

MANUAL ON 'RIGHT
TO INFORMATION
ACT 2005'

GENERAL INFORMATION

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Introduction

1. Right to Information Act 2005 (RTI) came into force on 12 Oct 05. It covers complete India except the state of J&K. Under the RTI Act any individual can request for information from any Public Office including NGO's after payment of a fee (Rs 10/-) per information request. All Govt deptt are covered by the Act except security agencies, intelligence agencies, matters related to sovereignty and unity of country and info about fiduciary or info banned by law of land. RTI Act 2005 vide its Sec 22 overrides Official secret Act1 923.

2. 'Right to Information' is one of the crucial institutions of ensuring probity of conduct in society and maintenance of standards in public life. Knowledge is no doubt a means of empowerment and it heavily depends upon availability of 'information'. Hence, the fundamental issue is to make the law of information more pragmatic and purposive. It should also be ensured simultaneously that it is not misused and rendered as a 'dead statute'.

"Information" and "Right to Information"

3. The act defines 'Information' as any material in any form including:-

- (a) Records
- (b) Documents
- (c) Memos
- (d) E-mails.
- (e) Opinions.
- (f) Advices
- (g) Press releases.
- (h) Circulars
- (j) Orders
- (k) Logbooks.
- (l) Contracts.
- (m) Reports

- (n) Papers
- (o) Samples
- (p) Models.
- (q) Data material held in any electronic form; and

Information relating to any private body, which can be accessed by a public authority under any other law for the time being in force.

Right to Information

4. It includes the right to:-

- (a) Inspect works, documents and records.
- (b) Take notes, extracts or certified copies of documents or records.
- (c) Take certified samples of material.
- (d) Obtain information in form of printouts, diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts.

What is a "Record"?

5. The Act specifies "Records" to include:-

- (a) Any document, manuscript and file;
- (b) Any microfilm, microfiche and facsimile copy of a document;
- (c) Any reproduction of image or images embodied in such micro film (whether enlarged or not); and
- (d) Any other material produced by a computer or any other device.

Whom does the Act apply to?

6. It covers the Central Government, State Government and Union Territory Administrations. Thus, the Act is applicable to all States and Union Territories in India except the State of Jammu and Kashmir. The Act gives the right to access to information held by “public authorities” which includes authorities, bodies, institution of self government which are established or constituted:-

- (a) By or under the constitution;
- (b) By law made by the Parliament or State Legislature;
- (c) By a notification issued or order made by the Government and includes any body owned, controlled or substantially financed;

Non-Government organization substantially financed, directly or indirectly by funds provided by the Government.

The Act does not apply to central intelligence and security agencies specified in the Second Schedule, and other agencies exempted by the State Governments through a Gazette Notification. However, one can seek information in respect of allegations of corruption and human rights violations from the exempted organizations.

Information exempted from disclosure by public authorities

7. The requester may not be provided the following information unless the Public Information Officer is convinced that the public interest in disclosure outweighs any other interests served by non-disclosure (partial access may be provided to the part of the record which does not contain information exempted from disclosure):-

- (a) 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;
- (b) 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;
- (c) Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

- (d) 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;
- (e) 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;
- (f) Information received in confidence from foreign government;
- (g) 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;
- (h) Information, which would impede the process of investigation or apprehension or prosecution of offenders;
- (j) Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other offices. 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;
- (k) 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 Public Information Officer is satisfied that the larger public interest justifies the disclosure of such information.
- (l) Notwithstanding any of the exemptions listed above, a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

Information Providers

8. Under the Act all organization/institutions have to nominate a Public Information Officer (PIO) to provide information. PIO has a duty to assist requesters. If no response is received in 30 days then it can be deemed as refusal and requester can go in for first appeal and subsequently second appeal. Citizen can make direct complaint to Chief Information Commissioner (CIC) at State/Central level.

Time limit

9. The time limit to get the information by a requester is as follows:-
- (a) 30 days from the date of application.
 - (b) 48 hours for information concerning the life and liberty of a person.
 - (c) 05 days shall be added to the above response time in case the application for information is given to Assistant Public Information Officer.
 - (d) If the interests of a third party are involved then time limit will be 40 days (maximum period plus time given to the party to make representation).
 - (e) Failure to provide information within the specified period is a deemed refusal.

FLOW OF INFORMATION

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1. The organizational set up for Army HQ units/establishment is as follows:-
 - (a) CPIO - ADG AE
 - (b) Appellate Auth - Provost Marshal
 - (c) Second Appellate Auth - Chief Information Commissioner

2. The set up in office of DGAFMS is as follows:-
 - (a) CPIO - Dir (Coord)
 - (b) Appellate Auth - DGHS (AF)
 - (c) Second Appellate auth - Chief Information Commissioner

3. An RTI Cell has been established in the office of DGAFMS and the same is functional since 2005 under Dir AFMS (Coord), who is also CPIO for this Dte Gen. The procedure of generation, compilation and provision of information sought by a requester under RTI Act 2005 from office of DGAFMS will be as follows:-
 - (a) All the requests will be dealt by Dir (Coord). All applications for information under RTI Act 2005 will be received by the RTI Cell either directly, through other PIOs and from sections of this Dte Gen.
 - (b) Dir (Coord) will scrutinize and filter the information sought and will direct the concerned section to provide the information within a given time limit.
 - (c) The desired information will be provided by the concerned section to Dir (Coord) duly approved by the head of the section.
 - (d) Dir (Coord) will complete the desired information received from the concerned sections and take approval of DGHS (Armed Forces) before submitting the reply to the individual.
 - (e) Separate account of processing charges received from the petitioner will be maintained by Dir AFMS (Coord).
 - (f) Under no circumstances, sections will pass by Dir (Coord) and correspond directly with any information seeking agency.

ORGANIZATIONS STRUCTURE
AND FUNCTIONS OF SECTIONS
HOLDING INFORMATION IN THE
OFFICE OF DGAFMS

**ORGANIZATIONS STRUCTURE AND FUNCTIONS OF SECTIONS HOLDING
INFORMATION IN THE OFFICE OF DGAFMS**

1. For smooth operation of office of DGAFMS, Dte Gen is divided into following broad groups/sections/branches:-

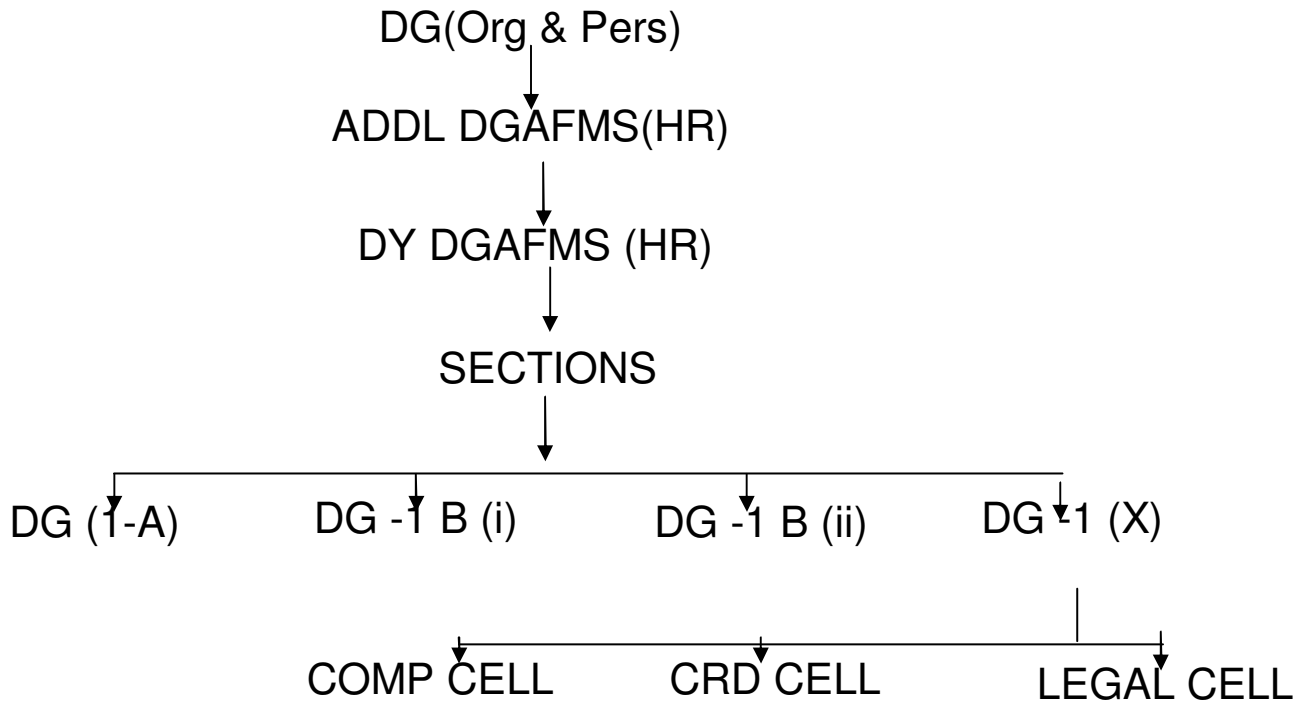
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|-------------------------------|---|----------------------|
| (a) Personnel | - | Sections-1A, 1B & 1X |
| (b) Co-ordination | - | Sections-1C |
| (c) Planning & Training | - | Sections-1D |
| (d) Equipment & Stores | - | Group-2 |
| (e) Health and family Welfare | - | Section-3A & 3D |
| (f) Medical Research | - | Sections-3B & 3C |
| (g) MA (Pensions) | | |

Organizational Structure and Functions of Groups/Sections of office of DGAFMS

2. The organizations structure and functions of different groups/sections are given in subsequent paragraphs. This will facilitate the collection, compilation and submission of information, required by the requester under RTI Act 2005.

Personnel Branch (Sections 1A, 1B and 1X)

3. The organization of Personnel Branch is as follows:-



Functions of Personnel Branch

Section- DG-1A

4. (a) Deals with recruitment of Civilian Doctors.
- (b) Deals with commissioning of AFMC Cadets in AFMS as Permanent as well as Short Service Commissioned Offrs apart from grant of PC to serving SSC Offrs.
- (c) Deals with grant of SSC/PC in AMC (NT) to serving JCOs/OR of AMC.
- (d) Detailment of Offrs for Medical Officers' Basic Course (MOBC).

Section- DG-1 B (i)

5. This section deals with the all personnel and administrative matters of AMC/PC Offrs up to the rank of Major and policy matters relating to all AMC Officers.

Section- DG-1 B (ii)

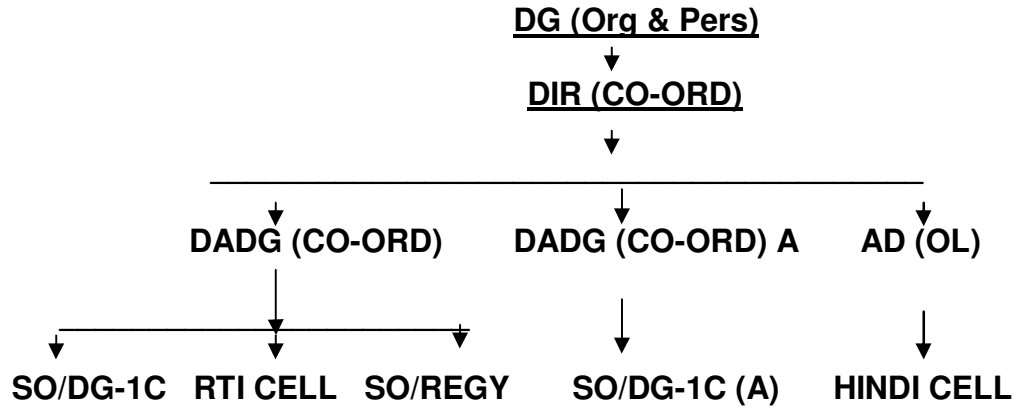
6. This section deals with all personnel and administrative matters of AMC/SSC Offrs up to the rank of Lt Col and NTR (Non-Tech Regular) Offrs upto Lt Col and NTS (Non Tech Short Service) Offrs.

Section- DG 1X

7. This section deals with all personnel and administrative matter of AMC (PC) officers of the rank of Lt Col & above and AMC (NT) officers of the rank of Col & above. This section also deals with matters pertaining to grant of reemployment in AFMS, appointment of Hony Consultants/Advisors and matters relating to personnel issues requiring Government approval.

Co-ordination Section (Section-DG-1C)

8. The Organisation of Co-ordination Section is as follows:-



Functions of DIR AFMS (CO-ORD)/DG-1C

9. This section deals with coordination, establishment and general administration of the entire Directorate General.

Hindi Cell

10. The function of Hindi Cell are to assist the organization in the implementation of the Government orders on Official language Act.

Central Registry

11. The main functions of Central Registry are receipt of incoming official correspondence and dispatch of outgoing mail.

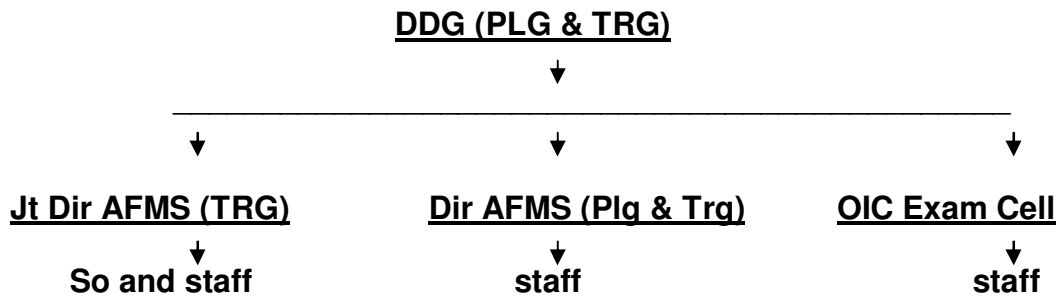
RTI CELL

12. The functioning of RTI Cell has already been given in para 3 of “Flow of Information sought ” on page 6.

Planning and Training Section –DG1D

13. Section DG-1D deals with training matters pertaining to the medical, dental, nursing and paramedical personnel of Army, Navy and Air Force. It also involves training of sponsored foreign/paramedical students and civilian candidates aspiring to join Armed Forces. The section functions as an interface between Armed Forces Medical Collage (AFMC) Pune & MoD and is responsible for supervising the training related administration of AFMC.

14. The Organisation of Planning and Training Section is as follows:-



Functions of DG-1D Section

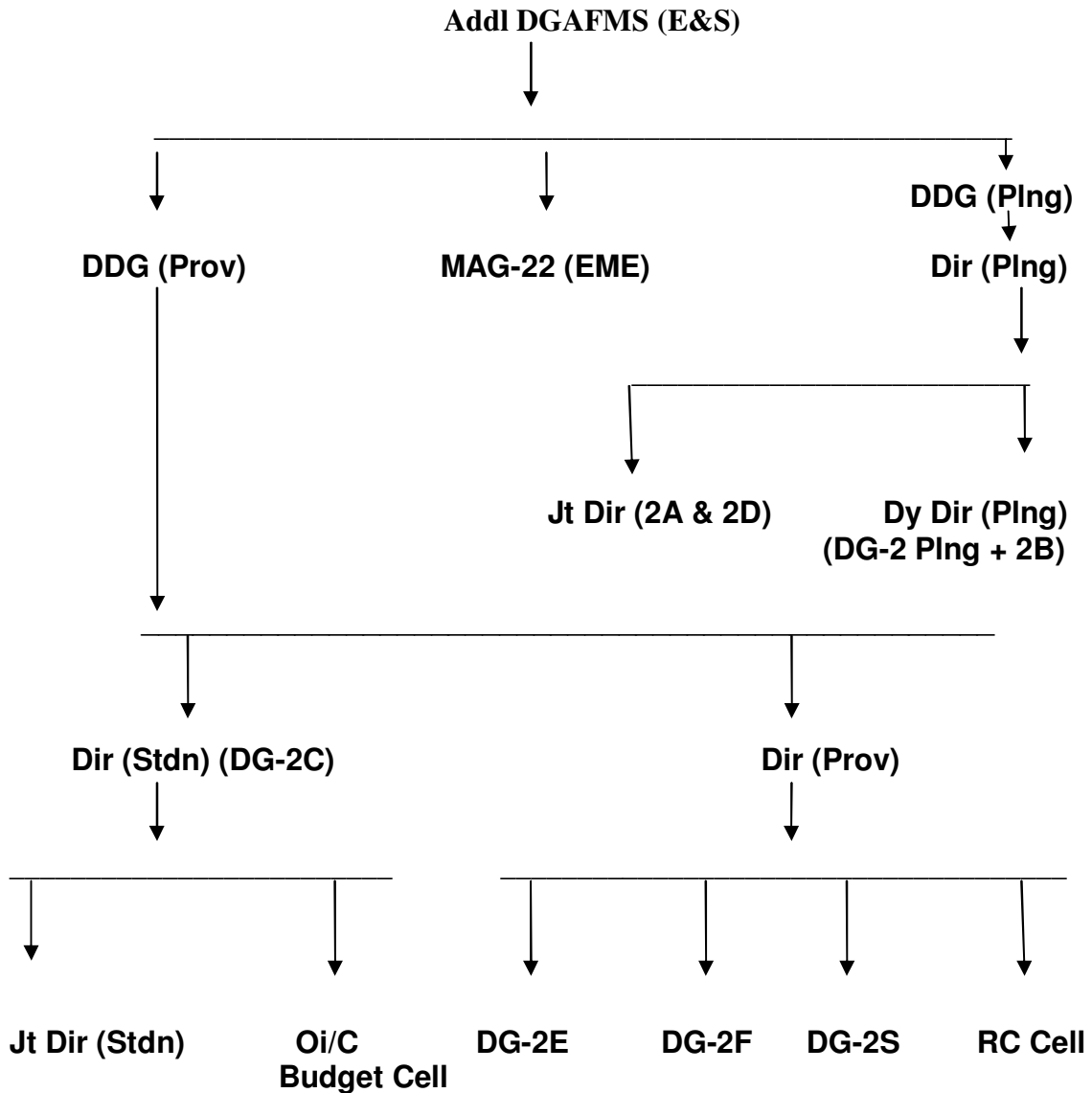
15. This section deals with administrative matters of AFMC, Pune besides conducting AFMC MBBS entrance examination, combined admission test for Post Graduate courses and finalizing programme courses for MOBC, MOSC & MOSCC.

Equipment and Stores Groups (DG-2 GROUP)

16. DG-2 Group deals with central procurement of all Medical, Dental and Veterinary store items for Armed Forces including payment indenters and ECHS including those required for foreign missions sanction by MOD. It also handles matters pertaining to planning, standardization, provisioning, issue, repair and disposal of medical stores. In addition, it also deals with civilian manpower management of DGAFMS units.

Organisation of DG-2 Group

17. The organization of DG-2 Group is as follows:-



Functions of section of DG-2 Group

DG-2A

18. This section deals with development of new ordnance items required for medical units besides review and revision of all equipment tales.

DG-2D

19. This section deals with policy matters on medical stores including indenting procedure and disposal instructions besides sanction of medical stores to new raising units and issue of stores to UN Missions/Foreign Missions.

DG-2B

20. This section deals with all personnel and administrative matters of civilians, JCOs and OR of units under DGAFMS.

DG-2 (PLNG)

21. This section deals with coordination of entire DG-2Group.

DG-2C

22. This section deals with revision of PVMS Sections and organizing “ Drug Review Committee” meetings, “Modernisation Committee” and Medical Equipment Scales Revision” meetings.

BUDGET CELL

23. Main function of Budget Cell are estimation of budget, compilation of expenditure and issue of sanctions for Capital and Revenue including ECHS, Rashtriya Rifles and JAK LI.

DG-2E

24. This section deals with compilation of MMF for service and ECHS personnel, placement of indents for drugs, consumables and equipment and monitoring the performance of vendors.

DG-2F

25. This section deals with Central provisioning of NIV drugs, NIV consumables, NIV equipment under Revenue budget and adhoc procurement of PVMS stores where annual drawl is less than Rs 20 Lakhs.

Rate Contract Cell

26. This section deals with tendering, processing and conclusion of Rate Contract at various levels.

DG-2S

27. This section deals with procurement of all cases under Capital Head and medical stores above Rs 25 lakhs under Revenue Head. Further, this section also deals with procurement of medical equipment for various ECHS polyclinics costing more than Rs 1.50 lakhs.

MAINTAINABILITY ADVISORY GROUP NUMBER - 22

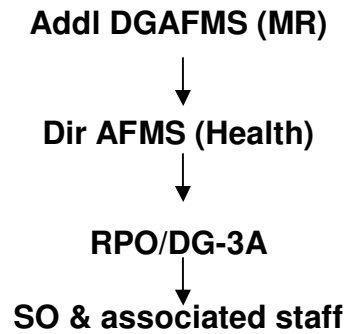
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28. The prime responsibility of this section is to associate with design, development and product agencies and to ensure that maintainability parameters are built in the products.

Health Section (DG-3A)

Organizational Structure

29. The organizational structure of DG-3A section is as follows: -



Functions

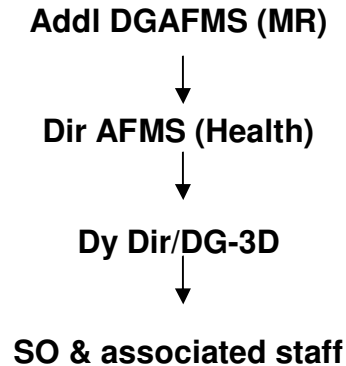
30. This section deals with formulation of policies on the issues pertaining to health of troops and their families.

Family Welfare Section (DG-3D)

31. Under Family Welfare programme (DG-3D) Cell has been established in the office of the Director General Armed Forces Medical Services to co-ordinate the Family Welfare achievements in the three Services and Ordnance Factories.

Organizational Structure

32. The Organisational structure of DG-3D section is as under :



Functions

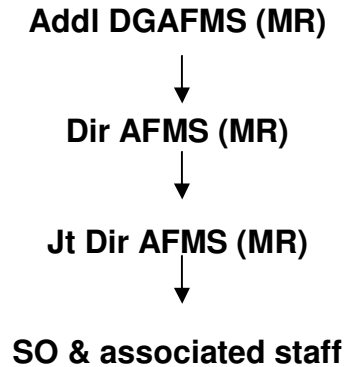
33. This section deals with overall planning, coordination, technical guidance and monitoring of implementation of Family Welfare Programme in the Armed Forces which includes Family Planning, Maternal and Child Health and Expanded Programme of Immunization.

34. This section is allotted three types of budget and the same is sub-allotted to Service HQrs, DGOF and PP Cell, AFMC Pune.

Medical Research Section (DG-3B and DG-3C)

Organizational Structure of DG-3B and DG-3C

35. The organizational structure of DG-3B and DG-3C sections is as follows:-



Functions of DG-3B

36. This section deals with coordination of all research activities in the Armed Forces through DRDO, AFMRC, HAMRC, ICMR and other Government agencies.

Functions of DG-3C

38. This section deals with periodic review/publication of DGAFMS Medical Memoranda and handling of all matters pertaining to MJAFI.

MA (PENSIONS)

39. **Responsibilities of MA (Pens)**

- (a) The office of MA (Pensions) in the office of DGAFMS deals with medical aspects of disability pension and Special Family Pension at, Initial Adjudication in doubtful cases and appeal stage forwarded by MoD/Service HQs and Record offices.
- (b) To assist the DGAFMS in all matters involving expression of medical opinion on claims for disability pension (DP) and Special Family Pension (SFP)
- (c) To assist the DGAFMS in formulation of medical opinion on pensionary claims coming up before the Defence Minister's Appellate Committee on Disability and Special Family Pensions for Second Appeals.
- (d) DDG AFMS (Pension) being the member of ACFA (Appellate Committee of First Appeals), to give opinion in all first Appeal cases of officers and PBORs.

40. **SOP for processing of grievances.**

- (a) MA (Pensions) section of O/o DGAFMS is processing the files for remarks of DGAFMS/DDG (Pension) on,
 - (i) First appeal case for ACFA for which AG/AOP/COP is the Chairman. Disposal is by concerned Service HQ/Records offices.
 - (ii) Second appeal case for DMACP in which RRM is the Chairman and DGAFMS is a member, Disposal is given by MoD.
 - (iii) Remarks on medical aspects to MoD on WPs Court cases/Legal issues.
- (b) As this sections not corresponding with individual/Units and remarks are recommendatory in nature, and above no documents/file is held by this section, Hence, grievances against the DP will be referred to Service HQ/concerned Records.

41. **Broad classification of info held**

- (a) Receipt, docketing and disposal of files (cases received from MoD/Service HQs)
- (b) Policy/guidelines for MOs on Mil Pension.