



PROACTIVE DISCLOSURE OF INFORMATION UNDER THE RIGHT TO INFORMATION ACT

A GUIDE



DR. MARRI CHANNA REDDY HUMAN RESOURCE DEVELOPMENT
INSTITUTE OF TELANGANA

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UNDER THE
RIGHT TO INFORMATION ACT
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Human Resource Development
Institute of Telangana

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While all efforts have been made to make this book as accurate and elaborate as possible, the information given in this book is merely for reference and must not be taken as binding in any way. Although all due care has been taken in the preparation of the book, it is only to be used as a guide and readers are advised to carefully read the Right to Information Act 2005 and to seek their own specific advice as required. This book is intended to provide guidance to the readers, but cannot be a substitute for the Act and the Rules made thereunder.

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FOREWORD

Right to Information is a fundamental human right, crucial to human development, and a prerequisite for the realisation of other rights. There is a strong global trend towards greater recognition of RTI. In 2016, UNESCO adopted a resolution declaring '28 September of every year' as "International Day for Universal Access to Information".

The Sustainable Development Goal (SDG) Target 16.10 requires ensuring "public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements. UNESCO argues that advancing SDG 16 Target 10 on public access to information can nourish progress on all SDGs. So far over 120 countries have enacted freedom of information laws.

In India, the Right to Information Act came fully into force on 12th October 2005. It remains a milestone of great importance in the evolution of Indian democracy. The Parliament of India enacted the RTI Act with a noble intention to promote transparency and accountability in the working of every public authority. The law empowers common people with the right to seek information held by public authorities on par with the members of the Parliament or State Legislature.

The law aims to set out the practical regime of right to information for citizens to secure access to information. The practical regime includes Public Information Officers, First Appellate Authorities and Information Commissions, which are quasi judicial authorities to decide appeals and complaints filed by citizens.

Capacity building of Public Information Officers, First Appellate Authorities plays a major role in discharging their duties and responsibilities under the RTI Act diligently.

The Dr MCR HRD Institute being Apex Training Institute of the State is taking a lead role in capacity building on the RTI Act to the Public functionaries since enactment of the Act for effective implementation of the Act. Towards this end the Institute is conducting training programmes on RTI Act in the Institute as well as at district level through its Regional Centres for Training. The Institute is also conducting Workshops on different aspects of the RTI Act by involving CSOs functioning on RTI subject area apart from Govt. employees across various departments.

In addition to training programmes on the RTI Act, academic publications on various concepts of the law facilitate understanding the intricacies of the legislation. Key Decisions of the Central Information Commission and State Information Commissions and judgements pronounced by Constitutional courts need to be studied by all the decision makers under the Act. I hope the publications on Right to Information brought out by the Institute will guide all the stakeholders in effective implementation of the transparency law.

- Sri Harpreet Singh, IAS

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INTRODUCTION

Ever since the U.N. General Assembly recognized freedom of information as a fundamental human right in 1946, many nations started adopting laws assuring their citizens right to access information held by their public authorities.

So far over 120 countries have enacted freedom of information laws. This is steep rise from just 12 countries with transparency laws in 1990. It would mean over 100 countries have enacted these laws during the past three decades.

Right to Information is a fundamental human right, crucial to human development, and a prerequisite for the realization of other human rights: civil and political rights such as the right to life and liberty, freedom of expression; and economic, social and cultural rights such as right to adequate food, right to education and so on.

In India, the Right to Information Act came fully into force on 12th October 2005. It remains a milestone of great importance in the evolution of Indian democracy.

The Right to Information Act has been in force for 15 years. Looking back over the past one and half decade, we can conclude that the implementation of the law has been encouraging. There is a general feeling that the law is working.

The RTI Act 2005 seeks to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority.

An important aspect of the Act pertains to the obligation of public authorities to proactively disseminate information to the members of public. The RTI Act mandates every public authority to disclose information as required under Section 4 (1) (b).

The RTI Act mandates two ways of information sharing:

- Proactive dissemination and
- Reactive disclosure of information.

15 years of implementation of the RTI Act shows that though people have been testing reactive disclosure by filing formal requests for information and tasting some success stories, proactive dissemination of information by public authorities is an area of concern.

INTERNATIONAL STANDARDS

ARTICLE 19 is an international organization working for freedom of expression, named after Article 19 of the Universal Declaration of Human Rights. It formulated Principles on Freedom of Information Legislation. They were endorsed by the UN Special Rapporteur on Freedom of Opinion and Expression, in the report to the 2000 session of the United Nations Commission on Human Rights. They were also referred to by the Commission in its 2000 resolution on freedom of expression.

Principle 2 states as follows:

Principle 2. Obligation to Publish

Public bodies should be under an obligation to publish key information

Freedom of information implies not only that public bodies accede to requests for information but also that they publish and disseminate widely documents of significant public interest, subject only to reasonable limits based on resources and capacity. ...The law should establish both a general obligation to publish and key categories of information that must be published.

The Mexican Law on Transparency and Access to Public Information (2002) specifies 17 classes of information for proactive disclosure. A strong civil society campaign behind the Mexican law helped shape these provisions. The Indian RTI Act adopted provisions of the Mexican transparency law and included similar provisions on proactive disclosure.

THE UNECE CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters was adopted on 25th June 1998 in the Danish city of Aarhus at the Fourth Ministerial Conference in the 'Environment for Europe' process. Together with its Protocol on Pollutant Release and Transfer Registers, it protects every person's right to live in an environment adequate to his or her health and well-being. They are the only global legally binding global instruments on environmental democracy that put Principle 10 of the Rio Declaration on Environment and Development in practice.

The Aarhus Convention is a new kind of environmental agreement. The Convention:

- Links environmental rights and human rights

- Acknowledges that we owe an obligation to future generations
- Establishes that sustainable development can be achieved only through the involvement of all stakeholders
- Links government accountability and environmental protection
- Focuses on interactions between the public and public authorities in a democratic context.

The subject of the Convention goes to the heart of the relationship between people and governments. The Convention is not only an environmental agreement, it is also a Convention about government accountability, transparency and responsiveness. It grants the public rights and imposes on parties and public authorities obligations regarding access to information and public participation and access to justice. Moreover, the Aarhus Convention is also forging a new process for public participation in the negotiation and implementation of international agreements.¹

INDIAN PERSPECTIVE

The government is so transparent that it is eliminating the need to file Right to Information (RTI) requests, Home Minister Sri Amit Shah said on 12 Oct.2019, speaking on the 14th anniversary of the RTI Act.

“A large number of RTI applications do not indicate the success of a government. We want to introduce a system where people do not feel the need to file an RTI request in order to get information, because the government has already pro-actively put the information in the public domain,” said Mr. Shah, who was the chief guest at the 14th annual convention of the Central Information Commission (CIC), the highest appeal body under the RTI Act.

From sanitation and cooking gas schemes to spectrum auctions and FIRs filed in police stations, all information is being made available through digital dashboards which people can access without any need to file RTI requests, said the Minister, adding that a “digitally-empowered society” was reducing corruption while increasing transparency and speed of governance.²

OBLIGATIONS OF PUBLIC AUTHORITIES

Section 4 of the RTI Act provides as follows:

- (1) Every public authority shall—
- a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records

¹ <https://unece.org/environment-policy/public-participation/aarhus-convention/introduction>

² *The Hindu*, 12 Oct. 2019

that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;

- b) publish within one hundred and twenty days from the enactment of this Act,—
- (i) the particulars of its organisation, functions and duties;
 - (ii) the powers and duties of its officers and employees;
 - (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
 - (iv) the norms set by it for the discharge of its functions;
 - (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
 - (vi) a statement of the categories of documents that are held by it or under its control;
 - (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
 - (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advise, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
 - (ix) a directory of its officers and employees;
 - (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
 - (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
 - (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
 - (xiii) particulars of recipients of concessions, permits or authorisations granted by it;
 - (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
 - (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
 - (xvi) the names, designations and other particulars of the Public Information Officers; ,
 - (xvii) such other information as may be prescribed; and thereafter update

- these publications every year;
- (c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;
 - (d) provide reasons for its administrative or quasi-judicial decisions to affected persons;

(2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information *suo motu* to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

(3) For the purposes of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public.

(4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Central Public Information Officer, or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.

Explanation:— For the purposes of sub-sections (3) and (4), “disseminated” means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.

SUGGESTED DISCLOSURES UNDER THE SUB-CLAUSES**(I) THE PARTICULARS OF ITS ORGANISATION, FUNCTIONS AND DUTIES;**

- ⦿ Name and address of the Organization
- ⦿ Head of the organization
- ⦿ Vision, Mission and Key objectives
- ⦿ Function and duties
- ⦿ Organization Chart
- ⦿ Any other details-the genesis, inception, formation of the department and the HoDs from time to time as well as the committees/ Commissions constituted from time to time have been dealt

(II) THE POWERS AND DUTIES OF ITS OFFICERS AND EMPLOYEES;

- ⦿ Powers and duties of officers (administrative, financial and judicial)
- ⦿ Power and duties of other employees
- ⦿ Rules/ orders under which powers and duty are derived and Exercised
- ⦿ Work allocation

(III) THE PROCEDURE FOLLOWED IN THE DECISION MAKING PROCESS, INCLUDING CHANNELS OF SUPERVISION AND ACCOUNTABILITY;

- ⦿ Process of decision making Identify key decision making points
- ⦿ Final decision making authority
- ⦿ Related provisions, acts, rules etc.
- ⦿ Time limit for taking a decisions, if any
- ⦿ Channel of supervision and accountability

(IV) THE NORMS SET BY IT FOR THE DISCHARGE OF ITS FUNCTIONS;

- ⦿ Nature of functions/ services offered
- ⦿ Norms/ standards for functions/ service delivery
- ⦿ Process by which these services can be accessed
- ⦿ Time-limit for achieving the targets
- ⦿ Process of redress of grievances

(V) THE RULES, REGULATIONS, INSTRUCTIONS, MANUALS AND RECORDS, HELD BY IT OR UNDER ITS CONTROL OR USED BY ITS EMPLOYEES FOR DISCHARGING ITS FUNCTIONS;

- ⦿ Title and nature of the record/ manual/instruction.
- ⦿ List of Rules, regulations, instructions manuals and records.
- ⦿ Acts/ Rules manuals etc.
- ⦿ Transfer policy and transfer orders

(VI) A STATEMENT OF THE CATEGORIES OF DOCUMENTS THAT ARE HELD BY IT OR UNDER ITS CONTROL;

- ⦿ Categories of documents
- ⦿ Custodian of documents/categories

(VII) THE PARTICULARS OF ANY ARRANGEMENT THAT EXISTS FOR CONSULTATION WITH, OR REPRESENTATION BY, THE MEMBERS OF THE PUBLIC IN RELATION TO THE FORMULATION OF ITS POLICY OR IMPLEMENTATION THEREOF;

- ⦿ Arrangement for consultations with or representation by the members of the public
- ⦿ Relevant Acts, Rules, Forms and other documents which are normally accessed by citizens
- ⦿ Arrangements for consultation with or representation by Members of the public in policy formulation/ policy implementation
- ⦿ Day & time allotted for visitors
- ⦿ Contact details of Information & Facilitation Counter (IFC) to provide publications frequently sought by RTI applicants

(VIII) A STATEMENT OF THE BOARDS, COUNCILS, COMMITTEES AND OTHER BODIES CONSISTING OF TWO OR MORE PERSONS CONSTITUTED AS ITS PART OR FOR THE PURPOSE OF ITS ADVISE, AND AS TO WHETHER MEETINGS OF THOSE BOARDS, COUNCILS, COMMITTEES AND OTHER BODIES ARE OPEN TO THE PUBLIC, OR THE MINUTES OF SUCH MEETINGS ARE ACCESSIBLE FOR PUBLIC;

- ⦿ Name of Boards, Council, Committee etc.
- ⦿ Composition
- ⦿ Dates from which constituted
- ⦿ Term/ Tenure (v) Powers and functions
- ⦿ Whether their meetings are open to the public?
- ⦿ Whether the minutes of the meetings are open to the public?
- ⦿ Place where the minutes if open to the public are available?

(IX) A DIRECTORY OF ITS OFFICERS AND EMPLOYEES;

Name and designation, Telephone, fax and email ID

(X) THE MONTHLY REMUNERATION RECEIVED BY EACH OF ITS OFFICERS AND EMPLOYEES, INCLUDING THE SYSTEM OF COMPENSATION AS PROVIDED IN ITS REGULATIONS;

List of employees with Gross monthly remuneration; System of compensation as provided in its regulations

(XI) THE BUDGET ALLOCATED TO EACH OF ITS AGENCY, INDICATING THE PARTICULARS OF ALL PLANS, PROPOSED EXPENDITURES AND REPORTS ON DISBURSEMENTS MADE;

- Total Budget for the public authority
- Budget for each agency and plan & programmes
- Proposed expenditures
- Revised budget for each agency, if any
- Report on disbursements made and place where the related reports are available

(XII) THE MANNER OF EXECUTION OF SUBSIDY PROGRAMMES, INCLUDING THE AMOUNTS ALLOCATED AND THE DETAILS OF BENEFICIARIES OF SUCH PROGRAMMES;

- ⊙ Name of the programme of activity
- ⊙ Objective of the programme
- ⊙ Procedure to avail benefits
- ⊙ (Duration of the programme/ scheme
- ⊙ Physical and financial targets of the programme
- ⊙ Nature/ scale of subsidy /amount allotted
- ⊙ Eligibility criteria for grant of subsidy
- ⊙ Details of beneficiaries of subsidy programme (number, profile etc)

(XIII) PARTICULARS OF RECIPIENTS OF CONCESSIONS, PERMITS OR AUTHORISATIONS GRANTED BY IT;

- Concessions, permits or authorizations granted by public authority
- For each concessions, permit or authorization granted:
 - a) Eligibility criteria
 - b) Procedure for getting the concession/ grant and/ or permits of authorizations
 - c) Name and address of the recipients given concessions/permits or authorisations
 - d) Date of award of concessions

(XIV) DETAILS IN RESPECT OF THE INFORMATION, AVAILABLE TO OR HELD BY IT, REDUCED IN AN ELECTRONIC FORM;

Details of information available in electronic form

Name/ title of the document/record/ other information ..Location where available

(XV) THE PARTICULARS OF FACILITIES AVAILABLE TO CITIZENS FOR OBTAINING INFORMATION, INCLUDING THE WORKING HOURS OF A LIBRARY OR READING ROOM, IF MAINTAINED FOR PUBLIC USE;

Name & location of the facility

Details of information made available

Working hours of the facility

Contact person & contact details (Phone, fax email)

(XVI) THE NAMES, DESIGNATIONS AND OTHER PARTICULARS OF THE PUBLIC INFORMATION OFFICERS; ,

Name and designation of the public information officer (PIO), Assistant Public Information (s) & Appellate Authority

(XVII) SUCH OTHER INFORMATION AS MAY BE PRESCRIBED;

Department of Personnel & Training, Ministry of Personnel published *Guide on the Right to Information Act, 2005 - updated Version*, provides as follows:

Besides the categories of information enumerated above, the Government has issued guidelines that the following categories of information may be published by the public authorities:

- i. Information relating to procurement
- ii. Public Private Partnerships
- iii. Transfer Policy and Transfer Orders
- iv. RTI Applications
- v. CAG & PAC paras
- vi. Citizens Charter
- vii. Discretionary and Non-discretionary grants
- viii. Foreign Tours of PM/Ministers and senior officers

6. In addition, the Government may prescribe other categories of information to be published by any public authority. It need be stressed that publication of the information as referred to above is not optional. It is a statutory requirement which every public authority is bound to meet.

7. Proactive disclosure should be done in the local language so that it remains accessible to public. It should be presented in a form that is easily understood and if technical words are used they should be carefully explained. As provided in section 4, disclosure should be made in as many mediums as feasible such as notice boards, newspapers, public announcements, media broadcast, the internet or any other means. The disclosures should be kept up to date. The disclosure of Information may be made keeping in mind the provisions of Section 8 to 11 of the RTI Act.

8. Every public authority should keep in view that proactive disclosures on its website are complete, easily accessible, technology and platform neutral and in a form which conveys the desired information in an effective and user-friendly manner.

9. Each Central Ministry/ Public Authority should get its proactive disclosure package audited by third party every year. Such audit should be communicated to the Central Information Commission annually through publication on their own websites. All Public Authorities should proactively disclose the names of the third party auditors on their website. For carrying out third party audit through outside consultants also, Ministries/Public Authorities should utilize their plan/non-plan funds.

10. Each Central Ministry/ Public Authority should appoint a senior officer not below the rank of a Joint Secretary and not below rank of Additional HOD in case of attached offices for ensuring compliance with the proactive disclosure guidelines.

PROACTIVE DISCLOSURE OF INFORMATION

The Right to Information Act 2005 seeks to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. An important aspect of the Act pertains to the obligation of public authorities to proactively disseminate information to the members of public.

A Template for Information Handbook has been circulated by DoPT in 2005. (Annexure IX)

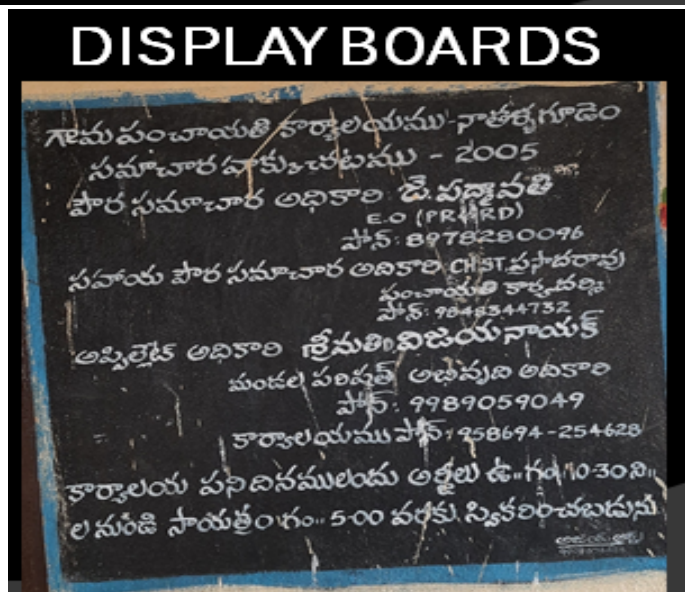
The RTI Act mandates every public authority to:

- Disclose information as required under the 16 sub-clauses of section 4 (1) (b).
- Take steps to provide the information voluntarily to the public at regular intervals so that public has minimum resort to the use of this Act to obtain information. [Section 4(2)]
- Disseminate information widely and in a form and manner easily accessible to the public. [Section 4(3)]
- Provide information in the local language and adopt the most effective method of communication for dissemination of information.
- Make information accessible to the extent possible in electronic format with the concerned Public Information Officer, available free of cost or at such cost of the medium or the prescribed print cost price. [Section 4(4)]

MEANS OF DISSEMINATION

Means of dissemination of the above information should include:

- Notice Boards
- Newspapers
- Public announcements
- Media broadcasts
- Internet
- Any other means including inspection of offices of any public authority.



KEY ISSUES

- The public authority should have published this information by 12 October 2005 and updated regularly thereafter.
- Field offices also should publish similar information pertaining to their activities.
- This information should also be published in Official language.

- Physical copies of publications should be available free or at print cost price with the PIO.
- Electronic copies should be available free or at cost of the medium with the PIO.
- Electronic copies should be posted on website.
- Website should have a separate link/button named ‘Right to Information’, which would provide all the relevant information and documents including a list of designated APIOs, PIOs and Appellate Officers with their addresses, telephone numbers, Fax numbers and e-mail IDs.

OBLIGATIONS OF THE HEAD OF THE AUTHORITY

Paragraph 2 of the ‘*Guide for the Public Authorities- Guidelines for the public authorities under the Right to Information Act, 2005*’, published by Department of Personnel & Training, Ministry of Personnel, P.G. and Pensions, Government of India states as follows:³

“2.The Act casts important obligations on public authorities so as to facilitate the citizens of the country to access the information held under their control. The obligations of a public authority are basically the obligations of the head of the authority, who should ensure that these are met in right earnest. Reference made to public authority in this document is, in fact, a reference to the head of the public authority.”

COVID-19 RELATED RELIEF AND RESCUE OPERATIONS

On 10 July 2020, DoPT issued OM on “Supplementing the government measures on COVID-19 related relief and rescue operations employing the provisions of Section 4 of the RTI Act, 2005”, which requires as follows:

“Section 4(2) of the Right to Information (RTI) Act, 2005 mandates that every public authority should proactively disclose as much information suomotu to the public through various means of communications so that the public have minimum need to use the Act to obtain information.

2. Section 4(1)(b) of the RTI Act, 2005 lays down the information which should be disclosed by Public Authorities on a suomotu or proactive basis. Section 4(3) prescribes for wide dissemination of every information, in such form and manner which is easily accessible to the public. The disclosure of such information may be

³ O.M.No.1/412008-IR dated: 25th April, 2008

in as many mediums as feasible such as notice boards, newspapers, public announcements, media broadcast, the internet or any other means.

3. The Central Information Commission has taken note of the slew of measures undertaken by the Government for mitigation & suppression of the hazards posed by the COVID-19 pandemic.

4. As requested by Central Information Commission, all the Public Authorities dealing with essential services should widely disseminate the government relief, rescue and other welfare actions, in the media as well as on their official websites in accordance with Section 4 of the RTI Act, 2005.” (Annexure V)

CHALLENGES AND CONSTRAINTS

ACCOUNTABILITY

A major cause for concern has been lack of accountability with regard to implementation of proactive disclosure provisions in India. The Act states that the information under Section 4(1)(b) should be available with the PIO. But the responsibility to compile the information lies on the head of the public authority.

Paragraph 2 of the ‘*Guide for the Public Authorities- Guidelines for the public authorities under the Right to Information Act,2005*’, published by Department of Personnel & Training, Ministry of Personnel, P.G. and Pensions, Government of India states as follows:

“2.The Act casts important obligations on public authorities so as to facilitate the citizens of the country to access the information held under their control. The obligations of a public authority are basically the obligations of the head of the authority, who should ensure that these are met in right earnest. Reference made to public authority in this document is, in fact, a reference to the head of the public authority.” [O.M.No.1/412008-IR dated: 25th April, 2008]

UPDATION

Updation of information already published is another cause of concern.

Paragraph 19 of the ‘*Guide for the Public Authorities- Guidelines for the public authorities under the Right to Information Act, 2005*’ states as follows: ⁴

“19. An another important point to note is that it is not sufficient to publish the above information once. The public authority is obliged to update such information every year. It is advisable that, as far as possible, the information should be updated as and when any development takes place. Particularly, in case of publication on the internet, the information should be kept updated all the time.” [O.M.No.1/412008-IR dated: 25th April, 2008]

DISSEMINATION OF INFORMATION

Voluminous information is published by public authorities under section 4 (1) (b). Such information should be made available on the Internet with search facility through search engine friendly websites, in forms that the public can readily find and use.

Public authorities should also solicit public feedback online to identify information of great use to the public.

In the US, a presidential memorandum calls upon federal agencies to “harness new technologies to make information about their operations readily available to the public and to provide information for citizens about what their Government is doing in their name”.

Proactive disclosure of information, on one hand, promotes transparency and on the other hand, reduces the burden of responding to RTI applications under strict timelines.

GUIDELINES ON *SUO MOTU* DISCLOSURE

The Department of Personnel and Training (DoPT) issued Guidelines on *suo motu* disclosure under Section 4 of the RTI Act on 15th April, 2013 and reiterated the same on 5th November 2019 for implementing the same by all Public Authorities under the Ministry! Department including those in their Attached Offices, Subordinate Offices, Constitutional Bodies, Statutory Bodies, Autonomous Organizations and Public Sector Undertakings.⁵

⁴ O.M.No.1/412008-IR dated: 25th April, 2008

⁵ No.1/6/2011-IR, Dated the 15th April, 2013.

NODAL OFFICER

The Guidelines further require that each Central Ministry/ Public Authority should appoint a senior officer not below the rank of a Joint Secretary and not below rank of Additional HOD in case of attached offices for ensuring compliance with the proactive disclosure guidelines. The Nodal Officer would work under the supervision of the Secretary of the Ministry/Department or the HOD of the attached office, as the case may be. Nodal Officers of Ministry/Department and HOD separately should also ensure that the formations below the Ministry/Department/Attached Office also disclose the information as per the proactive disclosure guidelines.

ANNUAL REPORTS TO PARLIAMENT/LEGISLATURES

The Guidelines require all Ministries/Departments to include a chapter on RTI Act in their Annual Reports submitted to the Parliament. Details about compliance with proactive disclosure guidelines should mandatorily be included in the relevant chapter in Annual Report of Ministry/Department.

TRANSPARENCY OFFICER

The Full Bench of the Central Information Commission, vide its Order No. CIC/AT/ D/10/000111 dated 15/11/2010 under Section 19(8) (a) of the RTI Act, directed all Public Authorities to fulfil their obligations stipulated in Section 4 of the Act as per time line laid down for each activity. The Commission further directed that:

- (i) The information in compliance with Section 4 shall be up-loaded by every public authority on the portal set up for the purpose by the CIC.
- (ii) Every Public Authority shall designate one of their senior officer as “TRANSPARENCY OFFICER” (with necessary supporting personnel as required). The Transparency Officers shall:
 - (a) oversee implementation of provisions of Section 4 and apprise the higher echelons of the management about the progress.
 - (b) act as interface with the CIC regarding progress of (a).
 - (c) help promote congenial conditions for positive and timely response to RTI-requests by CPIOs, deemed CPIOs
 - (d) act as contact point for the public in all RTI related matters.
- (iii) Names of Transparency Officers shall be communicated to the Commission by every public authority.

SUO-MOTU DISCLOSURE ON OFFICIAL TOURS

Government of India issued following advice to all the central public authorities:⁶

- Public Authorities may proactively disclose the details of foreign and domestic official tours undertaken by Minister(s) and officials of the rank of Joint Secretary to the Government of India and above and Heads of Departments, since 1st Jan.2012.
- Information to be disclosed proactively may contain nature of the official tour, places visited, the period, number of people included in the official delegation and total cost of such travel undertaken. Exemptions under Section 8 of the RTI Act, 2005 may be taken in view while disclosing the information. These advisory would not apply to security and intelligence organizations under the second schedule of the RTI Act, 2005 and CVOs of public authorities.

THIRD PARTY AUDIT

As publication of voluntary disclosure of information is at the heart of the Act, there is a need to assess the quality of these publications of voluntary disclosure of information and identify deficiencies as well as good practices.

The Department of Personnel and Training (DoPT) directed all the Public Authorities, vide its order dated April 15, 2013, to ensure regular audit of mandatory disclosures by a third party. It was required that each Public Authority should get its proactive disclosure package audited by third party every year. The audit should cover compliance with the proactive disclosure guidelines as well as adequacy of the items included in the package. The audit should examine whether there are any other types of information which could be proactively disclosed. (Guidelines on *suo motu* disclosure under Section 4 of the RTI Act). State public authorities are advised to follow the guidelines. (Annexure II)

TASK FORCE ON SUO MOTU DISCLOSURE

Government of India constituted a Task Force on suo motu disclosure under the RTI Act, 2005 in May 2011 which included representatives of civil society organizations active in the field of Right to Information, for strengthening compliance with provisions for suo motu or proactive disclosure as given in Section 4 of the RTI Act, 2005.

After considering the recommendations of the Task Force, the Government of India has issued guidelines to Central Ministries/Departments for Proactive Disclosure under Section 4 of the RTI Act vide OM No. 1/6/2011-IR dated

⁶ Department of Personnel & Training, O.M. No. F. No. 1/ 8/2012-IR,11 Sep.2012

15/04/2013. These guidelines were reiterated on 7th November, 2019 (Annexure III)

The Task Force also recommended guidelines for disclosure by State Governments along with templates for disclosure at various levels. Illustrative templates have been recommended for disclosures under Public Distribution System Panchayats, MGNERGA, and Primary and Secondary Schools. A Copy of the guidelines along with templates is at Annexure IV.

COMMITTEE OF EXPERTS

A Committee of Experts consisting of Shri A.N. Tiwari, former Chief Information Commissioner and Dr. M.M. Ansari, Information commissioner of Central Information Commission was constituted to recommend, inter-alia, measures to further strengthen implementation of Section 4 of the RTI Act, 2005.

The Committee submitted its Report which has been accepted by the Government and an OM dated 29th June 2015 was issued to all public authorities to follow the recommendations of the Committee, which are as follows:

1) All the details of the public authority may be uploaded on its website.

Access to information should be made user-friendly for which appropriate information technology infrastructure should be suitably designed, developed and operationalised

2) All the training modules for professional upgradation of employees should incorporate matter relating to the virtues of transparency and open government and RTI law

In order to minimise the burden of servicing RTI applications, the public authorities with high public dealings should put in place an effective system to redress the grievances of affected persons. At the suborganisational levels, there should be cooperation and coordination between the Central Public Information Officers and the officers responsible for addressing public grievances.

4) In order to reduce the number of RTI applications relating to service matters, the information relating to recruitment, promotion and transfers should be brought into public domain promptly

5) The retention and maintenance of specific documents for specified duration should be clearly spelt by each public authority in respect of its documents

Thereafter, DOPT has issued instructions to all Public Authorities in this regard vide O.M. No. 1/1/2013-IR dated 9th July, 2015 that the Departments must make an analysis of information which is sought most often from applicants and provide it on their website as suo-motu disclosure.

On 30th June, 2016, DoPT issued further directions, as follows:

(1)The Public Authorities shall constitute Consultative Committees consisting of office bearers of key stakeholder, association on rotational basis to have a systematic and regular interaction between the officials of the Public Authorities to advice what information to be uploaded as suo motu.

(2)'Information and Facilitation Centres' (IFCs) may be set up in each public authority, where public dealing is involved to educate the citizens about the information / documents available on the website of the department concerned and to provide printed publications to the citizens the categories of information that are frequently being sought under the RTI Act and provide copies of information as per RTI Rules, 2012.

(3) In each public authority, a committee of PIOs and FAAs with rich experience of dealing with RTI applications and appeals is set up to identify the categories of information that are frequently asked by applicants. Such information must be disclosed in the public domain to make it more user friendly and should also be reviewed at regular intervals.

(4)Information that is proactively disclosed must be properly categorized and organised in such a manner that it facilitates easy retrieval. Information on the website must be organised in a searchable and retrievable database to enable people to access the records. The Nodal Officer of each Public authority be made responsible for this.

(5)Web site, and other medium and publication of each public authority, relating to Section 4 compliance must carry the date (where appropriate for each bit of information) on which the information was uploaded/printed.

(6)The task of undertaking transparency audits may be given to the respective Training Institutes under each Ministry/Department/Public Authority and across the States and Union Territories. (Annexures 7 & 8)

On 15 October 2019, DoPT issued an amendment as follows:

“2. Central Information Commission has vide its Communication No.CICTA/MOC&F/DOF/2018/472 dated 25.09.2019 requested DoPT to relax Para 2.8 of DoPT's O.M. No.1/34/2013-IR dated 30h June, 2016 to allow Ministry/Department to get hird party audit conducted by any Government Training Institute in cases where no raining Institute exists under the Ministry/Department and across the States and Union Territories

3 In view of the above, the Para 2.6 of this Department's OM dated 30.06.2016 is modified as follows:

"the task of undertaking transparency audits may be given to respective Government Training Institutes by Ministry/Department/Public Authority and across the States and Union Territories. However, in cases where no Training Institute exists' under the Ministry/Department/Public Authority, the task of undertaking transparency audits may be given to any Government Training Institute".

DECISIONS ON PROACTIVE DISCLOSURE OF INFORMATION

Display boards

The appellant requested the PIO, to inform the follow up action taken in respect of Section 4 in RTI Act, 2005 in the P.D. Offices from Women & Child Welfare Development Agencies and C.D.P.O. of Guntur District.

The Commission directed the PIO and the Appellate Authority to display board in Telugu in their offices at prominent places showing particulars of PIOs / FAA in their department. This commission further directed to follow Sec. 4 (1) (a) and 4(2) and also to designate APIO's at Anganwadi's as per RTI Act 2005 within four weeks from the date of receipt of this order and report compliance to this commission.⁷

Compensation

In a landmark decision, compensation was awarded by the CIC for non-publication of information under section 4(1)(d) which is another obligation of the public authority similar to the one under section 4(1)(b) .

Complaint Nos.CIC/WB/C/2007/00803-00806 & 00887-00896,3.3.2008

Complaint

CIC in one of its decisions held as follows:

“Section 4 (2) and (3) of the RTI Act calls for continuous improvement of publication of voluntary disclosures in keeping with the resources available.

A citizen can complain - because the Department has not updated their information, thus causing damage and risk.”

CIC/WB/C/2006/00081- 13 July, 2006

TSIC: Appeal No: 13921/SIC-BM/2018 Date: 17-06-2019

⁷ APIC-Order in Appeal No: 8261/IC-III/2009, Dt 31-10-2011

The Commission perused the material papers available in the case file and noticed that the appellant is seeking salary particulars of the regular / temporary / contract and out sourcing employees in the Waqf Board and there is no bar in providing the salary particulars of the employees since...4(1)(b)(x) of the RTI Act 2005 mandates the Public Authority to show the details of the employees and the salary particulars in their Website including all the particulars of the organization, its functions and its duties, powers and the duties of the officers and the employees etc., as enshrined in section 4(1)(b) which amounts to voluntary disclosure.

TSIC: AppealNo.26240/CIC/2017Dated:30-07-2018

The objective of the RTI Act is to promote transparency and accountability and to contain corruption. For this purpose every Public Authority shall publish information on the points (i) to(xvii) of Section 4(1)(b) of the RTI Act and update it from time to time. A perusal of the 6(1)application reveals that the Appellant is seeking mostly information pertaining to the officers and staff, the budget allocated, the details of projects executed, targets achieved and expenditure incurred, the number of applications received for according permissions and number of permissions granted and other information concerning all the wings in a circle. If the above details are published u/s 4(1)(b) suo motu, the public will have minimum resort to the RTI Act. This Commission u/s19(8) of the RTI Act 2005 recommends to the Public Authority i.e. the Commissioner, GHMC to take steps to publish the said information in respect of all the Circles to promote transparency.

TSIC:ComplaintNo.25197/CIC/2017Dated: 22-10-2018

The Commission observed that the complainant in the 6(1) application requested the Public Information Officer to furnish copy of 4(1) (b) and the details of the First Appellate Authority. The reply of the Public Information Officer vide letter dated 09.11.2017asking the complainant to remit an amount of Rs.1000/-towards photo copying charges is not convincing and found incorrect. It is relevant to mention here Sec.4(1) (a) (b) and 4(2) of RTI Act, 2005 which says as under:4(1) . Every public authority so that the public have minimum resort to the use of this Act to obtain information.

The Commission is of the view that the Public Information Officer ought to have made available the 4(1) (b) information in public domain. The Commission directs the Public Information Officer to furnish the sought information to the complainant, free of cost, within one week from the date of receipt of this order and submit compliance report to the Commission. With the above direction, the appeal is closed. Issue show cause notice to the Public Information Officer for not attending the hearing before the Commission. The action on the show cause notice shall be dealt with separately.

Compensation for non-publication of information

In a landmark decision, compensation was awarded by the CIC for non-publication of information under section 4(1)(d) which is another obligation of the public authority similar to the one under section 4(1)(b):

In the present case, the issue is publishing of information of beneficiaries on the Old Age Pension Scheme and not a failure to respond to an RTI application. The RTI Act 2005 is quite clear on the issue of *suo moto* disclosure, which is what complainants in the present case demand. Sec.4 (1) sub-section (b) sub-section (xiii) reads as follows:

“Every public authority shall publish within one hundred and twenty days from the enactment of this Act the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes; particulars of recipients of concessions, permits or authorizations granted by it;

But the issue of concern in this case, which is the discontinuance or suspension of a scheme, can be defined as an administrative decision. Therefore, the above sub section of sec. 4(1) may be read with sec. 4(1) sub sec.(d) which reads as follows:

“Every public authority shall provide reasons for its administrative or quasi-judicial decisions to affected persons.”

As is, therefore, laid down in the law, this information was expected to have been published within 120 days from the enactment of this Act, which was June 21, 2005. The ‘Old Age Stipend Scheme’ was evidently in operation in June 2005, and seems to have been discontinued, at least insofar as complainants are concerned only in April 2007. Yet, this has not been published to date. PIO Shri S.K. Jha, Dy. Commissioner (South) is, therefore, directed to comply within twenty working days of the date of issue of this Decision with the requirements of Sec. 4(1)(b)(xiii) read with sec. 4(1)(d) of the RTI Act with regard to the ‘Old Age Stipend Scheme’, under intimation to Shri Pankaj K. Shreyaskar, Joint Registrar of this Commission. This can also include the necessary information on Widows’ Pension.

Because the failure of the public authority cited above, cannot be ascribed as a failure of a PIO rendering him/her liable for penalty u/s 20(1), since the complaint is not one of failure to respond to an RTI application, no penalty will lie. However, it is clearly established that the complainants have suffered loss as a result of not being provided the information *suo moto*, as required under Sec 4 (1) of the Act. For this we find that the demand for compensation is reasonable. However, the

amount will require to be determined. Shri SK Jha, Deputy Commissioner will therefore pay an adhoc amount of Rs 1000/- to each of the complainants u/s 19 (8) (b), within one month of the date of issue of this Decision Notice under intimation to Shri Pankaj K. Shreyaskar, Joint Registrar of this Commission. He will in the meantime also enquire into the loss or detriment suffered by each after hearing them, and send us a report by March 31,2008 to enable us to determine any further compensation payable to complainants by the public authority.⁸

Voluntary disclosure

A public authority is required to make pro-active disclosure of all the relevant information as per provisions of Section 4(1)(b), unless the same is exempt under the provisions of Section 8(1). In fact an information regime should be created such that citizens would have easy access to information without making any formal request for it.⁹

Voluntary disclosure

Section 4 (2) and (3) of the RTI Act calls for continuous improvement of publication of voluntary disclosures in keeping with the resources available. A citizen can complain - because the Department has not updated their information, thus causing damage and risk.¹⁰

⁸ Complaint Nos.CIC/WB/C/2007/00803-00806 & 00887-00896,3.3.2008

⁹ 24/IC(A)/2006 - 16 April,2006

¹⁰ CIC/WB/C/2006/00081- 13 July, 2006

RIGHT TO FOOD AND INFORMATION

In 2001, 47 tribals and Dalits were starved to death in south-eastern Rajasthan as the state reeled from its third consecutive year of drought. The tragedy occurred despite India's warehouses were brimming with an excess of around 40 million tonnes of foodgrains that year.¹¹

Weeks later, the Right to Food Campaign, a civil society network of activists and organizations, moved the apex court to secure food security for Indians. The case-*People's Union for Civil Liberties v Union of India* (popularly known as the Right to Food case)-sought to transform the government's policy choices on food into enforceable rights for the citizens.¹²

Supreme Court, in one of its several interim orders, emphasized the importance of the information:¹³

In order to ensure transparency in selection of beneficiaries and their access to these Schemes, the Gram Panchayats will also display a list of all beneficiaries under the various Schemes. Copies of the Schemes and the list of beneficiaries shall be made available by the Gram Panchayats to members of public for inspection. We direct that a copy of this order be translated in regional languages and in English by the respective States/ Union Territories and prominently displayed in all Gram Panchayats, Govt. School Buildings and Fair Price Shops. We direct Doordarshan and AIR to adequately publicise various Schemes and this order. We direct the Chief Secretaries of each of the States and Union Territories to ensure compliance of this order. Wide publicity shall be given so as to make BPL families aware of their entitlement of food-grains.

The Court appointed two Commissioners to monitor the implementation of its orders. In 2002, the apex court appointed N.C. Saxena and S.R. Sankaran, two former bureaucrats, as food commissioners empowering them to investigate violations of interim orders in the case and authority to monitoring and reporting the implementation status of the orders to the court. Harsh Mander, a former member of the National Advisory Council, took over the position after Sankaran retired.

On 10 February 2017, 17 years after the first judicial intervention, the apex court closed the case, "in view of the passage of the National Food Security Act, 2013".

¹¹ Apurva Vishwanath, 'What are the lessons learnt from the Right to Food case?', *Live Mint*, Mar 20 2017.

¹² *PUCL vs Union of India and Others*, Writ Petition (Civil) 196 of 2001.

¹³ Interim Orders of 28 November 2001 and 2 May 2003, in *PUCL v. Union of India and Others*.

NATIONAL FOOD SECURITY ACT, 2013

National Food Security Act, 2013 provides for Transparency and Accountability: Provisions have been made for disclosure of records relating to PDS, social audits and setting up of Vigilance Committees in order to ensure transparency and accountability:

27. All Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to the public, in such manner as may be prescribed by the State Government.

28. (1) Every local authority, or any other authority or body, as may be authorised by the State Government, shall conduct or cause to be conducted, periodic social audits on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes, and cause to publicise its findings and take necessary action, in such manner as may be prescribed by the State Government. (2) The Central Government may, if it considers necessary, conduct or cause to be conducted social audit through independent agencies having experience in conduct of such audits.

29. (1) For ensuring transparency and proper functioning of the Targeted Public Distribution System and accountability of the functionaries in such system, every State Government shall set up Vigilance Committees as specified in the Public Distribution System (Control) Order, 2001, made under the Essential Commodities Act, 1955, as amended from time to time, at the State, District, Block and fair price shop levels consisting of such persons, as may be prescribed by the State Government giving due representation to the local authorities, the Scheduled Castes, the Scheduled Tribes, women and destitute persons or persons with disability. (2) The Vigilance Committees shall perform the following functions, namely:— (a) regularly supervise the implementation of all schemes under this Act; (b) inform the District Grievance Redressal Officer, in writing, of any violation of the provisions of this Act; and (c) inform the District Grievance Redressal Officer, in writing, of any malpractice or misappropriation of funds found by it.

TARGETED PUBLIC DISTRIBUTION SYSTEM (TPDS)

The PDS (Control) (Amendment) Order, 2004, enables citizens to directly seek information from a fair price shop owner. Punishment for withholding information may extend up to three months imprisonment under section 7 of the Essential Commodities Act, 1955. This Order is stronger than the RTI Act itself. States have framed state PDS (Control) Orders to supplement the Central Order.

These Orders stipulate that fair price shop owners should display of samples of food grains and maintain records of all ration card holders, stock register, issue or sale register; ration card register, stock register and sale register.

They should display the following information:

- list of BPL and Antyodaya beneficiaries
- entitlement of essential commodities, scale of issue, retail issue prices
- Working hours of the shop
- stock of essential commodities received during the month
- opening and closing stock of essential commodities
- the authority for redressal of grievances and complaints

Revised Model Citizens' Charter for the TPDS was issued to facilitate use of provisions of RTI Act in relation to functioning of TPDS.

MID-DAY MEAL SCHEME

The National Programme for Nutritional Support to Primary Education, popularly known as Mid Day Meals Programme is intended to boost the universalisation of Primary education by increasing enrolment, retention and attendance and simultaneously impact on the nutrition of students in primary classes. *Mid-Day Meal Scheme Guidelines 2006* stipulate that at the school level, the following information should be displayed on a weekly basis as voluntary disclosure under the RTI Act:

- Quantity of food grains received, date of receipt
- Quantity of food grains utilized
- Other ingredients purchased, utilized
- Number of children given mid day meal
- Daily Menu
- Roster of Community Members involved in the programme

School Authorities should make available documents relating to the programme, whenever demanded by parents or general public.

Mid-Day Meal Rules, 2015

7. Role of School Management Committee (SMC) for monitoring Mid-day meals scheme. – (1) The School Management Committee mandated under Right to Free and Compulsory Education Act, 2009 shall also monitor implementation of the Mid-day meal Scheme and shall oversee quality of meals provided to the children, cleanliness of the place of cooking and maintenance of hygiene in implementation of mid day meal scheme.

9. Food Security Allowance. - (1) If the Mid-Day Meal is not provided in school on any school day due to nonavailability of food grains, cooking cost, fuel or absence of cook-cum-helper or any other reason, the State Government shall pay food security allowance as defined in clause (c) of rule 2 to every child referred to in rule 3 by 15th of the succeeding month in the manner provided herein below:- (a) Quantity of Food grains as per entitlement of the child; and (b) Cooking cost prevailing in the State.

THE MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE ACT

Employment guarantee is an integral part of the agenda of “legal action for the right to food”. The Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA) was notified on September 7, 2005.

The mandate of the Act is to provide at least 100 days of guaranteed wage employment in a financial year to every rural household whose adult members volunteer to do unskilled manual work.

The Act was notified in 200 districts in the first phase with effect from February 2nd 2006 and then extended to an additional 130 districts in the financial year 2007-2008 (113 districts were notified with effect from April 1st 2007, and 17 districts in Uttar Pradesh (UP) were notified with effect from May 15th 2007). The remaining districts have been notified under MGNREGA with effect from April 1, 2008. Thus, the MGNREGA covers the entire country with the exception of districts that have a hundred percent urban population.

The MGNREGA provides a legal guarantee for wage employment. It is a demand-driven programme where provision of work is triggered by the demand for work by wage-seekers. There are legal provisions for allowances and compensation both in cases of failure to provide work on demand and delays in payment of wages for work undertaken.¹⁴

¹⁴ *The National Rural Employment Guarantee Act 2005(NREGA) Operational Guidelines 2013*, Ministry of Rural Development, Department of Rural Development, Government of India (4rd edition).

The MGNREGA has inbuilt Transparency provisions.

Under section 4 of the Act, State Governments have notified NREG Schemes for the purposes of giving effect to the provisions of the Act. For example, NREG Scheme- Andhra Pradesh, Para 22.2 states:

“An information wall shall be built by the Gram Panchayat headquarters. One side of the wall shall be painted with salient provisions of the scheme like task-wise piece rates, non-negotiables, works taken up etc. The other side of the wall shall be updated with weekly information like work-wise number of labour working; materials procured and work wise expenditure and so on.”

The Central Council and State Councils are required to promote the widest possible dissemination of information about the Schemes made under the Act.



Social audit is a new feature that is an integral part of MGNREGA. Potentially, this creates unprecedented accountability of performance, especially towards immediate stakeholders. Section 17 of the Act states as follows:

Social audit of work by Gram Sabha:

- (1) The 'Gram Sabha shall monitor the execution of works within the Gram Social audit of Panchayat.
- (2) The Gram Sabha shall conduct regular social audits of all the projects under the Scheme taken up within the Gram Panchayat.
- (3) The Gram Panchayat shall make available all relevant documents including the muster rolls, bills, vouchers, measurement books, copies of sanction orders and other connected books of account and papers to the Gram Sabha for the purpose of conducting the social audit.

The MGNREGA has given rise to the largest employment programme in human history and is unlike any other wage employment programme in its scale, architecture and thrust. Its bottom-up, people centred, demand-driven, self-selecting, rights-based design is distinct and unprecedented.

A Famine Commission appointed by the colonial government in 1859 said: “Indian famines are not famines of food, but of works; where there is work there is money and where there is money there is food.”

This is why, in 1946, at Noakhali, Mahatma Gandhi said. “To a people famishing and idle, the only acceptable form in which God can dare appear is work and promise of food as wages.”¹⁵

¹⁵ M.S. Swaminathan, ‘Synergy between Food Security Act & NREGA’, *The Hindu*, June 01, 2009.

OPEN DATA

In October 2007, 30 open government advocates met in Sebastopol, California to discuss how government could open up electronically stored government data for public use. Up until that point, the federal and state governments had made some data available to the public, usually inconsistently and incompletely, which had whetted the advocates' appetites for more and better data. The conference, led by Carl Malamud and Tim O'Reilly and funded by a grant from the Sunlight Foundation, resulted in eight principles that, if implemented, would empower the public's use of government held data. Sunlight Foundation has updated and expanded upon the Sebastopol list and identified ten principles that provide a lens to evaluate the extent to which government data is open and accessible to the public. The list is not exhaustive, and each principle exists along a continuum of openness. The principles are completeness, primacy, timeliness, ease of physical and electronic access, machine readability, nondiscrimination, use of commonly owned standards, licensing, permanence and usage costs.

BRIEF OF NATIONAL DATA SHARING & ACCESSIBILITY POLICY (NDSAP):

A large quantum of data generated using public funds by various organizations and institutions in the country remains inaccessible to civil society, although most of such data may be non-sensitive in nature and could be used by public for scientific, economic and developmental purposes.

The National Data Sharing and Accessibility Policy (NDSAP) is designed so as to apply to all sharable nonsensitive data available either in digital or analog forms but generated using public funds by various Ministries / Departments /Subordinate offices / organizations / agencies of Government of India. The NDSAP policy is designed to promote data sharing and enable access to Government of India owned data for national planning and development.

The Union Government through Ministry of Science and Technology has formulated the National Data Sharing and Accessibility Policy (NDSAP), while Ministry of Electronics & Information Technology (MeitY) is the nodal Ministry to implement the policy.

The Department of Science and Technology under Ministry of Science and Technology has formulated the NDSAP through close collaboration with other line Ministries and MeitY by creating "data.gov.in" through National Informatics Centre (NIC). The NDSAP had identified MeitY as the nodal Ministry for the implementation of the policy through NIC, while Department of Science and Technology continues to be the nodal department on policy matters. The policy was notified by the Department of Science and Technology (Govt. of India Gazette dated 17th March 2012).

BRIEF OF OPEN GOVERNMENT DATA (OGD) PLATFORM:

In pursuance of the NDSAP- Policy notified by Government of India in March 2012, MeitY through NIC has set up the Open Government Data (OGD) Platform India - <https://data.gov.in/> to provide open access by proactive release of the data available with various ministries/ departments/ organizations of Government of India.

OGD Platform is now available as Software as a Service (SaaS) model. It is envisaged that Ministries/Departments would release datasets on proactive/auto consumption basis through Application Programming Interfaces (APIs)/Web Services i.e. in line with the principles of Open by Default from all e-Government Service Applications particularly from Digital India initiative of the Government.

MAIN OBJECTIVES OF OGD

i) Provisioning an enabling Platform to provide proactive and open access to the data generated through public funds by departments/ organizations of Government of India.

ii) To increase Transparency, Accountability, Citizen Engagement, Collaboration, Better Governance, Decision making & Innovation. iii) Paradigm Shift in Governance – Direct Delivery of Services to Citizen, Setting up a Platform for Collaboration, Innovation in delivery of Services to Citizen.

Main features of OGD platform include Single point access to open datasets, Responsive Web Layout design, Enhanced Visualization Platform, Better User Experience and efficient discoverability of resources, Cataloging of Similar resources, APIs, Embedding Catalogs, Widgets to share filtered set of catalogs, Catalogs Subscription, Community participation through Forums, Blogs, Infographics and Visualizaion and much more.

Few States are contributing data directly on data.gov.in. Sikkim is the first State with its own Data Portal (<https://sikkim.data.gov.in/>(link is external)), which was launched on 10th June, 2016. The Open Government Data Portal of the Surat Municipal Corporation (<https://surat.data.gov.in/>(link is external)) was launched on 23rd October, 2016. Some States have published datasets on OGD Platform.

‘Open Data Champion’ category in the Web Ratna Awards of NIC has been introduced since 2014 to motivate departments to publish open datasets.

Telangana is the second state to formulate Telangana Open Data Policy in 2016.

OPEN GOVERNMENT DATA AND CITIZEN ENGAGEMENT

The Union government's Open Government Data platform allows citizens to access a range of government data in machine-readable form in one place. The portal allows union ministries and departments to publish datasets, documents, services, tools and applications collected by them for public use. Excluding datasets which contain confidential information, all other datasets are made available to the public, ranging from data on welfare schemes to surveys to macroeconomic indicators. The platform also includes citizen engagement tools like feedback forms, data visualisations, Application Programming Interface (APIs) etc.

Open data not only helps government officials make better decisions but also gets people involved in solving problems. Throwing open government data to the public multiplies the number of people analysing and deriving insights from data. Consequently, the usability of data itself increases.

To engage people meaningfully in solving problems, the Ministry of Human Resource Development recently initiated the Smart India Hackathon – an open innovation model to discover new, disruptive technologies that could solve India's most pressing problems. Smart India Hackathons are product development competitions in which participants get a problem statement and relevant data, using which they develop a prototype software or hardware. These competitions crowd-source solutions to improve governance and increase the efficacy of welfare schemes. None of this would be possible, of course, without reliable data.

RICH DATA ON CITIZENS THAT GOVERNMENT CAN HARNESS FOR THE WELFARE OF ITS CITIZENS

Governments hold *administrative data* for mainly non-statistical purposes. Administrative datasets include birth and death records, crime reports, land and property registrations, vehicle registrations, movement of people across national borders, tax records etc. Governments also gather data to evaluate welfare schemes; for example, the Ministry of Drinking Water and Sanitation gathers data on toilet usage to assess the efficacy of the Swachh Bharat Mission.

Survey data, on the other hand, is data gathered predominantly for statistical purposes through systematic, periodic surveys. For example, the National Sample Survey Office conducts large-scale sample surveys across India on indicators of employment, education, nutrition, literacy etc. Because these data are gathered for statistical analyses, the identity of participants is irrelevant and unreported, although these identities may be securely stored at the back-end without violating any legal guidelines on privacy.

Institutional data refers to data held by public institutions about people. For example, a government-run district hospital maintains medical records of all its patients. A government-run school maintains personal information about all its pupils. State-run universities maintain records of students' educational attainment and degrees awarded to them. Most such data are held locally, predominantly in paper-based form. This data can be digitized to enable aggregation at the regional or national level.

Transactions data are data on an individual's transactions such as those executed on the United Payment Interface (UPI) or BHIM Aadhaar Pay. This is a nascent category of data but is likely to grow as more people transition to cashless payment services.

FEDERALISM IN LEARNING AMONG GOVERNMENTS: TELANGANA GOVERNMENT'S SAMAGRA VEDIKA INITIATIVE

The Telangana Government's Samagra Vedika initiative gives a flavour of the potential benefits of integrating data sets. The initiative links around twenty-five existing government datasets using a common identifier – the name and address of an individual. Seven categories of information about each individual were linked in this aggregation exercise – crimes, assets, utilities, subsidies, education, taxes and identity information. Each individual was then further linked to relatives such as spouse, siblings, parents and other known associates. The initiative also puts in place all the necessary safeguards to preclude any tampering of data or violation of privacy. The right to add or edit data in the database varies by ministry or department. A given department can only write data for select fields – the motor vehicles department cannot, for instance, manipulate data relating to education, even though it can view the data.

NREGASOFT AND E-GOVERNANCE IN MGNREGA

NREGAsoft is a comprehensive e-governance system for the MGNREGA scheme. Accessible by a range of stakeholders, it captures the complete flow of all MGNREGA work at every level – from the centre all the way to the panchayat. In the spirit of citizens' right to information, the system makes available documents like muster rolls, registration application register, job card/employment register/muster roll issue register and muster roll receipt register, which are otherwise inaccessible to the public.

The system has no language barriers to usage; it is accessible in a number of local languages. In fact, even the illiterate can use the interface as it leverages sounds and icons in a touch-screen kiosk model. It is designed to be used by a range of stakeholders, from workers who are beneficiaries of the scheme to gram panchayats to district programme coordinators to banks and post offices. Even citizens who are not beneficiaries of the scheme may view information on the portal.

The software consists of several modules, which together comprehensively span all activities and all stakeholders. For example, while the worker management module forms the backbone of all worker-related services, a fund management module tracks the movement of funds from the central ministry all the way to the workers' pockets, a grievance redressal module helps stakeholders including the illiterate to lodge complaints and track responses, and a bank/post office module allows financial institutions to get wage information and enter details of money credited in accounts. Other modules assist with cost estimation, social audit, knowledge network etc.

THE NATIONAL SCHOLARSHIP PORTAL

The Government of India has already made headway in integrating data on scholarships. The National Scholarship Portal was initiated to harmonize all scholarship schemes implemented by various ministries at the central and state levels. The portal serves as an umbrella platform for all scholarship related services ranging from student application, application receipt, processing and sanction to disbursement of funds. In addition to creating a transparent database of all beneficiaries of all government scholarship schemes at various levels, the portal reduces hassles in discovering scholarships and facilitates direct benefit transfer (DBT).¹⁶

ECONOMIC SURVEY 2020-21 VOLUME 1

Economic Survey 2020-21 Volume 1 refers to the Transparency of Rules Act to end any asymmetry of information regarding rules and regulations faced by a citizen. This was initially proposed in Chapter 8 of Economic Survey 2016-17 Volume 2.

The reform solves for the problem that rules frequently change and often the citizen has to follow a long paper trail of circulars and notifications to know the current requirements. Under this act, all departments will need to mandatorily place all citizen-facing rules on their website. Officials will not be able to impose any rule not explicitly mentioned on the website clearly. Further, all laws, rules and regulations will have to be presented as an updated, unified whole at all times. This will bring transparency and simplify the understanding of regulations.

¹⁶ Data “Of the People, By the People, For the People”, Economic Survey 2018-19 Volume 1

TRANSPARENCY OF RULES ACT

Almost everyone will agree that “rule-of-law” is fundamental to good governance. In turn, rule-of-law is based on the expectation that all citizens are aware of the country’s laws and will follow it. Ignorance of the law is not accepted as defense. The problem is that it is not easy for ordinary citizens (& businesses) in India to navigate the multitude of rules, regulations, forms, taxes and procedures imposed by various tiers of government. Moreover, these rules frequently change and sometimes contradict each other. Often the citizen has to follow a long paper trail of circulars and notifications to know the current requirements. Note that we are not concerned here about the content of the rules/regulations but solely about the ease of finding out what the citizen is expected to do. The opaque mesh of rules is so complicated that even government officials struggle to keep up with the latest version. This is the cause of a lot of inefficiency, and delay. Arguably it is also an important source of corruption and endless litigation. This is why India would benefit enormously if the average citizen could easily access the latest rules and regulations in a comprehensible format. One way to solve the above problem could be a Transparency of Rules Act (TORA). The proposed legislation would have the following three elements. Each element is necessary and that together they are sufficient to significantly resolve this problem:

- TORA would make it mandatory for all departments to place every citizen-facing rule, regulation, form and other requirement on its website (preferably in English, Hindi and regional language). Once a department is declared “TORA-complaint”, any rule that is not explicitly on the website would be deemed not to apply. No government official would be allowed to impose a rule, procedure or form that is not explicitly displayed on the website. This is not an entirely new idea as all state and central laws are currently required to be published in the Gazette. The new legislation extends this principle to say that a rule only applies if the citizen can easily find it on the website of the relevant department or agency. Simply placing a circular in the large heap of updates and circulars in the Gazette is not good enough.
- TORA will further specify that all laws, rules and regulations need to be presented as an updated, unified whole at all times. Citizens should not have to wade through decades of circulars to find out the current state of play. This is already being done in some places on an ad hoc basis, but this is not useful if one is never completely sure that the so-called updated version has itself not been superseded. The format used by Wikipedia is a simple example of a format where the main text can be constantly updated but also allows people to look up document history in order to compare changes. A presentation of laws as an updated whole will have an additional benefit that it will make internal contradictions obvious.

- The third critical element of TORA is that the websites should clearly state the date and time when each change is made. This should be embedded in the software. Laws would normally be applicable after a specified time (say seven days) after the rule has been posted. The principle is that the government must give the citizen a reasonable time to comply. The date stamp means that officials cannot retrospectively change a regulation. Note that the text on the website is deemed the law even if it has a mistake, till the correction is made. The department, and not the citizen, must pay for the consequences of any error.

Note that TORA needs all three ingredients in order to work. Leaving aside any one of them will create a loophole that will quickly make the other elements unworkable. The technology requirements of TORA are simple and well-established, and it fits well with the Digital India initiative. The cost of implementation too is likely to be trivial. Moreover, it can be implemented by one department at a time and does not need large-scale nation-wide coordination. Once a department has shifted to the platform, it can be deemed “TORA-compliant” and citizens can be sure that the information is authentic and updated. It could be argued that such a system could be implemented administratively and does not need legislative backing. One can indeed get the project moving before the Act is passed. However, without legal backing, it will be too dependent on the executive leadership of the time and will not be a permanent change.

TRANSPARENCY IN THE DECISION-MAKING PROCESS

6.28 The second way towards effective supervision is to incorporate transparency into the decision-making process. Transparency, apart from having intrinsic value, is appreciated because it promotes trust in public institutions and makes market efficient. The discretion in the system needs to be balanced with the transparency in decision making.

6.29 The benefits of transparency can be seen from the recent reform in public procurement. The Government in 2016 had set up a dedicated e-market known as Government e marketplace (GeM) for different goods & services procured or sold by Government/PSUs. Anecdotal evidence suggests that prior to GeM, government procurement prices were much higher than the prices prevailing in the market and there were constant complaints about inefficiency and rent seeking. As the GeM website mentions, use of this e-marketplace has resulted in a substantial reduction in prices in comparison to the tender, rate contract and direct purchase rates that were used previously. The average prices on GeM are lower by at least 15-20 per cent than previously, and in some cases even upto 56 per cent.

Being an open platform alert citizens can continue to monitor it real time.

CIC AUDIT METHODOLOGY

The RTI Act under section 4 provides a comprehensive framework for promoting openness in the functioning of the public authorities.

A comprehensive framework has been designed and developed by the Central Information Commission, containing all the relevant indicators for evaluating disclosure by PAs. In doing so, care was taken to identify and capture all the relevant parameters that are mentioned in section 4 of the RTI Act as well as other information that has been prescribed by the CIC, the Courts, provisions under different Acts and the directions issued from time to time by the Department of Personnel and Training (DoPT).

BROAD CATEGORIES OF INFORMATION

Broadly, information has been grouped under six categories as described below:

1-organisation and function, 2- Budget and programmes, 3- Publicity and public interface, 4- E. governance, 5- Information as prescribed and 6. Information disclosed on own initiative. (While Section 4(1) (a) provides a general guideline for record management, so that the information could be easily stored and retained, the sub-sections b, c and d of Section 4 relate to the organizational objects and functions. Sub-sections (b), (c) and (d) of Section 4 of the RTI Act and other related information can be grouped under six categories.)

1. ORGANISATION AND FUNCTION

- Are organisational details given?
- Have all the designated officers been appointed?
- Is the objective and purpose of the establishment given in clear and concise terms?
- Annual reports including information regarding number of RTI applications received and disposed of in that year.
- Are RTI application queries reflected in the FAQs on the PA website? (random check)
- Monthly reports of RTI applications received and disposed.

2. BUDGET AND PROGRAMMES

- Are the budget details furnished on the website?
- Are the comprehensive end-to-end e-procurement details disclosed under Section 4?
- Information about fees, tolls, or other kinds of revenue that may be collected under authorization from the Government, information in respect of outputs and outcomes, process of selection of the private sector party may also be proactively disclosed.

All discretionary /non-discretionary grants / allocations to state governments/NGOs/Other institutions by Ministry/Department should be placed on the website of the Ministry/Department concerned.

- Annual Accounts of all legal entities who are provided grants by Public Authorities should be made available through publication, directly or indirectly on the Public Authority's website.
- Are all the payments made under PPP projects disclosed in a periodic manner along with the purpose of making such payments?
- Is the PA proactively disclosing the CAG & PAC paras and the Action Taken Reports (ATRs) (After these have been laid on the floor of both the houses of Parliament)?
- Is the PA disclosing details of foreign and domestic official tours undertaken by the
- Minister(s) and officials of the rank of Joint Secretary to the Government of India and above and Heads of departments?
- Is the nature of official tours, places visited, number of people included in the official delegation and total cost of such travel undertaken disclosed?

3. PUBLICITY AND PUBLIC INTERFACE

- It should be the endeavour of all public authorities that all entitlements to citizens and all transactions between the citizen and government are gradually made available through computer-based interface. The 'Electronic Delivery of Services Bill, 2012 under formulation in Government of India would provide the necessary impetus.
- Websites should contain detailed information from the point of origin to the point of delivery of entitlements/ services provided by the Public Authorities to citizens.
- Service delivery standards and performance indicators and penalties for noncompliance to standards of service delivery should be prominently published.
- Orders of the public authority should be uploaded on the website immediately after they have been issued.
- Information must be presented from a user's perspective, which may require rearranging it, simplifying it, etc. However, original documents in original formats should continue to be made available because these are needed for community monitoring of government's functioning. Is this fact observed on the PA website?

4. E-GOVERNANCE / DIGITISATION

- Website should contain all the relevant Acts, Rules, forms and other documents which are normally accessed by citizens.
- While adhering to the standards of government guidelines as laid down by Department of Information Technology and Department of Administrative Reforms & Public Grievances, the following principles additionally should also be kept in view to ensure that websites' disclosures are complete, easily accessible, technology and platform neutral and in a form, which conveys the desired information in an effective and user-friendly manner.
- Maintain reliability of information and its real time updation, information generation in a digital form should be automatically updated on the basis of key work outputs, like a muster roll and salary slip (NREGA in Andhra Pradesh) or formalization of a government order (Andhra Pradesh). Such an approach will lead to automation of proactive disclosure.
- The 'National Data Sharing and Accessibility Policy' by the Department of Science and Technology is based on the principle that all publicly funded information should be readily available. The policy has been notified in March 2012 and the schedule should be strictly adhered to.
- Information and data should be presented in open data formats whereby it can be pulled by different Application Protocol Interfaces to be used in different fashions more appropriate to specific contexts and needs. Information/ data can, for instance, be presented in powerful visual ways using visualisation techniques. Such visual representation of information/ data can give insights that may remain largely hidden in a textual or tabular presentation of data. In some contexts, pictures and audio/videos recordings etc may be more useful. There have been moves in some parts of the country to video record Gram Sabha meetings. A picture of a NREGA worksite, for instance, may tell much more than words can. All such different media and forms should be used for proactive disclosure.
- Every webpage displaying information or data proactively disclosed under the RTI Act should, on the top right corner, display the mandatory field 'Date last updated (DD/MM/YY)'.
- The data about digitized record may include the name of the record and any categorization or indexing used; the subject matter and any other information that is required to be compiled in relation to a file as prescribed by Manual of Office Procedure (and to be prescribed by MOP for electronic records that is under finalization by DARPG), the division/ section/ unit/ office where the record is normally held; the person, with designation, responsible for maintaining the record; and the life span of the record, as prescribed in the relevant record retention schedule.

- The government has issued directions to all the Ministries/ Departments to include a chapter on RTI Act in the Annual Reports submitted to parliament. Details about compliance with proactive disclosure guidelines should be mandatorily be included in the relevant chapter in Annual Reports of Ministries / departments. Is the Annual Report regularly prepared and uploaded on the website?

5. INFORMATION AS PRESCRIBED

- Each Central Ministry/Public Authority should appoint a senior officer not below the rank of a Joint Secretary and not below rank of Additional HOD in case of attached offices for ensuring compliance with the proactive disclosure guidelines. The Nodal Officer would work under the supervision of the Secretary of the Ministry/Department or the HOD of the attached office, as the case may be. Nodal Officers of Ministry/ Department and HOD separately should also ensure that the formations below the Ministry/Department/Attached Office also disclose the information as per the proactive disclosure guidelines. Is this fact mentioned anywhere on the website?

6. INFORMATION DISCLOSED ON OWN INITIATIVE

- Maximum weightage would be given to the items/ information disclosed with a purpose that public may have minimum resort to use of RTI Act to obtain information.

WEIGHTAGES ASSIGNED

Keeping in view the relative significance of each of the identified parameter, the following weightages were assigned:

PARAMETER	WEIGHT %
1. Organisation and Functions	10%
2. Budget and Programme	30%
3. Publicity and Public Interface	25%
4. E-Governance	20%
5. Information as may be Prescribed	10%
6. Information disclosed on own initiative	5%
Total:	100%

These weights are further distributed across the sub-parameters in the respective categories, as illustrated below:

The weight of, for example 10%, under the category of ‘organisation and function’ is divided by the number of sub-indicators, 13 in this case, to equalize the marks of the sub-indicators, which comes to 0.77, which is further divided by the number of indicators, 6, under the sub-indicator within the category of sub-indicator, which comes to 0.12.

This procedure has been followed throughout this exercise. It is important to note that:

- i) A Public Authority scores full marks, as worked out above, when it ‘meets the disclosure requirement’;
- ii) If a PA ‘meets partial requirement’, it gets fifty percent marks under the relevant parameter;
- iii) ‘zero’ mark is given when required information is not disclosed; and,
- iv) if the identified information is ‘not applicable’, deemed to be meeting the requirement.

It is important to note that no attempt is made to make direct comparisons of one public authority with some others as they may not be comparable in terms of their mandatory activities and public interface.

The above framework can be used to evaluate the voluntary publications to see whether the publication satisfies the provisions of the RTI Act and other guidelines issued by the nodal agency responsible for implementation of the Act, the Department of Personnel and Training.

COMMON CONCERNS AND RECOMMENDATIONS:

Many publications on proactive disclosure provide brief outline about the public authorities. However, it is advised to provide as much information as possible about the public authority up to field level, including the details of PIOs at all levels. The public authorities may form a taskforce of dedicated officers to prepare the manual in a comprehensive manner. Annexure I presents a good practice by CIC in this respect.

ENSURING DISCLOSURES AT FIELD LEVEL

The public authority should ensure that all its administrative units or offices under it up to sub divisional level or sub-district level prepare proactive disclosures as required under the RTI Act. Model disclosure drafts may be prepared for their guidance. For example such Model disclosure draft for a school may save time and other resources for hundreds of schools and also ensure uniformity in such disclosures in the state.

LOCAL LANGUAGE VERSION

The RTI Act mandates every public authority to provide information in the *local language* and adopt the most effective method of communication for dissemination of information. [Section 4(4)]. As such, the information manuals need to be translated into local language. Both language versions may be uploaded on the official website of the Department.

UPDATION OF THE MANUAL

Paragraph 19 of the '*Guide for the Public Authorities- Guidelines for the public authorities under the Right to Information Act, 2005*', published by the Nodal agency responsible for implementation of the RTI Act, Department of Personnel & Training, Ministry of Personnel, P.G. and Pensions, Government of India states as follows: "19. An another important point to note is that it is not sufficient to publish the above information once. The public authority is obliged to update such information every year. It is advisable that, as far as possible, the information should be updated as and when any development takes place. Particularly, in case of publication on the internet, the information should be kept updated all the time." (O.M.No.1/412008-IR dated: 25th April, 2008)

The public authority should further aim to:

- Publish all relevant facts while formulating important policies or announcing the decisions which affect public [Section 4(1) (c)]
- Provide reasons for its administrative or quasi-judicial decisions to affected persons [Section 4(1) (d)]

DISCLOSURE LOGS:

The Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice has, in Para 4.40 of its 76th Report, inter-alia made the following recommendations:

"The direction given by DoPT in their guidelines for implementation of Section 4 of the RTI Act which required appointment of a Joint Secretary rank officer as the Nodal Officer should be followed in letter and spirit. The Committee feels that all Ministries/Departments/ Organisations themselves must encourage suo-motu disclosure of relevant information. The Committee suggests the publishing of RTI requests and their replies on the websites of the Departments so that duplicity of requests is avoided. All Departments must make an analysis of information which is sought most often from applicants and provide it on their website as suo-motu disclosure."

The public authority may upload the information disclosed in response to requests under Section 6(1) of the RTI Act to avoid multiple requests on the same subject. DoPT issued O.M. No.1/6/2011-IR dated 15.04.2013, for implementation of *suo motu* disclosure under Section 4 of the RTI Act, 2005, which states as follows:-

"All Public Authorities shall proactively disclose RTI applications and appeals received and their responses, on the websites maintained by Public Authorities with search facility based on key words. RTI applications and appeals received and their responses relating to the personal information of an individual may not be disclosed, as they do not serve any public interest."

On 20 June, 2017, DoPT issued OM stating not to disclose Aadhar number while uploading the RTI replies:

"Ministry of Electronics And Information Technology (Meity) have circulated guidelines for securing Identity information and Sensitive personal data or information in compliance to Aadhar Act, 2016 and Information Technology Act, 2000, wherein they have instructed that personal particular and information including Aadhar No. etc. should not be published in public domain/websites etc.

2. In view of the above, it is requested that all Ministries/Departments of Govt. of India including the subordinate offices may ensure the following while handling RTI applications viz. receiving, replying and uploading on websites etc.:-

(a) the personal information details like Aadhar no. should not be asked for while handling RT/ applications.

(b) that the Aadhar no. or such other personal information is hidden from public view while uploading the RTI/ applications/ Appeals/ Replies to the RT/ applications on websites, if Aadhar no. is mentioned therein." (Annexure VI)

SCHOOL EDUCATION: ADDITIONAL INFORMATION

Unified District Information System for Education (UDISE) presents data on School Education System in India. UDISE+ (UDISE plus) is an updated and improved version of UDISE.

Majority of UDISE+ data items are on three pillars of education system, namely Schools, Students and Teachers. In addition, it contains data related to expenses, school safety, vocational education, etc. Online uploading of UDISE+ has been made mandatory from 2018-19. URLs relevant to School Education, Telangana may be provided as part of the voluntary disclosure mechanism. (<https://udiseplus.gov.in/udise-home/#/home>)

SCHOOL REPORT CARDS

Data Sharing Policy for School Education & Literacy published by Department of School Education and Literacy, Ministry of Education, GoI states as follows:

“DoSEL may, at its discretion, decide to openly publish any data which it feels is required in the interest of transparency or public good. An example of this from the UDISE+ is given at Annexure D (i): Sample School Report Card (Urban) and D (ii) : Sample School Report Card (Rural) which shows the school-wise data items which would be available for all users. This will neither reveal UDISE+ code nor school name, but shall carry a pseudo code for each school instead of UDISE+ Code.”

Promoting transparency through information: A global review of school report cards published by the International Institute for Educational Planning and UNESCO opines that School Report Cards prove especially successful in helping to improve transparency and accountability in education systems.

School Report Cards provide information on:

- school infrastructure,
- building status,
- condition of class rooms, furniture,
- availability of drinking water,
- playground,
- electricity, digital facilities,
- toilets,
- School Management Committee and so on.

School Report Cards, compiled by District Information Systems of Education, are important documents which may be considered for disclosure under proactive disclosure.

COMMISSION'S DIRECTION TO PUBLIC AUTHORITIES ON IMPLEMENTATION OF SECTION-4

Commissions directions to Public Authorities an roles of CPIO and Transparency officer and guidelines for implementing the duties laid down in Section 4(1)(a) and 4(1)(b)

D.O.No.CIC/AT/D/10/000111 Dated : 18.11.2010

Subject: Implementation of Section of the RTI Act 2005 Reference Commission's directive dated 15.11.2010 under Section 19(8)(a) to the public authorities for time-bound implementation of Section 4 obligations under the RTI Act.

2. I invite your kind attention to the directive of the Commission for time-bound implementation of the provisions of Section 4 of the RTI Act, issued under the powers vested in it under Section 19(8)(a) of the RTI Act. Section 19(8)(a) of the Act states the following:-

“19(8) In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to -

(a) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including -

(i) by providing access to information, if so requested, in a particular form;

(ii) by appointing a Central Public Information Officer or State Public Information Officer, as the case may be;

(iii) by publishing certain information or categories of information;

(iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;

(v) by enhancing the provision of training on the right to information for its officials;

(vi) by providing it with an annual report in compliance with clause (b) of subsection

(1) of section 4;”

3. The directive emphasizes that compliance with the Section 4 obligations by public authorities is at the heart of the RTI Act. It enjoined public authorities to accept transparency commitments by undertaking time-bound suo-motu disclosures.

4. Underlining that, transparency commitments and suo-motu disclosures would remain nothing more than vague promises, unless these are matched by tangible action through proper record-management-practices, and time-bound disclosure of several items of identifiable information under supervision and guidance of a senior officer of the public authority, this directive gives the following instructions:-

(i) Public authorities to carry out time-bound action to complete parts of their Section 4 obligation within 120 days.

(ii) The balance obligations, which involve sifting of records and making a conscious determination about what information can be brought into the public domain suo motu, is to be completed within six months. This is part of the record-management aspect of Section 4 of the Act.

(iii) It commends designation by the public authority of a sufficiently senior officer as Transparency Officer, to oversee the implementation of the Section 4 obligations. These officers are also required to be the interface with the Central Information Commission on the one hand and the public on the other, about transparency aspects of the functioning of the public authority.

5. As per the provisions of the RTI Act, a large part of the Section 4 commitment by the public authorities was to be completed within 120 days of the Act coming into force, i.e. 15th June, 2005. Certain public authorities have made some serious effort in this direction, but the overall action in implementing this provision has been slow and halting. This has necessitated the present directive.

6. It is important to note that Section 4 obligates the public authorities to use the latest technologies to discharge their transparency commitments under that Section, subject to availability of resources.

7. Commission feels that it has now become necessary that the top echelons of the public authorities are sensitized about seriously addressing the several aspects of discharging their Section 4 commitments, including progressive digitization of data and use of other available technologies, to not only make transparency the hallmark of their functioning, but also to create the right conditions for the public to access the information through painless and efficient processes that shall be put in place.

8. The ultimate aim of the RTI Act is that public should have access to most information held by public authorities without the use of the RTI laws. Section 4 of the RTI Act is an initial, but necessary, prelude to achievement of that objective. Hence the importance of this Section.

9. I have been directed by the Commission to communicate to you its above mentioned directive for implementation by your Ministry / Department as well as all public authorities within your jurisdiction. It is requested that you may kindly issue appropriate directives to all top officers under your control as well as to the top officials of the public authorities controlled by the Ministry Department to give immediate effect to the Commission's directive dated 15.11.2010.

10. It is further requested that the relevant details of the officer designated as Transparency Officer by your Ministry / Department may be intimated to the Commission in about twoweeks' time. It is also requested that the public authorities within your jurisdiction may also be similarly instructed.

11. A portal is being set-up for uploading all the Section-4-compliance-related information. The idea is that an average citizen should be able to see for himself as to how public authorities have progressed in complying with the transparency obligations cast on them by Section 4 of the RTI Act. The details about the portal being developed shall be sent to you separately

12. For the purpose of uploading information, a format has been devised, which is enclosed. It is requested that your Ministry/Department as well as all public authorities under your jurisdiction may be instructed that the information relating to Section 4-compliance should be put-up on the portal in the format prescribed and annexed.

13. It is requested that, given the importance of this initiative for promoting not only transparency, but overall good governance, this matter may kindly receive your personal attention and necessary instructions be issued to all concerned about implementing the Commission's directive within the prescribed time-schedules.

14. Any clarification with regard to the Commission's directive and its implementation may be obtained from Shri Aakash Deep Chakravarti, Joint Secretary (Legal) (Tel. No. (011) 26105021 and e-mail aakash.dc@nic.in) or Shri Pankaj Kumar Pandey Shreyaskar (Tel. No. (011) 26717354 and e-mail: pkp.shreyaskar@nic.in).

15. I shall be grateful, if this communication is acknowledged.

Enclosures:-

1. Commission's directive dated 15.11.2010
2. Format for uploading Section 4 information Sincerely,
(B.B. SRIVASTAVA)

**IMPLEMENTATION OF SECTION 4 OF THE RTI ACT
DIRECTION TO PUBLIC AUTHORITIES U/S 19(8)(A) OF RTI ACT**

CENTRAL INFORMATION COMMISSION

New Delhi

CIC/AT/D/10/000111

Dated 15.11.2010

Implementation of Section 4 of the RTI Act Direction to Public Authorities u/s 19(8)(a) of RTI Act Commission has been noting in its decisions that although the RTI Act has now been in place for five years, a key element of the law-voluntary disclosure by public authorities, enshrined in Section 4 of the Act- has not been fully implemented in letter and spirit. There are, no-doubt, departments and public authorities, which are more transparent and open than the others, but most do not conform to the matrix of disclosure set-out in Section 4.

2. Transparency has not become such a good idea because of the presence of the RTI Act, but it is good because transparency promotes good governance. Of the records, documents and files held by public authorities, a very large part can be made available for inspection, or be disclosed on request to the citizens, without any detriment to the interest of the public authority. This has not been done, or has still not been systematically addressed, largely because of an intuitive acceptance of secrecy as the general norm of the functioning of public authorities. This mental barrier needs to be crossed, not so much through talks and proclamation of adherence to openness in governance, but through tangible action — small things, which cumulatively promote an atmosphere of openness.

3. Section 4 of the RTI Act randomly lists out some of these steps / actions.

4. The following aspects need to be noted:-

- (i) Secrecy in the functioning of the public authority should be the exception and not the norm, since as stated in the Preamble to the RTI Act, transparency of information is vital to a functioning democracy.
- (ii) Oftentimes public authorities are unable to decide on what records and documents to be made public, or what parts of its action to be made open, mostly because of poor record-management-practices, which make it difficult to take focused decisions about what records to be made routinely available to the public. Therefore, the first step towards promotion of transparency in the functioning of the public authority should be an improvement in the record-management practices. Section 4 lists-out the ingredients of record management in some detail.
- (iii) When the record management practices are fully established in the public

authority, the next step is to categorize the documents in terms of what can be disclosed voluntarily and what cannot be voluntarily disclosed. The second category could be some sort of a negative list — a list of documents which a public authority is not in a position to bring into the open-category straightaway, but would examine its disclosure under RTI Act.

- (iv) The record-management practice, as much as possible, should be Technologically driven. Technology should be used for efficient and wide dissemination of information subject to availability of resources and know-how. This is an additional requirement to the proper record-management practice commended by Section 4.
 - (v) While Section 4 enjoins public authorities to perform certain tasks for voluntary disclosure of information within 120 days of the commencement of the Act, i.e. on 12th October, 2005, it allows them “reasonable time” for putting in place a good record management practice supported by technology.
 - (vi) Section 4 also enjoins Public Authorities to update the proactive disclosures every year.
5. The time has come now when the public authorities must start a sustained drive to inform their governance practices with transparency and to take the series of small steps required to put in place a system which promotes it. Section 4 provides only a window to possible actions and, much more will need to be done in order to achieve the type of goals which are envisaged.
6. Therefore, by powers vested in the Commission by Section 19(8)(a) of the RTI Act, we direct that the obligations set out in Section 4 of the Act be discharged by the public authorities as per the time-limits set out against each activity.

I. Record Management Obligation:

Section 4(1) states that every public authority shall -

a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;

This translates into the following action points:-

1. Catalogue records and index them for easy dissemination and disclosure.
2. Computerize records in a phased manner subject to availability of resources. Similar obligation is also cast on public authority by Section 4(1)(b)(vi) and Section 4(1)(b)(xiv), which enjoin publishing within one hundred and twenty days from the enactment of this Act, -

(vi) a statement of the categories of documents that are held by it or under its control;

(xiv) details in respect of the information, available to or held by it, reduced in an electronic form;” It is directed that all public authorities implement the above obligations within 6 months (except for no.2 above).

II. Personnel related details and functions of public authorities:

The relevant portions of Section 4 calls upon public authorities to carry out the following:-

- “b) publish within one hundred and twenty days from the enactment of this Act,—
- (i) the particulars of its organisation, functions and duties;
 - (ii) the powers and duties of its officers and employees;
 - (iii) the procedure followed in the decision making process, including channels Of supervision and accountability;
 - (iv) the norms set by it for the discharge of its functions;
 - (v) the rules, regulations, instructions, manuals and records, held by it or under Its control or used by its employees for discharging its functions;
 - (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
 - (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
 - (ix) a directory of its officers and employees;
 - (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
 - (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
 - (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;

- (xiii) particulars of recipients of concessions, permits or authorisations granted by it;
- (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- (xvi) the names, designations and other particulars of the Public Information Officers;
- (xvii) such other information as may be prescribed; and thereafter update these publications every year;”

7. Public authorities were to have implemented these obligations within 120 days of the coming into force of the RTI Act on 15th June, 2005. In our experience, the action in this regard has been rather tardy. It is time that these directives of the law are fully implemented in a systematic manner through time-bound action. Commission, therefore, directs that these actions as ordained above shall be completed by all public authorities within a period of 120 days from the date of this order.

8. Commission further directs that,
 - (i) The information in compliance with Section 4 obligation by public authorities shall be uploaded on a portal to be set up exclusively for this purpose by the CIC.
 - (ii) Within 30 days of this order, each public authority shall designate one of their senior officers as “TRANSPARENCY OFFICER” (with all necessary supporting personnel), whose task it will be
 - (a) to oversee the implementation of the Section 4 obligation by public authorities, and to apprise the top management of its progress.
 - (b) to be the interface for the CIC regarding the progress of (a).
 - (c) help promote congenial conditions for positive and timely response to RTI requests by CPIOs, deemed-CPIOs.
 - (d) to be a contact point for the public in all RTI-related matters.
 - (iii) Names of the Transparency Officers shall be communicated to the Commission by public authorities.

9. Commission wishes to emphasise, that as laid-down in Section 4(2) of the RTI Act, it should be the constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo-motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

10. Unless the key requirements of Section 4 are fully met by the public authorities 'suomotu', the objectives of this Act as enshrined in its Preamble and Section 4 itself cannot be realized. Hence this directive.
11. Each Ministry or Department shall forward the directives to Public Authorities under their jurisdiction exercisable under Section 25(2) of RTI Act, 2005.
(A.N. Tiwari)

Chief Information Commissioner

(Annapurna Dixit) (Satyananda Mishra) (M.L. Shjarma)

Central Information Commissioner Central Information Commissioner Central Information Commissioner

(Shailesh Gandhi) (Sushma Singh) (Deepak Sandhu)

Central Information Commissioner Central Information Commissioner Central Information Commissioner

Authenticated By :-

(Aakash Deep Chakravarti)

Joint Secretary(Law) & Additional Registrar

JOB CHART OF TRANSPARENCY OFFICER

Central Information Commission

August Kranti Bhawan

Bhikaji Cama Place

New Delhi-110 066

Date: 09-12-2010

Subject : 1. Roles of CPIO and Transparency Officer (TO)

2. Level of Transparency Officer (TO)

3. Job Chart of Transparency Officer (TO)

Reference: D.O.No.CIC/AT/D/10/000111 dated 15.11.2010

Apropos the subject and reference cited, certain public authorities have requested clarification regarding the roles of the Transparency Officer (T.O.) vis-à-vis the CPIO, and the level of the Transparency Officer.

2. It is clarified that the institution of Transparency Officer is in fact an administrative arrangement for promotion of institutional transparency within the public authority through proactive and effective implementation of the provisions of Section 4 of the RTI Act, 2005. These include effective record management, digitization of records, networking and incremental proactive disclosures.

3. The CPIO and the Appellate Authority, on the other hand, are parts of the RTI-regime and, in that sense, are statutory officers under the RTI Act. Their functions shall be as defined in

Sections 7 and 19(1) of the Act respectively.

4. Within the public authority, a CPIO will be free to seek guidance from the Transparency Officer about disclosure-norms both in its general and specific aspects.

5. The level of Transparency Officer, in any public authority, may vary depending on the availability of personnel of a requisite level. However, to be effective, a Transparency Officer should be of sufficiently high seniority in the organization, having uninterrupted and free access to the head of the public authority. He should also be able to effectively communicate and liaise with Divisional Heads of the public authority. It is, therefore, desirable that T.O. is either No.2 or No.3 behind the head of the organization, in the official hierarchy.

6. Job Chart of Transparency Officer Transparency Officer (TO) shall be the main centre of all actions connected with promotion of institutional transparency commensurate with the letter and spirit of the RTI Act. In performing this role, the TO shall:

- i. Act as the interface for the Commission vis-à-vis the public authority on the one hand, and on the other vis-à-vis the public authority and the general public/information seeker.
- ii. Engage continuously, in implementing the Commission's directive dated 15.11.2010 regarding pro-active disclosures under section -4 of RTI Act, vis-à-vis the public authority concerned.
- iii. Regularly monitor decisions of the Central Information Commission (<http://cic.gov.in>) with a view to identify areas of openness both generic and specific as a result of such decisions. Ensure that all levels of employees of the public authority are sensitized about these decisions and their implications. Be responsible for issuing advisories, to officers/staff about need for sensitivity to institutional transparency and act as a change agent. Be responsible for sensitizing the officers/staff that the time limit stipulated in the RTI Act are outer limit for matters raised under RTI Act and officers/staff are required to be mentally tuned to disclose all informations, predetermined as open, within the shortest possible time on receiving request.
- iv. Be the contact point for the CPIO/FAA/Divisional Heads in respect of all RTI related matters of the Organisation. He will be the clearing house in all matters about making transparency the central point of organizational behaviour.
- v. Constantly remain in touch with the top management in the public authority about the strategy and the action to promote transparency within the organisation. Promote good management practices with the organisation centered on transparency.
- vi. Devise transparency indices for various wings of the public authority in order to introduce healthy competition in promoting transparency.
- vii. Help set up facilitation centres within the premises of the public authority, where members of the public can file their requests for disclosure of specific information and can inspect the records and documents etc.
- viii. Work out, in consultation with the departmental officers, the parameters of record management- its classification and indexing, plan of action for digitization of documents and records, networking etc and oversee and help implement the functions laid down in section 4 (1) (a) and 4 (1) (b) of the RTI Act.

ix. Prepare information matrix based on analysis of RTI applications filed before the public authority and response thereof and, suggest to the top management the need for process reengineering, wherever necessary, as well as work out modalities of suo motu disclosure of such information.

x. Be responsible for creating condition(s) in the organisation to establish an information regime, where transparency/disclosure norms are so robust that the public is required to have only the minimum resort to the use RTI Act to access information.

xi. Be responsible for operating a user-friendly website for various information relating to the public authority concerned, including inter alia search option.

xii. With the help of the appropriate wing of the public authority, set-up arrangements for training of the personnel to promote among them higher transparency orientation away from intuitive reflex towards secrecy, now common.

xiii. Establish dialogue with the top management and key officials of the public authority regarding prevention of unnecessary confidentiality classification of documents and records under the Official Secrets Act and to check over classification.

(B.B. SRIVASTAVA)
Secretary

IMPLEMENTATION OF SECTION 4 OF THE RTI ACT, 2005.

CIC/DS(P)/Section 4/Comp/2010 Dated: 31.3.2011

Reference: D.O letter No. CIC/AT/D/10/000111 dated 18.11.2010.

Subject: Implementation of Section 4 of the RTI Act, 2005.

I would like to draw your kind attention to para (11) of my D.O letter no. CIC/AT/D/10/000111 dated 18.11.2010; wherein a reference has been made regarding a portal for uploading of facts relating to compliance of section 4 of the RTI Act and related informations.

2. The Ministries/Departments/Public Authorities are hereby advised to visit the website of Central Information Commission at www.cic.gov.in. and open the submit Annual Return link available on it. The interface which opens, is the Log In interface; and the concerned Ministries/Departments/Public Authorities have to provide the same password, already being utilised by them for submitting online Annual Return to the Commission.
3. The Public Authorities will now see the main menu page of the portal; which has three sections; namely Annual Return 2010-11, Master Updation and RTI Manuals/Disclosure. The Public Authorities are required to update the details regarding Transparency Officer in the Master Updation category. They are now required to provide the website address of the Public Authority including the web page link, where the disclosure under Section 4 of the RTI Act has been uploaded in the RTI manuals/Disclosure category. They are also required to indicate the last date of uploading/updating the disclosure on the website. The print screens in this respect are also enclosed for ready reference.
4. This will help them comply with the direction of the Commission dated 15.11.2010 with respect to para (6). Any clarification in this regard may be sought from Shri. Pankaj K.P Shreyaskar Dy. Secretary & Joint Registrar, CIC on Tel No: 26717354 Email id: pkp.shreyaskar@nic.in.
5. I solicit your kind intervention and support in the aforesaid endeavor to help strengthen the supply side management of information to facilitate availability of information to requesters.

Yours sincerely,

(B.B. Srivastava)

All secretaries to GOI

Annexures

**Central Information Commission
August Kranti Bhawan
New Delhi
Circular**

Dated 23rd February, 2010

The following officers of the Commission are designated for preparing, collating and finalising the contents of various manuals as mentioned u/s 4 (1) (b) of RTI Act, 2005. Every six months the contents will be reviewed as indicated in the last column. The officer in charge will finalise the contents and will send to Sri P K Sharma, JS (MoRE) who in turn will forward the same to Sri Paul, NIC for uploading on the website <http://cic.gov.in>.

man ual	Content details as under section 4 (1) (b)	Unit/Division responsible for content updations	Officer Incharge	Periodicity
i	the particulars of its Organisation, functions and duties;	Administration	Sri Tarun Kumar, JS (A&P)	6 months
ii	the powers and duties of its officers and employees;	Administration	Sri Tarun Kumar, JS (A&P)	6 months
iii	the procedure followed in the decision making process, including channels of supervision and accountability;	Administration Finance Legal	Sri Tarun Kumar, JS (A&P) Sri S T Vijayraghavan, DS (P&B) Sri Aakashdeep Chakravarty, JS (Legal)	6 months
iv	the norms set by it for the discharge of its functions;	Administration Legal	Sri Tarun Kumar, JS (A&P) Sri Aakashdeep Chakravarty, JS (Legal)	6 months
v	the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;	Administration Finance Legal	Sri Tarun Kumar, Js (A&P) Sri S T Vijayraghavan, DS (P&B) Sri Aakashdeep Chakravarty, JS (Legal)	6 months

vi	a statement of the categories of documents that are held by it or under its control;	Administration Finance Legal	Sri Tarun Kumar, Js (A&P) Sri S T Vijayraghavan, DS (P&B) Sri Aakashdeep Chakravarty, JS (Legal)	6 months
vii	the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;	Subject matter Specific	Officer in charge of the concerned section	As and when required
viii	a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;	Coordination	Sri Pankaj K P Shreyaskar, DS & JR	As and when required
ix	a directory of its officers and employees;	Administration	Sri Tarun Kumar, JS (A&P)	As and when required
x	the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;	Finance	Sri S T Vijayraghavan, DS (P&B)	6 months
xi	the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;	Finance	Sri S T Vijayraghavan, DS (P&B)	6 months

xii	the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes	Not Applicable		
xiii	particulars of recipients of concessions, permits or authorisations granted by it;	Not Applicable		
xiv	details in respect of the information, available to or held by it, reduced in an electronic form;	Administration	Sri Tarun Kumar, JS (A&P)	6 months
xv	the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;	RTI Cell	Sri M C Sharma, US	As and when required
xvi	the names, designations and other particulars of the Public Information Officers;	RTI Cell	Sri M C Sharma, US	As and when required

2. Sri Paul, NIC will make necessary modifications for capturing and displaying the date of updations, as and when made on the website. This order comes into effect from its date of issue.

3. A core group headed by the Secretary, the designated officers of each of the registries, the AS, the JS (A&P), the JS (law) and DS (P&B) as members for modifying the FAQ comes into effect from its date of issue. Sri P K Sharma, JS (MoRe) will coordinate the meetings.

(B B Srivastava)

Secretary

Distribution:

1. SO to CIC
2. PPS to Secretary/PS to AS
3. JS(A&P)/JS (Law)/JS (MoRE)/DS (P& B)
4. All the Designated Officers
5. Sri Paul, NIC

No 1/6/2011-IR
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel Training

North Block, New Delhi-110001
Dated 22nd September, 2014

OFFICE MEMORANDUM

Sub: Guidelines on implementation of suo-motu disclosure under Section 4 of RTI Act, 2005 — Compliance of.

Attention is invited to this Department's O.M. of even no. dated 15.4.2013 and subsequent reminder dated 10.12.2013 on the subject mentioned above.

2. In that O.M., it was mentioned that each Ministry/Public Authority shall ensure that the guidelines for suo motu disclosure under RTI are fully operationalised within a period of 6 months from the date of their issuance i.e. 15.04.2013. It was also mentioned that the Action Taken Report on the compliance of guidelines should be sent, alongwith the URL link, to the DoPT and the Central Information Commission soon after the expiry of the initial period of the 6 months. It has been noticed that most of the Ministries/Departments/Public Authorities have not sent the compliance report/Action Taken Report to this Department and Central Information Commission.

3. It was required that each Ministry/Public Authority should get its proactive disclosure package audited by third party every year and such audit should be communicated to the CIC through publication on their own website. It has been noticed that most of the Ministries/Public Authorities have not yet got their proactive disclosure package audited by a third party.

4. It is once again requested that the guidelines mentioned in O.M. dated 15.4.2013 be complied with and the proactive disclosure package be got audited by a third party. The compliance report may be sent to this Department and the Central Information Commission, at the earliest.


(Mamta Kundra)
Joint Secretary
Tel. 2309 4276

1. All the Ministries / Departments of the Government of India.
2. Union Public Service Commission /Lok Sabha Sec/ Rajya Sabha Secretariat/Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
3. Central Information Commission/ State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi.
5. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, DOP&T and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs

No: 1/34/2013-IR (Pt.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
IR DIVISION

North Block, New Delhi-110001
Dated: 15th October, 2019

Office Memorandum

Sub:- Third Party Audit by any Government Training Institute in respect of Ministry/Department/Public Authority -reg.

The undersigned is directed to refer to this Department's OM No.1/34/2013-IR dated 30th June, 2016 wherein Para 2.6 stipulates that the task of undertaking transparency audits may be given to respective Government Training Institutes by Ministry/Department/Public Authority and across the States and Union Territories.

2. Central Information Commission has vide its Communication No.CIC/TA/MOC&F/DOF/2018/472 dated 25.09.2019 requested DoPT to relax Para 2.6 of DoPT's O.M. No.1/34/2013-IR dated 30th June, 2016 to allow Ministry/Department to get third party audit conducted by any Government Training Institute in cases where no Training Institute exists under the Ministry/Department and across the States and Union Territories.

3. In view of the above, the Para 2.6 of this Department's OM dated 30.06.2016 is modified as follows:

"the task of undertaking transparency audits may be given to respective Government Training Institutes by Ministry/Department/Public Authority and across the States and Union Territories. However, in cases where no Training Institute exists under the Ministry/Department/Public Authority, the task of undertaking transparency audits may be given to any Government Training Institute".

कार्मिक एवं प्रशिक्षण विभाग Deptt. of Personnel & Trg. प्राप्ति और निगम अनुभाग Receipt & Issue Section
15 OCT 2019
जारी किया/ISSUED हस्ताक्षर/Sig.

V Sinha
(Varsha Sinha)
Director (IR)

Telefax: 23092755

To
Secretary to all Ministries/Departments

Copy to:

- Chief Secretaries to all State Governments/Union Territories.
- Shri Shanti Priye Beck, Additional Secretary, Central Information Commission, Baba Gangnath Marg, Munirka, New Delhi-110067

No.1/6/2011-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated the 5th November, 2019

OFFICE MEMORANDUM

Sub: Implementation of *suo motu* disclosure under Section 4 of Right to Information (RTI) Act, 2005 – Issue of guidelines regarding:

The *suo motu* disclosure of information to public is mandated under Section 4 (2) of the RTI Act, 2005, so that the public have to resort minimally to the use of this Act to obtain information. Section 4(1)(b) of the Right to Information Act, 2005 lays down the information which should be disclosed by Public Authorities on a *suo motu* or proactive basis. Section 4(3) prescribes for wide dissemination of every information, in such form and manner which is easily accessible to the public.

2. The undersigned is directed to refer to this Department's O.M. of even number dated 15th April, 2013 and to reiterate the guidelines therein (Copy enclosed), duly incorporating a slight revision to Para 4.4 of the above guidelines allowing for third party audit by any Government Training Institute, in cases where no Training Institute exists under the concerned Ministry/Department/Public Authority.

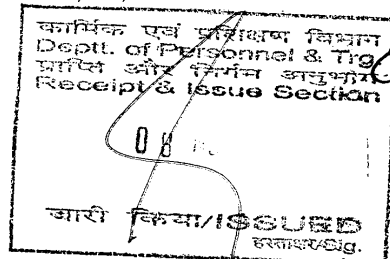
3. Central Government Ministries/Departments are advised to undertake *suo motu* disclosure based on these guidelines, in compliance to Sections 4(1)(b) read with Section 4(2), 4(3) and 4(4) of the RTI Act, 2005

4. The enclosed guidelines may be brought to the notice of all Public Authorities under the Ministry/ Department including those in their Attached Offices, Subordinate Offices, Constitutional Bodies, Statutory Bodies, Autonomous Organizations and Public Sector Undertakings.

V Sinha
(Varsha Sinha)
Director

1. All the Ministries/Departments of the Government of India
2. Union Public Service Commission, Lok Sabha Secretariat, Rajya Sabha Secretariat, Cabinet Secretariat, Central Vigilance Commission, President's Secretariat, Vice-President's Secretariat, Prime Minister's Office, NITI Aayog, Election Commission
3. Central Information Commission, CIC Bhawan, Baba Gangnath Marg, Munirka, New Dehi-110067
4. Staff Selection Commission, CGO Complex, New Delhi
5. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

Copy to: Chief Secretaries of all the States/UTs.



Guidelines on *suo motu* disclosure under Section 4 of the RTI Act

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Guidelines on *suo motu* disclosure under Section 4 of the RTI Act

10 *Suo motu* disclosure of more items under Section 4

Sub-section 4(2) of the RTI Act, 2005 requires every public authority to take steps in accordance with the requirements of clause (b) of sub-section 4(1) to provide as much information *suo motu* to the public at regular intervals through various means of communication, including internet, so that the public have minimum resort to use the Act to obtain information. Accordingly, the Public Authorities may proactively disclose the following items also under the *suo motu* disclosure provisions of Section 4:

11 Information related to Procurement

11.1 Information relating to procurement made by Public Authorities including publication of notice/tender enquiries, corrigenda thereon, and details of bid awards detailing the name of the supplier of goods/services being procured or the works contracts entered or any such combination of these and the rate and total amount at which such procurement or works contract is to be done should be disclosed. All information disclosable as per Ministry of Finance, Department of Expenditure's O.M. No 10/1/2011-PPC dated 30th November, 2011 on Mandatory Publication of Tender Enquiries on the Central Public Procurement Portal and O.M. No. 10/3/2012- PPC dated 30th March, 2012 on Implementation of comprehensive end-to-end e-procurement should be disclosed under Section 4. At present the limit is fixed at Rs. 10.00 lakhs. In case of procurements made through DGS&D Rate Contracts or through Kendriya Bhandar/ NCCF, only award details need to be published. However information about procurement which fall within the purview of Section 8 of the RTI Act would be exempt.

12 Public Private Partnerships

12.1 If Public services are proposed to be provided through a Public Private Partnership (PPP), all information relating to the PPPs must be disclosed in the public domain by the Public Authority entering into the PPP contract/concession agreement. This may include details of the Special Purpose Vehicle (SPV), if any set up, detailed project reports, concession agreements, operation and maintenance manuals and other documents generated as part of the implementation of the PPP project. The documents under the ambit of the exemption from disclosure of information under section 8(1)(d) and 8(1)(j) of

the RTI Act would not be disclosed *suo motu*. Further, information about fees, tolls, or other kinds of revenue that may be collected under authorization from the Government, information in respect of outputs and outcomes, process of selection of the private sector party may also be proactively disclosed. All payments made under the PPP project may also be disclosed in a periodic manner along with the purpose of making such payment.

13 Transfer Policy and Transfer Orders

13.1 Transfer policy for different grades/cadres of employees serving in Public Authority should be proactively disclosed. All transfer orders should be publicized through the website or in any other manner listed in Section 4(4) of the Act. These guidelines would not be applicable in cases of transfers made keeping in view sovereignty, integrity, security, strategic, scientific or economic interests of the State and the exemptions covered under Section 8 of the Act. These instructions would not apply to security and intelligence organizations under the second schedule of the RTI Act.

14 RTI Applications

14.1 All Public Authorities shall proactively disclose RTI applications and appeals received and their responses, on the websites maintained by Public Authorities with search facility based on key words. RTI applications and appeals received and their responses relating to the personal information of an individual may not be disclosed, as they do not serve any public interest.

15 CAG & PAC paras

15.1 Public Authorities may proactively disclose the CAG & PAC paras and the Action Taken Reports (ATRs) only after these have been laid on the table of both the houses of the Parliament. However, CAG paras dealing with information about the issues of sovereignty, integrity, security, strategic, scientific or economic interests of the State and information covered under Section 8 of the RTI Act would be exempt.

16 Citizens Charter

16.1 Citizens Charter prepared by the Ministry/Department, as part of the Result Framework Document of the department/organization should be proactively disclosed and six monthly report on the performance against the benchmarks set in Citizens Charter should also be displayed on the website of public authorities.

17 Discretionary and Non-discretionary grants

17.1 All discretionary /non-discretionary grants/ allocations to state governments/ NGOs/Other institutions by Ministry/Department should be placed on the website of the Ministry/Department concerned. Annual Accounts of all legal entities who are provided grants by Public Authorities should be made available through publication, directly or indirectly on the Public Authority's website. Disclosures would be subject to provisions of Section 8 to 11 of the RTI Act.

18 Foreign Tours of PM/Ministers

18.1 A large number of RTI queries are being filed on official tours undertaken by Ministers or officials of various Government Ministries/Departments. Information regarding the nature, place and period of foreign and domestic tours of Prime Minister are already disclosed on the PMO's website.

18.2 As per DoPT's OM No. 1/8/2012-IR dated 11/9/2012, Public Authorities may proactively disclose the details of foreign and domestic official tours undertaken by the Minister(s) and officials of the rank of Joint Secretary to the Government of India and above and Heads of Departments, since 1st January, 2012. The disclosures may be updated once every quarter.

1.8.3. Information to be disclosed proactively may contain nature of the official tour, places visited, the period, number of people included in the official delegation and total cost of such travel undertaken. Exemptions under Section 8 of the RTI Act, 2005 may be kept in view while disclosing the information. These instructions would not apply to security and intelligence organisations under the second schedule of the RTI Act, 2005 and CVOs of public authorities.

2.0 Guidelines for digital publication of proactive disclosure under Section 4

2.1 Section 4 lays down that information should be provided through many mediums depending upon the level of the public authority and the recipient of information (for example, in case of Panchayat, wall painting may be more effective means of dissemination of information), and that more and more proactive disclosure would gradually be made through Internet. There is need for more clear guidelines for web-based publication of information for disclosure.

2.2 The Department of Information Technology has been working on setting of technical standards for government websites and the Department of Administrative Reforms & Public Grievances has published guidelines for websites of Government Departments. These guidelines prescribe the manner in which websites need to be designed and how information should be disclosed. While adhering to the standards of government guidelines as laid down by Department of Information Technology and Department of Administrative Reforms & Public Grievances, the following principles additionally should also be kept in view to ensure that websites' disclosures are complete, easily accessible, technology and platform neutral and in a form which conveys the desired information in an effective and user-friendly manner.

- a) It should be the endeavor of all public authorities that all entitlements to citizens and all transactions between the citizen and government are gradually made available through computer based interface. The 'Electronic Delivery of Services Bill, 2012' under formulation in Government of India would provide the necessary impetus.
- b) Websites should contain detailed information from the point of origin to the point of delivery of entitlements/services provided by the Public Authorities to citizens.
- c) Orders of the public authority should be uploaded on the website immediately after they have been issued.
- d) Website should contain all the relevant Acts, Rules, forms and other documents which are normally accessed by citizens.

- e) Websites should have detailed directory of key contacts, details of officials of the Public Authority.
- f) It is obligatory under Section 4(1)(b)(xiv) of the RTI Act for every Public Authority to proactively disclose 'details in respect of the information, available to or held by it, reduced in an electronic form'. The website should therefore indicate which digitally held information is made available publicly over the internet and which is not.
- g) As departments reorganize their systems and processes to enable themselves for electronic service delivery, it is recommended that the requirement of bringing due transparency as provided in the RTI Act is given adequate consideration at the design stage itself.
- h) To maintain reliability of information and its real time updation, information generation in a digital form should be automatically updated on the basis of key work outputs, like a muster roll and salary slip (NREGA in Andhra Pradesh) or formalization of a government order (Andhra Pradesh). Such an approach will lead to automation of proactive disclosure.
- i) Information must be presented from a user's perspective, which may require re-arranging it, simplifying it etc. However, original documents in original formats should continue to be made available because these are needed for community monitoring of government's functioning.
- j) The 'National Data Sharing and Accessibility Policy' by the Department of Science and Technology is based on the principle that all publicly funded information should be readily available. The policy has been notified in March, 2012 and the schedule should be strictly adhered to.
- k) Information and data should be presented in open data formats whereby it can be pulled by different Application Protocol Interfaces to be used in different fashions more appropriate to specific contexts and needs. Information/ data can, for instance, be presented in powerful visual ways using visualisation techniques. Such visual representation of information/ data can give insights that may remain largely

hidden in a textual or tabular presentation of data. In some contexts, pictures and audio/videos recordings etc may be more useful. There have been moves in some parts of the country to video record Gram Sabha meetings. A picture of a NREGA worksite, for instance, may tell much more than words can. All such different media and forms should be used for proactive disclosure.

- l) Every webpage displaying information or data proactively disclosed under the RTI Act should, on the top right corner, display the mandatory field 'Date last updated (DD/MM/YY)'.

3.0 Guidelines for certain clauses of Section 4(1)(b) to make disclosure more effective

3.1 The elements of information listed in the various sub-clauses of Section 4(1)(b) must be disclosed in an integrated manner. For example, the functions and responsibilities of a public authority cannot be understood in isolation from the powers and functions of its employees, the norms that inform its decision making processes and the rules, instructions and manuals that are used in the discharge of its functions. Description of one element presupposes the existence of another. So every public authority must endeavour to integrate the information mentioned in these sub-clauses while preparing voluntary disclosure materials.

3.2 Considering that disclosure in regard to certain sub-clauses have been relatively weak, detailed guidelines for four sub-clauses are given below:

3.3 Guidelines for section 4(1)(b)(iii) - “the procedure followed in the decision-making processes, including channels of supervision and accountability”.

3.3.1 All government departments have specific duties and responsibilities under the respective Allocation of Business Rules (AOB) issued by the appropriate Government. The constitutional provisions and statutes each department is required to implement are clearly laid down in the AOB. The manner of disposal of matters assigned to each Department/Ministry is described in the Transaction of Business Rules (TOB). Additionally, every department would have a specific set of schemes and development programmes which they are required to implement directly or through their subordinate offices or other designated agencies. These documents contain the specific operations that every Public Authority is required to undertake in the course of implementing the programme or scheme. Every operation mandated under the AOB read with the TOB would be linked to a specific decision-making chain. All government officers have to follow laid down office procedure manual or the other rules which gives details of how representations, petitions and applications from citizens must be dealt with. Templates, formats, and basic steps of decision-making are briefly explained in such manuals. These descriptions constitute the elements of decision-making processes in general.

332 Additionally, in the routine work of governance, government functionaries are required to make decisions in a discretionary manner but broad guiding principles are laid down in some rule or the other. For example, the General Financial Rules lay down procedures for a variety of operations relating to government finances. How sanction must be accorded for incurring expenditure; how losses to government must be reported; how responsibility for losses may be fixed on any government servant; how budgets, demand for grants are prepared and submitted; how public works must be sanctioned and executed; how commodities and services may be procured by a public authority; are all explained in these manuals which are updated from time to time. The challenge is to present a simplified version of the decision-making procedure that is of interest to a common citizen.

333 In view of the above, the guidelines for detailing the decision making processes are as follows:

- (a) Every public authority should specifically identify the major outputs/ tangible results/ services/ goods, as applicable, that it is responsible for providing to the public or to whosoever is the client of the public authority.
- (b) In respect of (a) above, the decision-making chain should be identified in the form of a flow chart explaining the rank/grade of the public functionaries involved in the decision-making process and the specific stages in the decision-making hierarchy.
- (c) The powers of each officer including powers of supervision over subordinates involved in the chain of decision-making must also be spelt out next to the flow chart or in a simple bullet-pointed format in a text-box. The exceptional circumstances when such standard decision-making processes may be overridden and by whom, should also be explained clearly. Where decentralization of decision-making has occurred in order to grant greater autonomy to public authorities, such procedures must also be clearly explained.
- (d) This design of presentation should then be extended to cover all statutory and discretionary operations that are part of the public authority's mandate under the AOB read with the TOB.

- (e) In the event of a public authority altering an existing decision-making process or adopting an entirely new process, such changes must be explained in simple language in order to enable people to easily understand the changes made.

34 Guidelines for Section 4(1)(b)(iv) - “the norms set by it for the discharge of its functions”.

341 Primarily, the intention of this clause is that every public authority should proactively disclose the standards by which its performance should be judged. Norms may be qualitative or quantitative in nature, or temporal or statutory norms. In order to ensure compliance with this clause, public authorities would need to disclose norms for major functions that are being performed.

342 Citizen Charters, which are mandatory, for each central Ministry/Department/Authority, are good examples of vehicles created for laying down norms of performance for major functions and for monitoring achievements against those standards.

343 Wherever norms have been specified for the discharge of its functions by any statute or government orders, they should be proactively disclosed, particularly linking them with the decision making processes as detailed earlier. All Public Authorities should proactively disclose the following:

- a) Defining the services and goods that the particular public authority/office provides directly (or indirectly through any other agency/contractor).
- b) Detailing and describing the processes by which the public can access and/or receive the goods and services that they are entitled to, from the public authority/office along with the forms, if any prescribed, for use by both the applicant and the service providing agency. Links to such forms (online), wherever available, should be given.
- c) Describing the conditions, criteria and priorities under which a person becomes eligible for the goods and services, and consequently the categories of people who are entitled to receive the goods and services.

- d) Defining the quantitative and tangible parameters, (weight, size, frequency etc.) and timelines, that are applicable to the goods and services that are accessible to the public.
- e) Defining the qualitative and quantitative outcomes that each public authority/office plans to achieve through the goods and services that it was obligated to provide.
- f) Laying down individual responsibility for providing the goods and services (who is responsible for delivery/implementation and who is responsible for supervision).

35 Guidelines for Section 4(1)(b)(xi)- “the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made”.

35.1 The public authorities while disclosing their budgets shall undertake the following:

- (a) Keeping in view of the technical nature of the government budgets, it is essential that Ministries/Departments prepare simplified versions of their budgets which can be understood easily by general public and place them in public domain. Budgets and their periodic monitoring reports may also be presented in a more user-friendly manner through graphs and tables, etc.
- (b) Outcome budget being prepared by Ministries/Departments of Government of India should be prominently displayed and be used as a basis to identify physical targets planned during the budgetary period and the actual achievement vis-à-vis those targets. A monthly programme implementation calendar method of reporting being followed in Karnataka is a useful model.
- (c) Funds released to various autonomous organizations/ statutory organizations/ attached offices/ Public Sector Enterprises/ Societies/ NGOs/ Corporations etc. should be put on the website on a quarterly basis and budgets of such authorities may be made accessible through links from the website of the Ministry/Department. If a subsidiary does not have a website then the budgets and expenditure reports of

such subsidiary authority may be uploaded on the website of the principal Public Authority.

- (d) Wherever required by law or executive instruction, sector specific allocations and achievements of every department or public authority (where feasible) must be highlighted. For example, budget allocation and target focusing on gender, children, Scheduled Castes and Scheduled Tribes and religious minorities should be specially highlighted. The sector-wise breakup of these targets and actual outcomes must be given in simplified form to enable the vulnerable segments of society to better understand the budgets of public authorities.

3.6 Guidelines for Section 4(1)(b)(xiv) – details in respect of information, available to or held by it, reduced in an electronic form.

3.61 On the one hand, this clause serves as a means of proactively disclosing the progress made in computerizing information under Section 4(1)(a) of the RTI Act in a periodic manner. On the other, it provides people with clarity about the kinds of electronic information that, although not held by the public authority, is available to them. For example the stocks of ration available with individual fair price shops may not be held by the District Civil Supplies office, but may be available at a subordinate formation.

3.62 Keeping in view the varied levels of computerization of records and documents in public authorities, data about records that have been digitized may be proactively disclosed on the respective websites, excluding those records /files /information that are exempted under Section 8. The data about digitized record may include the name of the record and any categorization or indexing used; the subject matter and any other information that is required to be compiled in relation to a file as prescribed by Manual of Office Procedure (and to be prescribed by MOP for electronic records that is under finalization by DARPG), the division/ section/ unit/ office where the record is normally held; the person, with designation, responsible for maintaining the record; and the life span of the record, as prescribed in the relevant record retention schedule.

4.0 Compliance with Provisions of *suo motu* (proactive) disclosure under the RTI Act

4.1 Each Ministry/Public Authority shall ensure that these guidelines are fully operationalized within a period of 6 months from the date of their issue.

4.2 Proactive disclosure as per these guidelines would require collating a large quantum of information and digitizing it. For this purpose, Ministries/Public Authorities may engage consultants or outsource such work to expeditiously comply with these guidelines. For this purpose, the plan/non-plan funds of that department may be utilized.

4.3 The Action Taken Report on the compliance of these guidelines should be sent, along with the URL link, to the Central Information Commission soon after the expiry of the initial period of 6 months.

4.4 Each Ministry/ Public Authority should get its proactive disclosure package audited by third party every year. The audit should cover compliance with the proactive disclosure guidelines as well as adequacy of the items included in the package. The audit should examine whether there are any other types of information which could be proactively disclosed. Such audit should be done annually and should be communicated to the Central Information Commission annually through publication on their own websites. Further, the task of undertaking transparency audits may be given to the respective Training Institutes under each Ministry/Department/Public Authority and across the States and Union Territories. *"However, in cases where no training institute exists under the Ministries/Departments/Public Authorities the tasks of undertaking transparency audits may be given to any Government Training Insitutue."* All Public Authorities should proactively disclose the names of the third party auditors on their website. For carrying out third party audit through outside consultants also, Ministries/Public Authorities should utilize their plan/non-plan funds.

4.5 The Central Information Commission should examine the third-party audit reports for each Ministry/Public Authority and offer advice/recommendations to the concerned Ministries/ Public Authorities.

4.6 Central Information Commission should carry out sample audit of few of the Ministries/ Public Authorities each year with regard to adequacy of items included as well as compliance of the Ministry/Public Authority with these guidelines.

4.7 Compliance with the proactive disclosure guidelines, its audit by third party and its communication to the Central Information Commission should be included as RFD target.

5.0 Nodal Officer

5.1 Each Central Ministry/ Public Authority should appoint a senior officer not below the rank of a Joint Secretary and not below rank of Additional HOD in case of attached offices for ensuring compliance with the proactive disclosure guidelines. The Nodal Officer would work under the supervision of the Secretary of the Ministry/Department or the HOD of the attached office, as the case may be. Nodal Officers of Ministry/Department and HOD separately should also ensure that the formations below the Ministry/Department/Attached Office also disclose the information as per the proactive disclosure guidelines.

6.0 Annual Reports to Parliament/Legislatures

6.1 Government has issued directions to all Ministries/Departments to include a chapter on RTI Act in their Annual Reports submitted to the Parliament. Details about compliance with proactive disclosure guidelines should mandatorily be included in the relevant chapter in Annual Report of Ministry/Department.

No: 1/6/2011-IR
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
IR DIVISION

North Block, New Delhi-110001

Dated: 10th July, 2020

Office Memorandum

Subject:- Supplementing the government measures on COVID-19 related relief and rescue operations employing the provisions of Section 4 of the RTI Act, 2005 -reg.

Section 4(2) of the Right to Information (RTI) Act, 2005 mandates that every public authority should proactively disclose as much information *suomotu* to the public through various means of communications so that the public have minimum need to use the Act to obtain information.

2. Section 4(1)(b) of the RTI Act, 2005 lays down the information which should be disclosed by Public Authorities on a *suomotu* or proactive basis. Section 4(3) prescribes for wide dissemination of every information, in such form and manner which is easily accessible to the public. The disclosure of such information may be in as many mediums as feasible such as notice boards, newspapers, public announcements, media broadcast, the internet or any other means.

3. The Central Information Commission has taken note of the slew of measures undertaken by the Government for mitigation & suppression of the hazards posed by the COVID-19 pandemic.

4. As requested by Central Information Commission, all the Public Authorities dealing with essential services should widely disseminate the government relief, rescue and other welfare actions, in the media as well as on their official websites in accordance with Section 4 of the RTI Act, 2005.

(Varsha Sinha)

Director

Telefax: 23092755

To

Secretary to all Ministries/Departments

Copy to:

- (i) Chief Secretaries to all State Governments/Union Territories.
- (ii) Secretary, Central Information Commission, Baba Gangnath Marg, Munirka, New Delhi-110067

F. No. 1/1/2013-IR (pt.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
IR (Division)

North Block, New Delhi
Dated 20th June, 2017

Office Memorandum

Subject:- Securing the Personal information including Aadhar No., in RTI Applications/ Appeals in compliance to Aadhar Act, 2016 and Information Technical Act, 2000.

The undersigned is directed to refer to this department's OM of even no. dated 21.10.2014, 23.03.2016 and 07.10.2016 vide which it has been requested that personal information of an RTI applicant should not be disclosed, while uploading the application/ appeal etc. on the public domain/ websites.

2. In this context, it is to be stated that Ministry of Electronics And Information Technology (Meity) have circulated guidelines for securing Identity information and Sensitive personal data or information in compliance to Aadhar Act, 2016 and Information Technology Act, 2000, wherein they have instructed that personal particular and information including Aadhar No. etc. should not be published in public domain/websites etc.

2. In view of the above, it is requested that all Ministries/Departments of Govt. of India including the subordinate offices may ensure the following while handling RTI applications viz. receiving, replying and uploading on websites etc.:-

- (a) *the personal information details like Aadhar no. should not be asked for while handling RTI applications.*
- (b) *that the Aadhar no. or such other personal information is hidden from public view while uploading the RTI applications/ Appeals/ Replies to the RTI applications on websites, if Aadhar no. is mentioned therein.*


(Preeti Khanna)

Under Secretary to the Govt. of India

To

All Ministries/Department of Govt of India

No.1/34/2013-IR
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi-1
Dated: 29th June 2015

Office Memorandum

Subject: Implementation of Suo Motu Disclosure under Section 4 of RTI Act, 2005

Attention is invited to detailed guidelines on implementation of suo motu disclosure under Section 4 of RTI Act, 2005 issued vide this department's O.M. No.1/6/2011-IR dated 15.4.2013. Subsequently, a Committee of experts consisting of Shri A.N.Tiwari, Chief Information Commissioner(Retd) and Dr. M.M.Ansari, Information Commissioner(Retd) (of Central Information Commission) was constituted to recommend, interalia, measures to further strengthen implementation of Section 4 of the RTI Act, 2005. The Committee has, interalia, made the following recommendations which have been duly accepted by the competent authority:-

- 1) All the details of the public authority may be uploaded on its website. Access to information should be made user-friendly for which appropriate information technology infrastructure should be suitably designed, developed and operationalised.
- 2) All the training modules for professional upgradation of employees should incorporate matter relating to the virtues of transparency and open government and RTI law.
- 3) In order to minimise the burden of servicing RTI applications, the public authorities with high public dealings should put in place an effective system to redress the grievances of affected persons. At the sub-organisational levels, there should be cooperation and coordination between the Central Public Information Officers and the officers responsible for addressing public grievances.
- 4) In order to reduce the number of RTI applications relating to service matters, the information relating to recruitment, promotion and transfers should be brought into public domain promptly.
- 5) The retention and maintenance of specific documents for specified duration should be clearly spelt by each public authority in respect of its documents.

2. All the public authorities are requested to follow the above recommendations.



(Sandeep Jain)
Director
Tel: 23092755

- 1) All Ministries/Departments of Govt of India
- 2) Union Public Service Commission /Lok Sabha Secretariat / Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ NITI Ayog/ Election Commission.
- 3) Central Information Commission/ State Information Commissions.
- 4) Staff Selection Commission, CGO Complex, New Delhi.
- 5) The Comptroller and Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
- 6) Director, Lal Bahadur Shastri National Academy of Administration, Mussoorie-248179, Uttarakhand
- 7) Director, Institute of Secretariat Training and Management, Old JNU Campus, Olof Palme Marg, New Delhi

Copy to :

Chief Secretaries/ All State Governments

F. No. 1/34/2013-IR
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

North Block, New Delhi
Dated the 30th June, 2016

OFFICE MEMORANDUM

Subject: Report of the Committee set up under the chairmanship of Dr. Devesh Chaturvedi, Joint Secretary, DoPT to examine the recommendations of the Committee of Experts on suo motu disclosure under Section 4 of the RTI Act, 2005.

A Committee of Experts consisting of Shri A.N. Tiwari, former Chief Information Commissioner and Dr. M.M. Ansari, Information commissioner of Central Information Commission was constituted to recommend, *inter-alia*, measures to further strengthen implementation of Section 4 of the RTI Act, 2005. The Committee submitted its Report which has been accepted by the Government and an OM dated 29th June 2015 was issued to all public authorities to follow the recommendations of the Committee. Thereafter, DOPT has issued instructions to all Public Authorities in this regard vide O.M. No. 1/1/2013-IR dated 9th July, 2015 that the Departments must make an analysis of information which is sought most often from applicants and provide it on their website as *suo-motu* disclosure.

2 Competent Authority has further directed that:

- (1) The Public Authorities shall constitute Consultative Committees consisting of office bearers of key stakeholder, association on rotational basis to have a systematic and regular interaction between the officials of the Public Authorities to advice what information to be uploaded as suo motu.

- (2) 'Information and Facilitation Centres' (IFCs) may be set up in each public authority, where public dealing is involved to educate the citizens about the information / documents available on the website of the department concerned and to provide printed publications to the citizens the categories of information that are frequently being sought under the RTI Act and provide copies of information as per RTI Rules, 2012.

- (3) In each public authority, a committee of PIOs and FAAs with rich experience of dealing with RTI applications and appeals is set up to identify the categories of information that are frequently asked by applicants. Such information must be disclosed in the public domain to make it more user friendly and should also be reviewed at regular intervals.
- (4) Information that is proactively disclosed must be properly categorized and organised in such a manner that it facilitates easy retrieval. Information on the website must be organised in a searchable and retrievable database to enable people to access the records. The Nodal Officer of each Public authority be made responsible for this.
- (5) Web site, and other medium and publication of each public authority, relating to Section 4 compliance must carry the date (where appropriate for each bit of information) on which the information was uploaded/printed.
- (6) The task of undertaking transparency audits may be given to the respective Training Institutes under each Ministry/Department/Public Authority and across the States and Union Territories.


(Gayatri Mishra)
Director(IR)
Telefax : 23092755

To

All Ministries / Departments.

Copy to: Chief Secretaries / All State Governments / Union Territories.

Copy also to :

- (i) Secretary, Central Information Commission, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066.
- (ii) NIC, North Block, New Delhi for placing the Office Memorandum on the website of DoPT.



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