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No.578/2013-1/AR
GOVERNMENT OF HARYANA
CHIEF SECRETARY'S OFFICE
ADMINISTRATIVE REFORMS DEPARTMENT

Chandigarh, the 15th April, 2013
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To All the Administrative Secretaries in the State,
Government of Haryana.

Subject:- Disposal of first appeal under the RTI Act, 2005.


Sir/Madam,

I am directed to address you on the subject noted above and to inform you that State Information Commission, Haryana, has brought into the notice of this department that the First Appellate Authorities, designated under RTI Act, 2005, do not dispose of the appeals within the time prescribed in the Act and nor examine the appeals judiciously. Wherever they considered the appeal, they generally express their agreement with the decision of the State Public Information Officers mechanically. The Commission has further observed that the Public Authorities have appointed very junior officers as State Public Information Officers who are not in a position to provide the information after collecting it from the custodians of the offices who are senior in rank.

2. The Government has considered the observation of the State Information Commission and it has been decided that the public authorities should appoint such officers as First Appellate Authority and the State Public Information Officers, who are senior in rank and in a commanding position within the public authority. It has further been decided that as deciding appeals under the RTI Act, is a quasi-judicial function, so, the appellate authority should ensure that justice is not only done but it should also appear to have been done. The appellate authority should pass the orders within 30 days of its receipt and in exceptional circumstances, in not more than 45 days by way of a speaking order giving justification for the decision arrived at. If more information has to be supplied to the appellant, he may pass an order directing the SPIO in this regard. However, it would be appreciable, if the appellate authority himself furnishes the information alongwith the order passed by him.

3. You are, therefore, requested to take necessary action and bring these instructions to the notice of all First Appellate Authorities working under your kind control in all Departments/ Boards/ Corporations at AD/HoD/Field levels, for strict compliance. These measures would go a long way in achieving the objectives of the RTI Act, 2005.

Yours faithfully


Superintendent,
for Chief Secretary to Government Haryana,
Administrative Reforms Department.