

*Final Reply from CPIO-side*

Sub.: Regarding 'Signatory Authority' of all correspondences made under RTI Act, 2005.

Ref.: *Guidelines given by the Hon'ble Information Commissioner/Central Information Commission during the hearing of Cases of M/O Railways.*

In the cases listed for hearing before CIC and for the better & efficient management of Applications, Appeals & CIC's References etc, Secretary / Railway Board has appointed 11 Appellate Authorities, Public Information Officers & Asstt. Public Information Officers and one officer upto the rank of EDs or Directors from each Directorates of Railway Board has been nominated as Nodal Officer grouped under the respective PIOs.

As per the prevailing practices, Interim Reply is issued by the respective APIOs for forwarding the part of the information as provided by the Nodal Officer of the dte. concerned duly authenticated by the Nodal Officer in order to avoid delay in sending part information to the Applicant or for transferring the case to other PIOs outside Railway Board.

During the Hearing of the cases for the last two months, Hon'ble Information Commissioner/CIC has been objecting to the practices of putting signature by APIOs on the various correspondences made under RTI Act as the Hon'ble CIC has opined that the RTI Act has not devolved any authority to APIOs for issuing any order or references and it is nominated PIOs who has been authorized to issue any correspondences under his (or her) Signature for the disposal of initial Applications received under RTI Act. For the disposal of Ist Appeal, reply should be issued under the signature of nominated Appellate Authority. The Signatory Authority as devolved by the RTI may not be diluted and APIOs or any other officer below the rank of Nominated Nodal Officers are not at all the *valid* 'Signatory Authority' in respect of RTI references. In this regard it may be specified that only nominated officers as designated under each CPIOs shall sign the document/information sheet to be provided under RTI Act, 2005. This objection of CIC has started reflecting in their decisions/orders. A copy of the latest order is enclosed for ready reference.

In view of the objections raised by Hon'ble CIC, APIOs may not be allowed to put signature on any correspondences made either with the Applicant or the Hon'ble CIC or other PIOs of any govt. agencies and a suitable instructions be issued to all concerned, if agreed to.

*Copy of CIC order attached May pl see and give direction and put up for approval of Secy/AA may pl see.*

~~DDPG & APIO-I~~

*File*

*SO/RTI 30/11/10*

~~EDPG & CPIO-I~~

*13/12*

*6/12/2010*

~~Advisor/Safety & A.A.~~

*14/12*

~~Secretary/RB~~

*16/12*

*May pl. see for further direction*

~~DDPG & APIO I~~

*secy*

*SO/RTI 20/12/10*

~~CPIO-I~~

*20/12/2010 APIO*

*pl. link main policy file & put up 12/12*

*ACTE-I*

*4216  
20/12/10*

**In the Central Information Commission  
at  
New Delhi**

File No: CIC/AD/A/2010/001254

Date (s) of Hearing: November 8, 2010

Date of Decision : November 8, 2010

Applicant was not present during the hearing

**Parties:**

**Applicant**

1. Shri Shripal Jain  
S/o Late Shri R.S. Jain  
R/o 4-B, Kabir Marg  
Banipark  
Jaipur

**Respondent(s)**

1. Ministry of Railways  
Railway Board, New Delhi

Represented by: Shri M.K. Panda (Deemed PIO)  
Shri Rakesh Kumar (SO-RTI)  
Shri S.K. Panda (SO/E (G))

**Information Commissioner : Mrs. Annapurna Dixit**

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**Decision Notice**

The Commission warned both the PIO and the Appellate Authority that not complying with the provisions as given in Section 7(3)(b) of the RTI Act which stipulates that information concerning the Applicant's right with respect to review of the decision including particulars of the Appellate Authority should be intimated to the Applicant, would tantamount to violation of law and that not doing so would compel the Commission to initiate appropriate disciplinary action against them. The PIO is also warned not to delegate the statutory authority vested in him under Section 7(1) of the RTI Act to his subordinates, by allowing them to reply to the RTI applications.

DIS - 09/3770

**In the Central Information Commission  
at  
New Delhi**

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Applicant was not present during the hearing

**Respondent(s)**

1. Ministry of Railways  
O/o the Jt. Secretary (G) & CPIO-II  
Railway Board, Rail Bhawan  
New Delhi

Represented by:

Shri M.K. Panda (Deemed PIO)  
Shri Rakesh Kumar (SO-RTI)  
Shri S.K. Panda (SO/E)

**Background**

1. The RTI application dated 20.10.09 was filed by the Applicant with the PIO, Railway Board, New Delhi seeking miscellaneous information about the Officers in the Railways. The PIO in his letter dated 5.11.09 requested the Applicant to send the RTI fees in the name of correct payee. On receipt of the fees on 2.12.09 the PIO replied on 4.2.10 enclosing the interim reply as received from the concerned Directorate. A consolidated reply was again sent on 22.2.10 giving further clarification. Not satisfied with this reply the Applicant filed his first appeal on 15.3.10 seeking the information once again. The Appellate Authority replied on 22.4.10 informing the Appellant that he (the Appellant) has clubbed several appeals in the instant first appeal and advising him to file a separate appeal in each case. Being aggrieved with this response, the Appellant filed his second appeal before the Commission giving some suggestions to be followed by the Public Authority and also complaining that the

Appellate Authority's name and particulars had not been provided by the PIO in his reply.

**Decision**

2. The Commission noted that no information has been sought in the second appeal and that the Appellant has only given some suggestions to the PIO and Appellate Authority on how to bring about improvements in implementation of the RTI Act, The Commission, however, takes this opportunity to warn the PIO and the Appellate Authority that not complying with Section 7(3)(b) of the RTI Act which stipulates that information concerning the Applicant's right with respect to review of the decision including particulars of the Appellate Authority should be intimated to the Applicant, would tantamount to violation of law and that not doing so would compel the Commission to initiate appropriate disciplinary action against them. The PIO is also warned that not to delegate the statutory authority vested in him under Section 7(1) of the RTI Act to his subordinates, by allowing them to reply to the RTI applications.

3. The Appeal is accordingly disposed of.

*A. Dixit*  
(Annapurna Dixit)  
Information Commissioner

Authenticated true copy

*(G. Subramanian)*  
Deputy Registrar

Cc:

1. Shri Shripal Jain  
S/o Late Shri R.S. Jain  
R/o 4-B, Kabir Marg  
Banipark  
Jaipur
2. ✓ The Public Information Officer  
Ministry of Railways  
O/o the Jt. Secretary (G) & CPIO-II  
Railway Board, Rail Bhawan  
New Delhi
3. The Appellate Authority  
Ministry of Railways  
O/o the Advisor (Staff)  
Railway Board, Rail Bhawan  
New Delhi
4. Officer Incharge, NIC