

No.1/32/2007-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

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North Block, New Delhi,
Dated: the 14th November, 2007

OFFICE MEMORANDUM

Subject: Creation of a Central Point for receiving applications and designation of appellate authorities under the Right to Information Act, 2005.

The undersigned is directed to say that the sub-section (1) of Section 5 of the Right to Information Act, 2005 mandates all public authorities to designate as many Public Information Officers as necessary to provide information under the Act. The Second Administrative Reforms Commission in its First Report (June 2006) has observed that where a public authority designates more than one Public Information Officer (PIO), an applicant is likely to face difficulty in approaching the appropriate Public Information Officer, and the applicants would also face problem in identifying the officer senior in rank to the PIO to whom an appeal under sub-section (1) of Section 19 of the Act can be made. (For convenience such an officer is termed as the First Appellate Authority). The Commission has, inter-alia, recommended that all Ministries/ Departments/Agencies/Offices, with more than one PIO, should designate a Nodal Officer with the authority to receive requests for information on behalf of all PIOs. The Commission has also recommended that all the public authorities should designate the First Appellate Authorities.

2. It is, therefore, requested that all public authorities with more than one PIO should create a central point within the organisation where all the RTI applications and the appeals addressed to the First Appellate Authorities may be received. An officer should be made responsible to ensure that all the RTI applications/appeals received at the central point are sent to the concerned Public Information Officers/Appellate Authorities, on the same day. For instance, the RTI applications/appeals may be received in the Receipt and Issue Section/ Central Registry Section of the Ministry/Department /Organsiation/Agency and distributed to the concerned PIOs/Appellate Authorities. The R&I/CR Section may maintain a separate register for the purpose. The Officer-in-Charge/Branch Officer of the Section may ensure that the applications/appeals received are distributed the same day.

3. Sub-section (8) of Section 7 of the RTI Act provides that where a request for information is rejected, the Public Information Officer shall, inter-alia, communicate to the person making the request the particulars of the Appellate Authority. Thus, the applicant is informed about the particulars of the Appellate Authority when a request for information is rejected. There may be cases where the Public Information Officer does not reject the application, but the applicant does not receive a decision within the time as specified in the Act or he is aggrieved by the decision of the Public Information Officer. In such cases the applicant may like to exercise his right to appeal. But in absence of the particulars of the appellate authority, the applicant may face difficulty in making an appeal. It has, therefore, been decided that all the public authorities shall designate the First Appellate Authorities and publish their particulars alongwith the particulars of the PIOs.

4. All the Ministries/Departments etc. are requested to issue instructions to all concerned to take action accordingly.



(K.G. Verma)
Director

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
3. Central Information Commission/State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs.