



**Letter No. 37076/AR.III/2019- 2, Dated 24.05.2022**

From

Tmt. Mythili K. Rajendran, I.A.S.,  
Secretary to Government.

To

The Additional Director,  
Anna Administrative Staff College,  
"Mahizhampoo",  
153/1, P.S. Kumarasamy Raja Salai,  
Chennai 600 028.

Sir,

Sub: The Right to Information Act, 2005 – Certain clarifications  
and amendments – Requested - Regarding.

- Ref: 1. Your Letter No.8958/FAO/2019, dated 07.11.2019.  
2. Your Letter No.9209/JD/2019, dated 09.11.2019.  
3. Your Letter No.7983/FAO/2019, dated 11.11.2019.  
4. Your Letter No.B4/8056/2019, dated 18.11.2019.  
5. Your Letter No.9359/JD/2019, dated 20.11.2019.  
6. Your Letter No.9515/JD/2019, dated 03.12.2019.  
7. Your Letter No.9632/JD/2019, dated 07.01.2020.  
8. Your Letter No.9633/JD/2019, dated 07.01.2020.  
9. Your Letter No.9298/JD/2019, dated 10.02.2020.  
10. Your Letter No.8181-A/JD/2020-1, dated 25.06.2020.  
11. Your Letter No.AD/5716-A/2020-1, dated 25.06.2020.  
12. Your Letter No.8181-D/AD/2020-1, dated 14.07.2020.  
13. Your Letter No.8181-B/AD/2020, dated 15.07.2020.  
14. Your Letter No.8181-C/AD/2020-1, dated 15.07.2020.  
15. Your Letter No.8181-E/AD/2020-1, dated 15.07.2020.  
16. Your Letter No.9360/JD/2019, dated 15.07.2020.  
17. Your Letter No.7983-A/FAO/2020-1, dated 21.07.2020.  
18. Your Letter No 5716-B/AD/2020-1, dated 08.09.2020.  
19. Your Letter No.5716-C/AD/2020-1, dated 09.09.2020.  
20. Your Letter No.8181-F/JD/2021-1, dated 04.08.2021.  
21. Your Letter No.8181G/2021-1, dated 02.03.2022.  
22. Your Letter No.8181H/2021-1, dated 05.03.2022.  
23. D.O. Letter No.9209/JD/2019, dated 15.03.2022 and  
18.05.2022 received from the Director, Anna  
Administrative Staff College, Chennai-28.

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P.T.O.

I am directed to invite your attention to the letters cited and to furnish the following reply for the clarifications / amendments requested by you for the Right to Information Act, 2005:

**CLARIFICATIONS REQUESTED:**

Sl. No.	AASC Reference No. & Date	AASC's Request	Remarks of the Government.
1.	B4/8056/2019, 18.11.2019.	In Section 2(j)(i) of the Right to Information Act, there is no provision as to the specific date and time for perusal of records. Hence, it is requested to clarify regarding fixing of date and time for perusal of records by the Right to Information Petitioner.	In the event of permitting the petitioner to peruse the records, he has to peruse the records in the presence of Public Information Officer. In such case, it seems fair to fix a convenient date and time for the Public Information Officer.  <u>Public Information Officer has the right to fix date and time. However, if the Petitioner seeks alternate date, he may consider it, as he is in custody of that document.</u>
2.	9359/JD/2019, 20.11.2019	(i) How to treat the petitions received under Section 6(1) of the Right to Information Act, <u>without the signature of the petitioner;</u>  (ii) How to treat the petitions received under Section 6(1) of the Right to Information Act, without the signature of the petitioner, but <u>with a thumb impression;</u>  (iii) How to treat the petitions received under Section 6(1) of the Right to Information Act, signed by other persons, <u>including the petitioner in the petition;</u>  (iv) How to treat the petitions received under Section 6(1) of the Right to Information Act, <u>signed by other person for the petitioner.</u>	(i) <u>Not to be treated as Right to Information Petition</u>  (ii) <u>Shall be accepted as Right to Information Petition</u>  (iii) <u>Cannot be allowed as Right to Information Petition</u>  (iv) <u>Cannot be accepted as Right to Information Petition.</u>



3.	9515/JD/2019, 03.12.2019	(1) In the Act, time limit has been prescribed for furnishing information by the Public Information Officer, for preferring an appeal by the petitioner and for disposal of the first appeal by the Appellate Authority but <u>no time frame has been prescribed for disposal of the second appeal</u> by the Central Information Commission / State Information Commission.	Court cases have also been filed to fix time limit for deciding Second Appeals by the Central Information Commission and State Information Commissions as there are inordinate delays in disposal of the Second Appeals. The High Court, in its order, dated 28.4.2021, in W.P.No.11896 and 11897 of 2020 has stated that it is open to the Petitioner to make an appropriate representation to the Union to introduce corresponding provisions to deal with urgent matters in the appellate provisions.  <u>As of now, time limit is not fixed in the Act.</u>
		(2) <u>No time period has been prescribed</u> , either in the Act or in any Government Orders, for retention of records relating to the petitions received, information furnished and the disposal of the appeal under this Act.	One Year as per Secretariat Office Manual / District Office Manual.
4.	9632/JD/2019, 07.01.2020	Of late, Right to Information petitions are being received by the State Public Information Officers in Tamil Nadu from Hindi speaking States, in Hindi language, seeking information about the State Government of Tamil Nadu.	Get it translated in English and then reply in English.
5.	8181- A/JD/2020-1, 25/06/2020	<u>To prescribe a standard format for furnishing reply / information to the petitioners, under Right to Information Act, 2005 and also to specify the period for the safe custody of the records related to the information furnished under the above Act.</u>	No need to have any separate format.
6.	AD/5716-A/ 2020-1 25.06.2020	<u>No time or period has been prescribed for the officers who have been requested by the Public Information Officer to assist him, for proper discharge of his duties. Therefore, suitable amendments / clarifications may be issued to Section 5(4) and 5(5) of the Right to Information Act.</u>	No time limit can be fixed. There cannot be a uniform stand in this regard.

173



7.	8181-D/AD/2020-1, 14.07.2020	Requested to issue clarifications as to whether a copy of the Note File can be given to Right to Information Petitioners.	Note file has to be given except file noting containing information exempt from disclosure under section 8 of the Act.
8.	8181-E/AD/2020-1, 15.07.2020	<p>(i) whether the penalty amount should be recovered from the salary of the individual in one lump sum or in installments; if in installments, the number of installments and the time limit for the recovery; or</p> <p>(ii) whether the penalty amount should be remitted by the individual in one lump sum or in installments; if in installments, the number of installments and the time limit for the remittance;</p> <p>(iii) What action should be taken, if the individual refuses to remit the penalty amount in full or partly or within the specified time limit;</p> <p>(iv) Whether the penalty imposed on Public Information Officers may be treated as a penalty imposed under the Tamil Nadu Civil Services (Discipline &amp; Appeal) Rules;</p> <p>(v) Whether separate disciplinary action may be initiated under the Tamil Nadu Civil Services (Discipline &amp; Appeal) Rules, against the Public Information Officers, who are imposed with the punishment of penalty for their non-compliance of the provisions of the Right to Information, 2005.</p>	<ul style="list-style-type: none"> <li>• The Public Authority has to decide the recovery part whether in lump sum or in installments.</li> <li>• It is the responsibility of the Public Authority to ensure that fine is recovered.</li> <li>• Proceeding is to be issued by the Public Authority.</li> <li>• Recovery alone, no disciplinary action.</li> <li>• If compensation is to be paid due to the fault on Public Information Officer, then disciplinary action can be initiated.</li> </ul>
9.	8181-C/AD/2020-1, 15.07.2020	A separate head of account may be opened for making the payment of penalty imposed on Public Information Officers for their non-compliance of the provisions of the Act.	For making payment of Penalty amount Account head opened and informed to all Public Information Officers vide this department's Letter No.16909/AR-III/20, dated 20.12.2021.

10.	7983- A/FAO/2020-1, 21.07.2020	The translated version of the Right to Information Act, 2005 published by the Government of Tamil Nadu, which was also published by the Anna Institute of Management is not correct / apt or in simple language, for the words in English language, mentioned in the Sections, Sub-sections and Provisos of the Right to Information Act and therefore, the Anna Institute of Management has requested to correct the same as suggested by it.	In this department's Letter No.18274/AR-III/2020-01, dated 30.11.2021, Anna Administrative Staff College has been requested to revisit the Tamil translation of the Right to Information Act in its entirety, correct the errors in the existing translation, add translation of amendments made in the year 2019 and the rules framed there under and send a correct version of the same.
11.	5716- C/AD/2020-1, 09.09.2020	<p>Some of the applicants under the Right to Information Act apply for certain information and also request to send samples or models. While sending samples or models, certain <u>charges such as packaging the samples or models and parcel them</u> to the applicants have to be borne by the office.</p> <p>Since the expenses incurred for sending samples and models to the Petitioners are huge in some times, it is requested to make a provision for collecting the same from the Petitioners like the fees being collected for providing information under section 7(1).</p>	Packaging and parcel charges may be collected from the Petitioner at actual along with the sample charges.
12.	5716- B/AD/2020-1, 08.09.2020	Some of the petitioners apply for certain information under Right to Information Act and also <u>request to permit them for verification of records concerned</u> . In such situations, maximum time limit for verification of records may be prescribed, <u>necessary fee structure and maximum time limit</u> for taking notes or extracts of the records <u>may also be prescribed</u> .	No. time limit can be fixed. The Public Information Officer can decide based on circumstances.



13.	8181-F/JD/2021-1 04.08.2021	In the translated version of the Right to Information Act, 2005 published by the Government of Tamil Nadu, the Tamil translation used for the terminology "inspection" has to be rationalized.	In this department's Letter No.18274/AR-III/2020-01, dated 30.11.2021, Anna Administrative Staff College has been requested to revisit the Tamil translation of the Right to Information Act in its entirety, correct the errors in the existing translation, add translation of amendments made in the year 2019 and the rules framed there under and send a correct version of the same.
14.	8181G/2021-1, 02.03.2022.	தகவல் கோரி வரப்பெற்ற கடிதம் இருந்த உறையில் கட்டணத் தொகையான ரூ.10/- ஐயும் ரொக்கமாக வைத்து அனுப்பினால் எவ்வாறு தீர்வு செய்வது என்பது குறித்து தெளிவுரை வழங்கப்பட வேண்டும்.	தபால் துறை மற்றும் தூதஞ்சலில் பின்பற்றப்படும் விதிமுறைகளின்படி பணத்தினை உறையில் வைத்து அனுப்புவது சட்டத்திற்கு புறம்பான செயலாகும் மற்றும் அதனை விண்ணப்பக் கட்டணமாக ஏற்க இயலாது. ரூ.10/- ஐ பணப்பதிவேட்டில் பதிவு செய்து உரிய கணக்குத் தலைப்பில் செலுத்த வேண்டும். மேலும் மனுதாரரை தகவல் பெறும் உரிமைக் கட்டண விதிகளில் தெரிவித்துள்ளபடி விண்ணப்பக் கட்டணத் தொகையை செலுத்துமாறு அறிவுறுத்த வேண்டும்.
15.	8181H/2021-1, 05.03.2022	இயக்கங்கள், அமைப்புகள், சங்கங்கள் ஆகியவை, தகவல் பெறும் உரிமைச் சட்டம், 2005-ன்கீழ் தகவல்கள் கோரி விண்ணப்பிக்க தகுதியுள்ளவையா என்பதற்கான தெளிவுரையை வழங்கவும்.	ஒரு கழகம், சங்கம், நிறுவனம், அரசு-சாரா நிறுவனங்கள் முதலியவற்றின் பணியாளர் அல்லது அலுவலகப் பொறுப்பாளரால் தகவல் கோரி விண்ணப்பிக்கப்படும்தோது, அத்தகைய பணியாளர் / அலுவலகப் பொறுப்பாளர் இந்தியக் குடிமகன் எனில், அவர்/அவளுக்கு தகவல் வழங்கப்படலாம். அத்தகைய நேர்வில், ஒரு இந்தியக் குடிமகன் நிறுவன முகவரியிலிருந்து தகவல் கோரியதாகக் கருதப்படும்.

## AMENDMENTS REQUESTED:

Sl. No.	AASC Reference No. & Date	AASC's Request	Remarks of the Government.
1.	8958/FAO/2019 07.11.2019	Issue of suitable amendment in sub-section 2 of Section 8 of the Right to Information Act, 2005 for the word "Public authority", by substituting the words, "the Central Public Information Officer or the State Public Information Officer".	<p>Like the term "public authority" provided in section 2(h), 2(f), 2(j) and 4(2), the said term is used in section 8(2). Section 8(2) vests with the public authority, the power to allow access to information in respect of exempted categories under the said Act and notwithstanding anything contained in the Official Secrets Act, 1923, if public interest outweighs the harm to the protected interests. Further, as per section 5(1), it is the public authority who designates officers as PIOs to provide information to citizen.</p> <p>Hence, it is considered that the question of substituting the expression "public authority" with "Public Information Officers" may not arise.</p>
2.	9209/JD/2019 09.11.2019	The word " <u>Public Authority</u> " in Section 7(6) may be substituted with the words, " <u>the Central Public Information Officer or the State Public Information Officer</u> ", as the case may <u>be</u> ".	<p>Like the term "public authority" provided in section 2(h), 2(f), 2(j) and 4(2), the said term is used in section 7(6). Further, as per section 5(1), it is the public authority who designates officers as Public Information Officers to provide information to citizen.</p> <p>Hence, it is considered that the question of substituting the expression "public authority" with "Public Information Officers" may not arise.</p>
3.	7983/FAO/2019 11.11.2019	The proviso to Section 8(3) may be amended as "Provided that where any question arises as to the date from which the said period of 20 years has to be computed, the decision of Central Government <u>or the State Government as the case may be shall be</u> final subject to the usual appeals provided for in this Act".	<p>The <u>power to interpret</u> vested with the Central Government is <u>subject to usual appeals</u> i.e. first appeal to the appellate officer in each public authority and second appeal to the State Information Commission as provided in Section 19.</p> <p>Therefore, the amendment proposed to proviso to Section 8(3) is not necessary.</p>



<p>4.</p>	<p>9633/JD/2019 07.01.2020</p>	<p>Provisions to sub-section (1) and sub-section (4) of Section 24 and the appeal provisions thereon may be amended suitably.</p>	<p>The second proviso to Section 24(1) requires that in the case of information sought for is in respect of allegations of violation of human rights, it shall only be provided after the approval of the Information Commission, and notwithstanding anything contained in section 7, such information shall be provided within 45 days from the date of receipt of request. <u>The said second proviso has overriding effect on the time limits prescribed in section 7.</u></p> <p>Likewise, the second proviso to sub-section (4) of Section 24, which requires furnishing of information within 45 days in respect of allegations of human rights in the case of intelligence and security organizations established by the State Government after getting the approval of the State Information Commission, notwithstanding anything contained in section 7 has <u>overriding effect</u> on the time limits specified in section 7.</p> <p>Therefore, amending sub-sections (1) and (4) of section 24 based on the time limits prescribed in section 7(1) may not be appropriate.</p> <p>With regard to the amendment sought for section 24(4), it is stated that the power to specify the intelligence and security organization exempting from furnishing information by notification also includes the power to omit such organizations from exemption by way of notification by the State Government, as per the provisions contained in section 21 of the General Clauses Act, 1897 which provides that the <u>power to issue, to include power to add to, amend, vary or rescind, notifications.</u></p> <p>Hence, the <u>need for amending section 24(4)</u> so as to empower the State Government to omit any organization from the list as proposed <u>does not arise.</u></p>
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5.	9298/JD/2019 10.02.2020	Suitable clarifications/ definitions for the term "information sought for concerns the <u>life or liberty</u> of a person", mentioned in the proviso to sub-section (1) of Section 7 and suitable amendments in the appeal provisions under Section 19 of the Right to Information Act, 2005 has to be issued.	<p>Writ Petition No.11896 of 2020 has been filed by one Thiru Saurav Das, Pondicherry, among other prayers, with a prayer to direct the Central and State Governments to issue guidelines and prescribe/fix a time limit to decide first and second appeals and complaints filed under section 19(1) and 19(3) and 18 of the Right to Information Act 2005, with respect to applications seeking information pertaining to life and liberty.</p> <p>The Hon'ble High Court, in its order, dated 28.04.2021, has directed that it will be open to the petitioner to make an appropriate representation to the Union to introduce corresponding provisions to deal with urgent matters in the appellate provisions.</p>
6.	8181B/AD/2020 15.07.2020	As a lay man, an applicant may not be aware of the relevant head of account in which he has to pay the amount for obtaining information under the Right to Information Act. There is no sufficient space either in the demand draft or in bankers cheque to quote the relevant head of account and it is enough to quote the name or designation of the person to whom the payment is made. The head of account shall be specified only by the Public Information Officers and not by the Public Authority. Hence, necessary clarifications / amendments may be issued for the same.	In G.O.Ms.No.87, Human Resources Management (AR-III) Department, dated 01.09.2021, amendments have been issued to Rule 3 of the Tamil Nadu Right to Information (Fees) Rules, 2005, substituting the words "in the head of account" with the words "to the authority or by treasury challan paid in the head of account or by electronic means to the authority concerned".



7.	9360/JD/2019 15.07.2020	To substitute the word " <u>Public Authority</u> " for transferring the petitions under Section 6(3), with the words, " <u>the Central Public Information Officer or the State Public Information Officer</u> ".	As per section <u>6(1)(a)</u> , a person, who desires to obtain any information, shall make a request as provided therein to the Public Information Officer of the <u>concerned public authority</u> . Further, section 6(3) provides for information sought for which is held by another public authority and vests with the public authority to transfer such applications.  Hence, it is considered that the question of substituting the expression "public authority" with "Public Information Officers" may not arise.
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**REGARDING THE VIEWS / SUGGESTIONS GIVEN FOR STRENGTHENING THE FEATURES OF THE RIGHT TO INFORMATION ACT, 2005:**

<u>Sl. No.</u>	<u>Suggestion</u>	<u>Remarks</u>
1.	<a href="http://www.tn.gov.in/rti">www.tn.gov.in/rti</a> website may be updated at periodical intervals, by the Public Authorities, as per the provisions under section 4 of the Right to Information Act, 2005.	Instructions have been issued to update the contents in <a href="http://www.tn.gov.in/rti">www.tn.gov.in/rti</a> website and it is periodically reminded. Now, it is being followed up with all the departments of secretariat to update the data available in this website and to give Tamil translation of the same for creating Tamil version of this website.
2.	Training on Right to Information Act, 2005 may be imparted to all officers in the cadre of Group A, B and C compulsorily.	In this department's U.O. Note No.37076/AR-III/2019-4, dated 24.05.2022, Human Resources Management Department, Training Section has been requested to take necessary action on the request of the Anna Administrative Staff College.
3.	The Public Information Officers may be instructed to maintain the register prescribed for them to monitor the petitions received and disposed of under the above Act. The above register may be maintained and kept under the term "Permanent Register". The contents of the Register may be simplified.	Anna Administrative Staff College is requested to simplify the contents of the Register to be maintained under the Right to Information Act, 2005, send it to the Tamil Nadu Information Commission, obtain its concurrence for the same and send it to the Government for issuing necessary instructions in this regard.
4.	The Right to Information Act, 2005 may be included as one of the subjects in the review meetings of the District Collectors. The number of petitions received under Section 6(1), appeals received under section 19(1) of the Act, and the number of cases disposed may be reviewed in the meetings.	It is being reviewed in Districts by the State Chief Information Commissioner / State Information Commissioners, during their visit.



<p>5. In certain offices, persons working in one office are designated as Public Information Officers and persons working in other offices are designated as Appellate Authorities for the same Public Authority. For example, in the District Treasury Offices in Trichy, Nagapattinam, Thiruvarur and Thanjavur, the District Treasury Officers are designated as Public Information Officers. But the Regional Joint Director, Trichy is designated as Appellate Authority for the above Public authority. This cause unnecessary delay in disposing the appeal petitions and creates problems due to communication gap among them. Hence, necessary instructions may be issued insisting the Public Authorities to designate the persons as Public Information Officers and Appellate Authorities, who are senior in rank of the Public Information Officers, working in the same office, under Section 19(1) of the Act, as far as possible.</p>	<p>In this department's Letter No.37076/AR-III/19-3, dated 24.05.2022, all the Public Authorities have been instructed to designate, as far as possible, the persons working in the same office as Public Information Officers and Appellate Authorities.</p>
<p>6. The staff of State Information Commission may be imparted sufficient training on the Act, conducted at Anna Institute of Management in order to familiar with the provisions of the Act. This will enable them for effective and speedy disposal of the appeals in accordance with the provisions of the Act.</p>	<p>In this department's U.O. Note No.37076/AR-III/2019-4, dated 24.05.2022, Human Resources Management Department. Training Section has been requested to take necessary action on the request of the Anna Administrative Staff College.</p>
<p>7. All Public Authorities may be instructed to host all details in respect of appointment of Assistant Public Information Officers, Public Information Officers and Appellate Authorities in their respective websites. Whenever any change is made in the appointments in the above positions, they should be hosted in the website then and there.</p>	<ul style="list-style-type: none"> <li>• In this department's letter no.3/AR.3/2012-1, dated, 04.01.2012, all the departments of Secretariat and all Heads of Departments were requested to ensure that the proactive disclosures as required under section 4 of the Right to Information Act is completed and posted in the Government website;</li> <li>• In this department's letter no.4/AR.III/2012, dated 04.01.2012, all the departments of Secretariat and all Heads of Departments were requested to update regularly the details of the Public Information Officers/ First Appellate Authorities, their telephone numbers and contact address in each public authority;</li> <li>• In this department's letter no.11742/AR.3/2017-1, dated 18.04.2017, all the departments of Secretariat and all Heads of Departments were requested to strictly adhere to the instructions already issued in letter, dated 04.01.2012 so that the details of Public Information Officers / First Appellate Authorities, with their phone numbers and contact address are updated periodically;</li> </ul>

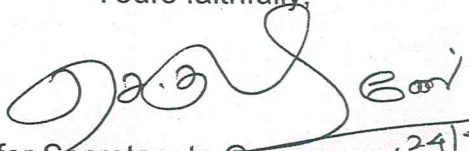


8.	Branch of State Information Commission may be established in any one of the southern districts to reduce the time in disposing the appeal cases pending in the Commission and also to reduce the time consumption in travelling for the appellants / complainants.	The State Information Commissioners are conducting enquiries in District Headquarters.
9.	The State Information Commission may conduct hearing on second appeals through "Video Conferencing", which will minimize the hardships of the appellants, including travelling expenses, travelling time etc.,	The Tamil Nadu Information Commission is already conducting hearings on second appeals through "Video Conferencing", as may be necessary.
10.	The Anna Institute of Management may publish a quarterly digest on the issues relating to Right to Information Act, 2005	Anna Administrative Staff College is requested to take necessary action.
11.	An Award for Success Stories on Right to Information Act, 2005" may be instituted by the Government to create awareness of the Act among the Right to Information Activists.	It is a policy decision of the Government.
12.	An Award for "Best Public Information Officer of the Year" may be instituted by the Government to encourage the Public Information Officers for speedy disposal of applications and effective implementation of the Act.	It is a policy decision of the Government.
13.	Short films on Right to Information Act, 2005 may be produced and exhibited in the social media to create awareness of the Act among the public.	It is a policy decision of the Government.
14.	Frequent and sufficient training also to be imparted to the Right to Information aspirants, in the districts, to familiarize them on the Act. This will enable them to know their boundary of right and reduce the contradictions with the Public Authorities regarding the issues on vague areas in the Act.	May be decided by Anna Administrative Staff College.
15.	The book printed on "Right to Information Act, 2005" by the Anna Institute of Management for distributing to the participants of the training programme, is a verbatim of the book published by the Government of Tamil Nadu on Right to Information Act, 2005 both in English and Tamil language. The translation in Tamil language is not correct / apt or in simple language, for the words in English language, mentioned in some Sections, sub-sections and provisos of the Right to Information Act, 2005. The discrepancies may be rectified.	In this department's letter No.18274 /AR.III/2020-01, dated 30.11.2021, the Anna Institute of Management has already been requested to revisit the Tamil translation of the Right to Information Act in its entirety, correct the errors in the existing translation, add translation of amendments made in the year 2019 and the rules framed there under and send a correct version of the same



16.	The role and responsibilities of the Appellate Authorities have not been prescribed in the Act. If the Appellate Authorities handle the first appeal cases with due care and responsibility, unnecessary second appeals can be avoided and the number of second appeals will be decreased. Hence, the Government of India may be addressed to issue necessary amendments / instructions.	The First Appellate Authorities may discharge their duties and responsibilities in accordance with the provisions of the Right to Information Act. No need to issue any separate instructions.
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Yours faithfully,

  
for Secretary to Government. 24/5/22

  
24/5/22







