

പബ്ലിക് ഇൻഫർമേഷൻ ഓഫീസർ മറ്റു ഉദ്യോഗസ്ഥരുടെ സഹായമാണ് വകുപ്പ് 5(4) പ്രകാരം തേടുന്നത്. വിവരം അപേക്ഷകന് നൽകാൻ ആ ഉദ്യോഗസ്ഥൻ നിർദ്ദേശം നൽകാൻ പബ്ലിക് ഇൻഫർമേഷൻ ഓഫീസർക്ക് കഴിയില്ല. വിവരങ്ങൾ അപേക്ഷകന് നൽകേണ്ടത് പബ്ലിക് ഇൻഫർമേഷൻ ഓഫീസർ തന്നെയാണ്. വകുപ്പ് 5(4) പ്രകാരം പബ്ലിക് ഇൻഫർമേഷൻ ഓഫീസർ സഹായം ആവശ്യപ്പെട്ടിട്ടും ആ സഹായം പബ്ലിക് ഇൻഫർമേഷൻ ഓഫീസർക്ക് നൽകിയില്ലാതെ കിൻ വകുപ്പ് 5(5) പ്രകാരം ആ ഉദ്യോഗസ്ഥനെ deemed SPIO ആയി കണക്കാക്കി നടപടി സ്വീകരിക്കുന്നത് വിവരാവകാശ കമ്മീഷൻ ആണ്

No.1/14/2008-IR

Government of India

Ministry of Personnel, Public Grievances & Pensions

Department of Personnel & Training

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North Block, New Delhi

Dated: the 28th July, 2008

OFFICE MEMORANDUM

Subject: Clarification regarding Sub-sections (4) and (5) of Section 5 of the Right to Information Act, 2005.

Sub-sections (4) and (5) of section 5 of the Right to Information Act, 2005 provide that a Public Information Officer (PIO) may seek the assistance of any other officer for proper discharge of his/her duties. The officer, whose assistance is so sought, shall render all assistance to the PIO and shall be treated as a PIO for the purpose of contravention of the provisions of the Act. It has been brought to the notice of this Department that some PIOs, using the above provision of the Act, transfer the RTI applications received by them to other officers and direct them to send information to the applicants as deemed PIO. Thus, they use the above referred provision to designate other officers as PIO.

2. According to the Act, it is the responsibility of the officer who is designated as the PIO by the public authority to provide information to the applicant or reject the application for any reasons specified in sections 8 and 9 of the Act. The Act enables the PIO to seek assistance of any other officer to enable him to provide information to the information seeker, but it does not give him authority to designate any other officer as PIO and direct him to send reply to the applicant. The import of sub-section (5) of section 5 is that, if the officer whose assistance is sought by the PIO, does not render necessary help to him, the Information Commission may impose penalty on such officer or recommend disciplinary action against him the same way as the Commission may impose penalty on or recommend disciplinary action against the PIO.

3. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)

Director