## **NIELIT, CALICUT**

# PROCESSING OF "REQUESTS FOR INFORMATION (UNDER THE RTI ACT, 2005)" RECEIVED IN NIELIT, CALICUT - INTERNAL PROCEDURE - REG.

1. A person (Indian Citizen), who desires to obtain any information under Sec -6 of this Act, shall make a request in writing or through electronic means in English or Hindi (with details as per RTI-Form No.1 enclosed), to-

the officer designated as the Public Information Officer (PIO) under Section 5 of this Act shall normally be available to directly meet members of the public between 10:00 A.M to 01:00 P.M on week days except on Monday, Wednesday and Thursday.

[Office Address: The Office of PIO (RTI), NIELIT, NIT Campus Post, Calicut – 673 601. Tel. No. 0495-2287266 Fax No.: 0495-2287168]

that the request for obtaining information under sub-section (1) of section 6 shall be accompanied by an application fee of rupees ten by way of cash against proper receipt or by demand draft or bankers cheque drawn on SBI, Calicut REC Branch, in favour of the Director, NIELIT, Calicut. [Ref: DOPT's Notification no. 34012/8(s)/2005-Estt.(B) dated 16-09-2005]

Specifying the particulars of the information sought by him or her:

Provided that where such request cannot be made in writing, the PIO, shall render all reasonable assistance to the person making the request orally to reduce the same in writing. [Ref.: sub-section 6(1)]

An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him. [Ref.: sub-section 6(2)]

- 2. Where an application is made requesting for an information-
  - (i) which is held by another public authority; or
  - (ii) the subject matter of which is more closely connected with the functions of another public authority the PIO, to whom 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 5 (five) days from the date of receipt of the application. (Ref.: sub-section 6(3)] (RTI-Form No.2):

3. Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6 of the Act, the PIO, on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within 30 (thirty) days of the receipt of the request [Ref.: sub-section 7(1)], either provide the information on payment of such fee as prescribed for the purpose or reject the request for any of the reasons specified in sections 8 and 9.

Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within 48 (forty-eight) Hours of the Receipt of the Request [Ref.: sub-section 7(1)].

If PIO fails to give decision on the request for information within the period specified under sub-sec. 7(1), it shall be deemed to have refused the request.

- 4. PIO shall as far as possible acknowledge receipt of requests for information under the Act (RTI-Form No.3 enclosed)
  - 4.1 The PIO shall, on receipt of request for information under this Act, examine [A Check-list for facilitating examination is enclosed] whether the information sought for is already available in (i) the Office of PIO, or (ii) the published documents under this Act, or (iii) the NIELIT, Calicut Website] and in that case, the PIO shall directly communicate relevant information to the applicant under intimation to the concerned Group Heads/Division Heads (GH/DHs).
  - 4.2 Otherwise, the PIO shall communicate the applicant's request (both hard copy and soft copy through email) to the GH/DHs of the concerned Group, and seek feedback with full details with approval of the Director, not later than 15 (Fifteen) days of such communication (RTI Form No.4 enclosed).
  - 4.3 On receipt of the same, the concerned GH/DH will take immediate action to collect and put up all relevant facts to the Director for approval and within the specified date the same should be communicated to the PIO who will then accordingly reply to the applicant. The concerned GH/DHs and dealing officers will be responsible to assist the PIO and to provide relevant information as per time limit prescribed.

- 4.4 Provided any delay is anticipated by the GH/DHs or if the remarks pertain to more than one Group or pertain to some other Public Authority or Department etc. this should be immediately (as far as possible within two days) advised to the PIO to enable the PIO to take further suitable action.
- 4.5 Provided that if there is delay in processing the case due to time taken for receipt of remarks from concerned GH/DHs, the PIO shall give a suitable interim reply to the applicant fixing a reasonable target for disposal of the request for information.
- 4.6 In the event of a request made in person to the PIO for perusal, of a document on any part thereof, the request is to be referred to the concerned GH/DHs and if approved by the Director, the official in whose custody the document is would make it available for inspection in the Office of PIO in NIELIT, Calicut, in the presence of the PIO & copies of it if any required to be given would also be given by the concerned official in the presence of the PIO.
- 4.7 In the event of any dispute / confusion, the PIO may apprise the Director in the matter.
- 5. 5.1 Where access to the record or a part thereof is required to be provided under this Act and the person to whom access is to be provided is sensorily disabled, the PIO, shall provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection.
  - 5.2 An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question. [Ref.: sub-section 7(9)]
  - 5.3 Before taking any decision the PIO shall take into consideration, the representation made by a third party under Section 11 of the Act.
  - 5.4 Where a request for information has been rejected the PIO shall communicate to the person making the request giving -
    - the reasons for such rejection
    - the period within which an appeal against such rejection may be preferred (normally within 30 days from the date of refusal though delay may be condoned if sufficient cause is shown) and the particulars of the internal appellate authority.

(A format to serve as a guideline for reply is given in RTI Form No.5 enclosed)

- 6. Where a decision is taken to provide the information on payment of any fee representing the cost of providing the information, (as per details at RTI Form No. 5 enclosed) the PIO, shall send an intimation to the person making the request, giving-
  - 6.1 the details of representing the cost of providing the information as determined by him, together with the calculations made to arrive at the amount in accordance with fee prescribed under sub-section 7(1), requesting him to deposit that fees and the period intervening between the dispatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to in that subsection;
  - 6.2 information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms. [Ref.: sub-section 7(3) (b) ]
  - 6.3 Where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to the provisions of subsection 7 (6), pay such fee as may be prescribed by the competent authority (as per instructions vide DoPT's notification referred to in para 1.2), [details of fees and how the figure is arrived at must be given in writing]:

Provided that the fee prescribed under sub-section (1) of section 6 and sub-sections (1) and (5) of section 7 shall be reasonable and no such fee shall be charged from the persons who are of **Below Poverty Line (BPL)** as may be determined by the appropriate Government.

### 6.4 Fees chargeable for providing printed information:

If the information requested by the applicant involves priced publication(s) and/or to arrange photocopy of the document(s), the PIO shall inform the applicant reg. (i) actual price of the printed publications, if applicable, (ii) anticipated charges for providing photocopy of the document(s), (iii) anticipated actual Postage Charges, and (iv) Procedure for depositing the required fees, etc.

As per instructions issued by DoPT vide its notification referred to in para 1.2, for providing the information under sub-section (1) of sec. 7, the fee shall be charged by way of cash against proper receipt or by demand draft or bankers cheque payable to the Director, NIELIT, Calicut at the following rates:-

- (a) rupees two for each page (in A-4 or A-3 size paper) created or copies;
- (b) actual charge or cost price of a copy in larger size paper;
- (c) actual cost or price for samples or models; and
- (d) for inspection of records, no fee for the first hour; and a fee of rupees five for each fifteen minutes (or fraction thereof) thereafter.

Further as per above instructions, for providing the information under subsection (5) of section 7, the fee shall be charged by way of cash against proper receipt or by demand draft or bankers cheque payable to the Director, NIELIT, Calicut at the following rates:-

- (a) for information provided in diskette or floppy rupees fifty per diskette or floppy; and
- (b) for information provided in printed form at the price fixed for such publication or rupees two per page of photocopy for extracts from the publication.

(Fees / payment in Cash to be deposited with the NIELIT, Calicut) (Fees / payment through DD to be drawn in favour of "Director, NIELIT, Calicut" payable at State Bank of India, Calicut REC Branch, Calicut).

- 6.5 The PIO shall satisfy himself/herself about the payment of the prescribed fees by the applicant before sending the relevant information notwithstanding anything contained in sub-section (8), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section 7(1).
- 7 (i) On receipt of any appeal under the above provision the PIO shall immediately put it up to the internal Appellate Authority and ensure disposal within the maximum time limit of 30 (thirty) days for reply regarding the appeal.
  - (ii) The internal Appellate Authority may, if felt appropriate seek the approval of Managing Director, NIELIT Society on the appeal preferred to him.
  - (iii) The PIO while communicating the decision of the Internal Appellate Authority shall indicate that an appeal may be further preferred to the Central Information Commission within 90 (ninety) days from the date of decision on the first appeal.
- 8. Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen [Ref.:sub section 8(1) (a j),-

- information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence:
- information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court:
- information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
- information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
- information received in confidence from foreign Government;
- information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
- information which would impede the process of investigation or apprehension or prosecution of offenders;
- cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

- information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the PIO or the

appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

- 9. Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section 8(1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.
- 10. Subject to the provisions of clauses (a), (c) and (i) of sub-section 8(1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:

Provided that where any question arises as to the date from which the said period of 20 (twenty years) has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.

- 11. Without prejudice to the above provisions, the PIO may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State. [Ref.: Section 9]
- 12. Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that **part of the record** which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information. [Ref.: sub section 10(1)]
  - 12.1 Sub section 10(2) of the Act provides that where access is granted to a part of the record under sub-section 10(1), the PIO shall give a notice to the applicant, informing-
    - that only part of the record requested, after severance of the record after containing information which is exempt from disclosure, is being provided;
    - the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;
    - the name and designation of the person giving the decision;
    - the details of the fees calculated by him or her and the amount of fee which the applicant is required to deposit; and

- his or her rights with respect to review of the decision reg. non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the senior officer specified under sub-section (1) of section 19 or the Central Information Commission (CIC), time limit, process and any other form of access.
- 13. Sub section 11(1) of the Act provides that where PIO, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a **third party** and has been treated as confidential by that third party, the PIO, shall, within 5(five) days from the receipt of the request, give a written notice to such third party of the request and of the fact that the PIO, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:
  - 13.1 Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.
  - 13.2 Sub section 11(2) of the Act provides that where a notice is served by the PIO, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within 10 (ten) days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.
  - 13.3 Sub section 11(3) of the Act provides that notwithstanding anything contained in Section 7, the PIO, shall, within 40(forty) days after receipt of the request, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.
  - 13.4 Sub-section 11(4) of the Act provides that a notice given under subsection 11 (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 of the Act against the decision.
- 14. The Director and GH/DHs may ensure that any change in the documents published under this Act is brought to the notice of the PIO and may also bring to the notice of the PIO all relevant facts to be published while formulating important policies or announcing decisions, which affect the public.

15. The Internal Procedure may further be modified, if required, by the PIO as per the provisions of the Act [and/or instructions issued by NIELIT HQrs./ DeitY] in consultation with NIELIT HQrs./ DeitY.

[In the event of any contradiction / confusion, the provisions of the Act will prevail.]

To <u>RTI-Form No.1</u>

The Public Information Officer (RTI) NIELIT, P.B. No.5, NIT Campus P.O. Calicut – 673 601

Subject: Request for information under RTI Act, 2005- Application Reg.

r.	-	

l	Son/Dau	ghter/wife of
Resident of		
	formation, under the RTI Act, 2005. alicut, as per details given below:	The information needed pertains to

- 2. It is certified that I am a bonafide Citizen of India.
- \* It is certified that I do fall under the category Below Poverty Line (BPL), and an attested copy of the relevant certificate (issued by the competent authority) is enclosed herewith for your information (\*Please strike out if not belonging to the BPL category)
- 4. I have deposited the required amount of Rs.10/- (Rupees Ten only) towards application fee (Receipt enclosed) with NIELIT, Calicut. Further, I also undertake to pay the required fees/charges (if applicable) as prescribed under the RTI Act and / or relevant Rules.

(Signature of the Applicant)

Telephone No. :
Fax No. :
Email-Address :
Address :

Ref. No.	Dated:
Subject: Request for information ureceived in this office on	inder RTI Act, 2005- from Mr./Mrs
Sir,	
I am forwarding herewith an a	application/request for information (under RTI Act,
2005) received from Mr./Ms	Son/Daughter/wife
ofresident of	
The subject matter of the information	n requested by the above applicant is related to
which pertains to or partly pertains to	<u>and</u>
therefore, I am forwarding the same	to you for your information and necessary action.
The required information and/or an	appropriate reply may be sent to the concerned
applicant, under intimation to the und	ersigned.
Finals An above	(D. Krightson)
Encl: As above.	(P. Krishnan) PIO (RTI)
	NIELIT, Calicut Tel. No.: 2287266
	Tel. No 2207200
То	
Mr./Mrs	
Copy to: The Applicant.	
op, c. mo applicant.	

Ref. No.	Dated:
То	
Mr./ Ms.	
Sir/Madam,	
· ·	cted to acknowledge the receipt of your Request for on the above subject and to say that the information ourse.
Rs(Rupees prescribed under the RTI Act,	sted to deposit an amount of) as necessary fees/charges 2005 and/or relevant Rules thereunder (Criteria for edure for making the required payment are given in RTI
NIELIT, Calicut fully/partly.  of authority under the RTI Act an	he information requested by you does not pertain to  It seems that the same falls under the purview

- 4.\* You are also requested to certify as below:
  - (a) that you are a bonafide Citizen of India.
  - (b) that you do not fall/fall under the category Below Poverty Line (BPL) (In case of BPL- an attested copy of the relevant certificate issued by the competent authority is to be enclosed).

Yours faithfully,

(P. Krishnan) PIO (RTI) NIELIT, Calicut Tel. No.: 2287266

Copy to:

[\* please strike out whichever is not applicable]

Ref. No.	Dated:
Subject: Request for information Received in this office of	under RTI Act, 2005- from Mr./Mrs on
Sir,	
I am forwarding herewith an	application/request for information (under RTI Act,
2005) received from Mr./Ms	Son/Daughter/wife
ofresident o	f
The subject matter of the informati	on requested by the above applicant is related to
applicant withindays a reply/acknowledgement has been se of this, you are requested to subm	nis Centre. The information is to be provided to the s per provisions of the RTI Act., 2005. An interiment to the concerned applicant in the matter. In view it the relevant inputs/documents, duly approved by
the Director to the undersigned by	positively.
2. In case any delay is anticipa	ted in submission of required information, you may
intimate the same alongwith justifica	tion for the anticipated delay.
Encl: as above.	(P. Krishnan) PIO (RTI) NIELIT, Calicut Tel. No.: 2287266
Shri/Smt	
NIELIT, Calicut	

Ref. No.	Dated:
Mr./ Ms.	
Subject : R	equest for Information under the RTI Act, 2005 pertaining to
Sir/Madam,	
	undersigned is directed to refer to your Request for Information on the above subject and to say that
(a)	*the required information is enclosed herewith, as requested.
(b)	*only part of the information requested by you is related to NIELIT, Calicular and the same is enclosed herewith. The remaining part of the information requested by you relates to other public authority (namely
(c)	*The information falls under the "Third Party Category" and hence it is classified. Necessary notice has been issued to the concerned Party onrequesting them to represent their case within ten days. The necessary decision will be taken on hearing their submission and within prescribed time-limit of 40 days. (Ref.: Section 11(3))
(d)	*only part of the information requested, after severance of the record containing information which is exempted from disclosure, is being

provided. The name and designation of the person giving the decision indicated below:

|--|

- (e) \*it is regretted that it may not be possible to provide the relevant information due to the reason(s) indicated below:
  - (i) Information is exempted from disclosure under Section 8(a) –(j)
  - (ii) Above 20 years old information falling under clause (a), (c), & (i) of sub-section (1) under Section-8 of the RTI Act is exempted from disclosure.
  - (iii) Information is classified in nature as per provisions in the Official Secret Act, 1923.
  - (iv) Access of information would involve an infringement of copyright subsisting in a person other than the State.

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[\*strike out whichever is not applicable]

2. It is informed that the RTI Act provides you a right with respect to review the decision as to the amount of fees charged or form of access provided (including particulars of the appellate authority, time limit, process and any other forms). Therefore, in case you want to go for an appeal in connection with above, you may appeal to the Appellate Authority indicated below within thirty days from the date of issue of this letter.

Shri A. Jena, Chief Finance Officer, NIELIT, Electronics Niketan, 6, CGO Complex, New Delhi.-110 003

Tel. No.: 011-24367918 Fax No.: 011-24363335

E-mail Address: jena@nielit.in

## Yours faithfully,

(P. Krishnan) PIO(RTI) NIELIT, Calicut Tel. No.: 2287266

Copy to: Appellate Authority
 Concerned GH/DH

### **NIELIT, CALICUT**

[ Office of PIO (RTI) ] NIT Campus P.O., Calicut – 673 601

Ref. No.		Dated:
Mr./ Ms.		
Subject : <b>Request for Information</b> u	ınder the RTI Act, 2005 per	rtaining to
Sir/Madam,		
Part-A: Criteria for Calculation of the [under sub-section (1) of Section 6 at Act.]	<b>.</b>	
<ul><li>(1) No. of pages multiply by Rs</li><li>(2) Spiral Binding charges of d</li><li>(3) Postal charges (Actual)</li><li>(4) Actual price of the printed p</li><li>(5) Any other charges, if applic</li></ul>	ocument (if required)  oublications( if applicable)	= Rs. = Rs. = Rs. = Rs. = Rs.
	Total	======== = Rs. ========

[\* As notified by Govt. of India vide its Notification no.34012/8(s)/2005-Estt.(B) dated 16-9-2005]

#### Part-B:

### **Procedure for making payment:**

The above payment may be made either in CASH (to be deposited with the NIELIT, Calicut or through Demand Draft drawn in favour of "Director, NIELIT, Calicut" payable at SBI, Calicut REC Branch, Calicut.

**Note:** 1. No fee is to be paid by the applicant falling under the BPL Category and if the PIO is satisfied with the relevant documents submitted by the applicant in the matter.

- **2.** No fee is to be charged if the information requested delayed beyond the prescribed time limit.
- **3.** The intervening period between the dispatch intimation to the applicant asking for payment of prescribed fees and the actual payment made by the applicant shall be excluded for the purpose of calculating the prescribed time-limit for reply to the request for information.

If you wish to review the above regarding amount of fees etc., you may do so by representing not later than 30 days from the date of this letter to the Appellate Authority as below:

Shri A. Jena, Chief Finance Officer, NIELIT, Electronics Niketan, 6, CGO Complex, New Delhi.-110 003

Tel. No.: 011-24367918 Fax No.: 011-24363335

E-mail Address: jena@nielit.in

Yours faithfully,

(P. Krishnan) PIO (RTI) NIELIT, Calicut Tel. No.: 2287266

Copy to: 1. Appellate Authority

2. Concerned GH/DH

## **REQUEST FOR INFORMATION – CHECK-LIST FOR PROCESSING**

1. Application No./Ref. No.:

2.	Name of Applicant :
3.	Mailing/Contact Address of Applicant:
4.	Date of receipt of application:
5.	Status of Citizenship of the Applicant – Indian Citizen or Non-Resident Indian:
6.	Subject matter of request pertains to NIELIT, Calicut : (Yes/No)
7.	Subject matter of request pertains to NIELIT, Calicut : Fully/Partly
	If partly, the name of concerned public authority/authorities:
8.	Information sought CONCERNS THE LIFE OR LIBERTY OF A PERSON: (Yes/No)
9.	Does the information fall under Section 8(1)(a-j),(2) and (3): YES/NO
10	Target time-limit needed for providing the inputs:
11	. Whether information is technical/semi-technical/administrative in nature (Pl. tick below)
	<ol> <li>Technical</li> <li>Semi-Technical</li> <li>Administrative</li> <li>Misc.</li> </ol>
12	2. Name of concerned GH/DH :
13	3. Details of information sought by the Applicant:
14	Date of Acknowledgement issued to the applicant :
15	Whether information readily available with the Office of PIO (RTI) in NIELIT, CALICUT : (Yes/No)
16	3. Whether information published as Manuals under the RTI Act. : (Yes/No)
	Whether information is available on NIELIT, Calicut-Web-site or Website of the public authority under the control of NIELIT, Calicut : (Yes/No) B. Date and Time of forwarding the request to concerned GH/DH :
19	Date and Time fixed for receiving the reply from concerned GH/DH:
	D.Whether anticipation of any delay in submission of information communicated by concerned GH/DH : (Yes/No)  .Date and Time the information received from the concerned GH/DH:
22	2.Date and Time of information issued to the applicant :
23	3.Whether applicant has also asked for inspection of the relevant documents: (Yes/No)