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# Deemed PIO

## Section-5,, PIO

### Deemed Public Information Officer

As per Sub-Section (4) and (5) of Section 5 of the [Right to Information Act 2005](#)

## Who is Deemed PIO

The Central Public Information Officer or State Public Information Officer, as the case may be, may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties. The officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be for the purpose of contravention of the provisions of the Act.

## Can CPIO designate another person as PIO

The Act enables the PIO to seek assistance of any other officer to enable him to provide information to the information seeker, **but it does not give him authority to designate any other officer as PIO and direct him to send reply to the applicant.**

The PIO disposes his responsibility and liability in terms of his duties under the Act, as soon as he seeks the information from the relevant officers. The PIO should send a written note or email for the information required by a RTI application to an appropriate officer who has the relevant information. The PIO can even send this communication to a senior officer. This should be done within one or two days of receiving the RTI application. In that case, any failure or penal provisions would be attracted by the other officer, often called 'deemed PIO'. It would be advisable for the head of the office to identify the deemed PIOs holding various categories of information, by an internal order. This would make it easy for the PIO to direct the queries to the right person and eliminate ambiguity.

This provision envisages that not just the PIO but anybody or everybody who holds information has a duty to provide information under this Act. This is an important provision which underlines the responsibility of the entire Public Authority and all its officers to facilitate access to information to the citizen. If public authorities follow the provisions of Section 4 properly, it would be easy for the PIO to provide the information.

## What procedure to follow in case of deemed PIO

The import of sub-section (5) of section 5 is that, if the officer whose assistance is sought by the PIO, does not render necessary help to him, the Information Commission may impose penalty on such officer or recommend disciplinary action against him the same way as the may impose penalty on or recommend disciplinary action against the PIO.<sup>1)</sup>

## More Common terms under RTI

- [Annual Confidential Report](#)
- [Citizenship under RTI Act 2005](#)
- [Competent Authority under RTI Act](#)
- [Deemed PIO](#)
- [Disproportionate Diversion of Resources](#)
- [What is Fiduciary Relationship](#)
- [File Notings under RTI Act](#)
- [Grounds for Rejection](#)
- [What is Information under RTI Act](#)
- [Investigation/Inquiry reports under RTI](#)
- [Justification for Denial of Information is mandatory](#)
- [Missing Files under RTI Act](#)
- [Pendency of Investigation](#)
- [Prescribed](#)
- [Privacy Rights of Public Servants](#)
- [What is Privacy under RTI](#)
- [Public Authority](#)
- [What is Public Interest](#)
- [Refund of Fees](#)
- [RTI Act or Statutory Rules for giving information under RTI Act 2005](#)
- [Severability](#)
- [Substantially Financed](#)
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- [Third Party under RTI](#)
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## Authors

### Contributing authors:

- [shrawan](#)

Created by *shrawan* on 2016/04/20 13:10.

1)

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