

STATE INFORMATION COMMISSION MAHARASHTRA

No. SCIC/ CR No.66/2012

Dated 5th July, 2012

To,
All Public Authority,

Sub. : Directions to Public Authorities u/s 19(8)
r/w section 15(4) of RTI Act

Where as it is observed while deciding complaints filed u/s 18 of RTI Act as well as appeals filed under section 19 of the Act that officers/Public Authorities functioning under your control are not paying enough attention to implementation of RTI Act. As a rule, officers from your organization are not adhering to strict time limits prescribed for furnishing information to information seekers as well as First Appellate Authorities are not passing orders within 30 days as prescribed under the Act. Some of the First Appellate Authorities are not at all even caring to pass reasoned orders as mandated in RTI Act. This shows lack of seriousness, awareness as well as ignorance on the part of PIOs and AAs. Close scrutiny of complaints and appeals has revealed that the immediate superiors of officers dealing with RTI requests and Appeals are not at all concerned about implementation of RTI Act and never take any review to ensure effective implementation of RTI Act in true letter and spirit.

And whereas it is observed that there is serious lapse in time bound compliance provisions of section 4 of the RTI Act despite repeated instructions and further is observed that this lapse has resulted in constantly growing complaints and appeals for non-disclosures on account of unorganized and non-retrievable records and inefficient information management.

Hence in exercise of the powers vested in this Commission under section 19(8) read with Section 15(4) of the Act, you are hereby directed by the commission to ensure that:-

1. All records in your entire organization be cataloged, indexed and made accessible using appropriate network with a view to disseminate maximum information required by citizens as envisaged in section 4 (1)(a) of the Act without any loss of time.
2. The record-management practice, as much as possible, should be technologically driven. Technology should be used for efficient and wide dissemination of information.
3. All relevant information (17 points) already pro actively disclosed on the website of your organization be reviewed, updated and should be made available for free access to citizens in printed form also as envisaged in section 4(1)(b) of the Act. A board stating places where such updated disclosure is available for public access in printed form should also be displayed prominently.

4. Regular monthly review of receipt and disposal of applications and first appeals under RTI be taken at your level as well as by immediate controlling officers of PIOs and AAs so as to ensure that all applications and appeals filed are properly disposed off.
5. Compliance of instructions/directions issued by SIC to PIOs and AAs be monitored at a senior level. It should also be ensured that fine imposed is recovered from the salary of the concerned PIOs/AAs. A regular monitoring system should be devised for this and responsibility should be fixed on those failing to recover fines from the salaries of concerned PIOs/AAs.
6. Public Information Officers and wherever First Appellate Authorities are summoned should personally attend hearings of the Commission without fail and it should be impressed upon the concerned Officers that these hearings are quasi-judicial in nature and they have to attend it with all seriousness.
7. Special arrangements for providing assistance to citizens in accessing information as envisaged in section 4(1)(b)(xv), section 5(3), and section 6(4) be made at once.
8. It be noted that not only Public Information Officers and First Appellate Authorities but also all officers and employees and Heads of departments/Public Authorities under your control are equally responsible for effective implementation of provisions of RTI Act and all the concerned may be appropriately sensitized/trained in this respect.
9. Plan of action to carry out above directions be reported to Commission forthwith. As we are in 7th year of implementation of RTI Act, any complaint of lapse in the implementation of provisions of RTI Act hereafter will be viewed seriously.

Sd/-

(Ratnakar Gaikwad)

Chief Information Commissioner

Maharashtra