F. No. 11-31/2022-NMA/RTI-FAA (Comp. No.:2334)
Government of India
National Monuments Authority
Ministry of Culture

24, Tilak Marg, New Delhi – 110001
Dated: 25.07.2023

To

All Competent Authority.

Sub: Appointment of CPIO and FAA in the office of Competent Authority under RTI Act, 2005-reg.

Sir,

I am directed to refer to this office letter no. F.No.11-31/2022-NMA/RTI-FAA dated 10.01.2023 whereby it was requested to dispose of the RTI appeals at your level by appointing First Appellate Authority in the office of Competent Authority itself, under the RTI Act, 2005. It has, however, been observed that the RTI appeals are continuously being forwarded to the NMA for their disposals. The existing practice of forwarding of appeals to the NMA is against the spirit of the RTI Act, 2005 as it compromises the accountability of the office of Competent Authority which is leading to delay in disposal of appeals. It is not out of place to mention that recently, CIC has taken a very serious view in delay of disposing of appeals. In one of the cases, CIC has issued show-cause notice to one of the CPIOs of O/o Competent Authority for delay in providing the information and sought an explanation as to why a penalty of Rs. 25,000/- should not be imposed on him.

2. Section 19 of the RTI Act, 2005, states that if any person, who does not receive a decision within the time specified in sub-section (I) or clause (a) of sub-section (3) of section 7 of the said Act, or is aggrieved by a decision of the Central Public Information Officer, 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, in each public authority.

3. According to the present practice being followed, the Competent Authority has been designated as CPIO for their area of jurisdiction as defined under respective sections of AMASR (Framing of Heritage Bye- Laws and other Functions of the Competent Authority) Rules, 2011. As apparent, NMA has no control over the functioning of the O/o Competent Authority which is an independent public authority. As per Section 20-I(c) of the AMASR Act, 1958 (A&V, 2010), the role of NMA is only to oversee the working of Competent Authorities.

4. In view of above, it has been decided that in the office of Competent Authority, the officer who is discharging the duties of Competent Authority may be designated as First Appellate Authority and an officer who is junior to him, is appointed as CPIO under the RTI Act, 2005, so that the RTI appeals are disposed of within the prescribed time instead of shuttling between office of Competent Authority and NMA. On doing so, the Director, NMA will cease to be the First Appellate Authority in respect of all offices of Competent Authorities. Accordingly, no appeal under RTI Act, 2005 shall be entertained in the office of NMA, from henceforth.

5. This supersedes all previous instructions on the subject and shall come into effect from the date of this letter.

6. This has the approval of Chairperson, National Monuments Authority.

7. An early action in this regard shall be highly appreciated.

Yours faithfully,

Marwaha.

(Col. Savyasachi Marwaha)
Director