

No. Per(AR)E(5)1/2006
Government of Himachal Pradesh
Administrative Reforms Organisation

From

The Principal Secretary(AR)to the
Government of Himachal Pradesh.

To

1. All the Administrative Secretaries
to the Government of Himachal Pradesh.
2. All the Heads of Departments in H.P.

Dated Shimla-2

19 Nov,2008

Subject:- Regarding clarification/advice on Right to Information Act.

Sir,

The Right to Information Act, 2005 provides a citizen the right to access information held by or under the control of the public authorities. It is the duty of all public authorities to provide information sought by citizens. A sea change can be achieved towards transparency and accountability in governance by implementing the Act in letter and spirit.

The Act mandates a legal-institutional framework for setting out the practical regime of right to information for every citizen to secure access to information under the control of public authorities. It prescribes mandatory disclosure of certain information to citizens, and designation of Public Information Officers ("PIOs") and Assistant Public Information Officers ("APIOs") in all public authorities to attend to requests from citizens for information within stipulated time limits.

It provides for appeal to officers senior in rank to Public Information Officers named as 'Appellate Authorities' ("AAs") against the decisions of PIOs. It also mandates the constitution of a Central Information Commission (CIC) and State Information Commissions (SICs) to inquire into complaints, hear second appeals, and guide implementation of the Act.


The Administrative Departments are sending files relating to Right to Information clarifications to this Department whereas the requests received under the Right to Information Act should have been disposed off by the Public Authority and PIOs/APIOs concerned by whom it has been received as per provisions contained in the Right to Information Act and Rules framed thereunder.

The "Administrative Reforms Organization" (ARO) is a implementing nodal agency for the Right to Information Act Rules and Administrative Department for the State Information Commission.

There are number of instances where Departments are seeking advice from Administrative Reforms Organization whether copies of documents like ACR's, DPC Proceedings, Inquiry Reports and Noting Sheets etc can be given to the applicant or not. The ARU cannot tender any advice in such matter. The proceedings under the Right to Information Act/Rules are quasi-judicial proceedings and PIOs/Appellant Authorities have to deal the cases as per provision of the Act.

It is therefore, requested that the practice to send the cases for clarification / advice on Right to Information Act to this department may be discontinued.

Yours Faithfully,


Deputy Secretary(AR) to the
Government of Himachal Pradesh.