

# **UNIT-7**

## **DUTIES OF PUBLIC INFORMATION OFFICER**

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## **7.1 INTRODUCTION**

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As you know by now, the Right to Information Act prescribes a three-tier mechanism to ensure that the information sought is provided to the applicant within a reasonable time. Initially information is to be sought from an authority designated as Public Information Officer (PIO). When the information is either refused or not supplied or the applicant is not satisfied with supplied /provided information, then its first appeal may be filed to a departmental higher authority designated as Appellate Authority. Where the person seeking information is not satisfied with the Appellate Authority's decision on first appeal, a second appeal may be filed to the State Public Information commission.

A Public Information Officer of a “public authority” plays a pivotal role in making the right of citizens to information a reality. It is, therefore, essential for a Public Information Officer to study the Act carefully and understand its provisions correctly.<sup>1</sup>

The Right to Information Act casts specific duties on the Public Information Officer and makes him liable for penalty in case of default.

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## **7.2.OBJECTIVES**

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After reading this Unit you will be able to:

- List the various Duties of PIO towards an applicant seeking information
- List the various Duties of PIO towards Third Party
- Explain different Duties of PIO towards applicant and third party

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## **7.3 SUBJECT:DUTIES OF THE PUBLIC INFORMATION OFFICER:**

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The various duties of the PIO as prescribed under different provisions of the Right to Information Act are as follows:

### **7.3.1 A List of Duties of PIO:**

- i. To deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information;
- ii. To check whether the applicant has made the payment of application fee or whether the applicant is a person belonging to a Below Poverty Line (BPL) family exempt from such fee;
- iii. In response to requests from persons seeking information on payment of prescribed fee, to provide information held by or under the control of the public authority that includes permitting inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts from computers;

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<sup>1</sup> See, Guide to Right to Information Act, 2005, Government of India Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training , New Delhi (2009)

- iv. To provide information on payment of prescribed fee “as expeditiously as possible”,-- in any case within a maximum of thirty days of the receipt of the request,--- or reject the request for any of the reasons specified in Sections 8 and 9;
- v. To provide assistance to enable access to the information to any information-seeker who is sensorily disabled;
- vi. To answer the RTI application compulsorily within a time period of 48 hours of the receipt of the request, where the information sought for concerns the life or liberty of a person;
- vii. To take into consideration the representation made by a third party under Section 11 before providing any information pertaining to such third party;
- viii. Not to deny to any person seeking RTI, information which cannot be denied to any member of Parliament or State legislature;
- ix. To give reason for not providing with the complete documents demanded, if out of various information sought, only a few are being answered by PIO;
- x. To communicate to the person making the request for information the reasons for rejection of such request, the period within which an appeal against such rejection may be preferred and the particulars of the appellate authority.

**7.3.2 Which information is to be provided / supplied under the Act:** It is noteworthy that under the Act a Public Information Officer is required to provide /supply only such information that already exists and is held by or under the control of the public authority. The Public Information Officer is not supposed “to create” information; or “to interpret” information; or “to solve the problems” raised by the applicants; or “to furnish replies to hypothetical questions”. Some Information Seekers request the Public Information Officers to cull out information from some document(s) and give such extracted information to them. A citizen has a right to get ‘material’ from a public authority which is held by or under the control of that public authority. The Act, however, does not require the Public Information Officer to deduce some conclusion from the ‘material’ and supply the ‘conclusion’ so deduced to the applicant. It means that the Public Information Officer is required to supply the ‘material’ *as held by the public authority*, but not to do research on behalf of the citizen to deduce anything from the material and then supply it to him.

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**7.3.3 In Which Form Information is to be provided:** If you apply for any information under the RTI Act, the Act requires that such information needs to be provided in the form in which it is sought. For instance, if the information is sought in the form of photocopy, it shall be provided in the form of photocopy. If it is sought in the form of a CD, diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs,- it shall be provided in that form provided such information is already stored in a computer or in any other device from which the information may be e-mailed or transferred to CD, diskettes etc. and so on. There might, however, be situations where an applicant asks/ demands for information in a particular form, but under certain circumstances doing that might either disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records. In such situations, supply of information in the desired form may be refused. Sometimes the applicants expect the Public

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<sup>2</sup> Ibid

Information Officer to give information in some particular proforma devised by the applicants on the plea that they have a right to get information in the form in which it is sought. But the PIO cannot be compelled to re-shape or re-process or transcribe or translate or condense or abridge or explain the information in any manner.

**7.3.4 Ensuring Payment of Required Fee or Exempted Status:** On receiving the application, the Public Information Officer is required to check whether the applicant has made the payment of application fee or whether the applicant is a person belonging to a Below Poverty Line (BPL) family. If application is not accompanied by the prescribed fee or the BPL Certificate, it cannot be treated as an application under the RTI Act. The Act however requires that Public Information Officer should sympathetically consider even applications containing neither a proof of fee-paid nor any BPL

**7.3.5 Time Period for Supply of Information:** The Public Information Officer should supply the information within thirty days of the receipt of the request. Where the information sought for concerns the life or liberty of a person, the same should be provided within forty-eight hours of the receipt of the request. If request for information is received through the APIO, the information may be provided within 35 days of receipt of application by the APIO in normal course and 48 hours plus 5 days in case the information sought concerns the life or liberty of a person.

It is the Public Information Officers of the intelligence and security organizations specified in the Second Schedule of the Act, who may receive applications seeking information pertaining to allegations of corruption and human rights violations. Information in respect of allegations of violation of human rights, which is provided only after the approval of the Central Information Commission, should be provided within forty-five days from the date of the receipt of request. Time limit prescribed for supplying information in regard to allegations of corruption is the same as in other cases i.e. within thirty days of the receipt of the application.

**7.3.6 Giving of Information Held Partially:** Sometimes you will see that a person makes an application to a public authority for information, a part of which is available with that public authority and the rest of the information is scattered with more than one other public authorities. In such a case, the Public Information Officer of the public authority receiving the application should give information relating to it and advise the applicant to make separate applications to the concerned public authorities for obtaining information from them. The Act requires the supply of such information only which already exists and is held by the public authority or held under the control of the public authority. The Act does not require a public authority to collect the information from various public authorities to supply it to the applicant.

**7.3.7 Transfer of Application to Another Public Authority:** If the application is accompanied by the prescribed fee or the Below Poverty Line Certificate, the Public Information Officer should check whether the subject matter of the application or a part thereof concerns some other public authority. *If the subject matter of the application concerns any other public authority, it should be transferred to that public authority.* If only a part of the application concerns the other public authority, a copy of the application may be sent to that public authority, clearly specifying the part which relates to that public authority.

While transferring the application or sending a copy thereof, the concerned public authority should be informed that the application fee has been received. The applicant should also be informed about the transfer of his application and the particulars of the public authority to whom the application or a copy thereof has been sent.<sup>3</sup>

Transfer of application or part thereof, as the case may be, should be made as soon as possible and in any case within five days from the date of receipt of the application. If a Public Information Officer transfers an application after five days from the receipt of the application, he would be responsible for delay in disposal of the application to the extent of number of days which he takes in transferring the application beyond 5 days.

The Public Information Officer of the public authority to whom the application is transferred, should not refuse acceptance of transfer of the application on the ground that it was not transferred to him within 5 days.

**7.3.8 Third Party Information:** If an applicant seeks any information which relates to or has been supplied by a third party and that third party has treated that information as confidential, the Public Information Officer shall consider whether the information should be disclosed or not. If the Public Information Officer intends to disclose the information, he shall within five days from the receipt of the application, give a written notice to the third party. The third party shall within a period of ten days, express its opinion whether the information may be disclosed or not. If the PIO still takes a decision to disclose such third party information to the applicant, this decision shall be communicated to such third party who shall have a right to appeal. In such cases, the information should not be disclosed by the PIO till the appeal is decided.

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#### **7.4 FACTS ONE SHOULD KNOW:**

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##### **Can I submit my application only with the PIO?**

No, in case the PIO is not available you can submit your application with the Assistant PIO or any other officer designated to accept the RTI applications.

##### **Where can I locate the concerned PIO?**

A list of PIOs/APIOs and Appellate Authorities for all Central and State departments/Ministries is available online at [www.rti.gov.in](http://www.rti.gov.in)

##### **What if I can not locate my PIO or APIO?**

In case you have problems locating your PIO/APIO you can address your RTI application to the PIO C/o Head of Department and send it to the concerned public authority with the requisite application fee. The Head of Department will have to forward your application to the concerned PIO.

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<sup>3</sup> See, Guide to Right to Information Act, 2005, Government of India Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training , New Delhi (2009)

### **Do I have to personally go to deposit my application?**

Depending on your state rules for mode of payment you can deposit your application for information from the concerned departments of your state government via post by attaching a DD, Money Order, Postal Order or affixing Court fee Stamp

### **Is there a time limit to receiving information?**

Yes. If you file your application with the PIO, you must receive information within 30 days. In case you have filed your application with Assistant PIO then information has to be made available within 35 days. In case the matter to which the information pertains affects the life and liberty of an individual, information has to be made available in 48 hours.

### **Do I have to give reasons why I want a particular information?**

Absolutely not! You are not required to give any reasons or additional information other than your contact details (i.e., Name, Address, and Phone No.). Sec 6(2) clearly says that no information other than contact details of the applicant shall be asked.

### **Can the PIO refuse to give me information?**

A PIO can refuse information on 11 subjects that are listed in section 8 of the RTI Act. These include information received in confidence from foreign governments, information prejudicial to security, strategic, scientific or economic interests of the country, breach of privilege of legislatures, etc. There is a list of 18 agencies given in second schedule of the Act to which RTI Act does not apply. However, they also have to give information if it relates to matters pertaining to allegations of corruption or human rights violations.<sup>4</sup>

### **Who will give me information?**

One or more existing officers in every Government Department have been designated as Public Information Officers (PIO). These PIOs act like nodal officers. You have to file your applications with them. They are responsible for collecting information sought by you from various wings of that Department and providing that information to you. In addition, several officers have been appointed as Assistant Public Information Officers (APIOs). Their job is only to accept applications from the public and forward it to the right PIO.

### **What should I do if the PIO or the concerned Department does not accept my application?**

You can send it by post. You should also make a formal complaint to the respective Information Commission under section 18. The Information Commissioner has the power to impose a penalty of Rs 25,000/- on the concerned officer who refused to accept your application.

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## **7.5 SUMMARY:**

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<sup>4</sup>[http://www.conservationindia.org/wp-content/files\\_mf/What\\_is\\_Right\\_to\\_Information\\_and\\_how\\_to\\_use\\_it\\_final.pdf](http://www.conservationindia.org/wp-content/files_mf/What_is_Right_to_Information_and_how_to_use_it_final.pdf)

In this unit we have discussed the duties of the Public Information Officer of a public authority towards the person seeking information through a written application after submission of prescribed fee.

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## 7.6 GLOSSARY

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**1. Public Information Officer-** Any Officer designated by the Public Authority to provide information to persons requesting for the information under the Right to Information Act 2005.

**2. Assistant Public Information Officer -** appoint someone to a specified office or post.

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## 7.7 SAQS

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1. Short Answer Questions-

a) Which information PIO can provided under the Act?

b) What is the time period for supply of Information under the Act?

**2. Fill in the blanks-**

a) The Public Information Officer should supply the information within..... days of the receipt of the request.

b) Information in respect of allegations of violation of human rights, which is provided only after the approval of the Central Information Commission, should be provided within..... from the date of the receipt of request.

**3. True and False type questions**

a) There is a time limit for receiving information?

b) Answering the RTI application is compulsory within a time period of 48 hours of the receipt of the request, where the information sought for concerns the life or liberty of a person;

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## 7.8 REFERENCES

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a) [https://en.wikipedia.org/wiki/Right to Information Act, 2005](https://en.wikipedia.org/wiki/Right_to_Information_Act,_2005).

b) The Right to Information Act, 2005.

c) [www.ingaf.in/INGAF/RTI-ACT/Guideonrti.pdf](http://www.ingaf.in/INGAF/RTI-ACT/Guideonrti.pdf)

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## 7.9 SUGGESTED READINGS

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1. Right to Information Act, 2005

2. Guide on Right to Information Act, 2005 (Government of India Ministry of Personal, Public Grievances & Pensions Department of Personnel & Training)<http://www.rtifoundationofindia.com/guide/Guideonrti.pdf>

3. Dr. Neelam Kant, 2014, published by Orient Publishing Compan

4. Right to Information Law in India by N.V. Paranjape
5. Right to Information Act, 2005 by Jitesh Dhanrajani

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## **7.10 TERMINAL QUESTIONS AND MODEL QUESTIONS**

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- a) What are the important duties of the Public Information Officer ?
- b) Explain different duties of PIO towards applicant and third party

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## **7.11 ANSWERS**

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### **SAQS**

1. (a) Refer 7.3.2                      (b) Refer 7.3.5
2. (a) Refer 7.3.5                      (b) Refer 7.3.5
3. (a) True                                (b) True

Terminal Questions and Answers

- (a) Refer, 7.3.1                      (b) ) Refer 7.3.6 , 7.3.8