

OFFICE OF THE ENGINEER-IN-CHIEF (CIVIL) ODISHA

No.E-ID-Gaz-08/2012

20061

/Dt. Bhubaneswar, the

20th June, 2012

From

Sri S. Meher,
Engineer-in- Chief (Civil) Odisha.

To

The Director,
SIRD, Bhubaneswar.

Sub:-

Request to Instruct PIOs /APIOs referred PIOs/APIOs/
FAAs to attend training programme on Right to Information
For Public Administration at SIRD, Bhubaneswar during 22-23
June-2012.

Ref:- (i)

Letter No.6698 date 16.6.2012 of Information and Public Relation
Department.

(ii)


Works Department Memo No.6148 date 19.06.2012.

Sir,

It is to depute herewith the name of the following Officer of this office to attend
the Training Programme on Right to Information for Public Authorities at SIRD, Bhubaneswar
during 22-23, June-2012.

1. Sri Chitta Ranjan Mandhata, Executive Engineer, Designs-IV
2. Sri Bijay ^{Chandra} Kumar Tripathy, Executive Engineer, World Bank.
3. Sri Dipak Kumar Tripathy, Asst.to Chief Engineer (Buildings).
4. Sri Manoranjan Mohapatra, Accounts Officer-I.
5. Sri Pravat Kumar Mahali, Assistant Engineer (Civil).
6. Sri Sammer Hota, Assistant Engineer (Civil).
7. Sri Rankankdhi Jena, Establishment Officer-II

Yours faithfully,



ENGINEER-IN-CHIEF (CIVIL) ODISHA.

(P.T.O)

Memo No.

20062 Dt. 20/6/12 :- 2 :-

Copy with copy of Works Department Memo No.6148 date 19.06.2012 along with copy of Information and Public Relation Department letter No.6698 date 16.6.2012 forwarded to the Chief Engineer, National Highways, Odisha, Bhubaneswar/ Superintending Engineer, Central (R&B) Circle/ Executive Engineer, Bhubaneswar (R&B) Division No.I/No.II/No.III/No.IV for information and necessary action.

Encl:- As above.

Memo No.

20063 Dt. 20/6/12 (7)

ENGINEER-IN-CHIEF (CIVIL) ODISHA.

Copy with copy of Works Department Memo No.6148 date 19.6.2012 along with copy of Information and Public Relation Department letter No.6698 date 16.06.2012 forwarded to Sri Chitta Ranjan Mandhata, Executive Engineer, Designs-IV/ Sri Bijay Kumar Tripathy, Executive Engineer, World Bank/Sri Dipak Kumar Tripathy, Asst. to Chief Engineer (Buildings)/Sri Manoranjan Mohapatra, Accounts Officer-I/ Sri Pravat Kumar Mahali, Assistant Engineer (Civil)/ Sri Sameer Hota, Assistant Engineer (Civil)/Sri Rankanidhi Jena, Establishment Officer-II for information and necessary action.

He is requested to attend the training programme at SIRD, Bhubaneswar during 22-23 June-2012.

Encl:- As above.

Memo No.

20064 Dt. 20/6/12 (3)

ENGINEER-IN-CHIEF (CIVIL) ODISHA.

Copy with copy of Works Department Memo No.6148 date 19.6.2012 along with copy of Information and Public Relation Department letter No.6698 date 16.06.2012 forwarded to the Chief Engineer, World Bank/ Chief Engineer (D.P.I & Roads)/ Chief Engineer, Buildings for information and necessary action.

Encl:- As above.

Memo No.

20065 Dt. 20/6/12

ENGINEER-IN-CHIEF (CIVIL) ODISHA.

Copy forwarded to the Deputy Secretary to Government, Works Department, Odisha, Bhubaneswar for information with reference to Works Department Memo No.6148 date 19.6.2012.

ENGINEER-IN-CHIEF (CIVIL) ODISHA.

b) Sri B.K. Tripathy EE WBP



RTI URGENT
Through S.P.I.
Messenger

872

114

Government of Odisha
Information & Public Relations Department

No-RTI -18/12 6698

Date: 16.6.12

From

Shri B.P. Mohanty
Director

To

- The Principal Secretary, Water Resource Department
- The Commissioner-cum-Secretary, School & Mass Education Department
- The Commissioner-cum-Secretary, Woman & Child Development Department
- The Secretary, Works Department

(3)

Sub:- Request to instruct PIOs, APIOs, referred PIOs/APIOs/FAAs to attend Training Programme on "Right to Information" for Public Authorities at SIRD, Bhubaneswar during 22-23 June, 2012.

Ref:- Letter of the Director, SIRD bearing No-1471 (4) dated.07.06.2012

Sir,

While drawing a reference to the subject cited above, I am directed to inform you that the SIRD, Bhubaneswar in co-ordination with the Nodal Department of RTI, i.e. Information and Public Relations Department is organizing a 2-day training programme on the Right to Information from 22nd to 23rd June, 2012 targeting PIOs, APIOs, referred PIOs/APIOs/FAAs in respect of your Public Authority and other Public Authorities under your administrative control.

2. In view of this, you are requested to kindly depute 10-12 Officers in respect of all your Public Authorities with an instruction to attend the Training Programme as scheduled for better exposure on RTI Act, Rules and Technology Intervention made thereunder.

Yours faithfully.

[Signature]
Director

Memo No- _____

Date- _____

Copy forwarded to Director, SIRD for kind information with reference to Memo No-1472 dated 07.06.2012

Director

RTI
Pl. put up
copy.
16/6
18/6

[Handwritten notes]

BY FAX

GOVT. OF ORISSA
WORKS Department

6148

19.6.2012

Memo no


File no - WORK-RTI-RTI-0069/12

Jr Dt-

Copy forwarded to EIC (civil) for
information & necessary action.

He is requested to depute at least
10 nos. of PIOs/APIOs/FAAs working under
his control, and office of office chief Engineers
(CE, NH) to attend the training programme on 22nd and
23rd June, 2012.

19/6/2012
By. Secy. to Govt.



RTI Central Monitoring Mechanism
You are just a click away from Govt.

An endeavor by Department of Information & Public Relations, Govt. of Odisha towards transparency and accountability in Governance.

LUMINOUS INFOWAYS PVT LTD
 CSP to RTI CMM, Govt. of Odisha

What is RTI CMM ?

- ✓ RTI Central Monitoring Mechanism is a G2C as well as G2G service web portal.
- ✓ This ICT tool is a web based centralized system to monitor Right to Information (RTI) implementation in the entire State.
- ✓ All the Departments & sub-ordinate Offices are given with an user ID & password to manage as per Section-4, 6, 7, 19 (1) and 25 of the Act.
- ✓ E-request facilities for Citizen.
- ✓ This is an example of how an Act & Rule can be implemented & monitored by using ICT.
- ✓ www.rtiodisha.gov.in

WHY ?

- Public authorities were finding it difficult to comply to provisions as by the prescribed Act & Rules.
- Limited Departments were uploading their proactive Disclosure on the State portal.
- No Regular Updation of Proactive Disclosure by most of the Department.
- Extremely poor compliance at HoD, District and Block level offices.
- Improper maintenance of prescribed registers under RTI.
- Cumbersome process to compile Annual Report for Departments.
- Difficulties in transferring application from one Public Authorities to Other.
- Lakhs of Govt. revenues are spent for postal and paper work only.
- No monitoring tool for Nodal Department and Commission to track the implementation etc.


Other Causes

- Hon'ble Odisha Information Commission while disposing a complaint case no.1452/2008 instructed the State Government to put in place a robust monitoring mechanism to implement the service rendering provisions of the Act.
- Recommendations in the 1st Report of 2nd Administrative Reforms Commission.
- Periphery States were leading ahead in RTI implementation with innovative initiatives.

RTI Central Monitoring Mechanism
www.rtiodisha.gov.in

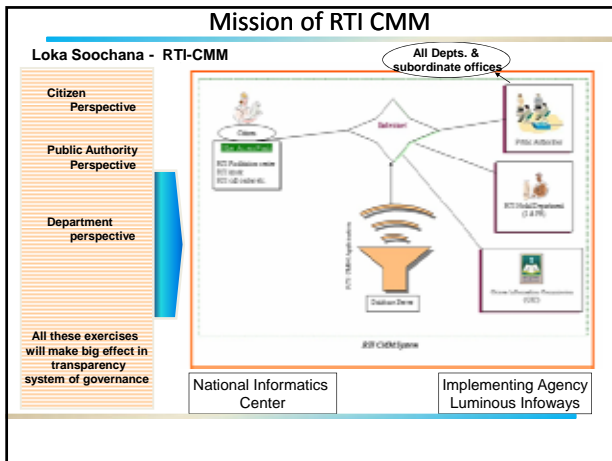
Objectives

- To provide single point access to all RTI related information under section-4, 6, 7 and section 25 of RTI Act, 2005 in a uniform manner.
- To maintain proactive disclosure under section-4.
- Receive online applications under section 6 and make disposal of requests under section 7 of RTI Act, 2005.
- To maintain all RTI related registers for generating annual report under section 25 of the Act.



Target group & Geographical reach

- To cover and ensure proper implementation of Right to Information Act,2005 in respect of all public authorities (Offices) of Govt. of Odisha.
- All public authorities, public information officers (PIO), First Appellate Authorities (FAA), APIOs of Govt. of Odisha and citizens.
- 40 departmental public authorities.
- 30 Districts.
- 314 Blocks, 316 Tahasil, 6234 GPs in Odisha.



Advantages

- > Add and Update proactive disclosure under Section-4.
- > E-filing of RTI Applications and First Appeals.
- > Auto update of Information Register, Cash Register, Appeal Register etc. under Rule-11.
- > Auto Generate of Annual Report under Section-25.
- > Online receipt and disposal of RTI applications/appeals.
- > Online transfer of RTI Application to Other Public Authority (s).
- > Auto mail and auto SMS alert.

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Advantages for Public Authorities

Web Content Management System (CMS) for uploading the proactive disclosure as per the section-4(1)(b)(c)(d) of RTI Act, 2005.

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Advantages for Public Authorities

Manage your RTI Applications (E-filing & Annual report)

- Software to maintain RTI Applications
- View RTI Application Status & Reports
- Departments can see comprehensive annual report for all Offices working under them
- Nodal dept & Information Commission can see the comprehensive Reports of all public authorities of the entire State.

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Online RTI Applications

E-Request

Citizen can lodge a RTI Application Online to PIO & First Appeal to FAA

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Public Opinion: People's Governance

- ✓ Feedback & Suggestion from Public about any Manual of any Public Authority
- ✓ Selected Comments can be made open to Public

Do you have any feedback/ Suggestion about this Manual, Click here to submit your feedback

Click here to see the Public opinion about This manual.

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Mode of Accessibility

- Citizens could access it from anywhere, 24 X 7.
- The exact URL of each public authority of the portal has been interlinked at their respective websites and also displayed in front of the Office of the Public Information Officers for public knowledge.
 - Internet – From Office or Home
 - Internet Cafes
 - Common Service Center (Jana Seva Kendra)
 - e-Seva center

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Achievements

- Since its implementation, the system has connected more than 5000 offices into this single network of RTI CMM.
- **CII IT Award 2010** by CII (Confederation of Indian Industries) on 11th February 2010.
- Adjudged as **Best RTI initiative** in South Asia by WORLD BANK.
- The RTI Central Monitoring Mechanism got the **BEST USER FRIENDLY WEBSITE Award 2010** from India eGOV 2.0 Award 2010.
- RTI Central Monitoring Mechanism has been voted number #2 in the G2G category in eGov for the **eINDIA CITIZEN CHOICE AWARD 2010**.
- Received the National Awards on e-Governance 2011-12 in Best Government Portal category at 15th National Conference on e-Governance at Bhubaneswar.

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Budget Provisions: Approved Rates

All the individual Public Authorities will pay for their part of RTI work based on the approved Govt. price

Rs. 11,000/- per customization and implementation of a Public Authority account.- With the above, Public Authorities will be able to add pages and maintain RTI cases inside the software without any limit.

Rates for Designing & Back log Entries:

- Rs. 350/- per designing of a page
- Rs. 80/- per case in case of entering complete back log case records.

Bills of Luminous Infoways will be paid only after vetting by NIC, Dept. of IT, Govt. of India

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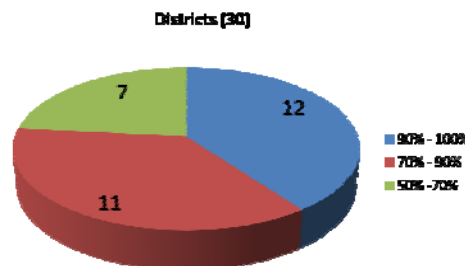
Media & Press Releases

Some key note from World Bank on RTI CMM

Review on 5th – 8th OCT 2009
 One of the best RTI implementation initiatives in **South Asia**
 RTI Central Monitoring Mechanism is **truly impressive**
 Has appreciated I&PR department on **effective implementation** of RTI throughout the State.
 Recommend a high level steering committee chaired by Chief Secretary to ensure implementation of RTI across the State.
 Issuance of Govt. orders to all Department/Public Authorities for regular update of RTI throughout the State.



Status of RTI Implementation by Districts



Status of RTI Implementation by District		
90% - 100%	70% - 90%	50% - 70%
Nabarangpur	Anugul	Bhadrak
Deogarh	Balasore	Cuttack
Jharsuguda	Khurda	Gajapati
Sundargarh	Bolangir	Ganjam
Boudh	Dhenkanal	Keonjhar
Kalahandi	Malkangiri	Koraput
Bargarh	Mayurbhanj	Rayagada
Subarnpur	Kandhamal	
Kendrapara	Puri	
Jajpur	Nayagarh	
Nuapada	Sambalpur	
Jagatsinghpur		

Third Party Assessment/Awards



National Awards on e-Governance
2011-12 for Best Govt. Portal



India
eGOV 2.0

Most User Friendly Website Award 2010



eINDIA 2010
Citizen Choice Award 2010 in G2G
category



Commended by
Hon'ble Supreme
Court of India



THE
WORLD
BANK

World Bank has acclaimed RTI-
CMM to be truly impressive
and one of the best RTI
Initiative in South Asia.



CII
IT
"IT AWARD 2010"
Best IT Service

Website: www.rtioidisha.gov.in

For further update of your information, please send a copy to the below e-mail addresses;

E-mail @- rti-ori@nic.in , rtiportal@gmail.com
Call @- 9238104446

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Q & A SESSION

Thank You

The Right to Information Act, 2005

Chapter-I

Preliminary

- Section
- 1. Short title, extent and Commencement
- 2. Definitions

Chapter-II

Right to Information and Obligations of Public Authorities

- 3. Right to Information
- 4. Obligations of Public Authorities
- 5. Designation of Public Information Officers
- 6. Request for obtaining Information
- 7. Disposal of Request
- 8. Exemption from Disclosure of Information
- 9. Grounds for Rejection to Access in Certain Cases
- 10. Severability
- 11. Third Party Information

CHAPTER-III

The Central Information Commission

12. Constitution of Central Information Commission
13. Term of Office and Conditions of Service
14. Removal of Chief Information Commissioner or Information Commissioner

Chapter-IV

Constitution Of State Information Commission

15. Constitution Of State Information Commission
16. Term of Office and Conditions of Service
17. Removal of State Chief Information Commissioner or State Information Commissioner.

Chapter—V

Power and Functions of the Information Commissions, Appeal and Penalties

18. Power and Functions of Information Commission
19. Appeal
20. Penalties

Chapter—VI

Miscellaneous

21. Protection of Action taken in good faith
22. Act to have overriding Effect
23. Bar of Jurisdiction of Courts
24. Act not to apply to certain Organization
25. Monitoring and Reporting
26. Appropriate Government to Prepare Programmes
27. Power to make Rules by Appropriate Government
28. Power to make Rules by Competent Authority
29. Laying of Rules
30. Power to Removal Difficulties
31. Repeal

FIRST SCHEDULE - Form of Oath or Affirmation

SECOND SCHEDULE - Intelligence and Security Organisations Established by the Central Government.

Preamble to the R.T.I. Act

An Act to provide for

- Setting out the practical regime of right to information for citizens to secure access to information under the control of Public authorities.
- In order to promote transparency and accountability in the working of every Public Authority.
- The Constitution of a Central Information Commission and State Information Commissions and
- For matters connected therewith or incidental thereto.

The preamble makes a reference to the Country being a democracy saying that "

WHEREAS the Constitution of India has established democratic Republic :

AND WHEREAS democracy requires

- An information citizenry and
- Transparency of information which are vital to its functioning and
- Also to contain corruption and
- To hold Governments and it's instrumentalities accountable to the governed;

AND WHEREAS revelation of information in actual practice is likely to conflict with other public interests including

- Efficient operations of the Government.
- Optimum use of limited fiscal resources and
- The preservation of confidentiality of sensitive information.

Aims and Objectives of the Right to Information Act, 2005

The Act was enacted with following objectives :

- (a) for setting out a practical regime of Right to information for citizen to secure access to information under the control of the public authorities ;
- (b) To promote transparency and accountability in the working of every public authority;
- (c) To remove corruption and to make Governments and their instrumentalities accountable for their functions;
- (d) To declare certain authorities as public authority which is required to disclose information to public ;
- (e) To impose responsibilities on public authority to designate the Public Information Officers(PIOs) and the appellate authority;
- (f) To impose responsibilities on the Public Information Officers to disclose information whenever application in this regard is made ' ;
- (f) To make the Public Information Officer liable where he violates provisions of this Act ' ;
- (h) To enable an aggrieved citizen to file first appeal against the Public Information officer before the Appellate Authority of that public authority ' ;
- (i) To constitute the Central Information Commission and the State Information Commissions ;
- (j) To enable the aggrieved citizen to file second appeal against the Public Information Officer before the Central Information Commission or the State Information Commissions ;
- (k) To enable the Commission to harmonize the conflicting interests of public authorities and public

Principles

The Act is based on the following principles.

- (i) **Maximum Disclosure :**
- (ii) **Obligation to Public :**
- (iii) **Promotion of Open Government :**
- (iv) **Over-riding Public Interest :**
- (v) **Process of Facilitate Access :**
- (vi) **Time limit :**
- (vii) **Cost of access to information :**
- (viii) **The Right to Information Act prevails**

Procedure for obtaining information

- (i) Any person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made. Such request must be accompanied with prescribed fee.
- (ii) Further the applicant making request for information is not required to give any reason for requesting the information or any other personal details except that which may be necessary for contacting him. Where necessary information is available with the other PIO then concerned PIO shall provide it by obtaining the same from such other PIO with whom the information sought may be available.
- (iii) Where the concerned Public Information Officer who has received the application feels that such information is held by another public authority, or the subject matter of which is more closely connected with the functions of another public authority than the Public Information Officer or the public authority, to which such application is made, may transfer the application or such part of it as may be appropriate to other public authority.
- (iv) The Public Information Officer on receipt of a request under section 6 shall as expeditiously as possible, and in any case within thirty 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 reasons specified in sections 8 and 9. However, where the information sought concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.

Responsibilities of a PIO

- (1) Render all reasonable assistance to the applicant [Section 5(3), proviso to section 6(1) and section 7(4)] like reducing an oral application to writing.
- (2) Receive the application and/or make arrangement for receipt of application in his absence.
- (3) Deal with the requests for information under the Act [Section 5(3)].
- (4) Seek the assistance of any other officer within the Public Authority for discharging the duties [Section 5(4)] and such officer shall be deemed to be the PIO [Section 5(5)].
- (5) Transfer the application to other public authority and intimation to the applicant if the information requested is in the possession of or more closely related to some other public authority **within 5 days** [Section 6(3)].
- (6) Either provide the information or reject the request u/s 8 or 9 giving a speaking order [Section 7(1)].

Responsibilities of a PIO Cont....

- (7) Dispose the application as expeditiously as possible and not later than 30 days from the receipt of the application.
- (8) Calculate the further fee required to be paid and inform the applicant [Section 7(3)].
- (10) Consider the representation of the third party before making a decision regarding disclosure of the information [Section 7(7)].
- (11) 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 [Section 7(9)].
- (12) Permit partial access of the information to the applicant intimating the reasons for the decision [Section 10]/
- (13) Defend his decision before the FAA and Commission if an applicant goes in appeal against the denial of information.

Time Limit for supply of information

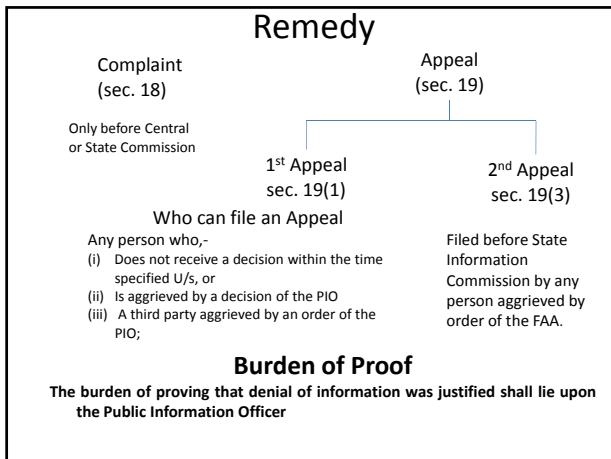
- | | |
|--|----------------------|
| 1. In Ordinary Course | 30 days |
| 2. If the Information concerns the life or Liberty of a Person | 48 hours |
| 3. If the request is made to an Assistant Public Information Officer | Normal time + 5 days |
| 4. If the request involves information related to a third party | 40 days |
| 5. If the request involves information pertaining to the allegations of human rights violation in relation to specified intelligence and Security Organisations. | 45 days |

Rights of Third Party

- a) Written notice must be given to the third party as under Section 11(1) of the Act.
- b) Third party can make submissions in writing or orally,
- c) These submissions must be kept in view as per provisions of Section 11(1) or shall have to be considered, as per Section 7(7) by the Public Information Officer;
- d) A copy of this order must be given to the third party as per provisions of Section 11(3) of the Act;

Continued.....

- e) Third party has to be informed that he can prefer an appeal as per Section 11(4) of the Act
- f) Right of First Appeal is given to third party as per Section 19(2)
- g) Right to Second Appeal is also given to third party under Section 19(3);
- h) Third party can get opportunity of personal hearing before FAA;
- i) Duty is imposed upon Second Appellate Authority to provide opportunity of hearing to third party as per Section 19(4) of the Act



- Complaints : Sec. 18(1)**
- a) The complainant is unable to submit an application for information because no PIO has been designated by the public authority;
 - b) The PIO or APIO refuses to accept the application for information ;
 - c) The complainant has been refused access to any information requested under the Act ;
 - d) The complainant does not receive a response from the PIO within the specified time limit
 - e) The complainant has been required to pay an amount of fee which is unreasonable ;
 - f) The complainant believes that he has been given incomplete, misleading or false information; and
 - g) In respect of any other matter relating to requesting or obtaining access to records under the Act.

- Commission have the following civil powers while conducting an enquiry (Section-18(3))**
- a) Summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to procedure the documents or things;
 - b) Requiring the discovery and inspection of documents ‘
 - c) Receiving evidence on affidavit ;
 - d) Requisitioning any public record or copies thereof from any court or office ‘
 - e) Issuing summons for examination of witnesses or documents; and
 - f) Any other matter which may be prescribed.

- Appeal – Meaning of.**
- Appeal** :- Is the right of entering a superior Court and invoking its aid and interposition to redress the error of the court below.(West-bury)
- Appeal**:- Is defined in the Oxford Dictionary, volume-I, page 398, as the transference of a case from an inferior to a higher Court or tribunal in the hope of reversing or modifying the decision of the former.
- During hearing of the appeal**
- 1) the record of the inferior tribunal may be brought to the superior tribunal and the decision reviewed, affirmed, reversed or modified; or
 - 2) the superior tribunal may check the exercise or usurpation of power in inferior tribunals exercising judicial or quasi-judicial power.
 - 3) direct the mode in which they shall proceed.

- Time Limit for Appeal**
- First Appeal should be filed within 30 days from the expiry of the time specified u/s 7 for giving a decision on an application. 19(1)
 - Second Appeal Should be filed within 90 days from the date of actual receipt of the decision /order passed by the First Appellate Authority or the date on which the decision should have been made.
- Condonation of Delay**
- The Appellate authority may condone the delay and admit an appeal after expiry of the said period of 30 days or 90 days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- Power of Information Commission, while deciding an Appeal (Sec-19(8)**
- In its decision, the Commission has the power to –
- (a) Require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including –
 - (i) By providing access to information, if so required in a particular form ;
 - (ii) By appointing a Central Public Information officer or State Public Information Officer, as the case may be ;
 - (iii) By publishing certain information or categories of information ;
 - (iv) By making necessary changes to its practices in relation to the maintenance, management and destruction of records;

Continued.....

- (v) By enhancing the provision of training on the right to information for its officials;
- (vi) By providing it with an annual report in compliance with clause (b) of sub – section(1) of Section 4
- (b) Required the public authority to compensate the Complainant for any loss or other detriment suffered.
- (c) Impose any of the penalties provided under this Act.
- (d) Reject the application.

Particular to be furnished with Complaint Petition

- (1) Every complaint made under sub-section (1) of section 18 should contain the following particulars.
 - (a) the name and address of the complainant ;
 - (b) the name and address of the officer or officers against whom complaint is made ;
 - (c) the facts relating to complaint and when and where it arose;
 - (d) document, if any, as are necessary to prove the allegation made in the complaint petition and
 - (e) The relief sought for.

Contents of appeal

An appeal shall contain the following informations:

- (i) Name and address of the appellant;
- (ii) Particulars of the Public Information officer;
- (iii) Date of receipt of the order appealed against;
- (iv) Last date for filing the appeal;
- (v) Particulars of information-
 - (a) nature and subject matter of the information required;
 - (b) name of the officer or department to which the information relates,
- (vi) the grounds of appeal (details, if any, to be enclosed)
- (vii) Verification by the appellant.

Documents to accompany appeal

Every memorandum of appeal made to the Commission shall be accompanied by the following documents, namely :-

- (a) self-attested copies of the orders of documents against which the appeal is preferred;
- (b) copies of documents relied upon by the appellant and referred to in the appeal ;
- (c) an index of the documents referred to in the appeal; and
- (d) self-addressed duly stamped envelop for intimation of defects in case the memorandum of appeal is sent by registered post.

Procedure in deciding appeal or complaint

- (1) In deciding the appeal or complaint, as the case may be, the Commission may-
 - (a) take oral or written evidence on oath or affidavit from concerned or interested person;
 - (b) peruse or inspect documents, public records or copies thereof;
 - (c) inquire through authorised officer further details of facts;
 - (d) hear State Public Information officer who decided the first appeal, or such person against whom the complaint is made, as the case may be;
 - (e) hear third party; and
 - (f) receive evidence on affidavits from PIO, APIO and Officer decided the first appeal or the third party.

Penalty & Disciplinary action against the P.I.O.

while deciding a complaint or appeal the Commission is of the opinion that the PIO has without any reasonable cause

- (a) Refused to receive an application for information;
- (b) Not furnishing information within the time limit;
- (c) Malafidely denied the request for information; or
- (d) Knowingly given incorrect, incomplete or misleading information; or
- (e) Destroyed information which was the subject of the request; or
- (f) Obstructed in any manner in furnishing the information;
- (g) Shall impose penalty of Rs.250/- for each day of delay subject to a maximum of Rs.25,000/- {Sec.20(1)}.
- (h) Can recommend for disciplinary action against the PIO {Sec.20(2)}.

Reasonable causes of delay

1. Application not received
2. Information not sought
3. Complex legal issue
4. PIO's understanding of law
5. No mala fide intention
6. Compilation from multiple agencies
7. Establishing the identity of applicant
8. Defective working of the system

Continued.....

9. Volume of work
10. Voluminous information
11. Misplacement/mixing up of the application
12. Grievance settlement
13. Locating the place of information
14. Old records
15. Reply returned undelivered
16. Stay against the order of CIC

What is public interest?

Black's Law Dictionary, 6th Edn. Defines "Public Interest" as 'something in which the public, the community at large, has some pecuniary interest, or some interest by which their legal rights or liabilities are affected. .

In Stroud's Judicial Dictionary, Vol.4, 4th Edn. 'Public Interest' is defined as A matter of public or general interest does not mean that which is interesting as gratifying curiosity or a love of information or amusement but that in which a class of the community have a pecuniary interest, or some interest by which their legal rights or liabilities are affected.

Some examples of public interest

- ❖ a criminal offence;
- ❖ Failure to comply with a legal obligation;
- ❖ Endangerment of health and safety;
- ❖ Damage to the environment;
- ❖ A school bus driver is suffering from colour blindness.
- ❖ Vehicles made by a factory are having faulty brakes.
- ❖ A Supreme Court judge has been given bonus shares in a company whose case is being heard by him.
- ❖ Food sold by a major supermarket has been contaminated or has surpassed the expiry date.

Continued.....

- Electrical appliances made by a company are not up to ISI standards.
- Rail tracks have expired their life and urgently need to be replaced.
- A known serial sex offender is living under a new identity.
- Supplies of blankets made to soldiers in Siachin are of poor quality.
- A postman has been charged with supplying illicit drugs.
- A school principal forcing teachers to pass on exam questions to him.
- A children's home in-charge has a history of child abuse.
- Miscarriage of justice;

Dealing with applications seeking voluminous information

In such cases the PIO may consider :

- (1) Inviting the applicant to clarify if a broad application was submitted just because the applicant was not sure what was available. Such interaction can lead to narrowing down of requirements and avoid unnecessary burden on the PIO.
- (2) If the information sought is huge or is available at different locations and it would be uneconomical to make copies of every piece of paper contained in the relevant files, the PIO may advise the applicant to inspect the files and identify the documents that are needed by him.
- (3) Use of advanced technology like the digital photography for scanning of documents may be of use.
- (4) Inspection of records

THANK YOU!