

**RTI MATTER**

F.No. 10-4/2010-RTI  
Government of India  
Ministry of Communications & IT  
Department of Telecommunications  
(RTI Section)

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510, Sanchar Bhawan,  
New Delhi - 110 001.  
Dated : 8th June, 2011

**OFFICE MEMORANDUM**

Subject:- **Implementation of Section 4(1)(b) of RTI Act by the Public Authority – reg.**

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The undersigned is directed to refer to RTI Section's OM of even number dated 08.11.2010 and 16.12.2010 on the subject mentioned above and present direction of CIC in this regard vide their reference No. CIC/AT/D/10/000111 dated 15.11.2010 a **copy of which is enclosed at Annexure-I**.

2. Among other provisions of the Act, the Section 4 (1) (b) sub-sections (i) to (xii) and also 4 (2), (3) & (4) (**copy of relevant extract enclosed at Annexure-II**) directs every Public Authority to take steps in accordance with the requirement of clause (b) of sub-section (1) to provide as much information suo moto 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. In this direction, the information desired on the line of Section 4 (1) (b) of the Act requires regular updation of information as mentioned above.

4. In view of the above, the CPIOs of concerned divisions/wings are requested to look into the matter and update the link with latest information and also take regular steps to update the same and action taken report is endorsed to RTI Section without failure. Such step would help the Public Authorities with reduced number of applications gradually as the maximum information will be available in the website of the department to be availed by the public.

Contd.p/2.....

5. It is reiterated that the requisite information may be sent by the respective CPIO relating to his wing as a whole to Director(IT) for necessary updation in the departmental website under intimation to the undersigned within 15 days of receipt of this OM. This may kindly be treated as Urgent.

  
(S.L. Negi)  
Director(Coord.) & CPIO  
Tel. No. 23036225

Encl.: as above.

To

1. All CPIOs in DoT (as per list)
2. CPIOs of BSNL/ MTNL/ C-DoT / TRAI /TDSAT /TEC/ ITI /TCIL – with the request to take necessary steps to update their respective websites with latest information pertaining to their organization for effective implementation of Section 4(1), (2), (3) & (4) of the RTI Act.
- ✓ 3. Dir(IT), DoT – with the request to upload the updated material sent by each CPIO in the departmental website.

Copy for information to: All Appellate Authorities in DoT

Copy also for kind information to: PS to Secretary(T)/AS(T)/JS(A)

Please upload.  
M. S. Negi  
28/6/2011

ADG(IT-II)

**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 12<sup>th</sup> 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 15<sup>th</sup> 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 'suo-motu', 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

## Part II

# FOR PUBLIC AUTHORITIES

Public authorities are the repository of information which the citizens have a right to have under the Right to Information Act, 2005. 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.

### Maintenance and Computerisation of Records

2. Proper management of records is of utmost importance for effective implementation of the provisions of the Act. A public authority should, therefore, maintain all its records properly. It should ensure that the records are duly catalogued and indexed in such a manner and form that it may facilitate the right to information.

### Suo Motu Disclosure

3. Every public authority should provide as much information suo motu to the public through various means of communications so that the public have minimum need to use the Act to obtain information. Internet being one of the most effective means of communications, the information may be posted on the website.

4. Section 4(1)(b) of the Act, in particular, requires every public authority to publish following sixteen categories of information:

- (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 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) 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.

5. Besides the categories of information enumerated above, 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.

6. 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.

### **Dissemination of Information**

7. The public authority should widely disseminate the information. Dissemination should be done in such form and manner which is easily accessible to the public. It may be done through notice boards, newspapers, public announcements, media broadcast, the internet or any other means. The public authority should take into consideration the cost effectiveness, local language and most effective method of communication in the local area while disseminating the information.

### **Publication of Facts about Policies and Decisions**

8. Public authorities formulate policies and take various decisions from time to time. As provided in the Act, while formulating important policies or announcing the decisions affecting the public, the public authority should publish all relevant facts about such policies and decisions for the information of public at large.

### **Providing Reasons for Decisions**

9. The public authorities take various administrative and quasi-judicial decisions which affect the interests of certain persons. It is mandatory for the concerned public authority to provide reasons for such decisions to the affected persons. It may be done by using appropriate mode of communication.

### **Designation of PIOs and APIOs etc.**

10. Every public authority is required to designate Public Information Officers in all the administrative units or offices under it. Every public authority is also required to designate Assistant Public Information Officers at each sub-divisional level. The Government of India has decided that Central Assistant Public Information Officers (CAPIOs) appointed by the Department of Posts would act as CAPIOs for all the public authorities under the Government of India.

### **Designation of Appellate Authority**

11. Sub-section (8) of Section 7 of the RTI Act provides that where a request for information is rejected, the Public Information Officer shall, inter-alia, communicate the particulars of the Appellate Authority to the person making the request. Thus, the applicant is informed about the particulars of the Appellate Authority when a request for information is rejected but there may be cases where the Public Information Officer does not reject the application, but the applicant does not receive a decision within the time as specified in the Act or he is aggrieved by the decision of the Public Information Officer. In such a case the applicant may like to exercise his

## CHAPTER II

**Right to information and obligations of public authorities**

3. Subject to the provisions of this Act, all citizens shall have the right to information.

Right to  
information

4. (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 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 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;
  - (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.

5. (1) Every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as the Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act.

Designation  
of Public  
Information  
Officers

(2) Without prejudice to the provisions of sub-section (1), every public authority shall designate an officer, within one hundred days of the enactment of this Act, at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, to receive the applications for information or appeals under this Act for forwarding the same forthwith to the Central Public Information Officer or the State Public Information Officer or senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be:

Provided that where an application for information or appeal is given to a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, a period of five days shall be added in computing the period for response specified under sub-section (1) of section 7.

(3) Every Central Public Information Officer or State Public Information Officer, as the case may be, shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.

(4) The Central Public Information Officer or State Public Information Officer, as the case may be, may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.

(5) Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be.