

BA.LL.B VIII SEM

RIGHT TO INFORMATION ACT, 2005

PUBLIC INFORMATION OFFICER (PIO): SECTION 5

- PIO must be designated with immediate effect by every Public Authority at the level of administrative units or offices under it.
- Asst. PIO must be designated at the sub-divisional or sub-district level with immediate effect by the Public Authority. (PIO includes APIO in the context of contravention of this law)
- PIO has initial authority to decide whether disclosure of information is in public interest or not (applies to information covered by exemptions under Sec. 8).
- PIO has the authority to decide which parts of a record covered by the exemption clause could be disclosed to the applicant (partial disclosure . severability).

PUBLIC INFORMATION OFFICER (PIO): SECTION 5

- Any officer whose assistance has been sought by the PIO for securing information will also be treated as a PIO and is liable to be punished for not furnishing information in time or for refusing information or for giving wrong information or misleading information.

DUTIES OF PIO: SECTION 7 AND 11

- PIO should render assistance to those who cannot write an application.
- Must inform the applicant of the appellate authority who should be approached for review of the decision taken on the fees for supply of information and also the time limit.
- Give information in the form in which it is originally sought subject to resource constraints and preservation of the record in question.
- Give written reasons for rejection of information request, details of the time limit for appeals and the appropriate Appellate Authority.

DUTIES OF PIO: SECTION 7 AND 11

- ❑ If allowing partial access he shall give notice to the applicant stating
 - which part will be provided after severing the exempt portions,
 - reasons for arriving at this decision including findings on any factual matter relating to the materials on which the findings are based
 - name and designation of the person who gave this decision
 - details of fees to be deposited
 - applicant's rights to seek review of the decision on fee charged or the decision taken . including details of the Appellate Authority and the time limit for filing the review/appeal.

DUTIES OF PIO: SECTION 7 AND 11

- ❑ If information sought has been supplied by third party or is treated as confidential by the third party PIO must give written notice to the latter within 5 days of receiving the information request and take its representation into consideration.
- ❑ Third party must be given a chance to make a representation (oral or written) before the PIO within 10 days of receiving the notice.

Application procedure – section 6 :

- Apply in writing or electronically in English or local official language of the area where application is being made.
- Reason for seeking information need not be given.
- Pay fees as may be prescribed (if not belonging to the below the poverty line category).

Time limit (section 7) :-

- ❖ 30 days from the date of application
- ❖ 48 hours for information concerning the life and liberty of a person
- ❖ Time taken for calculation of fees and intimation of the same to the applicant will be excluded from the 30 day period
- ❖ If the interests of a third party are involved then time limit will be 40 days (maximum period + time given to third party to make representation)
- ❖ No action on application for 30 days is a deemed refusal

Fees section 7 :

- 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.

Fees section 7:-

- No fees will be charged from people living below the poverty line. This benchmark will be decided by the appropriate government.
- Applicant must be provided information free of cost if the decision to release information is taken after the time limit.

Appellate authority ; section 12, 19 :-

- **Internal Appeal: First appeal** to the officer immediately senior to PIO in the concerned
- Public Authority within **30 days** from the date of latter's decision. (delay may be condoned by the AA if sufficient cause is shown)
- **External Appeal: Second appeal** to the Central or State Information Commission within **90 days** of the date on which the decision was given or should have been made by the Appellate Authority. (delay may be condoned by the AA if sufficient cause is shown)

Appellate authority ; section 12, 19 :-

- Third Party appeal against PIO.s decision must be filed within 30 days before first appeals body and within 90 days of the decision on the first appeal before the appropriate Information Commission.
- Burden of proving that information denial was justified lies with the PIO.
- Internal appeals must be disposed of within 30 days from the date of filing. Extendable by 15 days if necessary but in any case decision must be given within 45 days. No time limit fixed for Information Commissions to give their decisions.
- Decision of the IC is binding. But appeal on a point of fact or law can be filed in the High Court or the Supreme Court.

First Level of Appeal:

- ❑ Appeals against refusal of information request can be filed with an officer senior in rank to the PIO within the same public authority. (Every public authority will have to appoint appellate authorities along with PIOs).

TO BE CONTINUED.....