

GOVERNMENT OF WEST BENGAL
HIGHER EDUCATION DEPARTMENT
ESTABLISHMENT BRANCH
BIKASH BHAVAN, SALT LAKE, KOLKATA-91

No: 209(3)-HE(Estt.)/10M-04/10

Dated Kol, the 12th Feb., 2010

From: Shri K.K. Bhaumik
Joint Secretary to the Government of West Bengal.

To: 1. Director of Public Instruction, West Bengal
2. Director of Technical Education, West Bengal.
3. Joint Secretary, Social Education Branch.

Subject: Appointment of Public Information Officer and Appellate Authority in different Colleges affiliated under different Universities of the State and in Non-Govt. Organisations.

Sir,

I am directed to state that as per Clause (h) of Section 2 of the Right to Information Act, 2005 a "Public Authority" is any authority or body or institution of self government established or constituted by or under the constitution; or by any other law made by the Parliament or a State Legislature; or by notification issued or under made by the Central Government or a State Government. The bodies owned, controlled or substantially financed by the Central Government or State Government and non-government organisations substantially financed by the Central Government or a State Government also fall within the definition of Public Authority. The financing of the body or the NGO by the Government may be direct or indirect.

Subsection (1) of Section 5 of the RTI Act, 2005 provides that every public authority shall designate as many officers as the 'Central Public Information Officers' or 'State Public Information Officers', as the case may be, in all administrative units or offices under it as may be necessary.

Sub-Section (8) of Section 7 of the RTI Act, 2005 provides that where a request for information is rejected, the PIO shall, inter-alia, communicate the particulars of Appellate Authority to the person making the request. Thus, the applicant is informed about the particulars of Appellate Authority when a request for information is rejected but there may be cases where the PIO does not reject the application, but the applicant does not receive a decision within the time as specified in the Act or he is aggrieved by the decision of the PIO. In such a case the applicant may like to exercise his right to appeal. But in absence of the particulars of Appellate Authority, the applicant may face difficulty in making the appeal. All the public authorities should therefore designate the 'Appellate Authorities' and publish their particulars alongwith the particulars of the Public Information Officers.

So it is clear from the above provisions of the Act that every Government College and Colleges substantially financed (including 'sponsored' colleges) are Public Authority and all such Colleges are, therefore, required to appoint 'State Public Information Officer' and 'Appellate Authority'. The bodies owned, controlled and substantially financed by the Government and Non-Government organisations substantially financed by the Govt. are also Public Authorities and required to appoint 'State Public Information Officer' and 'Appellate Authorities'.

In the circumstances stated above, I am directed to request you to kindly issue necessary instructions to the relevant Colleges and Non-Government organisations under your respective jurisdiction to appoint State Public Information Officers and Appellate Authorities at the earliest and send the names, designations and phone Nos. of those officers so designated to the Establishment Branch of this Department immediately.

Yours faithfully,



Joint Secretary

Date 26.02.2010

No. 64-Admn.

Copy forwarded to the Principal/Officer-in-Charge/Teacher-in-Charge

for information and necessary action in appointing Public Information Officer and Appellate Authority in respect of his/her College/Mahavidyalaya with an intimation to the DPI, WB regarding the name (s) of the Public Information Officer and Appellate Authority at the earliest.

Sd/-

S. K. Pandit

For Director of Public Instruction, West Bengal