

Duties of Public Information Officer, Assistant Public Information Officer and First Appellate Authority under RTI Act, 2005

DUTIES OF PUBLIC INFORMATION OFFICER

The Public Information Officer of a Public Authority plays a pivotal role in making the right of citizens to information a reality. RTI Act casts specific duties on him and makes liable for penalty in case of default. The duties of the Public Information Officer are as under:-

- a) He will render reasonable assistance to the person, who cannot make his request in writing, to reduce the same in writing.
- b) If the information requested for held by or its subject matter is closely connected with the functions of other public authority, the PIO shall transfer, within 5 days, the request to that other public authority and inform the applicant accordingly.
- c) The Public Information Officer may seek the assistance of any other officer for proper discharge of his/her duties. Such an officer shall be deemed to be a Public Information Officer and would be liable for contravention of any provisions of the act the same way as any other Public Information Officer.
- d) The Public Information Officer, 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 reason specified in section 8 or section 9.
- e) In case where the information requested for concerns the life or liberty of person, the same shall be provided in 48 hour of the receipt of the request.
- f) Where a request has been rejected, the Public Information Officer shall communicate to the information seeker
 1. The reasons for such rejection
 2. The period within which an appeal against such rejection may be preferred, and
 3. The particulars of the Appellant Authority.

- g) The Public Information Officer 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.
- h) If allowing partial excess, the Public Information Officer shall give a notice to the applicant, informing that only part of the record requested, after severance of the record containing information, which is exempt from disclosure, is being provided.
- i) The details of the fee calculated by him or her and the amount of the fee which is required to deposit will be intimated to the information seeker within 10 days from the date of receipt of the application as per rule 4 of the Punjab Right to Information Rules, 2007.
- j) In case information has been supplied by third party or is treated as confidential by that third party, the Public Information Officer shall give a written notice to the 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 Public Information Officer within 10 days from the date of receipt such notice.

DUTIES OF THE ASSISTANT PUBLIC INFORMATION OFFICER

Every public authority shall designate as an officer at each sub-division level or other some district level as Assistant Public Information Officer. He will be responsible:

1. To receive the applications for information or appeals under this Act for forwarding the same to Public Information Officer or first Appellant Authority as the case may be.
2. Where an application for information or appeal is given to Assistant Public Information Officer, as the case may be, a period of 5 days shall be added in computing the period for response specified.
3. **Assistant Public Information Officer is not responsible to supply the information. It is duty of the Public Information Officer to provide the information.**

DUTIES OF THE FIRST APPELLATE AUTHORITY

The first Appellate Authority has a very important role under the RTI Act, 2005. The independent and judicious examination of appeals by the first appellate authority would lead to higher satisfaction to the appellant. This would, in turn, result in less number of second appeals to the Information Commission.

While disposing off first appeal, the first Appellate Authority should act in a fair and judicious manner. It is very important that the order passed by the first Appellate Authority should be a detailed and speaking order, giving justification for the decision arrived at.

If an Appellate Authority while deciding an appeal comes to the conclusion that the appellate should be supplied information in addition to what has been supplied by the Public Information Officer, he may either (i) pass an order directing the Public Information Officer to give such information to the appellant or (ii) he himself may give information to the appellant.

In case the Public Information Officer does not implement the order passed by the first Appellate Authority and the Appellate Authority feels that the intervention of higher authority is required to get his order implemented, he should bring the matter to the notice of the officer in the public authority competent to take action against the Public Information Officer. Such competent officer shall take necessary action so as to ensure implementation of the provisions of the RTI Act, 2005.

The first Appellate Authority should dispose of the appeal within 30 days of the receipt of the appeal. In some exceptional cases, the appellate authority may take 45 days for its disposal. However, in such cases the appellate authority should record, in writing, the reasons for not deciding the appeal within 30 days.