CENTRAL INFORMATION COMMISSION
Baba Gang Nath Marg,
Munirka, New Delhi -110067
Tel : +91-11-26186535

Appeal No. CIC/OISDE/A/2017/187328

Appellant: Sh. Muktesh C Kulkarni,
Respondent: Central Public Information Officer,
M/o. Petroleum and Natural Gas,
Oil Industry Safety Directorate,
8th Floor, Tower-A, OIDB Bhawan,
Plot No. 2, Sector-73, Noida-201301,
U.P.

Date of Hearing: 23.04.2018
Dated of Decision: 23.04.2018

RTI Application filed on: 26.03.2016
First Appeal filed on: 30.04.2016
FAA's order: 03.06.2016
2nd Appeal received on: 23.11.2016

ORDER

Facts:

1. The appellant filed RTI application dated 26.03.2016 seeking information regarding the reason for not allowing a credit in India in case of fire, though it is allowed as per API-STD-521; whether OISD-STD-109 figure 1 to 14 are to be mandatorily followed or user is allowed to make alternations; whether it is mandatory to follow M B Lal Committee recommendations, etc.

2. The appellant filed second appeal on 23.11.2016 with the Commission on the ground that information should be provided to him.

Hearing:

3. The respondent, Sh. S.K. Arya, Addl. Director was personally present in the hearing. The appellant was absent.
4. The respondent stated that vide their letter dated 21.04.2016, complete point-wise reply/information has already been furnished to the appellant.

5. The respondent stated that similar matter has already been heard by the Commission in file no. CIC/SH/A/2016/901695 dated 15.11.2017 titled as Muktesh Vs. CPIO, Ministry of:Petroleum & Natural Gas vide which the Commission had upheld the reply given by the respondent.

**Discussion/ observation:**

6. The action/steps taken by the respondent in dealing with the RTI application is satisfactory.

**Decision:**

7. No further intervention of the Commission is required in the matter.

The appeal is disposed of. Copy of the decision be given free of cost to the parties.

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy

(S.C. Sharma)
Dy. Registrar
From: Muktesh C. Kulkarni
501, Mulberry Society,
Opposite Kaushalya Hospital,
Ganeshwadi, Panchpakhadi,
Thane (west)-400601
Date: 19th November 2016

To,
Deputy Secretary (CR),
Central Information Commission,
August Kranti Bhavan, Bhikaji Kama Place,
New Delhi- 110 066

Subject: Re-filing of Second appeal Diary No 158954 dated 27/07/2016 after correcting the deficiencies
Reference: You letter dated 05/08/202016 regarding Diary No 158954

Dear Sir,

This is with reference to your letter dated 05/08/2016 citing certain deficiencies in the second appeal. I have complied with all the requirements and wish to re-submit my second appeal after such compliance. I am attaching herewith copy of reply from Minister in the Rajya Sabha dated 28.07.2016 wherein the purpose of RTI to promote transparency and accountability has been stressed upon. Moreover in the same reply it has also been mentioned that government is taking steps to train PIO and First Appellate Authorities to provide information effectively so as to reduce the Second Appeal. In this case the reply from PIO and First Appellate Authority defeats the purpose of RTI act and hence the need to file second appeal!

Please see below the index of various documents attached

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Look forward to a justice.

Thanking you,

Yours faithfully,

Muktesh C. Kulkarni
To
Mr./Ms./Mrs. MUKTESH KULKARNI
501 MULBERRY SOCIETY OPP
KAUSHALYA HOSPITAL GANESHWADI
PANCHPARKHADI THANE

Subject: - Return of Second Appeal for removal of deficiencies.

Madam Sir,

Reference your Second Appeal dated 17-07-2016 received vide above Diary Number in this Commission on 27-07-2016.

On scrutiny of the appeal, it is found that the same has the under mentioned deficiencies, as per the Right to Information Rules, 2012. Hence, it is returned in original for removing the deficiencies and refile the same:

I) Self attested copy of the first appeal made to the First Appellate Authority is not enclosed.

II) All the documents have not been self attested.

III) Index of the documents filed along with the appeal is not enclosed.

IV) Apart from the above, no proof of your identity (as per order dated 02.11.2012 of the Honourable High Court of Punjab & Haryana in CWP No. 4787/2011 - Fruit Merchant Union Vs CIC & anr.) has been submitted along with the appeal.

Enclosures: As above

Deputy Secretary (CR)

Note: While refileing the second appeal, a copy of this letter may also be enclosed.
Have you made complaint in this regard with CIC?

Supporting Documents
- Document 1
- Document 2
- Document 3

Further Documents
- Not available.

Information for Research and Analysis Purpose
Above information is sufficient to file this complaint. In case you agree to help us in research, kindly choose Yes and provide the information requested in the following dropdown boxes.

Close

Tap
APPLICATION FOR OBTAINING INFORMATION UNDER RIGHT TO INFORMATION ACT 2005

I.D. NO.: ___________ Date ___________ [FOR office use]

By regd. AD post

To,
Joint Director, APIO
Oil Industry Safety Directorate
8th Floor, OIDB Bhawan,
Plot no 2, Sector 73,
Noida-201301 (UP)

1. Name of the Applicant: Mr. Muktesh Chandrakant Kulkarni

2. Full Address [with phone No.]: 501, Mulberry Society, Opposite Kaushalya Hospital, Ganeshvadi, Panchpakhadi, Thane (west), Maharashtra, Pin-400601
   Cell No 9833356557

3. Particulars of information required: I have following queries related to various OISD standards and M. B. Lal committee recommendations
   (a) As per OISD-STD-106 clause 7.1 (c) no credit is allowed due to insulation in case of fire as a relief scenario. Kindly state the reason for not allowing a credit in India when it is allowed as per API-STD-521 wherein the estimation of environmental factor for insulation is given. It may please be noted that due to such stringent requirements of aforesaid OISD clause many safety valves, flare headers and flare systems have to be excessively overdesigned resulting in overmuch cost of civil and structural items in India. If a relaxation to clause no 7.1 (c) is allowed, please state the conditions under which such relaxation can be permitted.
   (b) In the OISD-STD-109 figure 1 to 14 are given in the end. Kindly let me know if these figures are to be mandatorily followed as it is or user is allowed to make
Mr. Muktesh Chandrakant Kulkarni  
501, Mulberry Society,  
Opposite Kaushalya Hospital,  
Ganeshwadi, Panch Pakhadi,  
Thane (West),  
Maharashtra  
400601


Sir,

With reference to your RTI Application no: nil dated 26th March, 2016 received by OISD on 30th March, 2016, the requisite information is as under:

Question No 3:

Particulars of information required: I have following queries related to various OISD standards and M. B. Lal committee recommendations

(a) As per OISD-STD-106 clause 7.1(c) no credit is allowed due to insulation in case of fire as a relief scenario. Kindly state the reason for not allowing a credit in India when it is allowed as per API-STD-521 wherein the estimation of environmental factor for insulation is given. It may please be noted that due to such stringent requirements of aforesaid OISD clause many safety valves, flare headers and flare systems have to be excessively overdesigned resulting in overmuch cost of civil and structural items in India. If a relaxation to clause no 7.1 (c) is allowed, please state the conditions under which such relaxation can be permitted.

(b) In OISD-STD-109 figure 1 to 14 are given in the end. Kindly let me know if these figures are to be mandatorily followed as it is or user is allowed to make necessary alterations thus considering the aforesaid figures as only indicative in nature and not mandatory.

(c) As per OISD-STD-109 figure 6 draining of hot hydrocarbon pump vent and drain is through a sample cooler. Kindly let me know whether a sample cooler as indicated in the figure 6 is necessary and in which refinery units in India it has been incorporated in the design. The figure indicates the routing of hydrocarbon to OWS via sample cooler. Can the hydrocarbon drain and vent of such pump be directly routed to hydrocarbon closed blowdown drum (CBD) without cooling the hydrocarbon in the sample cooler?

(d) As per clause 6.2.4 of OISD-STD-109 floor and paving drains including contaminated rain water shall be collected in Oil water sewer. Does the aforesaid clause imply that
Oily water sewer system (OWS) and contaminated rain water system (CRWS) shall be mandatorily combined henceforth?

(e) As per OISD-STD-194 boil off generation is required to be appropriately considered for LNG. Kindly provided a sample calculation for estimation of boil-off gas.

(f) As per OISD-STD-236 boil off generation is required to be appropriately considered for LPG. Kindly provided a sample calculation for estimation of boil-off gas.

(g) As per clause 4.2.4.2 of OISD-STD-152 automatic shutdown valve at the column bottom should be used. Kindly let me know if instead of automatic shutdown valve a remotely operated motorized operated valve (MOV) can be used.

(h) As per clause 4.4.2 of OISD-STD-125, dual seals with barrier fluid shall be applied for hydrocarbon liquid at an operating temperature above their auto ignition temperature. Please let me know why dual seal with buffer fluid can not be used in such cases.

(i) As per clause 4.4.2 of OISD-STD-125 while using dual seals with barrier fluid for liquid above auto ignition temperature, can one use the same pumping liquid as a barrier fluid by taking a tap-off from the discharge of the pump to the seal pot.

Reply: to Question no 3 (a) to (i)
The information sought does not fall under the Right to Information Act 2005.

(j) Kindly let me know if it is mandatory to follow M B Lal committee recommendations.

Reply:
M B Lal committee was constituted by MoP&NG to investigate the Jaipur Fire incident. The recommendations made by the committee were accepted by MoP&NG for implementation in Oil Installations.

(k) If it is mandatory to follow M B Lal committee recommendations kindly state the extent of its applicability such as whether those recommendations are applicable for Process Units or to the storage tank farm or the oil depots etc.

Reply:
As replied in j above.

(l) Kindly let me know whether M B Lal committee recommendations have been included in the relevant OISD standards (STD), recommended practices (RP) and guidelines (GDN) or not. If these recommendations have not been included in the
OISD standards, recommended practices and guidelines, kindly state the reason for not including the same.

Reply:
Relevant recommendations of M. B. Lal Committee have been incorporated in the OISD standards.

(Rakesh Agrawal)
Jt. Director (MO) & APIO
The Right to Information Act, 2005

First Appeal for Central Govt.
I.D. No __________ Date: __________ [For office use]

To,
RTI Appellate Authority
Director (Exploration & Production),
Oil Industry Safety Directorate (OISD),
Ministry of Petroleum and Natural Gas,
8th Floor, OIDB Bhawan, Plot no 2,
Sector 73, Noida, Uttar Pradesh-201301

Sir,
As I am aggrieved due to unsatisfactory response from Public Information Officer, I hereby file this appeal for your kind decision.

1. Details of appellant
1.1 Full Name: Muktesh Chandrakant Kulkarni
1.2 Full Address: 501, Mulberry, Opposite Kaushalya Hospital, Ganeshwadi, Panchpakhadi, Thane(W)-400 601, Maharashtra

1.3 Phone/Cell No. : +91-9833356557
1.4 Email ID: kulkarni.muktesh@gmail.com

2. Details of PIO
2.1 Name/Designation: Mr. Rakesh Agrawal, Joint Director (MO) & APIO
2.2 Full Address: Oil Industry Safety Directorate (OISD), 8th Floor, OIDB Bhawan, Plot no 2, Sector 73, Noida, Uttar Pradesh-201301

3. Details of RTI application to PIO:
Date of Application: 26th March 2016
by registered post
4. Particulars of payment of filing fee:
Paid Rs.10/- by Indian Postal Order No. 10F 841511 dated January
2016.

5. Details of information sought: I had sent a query whose copy
is attached for your perusal as Annexure-I.

6. Particulars of Decision of PIO: The Public Information officer
(PIO) has not replied to point no 3 (a) to (i) citing that the information
sought does not fall under The Right to Information Act 2005. Also the
answer to Point no 3 (j) is insufficient.

7. Brief facts of the case: The reason cited by CPIO for not providing
reply to point no 3(a) to (i) is untenable and unsatisfactory because of
following reasons
a) It is explicitly advised by Ministry of Personnel, Public Grievances
& Pensions vide its office memorandum No. 1/32/2013-IR dated
28th November, 2013 with subject ‘Guide on the Right to
Information Act, 2005 - updated Version’ page no 5 under the
heading ‘What is information?’
“Information is any material in any form. It includes records,
documents, memos, e-mails, opinions, advices, press releases, circulars, orders,
logbooks, contracts, reports, papers, samples, models, data material
held in any electronic form”. Please refer the directive from Ministry of
Personnel, Public Grievances & Pensions on website
it is the duty of APIO to abide by the guidelines provided and not to
make claims contrary to the guidelines to evade the questions. See
Annexure-II.
b) All the questions in the application are related to the extant OISD
standards which are formulated by the committee of experts in the
industry who is competent to give opinion and advice.
c) The questions in the application do not fall under the category of
either section 8 ‘Exemption from disclosure of information’ or
section 9 ‘Grounds for rejection to access in certain
cases’ of RTI act 2005 and hence must be answered.
d) The reply to point no 3 (j) does not specify the facilities covered
under the ‘Oil Installation’. Also the definition of Oil Installation is not
given in any of the OISD standards. Kindly arrange to provide the
same.
8. Reasons/grounds for this appeal: As explained in detail in point no 7 above.

9. Any other information in support of appeal: No

10. Personal Presence at hearing: No

Date of appeal: 30\textsuperscript{th} April 2016

Signature of appellant
Office of First Appellate Authority (RTI Act, 2005)

Ref : OISD/RTI/ACT/08
Date : 03/06/2016


Shri Muktesh ChandraKant Kulkarni … Appellant

Versus

PIO, Jt. Director, (MO) … Respondent

ORDER

By the instant appeal dated 30.04.2016, received in this office on 04.05.2016, the Appellant has challenged the information provided by the Respondent vide letter dated 21.04.2016 in relation to his RTI application dated 26.02.2016.

Brief Facts

The Appellant vide his RTI application dated 26.02.2016 sought following information:

a) As per OISD-STD-106 clause 7.1(c) no credit is allowed due to insulation in case of fire as relief scenario. Kindly state the reason for not allowing a credit in India when it is allowed as per API-STD-521 wherein the estimation of environmental factor for insulation is given. It may please be noted that due to such stringent requirements of aforesaid OISD clause may safety valves, flare headers, and flare systems have to be excessively overdesigned resulting in overmuch cost of civil and structure items in India. If a relaxation to clause no. 7.1 (c) is allowed, please state the conditions under which relaxation can be permitted.

b) In OISD-STD-109 figure 1 to 14 are given in the end. Kindly let me know of these figures are to be mandatorily followed as it is or user is allowed to make necessary alternations, thus considering the aforesaid figures as only indicative in nature and not mandatory.

c) As per OISD-STD-109 figure 6 draining of hot hydrocarbon pump vent and drain is through a sample cooler. Kindly let me know whether a sample cooler as indicated in figure 6 is necessary and in which refinery units in India it has been incorporated in the design. The figure indicates the routing of hydrocarbon to OWS via sample cooler. Can the hydrocarbon drain and vent...
of such pump be directly routed to hydrocarbon closed blow down drum (CBD) without cooling the hydrocarbon in the sample cooler?

d) As per clause 6.2.1 of OISD-STD-109 floor and paving drains including contaminated rain water shall be collected in Oily water sewer. Does the aforesaid clause imply that Oily water sewer system (OWS) and contaminated rain water system (CRWS) shall be mandatory combined henceforth?

e) As per OISD -STD -194 boil off generation is required to be appropriately considered for LNG. Kindly provided a sample calculation for estimation of boil-off gas.

f) As per OISD-STD-236 boil off generation is required to be appropriately considered for LPG. Kindly provided a sample calculation for estimation of boil-off gas.

g) As per clause 4.2.4.2 of OISD-STD-152 automatic shutdown valve at the column bottom should be used. Kindly let me know if instead of automatic shutdown valve a remotely operated motorized operated valve (MOV) can be used.

h) As per clause 4.2.2 of OISD-STD-125, dual seals with barrier fluid shall be applied for hydrocarbon liquid at an operating temperature above their auto ignition temperature. Please let me know why dual seal with buffer fluid cannot be used in such cases.

i) As per clause 4.4.2 of OISD-STD-125 while using dual seals with barrier fluid for liquid above auto ignition temperature, can one use the same pumping liquid as a barrier fluid by taking a tap-off from the discharge of the pump to the seal pot.

j) Kindly let me know if it is mandatory to follow M B Lal committee recommendations.

k) If it is mandatory to follow M B Lal committee recommendations kindly state the extent of its applicability such as whether those recommendations are applicable for Process Units or to the storage tank farm or the oil depots etc.

l) Kindly let me know whether M B Lal committee recommendations have been included in the relevant OISD standards (STD), recommended practices (RP) and guidelines (GDN) or not. If these recommendations have not been included in the OISID standards, recommended practices and guidelines, kindly state the reasons for not including the same.

The Appellant has now filed the subject appeal against the reply of the Respondent in relation to information sought at serial no. 1 to 12. Against information sought at serial no. 1 to 12, Appellant in the appeal submits as under:-

b) All the questions in the application are related to the extant OISD standards which are formulated by the committee of experts in the industry who is competent to give opinion and advice.

c) The questions in the application do not fall under the category of either section B 'Exemption from disclosure of information' or section 9 'Grounds for rejection to access in certain cases' of RTI Act 2005 and hence must be answered.

d) The reply to point no. 3(j) does not specify the facilities covered under the 'Oil Installation'. Also the definition of Oil Installation is not given in any of the OISD standards. Kindly arrange to provide the same.

**Final Order:**

After going through the appeal in question, application of the Appellant dated 26.02.2016 and reply of the Respondent dated 21.04.2016 to the Appellant, it is observed that, against the information sought at serial no. 1 to 9, the Respondent has categorically informed the Appellant that information sought doesn't fall within the gambit of the Right to Information Act, 2005 and for information at serial no. 10 to 12, the Respondent has stated that M B Lal committee was constituted by Ministry of Petroleum & Natural Gas (MoP&NG) to investigate the Jaipur Fire incident and the recommendations made by the Committee were accepted by MoP&NG for implementation in Oil installations and relevant recommendations of M. B. Lal committee have been incorporated in the OSID standards.

It is observed that the Appellant through RTI has sought the reasons and opinion of Public Authority on the various OISD-STD. It is pertinent to note that Public Authority is required to provide the information as is available, to the RTI Applicant and giving of reasons thereof and opinions is not permissible under the provisions of the RTI Act, 2005.

In this regard, I quote the judgment of the Hon'ble Supreme Court in :

A. Central Board of Secondary Education and Anr. Vs. Aditya Bandopadhyay and Ors. CIVIL APPEAL No. 6454 OF 2011 SLP [C] No.7526/2009, where-in the Hon'ble Supreme Court has observed that a
public authority is not required to furnish information which require drawing of
inferences and/or making of assumptions. It is also not required to provide
'advice' or 'opinion' to an applicant, nor required to obtain and furnish any
'opinion' or 'advice' to an applicant.

B. Khanapuram Gandaiah Vs. Administrative Officer and Ors. SLP (Civil)
No. 34868 of 2009, dated 04.01.2010, where-in the Hon'ble Supreme Court
has held that under the RTI Act "information" is defined under Section 2(f).
This definition shows that an applicant under Section 6 of the RTI Act can only
get information which is already in existence and accessible to the public
authority under law. The Applicant cannot ask for any information as to why
such opinions, advices, circulars, orders, etc. have been passed.

Further, the Appellant through his queries is making endeavor to elicit information
which is not permissible under the RTI Act. CIC in its order, Shri Kishanlal Mittal
Vs. Central Public Information Officer, Reserve Bank of India,
CIC/SG/A/2011/003606/17258/VS /4271 dated 04.10.2013 has also held that
"fishing and roving" queries are not permissible under the RTI Act, 2005.

In view of the above, the grounds of appeal raised by the Appellant are not
sustainable. The Appeal is disposed accordingly.

(Ranjana Mehrotra)
Appellate Authority & Director (MO-LPG)

Name & Address of the Parties:
1. Shri. Muktesh Chandra Kant Kulkarni, (Address- 501, Mulberry, Opposite
Kaushalya Hospital, Ganeshwadi, Panchpakhadi, Thane (W) – 400 601,
Maharashtra)
2. Assistant Public Information Officer, (Address – Oil Industry Safety
Directorate (OISD), 8th Floor, OIDB Bhawan, Plot No. 2, Sector 73, Noida,
Uttar Pradesh – 201301)
APPLICATION FOR OBTAINING INFORMATION UNDER RIGHT TO INFORMATION ACT 2005

I.D. NO.: ____________ Date ____________ [FOR office use]

By regd. AD post

To,

Joint Director, APIO
Oil Industry Safety Directorate
8th Floor, OIDB Bhawan,
Plot no 2, Sector 73,
Noida-201301 (UP)

1. Name of the Applicant: Mr. Muktesh Chandrakant Kulkarni

2. Full Address [with phone Nos.]: 501, Mulberry Society, Opposite Kaushalya Hospital, Ganeshwadi, Panchpakhadi, Thane (west), Maharashatra, Pin-400601
   Cell No 9833356557

3. Particulars of information required: I have following queries related to various OISD standards and M. B. Lal committee recommendations
   (a) As per OISD-STD-106 clause 7.1 (c) no credit is allowed due to insulation in case of fire as a relief scenario. Kindly state the reason for not allowing a credit in India when it is allowed as per API-STD-521 wherein the estimation of environmental factor for insulation is given. It may please be noted that due to such stringent requirements of aforesaid OISD clause many safety valves, flare headers and flare systems have to be excessively overdesigned resulting in overmuch cost of civil and structural items in India. If a relaxation to clause no 7.1 (c) is allowed, please state the conditions under which such relaxation can be permitted.
(b) In the OISD-STD-109 figure 1 to 14 are given in the end. Kindly let me know if these figures are to be mandatorily followed as it is or user is allowed to make
necessary alterations thus considering the aforesaid figures as only indicative in nature and not mandatory.

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(k) If it is mandatory to follow M. B. Lal committee recommendations kindly state the extent of its applicability such as whether those recommendations are applicable for Process Units or to the storage tank farm or the oil depots etc.

(l) Kindly let me know whether M. B. Lal committee recommendations have been included in the relevant OISD standards (STD), recommended practices (RP) and guidelines (GDN) or not. If these recommendations have not been included in the OISD standards, recommended practices and guidelines, kindly state the reason for not including the same.

4. Details of payment of filing fees:

Indian Postal Order No. 10F 841511 dated January 2016 for Rs.10/- is enclosed. Since I could not locate exact name of payee, I am enclosing blank IPO with a request to fill in the details u/s 5.3.

5. Details of enclosures if any: None other than Indian Postal Order

6. Please rush the information to me by speed/registered post.

7. If the information is not with you, please forward this application to appropriate PIO, under intimation to me.

8. Please also provide me file notings and action taken report on this application along with your reply.

9. Please permit me to inspect relevant record.

Date: 26th March 2016 Signature of Applicant
OFFICE MEMORANDUM


Section 26 of the RTI Act requires the Government to compile a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified in the Act. Further, it requires the Government to update the guide at regular intervals. Accordingly an updated Guide on the Act is hereby published online which would help all the stake-holders viz. information seekers in getting information, public information officers in dealing with the RTI applications, first appellate authorities in taking cogent decisions on appeals and the public authorities in implementing various provisions of the Act in right earnest.

(SANDEEP JAIN)
Director
Tel: 23082755
Part I

FOR ALL STAKEHOLDERS

Object of the Right to Information Act

4. The basic object of the Right to Information Act is to empower the citizens, to promote transparency and accountability in the working of the Government, to contain corruption, and to enhance people's participation in democratic process thereby making our democracy work for the people in a real sense. It goes without saying that an informed citizen is better equipped to keep necessary vigil on the instruments of governance and make the government more accountable to the governed. The Act is a big step towards making the citizens informed about the activities of the Government.

What is Information

5. Information is any material in any form. It includes records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.

What is a Public Authority

6. A "public authority" is any authority or body or institution of self government established or constituted by or under the Constitution; or by any other law made by the Parliament or a State Legislature; or by notification issued or order made by the Central Government or a State Government. The bodies owned, controlled or substantially financed by the Central Government or a State Government are also public authorities. Non-Government organisations substantially financed by the Central Government or a State Government also fall within the definition of public authority. The substantial financing by the Central Government or a State Government may be direct or indirect. The Act does not define substantial financing. Various courts/Information Commissions have been deciding on this issue on case to case basis, depending upon the merits of each case.
GOVERNMENT OF INDIA  
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS  
(DEPARTMENT OF PERSONNEL AND TRAINING)  
RAJYA SABHA  
UNSTARRED QUESTION NO. 1276  
(TO BE ANSWERED ON 28.07.2016)  
IMPLEMENTATION OF RTI ACT  

1276. SHRI DEVENDER GOUD T.;  
Will the PRIME MINISTER be pleased to state:  
(a) the aims and objectives of Right to Information (RTI) Act;  
(b) whether any assessment has been made about the implementation of RTI Act, if so, the findings of the same;  
(c) whether the Ministry is aware that pending appeals under RTI have gone up from 6,917 in 2009 to 37,878 in 2015, if so, whether the pendency is defeating the objective of RTI; and  
(d) how the Ministry is planning to reduce the pendency and also bring in more transparency in disposal of cases?  

ANSWER  
Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister’s Office. (DR. JITENDRA SINGH)  

(a): Right to Information (RTI) Act, 2005 provides for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority.  

(b): A study was conducted through an independent organization to assess the key issues and constraints in implementation of the provisions of Right to Information Act, 2005. The study, inter-alia, points out that awareness about the RTI Act in rural areas is less than in urban areas; awareness amongst women is much less than men; the gap in implementation of the RTI Act is because of lack of clear accountability in respect of various functionaries etc. The study recommended measures for improving awareness on right to information; improving convenience in filing information requests; improving efficiency of the Information Commissions, enhancing accountability and clarity of various stakeholders, etc.  

(c) & (d): As on 21.07.2016, 35986 appeals and complaints are pending in the Central Information Commission.  

For speedy disposal of pending cases the Government has taken several steps like capacity building through training and issue of guidelines for Public Information Officers and First Appellate Authorities, so as to enable them to supply information/dispose of first appeal effectively, resulting into less number of appeals to the Information Commission. The Government apart from a number of clarificatory orders has also issued an OM No. 1/18/2007-IR dated 21th September, 2007 and 1/6/2011-IR dated 15th April, 2013 impressing upon the public authorities to disclose maximum information proactively so that citizens need not resort to filing of RTI applications to access information available with the public authorities. The Central Information Commission has also been granted autonomy in recruitment of staff. Since 25.02.2016, the CIC is working with Chief Information Commissioner and maximum possible number of ten Information Commissioners.  

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Bharat Sarkar
Unique Identification Authority of India

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