment of man power for supply of information etc., he should not ask the applicant to pay fee on such account. However, wherever supply of information in a particular form would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the records, the PIO may refuse to supply the information in that form.

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

  
 (K.G. Verma)  
 Director  
 Tel.23092158

1. All the Ministries/Departments of the Government of India.
2. Union Public Service Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretary/Central Vigilance Commission/President's Secretariat/Vice-President's Secretariat/Prime Minister's Office/Planning Commission/Election Commission.
3. State Information Commissions
4. Staff Selection Commission, CGO Complex, New Delhi.
5. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All Officers/Desks/sections, DOP&T and Department of Pension and Pensioners Welfare.

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

Copy also to : Central Information Commission with reference to the Commission's recommendation referred to above.

OS/SDM/HQ/rev

**Revenue Department**  
**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI,**  
 5, SHAMNATH MARG, DELHI-110054.

No. F.RTI/REV./ MISC./CD-08712375/2010/5759 Dated 3-2-11

To

The Dy.Commissioner(East), Revenue Department, L.M.Bandh, Shastri Nagar, Delhi-110031	The Dy.Commissioner(West), Revenue Department Old Middle School Complex, Rampura, Lawrance Road, Delh110035	The Dy.Commissioner(North), Revenue Department 1, Kripa Narain Marg, Delhi.
The Dy.Commissioner(South), Revenue Department, M.B.Road, Saket, Delhi.	The Dy.Commissioner(New Delhi), Revenue Department Jam Nagar House, New Delhi.	The Dy.Commissioner (Central), Revenue Department 14, Darya Ganj, New Delhi-110002.
The Dy. Commissioner(North East) Revenue Department, Nand Nagri, Delhi.	The Dy.Commissioner(North West), Revenue Department Kanjhawla, Delhi-110081	The Dy.Commissioner(South West), Revenue Department Old Terminal Bldg, Kapashera, Delhi.

600/SDM(HQ)  
 9/2/11  
 ADP

1. Implementation of Section 4 of RTI Act - Directions to Public Authorities u/s 19(8)(a) of RTI Act,2005.

2. Roles of Public Information Officer and Transparency Officer, Level and Job Chart of Transparency Officer.

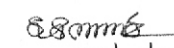
Sir/Madam,

Kindly refer to the U.O.No.PA/ASR/DOR/2011/687 dated 18.1.2011 of Addl. Secy.(Revenue) on the subject cited above.

In this connection you are requested to kindly submit a status report to this office on priority basis so as to enable us to comply with the instructions of Central Information Commission.

Yours faithfully

Copy to SDM (HQ) for sending to all the PIOs of the district. 02-02-2011

  
 28/01/2011  
 (Shyam Sunder)  
 Sub-Divisional Magistrate-III(HQ)/PIO

No. F.RTI/REV./ MISC./08712375/2010/  
 Copy for information to PA to Addl.Secretary (Revenue)

Dated :-

Immediate  
 128/ADM/rev  
 7/2/2011

(Shyam Sunder)  
 Sub-Divisional Magistrate-III(HQ)/PIO