

CHAPTER – II

SETUP FOR RTI ACT, 2005

Before understanding the administrative arrangements for the implementation of RTI Act the centre and state level, it becomes necessary to discuss about the organizations meaning, definition significant and types.

In fact, Organisation refers to the structure of duties, responsibilities, and relationships that exist between all the people employed in operating a venture of performing a task. In any big establishment like a business, a government department, or a social institutions there are many different people employed to the work of that establishment. In such situation it becomes essential to divide the entire work among all the employees. Also it becomes necessary to create a structure of relationship between the employees to ensure that the jobs performed by individual employees are directed towards achieving their common goal.¹

The term ‘Organization’ is derived from the word ‘Organism’ which means an organization body of inter-dependent parts sharing common activity

Defining the Organization

The term organization is viewed differently by different authors. Some of the important definitions are:

Morstein Marx : “Organization is structure developed for carrying out the tasks entrusted to the chief executives and his administrative subordinates in the government.

Louis A. Allen : “Organisation is the process of identifying and grouping the work to be performed, defining and delegating responsibility and authority and establishing

relationships for the purpose of enabling people to work most effectively together in accomplishing objectives.”

Mooney and Railey : “Organisation is the form of every human association for the attainment of a common purpose.”³

The term organization is not different term but it is define differently or different opinion of the authors.

Elements of Organisation

In the organization of a football team, a grocery store, a government bureau or department or an insurance company, there are five elements: objectives, specialization, hierarchy, coordination and authority.

1. **Objectives:** An organization may be defined as a group of persons who cooperate in the accomplishment of objectives upon which they are agreed. The performance of the group will be influenced by how well the objectives are understood and supported by its members.
2. **Specialization:** An organization distributes work so that workers may specialize.
3. **Co-ordination:** An organization provides for co-ordination. The efforts of workers specializing in various tasks must be effectively interrelated.
4. **Hierarchy:** An organisation is built about a hierarchy. There must be clearly established channels of command, communication and control. Workers and supervisors must clearly understand from whom they take orders and to whom they report.
5. **Authority :** An organization fixes authority, when men work together someone must have authority to give direction, to resolve differences among individuals working on related tasks.⁴

Types of Organisation

There are two types of organizations Formal and Informal. Infact, they are not two different types but are dimensions of the same organization.

A formal organization typically consists of a classical mechanistic hierarchical structure in which position, responsibility, authority, accountability and the lines of command are clearly defined and established. It is a system of well defined jobs with a prescribed pattern of communication, coordination and delegation of authority. It is consciously brought into existence for predetermined objectives and is designed to enable the people in the organization to coordinate their efforts effectively in order to achieve those objectives. John M. Gaus wrote, "...is the arrangement of personnel for facilitating the accomplishment. Of some agreed purpose through the allocation of functions and responsibilities. It is the relating of efforts and capacities of individuals and groups engaged upon a common task in such a way as to secure the desired objective with the least friction and the most satisfaction to those for whom the task is done and those engaged in the enterprise."⁵

According to Chester Barnard, "Formal organization is a system of consciously co-ordinated activities of two or more persons toward a common objective. The essence of formal organization is conscious common purpose and formal organisation comes into existence when persons (a) are able to communicate with each other; (b) are willing to act; and (c) share a purpose. In the words of Allen, "The formal organization is a system of well defined jobs, each bearing a definite measure of authority, responsibility and accountability."⁶ It consists of those relationships that are relatively stable and change only slowly.

Thus formal organization enables designing of an organization, identification of various levels for decision making, allocation of duties and responsibilities and

ensuring smooth performance. Formal organization means the intentional structure of roles in a formally organized enterprise.

The informal organization, on the other hand, comes into existence due to social interactions and interpersonal relationships and exists outside the formal authority system, without any set rigid rules. Though unrecognized, it exists in the shadow for formal structure as a network of personal and social relations, which must be understood and respected by the management. The nature of informal organization was first systematically explored in the pioneering studies carried on by Elton Mayo and others at the Hawthorne plant of the Western Electric Company. It exists in government offices as well as in business⁷.

Chester Barnard describes informal organizations as the aggregate of personal contacts and interactions and the associated groupings of people. Such organizations are indefinite, structure less and are a shapeless mass of varied densities. They are based not upon official authority, but upon personal and group ties.

According to Chester Barnard, "Informal organization brings cohesiveness to a formal organization, a feeling of belonging, of status, of self respect and of gregarious satisfaction."

Barnard considers the following as the functions of informal organisation, viz., communication, maintenance of cohesiveness through regulating the willingness to learn and the ability of the objective authority; and maintenance of the feeling of personal integrity, self respect and independent choice.⁸

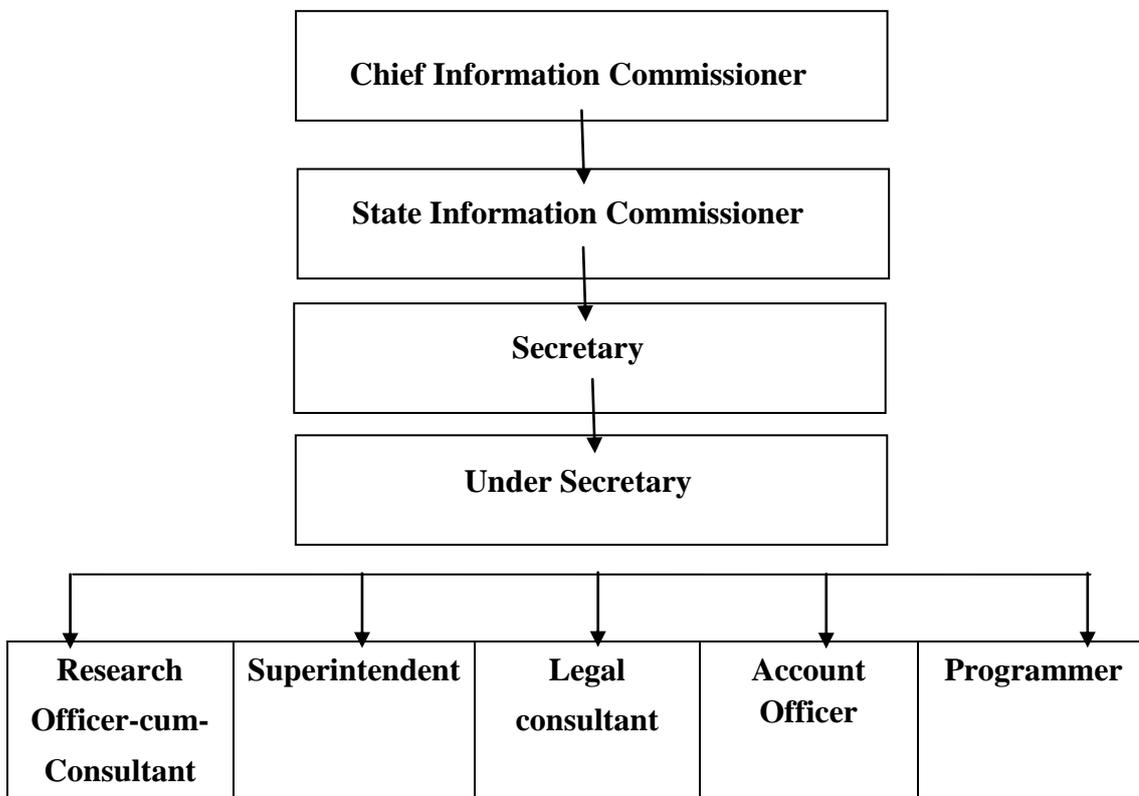
Hence, the RTI Act, 2005 is passed and its organization is established at a centre and state level in the form of centre information commission and state information commission for achieving certain objectives as given underneath.

(1) To make and administration transparent, responsible and accountable.

- (2) To speed up Administrative system.
- (3) Empowering people through information at Right Time and Place.
- (4) Encourage People's participation in development activities through sharing information with the people.
- (5) To stream line below poverty line people through information, which is provide them free of coast in the act.

ORGANISATION CHART OF CENTRE AND STATE INFORMATION COMMISSION

PROCEDURE FOLLOWED IN THE DECISION-MAKING PROCESS,
INCLUDING CHANNELS OF SUPERVISION AND ACCOUNTABILITY



Constitution of Central Information Commission:

According to provisions of the RTI Act, 2005 under section 12, it is mandatory for the central government to form the central information commission to exercise the powers conferred on and to perform the function assigned to it. The Central Information commission (CIC) as per section 2(C), is defined as under: “Central Information Commission” means the CIC constituted under Sub-section (1) of section 12.

As per provisions of the Act, the CIC consist of one Chief Information Commission and such number of Central Information Commissioner not exceeding ten as may be deemed necessary (Section 12(2)).

According to the Government of India, initially constituted the Central Information Commission consist of one Chief Information Commission (CIC) and remaining information commissioners (IC), CIC and IC are appointed by the president of India on the recommendation of the committee consisting of (1) the Prime Minister, who shall be the Chairperson of the committee (2) the Leader of opposition in the Lok Sabha, and (3) a union cabinet minister to be nominated by the Prime Minister (Section 12(3)).

It may be made clear if the leader of opposition in the house of people has not been recognized as such, the leader of single largest group in opposition of the government in the house of people shall be deemed to be the leader of opposition.

Qualifications:

The Act provides that persons of eminence in public life with wide knowledge and experience in law, science and technology, social service management, journalism, mass media or administration and governance are eligible for the appointment as chief Information Commission or the information commission (section 12(3)).

Disqualification

The Act clearly specified that a member of the parliament or member of the state legislature or union territory cannot be considered for appointment as a CIC or IC. They should not hold any other office of profit and should not be connected with any political party or carrying on any business or pursuing any profession (Section-12(b)).

Autonomous status has given to the commission for its independent working. The Chief Information Commission is responsible for general superintendent management and direction in the day to day affairs at the commission. Other

information commissioners shall assist the CIC. The Act provides that CIC may exercise all such powers and do all such acts and things, which may be exercised or done by the commission autonomously without being subjected to directions from any other authority (section 12(4)).

Headquarter

As per section 12(7) of the RTI Act, the headquarters of the CIC is to be located at the central capital and in India it is situated at Delhi, and the central government may establish offices at other places in India presently, the office of the CIC is located at August Kranti Bhawan, 2nd Floor, Bhikaji Vana Place, New Delhi.

Term of office and Condition of Service

The tenure of the CIC has been prescribed for a period of five years from the date on which he enters upon his office. The CIC shall not be eligible for reappointment. However, the Act has provided that no CIC shall hold office after he has attained the age of sixty five years (section 13(1)).

The tenure of the information commissioners is also five years from the date on which they enter upon their office and till they attain the age of sixty five years, whichever is earlier. They are not eligible for reappointment as such information commissioners (section 13(2)) on vacating the office, information commissioners are eligible for appointment as the CIC (section 13(2)).

If any IC is appointed as the CIC his/her tenure of office cannot be more than five years in aggregate both as CIC and IC (sec. 13(2)).

The CIC or an IC is required to take an oath before the President or some other person appointed by him in that behalf, in accordance with the form set out for the purpose in the first schedule of the Act (Section 13(3)).

The CIC or an IC can at any time, by writing under his hand addressed to the President, resign from his office (Section 13(4)).

The salary and allowances of the CIC are kept equivalent to the Chief Election Commissioner of India. Like this, IC get salary and allowances equivalent to that of an Election Commissioner (Section 13(5)). However, the rules for the salaries and allowances payable, and the terms and conditions of service of the officers and employees of the CIC are framed by the central Government as per section 27(d) so far as salary and other financial benefits are concerned section 13(5) of the Act makes it clear that the salaries, allowances and other condition service of the CIC and the IC shall not be varies to their disadvantage.

Other Staff of Commission

The Act has left it to the centre government that it will provide the Chief Information Commissioner and the Information Commissioner with such officers and staff as may be necessary for the efficient discharge of their duties under this Act. The salary and allowance of officers and staff shall be as such as is prescribed by the central government.

Presently, the CIC is having a secretary are additional secretary, two joint secretary and one under secretary at officer level who are assisted by other supporting staff (Section(13(6)).

Removal of CIC and IC

According to Section 14(1) of the RTI Act, 2005 the CIC or any IC can be removed from his office only by order of the President on the ground of proved misbehaviors or incapacity.

This can be done only after the Supreme Court, on the reference made to it by the President, has, on inquiry, reported that the Chief information commissioner or any IC as the case may be, ought to be removed.

Suspension

The President may also suspend the incumbent from office the CIC or IC in accordance with the provision of the Act. They can be prohibited from attending the office during inquiry, until the President has passed orders on receipt of the report of the Supreme Court as such reference section 14(2).

Removal

Besides the above, the President can by order remove from office the CIC or any IC If he or she (a) is adjudged an insolvent, or (b) has been convicted of an offence which in the opinion of the President, involves moral turpitude, or (c) engages during his turn of office in any paid employment outside the duties of his office, or is, in the opinion of the President unfit to continue in office by reason of infirmity of mind or body, or (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the CIC or IC (section 14(3))

The CIC or any IC is deemed to be guilty of misbehavior if any way they are concerned or interested in any contract of agreement made by or on behalf of the Government of India or participates in any way in the profit there of or in any benefit or emolument arising there from otherwise than as a member and in common with the other members of an incorporated company. Section 14(4)

Constitution of State Information Commission

Constituting the CIC at the central level the Act has mandated upon the state government to set up State Information Commission to exercise the powers conferred on, and to perform the functions assigned to it. As per the provisions of the Act, the

Commission is to be headed by State chief Information Commission (SCIC) and consists up to Ten State Information Commission (section 15(1)). As per the provisions of the act, all the state government has already set up their state level state information commission.

For appointing the SCIC and the State Information Commissioners section 15(2) of the Act has made the provision that their appointment shall be made by the governor on the recommendation of a committee consisting of the Chief Minister, who shall be the Chairperson of the committee; (2) the Leader of opposition in the Legislature Assembly; and (iii) a cabinet Minister to be nominated by the Chief Minister.

Autonomous Status

According to Section 15(4), full autonomy has been provided to the SIC like the status of CIC. The SCIC with the assistance of State information commissioners is responsible for general superintendence, direction and management of the affair of commission. He is empowered to exercise all such powers and do all such acts and things, which may be exercised or done by the SIC without being subjected to direction by any other authority under this act. However as per section 27(C) the state government shall frame the rules relating to the procedure to be adopted by the commission.

Qualification

For becoming a SCIC or State information commission he/she must have full fill the minimum eligibility criteria of being a person of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration (Section 15(5)).

But the Act also provides that the SCIC or the State information Commissioner cannot be a member of the parliament or member of the legislature or any state or union territory, as the case may be, or hold any other office of profit. They should not be connected with any political party or carrying on any business or pursuing any profession (Section 15(6)). For setting up the headquarter of the SIC, the Act has left it to the State Government to specify the place for the headquarter of the SIC in the State. However, the SIC with the prior approval of the State Government can establish offices at other places in the state (Section 15(7)).

Term of Office and Condition

Like the tenure of the Central chief information Commissioner at the centre level, a term of five years has been prescribed for the SCIC and SIC or they can continue up to the age of 65 years. Under the Act, there is no provision of reappointment of the Chief Information Commissioner, However, State Information Commissioners can be re-employed as the Chief Information Commissioner, and in this case also he will have to retire at the age of 65 years or on completion of his term of five years calculated from his original first appointment as commissioner. Before entering the service, like the Central information commissioners, the state Chief Information Commissioner and the State Information Commissioner are also supposed to subscribe the oath before the Governor as in the First schedule of Act. So far as salary is concerned, the State Information Commissioner has been kept at par with the election commissioner of the central election commission. State information commissioner shall draw a salary equivalent to that of a chief secretary of the state government. The state government has no power to vary their salary to their disadvantage; however, it can be so if it is to their advantage (section (16)).

For smoothing functioning of the state information commission according to the provision of the Act, the state government has to provide adequate staff i.e. such

officials and employees as may be necessary. Their salary and other term and condition of service shall be the same as prescribed by the state government.

Removal

The Act has provided full autonomy to the State Information Commission and Commissioners enjoy this autonomy and perform their duty independently with the parameters of the Act. In order to allow the commissioners perform their duty free from any political pressure they have kept out of the control of the executive.

As per the provisions of this Act, the Commissioners are appointed by the governor under the statutory powers. They can neither be suspended nor removed from service through normal process applicable on other government employees. However, on the charges of misbehavior or incapacity and after inquiry by the Supreme Court judge the Governor can remove them from service on the basis of unfavorable inquiry report.

The Governor can also remove them if he is convinced, if the commissioner has been proved as insolvent or convicted for an offence involving moral turpitude, or is engaged in other employment, or has become infirm in mind or has joined any business, trade which can affect neutrality of his duties as information Commissioner. Governor can replace them under suspension during the period of enquiry by Judge of Supreme Court on the charge of misbehavior or incapacity.

Appointment of Public Information Officer (PIO)

According to Section-5 of the Act, it is obligatory on the part of each and every public authority to designate its PIO within the hundred days of the enactment of the Act and the duty of such PIO would be to provide information to the information seekers. The Act has not put any bar on the number of state public information officers (SPIO) to be appointed by the public authorities in its

organization or establishment. Definitely the idea behind appointment of SPIO is to facilitate and supply of information to the right to information applicants.

Further, the Act also makes it obligatory on the part of each and every public authority to designate Assistant Public Information Officers (APIO) under the Right to Information Act for furnishing information or appeals and forward them to the concerned PIO or to the Commission. By doing so, the Act has made all possible arrangements to lessen the difficulties of information seekers and tried to provide the service at the doorstep of the applicants say at the field level and they may not face any difficulty in locating the office of PIO or the commission. According to the Act, the APIO is not empowered to take any decision on the application of the information seeker. His duty is only to forward the application or the appeal to the concerned PIO or the First Appellate Authority (F.A.A.) or the commission within five days of the receipt of the application or the appeal as per act the PIO is supposed to supply the information within 30 days of the receipt of application but where the application has been received by the APIO at the field level, a period of five days has to given extra for computing the period for supply of information (Section 5(2)).

Under the RTI Act, 2005 the PIO is most important and key functionary and there is no denying the fact that the act revolves around him. Under this act, the PIO has to perform the pivotal role of dealing with the application received under the RTI act, take decision, collect the information from the concerned office or section and apply the same to the information seeker. He has also been assigned the responsibility to assist and render all reasonable help and assistance to information seeker in case the applicant is unable to make a request in writing (Section 5(3)).

Also it is the responsibility of the PIO to provide information to the RTI applicants. But in big establishments and organizations it is not possible to keep complete record of the whole establishment under one section or under the control of

PIO. In such a situation, the PIO cannot perform his duty properly, particularly when the information asked for pertains to various branches of the organization. Therefore, in order to perform his duty properly the act has given powers to one PIO to seek assistance of any other officer of the organization (Section 5(4)).

Under Sub section is of section 5 the PIO has been authorized to seek assistance of any other officer, under this provision of the Act such other officer is duty bound to render all assistance to the PIO and such officer shall be treated as PIO. Also penalty, if any, would be imposed on him under sub-section(s) of section 20 or disciplines action under sub-sections(s) of section 20 of the RTI Act, 2005 (Section 5(5)).

Appointment of First Appellate Authority

According to section 19 of the Act, any person who does not receive a decision within the time specified in sub-sections(s) or clause(a) of sub-section (3) of section 7, or is aggrieved by a decision of the SPIO or SPIO, as the case may be, any within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the SPIO or SPIO, as the case may, in each public authority.

There may be instances and chances where a PIO may not act strictly in accordance with the provisions of the act, or a RTI applicant, due to one reason or the other may not be satisfied with the information supplied by PIO. The Act has a provision of two appeals.

Request for obtaining Information

Citizens of India, as defined under sections of the Act, are authorized to file applications for seeking information. They can submit their applications in English, Hindi or any official language of the place where application is filed. If an applicant

makes his request verbally or orally for supply of information, the SPIO or SPIO is duty bound to assist the applicant in the same into writing. The applicant is not required to specify the reason for seeking the information; he is just to inform the SPIO/SPIO about the information required only his correspondence address or phone number required for intimation.

With the application, information seekers have to enclose prescribed fee which is prevailing in the State. In the state of Haryana it is 50 rupees, no need to fee for a below poverty line people.

Disposal of the Request

The Public Information Officer (PIO) is required to provide information to the applicant within thirty days of the receipt of a valid application. If the information sought for concerns the life or liberty of person, the information shall be provided within forty eight hours of the receipt of the request. If the SPIO is of the view that the information sought for cannot be supplied under the provisions of the Act, he would reject the application. However, while rejecting the application, he shall inform the applicant the reasons for such rejection and the particulars of the appellate authority, lie would also inform the applicant the period within which appeal may be preferred.

If an applicant is required to make payment for obtaining information, in addition to the application fee, the Central Public information Officer would inform the applicant about the details of further fees along with the calculation made to arrive at the amount payable by the applicant. After receiving such a communication from the SPIO, the applicant may deposit the amount by way of cash against proper receipt or by Demand Draft or by Banker's cheque or by Indian Postal Order in favour of the Accounts Officer of the concerned public authority. The SPIO is under no obligation

to make available the information if the additional fee intimated by him is not deposited by the applicant.

Where an additional fee is required to be paid, the period intervening between the dispatch of the intimation regarding payment of additional fee and payment of fee by the applicant shall be excluded for the purpose of computing the period of thirty days within which the SPIO is required to furnish the information.

If the SPIO fails to send decision on the request on the information within the period of thirty days or forty-eight hours, as the case may be, the information may be deemed to have been refused.

Time Period for Supply of Information

The SPIO 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.

Every public authority is required to designate an officer at each sub-divisional level or other sub-district level as a Assistant Public Information Officer (APIO) to receive the applications or appeals under the Act for forwarding the same to the public information officer or the first appellate authority or the state information commission. 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.

In case of an application transferred from one public authority to another public authority, reply should be provided by the concerned public authority within 30 days of the receipt of the application by that public authority in normal and within 48 hours in case the information sought concerns the life or liberty of a person.

The Public Information Officers of the intelligence and security organizations specified in the Second Schedule of the Act 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.

Where the applicant is asked to pay additional fee, the period intervening between the dispatch of the intimation about payment of fee and the payment of fee by the applicant shall be excluded for the purpose of calculating the period of reply. The following table shows the maximum time which may be taken to dispose of the applications in different situations:

Table 2.1

S.No	Situation	Time limit for disposing of applications
1.	Supply of information in normal course.	30 days
2.	Supply of information if it concerns the life or liberty of a person	48 hours
3.	Supply of information if the application is received through CAPIO.	05 days shall be added to the time period indicated at Sr. No 1 and 2.
4.	Supply of information if application/ request is received after transfer from another public authority: a) In normal course ¹	(a) Within 30 days of the receipt of the application by concerned public

	(b) In case the information concerns the life or liberty of a person.	Authority (b) Within 48 hours of receipt of the application by concerned by concerned public authority.
5.	Supply of information by organizations specified in the Second Schedule: (a) If information relates to allegations of violations of human rights. (b) In case information relates to allegations of corruption.	(a) 45 days from the receipt of application (b) Within 30 days of the receipt of application.
6.	Supply of Information if it relates to third party and the third party has treated it as confidential	Should be provided after following the procedure given in this table and thereof.
7.	Supply of information where the applicant is asked to pay additional free.	The period intervening between informing the applicant about additional fee and the payment fee by the applicant shall be excluded for calculating period of reply.

If the SPIO fails to give decision of the request for information within the prescribed period the Central Public Information Officer shall be deemed to have refused the request. It is pertinent to note that if a public authority fails to comply with the specified time limit the information to the concerned applicant would have to be provided free of charge.

Third Party Information

Third Party in relation to the Act means a person other than the citizen who has made request for information. Any public authority other than the public authority to whom the request has been made shall also be included in the definition of third party.

Officer shall be deemed to have refused the request. It to note that if a public authority fails to comply with filed time limit the information to the concerned applicant Identity (ID) have to be provided free of charge party Information

It may be noted that information including commercial confidence, trade secrets or intellectual property the disclosure of would harm the competitive position of a third party, is exempt from disclosure, Section 8(1)(d) requires that such information should not be disclosed unless the competent authority is satisfied that larger public interest warrants the disclosure of such 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 Central Public Information Officer should consider whether the information should be disclosed or not. The guiding principle in such cases should be that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party. However, procedure as given below should be followed before disclosing such information. It may be noted that this procedure need be followed only when the third party has treated the information as confidential.

If the SPIO intends to disclose the information, he should within five days from the receipt of the application, give a written notice to the third party that the information has been sought by the applicant under the RTI Act and that he intends to disclose the information. He should request the third party to make a submission in writing or orally, regarding whether the information should be disclosed. The third party should be given a time often days, from the date of receipt of the notice by him, to make representation against the proposed disclosure if any.

The Central Public Information Officer should make a decision regarding disclosure of the information keeping in view the submission of the third party. Such a decision should be taken within forty days from the receipt of the request for information. After taking the decision, the SPIO should give a notice of his decision to the third party in writing. The notice given to the third party should include a

statement that the third party is entitled to prefer an appeal under section 19 against the decision.

The third party can prefer an appeal to the First Appellate Authority against the decision made by the Central Public Information Officer within thirty days from the date of the receipt of notice. If not satisfied with the decision of the First Appellate Authority, the third party can prefer the second appeal to the Central Information Commission.

If an appeal has been filed by the third party against the decision of the SPIO to disclose the third party information, the information should not be disclosed till the appeal is decided.

Appeals and Complaints

If an applicant is not supplied information within the prescribed time limit, or is not satisfied with the information furnished to him he may prefer an appeal to the first appellate authority who is an officer senior in rank to the SPIO. Such an appeal can be made within a period of 30 days from the date on which time limit for supply of information expires or the decision of the SPIO is received. The appellate authority of the public authority is expected to dispose of the appeal within a period of thirty days or in exceptional cases within 45 days of the receipt of the appeal. If the first appellate authority fails to pass an order on the appeal within the prescribed period and if the appellant is not satisfied with the order of the first appellate authority, he may prefer a second appeal with the Central Information Commission within ninety days from the date on which the decision should have been made by the first appellate authority or was actually received by the appellant.

If any person is unable to submit a request to a Central Public Information Officer either by reason that such an officer has not been appointed by the concerned

public authority or the Central Assistant Public Information Officer has refused to accept his or her application or appeal for forwarding the same to the Central Public Information Officer or the appellate authority, as the case may be; or he has been refused access to any information requested by him under the RTI Act; or he has not been given a response to a request for information within the time limit specified in the Act; or he has been required to pay an amount of fee which he considers unreasonable; or he believes that he has been given incomplete, misleading or false information, he can make a complaint to the Central Information Commission (Section,19).

First Appeal

If an applicant is not supplied information within the prescribed time of thirty days or 48 hours, as the case may be, or is not satisfied with the information furnished to him, he may prefer an appeal to the first appellate authority who is an officer senior in rank to the SPIO. Such an appeal should be filed within a period of thirty days from the date on which the limit of 30 days of supply of information is expired or from the date /on which information or decision of the SPIO is received.

The appellate authority of the public authority shall dispose of the appeal within a period of thirty days or in exceptional cases within 45 days of the receipt of the appeal (Section, 20).

Second Appeal

If the appellate authority fails to pass an order on the appeal within the prescribed period or if the appellant is not satisfied with the order of the first appellate authority, he may prefer a second appeal with the Central Information Commission within ninety days from the date on which the decision should have been made by the

first appellate authority or was actually received by the appellant. The appeal made to the Central Information Commission should contain the following information:

- (i) Name and address of the appellant;
- (ii) Name and address of the Central Public Information Officer against the decision of whom the appeal is preferred;
- (iii) Particulars of the order including number, if any, against which the appeal is preferred;
- (iv) Brief facts leading to the appeal;
- (v) If the appeal is preferred against deemed refusal, particulars of the application, including number and date and name and address of the Central Public Information Officer to whom the application was made;
- (vi) Prayer or relief sought;
- (vii) Grounds for prayer or relief;
- (viii) Verification by the appellant; and
- (ix) Any other information, which the Commission may deem necessary for deciding the appeal.

The appeal made to the Central Information Commission should be accompanied by the following documents;

- (i) Self-attested copies of the orders or documents against which appeal is made;
- (ii) Copies of the documents relied upon by the appellant and referred to in the appeal; and
- (iii) An index of the documents referred to in the appeal.

Complaints

If any person is unable to submit a request to a Central Public Information Officer either by reason that such an officer has not been appointed by the concerned public authority; or the Central Assistant Public Information Officer has refused to accept his or her application or appeal for forwarding the same to the Central Public Information Officer or the appellate authority, as the case may be; or he has been refused access to any information requested by him under the RTI Act; or he has not been given a response to a request for information within the time limit specified in the Act; or he has been required to pay an amount of fee which he considers unreasonable; or he believes that he has been given incomplete, misleading or false information, he can make a complaint to the Central Information Commission.

Disposal of Appeals and Complaints by the CIC/SIC

The Central Information Commission or state information commission as the case may be decides the appeals and complaints and conveys its decision to the appellant/complainant and first appellate authority/SPIO. The Commission may decide an appeal/complaint after hearing the parties to the appeal/ complaint or by inspection of documents produced by the appellant/complainant and SPIO or such senior officer of the public authority who decided the first appeal. If the Commission chooses to hear the parties before deciding the appeal or the complaint, the Commission will inform of the date of hearing to the appellant or the complainant at least seven clear days before the date of hearing. The appellant/complainant has the discretion to be present in person or through his authorized representative at the time of hearing or may opt not to be present.

Imposition of Penalty

As pointed out above, an applicant under the Act has a right to appeal to the central/state Information Commission and also to make complaint to the Commission. Where the Central information commission at the time of deciding any complaint or appeal is of the opinion that the central/state public information officer has without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified or mala fiedly denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished subject to the condition that the total amount of such penalty shall not exceed twenty-five thousand rupees. The Central Public Information Officer shall, however, be given a reasonable opportunity of being heard before any penalty is imposed on him. The burden of proving that he acted reasonably and diligently and in case of denial of a request that such denial was justified shall be on the Central Public Information Officer.

Exclusion

RTI Act has empowered the people to obtain the relevant information from any public institution. But the government has excluded certain organization where RTI Act is not applicable to save the sovereignty and integrity of India they are central Intelligence and security agencies specified in the second schedule like Intelligent Bureau Research and Analysis wing, Directorate of Revenue intelligence, Directorate of Enforcement, Narcotics Control Bureau, Aviation Research centre, special Frontier Force, Border Security Force and others armed force etc or agencies specified by the state Governments through a notification is also excluded. The

exclusion, however, is not obsolete and these organizations have an obligation" to provide information pertaining to allegation of corruption and human rights violations. Further, information relating to allegations of human rights violations could be given but only with the approval of the Central or State Information Commission.

Amend or Repeal

The centre government and state government have the power to amend or repeal the Act in favour of the people and the Nation. If the government feels that any difficulty is arising in the provision of the Act, the centre /state government can make the rules for removing difficulty (Section 30).⁹

The centre or state governments can also develop educational programmes for the public especially disadvantaged Communities to participate in the development and organization of such programmes. They organize the training programme for the officers to promote timely dissemination of accurate information to the public.

Thus under RTI Act centre and State Information Commission constituted, and under all these provisions various state government have framed their provisions which is applicable in the whole of the department of particular state .

The Haryana Government is not an exception. The Government has framed the rules providing for information under the Act. These rules are called the Haryana Right to Information rules, 2005 and came into force on the date of their publication in the official Gazette.

Table 2.2
Designation of FAA / SPIOs under RTI Act, 2005 in Secondary Education
Department, Haryana

Sr. No.	Institutions	SPIO	First Appellate Authority
1.	Middle Schools	Concerned Block Education Officers	District Elementary Education Officers
2.	High Schools / Sr. Sec. Schools	Concerned Head Master / Principal (DDO in case of post is vacant)	District Elementary Education Officers
3.	D.I.E.T. / G.E.T.T.I.	Concerned Principal DIET / GETTI	District Education Officers
4.	District Education Office	Concerned Deputy D.E.O.	District Education Officers

A person, who desires to obtain any information under the Haryana RTI rules he/she can apply in 'Form A' to the state public information officers (SPIO) state assistant Public Information Officer [ASPIO] along with fee of Rs50. He /she can deposit fee in the form of either in cash against proper receipt or by treasury challenge.

After accepting the application SPIO/SAPIO shall scrutinize the application and assess how much fee is required to be paid by the applicant to obtain the information. If the SPIO/SAPIO feels that they required more fee than they inform to the applicant in form 'B' within a period of seven days from the receipt of application. In ease the applicant fails to deposit requisite fee within a period of fifteen days after the issuance of the intimation given to him. Then the department construed that the applicant is not interested in obtaining the information.

For providing information the department is charged the fee, Rs. 10 per page in A-4 or A-3 size paper, Rs.50 for providing information in a floppy and Rs. 100 in diskette.

If a person is unable to obtain the relevant information from the respected department after filling the demands requirement then he/she can approach to the first appellate authority or second appellate authority as required. Other rule and regulation of the Haryana RTI rules 2005 are the same as defined in RTI Act 2005.¹⁰

Since present study pertains to the Secondary Education Department. Therefore all these rules are applicable in the department. According to Haryana RTI Act rules 2005 the department has appointed the public information officer, first appellate authorities and others staff, which is given below:

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