

GOVERNMENT OF INDIA (BHARAT SARKAR)  
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)  
(RAILWAY BOARD)

OFFICE ORDER No. 19 of 2019

Sub: Handling of RTI cases.

It has been noticed that RTI cases are not being given the importance they deserve and sometimes handled in a casual manner. This is causing not only undue delays in the compliance to RTI Act but is also leading to adverse remarks from CIC.

The following deficiencies have been noticed in the working of RTI, across most departments:


- a. Despite Director level officers being available DDs are being made CPIOs. Similarly, instead of EDs acting as FAAs, junior officers are handling this charge.
  - b. Monitoring of pending RTI cases is not being done by the directorate/branch concerned, leaving the chasing of RTI cases to the nodal CPIO/RTI Cell/Railway Board. RTI is an executive function and the top officers have to take responsibility.
  - c. The cases are being randomly transferred to Branches unrelated to the query in question. Avoidable transfers cause delays.
  - d. CPIOs do not look at their pending cases regularly, though these are mailed to their registered ID twice a week, viz. Monday and Wednesday.
  - e. The list of pending items is not being looked at by the nodal CPIOs on a regular basis to dispose them of with a sense of urgency.
  - f. Upon transfer or superannuation, pending RTI cases are not being handed over to the succeeding officer along with the IDs and passwords of the registered mail ID.
2. The matter has been reviewed by the Board (CRB & MT). It has been decided that henceforth the following procedure should be followed scrupulously:
- (i) All Directorates shall monitor all pending RTI cases scrupulously and ensure that these are expeditiously and appropriately disposed of within the stipulated period of 30 days.
  - (ii) Nodal RTI officer, RTI Cell, Railway Board shall prepare a monthly list of pending cases CPIO-wise. Wherever warranted, EDPG shall send a note to the concerned FAA and AM to expedite disposal.

- (iii) Where despite such action and information sharing the action is not forthcoming from an office, personal responsibility shall be fixed on the defaulting officer/staff on a monthly basis and report sent to EDPG.
- (iv) All disputed RTI cases shall be settled as per Officer Order No. 75 of 2017 (copy attached).
- (v) For those cases where RTI application pertains to more than one PIO, instructions given in Officer Order No. 27 of 2010 will be followed, which mandates it to be dealt in a manner similar to handling of Parliament Question.
- (vi) Any case of transfer should have valid reasons recorded for transferring the case to a particular department and should be transferred with agreement of the recipient officer. A mere recording "the matter does not pertain to this department" will not suffice.
- (vii) FAA shall ensure that upon transfer or superannuation, the charge of RTI is suitably handed/ taken over.
- (viii) All cases pending on 01.04.2019 should be disposed of within 30 days. As on date, there are 7881 cases pending beyond 30 days, for all the departments taken together. In case there are such cases then the FAA should submit case wise remarks to EDPG for putting up the consolidated position to the Secretary, Railway Board.
- (ix) It should be clear that information has to be given only if it exists in well documented form. Section 2(f) of Act, 2005 should be followed. Information is not to be created or processed.

This issues with the approval of Board (CRB. MT).

No. RB/RTI/2019/Policy/1

Dated : 27.02.2019



(S. K. Mishra)

Secretary, Railway Board

27.02.2019

Copy for kind information to:

1. PSOs/PPSs/PSs to all Board Members for kind information of Board Members.
2. All Addl. Members, Railway Board
3. All FAAs
4. All CPIOs

भारत सरकार GOVERNMENT OF INDIA  
रेल मंत्रालय MINISTRY OF RAILWAYS,  
(रेलवे बोर्ड) (RAILWAY BOARD)

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**OFFICE ORDER NO. 75 OF 2017**

**Sub:- Procedure for proper disposal of RTI Application**

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With effect from 21.08.2013, an online RTI portal was launched by DOP&T in co-ordination with NIC. The portal facilitates Citizens to not only submit their RTI cases online but also facilitates Ministries/Departments for online disposal of such cases. Later on, DOP&T vide their OM dated 14th March 2014 directed that all those RTI applications which are received physically may also be entered in the online portal for information at a single place.

2. As per procedure the RTI applications received centrally in RTI cell are marked to the concerned CPIO and in case of application covering several subjects, it is marked to the CPIO concerned with the first part. It is observed that if the CPIO to whom the application is marked is of the view that it does not pertain to their branch, the application is transferred through the online portal to the concerned CPIO and this transferring of the RTI application through the portal continues through several CPIOs without there being any scope for bringing out the reasons/remarks for such transfer. Such transfers culminates in a dispute at some stage and thereafter, marked either by RTI cell or by one of the CPIO to US(O&M), again through the online portal itself.

3. However, disputes in this connection cannot be settled through transfers in online portal due to following reasons:-

- i) There is no scope for entering remarks and getting the approval from the concerned ED/Adv/AM in the online portal i.e the procedure for referring it to O&M as per Office Order No.103 of 2016 is not complied with.
- ii) Many a times, the RTI application can't be marked again to RTI Cell, if it is decided to route re-marking through them;
- iii) Decision through JS or Secretary cannot be processed and conveyed through online RTI Portal.

3. In view of the above, it has been decided that for settling dispute/decision on marking, RTI cases should be referred through E-office or in hard copy format only. Accordingly, when a CPIO to whom an RTI application is marked, transfers it on the portal to another CPIO within the Ministry, a hard copy of the application, with reasons for transfer, should invariably be sent to the concerned CPIO. The same procedure should be followed for further transfers, if any and the prescribed procedure for settlement of dispute should be followed. All disputed RTI cases should initially be resolved at the level of EDs/Advisers and in case of two different directorates between their concerned EDs/Advisers/AMs. In case the dispute still persists, the file may be referred to O&M through their concerned ED/Advisers/AMs duly indicating the detailed comments as to why it does not pertain to them with reasons, supporting document etc. In no case should the RTI application be transferred on the online portal to O&M Branch.

Contd/-

5. In this connection, the admissibility of the RTI application should be examined by the RTI cell before forwarding it to concerned APIO/CPIO and in case it is not admissible at all, the same should be returned to the applicant, with reasons, by the RTI cell.

6. It has also been observed that of late, reply to RTI application are being inordinately delayed leading to CIC hearing and adverse remarks by CIC. In addition, it has been brought to the notice of Board, that for CIC hearings, PIO/Appellate Authority often depute their representatives, with replies which do not bring out valid reasons for delay in reply or denial of information, leading to advisories/stricture from CIC. This has been viewed seriously by the Board. Due care may therefore be taken by all while framing replies for submission to CIC and the concerned PIO/Appellate Authority who is summoned should invariably appear before CIC.

7. The above instructions may be strictly adhered to by all concerned.

No. 2017/O&M/25/6

Dated: 20/10/2017



(V. Vaidehi)

Joint Secretary/Railway Board

All Officers and Branches in Board's Office and at Metro Station Building, Pragati Maidan.

**GOVERNMENT OF INDIA (BHARAT SARKAR)  
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)  
(RAILWAY BOARD)**

**OFFICE ORDER NO. 27 OF 2010**

**Sub: Appointment of Appellate Authorities (AAs), Public  
Information Officers (PIOs) and Assistant Public Information  
Officers (APIOs) in Board's office under RTI Act.**

**1. Background/Need for review**

With a view to further strengthening/improving the working of the RTI Machinery to ensure efficiency in disposal of applications/appeals preferred under the RTI Act, a thorough review of the system put in place vide Office Order No.77 of 2008 and statistics and Officer-wise pending cases was carried out. Considering the exponential increase in RTI applications and based upon the number of the cases pertaining to various Directorates, it is absolutely necessary to increase the number of APIOs, PIOs and AAs. The system of registration of applications/appeals, marking thereof to the respective PIOs, need for a separate but centralised system of records management and centralised scanning for RTI cases, staff assistance to each set of APIO/PIO, etc. were also under consideration.

**2. New System/Revised Organisation**

In partial modification of the Office Order No.77 of 2008, it has been decided with the approval of the Board (CRB) that –

- (i) Centralised RTI Cell as well as Centralised 1<sup>st</sup> Appeal and CIC registration cell (both under ED/PG) shall be further strengthened by providing one more Assistant, one LDC and two Messengers for each of the above cell separately. This Centralised RTI Cell shall continue to deal with policy issues relating to RTI and register all the applications/appeals and transfer the same under section 6(3) to the PIOs concerned in Board's office for final disposal. In the event of the application pertaining to more than one PIO in Board's office, it shall be sent to the PIO concerned with the first item who shall then co-

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ordinate with the PIO concerned with other items just like Parliament Question is dealt with. The PIO concerned with the first item shall not only send the final reply but also transfer the items under section 6 (3) (if any item needs to be transferred to any other public authority).

- (ii) A separate centralised record management cell for all RTI cases common for all APIOs shall function under JS and a separate centralised scanning cell for all RTI cases shall function under ED (C&IS), ~~with requisite staff equal to RTI Cell under each APIO.~~
- (iii) There shall be five more (total 8) AAs and seven more (total 10) PIOs/APIOs. The revised functioning will be as per Annexure -I.

3. **System of working**

All cases received prior to issue of this Office Order will continue to be kept with existing PIOs concerned. The cases received after issue of the Office Order will be handled as per guidelines contained in this Office Order.

**Appeal – CIC cases**

The 1<sup>st</sup> Appeal & 2<sup>nd</sup> Appeal/CIC references received in respect of cases pertaining to those received before the issue of this Office Order will be handled by concerned new PIOs. The file/ papers kept by earlier PIOs will be transferred to the new PIOs.

4. **Centralised Scanning Cell:** The Centralised Scanning Cell will be utilised by all the PIOs for scanning of all RTI files. Old RTI files which have not been scanned till date have to be scanned. It would be mandatory to scan all new cases once final reply is issued by the PIOs. Like-wise all 1<sup>st</sup> Appeal cases and CIC cases would also be scanned.

5. The General Instructions mentioned under para 3 (3.1 to 3.7) of the Office Order No.77 of 2008 will remain unchanged.

6. The revised arrangement shall take effect from 10<sup>th</sup> June, 2010.

*Shivaji Rakshit*  
(Shivaji Rakshit) 4/6/10  
Secretary Railway Board

DA/As Above

No. 2008/RTI/24/1/Appt.

Dated: 10/06/2010

1. All Appellate Authorities, Railway Board (DG/RPF, Secretary, AM/Staff, AM/Finance, AM/Works, Adv./Vig., Adv./IR, Ad./Rates).
2. All Public Information Officers, Railway Board (JS/G, EDE/N, EDV/S, EDPC/I, EDE/GC, ED/A, ED/T&MPP, IG/Admin., ED/PG, DTKM,
3. All Assistant Public Information Officers, Railway Board (DV/M, Dir./RPF, Dir./EGP, DF/A, DTKM, DS/A, JDPC-II, JDE/Trg., JDE/N, DD/PG
4. All Officers and Branches, Railway Board.
5. PSOs, CRB, MT, FC, MS, ME, ML, MM.
6. All CPIOs, Zonal Railways, PSUs and PUs.
7. Central Information Commission, Club Building near Post Office, Old JNU Campus, New Delhi -110 067.
8. CPIOs, All Ministries, Govt. of India, New Delhi.

