

UNIT 5

OBLIGATIONS OF PUBLIC AUTHORITIES

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5.1 INTRODUCTION

Public authorities are the repository of information under the Right to Information Act, 2005. The Act casts an obligation on public authorities to facilitate the citizens to access the information held under their control. The obligations of the authority are infact the obligations of the head of the authority.

5.2 OBJECTIVES

After reading this unit you will be able to:

- Explain the obligations of public authority.

5.3 SUBJECT

Chapter II of the RTI Act relates to the Right to information and obligations of public authorities. Section 3 states that every person has the right to access information held by public authority. The public authorities are directed to create a system by which they can disclose certain information. The RTI Act imposes a number of obligations on the public authorities. These obligations may be studied as under:

5.3.1 Maintaining all record in computerized form. (Section 4(1) (a))

Every public authority has to maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act. The public authority shall ensure that all records are computerised within a reasonable time. This obligation is, however, subject to availability of resources. The computerised resources are to be connected through a network all over the country on different systems so that access to such records is facilitated.

5.3.2 Suo Moto disclosure of Information (Section 4(1) (b))

Within one hundred and twenty days from the enactment of this Act, every public authority has to publish information pertaining to

- i. the particulars of its organisation, functions and duties; the powers and duties of its officers and employees;
- ii. the procedure followed in the decision making process, including channels of supervision and accountability;
- iii. the norms set by it for the discharge of its functions; the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
- iv. a statement of the categories of documents that are held by it or under its control;

- v. 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;
- vi. a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public; a directory of its officers and employees;
- vii. the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- viii. the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- ix. the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
- x. particulars of recipients of concessions, permits or authorisations granted by it; details in respect of the information, available to or held by it, reduced in an electronic form;
- xi. 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;
- xii. the names, designations and other particulars of the Public Information Officers;
- xiii. such other information as may be prescribed and thereafter update these publications every year;
- xiv. publish all relevant facts while formulating important policies or announcing the decisions which affect public; (**Section 4(1)(c)**)
- xv. provide reasons for its administrative or quasi-judicial decisions to affected persons. (**Section 4(1)(d)**).

5.3.3 Dissemination of Information (Section 4(2)-(4))

Every public authority shall take steps to provide as much information as possible suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information. However while disseminating material under Section 4(1) the cost effectiveness, local language and the most effective method of communication in that local area shall be taken into consideration. Further the information should be easily accessible, available free or at such cost of the medium or the print cost price as may be prescribed. Here the word "disseminated" means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.

5.3.4 Designation of Public Information Officers and Assistant Public Information Officers.

Section 5 (1) provides that all public authorities have an obligation to designate as many

officers as the Central Public Information Officers or State Public Information Officers, within one hundred days of the enactment of this Act, as it deems necessary, in all administrative units or offices under it to provide information to persons under this Act. Sub section (2) of Section 5 further provides that without prejudice to the provisions of sub-section (1), every public authority shall designate an officer, within one hundred days of the enactment of this Act, at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer or a State Assistant Public Information Officer, to receive the applications for information or appeals under this Act for forwarding the same to the Central Public Information Officer or the State Public Information Officer or senior officer .

The Public Information Officer shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information. The Public Information Officer may seek the assistance of any other officer as he or she considers necessary for the proper discharge of his or her duties. Any officer, whose assistance has been sought by the Public Information Officer, is under an obligation to render all assistance to such Public Information Officer for discharging the duties under the RTI Act.

5.3.5 Designation of First Appellate Authority (Section 19 (1))

The public authority must designate an officer senior in rank to the Public Information Officer as First Appellate Authority to hear the appeals under section 19(1). If the public authority does not designate any one as First Appellate Authority to hear an appeal under Section 19(1) or compliant under Section 18, then the Head of the Department or office will automatically be the First Appellate Authority.

5.3.6 Furnishing Information to Information Commission (Section 25(2))

Sub Section 2 of Section 25 provides that each Ministry or Department shall collect and provide such information to the Information Commission, as is required to prepare a report under Section 25. Every Ministry or Department shall comply with requirements concerning the furnishing of that information and keeping of the records for the purposes of this section.

5.4 SUMMARY

Maintaining all record in computerized form , suo moto disclosure of information , **dissemination of information**, designation of public information officers and assistant public information officers and of first appellate authority **and** furnishing information to information commission are the main obligations of public authority .

5.5 GLOSSARY

1. Central Information Commission: Section 2(b) of RTI Act, 2005 provides that "Central Information Commission" means the Central Information Commission constituted under sub-section (1) of section 12;

2. Central Public Information Officer: Section 2(c) of RTI Act, 2005 provides that "Central Public Information Officer" means the Central Public Information Officer designated under sub-section (1) and includes a Central Assistant Public Information Officer designated as such under sub-section (2) of section 5;

3. Chief Information Commissioner and Information Commissioner: Section 2(d) of RTI Act, 2005 provides that "Chief Information Commissioner" and "Information Commissioner" mean the Chief Information Commissioner and Information Commissioner appointed under sub-section (3) of section 12;

4. Information: Section 2(f) of RTI Act, 2005 provides that "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;

5. Prescribed: Section 2(g) of RTI Act, 2005 provides that "prescribed" means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be;

6. Record: Section 2(i) of RTI Act, 2005 provides that "record" includes—

- a) any document, manuscript and file;
- b) any microfilm, microfiche and facsimile copy of a document;
- c) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and
- d) any other material produced by a computer or any other device;

7. Right to information: Section 2(j) of RTI Act, 2005 provides that "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

- a) inspection of work, documents, records;
- b) taking certified samples of material, notes, extracts or certified copies of documents or records;
- c) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

8. State Information Commission: Section 2(k) of RTI Act, 2005 provides that "State Information Commission" means the State Information Commission constituted under sub-section (1) of section 15

9. State Chief Information Commissioner and State Information Commissioner: Section 2(l) of RTI Act, 2005 provides that "State Chief Information Commissioner" and "State Information Commissioner" mean the State Chief Information Commissioner and the State Information Commissioner appointed under sub-section (3) of section 15;

10. State Public Information Officer: Section 2(m) of RTI Act, 2005 provides that "State Public Information Officer" means the State Public Information Officer designated under sub-section (1) and includes a State Assistant Public Information Officer designated as such under sub-section (2) of section 5;

11. Public Authority : Section 2(h) of RTI Act, 2005 provides that "public authority" means any authority or body or institution of self- government established or constituted-

- a) by or under the Constitution;
- b) by any other law made by Parliament;
- c) by any other law made by State Legislature;
- d) by notification issued or order made by the appropriate Government, and includes any-
 - i. body owned, controlled or substantially financed;
 - ii. non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government;

5.6 SAQS

1. Short Answer Question.

- a. Write a note on designation of First Appellate Authority.
- b. How is the information maintained in computerized form by the public authority?

2. Fill in the blanks

- a. Chapter _____ of the RTI Act relates to the Right to information and obligations of public authorities.
- b. The suo moto disclosure of information was to be done within _____ days from the enactment of the Right to Information Act, 2005.

3. True or False

- a. The public authority must designate an officer senior in rank to the Public Information Officer as First Appellate Authority to hear the appeals under section 19(1).
- b. Every public authority shall take steps to provide as much information as possible suo motu to the public at regular intervals.

5.7 REFERENCES

<https://righttoinformation.wiki/guide/guidelines-for-public-authority>

Right to Information and Protection to Whistle blowers by Krishna Pal Mallik, Allahabad Law Agency, Haryana (2016)

5.8 SUGGESTED READINGS

Right to Information Law in India by [N.V. Paranjape](#)

Right to Information Act, 2005 by [Jitesh Dhanrajani](#)

5.9 TERMINAL QUESTIONS AND MODEL QUESTIONS

- a. What are the obligations of public authority under Right to Information Act, 2005?
 - b. Discuss suo motu disclosure of information by public authority.
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5.10 ANSWERS

SAQs

1. a. refer 5.3.5 b. refer 5.3.1
2. a. II b.120
3. a True b. True

TERMINAL QUESTIONS AND ANSWERS

- a. refer 5.3.1 to 5.3.6
- b. refer 5.3.2