

एस. एस. गौर कार्यकारी निदेशक (विधि)

S. S. Gaur Executive Director (Law)

DO No. HUDCO/RTI-Circular/CPIO/2009/01/ 578 - 597

20<sup>th</sup> April, 2009  
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To

All Central Asstt. Public Information Officers (CAPIOs)  
in HUDCO Regional Offices.

**Sub: Right to Information Act, 2005 (RTI Act) and Rules made  
there-under : Handling of applications received under RTI Act,  
2005 by CAPIOs at Regional Offices of HUDCO.**

Dear Shri.....

You are well aware that vide Circular No. HUDCO/P&SU/RTIA-2006 dt. 18.05.2006 all Regional Chiefs in HUDCO were designated as Central Asstt. Public Information Officers (CAPIOs) under RTI Act, 2005 and broad guidelines for implementation of the Act were laid down. It has of late been observed that some of the CAPIOs are not promptly informing the undersigned about the receipt/handling of applications received at their end under RTI Act, 2005. This not only delays attending to RTI matters in time bound manner as statutorily required but also leads to misrepresentation of factual details in the report which HUDCO, as a public authority, is required to submit on quarterly basis to its administrative Ministry which in turn is required to submit its consolidated report to other concerned authorities including Central Information Commission, New Delhi (CIC).

In order to streamline the procedure, based on the experience so far gained in this behalf, the following is suggested for being followed uniformly by all the CAPIOs (Regional Chiefs/EDs) at ROs of HUDCO:

1. On receipt of RTI application please ensure that the applicant has paid the requisite application fee of Rs. 10/- by way of Bank Demand Draft or crossed Indian Postal Order (IPO) made payable in favour of the Accounts Officer, HUDCO Ltd. or cash. Needless to state, if application fee of Rs. 10/- is paid by applicant by annexing of non-judicial stamp papers or affixation of court fee stamp or other adhesive stamps, then the same will not be deemed as proper payment of fee, and hence such an application shall be deemed as invalid. Therefore, in such cases, you should immediately inform the applicant, while returning the fee as paid by way of non-judicial stamp papers, court fee and other adhesive



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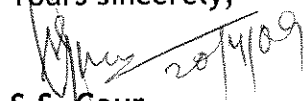
stamps etc, to make the payment of application fee by way of Demand Draft, crossed IPOs etc. as aforesaid so as to facilitate the applicant to make his application valid from the date of receipt by HUDCO of proper application fee. If fee is not properly paid, the applicant may be informed of closure of his application, under an endorsement to undersigned.

- 2. No sooner than an application with proper application fee is received by you, the same should immediately be faxed to the undersigned on fax No. 011-24648428. Thereafter, immediately and at the earliest possible the application be forwarded by you with your point-wise comments/submissions on the concerned/relevant points/items which relate to the information exclusively and/or partly available at your end ensuring that the same is received by the undersigned within 5 days of receipt of application in RO. Please note importantly to confirm in your forwarding letter that proper application fee has been duly received.
  
- 3. Since it is statutorily required that all RTI applications are properly replied to or admissible information is provided to the applicant within 30 days from the date of receipt of valid RTI application, you are advised to promptly act for compliance of the order, if any, as may be passed by the undersigned for providing of information and/or otherwise to the applicant so as to ensure that the information is provided to the applicant latest by 30<sup>th</sup> day from the date of receipt of valid RTI application at your end. Here it may be noted that in case some cost/photocopying charges at prescribed @ Rs. 2/- per page of A4 and A3 size papers and/or under Section 7(3) of RTI Act is to be charged for providing the information, then intervening period from the date of writing a letter (within said period of 30 days) by you to the applicant till the date of actual receipt of such charges, shall be excluded, i.e. such period shall not be counted within the prescribed period of 30 days. In case the inspection of concerned files/records of HUDCO is also granted to the applicant, he could be additionally charged prescribed inspection charges @ Rs. 5/- per hour of inspection excluding for first one (1) hour.
  
- 4. Please ensure that a copy of the letter to the applicant providing him the admissible information is positively endorsed to the undersigned for proper recording at this end for the purposes of quarterly reports etc. as aforesaid. Please also ensure that said endorsement to the undersigned also specifically mentions about total cost/photocopying/inspection charges aforesaid as received by you from the applicant for providing the admissible information so that the same is duly taken note of at this end for further reporting purposes as aforesaid.

5. In view hereof and as also keeping in view the ever increasing trend in receipt of RTI applications, you would be better advised to suitably maintain a record/register so as to effectively keep a track and ensure timely disposal of RTI applications as statutorily required. The details/columns of such register may, inter-alia, include Sr. No., Name of Applicant, date of receipt of application, whether application is valid with requisite application fee, date on which application is forwarded to CPIO, date of receipt of reply/order from CPIO, date of letter written/information provided to the applicant, quantum of fee/additional cost/charges etc received.
6. Since disposal of RTI applications is statutorily time bound, you should feel free to contact the undersigned over phone in case you require any guidance/clarifications/assistance in handling RTI matters so that there is no delay of whatsoever nature. Needless to remind that as per the applicable provisions of RTI Act the concerned officer/CAPIO in default will be deemed as CPIO in default and would be personally liable for penalty upto Rs 25,000/- in each case of default and/or for departmental proceedings as may be recommended by CIC to Competent/Disciplinary Authority in HUDCO or both.
7. You are once again advised to keep yourself fully conversant with the provisions of RTI Act, Rules made there-under as also important/land-mark decisions of CIC.

With best regards,

Yours sincerely,



**S.S. Gaur**  
**Central Public Information Officer**  
**HUDCO**