**Difference between Section 5(4) and section 6(3) RTI act**

**PIO and FAA to whom the application is wrongfully forwarded u/s 6(3) RTI has no legal authority to deal with the RTI application and First appeal directly. The PIO shall assist the PIO to whom the original RTI application is addressed to.**

**First appellate authority shall be liable for prosecution u/s 219 IPC as the PIO & FAA to whom the RTI application is forwarded has no legal authority to directly deal with RTI applicant.**

1. Section 5(4): the CPIO or SPIO a, as the case may be, may seek the assistance of any other officer as he or she considers it necessary for proper discharge of duties
2. Section 5(5) : any officer, whose assistance has been sought under sub section (4) shall render all assistance to CPIO or SPIO seeking his or her assistance and for the purposes of any contravention of the provisions of this act, such other officer shall be treated as CPIO or SPIO as the case may be.

**The word transfer of RTI application is not mentioned in the definition of section 5(4) & (5) RTI act. Which means PIO shall take assistance for collection of information.**

**This means when the information is sought from one public authority the PIO shall use 5(4) and gather information from the assistant and not use section 6(3) of RTI act. i.e. within BMC 5(4) shall be applicable. If it relates to MHADA and police 6(3) shall be applicable.**

**Hence information pertaining to other department of the same public authority shall be under 5(4) and the person rendering the assistance shall provide the information to the PIO himself.**

**Forwarding the RTI application to the other department of the same public authority u/s 6(3) is incorrect and illegal.**

1. Section 6(3): where any application is made to a public authority requesting for a information
2. Which is held by another public authority or
3. The subject matter of which is closely connected with the functions of another public authority

The public authority, to which such application is made , shall transfer the application or such part of it as may be appropriated to that other public authority and inform the applicant immediately about such transfer;

Provided the transfer of an application pursuant to this sub section shall be made as soon as practicable but in no case later than 5 days from the date of receipt of the application.

**As such I strongly object your department forwarding the RTI application to other departments OF MHADA being the same public authority which creates more confusion and mislead the RTI applicant, which will convert into 5 First appeal and 5 different 2nd appeals instead of one appeal and one 2nd appeal. .**

**or**

As such we need to take strong objections when BMC/ MHADA/ SRA/ POLICE /ACB/ EOW department forwards the RTI application to other departments OF THEIR OWN AUTHORITY to create confusion and to mislead the RTI applicant.

1. Section 2H : public authority

Means any authority or body or institution of self government established or constituted

1. By or under the Constitution
2. By any other law made by parliament
3. …………….