

## Role of PIOs, APIOs and First Appellate

### A. On receipt of application

1. Whether the applicant is a bonafide citizen of India?
2. Name of Applicant/Mailing/Contact Address of Applicant including phone Nos. and e-mail (if any).
3. Whether the applicant falls under BPL category. If so, proof of document (like Voters Identity Card, Ration Card etc.).
4. Ensure that the Application is accompanied by Application Fee (prescribed by the SIC)? If so, cash/DD/Cheque or proof of payment. Application Fee of Rs. 10/- shall be collected and deposited into State Exchequer at the end of every month.
5. If the applicant is illiterate or disabled person, assist such person to make request.
6. If oral request is received, reduce to writing. (make the request more specific).
7. The PIO need not ask the reason for requesting information.
8. Issue acknowledgement and receipt to the applicant.
9. Open a Case File and record in the Case File Index Register.
10. Mark the application with an ID No. and date of receipt of the application. (*PIO or APIO cannot refuse an application*). Time limit in providing information starts from the date of receipt of application (and not from the date when the application is written).
11. If APIO receives the application, transfer it to PIO at the earliest. (additional 5 days is added to the time limit).
12. Whether the information is related to the Public Authority? **If yes, go to B.**
13. Whether the Information sought relates to or affects a Third Party? **If so, go to C.**

### B. How to furnish information to the applicant pertaining to your organization(public authority):

1. Check the details of information sought by the Applicant.
2. Whether the information falls under Section 8 or Section 9 of the RTI Act? *If so, send a letter of rejection, with reasons, citizen's right to appeal under the Act and details of appellate authority to whom appeal can be preferred.*
3. In what format the applicant wants the information?
4. In what means of communication the applicant wants the information?
5. Whether information is/are readily available with the PIO?
6. Whether the information is available in published data?
7. Whether the information is available in electronic format?
8. Whether the information can be located from the catalogue of records available with the PIO?
9. Whether information is/are published as Manuals under the RTI Act?

10. Whether information is/are available on department's Web Site or Web Site of the public authority under the control of your department?
11. Whether partial information is to be given or not? Any word, sentence or paragraph that falls under the sections 8 or 9 may be severed and the remaining information be given.
12. Whether the Information sought concerns the life or liberty of a person?
13. Name of concerned Section/Branch/Cell holding the requested information.
14. If the requested information is dealt or held by another officer, transfer the application in writing to that concerned officer. *(In this case, that concerned officer shall be considered as 'deemed PIO' for that particular case).* A proper register has to be maintained to record all such action taken, as well, for such action will be an action in good faith on the part of the PIO.
15. Calculate the details of the cost of information, including medium and the means of communication [as per the prescribed rates/fees fixed by the State Government.
16. Intimate the applicant about the details of calculations how the total amount is arrived at, the modalities of deposit of fee, the right of the applicant for seeking review of the fees charged and appeal against the calculation.
17. Wherever required, provide assistance to citizens for inspection of works, materials, certified samples of materials.
18. Wait till the applicant pays the fees. *(the date between the intimation of fees to the applicant and the date till the applicant pays the fee is called 'intervening period' and is not counted within the time limit).*
19. On receipt of payment or proof of payment from the applicant, provide the information to the applicant.
20. As resources of the Public Authority is used or spent in providing information, the cost of information including medium of communication paid by the applicant shall be reimbursed to the concerned Public Authority. However, proper accounting is to be maintained

**C. Information relating to or affecting a Third Party:**

1. Write to the Third Party (in written notice) *within 5 days from the date of receipt of the application*. seeking its view or comments whether to disclose or not. (an opportunity of 10 days is given for reply. The Third Party may reply either in writing or orally).
2. Act according to the view or comments given by the Third Party. If the opinion of the Third Party and the PIO differs and that the Third Party is not satisfied with the decision of the PIO, the Third Party has the right to file an appeal.

### **Inspection of Work / Record and Taking Sample(s)**

Right to Information includes, inter alia, inspection of work, documents, records, taking notes, extracts and certified samples of material. In consultation with the concerned sections/divisions/offices in Government Departments, PIOs may fix a day or two of the week for applicants to take samples and for inspection of material. Such an arrangement may not disturb the work in the section/division/office and the citizen would also be aware of the days of visit to the PIO/Public Authority.

### **Check Slip for PIOs**

To enable the PIOs to discharge their functions effectively, it will be useful for the PIOs to be ready with the following:

- Full details of the administrative unit/office/organisation.
- Full details of the department of which the public authority is a part.
- Information proactively published by the public authority.
- Information made available electronically.
- Annual report and other documents published by the public authority.
- Names, addresses and other details of the Appellate Authorities:
- Designated Appellate Officers and Information Commission.
- The contact details of the other Public Authorities, PIOs and APIOs.
- Forms for receipt of fees and acknowledgement, communication of decision including rejection.
- Proper seating arrangements to facilitate easy accessibility of citizens to information handbooks, portals, websites etc.
- Register for receipt, acknowledgements - separately for inward and outward.
- Checklist for monitoring the disposal, pendency and disposal of the applications for information.
- Arrangements for inspection of records/taking samples by persons making requests and fix a particular day or two in the week for the above purposes and be ready with an appropriate contingency plan.

### **Some Important Tips for PIOs**

1. PIO/APIO to ensure that application is accompanied by the fee.
2. PIO/APIO to have their name plates for easy identification and access by public.
3. If any PIO/APIO goes on leave or tour, another officer shall be given in charge or he should entrust another officer/colleague in writing. Any applications received during this time, the entrusted officer shall act as PIO or APIO as the case may be.
4. PIO/APIO to treat applicant politely.
5. PIO/APIO need to understand that government is for the people and the activities, funds, schemes, information etc. of the government is for the people. Hence should not feel harassed when they receive request for information.

6. PIO/APIO to maintain Case Index Register and Case files – to deal with a case.
7. Forms for Receipts for application fees
8. The PIO need not take the approval of the higher authority, officer senior to him or the AA in providing information. He has to act alone in the capacity, authority and responsibility as a PIO. Similarly, the AA or other senior officers should not advise or direct/instruct the PIO to disclose or not to disclose.
9. Retain record on each application, transfer or disposal etc. so that materials as required may be furnished as documentary evidence to appellate authorities in case first / second appeal is preferred. Also it will help the PIO in furnishing of information for the Annual Report of the Information Commission.

### **Special Skills of PIOs**

1. The PIO should have complete knowledge and experience of office procedure. He should have adequate knowledge of record management prevailing with the public authority.
2. The PIO needs to know the structure and delegation of powers within the organization. He should be well versed with organization chart, levels of disposal of cases etc.
3. The PIO should be good in negotiation skills as often he will be negotiating with the public, colleagues, third party and others so that he could attend to his duties as PIO smoothly.
4. Most importantly he should be good in time management. The work of PIO is additional to the work he performs as an officer of the public authority. He should be able to apportion time available with him on various activities entrusted to him. Availability of inadequate time cannot be the basis for delay in disposal of requests for information or for supply of incomplete information.
5. It will be advantageous for the PIO to have knowledge on computers as sometimes information may be requested or require to provide in electronic form.
6. However, line of demarcation between Public and Private interests in very thin and would pose problems to the PIO in taking appropriate decision.