



The role of public information officer under right to information Act, 2005

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Abstract

The public information officer is an important and powerful officer/ person under the RTI Act who provides the required information to the concerned applicant within the prescribed time. He has to maintain the proper record of the concerned office or its own office. He has a large number of powers and responsibilities in this regard. He may render reasonable assistance to the persons seeking such information or may seek the assistance of any officer as he / she considers it necessary for proper discharge of his/ her duty. In his paper an attempt has been made to discuss the Powers, Functions and Responsibilities of the Public Information Officers. What are the problems is faced by the PIO while discharging the duty and how these problems are resolved is discussed in this paper.

Objective of the paper: The objective of this paper is to discuss that in actually the PIO is an important person /officer for providing the proper and relevant information sought by the applicant. Whether there is any kind of difficulty or problem while performing this duty. Whether he/ she are using his / her proper powers, function and responsibility in this regard or not is also discussed.

Methodology and limitation of paper: The methodology and limitation of the paper is on the library based and what are Powers, Functions and Responsibilities of the Public Information Officers under the RTI Act is discussed.

Keywords: some keynotes words are as RTI, PIO, SPIO. CPIO, information, citizen, register, third party, specific period/days etc

Introduction

The public information officers have various kinds of powers, functions and responsibilities under the Right to Information Act and this Act requires that every public authority to computerize their records for wide dissemination and to proactively certain categories of information so that the citizens need minimum recourse to request for information formally. It codifies a fundamental right of citizens¹. The public information officers are important persons. It is the obligation of the public information officers to provide information to citizens of India who request for information. If the request pertains to another public authority, then it is responsibility of the public information officers to transfer/forward it to the concerned persons or the other authority within 5 working days for supplying information. The applicant is required to disclose his proper name, contact and particulars for seeking information².

Duties and Responsibilities of Public Information Officers (PIOs)

The Public Information Officers (PIOs) have various Duties and Responsibilities³. At Central and State level, as the case may be. The public information officers are designated in all administrative units and offices of public authority to provide information to persons requesting for the information under the Act. At the Central level they may called Central Public Information Officers (CPIOs) and State level State Public Information Officers (SPIOs). They are to be designated within 100 days of the enactment of the Act⁴. The Assistant Public Information Officers (APIOs)

are designated at each sub-divisional/sub district level to receive applications and appeals for passing them on to the concerned PIOs and Appellate Authority respectively. They ensure that the public can apply for information in their own local areas. The Public Information Officers (PIOs) deal with the requests for information and also provide 'reasonable' assistance to those needing the same. The Public Information Officers (PIOs) may seek the assistance of another officer for the discharge of their duties⁵.

The Public Information Officers may deal with the requests of persons who seek information and where the requests are made in writing. They may render reasonable assistance to the person making the request orally to reduce the same in writing. Within 5 days, the PIOs shall transfer the request of person to the other public authority and inform the applicant immediately, if the information requested for is held by or is a subject matter closely connected with the functions of another authority, Any PIO may seek the assistance of any other officer for the proper discharge of his/her duties. Any PIO, on receipt of the request, shall as soon as possible, and within 30 days of the receipt of the request⁶ provide the information on payment of such fee as may be prescribed along with the application or shall reject the request for any of the reasons as specified in Sections 8 or 9. Where the information requested is concerned with the life or liberty of a person, then same shall be provided within 48 hours of the receipt of the request, where a request has been rejected, then PIO shall communicate to the concerned person or applicant with the reasons for such rejection.

The PIO shall provide information in the form in which it is sought unless it would disproportionately divert the

resources of the public authority or would be detrimental to the safety or preservation of the record in question. For partial access, the PIO shall give a notice to the applicant, informing: that (i) only part of the record, after severance of the record containing information which is exempted from disclosure, is being provided. (ii) The reasons for the decisions, including any findings on any material, question of fact, referring to the material on which those findings were based (iii) The details of the fees shall be calculated and the amount of fee which the applicant is required to deposit shall ensure, If information sought has been supplied by third party or is treated as confidential by a third party, the PIO shall give a written notice to third party within 5 days from the receipt of the request and take its representation into consideration. - Third party must be given a chance to make a representation before the PIO within 10 days from the date of receipt of such notice.

Responsibilities/Burden of Proof on Public Information Officer

The total onus or responsibilities or burden of proof rests with or on the public information officer in providing the information sought within the stipulated period of 30 days. He is the bridge between the citizen and the organization. The applicant could be aggrieved in the way the information is provided; the reasons for rejection of the application; time involved in the supply of requisite information; the quantum of amount charged as fees for supply the information and he can, thus, go in appeal to the Appellate Authority and later, if still not satisfied, to the Information Commission in second appeal. All such findings have to handle by the public information officer only. The burden is on the public information officer to prove that he has acted reasonably and diligently, before the Information Commission. He has to support the same with documentary evidence⁸.

Keeping/Having Proper Details about Information

The public information officers are the most important persons in the RTI Act. They have to perform many types of responsibility under the Act. The public information officer should be ready with the following information: information to be made available electronically, Information proactively published by the public authority, Full details of the organization, Details about the Appellate Authorities, The contact details of the other PIOs and APIOs, Performa of the receipt of the application, The forms for receipt of fees and Acknowledgement., Proper seating arrangements for easy accessibility, Register for receipt, acknowledgements-separately for inward and outward and Roznama, Checklist for monitoring the pendency, disposal of the applications, Identify place for inspection of records/taking samples, fix a day in the week for the above, Ready with the contingency plan⁹.

Procedures and Steps to be Followed by Public Information Officer/s

The various types of procedures are followed by Public Information officer right from the stage of receipt of application for information till the disposal. The time stipulated for completing these steps are: 30 days for providing information or for rejection for providing partial information/organize inspection of the materials/sample etc. 35 days from the time of application is received by the Assistant PIO and finally disposed of 40 days if a third party

is involved. The public information officer receives application along with the fee, he scrutinizes the application received, If required he renders reasonable assistance to the applicant by reducing the oral request in writing, Issues acknowledgement/receipt to the applicant, Transfers the application/part of it to another public authority, Informs the applicant about such transfers, Makes necessary entries in the Special Register, Considers the representations of the third party, if any. In case of rejections, conveys reason for it, the period within which the appeal may be preferred and the details of the Appellate Authority, Communicates to the applicant the fee amount to be paid along with its calculations, intimates the right of the applicant for review the fees charged, Wherever required provides assistance for inspection of the material, Waives fees for citizens below Poverty line/information given beyond the estimated time period, Retains record on each application, updates records etc¹⁰.

Maintaining Formats/Forms, Registers and Transfer of Information by APIOs/PIOs

The public information officer has to keep in regular contact with the Assistant Public Information Officer. The formats /forms, and registers with some particulars should be maintained by the PIOs/APIOs. These are as (i) Name of the Applicant and Address (ii) Date of receipt of Application (iii) Fees for supply of Information (iv) Basis for calculation, (v) Last date for payment(vi) Mode of payment, (vii) Grounds for rejection, (viii) Applicants right for review of the decision (ix) Particulars of senior officer i.e. Appellate Authority, (x) Particulars of Information Commissioner, (xi) Time limit for Appeal. The PIO may transfer the requests for information either in totality or partially to another organization/department if the subject matter pertains to the other department¹¹.

Maintaining of Special Registers for Avoiding the Delay and Incomplete Information and Punishment

The public information officer shall maintain the special registers for receipt of requests for information and disposal in the case of delay in providing the requisite information to the person seeking it or the information provided is incomplete and also develop checklists to keep a check on the pendency and/or completeness of the information.

Limitation of Time for Providing Information

The time limitation is prescribed in regard to the supply of information are as 30 days- On receipt of a request for information, the PIO has either to provide information of such fees as prescribed or reject the request with reasons for the same. 48 hours- If the information sought concerns the life or liberty of a person the same has to be provided immediately, in any case, within 48 hours. 5 days- Where PIO intends to disclose any information which relates to or has been supplied by a third party and has been treated as confidential by it, the PIO has to give a written notice to such third party and to invite the third party to make a submission. 10 days- for third party to make a submission. 35 days- An additional 5 days are added if the application for information is received by the APIO. Similarly an additional 5 days are added if the subjected of the application pertains to another organization/department¹².

1. Providing the Third Party Information

The public information officer provides a written notice

to the third party, within 5 days of receipt of the application, and conveys his intention to disclose the information or record etc. He also asks the third party to make a submission regarding whether the information should be disclosed or not. The third party should, within 10 days from the date of receipt of notice from the public information officer, make a representation against the proposed disclosure. The public information officer can, within 40 days after the receipt of application for information if the third party has been given an opportunity to make representation, make a decision on disclosure.

Rejecting Request and Taking Further Steps

The public information officer is required to either provide the information, on payment of the requisite fee or reject the request within 30 days of the receipt of the request. The grounds on which the request rejected for information are enumerated in Sections, 8 and 9 of the Act. Where a request has been rejected, then some steps may be taken by him that: (i) Within 30 days of the receipt of the request he will communicate the decision to the person making the request along with the reasons for rejection, (ii) the period within which an appeal against such rejection may be preferred (within 30 days of the date of the rejection), (iii) the particulars of the Appellate Authority should be given. (iv) Within 90 days from the date on which the decision should have been made or was actually received a second appeal can be preferred with the concerned Information Commission¹³.

Conclusion

From the above discussion, it may be concluded that the role of Public Information Officers are very hard and critical. They have to act very carefully while providing the information to the party. After taking the careful, there may be happened some mistakes or lapses and for that PIOs have to bear some punishment. The punishment should be given to PIO when he or she knowingly commit the mistake or lapses or delay in providing the information to the party.

References

1. http://en.wikipedia.org/wiki/Right_to_Information_Act
2. Ibid. <http://www.img.Kerala.gov.in/docs/rTI/rTI-rolepio.pdf>
3. Right to Information Act, 2005, Section 5.
4. Ibid, section, 5(5).
5. Ibid Sections 5, 6, 7 & 8.
6. Ibid
7. Ibid
8. Supra n 1
9. Ibid, See also P.K. Das, "Universal's Handbook on The Right to Information Act, Universal Publication, New Delhi, 2009, 43-44.
10. Ibid
11. Ibid
12. Ibid, Sections 8 & 9.