



Jammu and Kashmir State information Commission
(Constituted under the Right to Information Act, 2009)
Old Assembly Complex, Srinagar. Fax No. 0194-2484269,
Wazarat Road, Near Old DC Office, Jammu, Fax No.0191-2520947

IMPORTANT

The Commissioner/Secretary to Government,
General Administration Department,
J&K, Jammu.

No: SIC-J/15 /2009-II

Dated: 13 /05/2011

Subject: Designation of Officers as PIOs/FAAs.

Sir,

During the course of hearings in complaint/2nd appeal cases before the CIC over last two months, it has been observed that most of the departments/public authorities have not followed the provisions of Section 5 of the J&K RTI Act in its letter and spirit which provides as under:

“Every public authority shall, within one hundred days of the commencement of the Act, designate **as many officers as the Public Information Officers in all administrative units or offices under it as may be necessary** to provide information to persons requesting for the information under the Act.”.

The role of APIO is again misunderstood by the Public Authorities. As per Section 5(2) of the Act, the APIO has to receive the RTI application and forward the same to PIO for disposal within 5 days and his role ends there. On the contrary, some of the departments have designated only APIOs at different levels thus creating unnecessary hurdle in the disposal of RTI applications in accordance with the provisions of the Act.

The field departments, which have administrative units or offices at divisional, district, tehsil or block levels are required to designate officers at these levels as PIOs to facilitate providing of information to information seekers on time and from the source itself without approaching authorities at Divisional or State level. In a number of such departments, a single PIO has been designated at State level or divisional level which has created impediment for the information seekers in getting the information. On the other hand, district/block level functionaries are not also directly involved in responding to RTI applications readily in the prevailing mis-management vis-à-vis designation of PIOs/APIOs.

The Commission also finds it difficult to specify/identify the PIOs for initiation of the penalty proceedings due to absence of PIOs at the required levels. In this situation the Commission will be constrained to initiate penalty proceedings directly against the Public Authorities.

The Rural Development Department emerges as the Public Authority which needs to be appreciated because it has properly designated officers as PIOs and FAAs in accordance with the letter and spirit of the Act. This can be a model for similarly placed field departments/organizations to follow. (www.jksic.nic.in)

I am accordingly directed to request you kindly to issue necessary instructions to all departments/public authorities for doing the needful in this behalf and list containing particulars of PIOs/FAAs thus designated furnished to the Commission expeditiously.

Yours faithfully

-sd-

(M.A.Wani)

Deputy Secretary

J&K State Information Commission

Copy to :

1.Dir.School Edu.Kmr/Jammu 2.Director,CAPD,Kmrr/Jammu 3.Chief Engineer, PWD(R&B) /PHE,Kmr./Jammu 4.Chief Engineer Power, Kmr/Jammu 5. Director Health,Kmr./Jammu 6.Director Agriculture,Kmr./Jammu.

They are specifically requested to designate officers at appropriate levels as spelt out above to overcome the impediments in the implementation of the Act.

7. Pvt.Secy. to CIC for infn.of Hon'ble CIC.