

5/52/2016-1AR
Government of Haryana
Administrative Reforms Department

No.L. 4223 /SPS
Dated 20.07.2021

ACS (Power,NRE)

File/Diary No. 4223

Date 19/07/2021

Dated Chandigarh the, 15th July, 2021

Under Secretary Power

Duty No. 4223

Date 20/7/21

To

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1. All the Administrative Secretaries to Govt., Haryana
2. All the Head of Departments in Haryana.

Secretary (Power)

19.7.2021

Subject:- Disposal of First Appeals under the RTI Act, 2005.

Sir/Madam,

I am directed to address you on the subject cited above and to inform you that State Information Commission, Haryana has noticed that, in many cases following deficiencies has been noticed while deciding appeals/complaints:-

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- (i) The first Appellate Authorities under the Right to Information Act do not dispose of the appeals within the time frame prescribed by Act;
- (ii) The Appellate Authorities do not examine the appeals judiciously and express their agreement with the decision of the State Public Information Officer mechanically;
- (iii) The State Public Information Officers do not comply with the directions of the first Appellate Authority to furnish information to the appellant.
- (iv) Adequate notice is not given for the appellant to present during hearing;
- (v) At times, notice of hearing is received on the date of hearing or after the date of hearings;
- (vi) The hearings are adjourned due to non-availability of First Appellate Authorities on the day and time fixed for hearing;
- (vii) Some time office Superintendents of Personal staff hears appeals in the absence of the designated First Appellate Authority.

2. Section 19(1) of the RTI Act, 2005 provides that, any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer, as the case may be, in each public authority:

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Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

3. Section 19(6) of the RTI Act, 2005 provides that the First Appellate Authority should dispose of the appeal within thirty days of the receipt of the appeal. In exceptional cases, the appellate authority may take forty five days to dispose of the appeal subject to the condition that he shall record in writing the reason for delay in deciding the appeal. Therefore, each First Appellate Authority should ensure that an appeal received by him is disposed off within 30 days of the receipt of the appeal.

You are therefore requested to bring in the notice of all concerned/First Appellate Authority under your control that, they may adhere/strictly comply and dispose off the appeals under the provisions of Section 19(1) and 19(6) of RTI Act, 2005, so that the information seeker may not resort to filing of second appeals before the Commission.

Yours faithfully

Santosh

(Santosh Kumari)

13/7/2021

Under Secretary, Administrative Reforms
for Chief Secretary to Government, Haryana
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Endst. No. 5/52/2016-1AR

A copy is forwarded to the Secretary, State Information Commission, Haryana, SCO No. 70-71, Sector 8C, Chandigarh w.r.t. his letter no. 7085/SCIC/2021/EA-1 dated 25.05.2021 for information.

-sd/-

(Santosh Kumari)

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