

## 'Chandigarh administrator not above RTI Act'

The administrator of Chandigarh, who is also the Punjab governor, is not above the provisions of the Right to Information (RTI) Act, the Central Information Commission (CIC) has ruled.

CIC has ordered the union territory (UT) administrator to designate a public information officer (PIO) within seven days to come under the ambit of the act.

Reacting to a complaint filed by social activist Hemant Goswami on the issue of non-compliance of the provisions of the act by the UT administrator, chief information commissioner Wajahat Habibullah this week ordered the administrator to appoint a PIO within 7 days of the order, Goswami said here Friday.

'Gen. S.F. Rodrigues, Administrator, Chandigarh is directed to designate a PIO in the office of administrator within a week of receipt of this decision notice. That officer will publish and maintain a record as mandated under section 4 (1) (b),' the CIC order said.

Goswami had filed a complaint under Section 18 of the act with the CIC in January this year pointing out that even after two-and-a-half years of the Act coming into force, the UT administrator had not published the necessary details mandated under it and also not appointed any PIO.

The complainant mentioned that proper implementation of the act was important for transparency and accountability in the administrator's office.

'This is also the beginning of end of arbitrariness and misuse of unaccountable powers by the administration in Chandigarh,' Goswami said after the CIC order.

He said that the 'mission zero tolerance' started in Chandigarh was showing its impact.

Responding to Goswami's complaint, the Chandigarh administration maintained that there was no actual office of the administrator and that no record was generated in the said office.

The plea of the administration was that the administrator's post was only an additional charge held by the Punjab governor, who is a constitutional authority and hence not covered under the RTI.

The administration argued that it had not even given a peon to the administrator.

The CIC order said: 'The administrator is appointed by the President of India under Article 239 of the Constitution of India. Respondent Bhupinder Singh, joint secretary (Home) UT Chandigarh on the other hand argued that the administrator has no staff and no record. Even in his response to the complaint notice, he had repeatedly referred to the office of administrator as 'so called' office of administrator.'

Not accepting this reasoning of the administration, the CIC decided that, 'In this case there can be little doubt that the administrator is an authority established under Article 239 of the Constitution, occupied by an official with an assignment, and therefore an office.

'It matters little whether that authority exercises any duty or not. Even if he does not head a

particular body or sit in a room or building where people work at desks, he still occupies a formal position of responsibility. Under the circumstances, there can be little doubt that the administrator is a public authority and, under section 5(1) was required within 100 days of the enactment of this Act to designate a Public Information Officer.'

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