

MANUAL FOR RTI ACT, 2005

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Right to Information Act, 2005– AT A Glance

Who is covered?

The Act extends to the whole of India except the State of Jammu and Kashmir. [S.(12)]

What does information mean?

Information means any material in any form including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, 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 but does not include "file noting" [S.2(f)].

What does Right to Information mean?

It includes the right to -

inspect works, documents, records.

take notes, extracts or certified copies of documents or records.

take certified samples of material.

obtain information in form of printouts, diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts.[S.2(j)]

What are the obligations of Public Authority.

It shall publish within one hundred and twenty days of the enactment:-

the particulars of its

1. organization, functions and duties;
2. the powers and duties of its officers and employees;
3. the procedure followed in its decision making process, including channels of supervision and accountability;
4. the norms set by it for the discharge of its functions;
5. the rules, regulations, instructions, manuals and records used by its employees for discharging its functions;
6. a statement of the categories of the documents held by it or under its control;
7. the particulars of any arrangement that exists for consultation with, or representation by the members of the public, in relation to the formulation of policy or implementation thereof;
8. a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted by it. Additionally, information as to whether the meetings of these are open to the public, or the minutes' of such meetings are accessible to the public;
9. a directory of its officers and employees;

10. the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
11. the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
12. the manner of execution of subsidy programmes, including the amounts allocated and the details and beneficiaries of such programmes;
13. particulars of recipients of concessions, permits or authorizations granted by it;
14. details of the information available to, or held by it, reduced in an electronic form;
15. the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
16. the names, designations and other particulars of the Public Information Officers.[S.4(1)(b)]

What is not open to disclosure?

The following is exempt from disclosure [S.8]

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

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;

information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

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;

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;

information received in confidence from foreign Government;

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;

information which would impede the process of investigation or apprehension or prosecution of offenders;

cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers;

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;

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.

What does a "public authority" mean?

It means any authority or body or institution of self-government established or constituted: [S.2(h)]

by or under the Constitution;

by any other law made by Parliament;

by any other law made by State Legislature;

by notification issued or order made by the appropriate Government and includes any-

body owned, controlled or substantially financed

non-Government organization substantially financed directly or indirectly by the appropriate Government.

Who are Public Information Officers (PIOs)?

PIOs are officers designated by the public authorities in all administrative units or offices under it to provide information to the citizens requesting for information under the Act

What are the duties of a PIO?

PIO shall deal with requests from persons seeking information and where the request cannot be made in writing, to render reasonable assistance to the person to reduce the same in writing.

If the information requested for is held by or its subject matter is closely connected with the function of another public authority, the PIO shall transfer, within 5 days, the request to that other public authority and inform the applicant immediately.

PIO may seek the assistance of any other officer for the proper discharge of his/her duties.

PIO, on receipt of a request, shall as expeditiously as possible, and in any case within 30 days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in S.8 or S.9.

Where the information requested for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.

What is the Application Procedure for requesting information?

Apply in writing or through electronic means in English or Hindi or in the official language of the area, to the PIO, specifying the particulars of the information sought for.

Reason for seeking information are not required to be given;

Pay fees as may be prescribed (IPO/Banker's Cheque/Cash) (if not belonging to the below poverty line category).

What is the time limit to get the information?

30 days from the date of application

48 hours for information concerning the life and liberty of a person

5 days shall be added to the above response time, in case the application for information is given to Assistant Public Information Officer.

If the interests of a third party are involved then time limit will be 40 days (maximum period + time given to the party to make representation).

Failure to provide information within the specified period is a deemed refusal.

What is the fee?

Application fees to be prescribed which must be reasonable.

If further fees are required, then the same must be intimated in writing with calculation details of how the figure was arrived at;

Applicant can seek review of the decision on fees charged by the PIO by applying to the appropriate Appellate Authority;

No fees will be charged from people living below the poverty line

Applicant must be provided information free of cost if the PIO fails to comply with the prescribed time limit.

What could be the ground for rejection?

If it is covered by exemption from disclosure. (S.8)

If it infringes copyright of any person other than the State. (S.9)

Who are the Appellate Authorities?

First Appeal: First appeal to the officer senior in rank to the PIO in the concerned Public Authority within 30 days from the expiry of the prescribed time limit or from

the receipt of the decision (delay may be condoned by the Appellate Authority if sufficient cause is shown).

Second Appeal: Second appeal to the Central Information Commission or the State Information Commission as the case may be, within 90 days of the date on which the decision was given or should have been made by the First Appellate Authority. (delay may be condoned by the Commission if sufficient cause is shown).

First Appeal shall be disposed of within 30 days from the date of its receipt. Period extendable by 15 days if necessary. (S.19)

How is Central Information Commission constituted?

Central Information Commission to be constituted by the Central Government through a Gazette Notification.

Commission includes 1 Chief Information Commissioner (CIC) and not more than 10 Information Commissioners (IC) who will be appointed by the President of India.

Oath of Office will be administered by the President of India according to the form set out in the First Schedule.

Commission shall have its Headquarters in Delhi. Other offices may be established in other parts of the country with the approval of the Central Government.

Commission will exercise its powers without being subjected to directions by any other authority. (S.12)

What is the eligibility criteria and what is the process of appointment of CIC/IC?

Candidates for CIC/IC must be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.

CIC/IC shall not be a Member of Parliament or Member of the Legislature of any State or Union Territory. He shall not hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession. (S.12)

Appointment Committee includes Prime Minister (Chair), Leader of the Opposition in the Lok Sabha and one Union Cabinet Minister to be nominated by the Prime Minister.

What is the term of office and other service conditions of CIC?

CIC shall be appointed for a term of 5 years from date on which he enters upon his office or till he attains the age of 65 years, whichever is earlier.

CIC is not eligible for reappointment.

Salary will be the same as that of the Chief Election Commissioner. This will not be varied to the disadvantage of the CIC during service. (S.13)

What is the term of office and other service conditions of IC?

IC shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier and shall not be eligible for reappointment as IC.

Salary will be the same as that of the Election Commissioner. This will not be varied to the disadvantage of the IC during service.

IC is eligible for appointment as CIC but will not hold office for more than a total of five years including his/her term as IC. (S.13)

How is the State Information Commission constituted?

The State Information Commission will be constituted by the State Government through a Gazette notification. It will have one State Chief Information Commissioner (SCIC) and not more than 10 State Information Commissioners (SIC) to be appointed by the Governor.

Oath of office will be administered by the Governor according to the form set out in the First Schedule.

The headquarters of the State Information Commission shall be at such place as the State Government may specify. Other offices may be established in other parts of the State with the approval of the State Government.

The Commission will exercise its powers without being subjected to any other authority.

[What is the eligibility criterion and what is the process of appointment of State Chief Information Commissioner/State Information Commissioners?](#)

The Appointments Committee will be headed by the Chief Minister. Other members include the Leader of the Opposition in the Legislative Assembly and one Cabinet Minister nominated by the Chief Minister.

The qualifications for appointment as SCIC/SIC shall be the same as that for Central Commissioners.

The salary of the State Chief Information Commissioner will be the same as that of an Election Commissioner. The salary of the State Information Commissioner will be the same as that of the Chief Secretary of the State Government. (S.15)

[What are the powers and functions of Information Commissions?](#)

The Central Information Commission/State Information Commission has a duty to receive complaints from any person -

- a) who has not been able to submit an information request because a PIO has not been appointed ;
- b) who has been refused information that was requested;
- c) who has received no response to his/her information request within the specified time limits ;
- d) who thinks the fees charged are unreasonable ;
- e) who thinks information given is incomplete or false or misleading ;and
- f) any other matter relating to obtaining information under this law.

Power to order inquiry if there are reasonable grounds.

CIC/SCIC will have powers of Civil Court such as -

- a) summoning and enforcing attendance of persons, compelling them to give oral or written evidence on oath and to produce documents or things;
- b) requiring the discovery and inspection of documents;
- c) receiving evidence on affidavit ;
- d) requisitioning public records or copies from any court or office
- e) issuing summons for examination of witnesses or documents
- f) any other matter which may be prescribed.

All records covered by this law (including those covered by exemptions) must be given to CIC/SCIC during inquiry for examination.

Power to secure compliance of its decisions from the Public Authority includes-

- a) providing access to information in a particular form;
- b) directing the public authority to appoint a PIO/APIO where none exists;
- c) publishing information or categories of information;
- d) making necessary changes to the practices relating to management, maintenance and destruction of records ;
- e) enhancing training provision for officials on RTI;
- f) seeking an annual report from the public authority on compliance with this law;
- g) require it to compensate for any loss or other detriment suffered by the applicant ;
- h) impose penalties under this law; or
- i) reject the application. (S.18 and S.19)

[What is the reporting procedure?](#)

Central Information Commission will send an annual report to the Central Government on the implementation of the provisions of this law at the end of the year. The State Information Commission will send a report to the State Government .

Each Ministry has a duty to compile reports from its Public Authorities and send them to the Central Information Commission or State Information Commission, as the case may be.

Each report will contain details of number of requests received by each Public Authority, number of rejections and appeals, particulars of any disciplinary action taken, amount of fees and charges collected etc.

Central Government will table the Central Information Commission report before Parliament after the end of each year. The concerned State Government will table the report of the State Information Commission before the Vidhan Sabha (and the Vidhan Parishad wherever applicable). (S.25)

What are the penalty provisions?

Every PIO will be liable for fine of Rs. 250 per day, up to a maximum of Rs. 25,000/-, for

- (a) not accepting an application;
- (b) delaying information release without reasonable cause;
- (c) malafidely denying information;
- (d) knowingly giving incomplete, incorrect, misleading information;
- (e) destroying information that has been requested and
- (f) obstructing furnishing of information in any manner.

The Information Commission (IC) at the Centre and the State levels will have the power to impose this penalty. The Information Commission can also recommend disciplinary action for violation of the law against an erring PIO. (S.20)

What is the jurisdiction of courts?

Lower Courts are barred from entertaining suits or applications against any order made under this Act. (S.23) However, the writ jurisdiction of the Supreme Court and High Courts under Articles 32 and 225 of the Constitution remains unaffected.

What is the role of Central/State Governments?

Develop educational programmes for the public especially disadvantaged communities on RTI.

Encourage Public Authorities to participate in the development and organization of such programmes.

Promote timely dissemination of accurate information to the public.

Train officers and develop training materials.

Compile and disseminate a User Guide for the public in the respective official language.

Publish names, designation postal addresses and contact details of PIOs and other information such as notices regarding fees to be paid, remedies available in law if request is rejected etc. (S.26)

Who has the Rule making power?

Central Government, State Governments and the Competent Authority as defined in S.2(e) are vested with powers to make rules to carry out the provisions of the Right to Information Act, 2005. (S.27 & S.28)

Who has the power to deal with the difficulties while implementing this act?

If any difficulty arises in giving effect to the provisions in the Act, the Central Government may, by Order published in the Official Gazette, make provisions necessary/expedient for removing the difficulty. (S.30)

(PS : Readers are cautioned that this is only an interpretation and for accuracy of the position, therefore may please check up with the Act and relevant Rule(s) itself.

2. How to request for Information?

The request for obtaining information under sub-section (1) of section (6) shall be made in writing clearly specifying the information sought under the Act along with the contact details (postal address, telephone number, fax number, email address) so that the applicants can be contacted for clarifications or the information and the citizen status (Since as per the Act, information can be furnished only to citizens of India). The request should be accompanied by an application fee of rupees ten by way of cash against proper receipt or by demand draft or bankers cheque payable to the National Institute of Siddha

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For providing the information under sub-section (1) of section 7, the fee shall be charged by way of cash against proper receipt or by demand draft or bankers cheque payable to the National Institute of Siddha at the following rates :-

- rupees two for each page (in A-4 or A-3 size paper) created or copied;
- actual charge or cost price of a copy in large size paper;
- actual cost or price for samples or models; and
- for inspection of records no fee for the first hour; and a fee of rupees five for each fifteen minutes (or fraction thereof)

thereafter;

For providing the information under sub-section (5) of section 7, the fee shall be charged by way of cash against proper receipt or by demand draft or bankers cheque payable to the National Institute of Siddha at the following rates :-

(a) for information provided in diskette or floppy rupees fifty per diskette or floppy; and

(b) for information provided in printed form at the price fixed for such publication or rupees two per page of photocopy for extracts from the publication.

3. Particulars of the Applicant:

(a) Name :

(b) Address :

(c) E-mail address :

(d) Phone/Fax. No. :

2. Date of Submission of Application:

3. Subject Matter :

4. Details of Information requested :

5. Period to which the information relates (Maximum period in each application should not exceed three years) :

6. Fee* enclosed (in cash/DD/Banker's cheque) :

7. Due dates by which information is to be furnished (30 days from submission of application) :

8. How the applicant would like his information to be sent :

(a) By post :

(b) To be collected by hand :

(c) By e- mail :

(d) By fax :

(* Fee paid by way of Court Fee stamp / Treasury challans will be not be considered as RTI fee in National Institute of Siddha which is a Govt. of India Institution)

Manual : 1

Particulars of organization, functions and duties

Location

National Institute of Siddha (NIS) is located alongside Grand South Trunk Road (GST road) at Tambaram Sanatorium in Chennai. It is at a distance of about 6 km from Chennai Airport, about 24 km from Chennai Central Railway Station, just 2 km from Tambaram Railway Station and about 100 Meters from Tambaram Sanatorium Railway Station. It is about 13 km from The Tamil Nadu Dr. MGR Medical University to which it is affiliated.

1.Aims & Objectives

1. To impart Post-graduate education in Siddha System.
2. To conduct experiments and to develop pattern of teaching in PG education in Siddha System.
3. To conduct research in various aspects of Siddha.
4. To provide medical care through Siddha System of Medicine to the suffering humanity.
5. To develop, promote and propagate the science and art of Siddha.
6. To act as a centre of excellence for Siddha System.

2. Functions: (Bye law)

1. In order to promote the above objectives, the institute may perform all necessary functions.
2. To develop the Institute may perform all necessary functions

3. To develop the Institute into an advanced clinical, educational, training & research centre.
4. To provide advanced training in professional techniques and theory.
5. To seek affiliation of the Institute with Dr. MGR medical University, Chennai.
6. To conduct refresher courses for Siddha UG/PG teacher, Siddha physician and paramedical staff.
7. To publish journals, research papers, leaflets and textbooks and augment and maintain libraries/information services in furtherance of the objects.
8. To invite representatives of the Government, Universities and form organizations of foreign countries and prominent scientists to participate in the programme of the Institute.
9. To cooperate with national and international agencies engaged in research and training in Siddha medicine and arrange for exchange of personnel, materials and data.
10. To subscribe to, or become a member of, or co operate/coordinate with, any other association of society whose objects are similar.
11. To develop data base on the knowledge regarding scientific discoveries, institutions involved in siddha research, scientists and their contributions in the field of Siddha.
12. To create administrative, technical, ministerial and other posts under the Institute and makes appointments thereto in accordance with the rules and regulations of the Institute.
13. To accept grants, gifts, donations securities and movable and immovable properties of any kind offered by the Central Government and State Governments and State Government of TamilNadu for the furtherance of the objectives.
14. To issue appeals and apply for money and funds in the furtherance of the objects of the Institute and to raise or collect funds by gifts, donations, subscriptions or otherwise of cash and securities and any property, either movable or immovable, and grant such rights and privileges to the donor, subscribers and other benefactors as the Institute may consider fit and proper.
15. To acquire, purchase, exchange, lease, hire or otherwise, however, any property, movable or immovable, which may be necessary or convenient for running the Institute and build, construct, improve, alter, demolish and repair such buildings, works and construction, as may be necessary for carrying out the objects of the Institute.
16. To invest and deal with funds and money of the Institute.
17. To appoint and hire services or discharge/terminate the services of the personnel and to pay them in return for the services rendered to the Institute, salaries, allowances, gratuities, provident fund and other allowances or remuneration in accordance with the rules and regulations of the Institute.

18. To sell, mortgage, lease, exchange, and other wise transfer of dispose of all or any property, movable or immovable, fo the Institute for the furtherance of its objects, or any of them, subject to prior approval of the Central Government .
19. To grant prizes, awards, scholarships, grants, and stipends and to do all such other activities for promotion of Siddha and things either along or in conjunction with other organizations or persons as the Institute may consider necessary, incidental or conductive to the attainment of all of any of the above mentioned objects.

3. About the Institute

THE NATIONAL INSTITUTE OF SIDDHA

The mission

The National Institute of Siddha (NIS), located in Chennai, is a center of excellence with research and higher education in Siddha System of Medicine as its mission.

The NIS aims to provide the best possible post graduate education in Siddha, by putting together a team of distinguished faculty members and building a quality resource base. It intends to develop curricula so that the benefits of the traditional science can be applied in the present day. The NIS proposes to undertake research to enhance the acceptability of the Siddha formulations and to prove the lack of toxicity of the Materia Medica. Plans are afoot to forge interdisciplinary alliances with various branches of modern science like Microbiology, Bio-technology, etc.

Palm leaf literature will be located, decoded and published to add to the existing body of Siddha knowledge.

Model Project

Located on a spacious campus in Tambaram Sanatorium, the NIS project is a perfect example of Centre and State cooperation. The capital cost has been shared by the Government of India and Government of Tamil Nadu in the ratio of 60:40 and the recurring expenditure is shared in the ratio of 75:25.

The campus is eco-friendly. This is an exceptional project to have created a man-made pond in our institutional premises as a water conservation measure. A sewage recycling plant provides water for the herbal and garden. Solar energy is being tapped to heat 12,000 litres of water every day, by using solar panels. It is proposed to develop the hillock behind the campus into a grove of medicinal plants.

The National Institute of Siddha has excellent infrastructure, dedicated and highly knowledgeable faculty members and bright students. This Institute is poised to reclaim the glory of Siddha System so that the system can play a major role globally in the field of health care.

The Institute will soon evolve into a centre of excellence and a unique referral institute for Siddha system of medicine.

Procedure Followed in Decision Making Process : As per Government of India Rules	
Name of the Section	Work Allocation
NIS-ESst I & II	<ol style="list-style-type: none"> 1. Service matters relating to cadres of Director/ Professors 2. Service matters of Ministerial & Para medical Staff 3. General Administration & House Keeping 4. Procurement, material management and inventory management. 5. Regulating receipt, distribution and disposal, and filing of all correspondence received in NIS. 6. Coordination of Hospital management. 7. Coordination with Teaching faculty management. 8. Maintenance of Building & Equipments. 9. All establishment matters 10. All periodical reports / returns 11. Purchase activities for Hospital/ College.
Accounts	<ol style="list-style-type: none"> 1. Cash handling, maintenance of Cash book 2. Student related accounts 3. Bills verification 4. Bill register 5. Filing work 6. Maintenance of Register <ol style="list-style-type: none"> a. Cheque Register –Indian Bank / syndicate Bank b. Cheque issued Register c. Advance Register d. Bill Register

	e. Cash book 7. Preparation of audit work with the help of A.O
Research	<ol style="list-style-type: none"> 1. Faculty related correspondence 2. All statistical returns on establishment, reservation, Annual Statements 3. Annual report preparation of National Institute of Siddha 4. IEC, Research committee, IAEC issue 5. Other Institutes correspondence on research and training.
Hospital Management	<ol style="list-style-type: none"> 1. Procurement of Medicines / Hospital equipment 2. Duty roster for faculties and students every month 3. IP Special ward room rent collection. 4. OP/IP statistics 5. Co-ordination work between Hospital and administration 6. Functional work related to Auditorium and Guest House <p>Maintenance of Inventory Register for Hospital.</p>
Stores Management	<p>Stores-in-charge</p> <ol style="list-style-type: none"> 1. Maintenance of stock register. 2. Procurement of Stationary / Office Equipment

The transaction of work at different levels is carried on in the Institute in accordance with the Transaction of Business Rules and other Govt orders / instructions issued from time to time.

Manual 4:

Norms set by the Institute for the discharge of its functions

Tapals : Weekly (FCSC/FIFO)

Bills : Fortnight

Other Claims: Monthly

Reports/Returns: Quarterly/Half yearly /Annual

Manual 6

Statement of the categories of documents that are held by NIS or under its control

Documents that are held by NIS is

1. Annual Report

Manual 7

The particulars of any arrangement that exists for consultation with or representation by the members of the public in relation to the formulation of its policy or implementation

The particulars of any arrangement that exists for consultation with or representation by the members of the public in relation to the formulation of its policy or implementation thereof :-

There is a Central Council of Health & Family Welfare under the chairmanship of the Minister for Health & FW comprising the Health Ministers of State Governments/UTs, MPs, non-officials representing health organizations and public bodies and certain eminent individuals. It is the apex policy formulating body in the field of health and family welfare in all its aspects for recommending broad lines of policy to the Centre and the States. The matter is coordinated by Bureau of Planning, Department of Health, Nirman Bhawan.

Manual 11

The budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made

- a. Grants from Government of India
- b. All fees and other Charges received by the Institute
- c. All money received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers and
- d. All money received by the Institute in any other manner or from any other source.

All the money credited to the funds shall be deposited in a Nationalised bank or invested in such manner as Governing Council of the Institute may decided.

Funds shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its functions.

Manual 12

Execution of Subsidy Programmes, Concessions, Permits or Authorizations granted by the Department

Not Applicable to NIS.

Manual 13

Particulars of Recipients of Concessions, Permits or Authorizations granted by the Department

Not Applicable to NIS

Manual 14

Information held by the Department in the electronic form

Annual Report

The following subjects are in the process of computerization:-

- iii. OP/IP Statistics
- iv. Purchase Orders and Material Receipts
- v. Details pertaining to Regular /deputation of staff – both internal and external
- vi. Rules and Bye Law
- vii. Departmental Circulars etc.,

Manual 15

Particulars of facilities available to citizens for obtaining information:

Our website (www.nischennai.org) gives a detailed overview of all our Academic Programmes, Faculty, Infrastructure, Research Reports, Publications, Career Opportunities (if available), display of tenders etc.

The NIS library is generally for the exclusive use of our staff and research scholars/ Students.